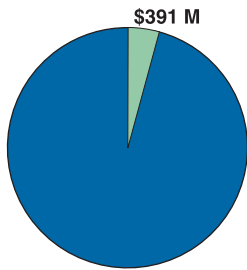


### Goal 9 FY 2001 Obligations



Note: EPA FY 2001 Total Obligations were \$9,007 million

## GOAL 9: A CREDIBLE DETERRENT TO POLLUTION AND GREATER COMPLIANCE WITH THE LAW

EPA will ensure full compliance with laws intended to protect human health and the environment.

### PROGRESS TOWARD STRATEGIC GOAL AND OBJECTIVES

Ensuring compliance with environmental statutes and regulations is a fundamental element of EPA's mission. Protection of human health and the environment can only be achieved when there is compliance with environmental laws. EPA fulfills its goal of providing "a credible deterrent to pollution and greater compliance with the law" by identifying significant environmental risks and noncompliance patterns, developing tailored strategies to address those problems, and measuring the results of these efforts.

Meeting this goal presents many challenges to EPA, state, local agencies, and federally recognized tribes. There are millions of regulated entities that range from community drinking water systems to pesticide users to major industrial facilities. Regulated entities must comply with a multitude of complex regulatory requirements under various environmental statutes. These challenges require EPA to use many different tools to maximize compliance. EPA obtains continuous improvement in compliance with standards, permits, and other requirements by providing assistance designed to prevent violations, incentive policies to motivate self-auditing by regulated entities, inspections and monitoring to identify violations, and enforcement actions to correct and deter violations. These improvements in compliance result in improved environmental management by regulated entities, and increased protection of the environment for the public.

EPA's use of assistance, incentives, monitoring, and enforcement produces measurable results for environmental protection. For last several years, EPA's enforcement and compliance assurance

program eliminated 1 to 2 billion pounds of pollution from air, land, and water through enforcement actions; compelled violating companies to invest 2 to 3 billion dollars in environmental improvements; provided 1 to 2 million regulated entities with compliance assistance; and completed agreements to conduct self-audits and correct violations with 1 to 2 thousand facilities.

### FY 2001 PERFORMANCE

EPA continues to make progress toward its goal of ensuring full compliance with the law through civil, judicial, and administrative enforcement actions as well as encouraging improved compliance through assistance and incentives. The national enforcement and compliance program, under Goal 9, met or exceeded 100 percent of its annual performance goals; the enforcement and compliance program, therefore, continues to meet the Agency's objectives of improving the environment by increasing compliance through a strong enforcement presence and promoting the regulated community's compliance with environmental requirements through voluntary compliance incentives and assistance programs. During FY 2001 EPA, along with state and tribal partners, provided information and assistance to help facilities comply with environmental laws; completed agreements with facilities and companies to conduct their own self-audits and correct violations; and took civil and criminal enforcement actions to address serious environmental problems and ensure fairness in the marketplace.

### Enforcing the Law, Achieving Results

The Agency uses compliance inspections, investigations, and other assessments to determine the

compliance status of regulated facilities. Additional inspections are conducted to help deter facilities from lapsing into noncompliance. In FY 2001 EPA conducted 17,812 inspections and 368 intensive civil compliance investigations. These inspections and investigations resulted in the identification of a number of serious environmental violations, including, but not limited to, pollutant releases not allowed by permit, illegal storage of hazardous waste, and discharge of oil into navigable waters in harmful quantities. Where necessary, EPA addresses noncompliance with an enforcement action appropriate to the violation. Administrative compliance orders and penalty complaints, Notices of Violations, civil referrals to the Department of Justice (DOJ), civil judicial settlements, or criminal referrals to DOJ serve as a deterrent for other potential noncompliers, provide an environmental benefit project to improve the environment or communities, and ensure fairness to those companies that invest resources to comply with environmental laws.

EPA enforcement actions against noncomplying facilities often result in outcomes such as improvements in environmental management practices by facilities, improved or enhanced monitoring and reporting, environmental benefits projects, and significant reduction of pollutants discharged to the air, water, or land. EPA's FY 2001 enforcement actions required reduction or prevention of emissions or discharges of an estimated 660 million pounds of pollutants and required the treatment of an additional 1.8 billion pounds of contaminated soils, sediments, or water. In FY 2001, 74 percent of concluded enforcement actions required improvements in the use or handling of pollutants, such as changes in industrial processes or storage and disposal practices, to achieve emission and discharge reductions. Approximately 50 percent of actions required improvements in facility environmental management practices, including testing, training, and overall improvements to environmental management systems. In FY 2001 polluters were required to spend more than \$4.3 billion to correct violations, known as "injunctive relief," and take additional steps to protect the environment. Settlement of enforcement cases often produce Supplemental Environmental Projects (SEPs), in which violators perform additional environmentally beneficial projects beyond the required injunctive relief in exchange for a penalty reduction. SEPs totaled \$89.1 million in FY 2001.

In FY 2001, EPA took 3,548 civil, judicial, and administrative enforcement actions. Examples of significant cases include:

- *United States and State of Mississippi v. Morton International, Inc.*

A routine EPA inspection of a Morton International Inc. chemical manufacturing facility in Moss Point, Mississippi, revealed that the firm falsified Escatawpa River pollutant discharge monitoring reports. The discovery of these falsified reports precipitated a comprehensive, multi-media investigation by EPA's southeast region and the Mississippi Department of Environmental Quality. On October 26, 2000, the United States and the State of Mississippi lodged a criminal plea with a \$2 million fine, and proposed civil settlement involving thousands of violations of several environmental laws, including the Safe Drinking Water Act, Clean Water Act, Clean Air Act, and laws governing hazardous waste and toxic substances. The \$36 million civil action against Morton International, Inc., included a \$20 million cash penalty and \$16 million in SEPs. Morton also agreed to conduct a comprehensive site investigation, periodically certify compliance, and undertake third-party national audits of all 23 of Morton's other chemical manufacturing facilities. The SEPs include a \$10 million pollution prevention/reduction plant project, a \$4 million City of Moss Point lateral line sewer replacement project, and a \$2 million research project with the University of Southern Mississippi's School of Polymer Science. This is the largest EPA civil fine at a single facility.

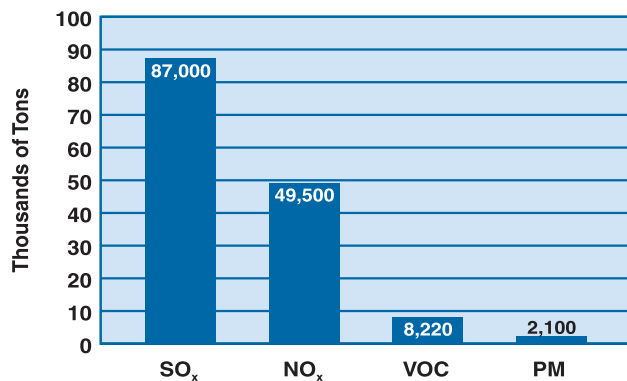
- Magnesium Corporation of America (MagCorp)

EPA resolved problems associated with a persistent hazardous waste polluter ranked first for chlorine emissions nationwide on the 1998 toxics release inventory (TRI), MagCorp, through a strong enforcement presence. In 1998, MagCorp emitted 57 million pounds of chlorine. After many years of work by the Utah Department of Environmental Quality, EPA led efforts to resolve hazardous waste compliance issues at the facility. Several continuing enforcement actions resulted from the intensive investigation. One outcome from this enforcement investigation includes an Administrative Consent Agreement, whereby MagCorp will replace electrolytic cells with an expected 95 percent reduction in chlorine emissions. Electrolytic cell use reduced chlorine discharge by 54 million pounds from 1998 levels.

- Petroleum Refining Sector

EPA addressed four significant areas of noncompliance with the CAA through settlements with four major refining companies. Settlements with Koch Petroleum, BP Amoco, Marathon Ashland Petroleum, and Motiva/Equilon/Shell required increased pollution controls and operational changes at 27 refineries that represent 28.8 percent of domestic refining capacity (4,760,000 barrels). The addition of pollution controls, combined with operational changes, will result in an estimated pollution reduction of 87,000 tons of sulfur oxides (SO<sub>x</sub>), 49,500 tons of nitrogen oxides (NO<sub>x</sub>), 8,220 tons of volatile organic compounds (VOC), and 2,100 tons of particulate matter annually. Under the settlements, the companies will pay approximately \$28 million in penalties, \$1.3 billion in injunctive relief, and spend \$12 million in SEPs.

**Estimated Annual Pollution Reductions in the Petroleum Refining Sector**



EPA maintained a strong criminal enforcement program that emphasized environmental results and effective partnerships with federal, state, tribal, and local governments to enhance compliance and protect the public and the environment nationwide. EPA focuses this program on investigations of violations which pose a significant threat to human health and the environment and help successfully prosecute cases which provide effective deterrence, by incorporating an aggregate high level of fines, restitution, and jail sentences. EPA opened 482 criminal investigations, referred 256 cases to the DOJ, and helped prosecute cases which resulted in 256 years incarceration and \$95 million in fines and restitution in FY 2001. An example of a successful prosecution with significant sanctions is:

- Caleb-Brett Laboratories

A criminal prosecution against Caleb-Brett Laboratories resulted in a \$1 million fine as well as a

3-year probation sentence for conspiring to mislead EPA investigators about a scheme to falsify chemical analyses involving hundreds of millions of gallons of reformulated gasoline (RFG). The defendant schemed to falsify data on tests of reformulated gasoline samples to make it appear as if the gasoline met EPA standards for cleaner burning fuel. Approximately 200 to 300 million gallons of the substandard gasoline were distributed in New York, New Jersey, and Connecticut.

EPA has been developing a statistically valid methodology to better measure compliance rates for selected industrial populations regulated by EPA. EPA piloted the methodology in FY 2000 and implemented the program for six populations during FY 2001. The petroleum refining and iron and steel sectors were evaluated using legally required self-monitoring reports in the Agency's national data system for one or more toxic pollutants. Municipal sewage treatment plants were evaluated for conventional pollutants including Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS). Within the petroleum refining sector, 6.6 percent of facilities measuring ammonia levels had Technical Review Criteria (TRC) violations. Iron and steel sector facilities were found to have noncompliance rates of 5.0 percent and 22.2 percent respectively for lead and zinc. Noncompliance rates were 12.9 percent and 15.8 percent respectively for BOD and TSS in the municipal sector. In FY 2001 regions and states conducted RCRA compliance monitoring inspections at randomly selected small quantity generators (SQGs) in the Organic Chemical industry and determined that 34.3 percent were in statistically significant noncompliance. In FY 2002 EPA will focus on Combined Sewer Overflows (CSOs) compliance with nine minimum controls and Ethylene Oxide Maximum Achievable Control Technology (MACT) standards.

### Increasing Compliance Through Assistance

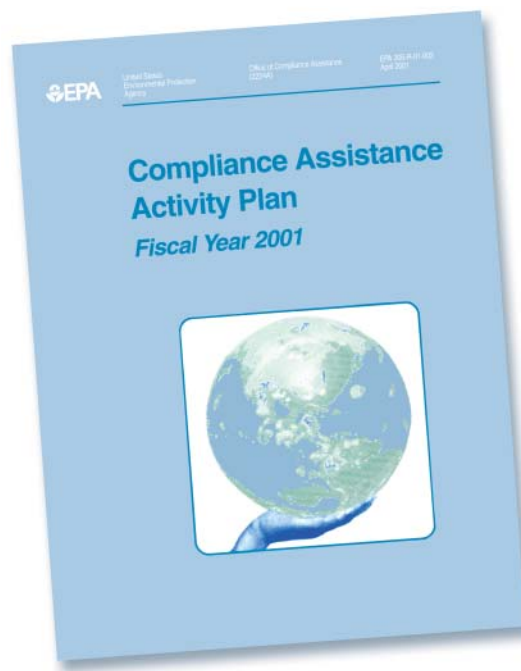
EPA developed a wide range of information tools and services with the intended outcome that they improve understanding of regulatory compliance requirements. EPA targets compliance assistance activities to regulated facilities, industry sectors, trade associations, compliance assistance providers, and the public. Recipients may access Agency information such as fact sheets and compliance checklists through different pathways, including the Internet and

workshops. The Agency reached 555,000 entities in FY 2001 through compliance assistance activities. These compliance assistance activities, as discussed below, can result in process or management changes that reduce emissions and noncompliance.

EPA continued to provide financial and other support to 10 Internet-based Compliance Assistance Centers created to help small and medium-sized businesses, local governments, and federal facilities understand and comply with their regulatory obligations. In FY 2001, target audiences and the public visited the Centers more than 485,000 times, an increase of 19 percent from FY 2000. These visits included over 150,000 requests for web pages and targeted compliance documents. Compliance assistance center surveys found that 72 percent of company and local governments reported taking one or more actions as a result of Center assistance. For example, 33 percent of these respondents implemented production process changes, and 13 percent implemented waste handling changes. Furthermore, of those that could determine whether or not there was a cost savings associated with the action(s) taken, 65 percent indicated that they had realized a cost savings. Seventy-four percent of these companies and local governments stated that they realized one or more environmental improvements (e.g., reduced air emissions) as a result of Center assistance. The Centers can be accessed through <http://www.assistancecenters.net>.

EPA launched the National Assistance Clearinghouse in FY 2001. This Clearinghouse is a web-based, searchable reference tool that provides quick access to compliance assistance materials and a means for users to interact with EPA, states, and other compliance assistance providers. The Clearinghouse can be found at <http://www.epa.gov/clearinghouse>. It now contains almost 4,500 links including resources from all 50 states. For the first time the public can access compliance assistance information by sector, media, tool type, and geographic location from just one web site—finding needed information is much quicker and easier.

EPA published its first annual *Compliance Assistance Activity Plan* in FY 2001. The Plan is the first-ever compilation of compliance assistance activities planned across EPA regions and headquarters offices. The FY 2001 Plan established a baseline of Agency compliance assistance activity, identifying 368 activities initiated during FY 2001. As a planning tool



it helped EPA and external compliance assistance providers by highlighting planned projects, identifying partnership opportunities, and avoiding duplication.

### Increasing Compliance Through Incentives

In FY 2001 EPA's Audit and Self-Policing Policy provided a significant incentive for many facilities and companies to improve their environmental management practices. The expected outcome from this policy is that regulated facilities will detect, disclose, and correct environmental violations in exchange for a waiver or significant reduction in penalties from EPA. The benefit to the public is that facilities come into compliance quickly, fewer government resources are expended to produce compliance, and emissions are reduced or eliminated. More than 300 companies used this EPA policy to report and resolve violations at 1,754 facilities in FY 2001. EPA actively solicited companies or industry sectors through initiatives to use the policy to improve environmental management at facilities.

EPA also promotes self-auditing by developing audit protocols that can be used by facilities and companies as part of an Environmental Management System (EMS). In FY 2001 EPA published protocols for conducting environmental compliance audits under the Emergency Planning and Community Right-to-Know Act, CERCLA Section 103, for Hazardous Waste Generators under RCRA, and for Municipal Facilities under EPA's Wastewater

## IRON AND STEEL MINI-MILLS

EPA was concerned about the high noncompliance rate (30 percent) of the iron and steel mini-mill sector (mills that make new steel from recycled. In particular, management of electric arc furnace dust (a hazardous waste) and additional air pollution controls at new and modified mini-mills were the focus of EPA concerns over noncompliance in the steel mini-mill sector. EPA sent letters to 41 steel mini-mills, inviting them to participate in a voluntary audit and self-disclosure initiative based on EPA's Audit Policy. Mills that disclosed and corrected violations within 6 months were eligible for penalty reductions or elimination as outlined in the Audit Policy. The result of this initiative was that 24 companies disclosed violations at 38 facilities. Ten facilities which did not receive invitation letters, still chose to audit, disclose, and correct violations. This indicates that industry and facilities shared information about the initiative on a large scale, since facilities not identified by the EPA resolved 12 company disclosures with no penalties, and expects to assess a penalty for violations disclosed by 7 companies at 13 facilities. The environmental outcome from this is that the companies clean up spilled electric arc furnace dust, change management practices to eliminate releases into storm water or air, and repair cracked secondary containment around storage tanks to minimize the impact if a release occurs.

Regulations. In addition, the Agency included EMS provisions in 21 settlements of enforcement cases. EMSs impact more than 150 facilities because many recent settlements containing EMS provisions require the company to use EMSs on a corporate-wide basis. In FY 2001 EPA entered into settlements requiring EMS improvements at 66 facilities.

### Program Evaluation

Program evaluations completed in FY 2001 that support the overall Goal 9 are listed in Appendix A.

## STATE AND TRIBAL PARTNER CONTRIBUTIONS

In an EPA-funded report entitled *State Environmental Agency Contribution to Enforcement and Compliance*, the Environmental Council of the States (ECOS)

found that states conducted approximately 90 percent of all enforcement actions taken by both the states and EPA. ECOS reports that 71 percent of federal programs enacted by law are delegated to the states. States provide a very large percentage of the data in national environmental data systems. Given the magnitude of the state and tribal role in ensuring environmental compliance, EPA makes considerable effort to coordinate with and enhance the capabilities of state, tribal, and local compliance and enforcement programs.

Twenty-four states began programs to develop outcome measurements for compliance assistance initiatives, improve the quality of compliance data systems, and increase public access to compliance information. Four states are modeling programs on the Massachusetts Environmental Results Program to provide compliance assistance and self-certification in various industry sectors. In addition, Colorado, Connecticut, Maryland, and Massachusetts received funding and assistance from EPA to develop outcome-based performance measures and environmental indicators which will be used as models for Performance Partnership Agreements between states and EPA regional offices. The purpose of these grants is to increase state capacity for providing compliance assistance and continuing enforcement activities. The results from these grants should be seen during the next 1 to 2 years.

EPA continued capacity-building efforts in FY 2001 by delivering 128 courses to more than 5,155 federal, state, and tribal law enforcement personnel that will improve their ability to identify and reduce noncompliance. As a way of providing states with hands-on experience and improved inspection capacity, EPA and the states jointly conducted 895 inspections. During FY 2001 EPA's National Enforcement Training Institute (NETI) launched its "virtual university," NETI OnLine, making its curriculum accessible to enforcement personnel nationwide (<http://www.epa.gov/oeca/ocft/neti.html>). EPA increased the number of government organizations registered to use the Online Tracking Information system (OTIS), which provides enhanced data analysis for identifying patterns of noncompliance by industry sector, geographic area, and statute. OTIS usage increased dramatically over the past fiscal year—receiving between 6,000 and 10,000 queries per month from

the 133 government agencies now registered (including agencies from all 50 states).

EPA also benefitted from the participation of state, tribal, and local law enforcement agencies in 93 criminal task forces and law enforcement coordinating committees across the country. California, Florida, Texas, and Colorado participate in these cooperative law enforcement efforts that investigate and prosecute cases that represent community-based health and environmental priorities, and build state, local, and tribal law enforcement capacity.

### ASSESSMENT OF FY 2001 IMPACTS ON THE FY 2002 ANNUAL PERFORMANCE PLAN

In its FY 2002 annual performance goals, EPA scaled back its inspection target from 17,000 to 15,000. This change was made to more carefully adjust targets based on the declining availability of inspectors to do compliance monitoring.

EPA also exceeded its target for pollutants reduced in requiring a 660 million pound reduction,

rather than the initial 350 million pound target. This enormous total attests to the success of a cogently targeted enforcement program that protects human health and the environment. In addition, EPA exceeded its target for the number of tribal environmental personnel trained and the number of tribal governments provided with computer based training modules. Initial estimates did not factor in a much greater than anticipated interest in environmental training by tribal governments and staff.

### PERFORMANCE DATA CHART

The following performance data chart includes performance results for the FY 2001 APGs that support Goal 9. The performance chart reflects the Agency's 1997 Strategic Plan goals and objectives with which FY 2001 APGs are associated. Relevant FY 2000 and FY 1999 APGs are displayed for ease in comparing performance. Data quality information for Goal 9 can be found on pages B-33 to B-38 of Appendix B, "Data Quality." Additionally, the chart presents results for FY 2000 and FY 1999 APGs for which data were not available when the FY 2000 report was published, as well as for FY 2000 APGs that are not associated with FY 2001 APGs.

Summary of FY 2001 Performance		Goal 9: A Credible Deterrent to Pollution	
7	0	Annual Performance Goals and Measures	
Goal Met	Goal Not Met	FY 1999–FY 2001 Results	
0		Identify and Reduce Significant Non-Compliance in High Priority Program Areas, While Maintaining a Strong Enforcement Presence in All Regulatory Program Areas.	
Data Lag		<b>Progress Toward Strategic Objective:</b> Over the past two fiscal years, EPA exceeded its targets to protect the environment and human health from air, land, and water pollution through the required reduction of 1,374 million pounds of pollutants. The vast majority of civil enforcement actions taken now require facilities to take direct action to correct illegal discharges of pollutants and change facility management and information practices. Twenty percent of civil enforcement actions required improvements that will reduce or prevent the amount of pollutants released into the environment, and half of all civil enforcement actions required facilities management or information management changes. EPA continued to improve the quality and accuracy of enforcement and compliance data through completion of another phase of a new ICIS computer database. This system, once operational, will add a much needed new enforcement tool to increase the ability of the Agency and the states to identify and target the most serious noncompliance and address the most significant air pollution, soil pollution, water pollution, and human health risks. States, localities, and tribes received a number of capacity building tools including training and assistance with enforcement inspections as a direct result of environmental enforcement and compliance outreach. In FY 2000 and FY 2001, EPA conducted 1,608 joint inspections with states, localities, and tribes. During that same period EPA continuously renewed its commitment to environmental compliance monitoring by conducting 959 criminal investigations and 1,028 civil investigations. Since 1999 EPA has also conducted 59,345 inspections. In FY 2001 EPA trained 5,155 state, local government, and tribal personnel in inspection and enforcement skills. EPA continues to meet international commitments to track hazardous waste exports through review of 100% of the transboundary hazardous waste notices submitted.	
APG 57		Planned	Actual
FY 2001	EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollutant reductions and/or changes in practices at facilities. <b>Goal Met.</b>		

Goal 9 - A Credible Deterrent to Pollution

**Performance Measures**

- 75% of concluded enforcement actions require pollutant reductions and/or changes in facility management or information practices.	75%	74%
- Estimated pounds of pollutants reduced.	350 M	660 M
- Increase or maintain existing compliance rates or other indicators of compliance for populations with established baselines, or develop additional rates for newly selected populations.	5 populations	6
- Reduce by 2 percentage points overall the level of significant non-compliance recidivism among the Clean Air Act (CAA), Clean Water Act (CWA), and Resource Conservation and Recovery Act (RCRA) programs from FY 2000 levels.	2%	2.4%
- Increase by 2% over FY 2000 levels the proportion of significant non-complier facilities under CAA, CWA, and RCRA which returned to compliance in less than 2 years.	2%	1.33%
- Produce a report on the number of civil and criminal enforcement actions initiated and concluded.	1	1

*FY 2000 Deter and reduce noncompliance and achieve environmental and human health improvements by maintaining a strong, timely and active enforcement presence. EPA will direct enforcement actions to maximize compliance and address environmental and human health problems; 75% of concluded enforcement actions will require environmental or human health improvements such as pollution reduction, etc. Goal Met.*

**Performance Measures**

- Estimated pounds of pollutants reduced (aggregate).	714 M
- Percent of actions which require pollutant reductions.	13.6
- Establish statistically valid noncompliance rates or other indicators for selected environmental problems.	5
- Establish a baseline to measure percentage of significant violators with reoccurring significant violations within two years of returning to compliance.	1
- Establish a baseline to measure average length of time for significant violators to return to compliance or enter enforceable plans/agreements.	1
- Produce report on the number of civil and criminal enforcement actions initiated and concluded.	1

*FY 1999 Deter non-compliance by maintaining levels of field presence and enforcement actions, particularly in high risk areas and/or where populations are disproportionately exposed. In 1999, EPA will conduct 15,000 inspections and undertake 2,600 enforcement actions. Goal Met.*

**FY 2001 Result:** In FY 2001, 74% of concluded enforcement actions required pollutant reductions and/or changes in facility management or information practices, resulting in the estimated reduction of approximately 660 millions pounds of pollutants. Enforcement actions led to a reduction of 2.4 percentage points in the level of significant noncompliance recidivism among the Clean Air Act (CAA), Clean Water Act (CWA), and Resource Conservation and Recovery Act (RCRA) programs from FY 2000 levels. Finally, enforcement actions led to an increase of 1.33 percent over FY 2000 levels in the proportion of significant noncompliance facilities under CAA, CWA, and RCRA which returned to compliance in less than 2 years. The Agency determined that the human health and environmental benefits derived from a greatly exceeded pollution reduction target, 660 million pounds, far outweigh marginally missed targets for performance measures on reducing the time it takes for facilities to return to compliance and the percentage of enforcement actions requiring pollutant reductions.

APG 58		Planned	Actual
<b>FY 2001</b>	<b>EPA will conduct 17,000 inspections, 450 criminal investigations, and 250 civil investigations, targeted to areas that pose risks to human health or the environment, display patterns of non-compliance, or include disproportionately exposed populations. Goal Met.</b>	<b>17,000</b>	<b>17,812</b>
		450	482
		250	368

*FY 2000 EPA will conduct 13,500 inspections, 500 criminal investigations, and 150 civil investigations, 50% of which are targeted at priority areas. Goal Not Met.*

**Performance Measures**

- Number of EPA inspections.	20,123
- Number of civil investigations.	660
- Number of criminal investigations.	477
- Percent of inspections and investigations (civil and criminal) conducted at priority areas.	15

*FY 1999 Deter non-compliance by maintaining levels of field presence and enforcement actions, particularly in high risk areas and/or where populations are disproportionately exposed. In 1999, EPA will conduct 15,000 inspections and undertake 2,600 enforcement actions. Goal Met.*

**FY 2001 Result:** In FY 2001 the Agency exceeded the targets for inspections and investigations. EPA conducted 17,812 inspections, 482 criminal investigations and 368 civil investigations.

Goal 9 - A Credible Deterrent to Pollution

APG 59		Planned	Actual
FY 2001	Improve capacity of states, localities and tribes to conduct enforcement and compliance assurance programs. EPA will provide training as well as assistance with state and tribal inspections to build capacity, including implementation of the inspector credentials program for tribal law enforcement personnel. <b>Goal Met.</b>		
	<b>Performance Measures</b>		
	- Number of EPA training classes/seminars delivered to states, localities and tribes to build capacity.	220	128
	- Conduct EPA-assisted inspections to build capacity.	150	895
	- The National Enforcement Training Institute will train tribal personnel.	105	428
	- The National Enforcement Training Institute will provide tribal governments with 50 computer-based training modules.	50	235
	- Total number of state and local students trained.	4,900	4,727

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FY 2000	Improve capacity of states, localities and tribes to conduct enforcement and compliance assurance programs. EPA will provide grants, guidance documents, training, classes and seminars, and assist with selected inspections. <b>Goal Met.</b>		
	<b>Performance Measures</b>		
	- Number of EPA-assisted inspections to build capacity.		713
	- Number of EPA training classes/seminars delivered to states/localities and tribes to build capacity.		154

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FY 1999	Assist states and tribes with their enforcement and compliance assurance and incentive programs. EPA will provide specialized assistance and training, including 83 courses, to state and tribal officials to enhance the effectiveness of their programs. <b>Goal Met.</b>		218
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**FY 2001 Result:** In FY 2001 EPA met its goal of improving capacity of states, localities and tribes to conduct enforcement and compliance assistance programs. The agency continued to build local capacity by conducting 895 EPA-assisted inspections. Tribal governments received 235 computer-based training modules and 428 tribal personnel received training. The 4,727 state and local students trained was slightly below targeted levels. The missed target for the number of state and local students trained represents a relative decrease in historic enrollment levels. EPA was unable to meet the target for the number of EPA training classes/seminars delivered to states, localities, and tribes due to an increased demand for distance learning computer training modules, which are more cost efficient, and have the potential to reach a larger number of students overall than courses taught in traditional classrooms. The measure concerning training classes has been eliminated for FY 2002, since it is less meaningful than the number of students reached. EPA determined that this capacity building goal was met based upon the relatively more significant capacity building benefits achieved through exceeded targets for NETI training courses and EPA assisted inspections with states who conduct the bulk of environmental inspection work.

APG 60		Planned	Actual
FY 2001	Maintain and improve quality and accuracy of EPA's enforcement and compliance data to identify non-compliance and focus on human health and environmental problems. <b>Goal Met.</b>		
	<b>Performance Measures</b>		
	- Complete Phase I of Integrated Compliance Information System (ICIS) development (programming) and begin design of Phase II.	Phase 1	Phase 1
	- Complete Quality Management Plan (QMP) project for additional data systems.	3 systems	0
	- Complete detailed design (development of screens, prototypes) including a pilot NPDES permitting desk model for Permit Compliance System (PCS) system modernization.	1 system	1
	- Continue operation and maintenance/user support of 14 information systems housing national enforcement and compliance assurance data with a minimum of 95% operational efficiency.	95%	95%
	- Conduct four data analyses of environmental problems in Indian Country using the American Indian Lands Environmental Support Project (AILESP) and the baseline assessment survey.	4	12

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**FY 2001 Result:** In FY 2001 the Agency maintained and improved the quality and accuracy of the enforcement and compliance data. Operation and maintenance/user support for 14 information systems housing national enforcement and compliance assurance data occurred at the targeted 95% efficiency level. EPA conducted 12 data analyses of environmental problems in Indian Country. EPA was unable to complete Quality Management Plans for the 3 targeted data systems due to the need for development of new, specialized quality management strategies better suited to environmental enforcement and compliance data issues. As targeted, in FY 2001 EPA completed the detailed design for the Permit Compliance System modernization. EPA determined that APG 60 was met based upon outcomes derived from an enhanced, integrated ICIS environmental data system and modernization of the Permit Compliance System. Improvements to the ICIS and PCS systems represent relatively more important environmental and human health benefits than the benefits associated with Quality Management Plans geared towards measuring the quality of environmental data system software and

Goal 9 - A Credible Deterrent to Pollution



hardware in that these systems improve the Agency's ability to ensure compliance and more efficiently target the most significant sources of pollution across several statutes.

APG 61		Planned	Actual
FY 2001	<b>Ensure compliance with legal requirements for proper handling of hazardous waste imports and exports. <i>Goal Met.</i></b>		
	<u>Performance Measures</u>		
	- Review and respond to 100% of the notices for transboundary movement of hazardous 100% wastes, ensuring their proper management in accordance with international agreements.	100%	100%
<hr/>			
FY 2000	<i>Ensure compliance with legal requirements by assuring that hazardous waste exports from the United States are properly handled. Implement U.S. international commitments, and gain enforcement and compliance cooperation with other countries, especially along U.S. borders (Mexico/Canada). <i>Goal Met.</i></i>		
	<u>Performance Measures</u>		
	- Ensure compliance with legal requirements by assuring that hazardous waste exports from the United States are properly handled (Number of import and export notices filed and reviewed).		1,584

**FY 2001 Result:** In FY 2001 EPA met its goal of ensuring compliance with legal requirements for proper handling of hazardous waste imports and exports by reviewing and responding to 100% of the notices for transboundary movement of hazardous wastes.

**Promote the Regulated Communities' Voluntary Compliance With Environmental Requirements Through Compliance Incentives and Assistance Programs.**

**Progress Towards Strategic Objective:** EPA continued to exceed its goals to encourage facilities to voluntarily initiate identification, self-disclosure, and correction of compliance violations. As a result of FY 2001 and FY 2000 actions, 3,954 facilities took advantage of voluntary programs to self-correct compliance violations. EPA will attempt to expand efforts to specifically encourage disclosure by companies suspected of having serious violations, which, as a class, occur less frequently and require more complex analysis to address.

APG 62		Planned	Actual
FY 2001	<b>Increase opportunities through new targeted sector initiatives for incentives to voluntarily self-disclose and correct violations on a corporate-wide basis. <i>Goal Met.</i></b>		
	<u>Performance Measures</u>		
	- Complete settlements with 500 facilities to voluntarily self-disclose to the Federal government and correct violations.	500	1,754
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FY 2000	<i>Increase entities self-policing and self-correction of environmental problems through use of EPA incentive policies: small business, small community and audit policies over FY 1997 levels. <i>Goal Met.</i></i>		
	<u>Performance Measure</u>		
	- Number of facilities that self-disclose potential violations.		2,200

**FY 2001 Result:** In FY 2001 EPA significantly exceeded its target to increase opportunities, through new targeted sector initiatives, for facilities to voluntarily self-disclose and correct violations on a corporate-wide bases by completing settlements with 1,754 facilities. EPA exceeded this target, in part, through the success of agency-initiated incentive programs that encourage industry to initiate inspections and correct violations before a fine or enforcement action takes place.

APG 63		Planned	Actual
FY 2001	<b>Promote the use of Environmental Management Systems (EMS) to address known compliance and performance problems. <i>Goal Met.</i></b>		
	<u>Performance Measures</u>		
	- Increase EMS use by developing tools, such as training and best practice manuals that 3 tools encourage improved environmental performance and conduct research and evaluation of EMS's.	3 tools	10 tools

**FY 2001 Result:** In FY 2001 EPA achieved its goal of promoting the use of Environmental Management Systems to address known compliance and performance problems. It developed 10 new tools, such as training and best practice manuals, that encouraged improved environmental performance.

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