



**United States  
Environmental Protection Agency**

**FISCAL YEAR 2019**

**Justification of Appropriation  
Estimates for the Committee  
on Appropriations**

**Hazardous Substance Superfund**

EPA-190-R-18-001

February 2018  
[www.epa.gov/ocfo](http://www.epa.gov/ocfo)

**Environmental Protection Agency  
2019 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency  
FY 2019 Annual Performance Plan and Congressional Justification**

**APPROPRIATION: Hazardous Substance Superfund  
Resource Summary Table  
(Dollars in Thousands)**

|                                      | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019<br/>Pres Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018<br/>Annualized CR</b> |
|--------------------------------------|----------------------------|--------------------------------------|--------------------------------|---|
| <b>Hazardous Substance Superfund</b> |                            |                                      |                                |   |
| Budget Authority                     | \$1,144,699.4              | \$1,081,374.0                        | \$1,088,830.0                  | \$7,456.0   |
| Total Workyears                      | 2,643.4                    | 2,663.6                              | 2,590.6                        | -73.0   |

\*For ease of comparison, Superfund transfer resources for the audit and research functions are shown in the Superfund account.

**Bill Language: Hazardous Substance Superfund**

*For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), \$1,088,830,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2018, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,088,830,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$8,718,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2020, and \$17,398,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2020.*

**Program Projects in Superfund  
(Dollars in Thousands)**

| <b>Program Project</b>                  | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Indoor Air and Radiation                |                            |                                      |                                |   |
| Radiation: Protection                   | \$1,833.6                  | \$1,972.0                            | \$1,972.0                      | \$0.0   |
| Audits, Evaluations, and Investigations |                            |                                      |                                |   |
| Audits, Evaluations, and Investigations | \$9,156.4                  | \$8,718.0                            | \$8,718.0                      | \$0.0   |
| Compliance                              |                            |                                      |                                |   |
| Compliance Monitoring                   | \$1,028.8                  | \$988.0                              | \$988.0                        | \$0.0   |
| Enforcement                             |                            |                                      |                                |   |
| Criminal Enforcement                    | \$6,815.3                  | \$7,135.0                            | \$7,135.0                      | \$0.0   |

| <b>Program Project</b>  | <b>FY 2017 Actuals</b> | <b>FY 2018 Annualized CR</b> | <b>FY 2019 Pres Budget</b> | <b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b> |
|---|------------------------|------------------------------|----------------------------|---|
| Environmental Justice   | \$732.9                | \$554.0                      | \$0.0                      | -\$554.0  |
| Forensics Support   | \$1,543.6              | \$1,097.0                    | \$1,097.0                  | \$0.0   |
| Superfund: Enforcement  | \$153,706.0            | \$150,466.0                  | \$150,466.0                | \$0.0   |
| Superfund: Federal Facilities Enforcement                         | \$5,594.9              | \$5,993.0                    | \$5,993.0                  | \$0.0   |
| Subtotal, Enforcement   | \$168,392.7            | \$165,245.0                  | \$164,691.0                | -\$554.0  |
| Homeland Security   |                        |                              |                            |   |
| Homeland Security: Preparedness, Response, and Recovery           | \$33,899.4             | \$31,461.0                   | \$31,752.0                 | \$291.0   |
| Homeland Security: Protection of EPA Personnel and Infrastructure | \$1,306.2              | \$934.0                      | \$934.0                    | \$0.0   |
| Subtotal, Homeland Security                                       | \$35,205.6             | \$32,395.0                   | \$32,686.0                 | \$291.0   |
| Information Exchange / Outreach                                   |                        |                              |                            |   |
| Exchange Network  | \$1,316.3              | \$1,319.0                    | \$1,319.0                  | \$0.0   |
| IT / Data Management / Security                                   |                        |                              |                            |   |
| Information Security  | \$654.9                | \$666.0                      | \$5,186.0                  | \$4,520.0   |
| IT / Data Management  | \$14,691.5             | \$13,720.0                   | \$13,720.0                 | \$0.0   |
| Subtotal, IT / Data Management / Security                         | \$15,346.4             | \$14,386.0                   | \$18,906.0                 | \$4,520.0   |
| Legal / Science / Regulatory / Economic Review                    |                        |                              |                            |   |
| Alternative Dispute Resolution                                    | \$591.3                | \$667.0                      | \$0.0                      | -\$667.0  |
| Legal Advice: Environmental Program                               | \$691.2                | \$577.0                      | \$577.0                    | \$0.0   |
| Subtotal, Legal / Science / Regulatory / Economic Review          | \$1,282.5              | \$1,244.0                    | \$577.0                    | -\$667.0  |
| Operations and Administration                                     |                        |                              |                            |   |
| Central Planning, Budgeting, and Finance                          | \$22,511.4             | \$21,345.0                   | \$21,152.0                 | -\$193.0  |
| Facilities Infrastructure and Operations                          | \$69,651.3             | \$75,985.0                   | \$74,144.0                 | -\$1,841.0  |
| Acquisition Management  | \$22,103.1             | \$21,296.0                   | \$21,296.0                 | \$0.0   |
| Human Resources Management  | \$5,380.1              | \$5,997.0                    | \$5,497.0                  | -\$500.0  |
| Financial Assistance Grants / IAG Management                      | \$2,997.4              | \$2,611.0                    | \$2,611.0                  | \$0.0   |
| Subtotal, Operations and Administration                           | \$122,643.3            | \$127,234.0                  | \$124,700.0                | -\$2,534.0  |
| Research: Sustainable Communities                                 |                        |                              |                            |   |
| Research: Sustainable and Healthy Communities                     | \$12,717.6             | \$11,385.0                   | \$10,885.0                 | -\$500.0  |
| Research: Chemical Safety and Sustainability                      |                        |                              |                            |   |
| Human Health Risk Assessment                                      | \$3,020.5              | \$2,805.0                    | \$5,021.0                  | \$2,216.0   |
| Superfund Cleanup   |                        |                              |                            |   |

| <b>Program Project</b>                    | <b>FY 2017 Actuals</b> | <b>FY 2018 Annualized CR</b> | <b>FY 2019 Pres Budget</b> | <b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b> |
|---|------------------------|------------------------------|----------------------------|---|
| Superfund: Emergency Response and Removal | \$198,324.0            | \$180,075.0                  | \$181,306.0                | \$1,231.0   |
| Superfund: EPA Emergency Preparedness     | \$7,174.6              | \$7,584.0                    | \$7,584.0                  | \$0.0   |
| Superfund: Federal Facilities             | \$22,434.2             | \$20,982.0                   | \$20,982.0                 | \$0.0   |
| Superfund: Remedial                       | \$544,822.9            | \$505,042.0                  | \$508,495.0                | \$3,453.0   |
| Subtotal, Superfund Cleanup               | \$772,755.7            | \$713,683.0                  | \$718,367.0                | \$4,684.0   |
| <b>TOTAL Superfund</b>                    | <b>\$1,144,699.4</b>   | <b>\$1,081,374.0</b>         | <b>\$1,088,830.0</b>       | <b>\$7,456.0</b>                                    |

\*For ease of comparison, Superfund transfer resources for the audit and research functions are shown in the Superfund account.

## **Indoor Air and Radiation**

**Radiation: Protection**

Program Area: Indoor Air and Radiation

Goal: Core Mission

Objective(s): Improve Air Quality

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$7,780.1                  | \$8,519.0                            | \$2,000.0                      | -\$6,519.0  |
| Science & Technology                        | \$2,328.6                  | \$1,996.0                            | \$1,000.0                      | -\$996.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$1,833.6</i></b>    | <b><i>\$1,972.0</i></b>              | <b><i>\$1,972.0</i></b>        | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$11,942.3                 | \$12,487.0                           | \$4,972.0                      | -\$7,515.0  |
| Total Workyears                             | 58.9                       | 59.1                                 | 25.0                           | -34.1   |

**Program Project Description:**

This program addresses potential radiation risks found at some Superfund and hazardous waste sites. Through this program, EPA ensures that Superfund site cleanup activities reduce and/or mitigate the health and environmental risk of radiation to include support of removal actions as needed.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.1, Improve Air Quality in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA's National Analytical Radiation Environmental Laboratory (NAREL) in Montgomery, Alabama, and National Center for Radiation Field Operations (NCRFO) in Las Vegas, Nevada, will continue to provide analytical and field support to manage and mitigate radioactive releases and exposures. These two organizations provide analytical and technical support for the characterization and cleanup of Superfund and Federal Facility sites. Support focuses on providing high quality data to support agency decisions at sites across the country.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- There is no change in program funding.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).



## **Audits, Evaluations, and Investigations**

**Audits, Evaluations, and Investigations**

Program Area: Audits, Evaluations, and Investigations

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Inspector General                           | \$41,053.7                 | \$41,207.0                           | \$37,475.0                     | -\$3,732.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$9,156.4</i></b>    | <b><i>\$8,718.0</i></b>              | <b><i>\$8,718.0</i></b>        | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$50,210.1                 | \$49,925.0                           | \$46,193.0                     | -\$3,732.0  |
| Total Workyears                             | 266.0                      | 318.1                                | 242.0                          | -76.1   |

**Program Project Description:**

EPA’s Office of Inspector General (OIG) provides audit, program evaluation, investigative services and products that fulfill the requirements of the Inspector General Act, as amended, by identifying fraud, waste, and abuse in agency, grantee and contractor operations, and by promoting economy, efficiency, and effectiveness in the operations of the Agency’s Superfund program. Although the OIG is a part of EPA, to ensure its independence, as specified in the IG Act (as amended), the OIG is funded with a separate appropriation within the Agency. The OIG activities add value and enhance public trust and safety by providing the Agency, the public, and Congress with independent analyses and recommendations that help EPA management resolve risks and challenges, achieve opportunities for savings, and implement actions for safeguarding EPA resources and accomplishing EPA’s environmental goals. The OIG activities also prevent and detect fraud in EPA’s programs and operations, including financial fraud, laboratory fraud, and cybercrime. The OIG consistently provides a significant positive return on investment to the public in the form of recommendations for improvements in the delivery of EPA’s mission, reduction in operational and environmental risks, costs savings and recoveries, and improvements in program efficiencies and integrity. The audit, program evaluation, inspection and investigative services programs are directly supported through the OIG’s management and administrative functions of information technology, human resources, human capital, budget, planning and performance, legal advice and counseling, report publishing and communications, and congressional outreach.

**FY 2019 Activities and Performance Plan:**

EPA’s OIG will assist the Agency in its efforts to reduce environmental and human health risks by making recommendations to improve Superfund program operations; save taxpayer dollars, reduce the potential for fraud, waste and abuse; respond to cybercrimes; and resolve previously identified major management challenges and internal control weaknesses. In FY 2019, the OIG will continue recommending improvements to operating efficiency, transparency, secured and trustworthy systems, and the cost effective attainment of EPA’s strategic goals and positive environmental impacts related to the Superfund program.

The OIG's plans will continue to be implemented through audits, evaluations, investigations, inspections, and follow-up reviews in compliance with the Inspector General Act (as amended), applicable professional standards of the U. S. Comptroller General, and the Quality Standards for Federal Offices of Inspector General of the Council of Inspectors General on Integrity and Efficiency.

The OIG will conduct the following types of assignments focused on efficiency and program operations: program performance, including a focus on the award and administration of grants and contracts; statutorily mandated audits; financial reviews of grantees and contractors; and information resources management. In addition, program performance evaluations will be conducted in the areas of EPA's mission objectives for improving and protecting the environment and public health via reviews of Superfund and other land issues.

The investigative mission of the OIG continues to evolve in conducting criminal, civil, and administrative investigations into fraud and serious misconduct within EPA's Superfund program and operations that undermine the organization's integrity and public trust, or create an imminent risk or danger. The OIG investigations are coordinated with the Department of Justice and other federal, state, and local law enforcement entities. These investigations often lead to successful prosecution and civil judgments wherein there is a recovery and repayment of financial losses. Major areas of investigative focus include: financial fraud, program integrity, threats to the Agency's resources, employee integrity, cybercrimes, and theft of intellectual or sensitive data.

### **Audits and Evaluations**

The OIG audits and program evaluations and inspections related to Superfund will identify program and management risks and determine if EPA is efficiently and effectively reducing human health risks; taking effective enforcement actions; cleaning up hazardous waste; managing waste, restoring previously polluted sites to appropriate uses; and ensuring long-term stewardship of polluted sites. The OIG assignments will include: assessing the adequacy of internal controls in EPA and its grantees and contractors to protect resources and achieve program results; project management to ensure that EPA and its grantees and contractors have clear plans and accountability for performance progress; enforcement to evaluate whether there is consistent, adequate and appropriate application of the laws and regulations across jurisdictions with coordination between federal, state, and local law enforcement activities; and grants and contracts to verify that such awards are made based upon uniform risk assessment, and that grantees and contractors perform with integrity.

The OIG will concentrate its resources on efforts in the following assignment areas:

- Human and Environmental Exposure from Superfund Site Contaminants.
- Optimization of Superfund financed clean-up remedies.
- EPA's progress in ensuring private party Superfund liabilities are adequately covered by sufficient financial assurance mechanisms.
- EPA Progress Implementing Recommendations for Superfund Improvement in the 2017 Superfund Task Force Report.

- Superfund portion of EPA’s financial statement and FISMA audits to include sampling, monitoring, communication and opportunities for cleanup efficiencies.
- Oversight of Superfund remedial activities under state contracts and assistance agreements.
- Assess the effectiveness of actions taken as a result of the 2017 Superfund Task Force Report.
- The OIG also will evaluate ways to minimize fraud, waste, and abuse, with emphasis on identifying opportunities for cost savings and reducing risk of resource loss, while maximizing results achieved from Superfund contracts and assistance agreements.

### **Investigations**

The Office of Investigations (OI) mission is to conduct criminal, civil, and administrative investigations of fraud, waste and abuse and serious misconduct within EPA’s Superfund Program. OI investigations are worked in conjunction with the U.S. Department of Justice, as well as state and local prosecutors, for criminal and civil litigation or with EPA management for administrative action. OI currently investigates the following: 1) fraudulent practices in awarding, performing, and paying Superfund contracts, grants, or other assistance agreements; 2) program fraud or other acts that undermine the integrity of, or confidence in the Superfund program and create imminent environmental risks; 3) laboratory fraud relating to data, and false claims or erroneous laboratory results that undermine the basis for decision-making, regulatory compliance, or enforcement actions in the Superfund program; 4) violent or criminal threats directed against Superfund program employees or facilities; 5) criminal conduct or serious administrative misconduct by EPA employees involved in the Superfund program; and 6) intrusions into and attacks against EPA’s network supporting Superfund program data, as well as incidents of computer misuse and theft of intellectual property or sensitive/proprietary Superfund data. Special attention will be directed towards identifying the tactics, techniques, and procedures that are being utilized by cybercriminals to obtain Superfund program information.

Finally, OI often makes observations or “lessons learned” for EPA’s management which works on the Superfund program to reduce the Agency’s vulnerability to criminal activity. The results of OI’s investigations are published and can serve as a deterrent to future misconduct. In addition, the OI’s investigations provide measurable results wherein recovery and restitution of financial losses are achieved and administrative actions are taken to prevent those involved from further participation in any Superfund program or operation.

### **Follow-up and Policy/Regulatory Analysis**

To further promote economy, efficiency and effectiveness, the OIG will conduct follow-up reviews of agency responsiveness to the OIG recommendations for the Superfund program to determine if appropriate actions have been taken, and intended improvements have been achieved. This process will serve as a means to keep Congress and EPA leadership apprised of accomplishments, and opportunities for needed corrective actions, and will facilitate greater accountability for results from the OIG operations.

Additionally, as directed by the IG Act (as amended), the OIG also conducts reviews and analysis of proposed and existing policies, rules, regulations and legislation pertaining to the Superfund

program to identify vulnerability to waste, fraud and abuse. These reviews also consider possible duplication, gaps or conflicts with existing authority, leading to recommendations for improvements in their structure, content and application.

**Performance Measure Targets:**

Work under this program supports performance results in the Audits, Evaluations, and Investigations program under the IG Appropriation.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-9.5 FTE) This program change is a reduction which will focus the amount of audits, program evaluations, and investigative case work.

**Statutory Authority:**

Inspector General Act, as amended; Inspector General Reform Act; Comprehensive Environmental Response, Compensation, and Liability Act § 111(k).

**Inspector General Reform Act:**

The following information is provided pursuant to the requirements of the Inspector General Reform Act:

- the aggregate budget request from the Inspector General for the operations of the OIG is \$62 million (\$53 million Inspector General; \$9 million Superfund Transfer);
- the aggregate President's Budget for the operations of the OIG is \$46.2 million (\$37.5 million Inspector General; \$8.7 million Superfund Transfer);
- the portion of the aggregate President's Budget needed for training is \$700 thousand (\$574 thousand Inspector General; \$126 thousand Superfund Transfer);
- the portion of the aggregate President's Budget needed to support the Council of the Inspectors General on Integrity and Efficiency is \$179 thousand (\$143.2 thousand Inspector General; \$35.8 thousand Superfund Transfer).

"I certify as the Inspector General of the Environmental Protection Agency that the amount I have requested for training satisfies all OIG training needs for FY 2019".

## **Compliance**

## **Compliance Monitoring**

Program Area: Compliance

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$98,283.6                 | \$100,975.0                          | \$86,374.0                     | -\$14,601.0   |
| Inland Oil Spill Programs                   | \$145.2                    | \$138.0                              | \$0.0                          | -\$138.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$1,028.8</i></b>    | <b><i>\$988.0</i></b>                | <b><i>\$988.0</i></b>          | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$99,457.6                 | \$102,101.0                          | \$87,362.0                     | -\$14,739.0   |
| Total Workyears                             | 506.4                      | 538.9                                | 428.7                          | -110.2  |

### **Program Project Description:**

The Compliance Monitoring program is a key component of EPA's compliance assurance program that allows the controlling regulatory authority to detect noncompliance and promotes compliance with the nation's environmental laws. The states and EPA use compliance monitoring tools and activities to identify whether regulated entities are in compliance with environmental laws enacted by Congress, as well as applicable regulations and permit conditions. In addition, compliance monitoring activities, such as inspections and investigations, are conducted to determine whether conditions exist that may present imminent and substantial endangerment to human health and the environment. The program focuses on providing information and system support for monitoring compliance with Superfund-related environmental regulations and contaminated site cleanup agreements. The Agency also ensures the security and integrity of its compliance information systems. Superfund-related regulatory enforcement program activities are tracked in the Agency's Integrated Compliance Information System (ICIS).

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.1, Enhance Shared Accountability in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will continue to streamline its Superfund-related compliance monitoring activities. EPA will support a variety of tools and activities for states and EPA to identify the compliance status of regulated entities with environmental laws enacted by Congress, as well as applicable regulations, permit conditions, and compliance with Federal Facility Agreements. Additionally, EPA will conduct inspections and investigations to evaluate the risk of imminent and substantial endangerment to human health and the environment.

### **Performance Measure Targets:**

Work under this program supports performance results in the Compliance Monitoring program under the EPM appropriation.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- There is no change in program funding.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute).



## **Enforcement**

## **Criminal Enforcement**

Program Area: Enforcement

Goal: Rule of Law and Process

Objective(s): Compliance with the Law

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$48,039.2                 | \$45,333.0                           | \$41,107.0                     | -\$4,226.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b>\$6,815.3</b>           | <b>\$7,135.0</b>                     | <b>\$7,135.0</b>               | <b>\$0.0</b>  |
| Total Budget Authority                      | \$54,854.5                 | \$52,468.0                           | \$48,242.0                     | -\$4,226.0  |
| Total Workyears                             | 237.9                      | 268.6                                | 209.6                          | -59.0   |

### **Program Project Description:**

The Criminal Enforcement program investigates and helps prosecute violations of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and associated violations of Title 18 of the United States Code such as fraud, conspiracy, false statements, and obstruction of justice. EPA's criminal enforcement agents (Special Agents) do this through targeted investigation of criminal conduct, committed by individual and corporate defendants, that threatens public health and the environment.

Within the Criminal Enforcement program, forensic scientists, attorneys, technicians, engineers, and other program experts assist Special Agents. EPA's criminal enforcement attorneys provide legal and policy support for all of the program's responsibilities, including forensics and expert witness preparation, information law, and personnel law to ensure that program activities are carried out in accordance with legal requirements and agency policies. These efforts support environmental crimes prosecutions primarily by the United States Attorneys and the Department of Justice's Environmental Crimes Section. In FY 2017, the conviction rate for criminal defendants was 91 percent.<sup>1</sup>

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.1, Compliance with the Law in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will continue to streamline its Criminal Enforcement program and enforce environmental laws to correct noncompliance and promote cleanup of contaminated sites. The Agency will perform targeted investigations of violations of environmental statutes and associated violations of Title 18 of the United States Code to protect public health and the environment. The program will focus its resources on the most egregious cases (e.g., significant human health, environmental, and deterrent impacts), while balancing its overall case load.

<sup>1</sup> For additional information, refer to: <https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017>.

**Performance Measure Targets:**

Work under this program supports performance results in the Criminal Enforcement program under the EPM appropriation.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- There is no change in program funding.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, §120; Title 18 of the U.S.C.

## Forensics Support

Program Area: Enforcement

Goal: Rule of Law and Process

Objective(s): Compliance with the Law

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Science & Technology                        | \$13,228.8                 | \$13,576.0                           | \$10,486.0                     | -\$3,090.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$1,543.6</i></b>    | <b><i>\$1,097.0</i></b>              | <b><i>\$1,097.0</i></b>        | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$14,772.4                 | \$14,673.0                           | \$11,583.0                     | -\$3,090.0  |
| Total Workyears                             | 73.6                       | 80.3                                 | 52.1                           | -28.2   |

### **Program Project Description:**

The Forensics Support program provides expert scientific and technical support for Superfund civil and criminal enforcement cases, as well as technical expertise for agency compliance efforts. EPA's National Enforcement Investigations Center (NEIC) is an environmental forensic center accredited for both laboratory and field sampling operations that generate environmental data for law enforcement purposes. It is fully accredited under International Standards Organization (ISO) 17025, the main standard used by testing and calibration laboratories, as recommended by the National Academy of Sciences.<sup>2</sup> The NEIC maintains a sophisticated chemistry laboratory and a corps of highly trained inspectors and scientists with expertise across media. The NEIC works closely with EPA's Criminal Investigation Division to provide technical support (e.g., sampling, analysis, consultation and testimony) to criminal investigations. The NEIC also works closely with EPA's Headquarters and Regional Offices to provide technical assistance, consultation, on-site inspection, investigation, and case resolution services in support of the Agency's Superfund Enforcement program.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.1, Enhance Shared Accountability in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, the NEIC will continue to streamline its forensics work and identify enhancements to our sampling and analytical methods, using existing technology. The program will continue to focus its work on collecting and analyzing materials in order to attribute contamination to individual sources/facilities. In providing support for the Superfund program, the Forensics Support program will coordinate its efforts with Superfund support efforts of the Agency's Research and Development and the Office of Land and Emergency Management programs. The Forensics Support program will continue to provide expert scientific and technical support for EPA's criminal and civil enforcement efforts.

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<sup>2</sup> Strengthening Forensic Science in the United States: A Path Forward, National Academy of Sciences, 2009, available at [http://www.nap.edu/catalog.php?record\\_id=12589](http://www.nap.edu/catalog.php?record_id=12589).

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-0.5 FTE) This program change reflects a focus on analyzing material to attribute it to individual sources or facilities and a reduction in other lab support.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Emergency Planning and Community Right-to-Know Act (EPCRA); Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute).

**Superfund: Enforcement**

Program Area: Enforcement

Goal: Rule of Law and Process

Objective(s): Compliance with the Law

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$153,706.0</i></b>  | <b><i>\$150,466.0</i></b>            | <b><i>\$150,466.0</i></b>      | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$153,706.0                | \$150,466.0                          | \$150,466.0                    | \$0.0   |
| Total Workyears                             | 729.0                      | 771.3                                | 745.3                          | -26.0   |

**Program Project Description:**

The Superfund Enforcement program protects communities by ensuring that responsible parties conduct cleanups, preserving federal dollars for sites where there are no viable contributing parties. EPA’s Superfund Enforcement program ensures prompt site cleanup and reuse by maximizing the participation of liable and viable parties in performing and paying for cleanups. In both the Superfund Remedial and Superfund Emergency Response and Removal programs, the Superfund Enforcement program obtains potentially responsible parties’ commitments to perform and pay for cleanups through civil, judicial, and administrative site actions. The Superfund Enforcement program works closely with the Superfund program and the Department of Justice (DOJ) to combine litigation, legal, and technical skills to bring enforcement actions and address emerging issues.

The Superfund Enforcement program:

- develops hazardous waste cleanup enforcement policies;
- provides guidance and tools that clarify potential environmental cleanup liability, with specific attention to the cleanup, reuse and revitalization of contaminated properties;
- ensures that responsible parties cleanup sites to reduce direct human exposure to hazardous substances, thereby providing long-term human health protections and making contaminated properties available for reuse;
- negotiates cleanup agreements with Potentially Responsible Parties (PRPs) at hazardous waste sites and, where negotiations fail, either initiates enforcement actions to require cleanup or initiates cost recovery if EPA expends Superfund appropriated dollars to remediate the sites; and
- addresses liability concerns of parties who want to cleanup and reuse Superfund sites.

EPA, through the Superfund Task Force, is working to improve and revitalize the Superfund program to ensure that contaminated sites across the country are remediated to protect human health and the environment and returned to beneficial use as expeditiously as possible. The Superfund enforcement program is the lead for many of the Task Force’s 42 recommendations and will work to encourage and facilitate PRPs’ expeditious and thorough cleanup of sites, create

oversight efficiencies and promote the redevelopment and reuse of sites by encouraging PRPs to invest in reuse outcomes. In addition, the enforcement program will work to encourage private investment in the cleanup and reuse of sites by optimizing tools and realigning incentives to encourage third-party investment. EPA also works to ensure that required legally enforceable institutional controls and financial assurance requirements are in place at Superfund sites to ensure the long-term protectiveness of Superfund cleanup remedies.

In FY 2017, EPA reached a settlement or took an enforcement action at 100 percent of non-federally owned Superfund sites with viable, liable parties before the start of an FY 2017 remedial action.<sup>3</sup> In FY 2017, the Superfund Enforcement program secured private party commitments exceeding \$1.46 billion.

Special accounts are created when funds are received as part of a settlement to fund a site cleanup. Funds received in settlements with PRPs are used to clean up the specific Superfund sites that were the subject of the settlement agreement. Having the ability to use special accounts provides needed cleanup dollars at many sites that otherwise may not have received funding absent EPA's enforcement efforts. In FY 2017, EPA created 52 special accounts and collected \$289.4 million for response work.<sup>4</sup> The Agency disbursed or obligated \$340.3 million from special accounts for response work (excluding reclassifications).

#### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.1, Compliance with the Law in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, the Agency will prioritize its efforts on the most significant sites in terms of environmental impact (particularly those that may present an immediate risk) and on increasing private party funding of cleanups. The Agency will continue its efforts to establish special accounts to facilitate cleanup. As special account funds may only be used for sites and uses specified in the settlement agreement, both special account resources and annually appropriated resources are critical to the Superfund program to clean up Superfund sites.

DOJ support is statutorily mandated for settlements related to remedial action cleanups, most cost recovery settlements, and is required for all judicial enforcement matters. DOJ's support will be prioritized to negotiate and enter consent decrees with PRPs to perform remedial actions, to pursue judicial actions to compel PRP cleanup, and to pursue judicial actions to recover monies spent in cleaning up contaminated sites.

#### *Cost Recovery Support*

The Agency will streamline the financial management aspects of Superfund cost recovery and the collection of related debt to the federal government. EPA's financial, programmatic, and legal offices will continue to maintain the accounting and billing of Superfund oversight costs attributable to responsible parties. These costs represent EPA's cost of overseeing Superfund site cleanup efforts by responsible parties as stipulated in the terms of settlement agreements. In FY 2017, the Agency collected \$232.3 million in cost recoveries, of which \$49.4 million were returned

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<sup>3</sup> For additional information, refer to: <https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017>.

<sup>4</sup> In addition, in FY 2017, \$38.5 million in interest was earned on the special account funds invested in the Superfund Trust Fund.

to the Superfund Trust Fund and \$182.9 million were deposited in site-specific, interest bearing special accounts.

**Performance Measure Targets:**

|   |                       |                       |
|---|-----------------------|-----------------------|
| (435) Number of potentially responsible party (PRP) and other party commitments to perform or pay for cleanup and/or reuse of contaminated sites. | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|   | 110                   | 110                   |

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-26.0 FTE) This program change reflects a focus on sites with significant risks and securing private party funding for cleanups and a reduction in resources for Superfund cost recovery, to be offset in part by streamlining those functions. Personnel cost reductions associated with this shift in FTE are offset by fixed and other workforce cost increases in the program.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, §120.



**Environmental Justice**

Program Area: Enforcement

Goal: Cooperative Federalism

Objective(s): Increase Transparency and Public Participation

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$6,401.5                  | \$6,691.0                            | \$2,000.0                      | -\$4,691.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$732.9</i></b>      | <b><i>\$554.0</i></b>                | <b><i>\$0.0</i></b>            | <b><i>-\$554.0</i></b>  |
| Total Budget Authority                      | \$7,134.4                  | \$7,245.0                            | \$2,000.0                      | -\$5,245.0  |
| Total Workyears                             | 34.9                       | 40.3                                 | 0.0                            | -40.3   |

**Program Project Description:**

EPA’s Environmental Justice program fosters environmental and public health and sustainability in communities disproportionately burdened by pollution by integrating and addressing issues of environmental justice in our programs and policies. The Superfund portion of the program focuses on issues that affect low income and minority communities at or near Superfund sites. The Environmental Justice program complements the Agency’s community outreach and other work done under the Superfund program at affected sites.

**FY 2019 Activities and Performance Plan:**

Resources and FTE are proposed for elimination for this program in FY 2019. EJ work impacting the entire Agency will be incorporated into policy work within the Office of Policy, which is a part of EPA’s Office of the Administrator.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$554.0/ -3.5 FTE) This change proposes to eliminate Superfund funding for the Environmental Justice program. Environmental Justice is proposed for transfer from the Office of Enforcement and Compliance Assurance to the Agency’s Office of Policy which will continue to support Environmental Justice efforts in EPA program offices. The Office of Policy can ensure integration across the full range of EPA’s programs.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended.

**Superfund: Federal Facilities Enforcement**

Program Area: Enforcement

Goal: Rule of Law and Process

Objective(s): Compliance with the Law

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| <b><i>Hazardous Substance Superfund</i></b> | <b>\$5,594.9</b>           | <b>\$5,993.0</b>                     | <b>\$5,993.0</b>               | <b>\$0.0</b>  |
| Total Budget Authority                      | \$5,594.9                  | \$5,993.0                            | \$5,993.0                      | \$0.0   |
| Total Workyears                             | 30.6                       | 40.9                                 | 37.4                           | -3.5  |

**Program Project Description:**

EPA’s Superfund Federal Facilities Enforcement program ensures that sites where federal entities are performing Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) responses and/or CERCLA sites with federal ownership are monitored and that appropriate enforcement responses are pursued. After years of service and operation, some federal facilities contain environmental contamination such as hazardous wastes, unexploded ordnance, radioactive wastes, or other toxic substances. Enforcement actions can facilitate cleanup and potential redevelopment of these sites.

Pursuant to CERCLA Section 120, EPA must enter into Interagency Agreements, also commonly referred to as Federal Facility Agreements (FFAs), with responsible federal entities to ensure protective and timely cleanup of their National Priorities List (NPL) sites. The agreements provide that EPA oversee the cleanups to ensure that they protect public health and the environment. These FFAs govern cleanups at 174 federal facility Superfund sites, which include many of the Nation’s largest and most complex cleanup projects.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.1, Compliance with the Law in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will focus its resources on the highest priority sites, particularly those that may present an imminent and/or substantial endangerment; negotiate FFAs for federal facility sites on the NPL; monitor FFAs for compliance and resolve formal disputes; take enforcement actions at priority sites; and implement the Superfund Task Force recommendations to expedite cleanup and redevelopment of federal facility sites.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-3.5 FTE) This program change reflects a focus on high priority sites and a greater reliance on self-monitoring by other federal agencies at low priority sites.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, §120.

## **Homeland Security**

## **Homeland Security: Preparedness, Response, and Recovery**

Program Area: Homeland Security

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Science & Technology                        | \$23,161.0                 | \$23,298.0                           | \$22,461.0                     | -\$837.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b>\$33,899.4</b>          | <b>\$31,461.0</b>                    | <b>\$31,752.0</b>              | <b>\$291.0</b>  |
| Total Budget Authority                      | \$57,060.4                 | \$54,759.0                           | \$54,213.0                     | -\$546.0  |
| Total Workyears                             | 128.9                      | 127.4                                | 127.1                          | -0.3  |

### **Program Project Description:**

EPA leads or supports many aspects of preparing for and responding to a nationally significant incident involving possible chemical, biological, radiological and nuclear (CBRN) agents.

The Homeland Security Preparedness, Response, and Recovery program implements a broad range of activities for a variety of federal efforts, including national trainings; participation in national interagency exercises with federal and state partners; support for headquarters and regional Emergency Operations Centers; support for the Agency's continuity of operations devolution site in EPA's Colorado office; enhancements for national information technology systems; secured warehouse space for homeland security operations and storage; and laboratory analysis of environmental samples and site decontamination projects. EPA's homeland security effort develops these responsibilities through research and maintaining a level of expertise, training, and preparedness specifically focused on threats associated with CBRN. This work is consistent with the Department of Homeland Security's (DHS) National Response Framework (NRF).

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, the Homeland Security Preparedness, Response, and Recovery Program will:

- Participate with federal response partners (such as DHS, the Department of Defense, and the Department of Justice) on select interagency workgroups;
- Operate the Airborne Spectral Photometric Environmental Collection Technology (ASPECT) aircraft. ASPECT provides assistance to first responders by detecting chemical and radiological vapors, plumes, and clouds with real-time data delivery;
- Maintain mobile lab capabilities with support of EPA's Portable High-Throughput Integrated Identification Systems (PHILIS) units. PHILIS can be deployed to sites for high volume, quick turnaround analyses of chemical and biological capacity and capability;

- Provide expertise on environmental characterization, decontamination, and waste disposal methods following the release of a CBRN agent;
- Participate in trainings and exercises on CBRN preparedness and response topics;
- Maintain operational support for the Emergency Management Portal and *WebEOC* response systems;
- Develop more effective site characterization, decontamination, waste management, and clearance strategies for site reoccupation for priority chemical, biological, and radiological threats to reduce time and cost for remediation; and
- Continue development of sample collection protocols and analysis methods for inclusion in the Selected Analytical Methods for Environmental Remediation and Recovery (SAM), a compendium of methods and supporting sampling documents. The SAM provides responders and Environmental Response Lab Networks the single best available sample collection and analysis method.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$40.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to adjustments in salary, essential workforce support, and benefit costs.
- (+\$251.0) This program change is an increase to research related to analysis of chemical agents, decision support for chemical agent remediation, fate and transport of chemical, biological, or radiological (CBR) agents in the environment as well as research related to the treatment of decontamination wash water.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), §§ 104, 105, and 106; Clean Water Act; Oil Pollution Act; Homeland Security Act of 2002.

**Homeland Security: Protection of EPA Personnel and Infrastructure**

Program Area: Homeland Security

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$4,918.0                  | \$5,336.0                            | \$4,986.0                      | -\$350.0  |
| Science & Technology                        | \$438.0                    | \$446.0                              | \$500.0                        | \$54.0  |
| Building and Facilities                     | \$6,119.2                  | \$6,631.0                            | \$6,176.0                      | -\$455.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$1,306.2</i></b>    | <b><i>\$934.0</i></b>                | <b><i>\$934.0</i></b>          | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$12,781.4                 | \$13,347.0                           | \$12,596.0                     | -\$751.0  |
| Total Workyears                             | 5.9                        | 12.2                                 | 12.2                           | 0.0   |

**Program Project Description:**

The federal government develops and maintains Continuity of Operations (COOP) plans and procedures that provide for the continued performance of its essential functions. The Homeland Security COOP program works with other government and non-government organizations to ensure that Mission Essential Functions (MEFs) and Primary Mission Essential Functions (PMEFs) continue to be performed during emergency situations. The Department of Homeland Security/Federal Emergency Management Agency’s (FEMA) Federal Continuity Directive (FCD)-1 requires EPA to develop a continuity plan that ensures that its ability to accomplish its MEFs from an alternate site, during a national disaster, continues and that the Agency be able to do so with limited staffing and without access to resources available during normal activities.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will undertake the following:

- Conduct selected annual reviews of regional COOP plans, PMEFS and MEFs, and make updates as needed;
- Monitor the continuity programs across the Agency, focusing on testing, training, and exercises as related to general COOP awareness and procedures; and
- Undergo a monthly evaluation of the headquarters COOP program, including Program Plans and Procedures, Risk Management, Budgeting, and Essential Functions. Further, FEMA performs an in-person biannual review of EPA’s COOP program and provides the results to the Administrator and to the Executive Office of the President.



**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- There is no change in program funding.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), §§ 104, 105, 106; Intelligence Reform and Terrorism Prevention Act of 2004; Homeland Security Act of 2002; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute).

## **Information Exchange / Outreach**

## **Exchange Network**

Program Area: Information Exchange / Outreach

Goal: Rule of Law and Process

Objective(s): Streamline and Modernize

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$16,483.8                 | \$16,578.0                           | \$11,784.0                     | -\$4,794.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$1,316.3</i></b>    | <b><i>\$1,319.0</i></b>              | <b><i>\$1,319.0</i></b>        | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$17,800.1                 | \$17,897.0                           | \$13,103.0                     | -\$4,794.0  |
| Total Workyears                             | 28.7                       | 30.2                                 | 30.2                           | 0.0   |

### **Program Project Description:**

EPA's Environmental Information Exchange Network (EN) is a standards-based, secure approach for EPA and its state, tribal, and territorial partners to exchange and share environmental data over the Internet. Previous provision of new technology and data standards, open-source software, shared and portal services and reusable tools and applications have enabled EN partners to manage and analyze environmental data more effectively and efficiently, leading to improved decision-making.

The Central Data Exchange (CDX)<sup>5</sup> is the largest component of the EN program and serves as the point of entry on the EN for environmental data submissions to the Agency. CDX provides a set of core shared services that promote a leaner and more cost-effective enterprise architecture for the Agency by avoiding the creation of duplicative services. It also provides a set of value-added features and services that enable faster and more efficient transactions for internal and external clients of EPA, resulting in reduced burden.

CDX data exchange services are leveraged by EPA's programs, regions, states, tribes, territories and other federal agencies to meet their different business needs. With CDX, a stakeholder can submit data through one centralized point of access, exchange data with target systems using web services and utilize publishing services to share information collected by EPA and other stakeholders. By managing loosely connected and interoperable services, data exchange needs can be met using one or all of the available services such as:

- User registration;
- External user identity management;
- Electronic signature;
- Encryption and transmission;
- Virtual exchange services (VES); and
- Data quality assurance.

<sup>5</sup> For more information on the Central Data Exchange, please visit: <http://www.epa.gov/cdx/>.

Working in concert with CDX are EPA's System of Registries, which are centralized shared data services to improve data quality in EPA, state, and tribal program data, while promoting burden reduction for the reporting community. The following registries manage shared data centrally for reuse by the following EN partners:

- Facility Registry Service (FRS);
- Substance Registry Services (SRS);
- Tribes;
- Laws and Regulations Services (LRS);
- Terminology Services (TS);
- Reusable Component Services (RCS);
- Environmental Dataset Gateway (EDG);
- Registry of EPA Applications, Models, and Databases (READ); and
- Data Element Registry Services (DERS).

These shared data services catalog EPA and EN partner assets, from commonly regulated facilities and substances to the current list of federally recognized tribes. They identify the standard or official names for these assets, which when integrated into EPA and partner applications fosters data consistency and data quality as well as enabling data integration. By integrating these shared data services into their online reporting forms, EPA and its EN partners make it easier for the reporting community to discover the correct information to submit, reducing burden, which enables reuse by partner programs.

#### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.4, Streamline and Modernize in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will continue to support core functions for the Exchange Network IT systems. The potential for burden reduction and savings from IT improvements are significant. Schedules and plans for upgrades and modernization will be adjusted to align with resources. As part of the E-Enterprise business strategy, EPA will continue to carry out the baseline support for the following projects under the Exchange Network program: roll out of Federated Identity Management system for EPA and its partners; promote existing shared facility and substance identification services that improve quality and reduce burden on states and tribes; utilize current services for EPA's Laws and Regulations (LRS) registry, which will standardize identification of and associations between regulations, laws, and EPA's programs; and deploying established reusable electronic signature services to streamline Cross-Media Electronic Reporting Regulation (CROMERR) compliance. Advancements in data transport services, such as Virtual Exchange Services (VES), will continue to provide cloud-based solutions for EPA's state and tribal partners. Examples of important enhancements that could greatly streamline operations for states, tribes, industry and the Agency include a tool that helps industry identify potentially applicable regulations, and electronic filing capacity for imports and exports of environmentally sensitive products through the DHS/US Customs system, which reduces processing time from days or weeks to minutes or days.

In FY 2019, EPA will:

- Support existing outreach activities to increase awareness of CROMERR services and the savings to states and tribes from using these services; and
- Approve essential CROMERR applications from authorized programs that propose to use EPA's shared CROMERR services and assist co-regulators with integrating these services into their systems.

CROMERR activities are intended to assist states and tribes in the development activities associated with establishing a point of presence, exchanging data on the Network, and supporting local electronic reporting programs in a more cost effective way.

**Performance Measure Targets:**

Work under this program supports performance results in the Exchange Network program under the EPM appropriation.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- There is no change in program funding.

**Statutory Authority:**

Federal Information Security Management Act (FISMA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Clean Air Act (CAA); Clean Water Act (CWA); Toxic Substances Control Act (TSCA); Federal Insecticide Fungicide and Rodenticide Act (FIFRA); Resource Conservation and Recovery Act (RCRA); Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA); Paperwork Reduction Act (PRA); Controlled Substances Act (CSA); The Privacy Act of 1974; Freedom of Information Act (FOIA).

**IT/ Data Management/ Security**

**Information Security**

Program Area: IT / Data Management / Security

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$9,166.5                  | \$6,742.0                            | \$13,755.0                     | \$7,013.0   |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$654.9</i></b>      | <b><i>\$666.0</i></b>                | <b><i>\$5,186.0</i></b>        | <b><i>\$4,520.0</i></b>   |
| Total Budget Authority                      | \$9,821.4                  | \$7,408.0                            | \$18,941.0                     | \$11,533.0  |
| Total Workyears                             | 21.6                       | 14.3                                 | 12.8                           | -1.5  |

**Program Project Description:**

Information is a valuable national resource and a strategic asset to EPA. It enables the Agency to fulfill its mission to protect human health and the environment. The Agency's Information Security program is designed to protect the confidentiality, availability and integrity of EPA's information assets. The information protection strategy includes, but is not limited to:

- Policy, procedure and practice management;
- Information security awareness, training and education;
- Risk-based governance and oversight;
- Weakness remediation;
- Operational security management;
- Incident response and handling; and
- Federal Information Security Modernization Act (FISMA) compliance and reporting.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA's FY 2018 - 2022 Strategic Plan. Cybersecurity is a serious challenge to our nation's security and economic prosperity. EPA will maintain continuous monitoring of security controls in FY 2019 and address increasing security threats and risks. Effective information security requires vigilance and the ability to adapt to new challenges every day. EPA will continue to manage information security risk and build upon efforts to protect, defend and look to improve information security business processes to improve efficiency and effectiveness.

In FY 2019, EPA will continue to sustain some existing improvements. EPA expects to leverage the Continuous Diagnostics and Mitigation (CDM) program to close existing gaps by improving audit capabilities, ensuring accountability and adding protections directly associated with the information. The requested funding is essential to maintain the mandated CDM capabilities. To realize these improvements, the Agency will need to sustain the tools and processes implemented

to date. The security architecture, associated processes, and expert personnel comprise an ecosystem with cross dependencies, and the system is strongest when operating as a whole.

The CDM program, centrally managed by the Department of Homeland Security, provides tools that will give near real-time awareness of EPA's networks and environments. CDM consists of four implementation phases with an estimated cost of over \$10 million in FY 2019 across all appropriations once all capabilities are in place. Data from the individual agency dashboards across the federal government will be aggregated into one federal-level dashboard maintained by the CDM program, which allows DHS to monitor and respond to federal cybersecurity threats and incidents much more quickly and efficiently. The Agency will continue to work with DHS to implement future phases based on capacity. Costs of operating and maintaining CDM capabilities are anticipated to increase significantly in FY 2019 as more capabilities come online. The Agency will prioritize security capabilities based on an evaluation of evolving threats.

The Information Security program also will continue to detect and remediate the effects of Advanced Persistent Threats to the Agency's information and information systems. The Agency will continue to focus on training and user-awareness to foster desired behavior, asset definition and management, compliance, incident management, knowledge and information management, risk management and technology management. These efforts will strengthen the Agency's ability to adequately protect information assets.

EPA will look to refine its Computer Security Incident Response Capability (CSIRC) processes to support identification, response, alerting and reporting of suspicious activity. CSIRC's mission is to protect EPA's information assets and respond to security incidents – actual and potential. This includes detecting unauthorized attempts to access, destroy, or alter EPA's data and information resources. CSIRC will maintain relationships with other federal agencies and law enforcement entities, as needed, to support the Agency's mission. The incident response capability includes components such as detection and analysis; forensics; and containment and eradication activities.

#### **Performance Measure Targets:**

Currently there are no performance measures specific to this program.

#### **FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$2,505.0) This change to fixed and other costs is an increase needed for mandatory cyber security requirements<sup>6</sup>, including CDM. Funding will be used to close existing gaps by improving audit capabilities, ensuring accountability and adding protections directly associated with the information. This change also supports CDM phase three which will continue implementation in FY 2019.
- (+\$2,015.0) This program change reflects an increase in funding needed to continue operations and maintenance previously provided by DHS for mandatory protections

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<sup>6</sup> Including those found in Federal Information Security Modernization Act of 2014, and Federal Information Security Cybersecurity Act of 2015.



implemented in CDM phase one and two focusing on endpoint integrity, least privilege and infrastructure integrity.

**Statutory Authority:**

Federal Information Security Modernization Act (FISMA); Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA); Paperwork Reduction Act (PRA); the Privacy Act of 1974; Freedom of Information Act (FOIA).

**IT / Data Management**

Program Area: IT / Data Management / Security

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$82,580.0                 | \$83,179.0                           | \$69,264.0                     | -\$13,915.0   |
| Science & Technology                        | \$3,342.0                  | \$3,068.0                            | \$2,725.0                      | -\$343.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$14,691.5</i></b>   | <b><i>\$13,720.0</i></b>             | <b><i>\$13,720.0</i></b>       | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$100,613.5                | \$99,967.0                           | \$85,709.0                     | -\$14,258.0   |
| Total Workyears                             | 441.0                      | 498.3                                | 457.9                          | -40.4   |

**Program Project Description:**

The work performed under the Information Technology/Data Management (IT/DM) program is partially funded by the Superfund appropriation. The program supports human health and the environment by providing critical IT infrastructure and data management needed for:

- 1) Access to scientific, regulatory, policy and guidance information needed by the Agency, the regulated community and the public;
- 2) Analytical support for interpreting and understanding environmental information;
- 3) Exchange and storage of data, analysis and computation; and
- 4) Rapid, secure and efficient communication.

These areas are then organized into the following functional areas: information analysis and access; data management and collection; information technology and infrastructure; and geospatial information and analysis. This program supports the maintenance of EPA's IT and Information Management (IT/IM) services that enable citizens, regulated facilities, states and other entities to interact with EPA electronically to get the information they need on demand, to understand what it means, and to submit and share environmental data with the least cost and burden. The program also provides support to other agency IT development projects and essential technology to agency staff, enabling them to conduct their work in support of Superfund programs effectively and efficiently. In the context of the Federal Information Technology Acquisition Reform Act (FITARA), EPA is bringing its IT acquisition, portfolio review, and governance processes together to adopt practices that improve delivery of capability to users, drive down lifecycle costs, and leverage shared services.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA's FY 2018 - 2022 Strategic Plan. EPA has progressively integrated new and transformative approaches to the way IT is managed across the Agency. The goal of EPA's IT/DM

services is to enhance the power of information by delivering on demand data to the right people at the right time. In FY 2019, the program will strive to meet EPA's IT/IM service need while continuously improving customer experiences to allow EPA, its partners and the public to acquire, generate, manage, use and share information as a critical resource to protect human health and the environment. To accomplish this, the program will focus available capacity on the following areas:

- Improve the way EPA supports and manages the lifecycle of information and information products;
- Modernize EPA's IT/IM infrastructure, applications and services;
- Empower a mobile workforce using innovative and agile solutions; and
- Empower state and tribal partnerships using innovative and agile solutions.

In FY 2019, EPA will continue to implement the E-Enterprise business strategy, a transformative 21<sup>st</sup> century strategy – jointly governed by states, tribes, and EPA - for modernizing government agencies' delivery of services to support the protection of human health and the environment. EPA is building on progress made using E-Enterprise for the Environment, a platform for transformative change that operationalizes cooperative federalism principles. EPA's E-Enterprise partnership with states and tribes modernizes the way we do the business of environmental protection. IT/DM activities will continue to facilitate shared services and electronic transactions with the regulated community and external partners who routinely conduct environmental business with EPA. The Agency will use E-Enterprise to deliver streamlined processes as well as accessible, reliable information and data that benefit co-regulators and the regulated community.

In FY 2019, EPA will continue to implement its IT acquisition review process as part of the implementation of federal Common Baseline Controls for FITARA. In addition, FITARA controls include an established solid communication and engagement strategy for the CIO with the Agency's programs and regional offices to ensure that their IT plans are well designed, directly drive agency strategic objectives, and follow best practices. Lastly, the controls ensure the CIO engages closely with key IT decision-makers across EPA and fosters plans to refresh IT skills within the Agency.

In FY 2019, the following IT/DM activities will continue to be provided for the Superfund program:

- **Data Management and Collection:** Data Management and Collection efforts include support for a variety of essential information management. For example, the National Records Management Program provides the framework within which program/regional records activities are conducted. These national activities include providing regulations, policies/procedures, coordination, and support to help fulfill EPA's statutory obligations to maintain records. Records management activities will be prioritized to align with available resources. Additionally, Discovery Services technology will continue to support the search/collection of agency information needed to help respond to requests for information from external stakeholders. Since October 2002, EPA has served as the managing partner of the interagency shared service e-Rulemaking Program; however, in FY 2019 EPA will work with the Office of Management and Budget and the National

Archives and Records Administration (NARA) towards transferring management services to the NARA/Office of the Federal Register.

- **Digital Services:** The FY 2019 budget includes funding to continue modest transformation of EPA's digital services to make them more cost-effective for the Agency to build and maintain. This includes some support to develop cloud computing approaches for the Agency.
- **Geospatial:** In addition to meeting ongoing program needs, Geospatial information and analysis play a critical role in the Agency's ability to respond rapidly and effectively in times of emergency. In FY 2019, the Agency will continue to support the essential capabilities of GeoPlatform, a shared technology enterprise for geospatial information and analysis. By implementing geospatial data, applications and services, the Agency is able to integrate and interpret multiple data sets and information sources to support environmental decisions. During FY 2019, the Agency will continue to focus on Geoplatform data services, dashboards and story boards based on provided geographic information to support programmatic analysis and decision making. It also will better inform the public about EPA's use of grant funding to protect the environment and public health. In FY 2019, EPA also will provide support to the Geoplatform to publish internal and public mapping tools and make available a number of shareable maps, geodata services, and applications. EPA will continue to play a role in both the Federal Geographic Data Committee and the National Geospatial Platform, working with partner agencies to share geospatial technology capabilities across government.
- **Information Access and Analysis:** In FY 2019, EPA will focus on providing core support to agency infrastructure and utilizing tools that will harness the power of data across the Agency to drive better environmental decision making. The Agency will pause efforts to replace the data management functionality in the legacy Envirofacts data warehouse. EPA will provide partnership support to other agencies, states, tribes and academic institutions to propose innovative ways to use, analyze and visualize data.

In addition, the program will provide support for maintenance of E-Enterprise capabilities and will provide analysis of environmental information to the public and EPA's staff. The program will continue to ensure compliance of EPA's public systems with Section 508 of the Rehabilitation Act of 1973.

- **Information Technology and Infrastructure:** In FY 2019, the Agency will continue to maintain essential information technology and infrastructure. The Agency will adjust the schedule for replacement or upgrades to align with resources. EPA will continue to maintain and provision: desktop computing equipment, network connectivity, e-mail and collaboration tools, application hosting, remote access, telephone services, web and network services, and other IT-related equipment. In FY 2019, the Agency will continue efforts to consolidate EPA's data centers and computer rooms and to optimize operations within EPA's remaining data centers.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-2.5 FTE) This program change reflects a reduction in support for enterprise IT systems/tools and emergency response.

**Statutory Authority:**

Modernizing Government Technology (MGT) Act; Federal Information Security Management Act (FISMA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Clean Air Act (CAA); Clean Water Act (CWA); Toxic Substances Control Act (TSCA); Federal Insecticide Fungicide and Rodenticide Act (FIFRA); Food Quality Protection Act (FQPA); Safe Drinking Water Act (SDWA); Resource Conservation and Recovery Act (RCRA); Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA); Paperwork Reduction Act (PRA); Freedom of Information Act (FOIA); Controlled Substances Act (CSA).

**Legal / Science / Regulatory / Economic Review**

**Legal Advice: Environmental Program**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Rule of Law and Process

Objective(s): Create Consistency and Certainty

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$52,889.7                 | \$49,657.0                           | \$42,292.0                     | -\$7,365.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$691.2</i></b>      | <b><i>\$577.0</i></b>                | <b><i>\$577.0</i></b>          | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$53,580.9                 | \$50,234.0                           | \$42,869.0                     | -\$7,365.0  |
| Total Workyears                             | 277.4                      | 274.6                                | 221.8                          | -52.8   |

**Program Project Description:**

This program provides legal representation, legal counseling and legal support for environmental activities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Funding supports legal advice needed in the Superfund program’s extensive work with Potentially Responsible Parties (PRPs) and other entities and landowners. For example, this program provides legal analysis and advice to help inform EPA’s decisions regarding the assessment of certain contaminants at a given Superfund site under federal law, and a party’s potential liability under CERCLA.

This program supports EPA’s Superfund work at thousands of sites spanning the wide array of Superfund legal issues regarding removal and remedial cleanups costing billions of dollars. This program is essential to providing the high quality legal work to ensure that EPA’s decisions are defensible and upheld by the courts against judicial challenges.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.2, Create Consistency and Certainty in EPA’s FY 2018 - 2022 Strategic Plan. In FY 2019, the program will prioritize its legal support capabilities to focus support on high profile and critical CERCLA cases for the Superfund program. The program will work within available resources to support CERCLA activities, to include analyzing defensibility of Agency actions, drafting significant portions of agency actions, and participating in litigation in defense of agency actions.

This program is critical to the Superfund program in a multitude of ways. For example, in support of Goal 1 of EPA’s Strategic Plan (Deliver real results to provide Americans with clean air, land and water) this program provides legal advice and counseling for final rules adding Superfund sites to the National Priorities List.

The following examples illustrate this program’s important role in implementing the Agency’s core priorities and mission.

- Participated in and provided legal counsel on the Administrator’s Superfund Initiative Task Force including the development of the Task Force Report.
- Provided critical legal support and advice to the Superfund Remedial, Removal and Enforcement programs on complex, high visibility, expensive Superfund cleanups, such as Portland Harbor.

**Performance Measure Targets:**

Work under this program supports performance results in the Legal Advice: Environmental Program under the EPM appropriation.

**FY 2019 Change from FY 2018 Annualized Continue Resolution (Dollars in Thousands):**

- There is no change in program funding.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute).



**Alternative Dispute Resolution**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$1,142.0                  | \$1,015.0                            | \$0.0                          | -\$1,015.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$591.3</i></b>      | <b><i>\$667.0</i></b>                | <b><i>\$0.0</i></b>            | <b><i>-\$667.0</i></b>  |
| Total Budget Authority                      | \$1,733.3                  | \$1,682.0                            | \$0.0                          | -\$1,682.0  |
| Total Workyears                             | 7.5                        | 6.7                                  | 0.0                            | -6.7  |

**Program Project Description:**

EPA’s General Counsel and Regional Counsel Offices provide environmental Alternative Dispute Resolution (ADR) services and workplace conflict prevention. EPA utilizes ADR as a method for preventing or resolving conflicts prior to engaging in formal litigation. ADR includes the provision of legal counsel, facilitation, mediation and consensus building advice and support. This program oversees a strategically-sourced contract for these services that provides mediation, facilitation, public involvement, training, and organizational development support to all headquarters and regional programs.

**FY 2019 Activities and Performance Plan:**

Resources and FTE are proposed for elimination for this program in FY 2019.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$667.0/ -1.4 FTE) This program change eliminates the centralization of the conflict prevention and ADR program. Programs across the Agency may pursue ADR support services and training individually.

**Statutory Authority:**

Administrative Dispute Resolution Act (ADRA) of 1996; Negotiated Rulemaking Act of 1996; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), §§ 111, 117, 122; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute).

## **Operations and Administration**

**Acquisition Management**

Program Area: Operations and Administration

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$31,042.0                 | \$30,803.0                           | \$25,438.0                     | -\$5,365.0  |
| Leaking Underground Storage Tanks           | \$144.7                    | \$146.0                              | \$138.0                        | -\$8.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$22,103.1</i></b>   | <b><i>\$21,296.0</i></b>             | <b><i>\$21,296.0</i></b>       | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$53,289.8                 | \$52,245.0                           | \$46,872.0                     | -\$5,373.0  |
| Total Workyears                             | 277.0                      | 304.5                                | 259.5                          | -45.0   |

**Program Project Description:**

Superfund resources in the Acquisition Management program support the Agency’s contracts activities for Superfund Emergency Response and Removal, Remedial, Emergency Preparedness, and Federal Facilities Response programs. These resources enable the Agency to assess and cleanup Superfund sites, as well as prepare and respond to natural disasters and terrorist incidents.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 – 2022 Strategic Plan. In FY 2019, EPA will continue to process contract actions in accordance with Federal Acquisition Regulation (FAR) and guidance from the Office of Federal Procurement Policy (OFPP). With its contract expiring in FY 2019, EPA will evaluate options for replacing EPA’s Acquisition System (EAS) with a government-wide shared services contract writing system. EPA will target a strategic, government wide solution that leverages economies of scale using the shared knowledge and processes from other federal agencies. The Agency will focus on a solution that reduces costs while increasing efficiency by standardizing federal procurement planning, contract award, administration, and close-out processes.

In FY 2019, EPA will continue to implement Best-in-Class (BIC) solutions to identify pre-vetted, government-wide contracts as part of the Agency’s effort to utilize more mature, market-proven acquisition vehicles.<sup>7</sup> Through BIC solutions, EPA will leverage acquisition experts to optimize spending within the government-wide category management framework and increase the transactional data available for agency level analysis of buying behaviors. In FY 2019, EPA also will continue to maximize its Strategic Sourcing Program (SSP), thereby enhancing purchase coordination, improving price uniformity and knowledge-sharing, and leveraging small business capabilities to meet acquisition goals.

<sup>7</sup> For additional information, refer to: <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-29.pdf> Best-in-Class Mandatory Solution -Package Delivery Services.

The SSP also allows the Agency to research, assess, and award contract vehicles that will maximize time and resource savings. The SSP serves as a foundation for effective financial and resource management because it simplifies the acquisition process and reduces costs. Long-term implementation of the SSP can transform the Agency's acquisition process into a strategically driven function, ensuring maximum value for every acquisition dollar spent. The Agency has established a goal of obtaining at least five percent savings for all strategically sourced categories of goods and services. Through FY 2017, EPA has saved approximately \$10 million from strategic sourcing initiatives focused on VoIP, laboratory supplies, print, cellular services, shipping, office supplies, equipment maintenance, and software. In FY 2019, EPA anticipates between \$4 and \$4.5 million in savings. In FY 2019, EPA will continue to focus on implementing the Financial Information Technology Acquisition Reform Act (FITARA) by:

- Avoiding vendor lock-in by letting contracts with multiple vendors or confining the scope of the contract to a limited task; and
- Developing acquisition vehicles that support the Agency in FITARA implementation.

In FY 2019, EPA also will continue supporting the Superfund Remedial Acquisition Framework (RAF), which modifies EPA's existing approach for acquiring services to support the Superfund Remedial program. In addition to providing a variety of acquisition tools for Superfund remedial services, RAF aligns with government-wide directives, maximizes competition to realize cost efficiency, strengthens the Agency's contract management processes, and helps to improve efficiency across the Superfund Remedial program.

**Performance Measure Targets:**

|   | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|---|-----------------------|-----------------------|
| <b>(PR1) Percentage of contract actions processed within the Procurement Action Lead Time (PALT) Standards.</b> | SA: 75%               | SA: 80%               |
|   | CP: 65%               | CP: 70%               |
|   | FAA: 80%              | FAA: 85%              |

|   | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|---|-----------------------|-----------------------|
| <b>(PR2) Acquisition costs avoided through use of strategic sourcing.</b> | \$3,000,000           | \$4,000,000           |

SA: Simplified Acquisitions; CP: Competitive Proposals; FAA: Funding and Administrative Actions

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-15.0 FTE) This net program change reflects a focus on essential activities (e.g., processing contractual actions, implementing BIC solutions, maximizing EPA's Strategic Sourcing Program), and includes changes to fixed and other costs.

**Statutory Authority:**

Office of Federal Procurement Policy Act; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute).

**Central Planning, Budgeting, and Finance**

Program Area: Operations and Administration

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$73,003.2                 | \$71,493.0                           | \$68,635.0                     | -\$2,858.0  |
| Leaking Underground Storage Tanks           | \$373.2                    | \$404.0                              | \$420.0                        | \$16.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$22,511.4</i></b>   | <b><i>\$21,345.0</i></b>             | <b><i>\$21,152.0</i></b>       | <b><i>-\$193.0</i></b>  |
| Total Budget Authority                      | \$95,887.8                 | \$93,242.0                           | \$90,207.0                     | -\$3,035.0  |
| Total Workyears                             | 450.5                      | 493.4                                | 430.6                          | -62.8   |

**Program Project Description:**

EPA’s financial management community maintains a strong partnership with the Superfund program. EPA’s Office of the Chief Financial Officer (OCFO) recognizes and supports this continuing partnership by providing a full array of financial management support services and systems necessary to pay Superfund bills and recoup cleanup and oversight costs for the Trust Fund. EPA’s OCFO manages Superfund activities under the Central Planning, Budgeting and Finance program in support of integrated planning, budget formulation and execution, financial management, performance and accountability processes, financial cost recovery, and the systems to ensure effective stewardship of Superfund resources. This program supports the requirements of the Digital Accountability and Transparency (DATA) Act of 2014 and the Federal Information Technology Acquisition Reform Act (FITARA) of 2015.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA's FY 2018 - 2022 Strategic Plan. EPA will continue to provide resource stewardship to ensure that all agency programs operate with fiscal responsibility and management integrity, financial services are efficiently and consistently delivered nationwide, and programs demonstrate results. EPA will continue to provide direction and support for the Superfund program in financial management activities; implementing cost accounting requirements; financial payment and support services; and Superfund-specific fiscal and accounting services. EPA will maintain key planning, budgeting, and financial management activities. EPA will sustain basic operations and maintenance of core agency financial management systems: Compass, PeoplePlus (Time and Attendance), Budget Formulation System and related financial reporting systems.

EPA will continue to modernize and streamline business processes and operations to promote transparency and efficiency. The program will apply Lean principles and leverage input from customer-focused councils, advisory groups and technical workgroups to continue improving as a

high performance organization. EPA will standardize and streamline internal business processes and use additional federal and/or internal shared services when supported by business case analysis.

In FY 2019, the program will continue to focus on core responsibilities in the areas of strategic planning and budget preparation; financial reporting; transaction processing and Superfund Cost Recovery. The program will continue to implement FITARA requirements in accordance with EPA's Implementation Plan.<sup>8</sup> The Chief Information Officer will continue to be engaged throughout the budget planning process to ensure that IT needs are properly planned and resourced in accordance with FITARA.

In FY 2019, the Agency will focus on the modernization of the Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS) to improve EPA's ability to recover costs from polluters. This necessary modernization will enhance EPA's ability to record and produce financial documentation for cost recovery packages and better align with EPA's technology stack and security standards and guidelines. In addition, investments will improve the ability of the Agency to manage and retrieve supporting cost documentation at the site/regional level. As a result, EPA will be able to support services necessary to: pay Superfund bills, recoup cleanup/ oversight costs for the Trust Fund, and provide effective stewardship of resources. This effort will reduce licensing costs and ongoing operations and maintenance costs.

EPA is dedicated to reducing fraud, waste, and abuse and strengthening internal controls over improper payments. Since the implementation of the Improper Payments Information Act of 2002, EPA has reviewed, sampled, and monitored its Superfund contract payments to protect against erroneous payments. The Agency's payment streams are consistently well under the government-wide threshold of 1.5 percent and \$10 million of estimated improper payments. EPA conducts risk assessments in its principal payment streams, including grants, contracts, commodities, payroll, travel, and purchase cards. When overpayments are identified, they are promptly recovered. EPA has expanded its risk assessments, performed statistical sampling, set appropriate reduction/recovery targets, and implemented corrective action plans. The Agency conducts these activities to reduce the potential for improper payments and ensure compliance with the Improper Payments Information Act, as amended by the Improper Payments Elimination and Recovery Act of 2010 (P.L. 111-204) and the Improper Payments Elimination and Recovery Act of 2012 (P.L. 112-248).

### **Performance Measure Targets:**

Work under this program supports performance results in the Central Planning, Budgeting, and Finance program under the EPM appropriation.

### **FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$193.0/ -12.1 FTE) This net program change streamlines efforts in the areas of strategic planning, budget preparation, financial reporting and transaction processing, and includes changes to fixed and other costs.

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<sup>8</sup> For more information: <http://www.epa.gov/open/fitara-implementation-plan-and-chief-information-officer-assignment-plan>.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified as Title 5, App.) (EPA's organic statute).



**Facilities Infrastructure and Operations**

Program Area: Operations and Administration

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$293,997.9                | \$305,844.0                          | \$300,738.0                    | -\$5,106.0  |
| Science & Technology                        | \$64,642.7                 | \$67,875.0                           | \$68,834.0                     | \$959.0   |
| Building and Facilities                     | \$26,065.5                 | \$27,602.0                           | \$33,377.0                     | \$5,775.0   |
| Leaking Underground Storage Tanks           | \$502.2                    | \$793.0                              | \$773.0                        | -\$20.0   |
| Inland Oil Spill Programs                   | \$376.2                    | \$580.0                              | \$665.0                        | \$85.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$69,651.3</i></b>   | <b><i>\$75,985.0</i></b>             | <b><i>\$74,144.0</i></b>       | <b><i>-\$1,841.0</i></b>  |
| Total Budget Authority                      | \$455,235.8                | \$478,679.0                          | \$478,531.0                    | -\$148.0  |
| Total Workyears                             | 323.4                      | 356.7                                | 318.0                          | -38.7   |

**Program Project Description:**

Superfund resources in the Facilities Infrastructure and Operations program fund the Agency’s rent, utilities, and security. This program also supports centralized administrative activities and support services, including health and safety, environmental compliance and management, facilities maintenance and operations, space planning, sustainable facilities and energy conservation planning and support, property management, printing, mail, and transportation services. Funding is allocated for such services among the major appropriations for the Agency.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 – 2022 Strategic Plan. In FY 2019, EPA will continue to invest to reconfigure EPA’s workspaces, enabling the Agency to release office space and reduce long-term rent costs, consistent with HR 4465,<sup>9</sup> the *Federal Assets Sale and Transfer Act of 2016*. Between FY 2015 and FY 2019 EPA will have released over 850,000 square feet of space nationwide, resulting in a cumulative annual rent avoidance of nearly \$30 million across all appropriations. These savings help offset EPA’s escalating rent and security costs. Currently planned consolidations through 2019 will allow EPA to release an estimated 306,000 square feet of space. For FY 2019, the Agency is requesting \$46.53 million for rent, \$2.22 million for utilities, and \$6.93 million for security in the Superfund appropriation.

<sup>9</sup> For additional information, refer to: <https://www.congress.gov/bill/114th-congress/house-bill/4465>, *Federal Assets Sale and Transfer Act of 2016*.

At the requested resource levels, EPA will continue to manage lease agreements with GSA and other private landlords, maintain EPA facilities, fleet, equipment, and fund costs associated with utilities and building security needs. EPA also will meet regulatory Occupational Safety and Health Administration (OSHA) obligations and provide health and safety training to field staff (e.g., inspections, monitoring, On-Scene Coordinators), and track capital equipment of \$25 thousand or more.

**Performance Measure Targets:**

Work under this program supports performance results in the Facilities Infrastructure and Operations program under the EPM appropriation.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$954.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (+\$5,008.0) This change to fixed and other costs rebalances funding proportions across major appropriation accounts.
- (-\$7,803.0/ -2.3 FTE) This program change reflects a reduction in programs associated with environmental management systems, comprehensive facility energy audits, re-commissioning, and sustainable building design, and reflects the net change in agency activities in FY 2019 including:
  - support for employee wellness and worklife initiatives such as federal cost sharing for health wellness and CPR/AED training services, and libraries;
  - preventative maintenance of facilities, equipment, and vehicle fleet;
  - custodial services; and
  - EPA's mail delivery services.

**Statutory Authority:**

Federal Property and Administration Services Act; Public Building Act; Robert T. Stafford Disaster Relief and Emergency Assistance Act; Clean Water Act; Clean Air Act; Resource Conservation and Recovery Act (RCRA); Toxic Substances Control Act (TSCA); National Environmental Policy Act (NEPA); Community Environmental Response Facilitation Act (CERFA); Energy Policy Act of 2005; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute).

**Financial Assistance Grants / IAG Management**

Program Area: Operations and Administration

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$24,444.8                 | \$25,416.0                           | \$18,986.0                     | -\$6,430.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$2,997.4</i></b>    | <b><i>\$2,611.0</i></b>              | <b><i>\$2,611.0</i></b>        | <b><i>\$0.0</i></b>   |
| Total Budget Authority                      | \$27,442.2                 | \$28,027.0                           | \$21,597.0                     | -\$6,430.0  |
| Total Workyears                             | 152.4                      | 161.2                                | 115.7                          | -45.5   |

**Program Project Description:**

Superfund resources in the Financial Assistance Grants and Interagency Agreement (IA) Management program support the management of grants and IAs, and suspension and debarment activities. Resources in this program ensure that EPA’s management of grants and IAs meets the highest fiduciary standards, that grant and IA funding produces measurable results for environmental programs, and that the suspension and debarment program effectively protects the government’s business interest. These objectives are critically important for the Superfund program, as a substantial portion of the program is implemented through IAs with the U.S. Army Corps of Engineers and the Coast Guard.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 – 2022 Strategic Plan. In accordance with the overarching 2016-2020 EPA Grants Management Plan (GMP), and EPA’s Strategic Plan, EPA will continue to implement activities to achieve efficiencies while enhancing quality and accountability. EPA will invest to modernize grant and IA IT systems by:

- Completing the migration away from aging Lotus Notes technology. For Grants, EPA is evaluating a federal Centers of Excellence solution for comprehensive and cost-effective grants management. EPA is targeting a platform that will streamline and standardize Agency processes, using the shared knowledge from other cabinet level and independent agencies. EPA is currently evaluating solutions based on their access to information, services, and reporting while enhancing the overall user experience. For IAs, EPA will integrate business solution using EPA’s Interagency Document Online Tracking System (IDOTS).
- Eliminating reliance on paper for records and improving records management. For Grants, EPA will identify a solution that adopts electronic records management capabilities. For

IAs, EPA will integrate with the Agency's internal electronic records management tool (ECMS) using Documentum technology.

- Strengthening decision making with improved and standardized reporting capabilities. For Grants, EPA will centralize common reporting tools and other capabilities through a standardized platform. For IAs, EPA will consolidate technology and capabilities to leverage the Agency's existing financial reporting system.

In addition to IT-related investments, the GMP focuses on reducing the administrative burden on EPA and grants recipients, and on improving grants management procedures. Specifically, the Agency will continue to: 1) fully implement the streamlining reforms in OMB's Uniform Grants Guidance; 2) streamline EPA's grants management by ensuring policies conform to a new comprehensive framework; 3) review, refine, and streamline Lean grants management processes; and 4) Implement Lean recommendations for Intergovernmental Review (IR), which includes reducing the number of programs that require IR, automating the IR process as much as possible, and superseding/archiving EPA's IR policy. This will ensure that EPA is compliant with IR requirements without placing additional burden on EPA staff and applicants.

EPA is a recognized leader in suspension and debarment. The Agency will continue to make aggressive use of discretionary debarments and suspensions as well as statutory debarments under the Clean Air Act and Clean Water Act to protect the government's business interests. In FY 2019, EPA will focus suspension and debarment activity to the most egregious violations. Congress and federal courts have long recognized federal agencies' inherent authority and obligation to exclude non-responsible parties from eligibility to receive government contracts and non-procurement awards (for example: grants, cooperative agreements, loans, and loan guarantees). A number of recent federal statutes, GAO reports, and OMB directives require that federal agencies administer effective suspension and debarment programs in order to protect taxpayers from bad actors.

#### **Performance Measure Targets:**

Currently there are no performance measures specific to this program.

#### **FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-2.4 FTE) This program change reflects expected efficiencies in the processing of grant and IA awards, lower requested grant funding levels throughout the Agency and a review of unliquidated obligations. EPA will target funds to core grant and IA activities.

#### **Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Federal Grant and Cooperative Agreement Act; Federal Acquisition Streamlining Act, § 2455.

**Human Resources Management**

Program Area: Operations and Administration

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Environmental Program & Management          | \$50,608.8                 | \$43,930.0                           | \$40,860.0                     | -\$3,070.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$5,380.1</i></b>    | <b><i>\$5,997.0</i></b>              | <b><i>\$5,497.0</i></b>        | <b><i>-\$500.0</i></b>  |
| Total Budget Authority                      | \$55,988.9                 | \$49,927.0                           | \$46,357.0                     | -\$3,570.0  |
| Total Workyears                             | 249.5                      | 247.9                                | 223.8                          | -24.1   |

**Program Project Description:**

Superfund resources for the Human Resources (HR) Management program support human capital activities throughout EPA. As requirements and initiatives change, EPA continually evaluates and improves the Superfund program’s human resource functions in recruitment, hiring, and workforce development to help the Agency achieve its mission and maximize employee productivity and job satisfaction.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 – 2022 Strategic Plan. Effective workforce management is critical to EPA’s ability to accomplish its mission. EPA’s efforts in HR enterprise risk management include: attracting and retaining a high-performing, diverse workforce; implementing training and development programs; delivering employee services; streamlining HR processes; and strengthening performance management, labor, and employee relations programs. EPA will continue to support efforts that increase the quality of core operations, improve productivity, and achieve cost savings in mission-support functions including human capital management.

In FY 2019, the Agency will continue to strengthen its performance management activities, including implementing the Agency’s performance management plan. EPA will procure and deploy a learning management system through the Department of Interior’s Interior Business Center or the Office of Personnel Management. The system will assist in developing and delivering management tools, targeting and providing timely and high-impact training that streamlines administrative functions, leverages EPA’s First Line Supervisors Advisory Group, and assists with organizing mentoring on an as-needed basis.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$500.0) This program change reflects a focus on core human capital activities (e.g., deliver employee services; streamline HR processes; and strengthen performance management); modifies schedules for enhancements and/or maintenance of EPA's HR IT Systems and EPA's University portal that provides online training and professional development; and reduces centrally-provided, non-mandatory training.

**Statutory Authority:**

Title 5 of the U.S.C.; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute).

## **Research: Sustainable Communities**

**Research: Sustainable and Healthy Communities**

Program Area: Research: Sustainable Communities

Goal: Rule of Law and Process

Objective(s): Prioritize Robust Science

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Science & Technology                        | \$142,429.1                | \$133,415.0                          | \$52,549.0                     | -\$80,866.0   |
| Leaking Underground Storage Tanks           | \$358.0                    | \$318.0                              | \$320.0                        | \$2.0   |
| Inland Oil Spill Programs                   | \$653.4                    | \$659.0                              | \$516.0                        | -\$143.0  |
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$12,717.6</i></b>   | <b><i>\$11,385.0</i></b>             | <b><i>\$10,885.0</i></b>       | <b><i>-\$500.0</i></b>  |
| Total Budget Authority                      | \$156,158.1                | \$145,777.0                          | \$64,270.0                     | -\$81,507.0   |
| Total Workyears                             | 459.7                      | 476.3                                | 294.1                          | -182.2  |

**Program Project Description:**

This area of EPA’s Sustainable and Healthy Communities (SHC) research program responds directly to the Superfund law requirements for a comprehensive and coordinated Federal “program of research, evaluation, testing, development, and demonstration of alternative or innovative treatment technologies...which may be utilized in response actions to achieve more permanent protection of human health and welfare and the environment.”<sup>10</sup>

SHC’s research under the Superfund appropriation provides federal, regional and community decision-makers with: engineering tools, methods and information to assess current conditions at Superfund sites; decision support tools to evaluate the implications of alternative remediation approaches and technologies, and reuse of sites; the latest science to support policy development and implementation; and, rapid access to technical support through EPA’s Superfund Technical Support Centers.

**Recent accomplishments of the SHC program include:**

- **Superfund Engineering Technical Support Center (ETSC):** While the volume changes depending on site requirements, the ETSC typically addresses more than 300 requests each fiscal year. These requests serviced both National Priorities List Superfund and Resource Conservation and Recovery Act (RCRA) sites. The ETSC also prepared Engineering Impact Papers on six critical topics of broad application to site remediation across the U.S.<sup>11</sup>
- **Superfund Groundwater Technical Support Center (GWTSC):** The GWTSC consists of a broad base of scientists and engineers who provide help with subsurface

<sup>10</sup> 42 U.S.C. § 9660(b).

<sup>11</sup> For more information, see: <https://www.epa.gov/superfund/superfund-technical-support-and-resource-centers>.



contamination, contaminant fluxes from groundwater to other media, and ecosystem restoration issues. The center services National Priorities List and RCRA sites, typically responding to about 100 requests for assistance each fiscal year.<sup>12</sup>

- **Workshops on Emerging Remediation Technologies and Approaches:** The ETSC also is collaborating with state and other federal partners to hold workshops on emerging remediation technologies and approaches. For example, the ETSC worked with the State of California, the National Aeronautics and Space Administration, and the U.S. Geological Survey to provide a phytoremediation workshop in the third quarter of FY 2017 for federal, state and local stakeholders in Mountain View, CA.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.3, Prioritize Robust Science in EPA's FY 2018 - 2022 Strategic Plan. EPA research personnel and associated support staff will analyze existing research data on vapor intrusion, contaminated groundwater and sediments, and innovative technologies for site characterization and remediation and publish scientific journal articles to disseminate findings associated with the data.

### **Performance Measure Targets:**

Work under this program supports performance results in the Sustainable and Healthy Communities Program under the S&T appropriation.

EPA is reconstituting a subcommittee under ORD's Board of Scientific Counselors (BOSC) for the SHC program to evaluate its performance and provide feedback to the Agency. The SHC program will meet regularly with both the BOSC and Science Advisory Board (SAB) over the next several years to seek their input on topics related to research program design, science quality, innovation, relevance and impact. This includes advising EPA on its strategic research direction midway through the 4-year cycle of Strategic Research Action Plans (StRAPs).

EPA collaborates with the National Institutes of Health, National Science Foundation, Department of Energy, U.S. Department of Agriculture and the White House's Office of Science and Technology Policy to assess research performance. EPA's Office of Research and Development (ORD's) state engagement program is designed to inform states about ORD's research programs and role within EPA, and to enable ORD to better understand the science needs of state environmental agencies. Key partners at the state level include the Environmental Council of the States, with its Environmental Research Institute of the States and the Interstate Technology and Regulatory Council, as well as state media associations such as the Association of State and Territorial Solid Waste Management Officials. EPA supports the interagency Science and Technology in America's Reinvestment, Measuring the Effect of Research on Innovation, Competitiveness and Science (STAR METRICS) efforts.<sup>13</sup>

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<sup>12</sup> For more information, see: <https://www.epa.gov/superfund/superfund-technical-support-and-resource-centers>.

<sup>13</sup> STAR METRICS: <https://www.starmetrics.nih.gov/>.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$124.0) This net change to fixed and other costs is a decrease due to the recalculation of base workforce costs due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$376.0) This program change streamlines the Agency's scientific and engineering expertise provided to address environmental problems via the three Technical Support Centers.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) §§ 102, 104(i), 105(a)(4), 311(c); Superfund Amendments Reauthorization Act of 1986, §§ 209(a), 403.

## **Research: Chemical Safety and Sustainability**

**Human Health Risk Assessment**

Program Area: Research: Chemical Safety and Sustainability

Goal: Rule of Law and Process

Objective(s): Prioritize Robust Science

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| Science & Technology                        | \$40,506.5                 | \$37,554.0                           | \$22,267.0                     | -\$15,287.0   |
| <b><i>Hazardous Substance Superfund</i></b> | <b>\$3,020.5</b>           | <b>\$2,805.0</b>                     | <b>\$5,021.0</b>               | <b>\$2,216.0</b>  |
| Total Budget Authority                      | \$43,527.0                 | \$40,359.0                           | \$27,288.0                     | -\$13,071.0   |
| Total Workyears                             | 169.2                      | 177.6                                | 111.6                          | -66.0   |

**Program Project Description:**

EPA’s Human Health Risk Assessment (HHRA) research program supports the risk assessment needs of the Agency’s Superfund programs and regional risk assessors by providing Provisional Peer-Reviewed Toxicity Values (PPRTVs), rapid risk assessments to respond to emergent scenarios, and technical guidance on their application. These assessment tools and activities support risk-based management decisions at contaminated Superfund and hazardous waste sites.

Scientists in the HHRA program synthesize the available scientific information on the potential health and environmental impacts of exposures to individual chemicals and chemical mixtures that are in the environment to assist in the Agency’s chemical safety work. Results include:

- Improvements in environmental and human health in the vicinity of Superfund sites;
- Reduction or reversal of damages to natural resources;
- Reduction of harm in emergency situations;
- Improved economic conditions and quality of life in communities affected by hazardous waste sites;
- Improved environmental practices by industry;
- Advances in science and technology.

Priorities for PPRTV development are based on the needs of the Agency’s Land and Emergency Management program and are evaluated annually. Applying new data streams, read-across approaches, and computational tools to enhance the supporting data/knowledge bases and efficiency of derivation for PPRTV values are active areas of research in the HHRA program. Lessons learned from this research will be leveraged and applied to other assessments in support of TSCA implementation.

Communities near Superfund sites or in emergency situations are faced with an urgent need for coordinated assistance to assess and address issues of environmental contamination. Additionally, these communities are now presented with new sensing or monitoring information that are difficult

to interpret and apply to decision making. The HHRA program develops approaches to respond to these emerging, often crisis-level, environmental contamination issues with scientific information that supports quick action, decisions and effective solutions. The HHRA program anticipates developing new assessment approaches by means of an expanded product line to enhance rapid response and screening capabilities and to augment toxicity value derivation procedures for health assessments.

**Recent accomplishments in the HHRA Research Program include:**

- Completed 12 Provisional Peer-reviewed Toxicity Value (PPRTV) documents based on needs and priorities of EPA's Superfund program.
- Fielded more than 40 requests for scientific support on human and ecological assessment via the Superfund Health Risk Technical Support Center (STSC) and Ecological Risk Assessment Support Center (ERASC).

**FY 2019 Activities and Performance Plan:**

Work in this program supports Goal 3/Objective 3.3 to Prioritize Robust Science in EPA's FY 2018 - 2022 Strategic Plan. The HHRA program's work in FY 2019 will focus explicitly on efforts integral to achieving the Administrator's priorities and informing the Agency's implementation of key environmental regulations. Examples of this work include:

- **Portfolio of Chemical Evaluation Products:** Assessments that support policy and regulatory decisions for EPA's programs and regions, and state agencies, will be consolidated into a portfolio of *Chemical Evaluation* products that optimize the application of best available science and technology. These tailored 'fit-for-purpose' products will be shaped for use by partners, including EPA's program and regional offices, states, and other federal agencies.
- **Linking Databases and Management Tools:** HHRA will continue to collaborate with the Chemical Safety for Sustainability (CSS) research program to link the architecture of assessment databases and literature management tools, including *Health and Environmental Research Online* (HERO), with the RapidTox Dashboard being developed in CSS. This integration can be used to inform assessment development and fill gaps in assessments, especially for data poor chemicals.
- **Provisional Peer-reviewed Toxicity Values (PPRTV) Assessments:** Provide additional PPRTV assessments as prioritized by the Land and Emergency Management program to support risk-based decision making at Superfund sites and hazardous waste sites, as resources allow. This work improves EPA's ability to make decisions and address site related environmental health problems.
- **Rapid Risk Assessments:** Continue essential technical assistance across EPA to provide rapid risk assessments. This will combine problem formulation and state-of-the-art exposure information and tools with hazard information, chiefly through the continued

improvement of the derivation basis for PPRTVs for evaluating chemical specific exposures at Superfund sites, and by evaluating case-specific information related to emergent situations.

The Agency is currently reviewing the IRIS program to ensure it supports the Agency's highest priority public health decision-making, and its role in supporting the TSCA program.

**Performance Measure Targets:**

Work under this program supports performance results in the Human Health Risk Assessment program under the S&T appropriation.

EPA has established a standing subcommittee under EPA's Board of Scientific Counselors (BOSC) for the Chemical Safety for Sustainability and Human Health Risk Assessment National Research Programs that will be utilized to evaluate the HHRA program as part of its performance and provide feedback to the Agency. EPA will meet regularly with the BOSC to seek their input on topics related to research program design, science quality, innovation, relevance and impact. This includes advising EPA on developing its strategic research direction and Strategic Research Action Plans for FY 2019-2022.

ORD's state engagement program is designed to inform states about ORD's research programs and role within EPA, and to enable ORD to better understand the science needs of state environmental agencies. Key partners at the state level include the Environmental Council of the States, with its Environmental Research Institute of the States and the Interstate Technology and Regulatory Council, the Association of State and Territorial Health Officials, as well as state media associations such as the Association of State and Territorial Solid Waste Management Officials.

EPA collaborates with several science agencies and the research community to assess our research performance such as the National Institutes of Health, the National Science Foundation, the Department of Energy, and the United States Department of Agriculture. The Agency also will work with the White House's Office of Science and Technology Policy. EPA supports the interagency Science and Technology in America's Reinvestment—Measuring the Effect of Research on Innovation, Competitiveness and Science (STAR METRICS) effort. This interagency effort is helping EPA to more effectively measure the impact of federal science investments have on society, the environment, and the economy.<sup>14</sup>

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$26.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$75.0/ -0.5 FTE) This program change decreases support for the Superfund Health Risk Technical Support Center and the Ecological Risk Assessment Support Center.

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<sup>14</sup> STAR METRICS: <https://www.starmetrics.nih.gov/>.

- (+\$2,317.0/ +15.2 FTE) This rebalances resources from the S&T appropriation to the Superfund appropriation for work related to IRIS Assessments.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); Clean Air Act (CAA) §§ 103, 108, 109, 112; Clean Water Act (CWA) §§ 101(a)(6), 104, 105; Federal Insecticide Fungicide and Rodenticide Act (FIFRA) § 3(c)(2)(A); Food Quality Protection Act (FQPA); Safe Drinking Water Act (SDWA); Toxic Substances Control Act (TSCA), §§ 4(b)(1)(B), 4(b)(2)(B).

## **Superfund Cleanup**



## **Superfund: Emergency Response and Removal**

Program Area: Superfund Cleanup

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| <b><i>Hazardous Substance Superfund</i></b> | <b><i>\$198,324.0</i></b>  | <b><i>\$180,075.0</i></b>            | <b><i>\$181,306.0</i></b>      | <b><i>\$1,231.0</i></b>   |
| Total Budget Authority                      | \$198,324.0                | \$180,075.0                          | \$181,306.0                    | \$1,231.0   |
| Total Workyears                             | 279.7                      | 244.7                                | 244.7                          | 0.0   |

### **Program Project Description:**

The Emergency Response and Removal program (SF Removal) is the foundation of federal emergency response to releases of hazardous substances, pollutants or contaminants and is essential to managing the associated risks. In the case of a national emergency, EPA is charged with preventing limiting, mitigating, or containing chemical, oil, radiological, biological, or hazardous materials released during and in the aftermath of an incident. Typical situations requiring emergency response and removal actions vary greatly in size, nature, and location, and include chemical releases, fires or explosions, natural disasters, and other threats to people from exposure to hazardous substances. EPA's 24-hour-a-day response capability is a cornerstone element of the National Contingency Plan.<sup>15</sup> Further, this program is responsible for the Agency's only Primary Mission Essential Function.

Over the last 10 years (FY 2007 – FY 2016), EPA completed or oversaw over 3,655 Superfund removal actions across the country. SF Removal sites can be found in remote rural areas as well as large urban settings. Approximately 11 million people live within three miles of 221 SF Removal sites where EPA completed a removal action in FY 2016 – equal to about 3 percent of the total US population.<sup>16</sup> SF Removal cleanups vary in complexity and contain a wide variety of contaminants including mercury, lead, and asbestos.<sup>17</sup>

The SF Removal program provides technical assistance and outreach to industry, states, tribes, and local communities as part of the Agency's effort to ensure national safety and security for chemical and oil responses. EPA trains, equips, and deploys resources in order to manage, contain, and remove contaminants. These substances, until contained or removed, have the potential to significantly damage property, endanger public health and have critical environmental impact on communities.

<sup>15</sup> For additional information, refer to: <https://www.epa.gov/emergency-response/national-oil-and-hazardous-substances-pollution-contingency-plan-ncp-overview>.

<sup>16</sup> U.S. EPA, Office of Land and Emergency Management Estimate 2017. Data collected includes (1) site information as of the end of FY16 and (2) census data from the 2011-2015 American Community Survey.

<sup>17</sup> Data from US EPA SEMS.

Agency On-Scene Coordinators (OSCs) make up the core of the SF Removal program. These trained and equipped EPA personnel respond to, assess, mitigate, and clean up environmental releases regardless of the cause. States, local, and tribal communities rely upon the OSCs expertise and support to deal with environmental emergencies that are beyond their capabilities and resources. For example, in 2017, EPA deployed its National Incident Management Assistance Team (N-IMAT) to help with the long-term strategic planning and response efforts that occurred for Hurricanes Harvey, Irma, Maria, and the California Wildfires. For Hurricane Harvey, N-IMAT staff were responsible for working with the Texas Immediate Disaster Case Management program, developing health and safety plans for the cities of Houston and Corpus Christi. For Hurricanes Irma and Maria, N-IMAT staff helped with long-term planning and response efforts that are still ongoing in Puerto Rico and other parts of the Caribbean.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination in EPA’s FY 2018 – 2022 Strategic Plan. In FY 2019, the SF Removal program will:

- Respond to, and provide technical assistance for, emergency responses, removal assessments, and limited time critical response actions (non-emergency responses).
- Conduct and participate in selected multi-media training and exercises for emergency responders. These events ensure readiness by focusing on necessary coordination and consistency across the Agency, enhance specialized technical skills and expertise, and strengthen partnerships with state, local, tribal, and other federal responders.
- Support the Environmental Response Team (ERT), which provides nationwide assistance and consultation for emergency response actions, including unusual or complex incidents. In such cases, the ERT supplies the OSC, or lead responder, with special equipment and technical or logistical assistance.
- Continue to deploy its National Incident Management Assistance Team (N-IMAT) to set up organizational systems that help with the long-term strategic planning and response efforts.

**Performance Measure Targets:**

|   |                       |                       |
|---|-----------------------|-----------------------|
| (137) Number of Superfund removals completed. | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|   | 175                   | 175                   |

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,231.0) This program change reflects an increase in funding to focus on sites which pose an immediate threat to human health and the environment, and includes changes to fixed and other costs.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Sections 104, 105, 106; Clean Water Act (CWA); and Oil Pollution Act (OPA).

**Superfund: EPA Emergency Preparedness**

Program Area: Superfund Cleanup

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| <b><i>Hazardous Substance Superfund</i></b> | <b>\$7,174.6</b>           | <b>\$7,584.0</b>                     | <b>\$7,584.0</b>               | <b>\$0.0</b>  |
| Total Budget Authority                      | \$7,174.6                  | \$7,584.0                            | \$7,584.0                      | \$0.0   |
| Total Workyears                             | 34.1                       | 37.4                                 | 37.4                           | 0.0   |

**Program Project Description:**

The Superfund Emergency Preparedness program provides for EPA’s engagement on the National Response Team (NRT) and Regional Response Teams (RRT) where it ensures federal agencies are prepared to respond to national incidents, threats, and major environmental emergencies. EPA implements the Emergency Preparedness program in coordination with the Department of Homeland Security and other federal agencies in order to deliver federal hazard assistance to state, local, and tribal governments.

The Agency carries out its responsibility under multiple statutory authorities as well as the National Response Framework (NRF), which provides the comprehensive federal structure for managing national emergencies. EPA is the designated lead for the NRF’s Oil and Hazardous Materials Response Annex - Emergency Support Function #10 which covers responsibilities for responding to releases of hazardous materials, oil, and other contaminants that are a threat to human health and the environment. As such, the Agency participates and leads applicable interagency committees and workgroups to develop national planning and implementation policies at the operational level.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination in EPA’s FY 2018 – 2022 Strategic Plan. EPA continuously works to improve its management of emergency response assets to be better prepared to handle large unprecedented incidents in order to increase cost effectiveness and avoid costly cleanup actions. The Superfund Emergency Preparedness program participates in national and local exercises and drills, coordinates with stakeholders to develop Area and Regional Contingency Plans (ACPs), and provides technical assistance to industry, states, tribes, and local communities. Specific activities include:

- Chair the NRT<sup>18</sup> and co-chair the 13 RRTs. The NRT and RRTs are the only active environmentally-focused interagency executive committees addressing oil and hazardous

<sup>18</sup> For additional information, refer to: <https://www.nrt.org/>.

substance emergencies. They serve as multi-agency coordination groups supporting emergency responders when convened as incident specific teams.

- Participate in the development of limited, scenario-specific exercises and regional drills designed to assess national emergency response management capabilities. These activities will involve the RRTs, NRT, and/or principal level participants.
- Continue to implement the National Incident Management System (NIMS)<sup>19</sup> which provides the approach to manage incidents and works hand in hand with the NRF.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- There is no change in program funding.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), §§ 104, 105, 106; Robert T. Stafford Disaster Relief and Emergency Assistance Act.

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<sup>19</sup> For additional information, refer to: <http://www.fema.gov/national-incident-management-system>.

**Superfund: Federal Facilities**

Program Area: Superfund Cleanup

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

|   | FY 2017<br>Actuals | FY 2018<br>Annualized<br>CR | FY 2019 Pres<br>Budget | FY 2019 Pres<br>Budget v.<br>FY 2018 Annualized<br>CR |
|---|--------------------|-----------------------------|------------------------|---|
| <b><i>Hazardous Substance Superfund</i></b> | <b>\$22,434.2</b>  | <b>\$20,982.0</b>           | <b>\$20,982.0</b>      | <b>\$0.0</b>  |
| Total Budget Authority                      | \$22,434.2         | \$20,982.0                  | \$20,982.0             | \$0.0   |
| Total Workyears                             | 106.2              | 111.7                       | 111.7                  | 0.0   |

**Program Project Description:**

The Superfund Federal Facilities program oversees and provides technical assistance for the protective and efficient cleanup and reuse of Federal Facility National Priorities List (NPL) sites,<sup>20</sup> as mandated by law. Program responsibilities include: 1) inventorying and assessing potentially contaminated sites; 2) implementing protective remedies; 3) facilitating early transfer of property; and 4) ensuring ongoing protectiveness of completed cleanups. The program collaborates with other federal agencies and states to target high priority sites, consider best practices, develop solutions to problems caused by emerging contaminants, implement strategies to reach cleanup completion, and bring contaminated land into beneficial reuse. Sixty-four of the 174 Federal Facility NPL sites, have achieved Site-Wide Ready for Anticipated Use and over 375,000 acres have been returned to beneficial use.

The work done by this program helps reduce public exposure to dangerous hazardous materials. The Federal Facility NPL sites are among the largest in the Superfund program and can encompass specialized environmental contaminants such as munitions and radiological waste, and emerging contaminants such as per- and polyfluoralkyl substances (PFAS).<sup>21</sup> The average size of a Federal Facility NPL site is over 26,000 acres while the average size for private sites is over 5,000 acres. The larger size of these facilities in combination with specialized contaminants can make the investigation and cleanup work more challenging for the program. For example, Fort Wainwright in AK is the largest Federal Facility NPL Site and the largest site in the Superfund program at 918,000 acres.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination in EPA’s FY 2018 – 2022 Strategic Plan. In FY 2019, the program will prioritize the highest risk sites and oversee cleanups at Federal Facility NPL sites, with issues ranging from hazardous substances in groundwater, munitions and explosives of concern, emerging

<sup>20</sup> As of August 3, 2017, there are 174 Federal Facility sites on the NPL. Please see: <https://www.epa.gov/superfund/superfund-national-priorities-list-npl>.

<sup>21</sup> For additional information please visit, <https://www.epa.gov/fedfac>.

contaminants, and contamination from legacy nuclear weapons development and energy research. In FY 2019, the Federal Facilities program will focus on activities that bring human exposure and groundwater migration under control.

In FY 2019, the program will update the Federal Agency Hazardous Waste Compliance Docket (Docket). The Docket is updated semiannually and has over 2,300 facilities listed. Required by Section 120(d) of CERCLA, EPA manages the Docket, which contains information reported by federal facilities that manage hazardous waste or from which hazardous substances, pollutants, or contaminants have been or may be released. The Docket 1) identifies all federal facilities that must be evaluated through the site assessment process; 2) determines whether they pose a risk to human health and the environment sufficient to warrant inclusion on the NPL; and 3) provides a mechanism to make the information available to the public.

The program will collaborate with other federal agencies, state, local, and tribal partners to encourage restoration of sites. EPA will work to simplify and expedite the review process to transfer federal property for beneficial use or future economic development.

EPA will continue to strengthen oversight and assistance with Department of Energy (DOE) sites. DOE estimates that the 16 remaining legacy Cold War sites will take decades to complete, due to groundwater, soil, and waste processing. Similarly, EPA will continue to strengthen oversight and technical assistance at Department of Defense’s (DoD) military munitions response sites and support DoD’s development of new technologies to streamline cleanups. DoD’s inventory includes over 300 operable units containing munitions and explosives of concern that still require investigation. These sites contain chemical and explosive compounds which require special handling, storage, and disposal practices, as well as cleanup challenges.

EPA no longer receives resources from the DoD to support accelerated cleanup and reuse at Base Realignment and Closure (BRAC) sites. EPA will continue oversight work at BRAC sites that are on the NPL with appropriated resources, as needed.

**Performance Measure Targets:**

|   |                       |                       |
|---|-----------------------|-----------------------|
| (FF1) Percentage of Superfund federal facility sites construction complete. | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|   | 83                    | 85                    |

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- There is no change in program funding.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), § 120.

**Superfund: Remedial**

Program Area: Superfund Cleanup

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

|   | <b>FY 2017<br/>Actuals</b> | <b>FY 2018<br/>Annualized<br/>CR</b> | <b>FY 2019 Pres<br/>Budget</b> | <b>FY 2019 Pres<br/>Budget v.<br/>FY 2018 Annualized<br/>CR</b> |
|---|----------------------------|--------------------------------------|--------------------------------|---|
| <b><i>Hazardous Substance Superfund</i></b> | <b>\$544,822.9</b>         | <b>\$505,042.0</b>                   | <b>\$508,495.0</b>             | <b>\$3,453.0</b>  |
| Total Budget Authority                      | \$544,822.9                | \$505,042.0                          | \$508,495.0                    | \$3,453.0   |
| Total Workyears                             | 939.4                      | 868.8                                | 868.8                          | 0.0   |

**Program Project Description:**

The Superfund Remedial program addresses many of the worst contaminated areas in the United States by conducting investigations and then implementing long term cleanup remedies, as well as overseeing response work conducted by potentially responsible parties (PRPs) at National Priorities List (NPL) and Superfund Alternative Approach (SAA) sites. Response actions can take from a few months for relatively straight-forward soil excavation or capping remedies to several decades for complex, large area-wide groundwater, sediment, or mining site remedies.

Approximately 53 million, or 16 percent, of all Americans, live within three miles of Superfund site. A study conducted by researchers at Columbia University, Massachusetts Institute of Technology, and University of California Berkeley found that Superfund cleanups reduce the incidence of congenital anomalies by roughly 20-25 percent among infants born to mothers living within 2,000 meters of a site.<sup>22</sup> Birth defects avoided means improved human health for an entire future generation. Ecosystems also are improved by addressing pollutants from contaminated sites and protecting drinking water supplies and/or fishery habitats.

By addressing the human health and environmental risks posed by releases at NPL and SAA sites, the Superfund Remedial program strengthens the economy and spurs economic growth by returning Superfund sites to productive use. As of FY 2017, EPA data shows that at 487 Superfund sites in reuse, approximately 6,622 businesses are generating \$43.6 billion in sales and employ more than 156,352 people who earn a combined income of \$11.2 billion.<sup>23</sup> While conducting cleanup at NPL and SAA sites, Superfund remedial construction projects can have a direct impact on enhancing our national infrastructure while addressing harmful exposures. Cleanup work under the Superfund Remedial program also improves property values. A study conducted by researchers at Duke University and University of Pittsburgh found that residential property values within three

<sup>22</sup> Currie, Janet, Michael Greenstone, and Enrico Moretti. 2011. "Superfund Cleanups and Infant Health". *American Economic Review*, 101(3): 435-441.

<sup>23</sup> For more information on Redevelopment Economics and in depth case studies see [www.epa.gov/superfund-redevelopment-initiative/redevelopment-economics-superfund-sites](http://www.epa.gov/superfund-redevelopment-initiative/redevelopment-economics-superfund-sites).



miles of Superfund sites increased between 18.7 and 24.4 percent when sites were cleaned up and deleted from the NPL.<sup>24</sup>

In FY 2017, the Administrator established the Superfund Task Force which identified forty-two recommendations under five overarching goals:

- Expediting Cleanup and Remediation
- Re-Invigorating Responsible Party Cleanup and Reuse
- Encouraging Private Investment
- Promoting Redevelopment and Community Revitalization
- Engaging Partners and Stakeholders

Work to prioritize and reinvigorate the program by the task force has been initiated and will be ongoing into the future. A first step in this effort was the recent release of a list of sites targeted for immediate, intense action. The list will be updated continuously as identified issues are resolved.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination in EPA’s FY 2018 – 2022 Strategic Plan. In FY 2019, EPA will prioritize resources to execute its federal, non-delegable responsibility to clean up sites and protect human health and the environment. The Superfund Remedial program endeavors to maximize the use of special account resources collected from settlement agreements with PRPs for response actions at specific sites. As special account funds may only be used for sites and uses specified in the settlement agreement, both special account resources and annually appropriated resources are critical to clean up Superfund sites. More than half of non-federal sites on the final NPL do not have an associated special account and must rely on annually appropriated funds.

In FY 2019, EPA will continue to implement recommendations from the Superfund Task Force to expedite cleanup and remediation while continuing to encourage private investment, facilitate reuse, promote redevelopment of Superfund sites, and build and strengthen partnerships. EPA will prioritize ongoing fund-lead investigation, remedial design and construction projects to bring human exposure and groundwater migration under control. EPA will continue its statutory responsibility to provide oversight of PRP-lead activities at Superfund sites, consistent with legal settlement documents, and five-year review activities required by law.

**Performance Measure Targets:**

|   |                       |                       |
|---|-----------------------|-----------------------|
| (141) Number of Superfund sites with remedy construction completed. | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|   | 11                    | 11                    |

<sup>24</sup> Gamper-Rabindran, Shanti and Christopher Timmons. 2013. “Does cleanup of hazardous waste sites raise housing values? Evidence of spatially localized benefits,” *Journal of Environmental Economics and Management* 65(3): 345-360.

|  |                       |                       |
|--|-----------------------|-----------------------|
| (151) Number of Superfund sites with human exposures brought under control.                    | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|  | 8                     | 8                     |
| (152) Number of Superfund sites with contaminated groundwater migration brought under control. | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|  | 11                    | 11                    |
| (S10) Number of Superfund sites made ready for anticipated use site-wide.                      | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|  | 51                    | 51                    |
| (115) Number of Superfund remedial site assessments completed.                                 | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|  | 650                   | 580                   |
| (170) Number of remedial action projects completed at Superfund sites.                         | <b>FY 2018 Target</b> | <b>FY 2019 Target</b> |
|  | 95                    | 95                    |

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$3,453.0) This program change reflects an increase to prioritize resources on NPL sites that present the highest risk to human health and the environment, and includes changes to fixed and other costs.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

## **Superfund Special Accounts**

## SUPERFUND SPECIAL ACCOUNTS

### **Background**

EPA has the authority to collect funds from parties to support Superfund investigations and cleanups. Section 122(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) authorizes EPA to retain and use funds received pursuant to a settlement agreement with a party to carry out the purpose of that agreement. Funds are deposited in Superfund special accounts for cleanup at the sites designated in individually negotiated settlement agreements. Through the use of special accounts, EPA ensures responsible parties pay for cleanup so that annually appropriated resources from the Superfund Trust Fund are generally conserved for sites where no viable or liable potentially responsible parties (PRPs) can be identified. Each account is set up separately and distinctly and may only be used for the sites and uses outlined in the settlement(s) with the party.

Special accounts are sub-accounts in the Superfund Trust Fund. Pursuant to the specific agreements, which typically take the form of an Administrative Order on Consent or Consent Decree, EPA uses special account funds to finance site-specific CERCLA response actions at the site for which the account was established. Of the 1,342 Superfund sites listed as final on the National Priorities List, more than half do not have special account funds available for use (as of October 1, 2017). As special account funds may only be used for sites and uses specified in the settlement agreement, both special account resources and annually appropriated resources are critical to the Superfund program to clean up Superfund sites.

Special account funds are used to conduct many different site-specific CERCLA response actions, including, but not limited to, investigations to determine the nature and extent of contamination and the appropriate remedy, design, construction and implementation of the remedy, enforcement activities, and post-construction activities. EPA also may provide special account funds as an incentive to another PRP(s) who agrees to perform additional work beyond the PRP's allocated share at the site, which EPA might otherwise have to conduct. Because response actions may take many years, the full use of special account funds also may take many years. Pursuant to the settlement agreement and in accordance with EPA policy, once site-specific work is complete and site risks are addressed, special account funds may be used to reimburse EPA for site-specific costs incurred using appropriated resources (i.e., reclassification), allowing the latter resources to be allocated to other sites. Any remaining special account funds are transferred to the Superfund Trust Fund, where they are available for future appropriation by Congress to further support response work.

EPA, through the Superfund Task Force, is working to ensure that contaminated sites across the country are remediated to protect human health and the environment and returned to beneficial use as expeditiously as possible. Maximizing the use of special accounts to facilitate site cleanup and/or redevelopment is one of the Task Force's recommendations we continue to work on.

## **FY 2017 Special Account Activity**

Since the inception of special accounts through the end of FY 2017, EPA has collected approximately \$6.8 billion from parties and earned more than \$443 million in interest.<sup>25</sup> Approximately 56 percent of the funds have been disbursed or obligated for response actions at sites and plans have been developed to guide the future use of the remaining 44 percent of available special account funds. In addition, at sites with no additional work planned or costs to be incurred by EPA, EPA has transferred approximately \$31.4 million to the Superfund Trust Fund. As of the end of FY 2017, approximately \$3.5 billion has been disbursed for site response actions and \$548.8 million has been obligated but not yet disbursed.

The Agency continues to receive site-specific settlement funds that are placed in special accounts each year, so progress on actual obligation and disbursement of funds may not be apparent upon review solely of the cumulative available balance. In FY 2017, EPA deposited more than \$289 million into special accounts and disbursed and obligated over \$357 million from special accounts (including reclassifications). At the end of FY 2017, the cumulative amount available in special accounts was \$3.21 billion.

Special accounts vary in size. A limited set represent the majority of the funds available. At the end of FY 2017, 4 percent of open accounts had greater than \$10 million available and hold more than 71 percent of all available funds in open accounts. There are many accounts with lower available balances. 72 percent of all open accounts have up to \$1 million available and represent only 6 percent of available funds in all open accounts.

The balance of more than \$3.21 billion is not equivalent to an annual appropriation. The funds collected under settlements are intended to finance future response work at particular sites for the length of the project. EPA is carefully managing those funds that remain available for site response work and develops plans to utilize the available balance. EPA will continue to plan the use of funds received to conduct site-specific response activities, or reclassify and/or transfer excess funds to the Superfund Trust Fund to make annually appropriated funds available for use at other Superfund sites.

For some Superfund sites, although funds are readily available in a special account, remedial action may take time to initiate and complete. This is due to site-specific conditions such as the specific requirements for special account use set forth in the settlement agreement, the stage of site cleanup, the viability of other responsible parties to conduct site cleanup, and the nature of the site contamination. EPA has plans to spend approximately \$1.3 billion of currently available special account funds over the next 5 years, but funds also are planned much further into the future to continue activities such as conducting five year reviews or remedy optimization where waste has been left in place.

In FY 2017, EPA disbursed and obligated more than \$340 million from special accounts (excluding reclassifications) for response work at more than 700 Superfund sites. Some examples include more than \$125 million to support work at the New Bedford site in Massachusetts, more than \$18 million for the Commencement Bay, Near Shore/Tide Flats site in Washington, and more

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<sup>25</sup> The \$443 million in interest earned represents the amount of interest that has been allocated to individual special accounts.

than \$17 million for the U.S. Smelter and Lead Refinery, Inc. (East Chicago) site in Indiana. Without special account funds being available, appropriated funds would have been necessary for these response actions to be funded. In other words, EPA was able to fund more than \$340 million in response work at sites in addition to the work funded through appropriated funds obligated or disbursed in FY 2017.

The summary charts below provide additional information on the status of special accounts. Exhibit 1 illustrates the cumulative status of open and closed accounts, FY 2017 program activity, and planned multi-year uses of the available balance. Exhibit 2 provides the prior year (FY 2017), current year (FY 2018), and estimated future budget year (FY 2019) activity for special accounts. Exhibit 3 provides prior year data (FY 2017) by EPA Regional Offices to exhibit the geographic use of the funds.

**Exhibit 1: Summary of FY 2017 Special Account Transactions  
and Cumulative Multi-Year Plans for Using Available Special Account Funds**

| <b>Account Status<sup>1</sup></b>                                   |   | <b>Number of Accounts</b> |
|---|---|---------------------------|
| Cumulative Open   |   | 1,037                     |
| Cumulative Closed   |   | 350                       |
| <b>FY 2017 Special Account Activity</b>                             |   | <b>\$ in Thousands</b>    |
|   | Beginning Available Balance   | \$3,283,116.4             |
|   | FY 2017 Activities  |                           |
|   | + Receipts  | \$289,443.0               |
|   | - Transfers to Superfund Trust Fund (Receipt Adjustment)  | (\$2,293.7)               |
|   | + Net Interest Earned   | (\$2,282.8)               |
|   | - Net Change in Unliquidated Obligations  | (\$84,170.6)              |
|   | - Disbursements - For EPA Incurred Costs  | (\$255,166.0)             |
|   | - Disbursements - For Work Party Reimbursements under Final Settlements                             | (\$979.9)                 |
|   | - Reclassifications   | (\$16,810.7)              |
|   | End of Fiscal Year (EOFY) Available Balance <sup>2</sup>  | \$3,210,855.5             |
| <b>Multi-Year Plans for EOFY 2017 Available Balance<sup>3</sup></b> |   | <b>\$ in Thousands</b>    |
|   | 2017 EOFY Available Balance   | \$3,210,855.5             |
|   | - Estimates for Future EPA Site Activities based on Current Site Plans <sup>4</sup>                 | \$3,037,075.2             |
|   | - Estimates for Potential Disbursement to Work Parties Identified in Final Settlements <sup>5</sup> | \$53,987.0                |
|   | - Estimates for Reclassifications for FYs 2018-2020 <sup>6</sup>                                    | \$86,393.7                |
|   | - Estimates for Transfers to Trust Fund for FYs 2018-2020 <sup>6</sup>                              | \$31,663.8                |
|   | - Available Balance to be Planned for Site-Specific Response <sup>7</sup>                           | \$1,735.8                 |

<sup>1</sup> FY 2017 data is as of 10/01/2017. The Beginning Available Balance is as of 10/01/2016.

<sup>2</sup> Numbers may not add due to rounding.

<sup>3</sup> Planning data were recorded in the Superfund Enterprise Management System (SEMS) as of 10/30/2017 in reference to special account available balances as of 10/01/2017.

<sup>4</sup> "Estimates for EPA Future Site Activities" includes all response actions that EPA may conduct or oversee in the future, such as removal, remedial, enforcement, post-construction activities as well as allocation of funds to facilitate a settlement to encourage PRPs to perform the cleanup. Planning data are multi-year and cannot be used for annual comparisons.

<sup>5</sup> "Estimates for Potential Disbursements to Work Parties Identified in Finalized Settlements" includes those funds that have already been designated in a settlement document, such as a Consent Decree or Administrative Order on Consent, to be available to a PRP for reimbursements but that have not yet been obligated.

<sup>6</sup> "Reclassifications" and "Transfers to the Trust Fund" are estimated for three FYs only. These amounts are only estimates and may change as EPA determines what funds are needed to complete site-specific response activities.

<sup>7</sup> These include resources received by EPA at the end of the fiscal year and will be assigned for site-specific response activities.

**Exhibit 2: Actual and Estimated Special Account Transactions FY 2017 – FY 2019**

|   | FY 2017                | FY 2018<br>estimate | FY 2019<br>estimate |
|---|------------------------|---------------------|---------------------|
|   | <b>\$ in Thousands</b> |                     |                     |
| Beginning Available Balance                               | \$3,283,116.4          | \$3,210,855.5       | \$3,181,855.5       |
| Receipts <sup>1</sup>                                     | \$289,443.0            | \$250,000.0         | \$250,000.0         |
| Transfers to Trust Fund (Receipt Adjustment) <sup>2</sup> | (\$2,293.7)            | (\$1,520.0)         | (\$1,520.0)         |
| Net Interest Earned <sup>3</sup>                          | (\$2,282.8)            | \$23,000.0          | \$24,000.0          |
| Net Obligations <sup>2,4</sup>                            | (\$340,316.6)          | (\$302,100.0)       | (\$302,100.0)       |
| Reclassifications <sup>2</sup>                            | <u>(\$16,810.7)</u>    | <u>(\$26,380.0)</u> | <u>(\$26,380.0)</u> |
| End of Year Available Balance <sup>5</sup>                | \$3,210,855.5          | \$3,181,855.5       | \$3,165,855.5       |

<sup>1</sup>The estimates for Receipts are in line with more typical years.

<sup>2</sup>The estimates for Transfers to Trust Fund, Net Obligations, and Reclassifications are based on a 3-year historical average.

<sup>3</sup>Net interest earned projections for FY 2018 and FY 2019 are estimated utilizing economic assumptions for the FY 2019 President's Budget. At the end of FY 2015, the Agency worked with the Department of Treasury to create a new point account for Superfund special accounts in the Superfund Trust Fund. In FY 2017, \$38.5 million in interest was earned on the special account funds invested in the Superfund Trust Fund. However, there has been a time lag for those funds to be captured in the Agency's system and made available for use.

<sup>4</sup>Net Obligations reflect special account funds no longer available for obligation, excluding reclassifications and receipts transferred to the Trust Fund.

<sup>5</sup>Numbers may not add due to rounding.

**Exhibit 3: FY 2017 Special Account Transactions by EPA Regional Offices**

*\$ in Thousands*

|           | Beginning<br>Available<br>Balance | Receipts    | Transfers to<br>Trust Fund<br>(Receipt<br>Adjustment) | Net<br>Interest<br>Earned | Net<br>Obligations | Reclassifications | End of Year<br>Available<br>Balance <sup>2</sup> |
|-----------|-----------------------------------|-------------|---|---------------------------|--------------------|-------------------|--|
| Region 1  | \$337,247.2                       | \$21,535.3  | \$0.0   | \$0.0                     | (\$133,921.0)      | (\$6,803.2)       | \$218,058.4                                      |
| Region 2  | \$481,554.8                       | \$76,940.1  | \$0.0   | \$0.0                     | (\$40,018.5)       | (\$1,960.6)       | \$516,516.0                                      |
| Region 3  | \$114,392.6                       | \$42,787.7  | (\$348.1)   | (\$0.4)                   | (\$8,776.4)        | (\$3,187.0)       | \$144,868.5                                      |
| Region 4  | \$68,240.5                        | \$12,449.8  | (\$1,405.2)   | \$0.0                     | (\$3,044.8)        | \$0.0             | \$76,240.6                                       |
| Region 5  | \$391,565.3                       | \$28,974.9  | (\$539.8)   | (\$2,283.6)               | (\$34,740.0)       | (\$1,580.3)       | \$381,396.7                                      |
| Region 6  | \$79,883.7                        | \$13,666.0  | \$0.0   | \$0.0                     | (\$4,576.7)        | \$0.0             | \$88,972.5                                       |
| Region 7  | \$148,140.6                       | \$7,821.4   | \$0.0   | \$1.3                     | \$1,473.8          | (\$308.8)         | \$157,127.8                                      |
| Region 8  | \$215,310.5                       | \$20,773.1  | (\$0.6)   | \$0.0                     | (\$23,835.3)       | (\$2,791.3)       | \$209,456.7                                      |
| Region 9  | \$1,281,313.5                     | \$26,739.1  | \$0.0   | (\$0.2)                   | (\$24,677.0)       | (\$179.5)         | \$1,283,195.4                                    |
| Region 10 | \$165,467.9                       | \$37,755.6  | \$0.0   | \$0.0                     | (\$68,200.7)       | \$0.0             | \$135,022.9                                      |
| Total     | \$3,283,116.4                     | \$289,443.0 | (\$2,293.7)   | (\$2,282.8)               | (\$340,316.6)      | (\$16,810.7)      | \$3,210,855.5                                    |

<sup>1</sup> FY 2017 data is as of 10/01/2017. The Beginning Available Balance is as of 10/01/2016.

<sup>2</sup> Numbers may not add due to rounding.



