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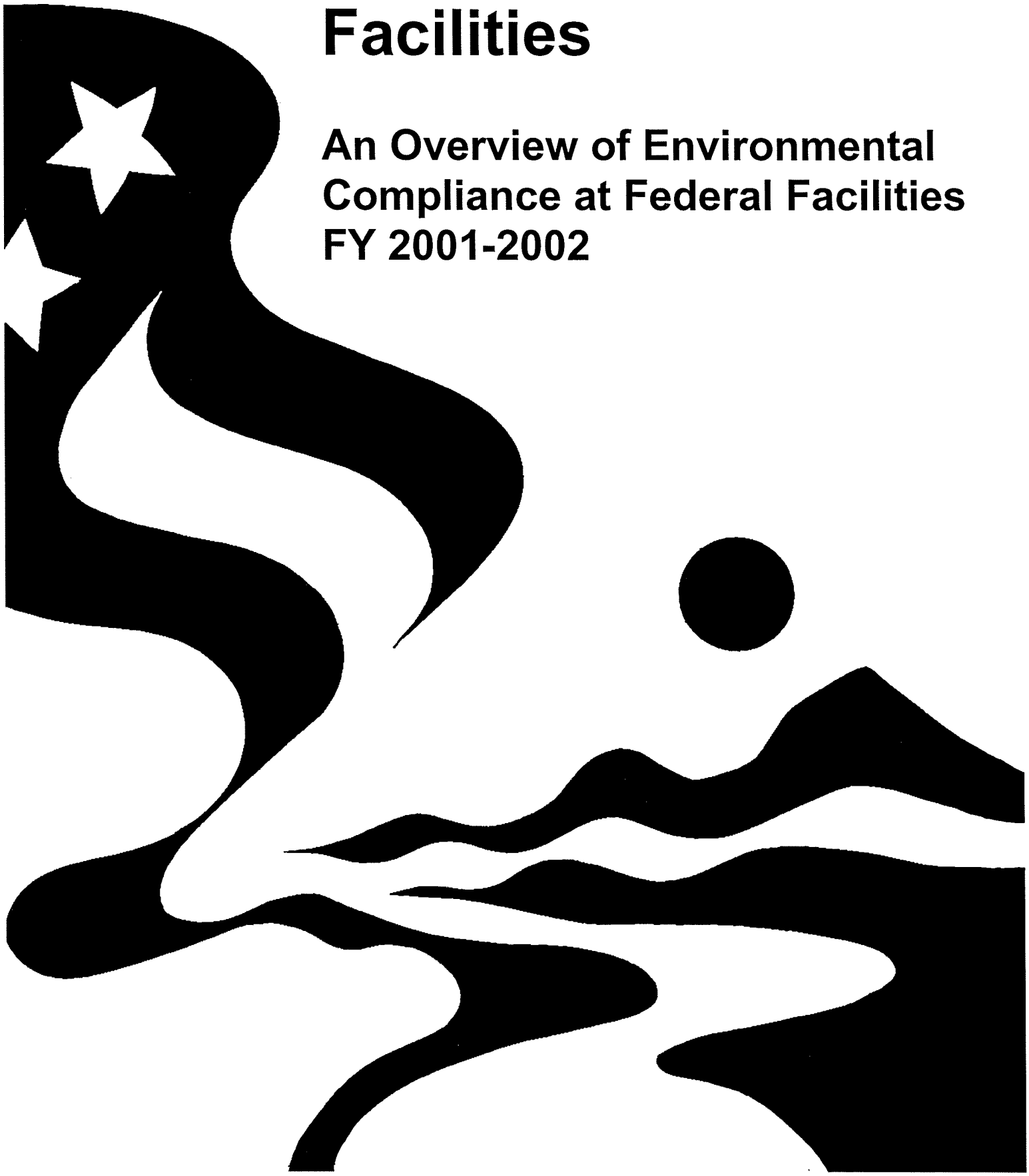
The State of Federal Facilities

An Overview of Environmental Compliance at Federal Facilities FY 2001-2002



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This document, as well as additional information on EPA's compliance and enforcement programs, can be found at www.epa.gov/compliance/civil/federal/crossmedia.html

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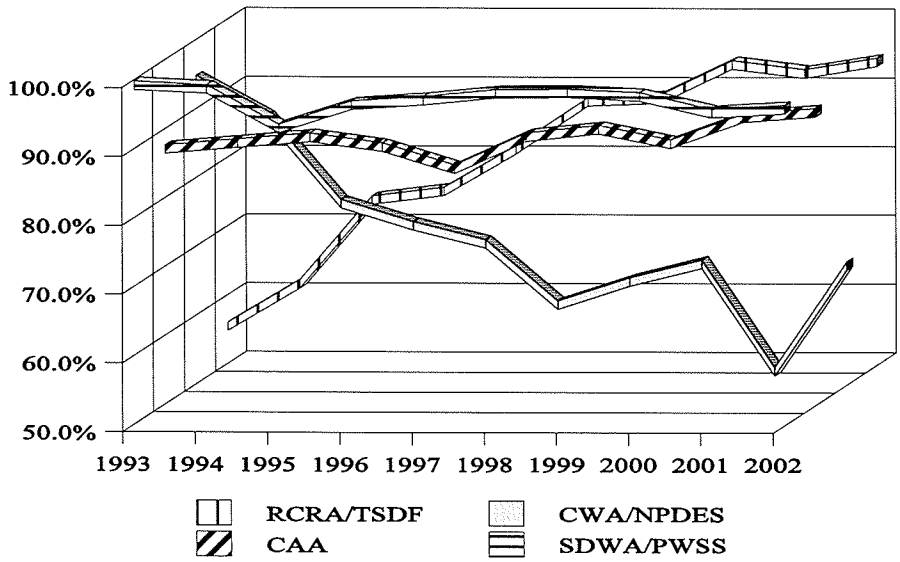
I. EXECUTIVE SUMMARY

EPA's Federal Facilities Enforcement Office within the Office of Enforcement and Compliance Assurance periodically assesses federal facility performance with respect to environmental statutes and programs. The purpose of this report is to provide an overview of the federal facility environmental compliance program for fiscal years 2001 and 2002 (FY 2001, FY 2002). In some parts of this report, where appropriate and where data are comparable, data prior to FY 2001 is examined to identify long term trends. This overview is presented in terms of compliance assessment (inspections), compliance assurance (enforcement actions), and performance (compliance rates). The report also provides information on the size and composition of the federal facility universe.

Compliance Rates[1]

From FY 1993 to FY 2002, the federal facility RCRA compliance rate increased steadily from 55 percent to 94 percent. In contrast, the compliance rate for CWA/NPDES decreased from 94 percent to 52 percent in FY 2001. Although the CWA/NPDES compliance rate in FY 2002 increased from the prior year, it remained nearly 30 percent below FY 1993 levels. The compliance rate for the CAA fluctuated at a level slightly below 90 percent for most of the period before increasing to approximately 93 percent in FY 2002. Similarly, the compliance rate for SDWA/PWSS remained above 90 percent for the entire period, although it has declined slightly from 99 percent in FY 1993 to 96 percent in FY 2002.

Federal Facility Compliance Rates

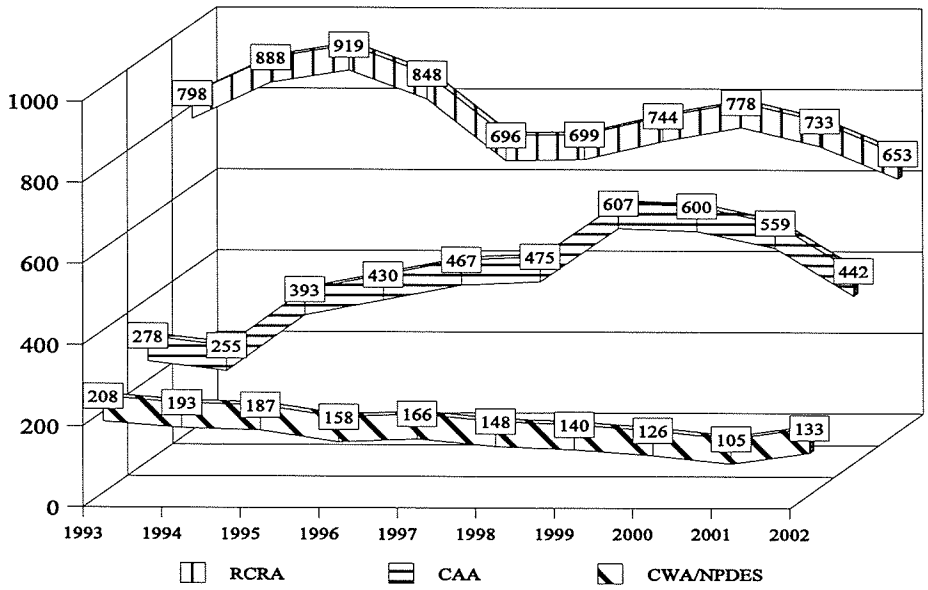


[1] Compliance rates for federal facilities regulated under RCRA include only the percentage of inspected TSDFs that are not in significant noncompliance. Compliance rates under the CWA/NPDES include only the percentage of NPDES majors that are not in significant noncompliance. Compliance rates under the CAA include only the percentage of CAA major sources that are not high priority violators. See Chapter 3 of this report for an explanation of compliance indicators.

Inspections and Enforcement Actions

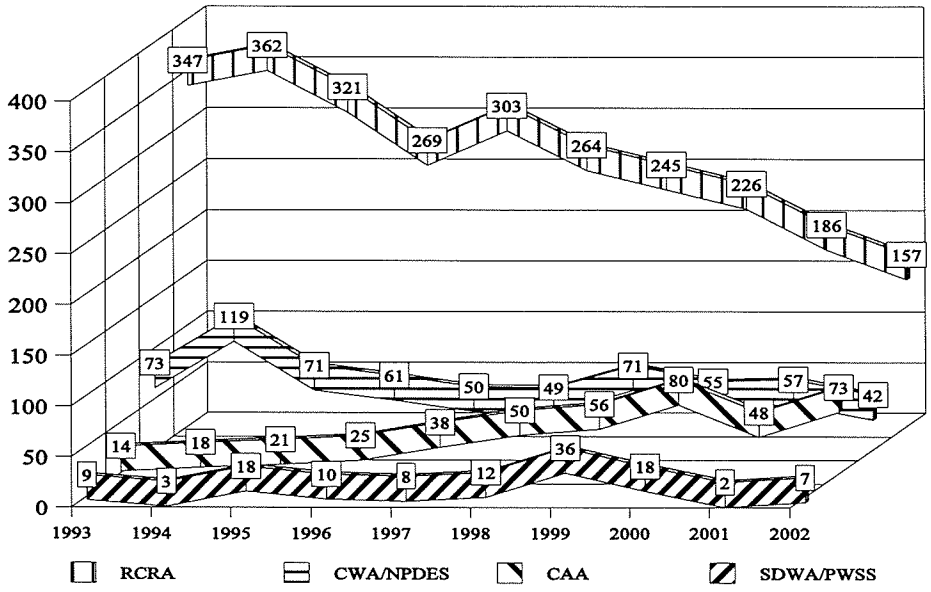
The total number of federal facility inspections conducted by EPA and the states under RCRA, CWA/NPDES, and CAA decreased by roughly four percent from FY 1993 (1,284) to FY 2002 (1,228). CWA/NPDES inspections declined by approximately 36 percent, while RCRA inspections declined by 18 percent; although the decrease in RCRA inspections was much larger in numerical terms. CAA inspections actually increased by approximately 59 percent relative to FY 1993, however, the level of CAA inspection activity peaked in FY 1999 and has since declined. A portion of this decline is due to a FY 2002 programmatic change to the definition of what constitutes an inspection under the CAA, yet even in FY 2001, prior to the change, CAA inspections were decreasing. The number of SDWA/PWSS inspections is not reported in the federal SDWIS database and therefore is not presented in this report.

EPA and State Inspections at Federal Facilities



EPA and states took just under 300 enforcement actions against federal facilities in FY 2001 (293 actions) and FY 2002 (279 actions). Both totals represent declines of more than 34 percent relative to FY 1993. RCRA enforcement actions remained the most common, comprising 63 percent of all enforcement actions at federal facilities in FY 2001, and 56 percent of all actions in FY 2002. CWA/NPDES actions accounted for approximately 19 percent in FY 2001 and 15 percent in FY 2002 of all enforcement actions. CAA actions accounted for roughly 16 percent of the total enforcement actions in FY 2001 and 26 percent in FY 2002. SDWA/PWSS actions accounted for less than three percent of the total enforcement actions at federal facilities.

Enforcement Actions at Federal Facilities



Federal Facility Universe

The federal government owns and leases vast amounts of real property in the United States. According to the General Services Administration (GSA), as of September 30, 2002, the total amount of federally owned or leased property is approximately 670 million acres, which represents approximately 30 percent of all land in the United States. The total area of federally-owned or leased buildings amounts to approximately 3 billion square feet. Although all federal facilities are potentially subject to environmental regulations, many are not involved in activities that would normally trigger federal environmental compliance requirements. According to the Federal Registry System, as of April 1, 2003, there were 7,853 federal facilities that engaged in some type of activity directly affected by environmental requirements under RCRA, CAA, CWA/NPDES, or TSCA/FIFRA/EPCRA §313.[2] These facilities can be grouped into four broad categories – Department of Defense (DOD), Department of Energy (DOE), Civilian Federal Agencies (CFAs), and unidentified federal facilities[3]. CFAs account for nearly 59 percent of federal facilities, while DOD facilities account for roughly 30 percent. DOE facilities comprise approximately four percent of all federal facilities while seven percent of the total universe is not identified with any particular federal agency.

A total of 283 federal facilities reported under the Toxic Release Inventory. Of these, 172 facilities were DOD, 23 DOE and 88 were CFAs. DOD reported 13.8 million pounds of total releases representing 17.4 percent of all releases by all federal facilities. Federal facilities, as a whole, reported a total of 79 million pounds of both on-site and off-site releases.

[2] These totals do not include approximately 4,300 federally-owned public water supply systems tracked in SDWIS.

[3] "Unidentified" federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a particular federal agency, however, they have been flagged as federal.

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II. INTRODUCTION

EPA's Federal Facilities Enforcement Office (FFEO), within the Office of Enforcement and Compliance Assurance (OECA), periodically assesses federal facility performance with respect to environmental statutes and programs. The last assessment, *The State of Federal Facilities: An Overview of Environmental Compliance at Federal Facilities, FY 1999-2000,* was published in September 2001. This *State of Federal Facilities* report examines federal facility environmental performance during FY 2001 and FY 2002.

Purpose

The purpose of this report is to provide an overview of the federal facility environmental compliance program, both in terms of compliance assessment (inspections and reports from regulated facilities), compliance assurance (enforcement actions), and performance (compliance rates). The principal period of analysis is FY 2001-2002, although where appropriate and when data are comparable, this report also examines pre-FY 2001 data in order to identify long term trends. In addition, the report provides data on non-federal entities to provide a point of comparison for the federal sector.

FFEO Mission and Program

EPA, in conjunction with the states, has oversight responsibility for federal facility environmental programs. To fulfill its oversight responsibility, EPA conducts a broad range of activities, including compliance oversight and smart enforcement and training, compliance, and stewardship assistance. In addition, FFEO is directly involved in enforcement negotiations, including interagency agreements, administrative penalty and/or compliance orders, and in litigation and enforcement support at federal facilities. Through its network of EPA Regional Federal Facilities Program Managers (FFPMs) and other regional and state contacts, FFEO works with appropriate facility personnel to ensure that they take the necessary actions to prevent, control, and abate environmental pollution. It is EPA's goal that all federal agencies reach a level of compliance with environmental requirements that equals or surpasses the rest of the regulated community. EPA believes that federal facilities should lead the way in minimizing environmental contamination and impacts to public health.

Environmental Requirements

Federal facilities are generally subject to the same environmental statutes and regulations as commercial entities and facilities operated by other levels of government such as cities, counties and states. Environmental requirements potentially affecting federal facilities range from Executive Orders and federal statutes and their implementing regulations to state and local laws and ordinances. This report summarizes federal facility data during FY 2001 and FY 2002 with respect to the following environmental statutes and programs:

- ***Resource Conservation and Recovery Act (RCRA)*** – RCRA Subtitle C and its associated amendments regulate the generation, transport, storage, treatment, and final disposal of hazardous waste.

- ***Clean Water Act (CWA)*** – Under the CWA, EPA or approved states issue National Pollutant Discharge Elimination System (NPDES) permits that establish effluent limits for municipal and industrial wastewater discharges.

- ***Clean Air Act (CAA)*** – The CAA authorizes EPA to establish emission control standards to achieve the air quality goals set forth in the National Ambient Air Quality Standards.

- ***Safe Drinking Water Act (SDWA)*** – The Public Water System Supervision (PWSS) program authorized by the SDWA enables EPA to set standards to control both man-made and naturally occurring contaminants. In most cases, states have primary responsibility for oversight and enforcement under the SDWA.

Sources and Suitability of Environmental Information

The information contained in this report is drawn from EPA's **Integrated Database for Enforcement Analysis** (IDEA). IDEA is EPA's main information management system that draws upon several program specific databases compiled and maintained by various EPA environmental program offices, including the Office of Air, the Office of Water and the Office of Solid Waste. These offices have primary responsibility for compiling and maintaining data pertaining to EPA and state enforcement and compliance activities. These EPA program specific databases include:

- ***RCRAInfo*** – Allows cradle-to-grave waste tracking of many types of information about the regulated universe of RCRA hazardous waste handlers.

- ***PCS*** – The Permit Compliance System tracks EPA regional and state compliance and enforcement data for the NPDES program under the CWA.

- ***AIRS/AFS*** – The Aerometric Information Retrieval System/AIRS Facility Subsystem manages aerometric compliance data on point sources tracked by EPA, state, and local governments in accordance with the CAA.

- ***SDWIS*** – The Safe Drinking Water Information System is a national database that tracks public water supply system compliance and enforcement data collected by EPA Regions and states under the PWSS program of the SDWA.

The IDEA system is operated by EPA's Office of Enforcement and Compliance Assurance and integrates facility data from these disparate program specific databases. Since the purpose of this report is to provide an overview of federal facility compliance and performance

information and a description of the federal facility universe, the IDEA data system was determined by FFEO to provide the most practicable and suitable source of information to meet this goal. Limitations on the use and interpretation of this data are detailed in the specific chapters of this report.

Agency-wide Information and Users Access

In addition to the program specific sources of data, EPA has developed several database search systems that interface with the public and other government agencies to access environmental enforcement and compliance information via the internet. These systems include:

- ***The Facility Registry System (FRS)*** - FRS is a centrally managed linking database that identifies facilities, sites or places subject to environmental regulations or of environmental interest. FRS creates authoritative facility identification records that incorporate information from diverse program national systems (e.g., RCRAInfo, PCS, AIRS/AFS), state master facility records, data collected from EPA's Central Data Exchange registrations, and data management personnel.

- ***The Online Tracking Information System (OTIS)*** - OTIS enables federal, state, local and tribal government agencies to tap into IDEA data to evaluate compliance information, generate customized reports, and improve data quality. Information includes detailed facility reports that specify environmental permits, inspection activities, violations and enforcement actions at a given facility.

- ***Environmental Compliance History Online (ECHO)*** - Similar to OTIS, ECHO provides public access to core EPA data systems. ECHO focuses on facility compliance and EPA/State enforcement of environmental regulations. Unlike OTIS, the data included within ECHO have been in the public domain through Freedom of Information Act (FOIA) requests. ECHO provides this information for the first time in a searchable Web format.

- ***Envirofacts*** - This website provides the public with a single point of access to several EPA databases containing information about environmental activities that may affect air, water, and land anywhere in the United States. Envirofacts provides access to more databases than ECHO, however, the system does not allow users to conduct searches based on facility compliance status.

- ***Sector Facility Indexing Project (SFIP)*** - SFIP brings together environmental and other information from a number of data systems to produce facility-level profiles for a subset of major federal facilities, as well as five industry sectors. SFIP information relates to compliance and inspection history, chemical releases and spills, demographics of the surrounding population, and production (industrial sectors only). To be included in SFIP, federal facilities must be classified as a

"major" facility under at least two of the following three statutes: CAA, CWA, and RCRA.

- ***Federal Agency Compliance Tracking System (FACTS)*** - FACTS is a Windows based search engine that allows users to obtain both summary and detailed multi-media compliance and enforcement information about individual federal facilities (e.g., military bases, federal government research laboratories). FACTS reports regulatory activities occurring at over 7,800 specific installations belonging to over 30 different federal agencies, bureaus, and operating units for each quarter of the fiscal year. Users can get information on facility characteristics, permits, inspection and compliance history, and formal enforcement actions and penalties issued by EPA or states. FACTS is accessible to everyone in EPA as well as other federal, state and tribal regulatory agencies.

Organization of the Report

This report is organized according to a multi-media approach in which the data are intended to address the following basic questions:

- What are the current trends in compliance? (Section III – Federal Facility Compliance Rates)

- What is the level of inspection activity at federal facilities and what actions are taken to address noncompliance? (Section IV – Inspections and Enforcement Actions)

- What is the universe of federal facilities that are regulated/affected under each of the environmental programs? (Section V – Federal Facility Universe and Toxic Release Inventory Data)

III. FEDERAL FACILITY COMPLIANCE RATES

Compliance Indicators

Federal facility compliance with environmental requirements can be measured in many ways, ranging from the percentage of facilities cited for any violations, regardless of their severity, to the percentage of facilities repeatedly cited for significant noncompliance. EPA has traditionally focused on the latter, particularly at large and more prominent facilities. The reasons underlying this tradition include the availability of data, as well as programmatic factors (see below). **Exhibit 1** provides the definitions of the compliance indicators used by this *State of Federal Facilities* report to calculate compliance rates.

Exhibit 1
Definitions of Compliance Indicators for Federal Facilities

Statute	Compliance Indicator
RCRA/TSDF	Percent of inspected federal treatment, storage, and disposal facilities (TSDFs) not in significant noncompliance (SNC)
RCRA/LQG	Percent of inspected large quantity generators (LQGs) not in SNC
RCRA/SQG	Percent of inspected small quantity generators (SQGs) not in SNC
CWA	Percent of NPDES major federal facilities not in SNC
CAA	Percent of major federal sources not cited for high priority violations (HPV)
SDWA	Percent of federal public water systems not in SNC

The compliance indicator for CAA and CWA is measured only at major facilities primarily because of data quality issues. For both programs, states are not required to provide data on minor facilities to their respective national data systems, and many do not. Thus, national compliance data for minor CAA and CWA facilities is incomplete. In the case of RCRA, compliance determinations are based on inspection data. Only a portion of the RCRA universe of facilities are inspected in any given year. This is especially true for transporters, small quantity generators, and even large quantity generators. A significant percentage of small quantity generators have never been inspected. In contrast, most federal TSDFs are inspected annually, and in some cases, more than once a year. Of the federal TSDFs in existence in FY 2002, approximately 74 percent were inspected, while 27 percent of LQGs and only 1 percent of SQGs were inspected. Compliance statistics for TSCA, FIFRA, and EPCRA are no longer included in this *State of Federal Facilities* report for two reasons: 1) the relevant data fields within the National Compliance Database are not reliably populated and are subject to other data quality issues, and 2) even if the data fields were complete, the universe of facilities is too small to yield meaningful results.

A brief summary of each program's data system definition of SNC is shown below. However, these summaries are not meant to substitute for the complete definition, which can be found in the following relevant guidance documents:

- Hazardous Waste Civil Enforcement Response Policy ; March 15, 1996 - www.epa.gov/Compliance/resources/policies/civil/federal/hwcerp1996.pdf;

- Revision of NPDES Significant Noncompliance (SNC) Criteria to Address Violations of Non-Monthly Average Limits, Memo from Steven A. Herman, September 21, 1995 - www.epa.gov/compliance/resources/policies/civil/federal/revisnpdessnc.pdf;

- Office of Enforcement and Compliance Assurance Workbook - The Timely and Appropriate (T&A) Enforcement Response to High Priority Violations (HPVs), June 23, 1999 - www.epa.gov/compliance/resources/publications/civil/federal/airsnc.pdf;

- Public Water System Supervision Program Water Supply Guidance Manual, January 2000; Nos. 57, 63, 65, & 67 - www.epa.gov/safewater/wsg/newindex.pdf.

These documents are available from the EPA Website at the URLs listed above or can be obtained by contacting the relevant program office in the EPA Region or at EPA Headquarters.

RCRA

EPA groups RCRA violators into two different categories - SNCs and Secondary Violators (SVs). If the violator is a SNC, then EPA considers formal enforcement appropriate, and the violator will be subject to administrative/civil actions and penalties. SVs are corrected through informal actions; however, SVs that do not return to compliance may be re-classified as SNC, with the corresponding expectation of a formal enforcement response by EPA. The initial decision to classify a violator as SNC is based on the following criteria:

- Exposure or threatened exposure of a sensitive environment (such as wetlands or groundwater) or workers to hazardous waste (HW) or HW constituents;

- Minor release of a HW or HW constituent in a populated area or a publicly accessible location;

- Release or threatened release of a highly mobile HW;

- Any release that suggests a continuing threat of future releases;

- A pattern of similar violations or multiple violations at the same site; or

- A substantial violation that defeats RCRA's regulatory purpose or procedures.

If these factors do not provide a clear answer to how to classify the violator, EPA will evaluate the following: any steps the violator took to expeditiously come into compliance or to mitigate any risks caused by the violation before EPA became involved; similar prior violations or multiple violations (including other environmental statutes) by the violator, especially at the same facility; or previous violations by the same person at other locations, especially when identical to the present violation.

This second group of factors is used to determine the effectiveness of the informal enforcement process. Violations within the past three years are weighed more heavily, however older violations are assessed to determine if a pattern of non-compliance exists. When examining historical trends, EPA does not consider minor deviations from RCRA requirements, even if there are past similar violations. Although these factors are the most commonly used to determine the violator's category, a particular site might have unique circumstances that EPA will consider. EPA does not consider whether there was actual damage to human health or the environment or the size or financial viability of the violator.

CWA/NPDES

Most CWA/NPDES SNC designations are based on an automated analysis of Discharge Monitoring Reports (DMRs) that facilities with NPDES permits are required to submit on a monthly basis. The compliance designation of a facility in the PCS database is done using a mathematical formula that takes into account the amount, duration, and frequency of discharges in comparison with permit levels. In some instances facilities may be manually designated as SNC, even if the PCS data system does not automatically designate them as such. Examples of events that could result in the manual generation of a SNC code for a facility include: unauthorized discharges; failure of a facility to enforce its approved pretreatment program; failure to meet a construction deadline; failure to file a DMR; filing a DMR more than 30 days late; or violating any judicial or administrative order. Manually entered compliance data, if present, override machine-generated compliance data.

A facility may have multiple discharge points and different designations for each point. If any of these points show a SNC type code, then the overall facility status is listed as SNC, even if other discharge points are in compliance. Removal of the SNC designation occurs once the facility's DMR reports show a consistent pattern of compliance with permit limits, or if EPA or a state agency issues a formal enforcement order to address the violations that resulted in the SNC designation.

CAA

The following criteria can trigger high priority violator (HPV) status under the CAA:

- Failure to obtain a Prevention of Significant Deterioration permit;
- Violation of an air toxics requirement;
- Violation by a synthetic minor of an emission limit that affects the source's regulatory status;
- Violation of an administrative or judicial order;
- Substantial violations of a sources Title V obligations;
- Failure to submit a Title V permit application within 60 days of the deadline;
- Testing, monitoring, record keeping or reporting violations that substantially interfere with enforcement or determination of a facility's compliance requirements;
- Violation of an allowable emission limit detected during a source test;
- Chronic or recalcitrant violations; or
- Substantial violations of 112 (r) requirements.

Under the CAA, the HPV designation is removed once a facility demonstrates it has resolved the violation that led to the HPV listing. The HPV flag is reported in AIRS/AFS. A 'YES' appears in the column to indicate that the facility has HPV status.

SDWA/PWSS

Under SDWA/PWSS, facilities in SNC have more serious, frequent, or persistent violations. The criteria which designate a system as a SNC vary by contaminant. Different SNC definitions exist for total coliform, turbidity, nitrates, chemical and radiological, surface water, and lead and copper. (See the guidance manuals cited above for specific definitions). Once a system is designated as a SNC, it is subject to EPA's timely and appropriate response policy. SNCs that have not returned to compliance or are not addressed timely and appropriately are called Exceptions. Timeliness for SNCs is eight months after the system became a SNC. (Two months for the state to determine, and become aware of, the system's SNC status and six months in which to complete the follow-up/enforcement action). The types of actions considered appropriate include the issuance of a formal state or federal administrative or compliance order, a civil or criminal referral to a state attorney general or the Department of Justice, or state bilateral compliance agreement signed by both the state and the violator.

Multimedia Compliance Rates

Exhibit 2 presents compliance rates for four statutes (RCRA, CWA/NPDES, CAA, and SDWA/PWSS) based on the definitions of the indicators taken from Exhibit 1 above. Compliance rates for years prior to 2001 were taken directly from previous *State of Federal Facilities* reports. These compliance rates are also presented graphically in **Exhibit 3**.

Exhibit 2
Federal Facility Compliance Rates for Selected Indicators

	Fiscal Year									
Statute	**1993**	**1994**	**1995**	**1996**	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**
RCRA/TSDF*	55.4%	61.6%	73.8%	75.1%	81.2%	88.2%	88.6%	93.6%	92.3%	94.0%
RCRA/LQG**	–	–	–	–	–	–	–	–	96.7%	98.5%
RCRA/SQG**	–	–	–	–	–	–	–	–	96.9%	96.4%
CWA/NPDES	94.2%	88.5%	76.2%	73.0%	70.4%	61.5%	64.9%	67.5%	51.9%	67.3%
CAA***	87.0%	87.9%	88.8%	87.4%	84.2%	88.9%	90.0%	87.9%	91.7%	92.5%
SDWA/PWSS	99.2%	98.7%	93.0%	96.4%	97.1%	98.1%	98.2%	97.7%	95.3%	95.9%

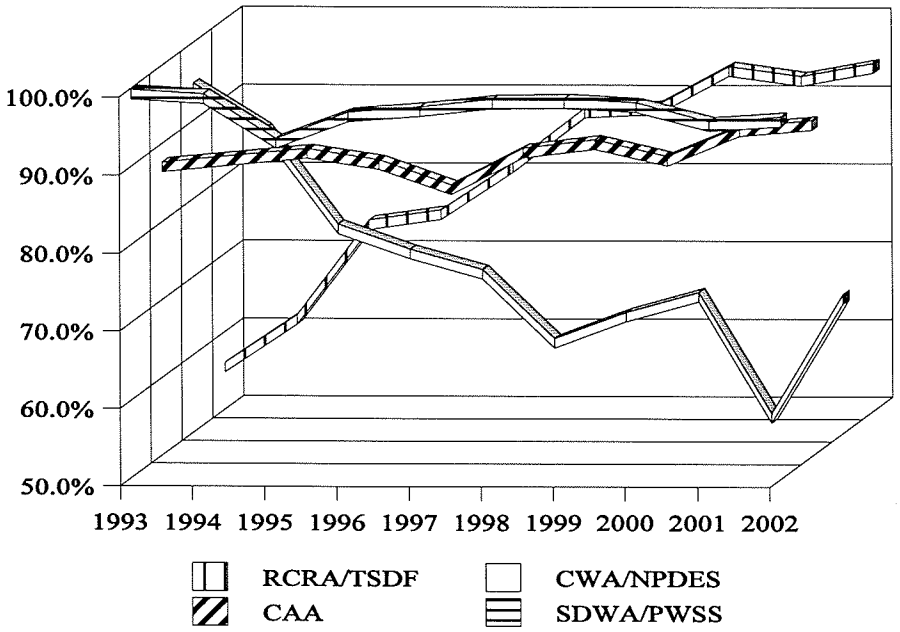
Source: IDEA – various dates

*The RCRA TSDF compliance indicator used prior to FY 1999 was "inspected TSDFs without Class I violations." For FY 1999 and beyond, the compliance indicator is "inspected TSDFs not in SNC."

** The RCRA LQG and SQG compliance indicator is inspected LQGs and SQGs not in SNC. FFEO did not collect data on these RCRA facility types in SOFF reports prior to 2001.

***Prior to FY 2001, the CAA compliance indicator used was "major sources in compliance." For FY 2001 and beyond the compliance indicator is "major sources not cited for HPVs."

Exhibit 3
Federal Facility Compliance Rates



Source: IDEA – various dates

As shown in **Exhibits 2 and 3**, from FY 1993 to FY 2002, the compliance rate for RCRA increased steadily from 55 percent to 94 percent. In contrast, the compliance rate for CWA/NPDES decreased from 94 percent to 52 percent in FY 2001. The CWA/NPDES compliance rate in FY 2002 did increase by approximately 15 percent; however, it remained nearly 30 percent below FY 1993 levels. The compliance rates for the CAA fluctuated at a level slightly below 90 percent for most of the period before increasing to approximately 93 percent in FY 2002. Similarly, the compliance rate for SDWA/PWSS remained above 90 percent for the entire period, although it has declined slightly from 99 percent in FY 1993 to 96 percent in FY 2002.

Because definitions vary across programs, it is important not to place too much significance in comparisons of the nominal compliance rates for a particular year (e.g., 96 percent for SDWA/PWSS in FY 2002 vs. 94 percent for RCRA); however, comparisons of historical compliance trends can be highly significant. For example, among these four programs, RCRA compliance has exhibited a fairly steady and substantial increase, while CWA/NPDES compliance has generally declined (except for relative increases in FY 1999, FY 2000 and FY 2002).

RCRA TSDF Compliance Rates

In FY 2001 and FY 2002, 181 and 166 federal TSDFs, respectively, were inspected. Of these, approximately eight percent (14 of 181) and six percent (10 of 166) were determined to be in SNC. Therefore, the RCRA TSDF compliance rates (percentage of inspected TSDFs not in SNC) for FY 2001 and FY 2002 were 92 percent and 94 percent, respectively **(see Exhibit 4)**.

Exhibit 4
RCRA TSDF Compliance Rates by Federal Agency Category

Agency	FY 2001			FY 2002		
	Inspected TSDFs	TSDFs in SNC	TSDFs not in SNC	Inspected TSDFs	TSDFs in SNC	TSDFs not in SNC
DOD*	139	7	132 (95.0%)	131	4	127 (96.9%)
Army	62	2	60 (96.8%)	54	3	51 (94.4%)
Navy	32	2	30 (93.8%)	35	0	35 (100.0%)
Air Force	41	3	38 (92.7%)	39	1	38 (97.4%)
CFAs	12	1	11 (91.7%)	13	1	12 (92.3%)
DOE	29	5	24 (82.8%)	22	5	17 (77.3%)
Unidentified**	1	1	-	-	-	-
Total	181	14	167 (92.3%)	166	10	156 (94.0%)

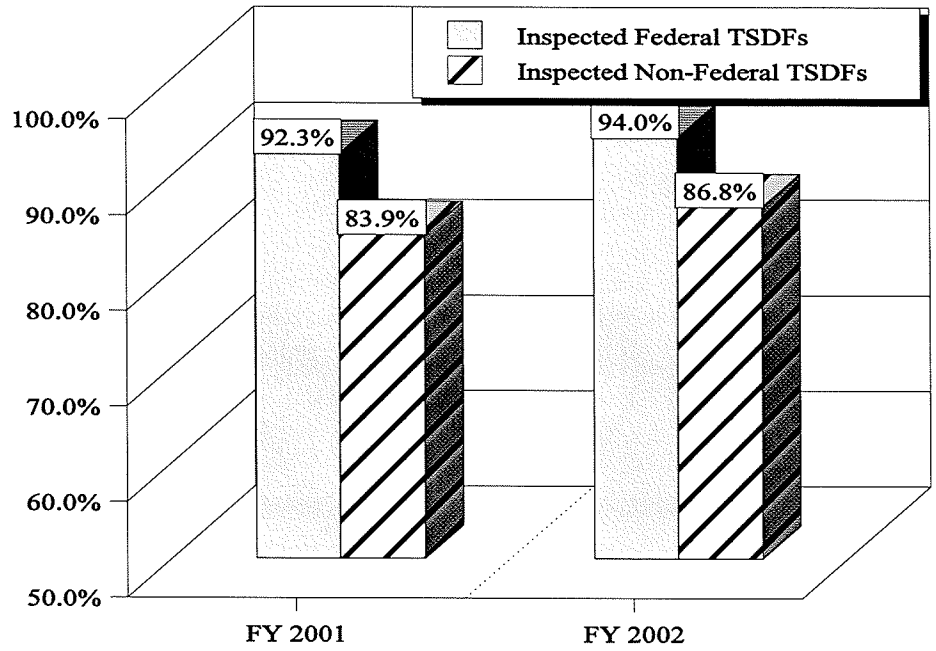
Source: IDEA – 3/6/02 & 1/27/03

* Other DOD facilities (e.g., DLA, Defense Mapping Agency) are included in the overall DOD compliance rates, but are not broken out separately in this table because they represent such a small portion of the DOD universe.

** Unidentified federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a particular federal agency, however, they have been flagged as federal.

According to **Exhibit 4** compliance rates at DOD TSDFs were 95 percent in FY 2001 and 97 percent in FY 2002. These rates were higher than the overall compliance rate for other federal TSDFs. In FY 2001 and FY 2002, the TSDF compliance rate for CFAs remained at about 92 percent for both years, while the same compliance rates at DOE facilities were lower (roughly 83 percent and 77 percent) than the overall federal facility rate for both years. Among the major DOD services, there was no clear trend in terms of which had the highest (or lowest) TSDF compliance rates. **Exhibit 5** shows the federal sector TSDFs, in general, had a higher compliance rate than those in the non-federal (i.e., private) sector.

Exhibit 5
Percentage of Inspected TSDFs not in SNC
(Federal vs. Non-Federal TSDFs)



Source: IDEA – 3/6/02 & 1/27/03

Note that the term "non-federal" refers to those facilities listed within the IDEA database that are not flagged as federal (e.g., industrial, commercial facilities, etc.).

RCRA Generator Compliance Rates

Exhibits 6 and 7 provide compliance rates for inspected LQGs. EPA and states inspected 152 federal LQGs FY 2001 and 136 federal LQGs in FY 2002. Of these facilities, five were found to be in SNC in FY 2001 and two in FY 2002. Because there are fewer RCRA requirements that potentially apply to these facilities (in comparison to TSDFs), one would expect that their compliance rates would be higher, and indeed, this is the case. For both FY 2001 and FY 2002, LQG compliance rates were between three and four percent higher than corresponding rates for TSDFs. **Exhibit 7** compares compliance rates for federal LQGs with their non-federal counterparts. For FY 2001 and FY 2002, the federal LQG compliance rate was between four and six percent higher than for non-federal LQGs.

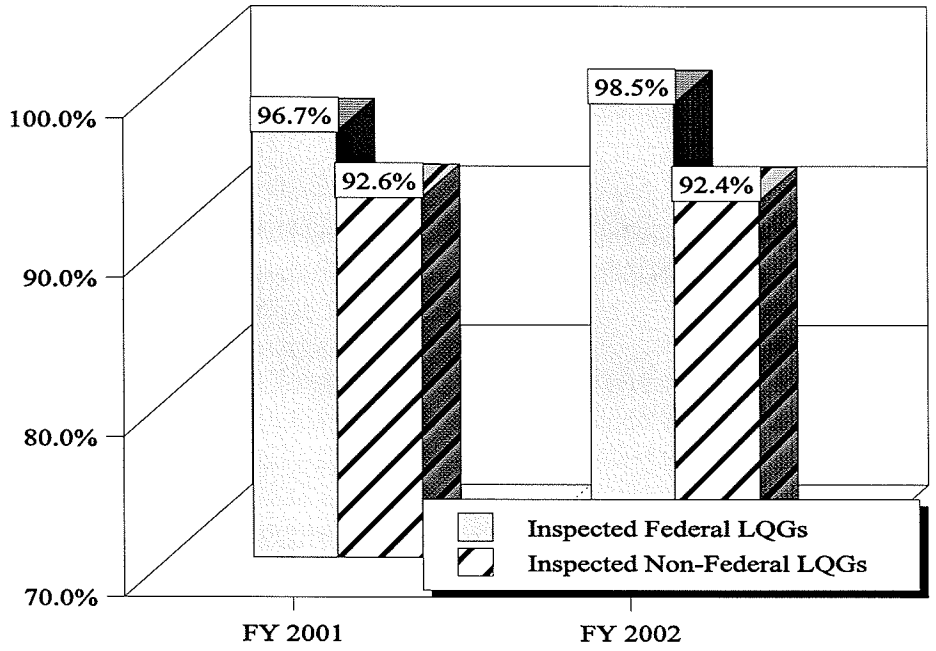
Exhibit 6
RCRA LQG Compliance Rates at Federal Facilities

Agency	FY 2001			FY 2002		
	Inspected LQGs	LQGs in SNC	LQGs not in SNC	Inspected LQGs	LQGs in SNC	LQGs not in SNC
DOD	92	4	88 (95.7%)	88	1	87 (96.9%)
CFAs	46	1	45 (91.7%)	43	1	42 (92.3%)
DOE	3	0	3 (100.0%)	3	0	3 (100.0%)
Unidentified*	11	0	11 (100.0%)	2	0	2 (100.0%)
Total	152	5	147 (96.7%)	136	2	134 (98.5%)

Source: IDEA – 7/31/03

* Unidentified federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a particular federal agency, however, they have been flagged as federal.

Exhibit 7
Percentage of Inspected LQGs not in SNC
(Federal vs. Non-Federal)



Source: IDEA – 7/31/03

Exhibits 8 and 9 provide compliance rates for inspected SQGs. EPA and states inspected 64 federal SQGs in FY 2001 and 56 federal SQGs in FY 2002. Of these facilities, two were found to be in SNC in both FY 2001 and FY 2002, resulting in compliance rates of approximately 97 percent and 96 percent. As was the case with LQGs, these compliance rates for SQGs were higher than for TSDFs. It should be noted, however, that the number of generators inspected comprises a much smaller portion of the generator universe, particularly for SQGs. For example, in FY 2002, only 27 percent and 1 percent, respectively, of federal LQGs and SQGs were inspected, compared to 74 percent of federal TSDFs. The corresponding figures for non-federal LQGs and SQGs were13 percent and two percent. Therefore, these compliance rates may not be as representative of the entire generator universe as are the compliance rates for TSDFs.

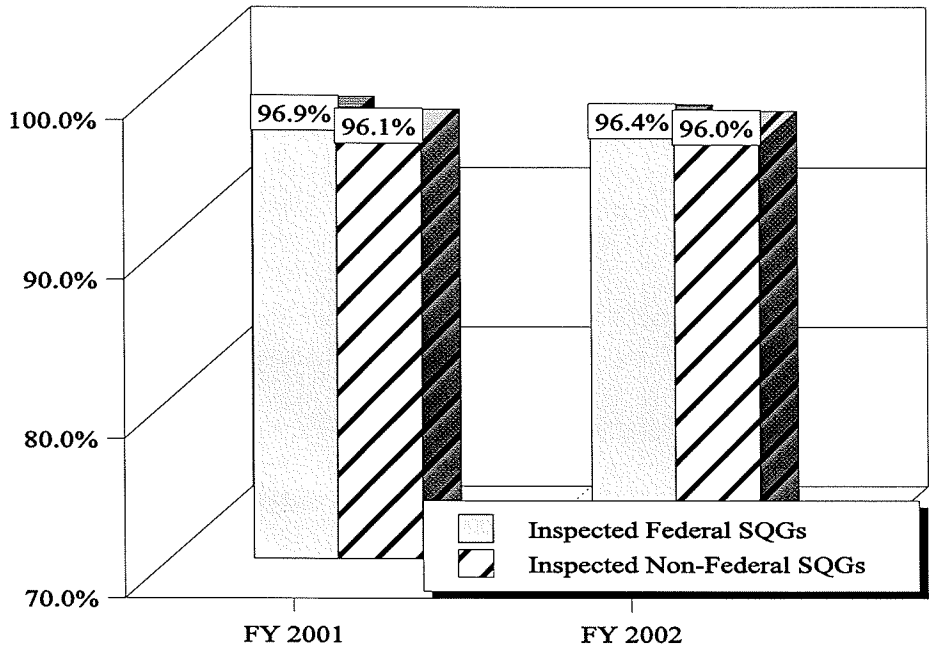
Exhibit 8
RCRA SQG Compliance Rates at Federal Facilities

Agency	FY 2001			FY 2002		
	Inspected SQGs	SQGs in SNC	SQGs not in SNC	Inspected SQGs	SQGs in SNC	SQGs not in SNC
DOD	23	0	23 (100.0%)	17	1	16 (94.1%)
CFAs	32	1	31 (96.9%)	31	1	30 (96.8%)
DOE	1	0	1 (100.0%)	2	0	2 (100.0%)
Unidentified*	8	1	7 (87.5%)	6	0	6 (100.0%)
Total	64	2	62 (96.9%)	56	2	54 (96.4%)

Source: IDEA – 7/31/03

* Unidentified federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a particular federal agency, however, they have been flagged as federal.

Exhibit 9
Percentage of Inspected SQGs not in SNC
(Federal vs. Non-Federal)



Source: IDEA – 7/31/03

CWA/NPDES Compliance Rates

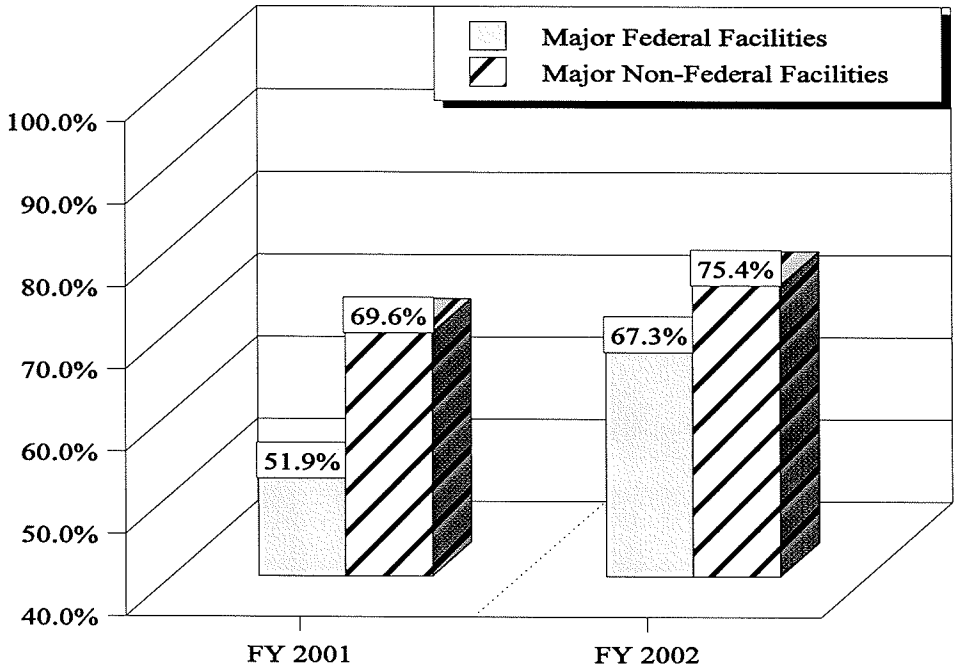
Exhibit 10 presents CWA/NPDES compliance rates by agency category for FY 2001 and FY 2002. DOD compliance increased by more than 20 percent while the compliance rates for CFA facilities decreased by more than 8 percent. The DOE compliance rate nearly doubled over the same period, from approximately 39 percent in FY 2001 to 75 percent in FY 2002. The overall compliance rate for federal facilities increased by more than 15 percent, most of which was attributable to improvements at DOD facilities, which comprise roughly two-thirds of the federal NPDES universe. As far as the compliance rates for the major DOD services, the Air Force consistently had the highest rates (71.4 and 91.7 percent, respectively), while the Navy continued to experience the lowest rates (31.8 and 52.2 percent). It should be noted, however, that all three branches experienced increases of more than 20 percent between FY 2001 and FY 2002.

Exhibit 10
CWA/NPDES Compliance Rates by Federal Agency Category

Agency	FY 2001			FY 2002		
	Major Facilities	Majors in SNC	Majors Not in SNC	Major Facilities	Majors in SNC	Majors Not in SNC
DOD	67	33	34 (50.7%)	65	19	46 (70.8%)
Army	31	14	17 (54.8%)	30	7	23 (76.7%)
Navy	22	15	7 (31.8%)	23	11	12 (52.2%)
Air Force	14	4	10 (71.4%)	12	1	11 (91.7%)
CFAs	24	9	15 (62.5%)	24	11	13 (54.2%)
DOE	13	8	5 (38.5%)	12	3	9 (75.0%)
Total	104	50	54 (51.9%)	101	33	68 (67.3%)

Source: IDEA – 3/2/02 & 1/27/03

Exhibit 11
Percentage of Major CWA/NPDES Facilities not in SNC
(Federal vs. Non-Federal Majors)



Source: IDEA – 3/2/02 & 1/27/03

Exhibit 11 compares the compliance rate of major federal CWA/NPDES facilities against the corresponding compliance rate for the universe of major non-federal CWA/NPDES facilities. In FY 2001, the compliance rate for federal facilities was almost 52 percent (54 of 104), roughly 18 percent lower than for major non-federal facilities. In FY 2002, compliance rates for federal facilities increased by nearly 15 percent (68 of 101), while major non-federal facilities experienced a slight increase from just under 70 percent to slightly more than 75 percent.

CAA Compliance Rates

As shown in **Exhibit 12**, during FY 2001 and 2002 the DOD compliance rates increased from 93 percent to a little more than 95 percent. The compliance rate for CFAs decreased by nearly two percent over the same period. DOE compliance essentially remained constant between FY 2001 and FY 2002. Among the DOD services, the Air Force had the highest compliance rates and the Army had the lowest for both years, although the differential between these two services narrowed from roughly seven percent in FY 2001 to three percent in FY 2002. All three services experienced compliance rates near or exceeding 90 percent for both years.

Exhibit 12
CAA Compliance Rates by Federal Agency Category

Agency	FY 2001			FY 2002		
	Major Sources	Majors in HPV	Majors Not in HPV	Major Sources	Majors in HPV	Majors Not in HPV
DOD*	300	21	279 (93.0%)	305	15	290 (95.1%)
Army	103	12	91 (88.3%)	101	7	94 (93.1%)
Navy	98	4	94 (95.9%)	99	5	94 (94.9%)
Air Force	89	4	85 (95.5%)	90	3	87(96.7%)
CFAs	191	22	169 (88.5%)	186	25	161 (86.6%)
DOE	33	1	32 (97.0%)	32	1	31(96.9%)
Unidentified**	15	1	14 (93.3%)	24	-	24 (100.0%)
Total	539	45	494 (91.7%)	547	41	506 (92.5%)

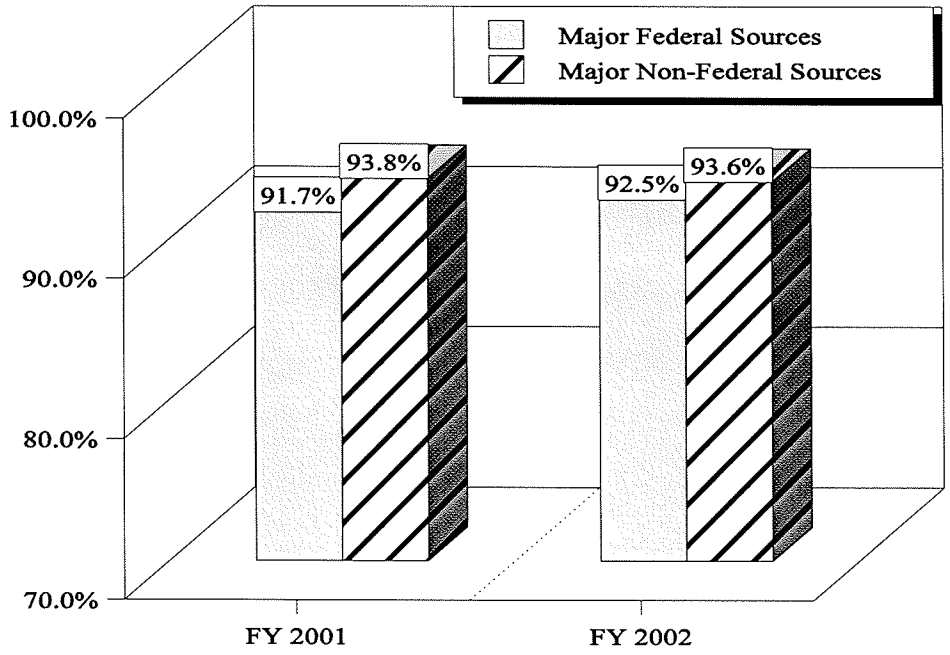
Source: IDEA – 3/5/02 & 1/28/03

* Other DOD facilities (e.g., DLA, Defense Mapping Agency) are included in the overall DOD compliance rates, but are not broken out separately because they represent such a small portion of the DOD universe.

** Unidentified federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a particular federal agency, however, they have been flagged as federal.

As shown in **Exhibit 13**, during FY 2001 and FY 2002, major CAA sources at federal facilities experienced nearly the same compliance rates (roughly 92 for FY 2001 and 93 percent for FY 2002) than the non-federal regulated community. CAA compliance rates at major non-federal sources remained constant at nearly 94 percent for the same two-year period.

Exhibit 13
Percentage of CAA Major Sources not cited for HPVs
(Federal vs. Non-Federal Sources)



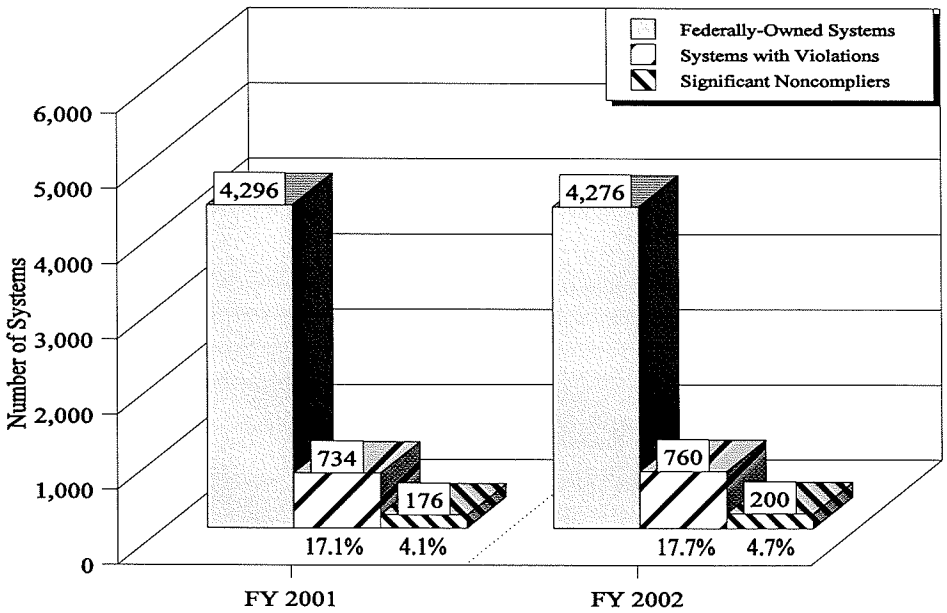
Source: IDEA – 3/5/02 & 1/28/03

SDWA/PWSS Compliance Rates

Exhibit 14 shows the number of federally-owned public water systems cited for violations under SDWA, as well as the number of systems classified as SNC for more serious violations. The number of systems cited for violations increased slightly from approximately 17 percent in FY 2001 to nearly 18 percent FY 2002. The number of systems in SNC increased from 4.1 percent in FY 2001 to 4.7 percent in FY 2002. The database used to track SDWA compliance does not contain information on agency affiliation, thus it is not possible to provide these compliance rates by agency category.

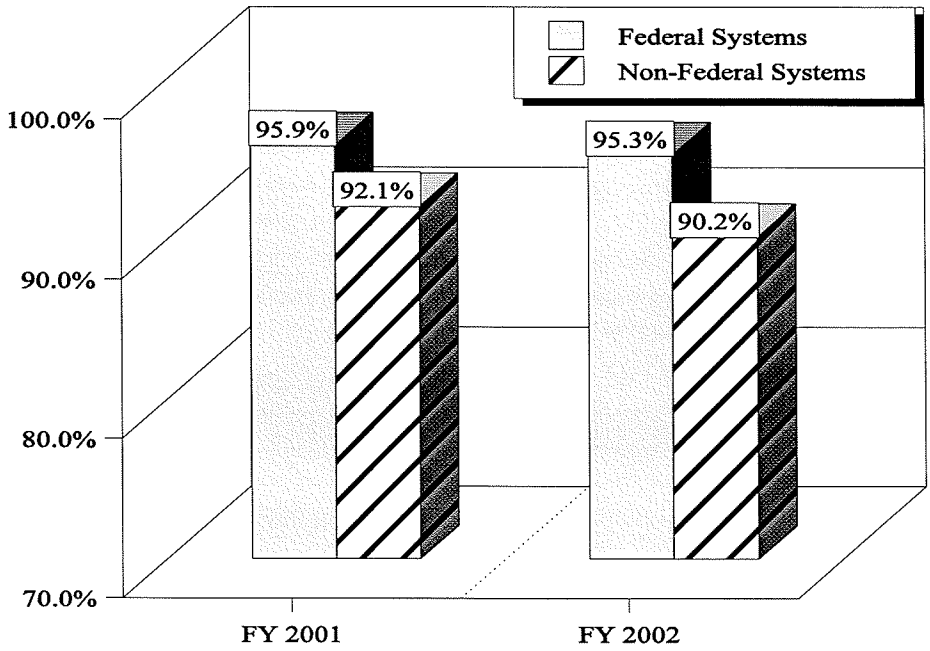
Because the compliance indicator used for SDWA is the percentage of systems not in SNC, the compliance rate for federal systems overall remained nearly unchanged from 95.9 percent in FY 2001 to 95.3 percent in FY 2002. As shown in **Exhibit 15**, the overall federal facility compliance rate has remained above the compliance rate for non-federal systems.

Exhibit 14
SDWA/PWSS Noncompliance at Federally-Owned Systems



Source: SDWIS – 7/9/03

Exhibit 15
Percentage of SDWA Public Water Supply Systems not in SNC
(Federal vs. Non-Federal Systems)



Source: SDWIS – 7/9/03

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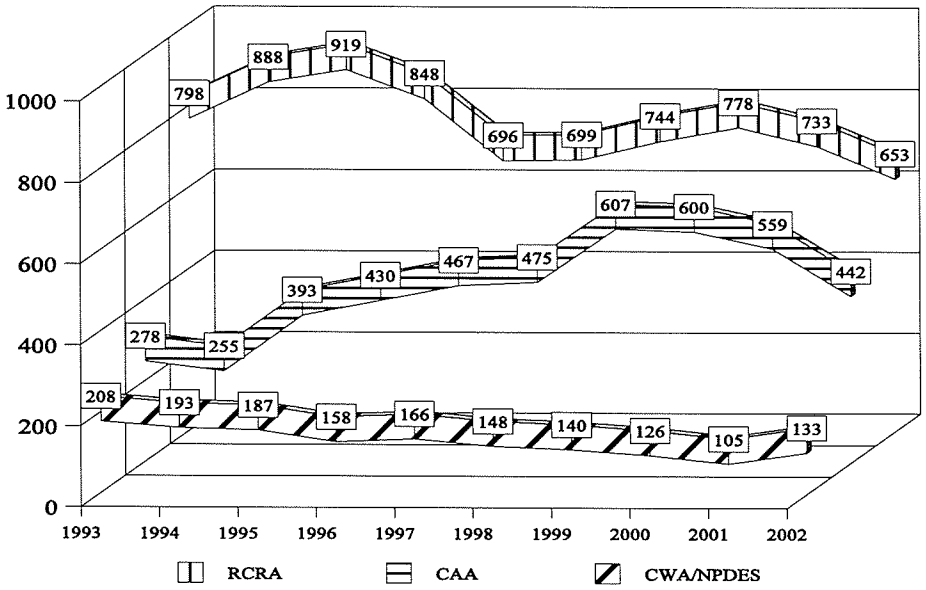
IV. INSPECTIONS AND ENFORCEMENT ACTIONS

EPA and states monitor activities at federal facilities to determine whether they are in compliance with environmental laws and regulations. Compliance monitoring also enables EPA to measure and track performance over time and to identify potential problem areas and compliance assistance opportunities. EPA obtains information regarding environmental performance from reports submitted to states, and EPA by the regulated facilities. Information on performance is also provided by inspections and other assessments conducted by regulatory agencies. Most environmental programs rely on some form of inspection as the principal tool for determining compliance. The level of effort associated with these inspections varies, depending on the specific requirements addressed, the size and complexity of the facility's operations, and the type and amount of data required to assess compliance.

Increasingly, EPA has found it necessary to more sharply focus the resources of its enforcement program, including those associated with federal facilities, on issues and problems that matter most. This "smart enforcement" approach launched in April 2003, embodies a common sense approach to problem solving and decision making. Simply put, smart enforcement is the use of the most appropriate enforcement or compliance tools to address the most significant environmental problems and achieve that best outcomes that will help increase the effectiveness and efficiency of the Agency's federal facilities program.

Exhibit 16 shows the total number of EPA and state inspections at federal facilities for RCRA, CWA/NPDES, and CAA since FY 1993. The number of inspections conducted under all three programs decreased by roughly four percent from 1,284 in FY 1993 to 1,228 in FY 2002. CWA/NPDES inspections declined by 36 percent, while RCRA inspections declined by roughly 18 percent; although the decrease in RCRA inspections was much larger in numerical terms. CAA inspections actually increased by approximately 59 percent relative to FY 1993; however, the level of CAA inspection activity peaked in FY 1999 and has since declined. A portion of this decline is due to a FY 2002 programmatic change to the definition of what constitutes an inspection under the CAA, yet even in FY 2001, prior to the change, CAA inspections were decreasing. The number of SDWA/PWSS inspections is not reported in the federal SDWIS database and therefore is not presented in this report.

Exhibit 16
EPA and State Inspections at Federal Facilities



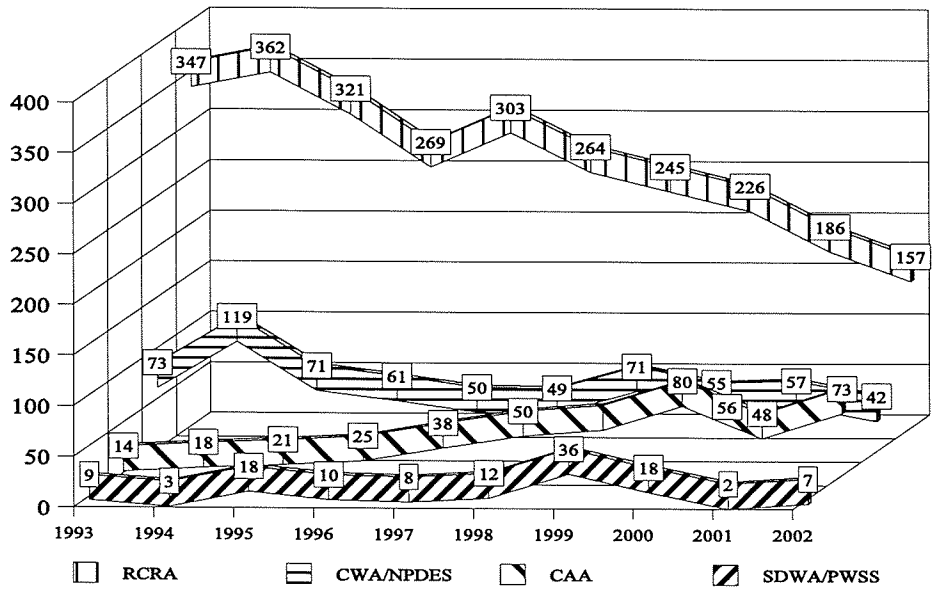
Source: IDEA various dates

Federal facilities, like all other regulated facilities, are responsible for complying with environmental requirements. EPA and the states work with federal agencies to help them comply with environmental requirements and take all necessary actions to prevent, control, and abate environmental pollution. Any federal facility that fails to comply with environmental requirements may be subject to enforcement. EPA and most states have explicit authority to issue orders to require compliance by federal facilities in violation of most environmental statues, as well as the authority to assess noncompliance penalties under some of these laws. EPA and the states respond to the discovery of violations at federal facilities by issuing formal or informal enforcement actions. The type of enforcement action (i.e., formal vs. informal) depends upon a variety of factors, including, but not limited to the severity of the violation, the compliance history of the facility, and the actual or potential threat to human health and the environment.

Exhibit 17 presents the number of EPA and state enforcement actions at federal facilities for RCRA, CWA/NPDES, CAA, and SDWA/PWSS since FY 1993. EPA and states issued 293 and 279 enforcement actions against federal facilities in FY 2001 and FY 2002, respectively. The 279 actions issued in FY 2002 represents a decline of approximately 37 percent relative to FY 1993. RCRA enforcement actions remained the most common, comprising 63 percent of total enforcement actions in FY 2001 and 56 percent of total actions in FY 2002. CWA/NPDES actions accounted for approximately 19 and 15 percent of the total actions respectively, while CAA actions accounted for roughly 16 (FY 2001) and 26 (FY 2002) percent of total enforcement actions during the same two year period. SDWA/PWSS actions accounted for less than three percent of federal facility enforcement. Since enforcement actions may lag behind the

event that triggered it (such as an inspection), enforcement actions in one year are not necessarily related to inspections conducted in a prior year.

Exhibit 17
Enforcement Actions at Federal Facilities
(Formal and Informal Actions)



Source: IDEA – various dates

RCRA Inspections and Enforcement Actions

To assess compliance with RCRA requirements, EPA inspectors conducted 99 (FY 2001) and 102 (FY 2002) inspections at federal facilities, including TSDFs, LQGs, SQGs, conditionally-exempt SQGs (CESQGs), and transporters. Because RCRA is generally a state-delegated program, state totals were much higher (634 and 551). As shown in **Exhibit 18**, The total number of RCRA inspections declined by approximately 9 percent from FY 2001 to FY 2002. DOD facilities received approximately 61 percent of all inspections in FY 2001 and FY 2002, while CFA facilities received between 21 and 26 percent for both years. The inspection totals for DOE facilities over the same period were between 10 and 14 percent.

Exhibit 18
RCRA Inspections and Enforcement Actions

	Inspections		Enforcement Actions	
	FY 2001	**FY 2002**	**FY 2001**	**FY 2002**
By Agency Lead				
EPA-Lead	99 (13.5%)	102 (15.6%)	31 (16.7%)	28 (17.8%)
State-Lead	634 (86.5%)	551 (84.4%)	155 (83.3%)	129 (82.2%)
By Agency Category				
DOD	444 (60.6%)	403 (61.7%)	114 (61.3%)	109 (69.4%)
CFA	158 (21.6%)	169 (25.9%)	33 (17.7%)	33 (21.0%)
DOE	100 (13.6%)	68 (10.4%)	28 (15.1%)	11 (7.0%)
Unidentified*	31(4.2%)	13 (2.0%)	11 (5.9%)	4 (2.5%)
Total	733	653	186	157

Source: IDEA – 5/16/02 & 1/27/03

* Unidentified federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a particular federal agency, however, they have been flagged as federal.

The federal share of both inspections and enforcement actions increased between FY 2001 and FY 2002. This percentage increase is primarily due to a decrease in state-led activity, rather than an increase in the number of EPA-led inspections and enforcement actions. The distribution of enforcement actions among the federal agency categories was generally consistent with that for inspections. DOD facilities received approximately 61 percent, CFAs around 20 percent, and DOE facilities between seven and 15 percent of enforcement actions.

Exhibit 19
RCRA Inspections and Enforcement Actions by Facility Type

	Inspections		Enforcement Actions	
	FY 2001	**FY 2002**	**FY 2001**	**FY 2002**
Inspections and Enforcement Actions at TSDFs				
DOD	243 (37.3%)	261 (43.9%)	63 (40.1%)	72 (50.0%)
CFA	22 (3.4%)	26 (4.4%)	4 (2.5%)	8 (5.6%)
DOE	89 (13.6%)	64 (10.8%)	27 (17.2%)	11 (7.6%)
Unidentified*	--	--	--	--
Inspections and Enforcement Actions at LQGs				
DOD	144 (22.1%)	105 (17.6%)	30 (19.1%)	24 (16.7%)
CFA	76 (11.7%)	66 (11.1%)	12 (7.6%)	12 (8.3%)
DOE	7 (1.1%)	2 (0.3%)	1 (0.6%)	--
Unidentified*	4 (0.6%)	3 (0.5%)	1 (0.6%)	1 (0.7%)
Inspections and Enforcement Actions at SQGs				
DOD	25 (3.8%)	22 (3.7%)	9 (5.7%)	6 (4.2%)
CFA	35 (5.4%)	39 (6.6%)	7 (4.5%)	9 (6.3%)
DOE	--	2 (0.3%)	--	--
Unidentified*	7 (1.1%)	5 (0.8%)	3 (1.9%)	1 (0.7%)
Total**	652	595	157	144

Source: IDEA – 5/16/02 & 1/27/03

* Unidentified federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a particular federal agency, however, they have been flagged as federal.

** Totals do not include inspections or enforcement actions conducted at CESQGs, transporters, or non-notifiers.

Exhibit 19 demonstrates that among RCRA TSDFs, LQGs, and SQGs, most inspections and enforcement actions occurred at TSDFs. For both FY 2001 and FY 2002, more than 50 percent of inspections took place at TSDFs. This concentration was more pronounced for enforcement actions. Approximately 60 percent of enforcement actions were issued at TSDFs in FY 2001, and in FY 2002, the figure was approximately 63 percent.

CWA/NPDES Inspections and Enforcement

Implementation responsibility for the CWA/NPDES program lies primarily with the states. As a consequence, roughly 90 percent of CWA/NPDES inspections conducted at major federal facilities during FY 2001 and FY 2002 were led by states. As shown in **Exhibit 20**, CWA/NPDES inspections increased by approximately 27 percent between FY 2001 and FY 2002. DOD facilities received between two-thirds and three-quarters of these inspections in FY 2001 and FY 2002, while CFA and DOE facilities received roughly equivalent shares of the remaining inspections over the same period.

The number of enforcement actions taken to address NPDES noncompliance at major federal facilities decreased by 26 percent between FY 2001 and FY 2002. EPA-led enforcement actions decreased by more than half to 4.8 percent. Enforcement actions at DOE declined from approximately 40 percent of the total CWA/NPDES actions in FY 2001 to only 14 percent of the total actions taken in FY 2002.

Exhibit 20
CWA/NPDES Inspections and Enforcement Actions at Major Federal Facilities

	Inspections		Enforcement Actions	
	FY 2001	FY 2002	FY 2001	FY 2002
By Agency Lead				
EPA-Lead	11 (10.5%)	11 (8.3%)	6 (10.5%)	2 (4.8%)
State-Lead	94 (89.5%)	122 (91.7%)	51 (89.5%)	40 (95.2%)
By Agency Category				
DOD	69 (65.7%)	98 (73.7%)	32 (56.1%)	33 (78.6%)
CFA	17 (16.2%)	17 (12.8%)	2 (3.5%)	2 (4.8%)
DOE	19 (18.1%)	17 (12.8%)	23 (40.4%)	6 (14.3%)
Unidentified*	-	1 (.8%)	–	1 (2.4%)
Total	105	133	57	42

Source: IDEA – 1/31/02 & 1/27/03

* Unidentified federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a particular federal agency, however, they have been flagged as federal.

CAA Inspections and Enforcement Actions

Exhibit 21 shows that EPA and state inspectors conducted 559 CAA inspections of major federal sources during FY 2001 and 442 in FY 2002. This represents a decrease of nearly 21 percent. A portion of this decline is due to a FY 2002 programmatic change to the definition of what constitutes an inspection, although the number of CAA inspections has been falling since FY 1999. As is the case with RCRA and CWA/NPDES, states continued to take a lead role on the majority of CAA inspections (526 state-led inspections versus 33 by EPA in FY 2001 and 421 state-led inspections versus 21 by EPA in FY 2002). DOD facilities received more than 60 percent of CAA inspections in both FY 2001 and FY 2002. CFA facilities received between 20 and 30 percent of inspections over the same period, while DOE facilities received less than 10 percent for both years.

Exhibit 21
CAA Inspections and Enforcement Actions at Major Federal Sources

	Inspections		Enforcement Actions	
	FY 2001	**FY 2002**	**FY 2001**	**FY 2002**
By Agency Lead				
EPA-Lead	33 (5.9%)	21 (4.8%)	2 (4.2%)	1 (1.4%)
State-Lead	526 (94.1%)	421 (95.2%)	46 (95.8%)	72 (98.6%)
By Agency Category				
DOD	376 (67.3%)	273 (61.8%)	32 (66.7%)	47 (64.4%)
CFA	116 (20.8%)	128 (29.0%)	14 (29.2%)	23 (31.5%)
DOE	54 (9.7%)	34 (7.7%)	2 (4.2%)	1 (1.4%)
Unidentified*	13 (2.3%)	7 (1.6%)	-	2 (2.7%)
Total	559	442	48	73

Source: IDEA – 1/30/02 & 1/27/03

* Unidentified federal facilities have not been assigned a GSA code or named within their relevant data systems in such a way as to identify them as belonging to a particular federal agency, however, they have been flagged as federal.

EPA and states issued 48 and 73 enforcement actions against federal sources during FY 2001 and FY 2002, respectively, for failure to comply with provisions of the CAA. As shown in **Exhibit 21**, states took the lead on approximately 96 percent of these enforcement actions. DOD sources received approximately 62 percent, while CFA sources received roughly 30 percent of the total enforcement actions. DOE and other sources each received less than five 5 percent of total actions during FY 2001 and FY 2002.

SDWA/PWSS Inspections and Enforcement

The number of SDWA/PWSS inspections is not reported in the federal SDWIS database and therefore is not presented in this report. Similarly SDWIS does not provide information on agency affiliation with public water systems and, therefore, and a summary of affected federal agencies is also not provided for this report. **Exhibit 22** shows that the total number of formal enforcement actions issued against federal facilities increased from two in FY 2001 to seven in FY 2002. EPA took the lead on none of the SDWA actions during FY 2001 and 14.3 percent (1 of 7) during FY 2002.

Exhibit 22
SDWA/PWSS Enforcement Actions at Federal Facilities

Enforcement Lead	Number of Actions in FY 2001	Number of Actions in FY 2002
EPA	0 (0%)	1 (14.3%)
State	2 (100.0%)	6 (85.7%)
TOTAL	2	7

Source: SDWIS – 7/9/03

V. Federal Facilities Universe and Toxic Release Inventory Data

The federal government owns and leases vast amounts of real property in the United States. According to the General Services Administration, as of September 30, 2002, the total amount of federally owned or leased property is approximately 670 million acres. This represents approximately 30 percent of all land in the United States. The total area of federally-owned or leased buildings amounts to approximately 3.3 billion square feet. The vast majority of this real property is owned, rather than leased, although as a percentage of the total square footage, leased buildings comprise a much larger share of federal property than leased land (10 percent versus 0.1 percent). **Exhibit 23** below presents a more detailed breakdown of these property holdings.

Exhibit 23
Federal Government's Owned and Leased Real Property (FY 2002)

Type of Property	Number of Installations / Leases	Acreage	Percent of Total acreage	Number of Buildings	Building Area (sq. ft.)	Percent of Total Area
Owned	32,019	674,099,756	99.9%	441,213	2,974,885,045	89.8%
Leased	59,262	842,242	0.1%	46,029	339,520,657	10.2%
Total	--	674,941,998	–	487,242	3,314,405,702	–

Source: GSA, *Federal Real Property Profile,* Sept 30, 2002. Totals do not include property outside of the U.S.

Although all federal facilities are potentially subject to environmental regulations, most are not involved in activities that would normally trigger compliance requirements. According to the Federal Registry System (FRS), as of April 1, 2003, there were 7,853 federal facilities. The data pulled for this facility count includes any NPDES permitted facility in PCS, any facility with a CAA permit in AIRS/AFS, and any facility that either has a RCRA permit or is a Part A notifier as a generator of hazardous waste. Facility types left out of the total include:

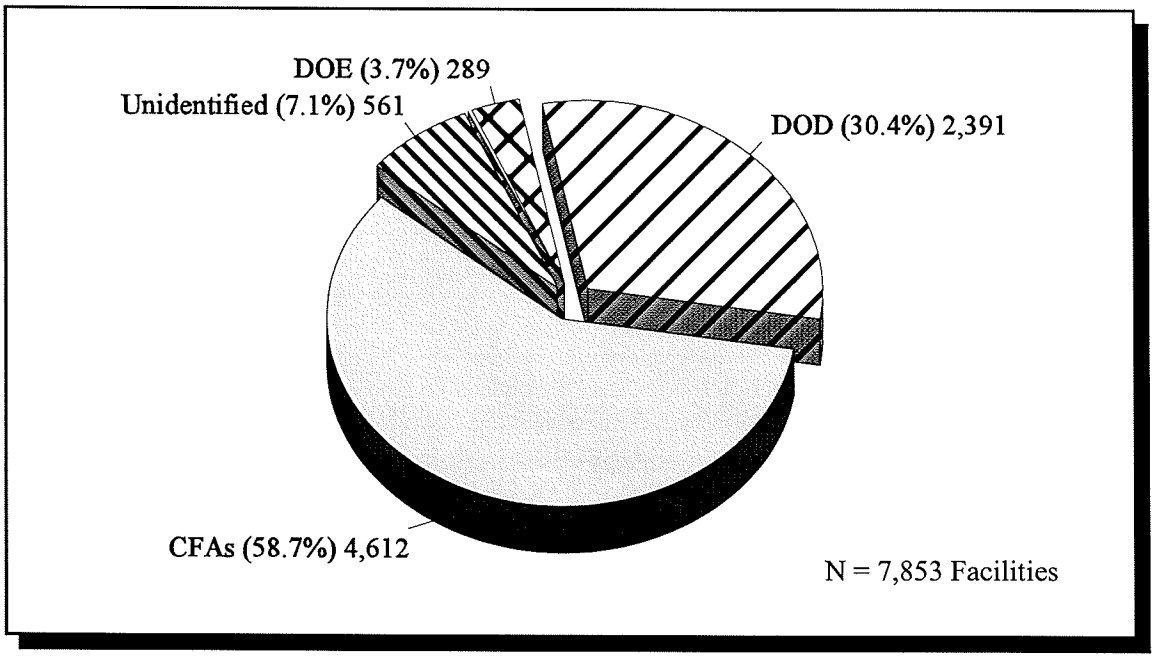
- Non-permitted small quantity and conditionally exempt small quantity generators under RCRA. This probably includes a major portion of the RCRA universe in the federal facility sector. *(Some transporters require all generators, regardless of their size, to notify EPA or obtain a permit, as a condition for accepting shipments of hazardous waste)*;

- Minor facilities under NPDES that states have elected not to report since they are not required to forward this information to EPA as long as they track these facilities;

- SDWA public water supply systems *(This universe of data is not fully integrated with the IDEA system)*;
- Minor CAA sources;
- Facilities regulated under FIFRA, TSCA, or EPCRA 313, unless they are tracked under another program (e.g., RCRA). *(FIFRA permitees do not necessarily represent facilities and TSCA notifiers may be coincidentally reported to EPA or the states by some other means (e.g., RCRA))*; and
- CERCLA regulated sites, unless they are also tracked under another program.

Federal facilities can be grouped into four broad categories – Department of Defense (DOD), Department of Energy (DOE), Civilian Federal Agencies (CFAs), and unidentified federal facilities **(Exhibit 24)**.

Exhibit 24
Federal Facilities by Agency Category (FY 2002)



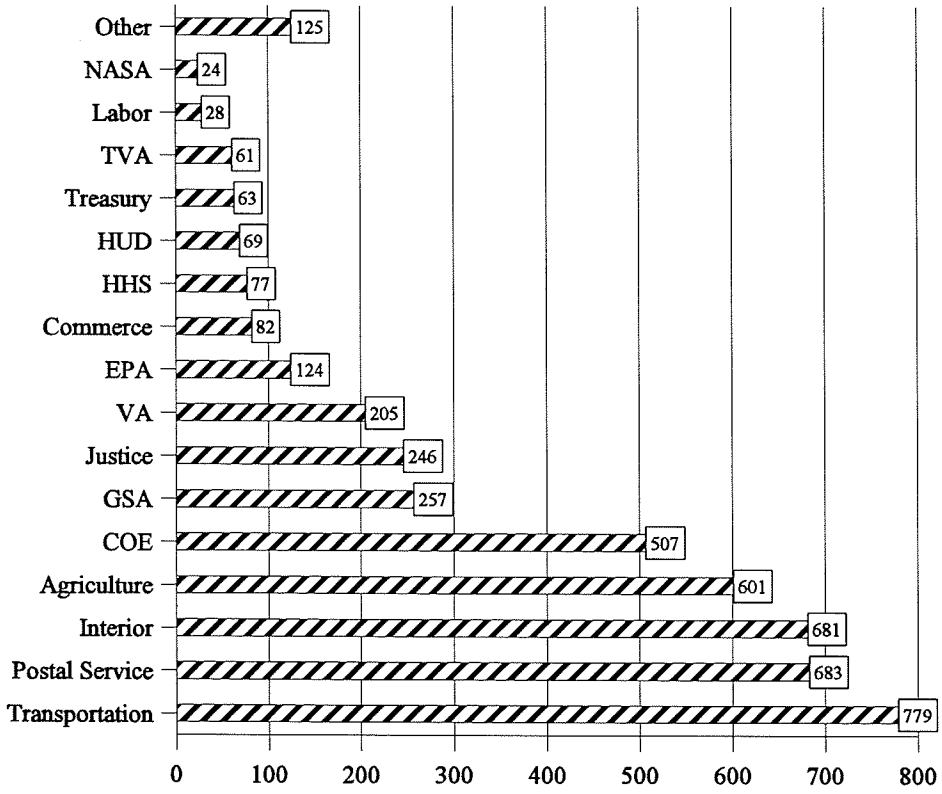
Source: FRS – 4/1/03

The FY 1999-2000 State of Federal Facilities report indicated that the number of federal facilities regulated under these programs was considerably higher (i.e., 11,670). This decrease is primarily due to EPA's on-going data cleanup efforts, as well as database maintenance. EPA removed several thousand inactive or obsolete NPDES identification numbers (IDs) from PCS. A considerably smaller number of inactive facility IDs were also removed from RCRAInfo and AIRS/AFS. In addition, several hundred facilities were archived from FRS until their federal

status can be determined. Lastly, EPA removed the A-106 database, which resulted in the elimination of the majority of Formerly Utilized Defense Sites (FUDS).[4]

Exhibit 25 shows the distribution of CFA facilities according to individual agencies. The overall number of CFA facilities has declined relative to FY 2000 for the reasons discussed above; however, both the percentage of the total accounted for by individual agencies, as well as their relative ranking, has remained fairly consistent.

Exhibit 25
Distribution of CFA Facilities by Agency (FY 2002)



Source: FRS – 4/1/03

[4] FUDS are still tracked within the remaining systems, however, their numbers are so small as to not warrant a separate categorization within Exhibit 20. These facilities are instead included in the overall DOD numbers.

Federal Facility Activities

Federal facilities engage in a range of activities similar to the other non-federal sectors of the regulated community. Below is a list of North American Industry Classifications (NAICS) that covers the vast majority of activities carried out at federal facilities. More information on NAICS Codes can be found at the website: http://www.census.govepcd/www/naicstab.htm.

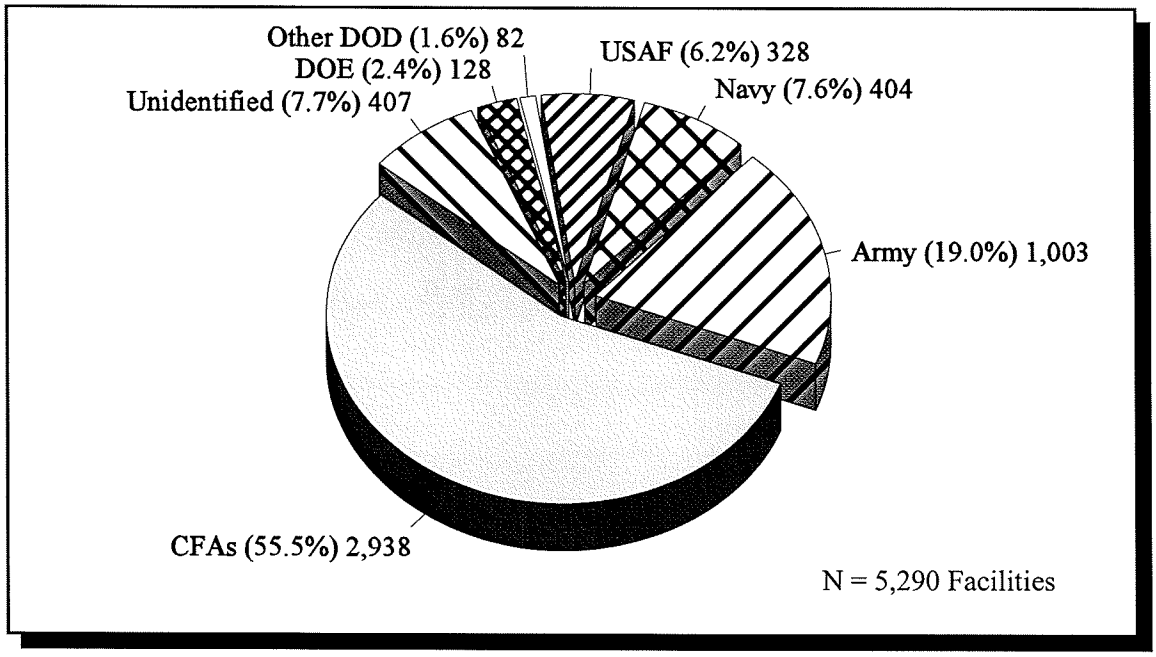
- 113 – forestry and logging
- 211 – utilities
- 491 – postal service
- 531 – real estate
- 562 – waste management and remediation services
- 621 – ambulatory health care services
- 622 – hospitals
- 623 – nursing and residential care services
- 712 – museums, historical sites, and similar institutions
- 811 – repair and maintenance
- 812 – laundry and personal care services
- 921 – executive, legislative and other general government
- 922 – justice, public order and safety activities
- 923 – administration of human resource program
- 926 – administration of economic programs
- 927 – space research and technology
- 928 – national security and international affairs

RCRA Universe

RCRA regulated federal facilities can be divided into three types: generators, transporters, and treatment, storage, and disposal facilities (TSDFs). Generators of RCRA-regulated waste must obtain an EPA ID number; prepare hazardous waste for transport; and comply with the accumulation and storage, record keeping, and reporting requirements. They are also responsible for tracking waste through a manifest system. The manifest system creates a written record of the chain-of-custody from the time a waste leaves a generator until it reaches its final disposal site. Transporters must obtain an EPA ID number, comply with the manifest system, and address any hazardous waste releases. TSDFs are subject to record keeping and reporting requirements and technical standards covering treatment and disposal methods, as well as the location, construction, and operation of disposal sites. Finally, both generators and TSDFs may be subject to land disposal restrictions requiring treatment of the waste before it is land-disposed. In addition, a small number of facilities are classified as non-notifiers. Non-notifiers are RCRA facilities that have been identified through sources other than regular reporting and are suspected of engaging in RCRA-regulated activities without proper authority.

At the end of FY 2002, there were 5,290 federal RCRA regulated facilities. As shown in **Exhibit 26**, in FY 2002, 34.4 percent of the federal RCRA facilities were DOD facilities (Army – 19.0 percent, Navy – 7.6 percent, USAF – 6.2 percent, and other DOD – 1.6 percent). The majority of federal RCRA facilities are CFAs (55.5 percent), while DOE facilities and facilities that are unidentifiable by agency category comprise 2.4 percent and 7.7 percent, respectively.

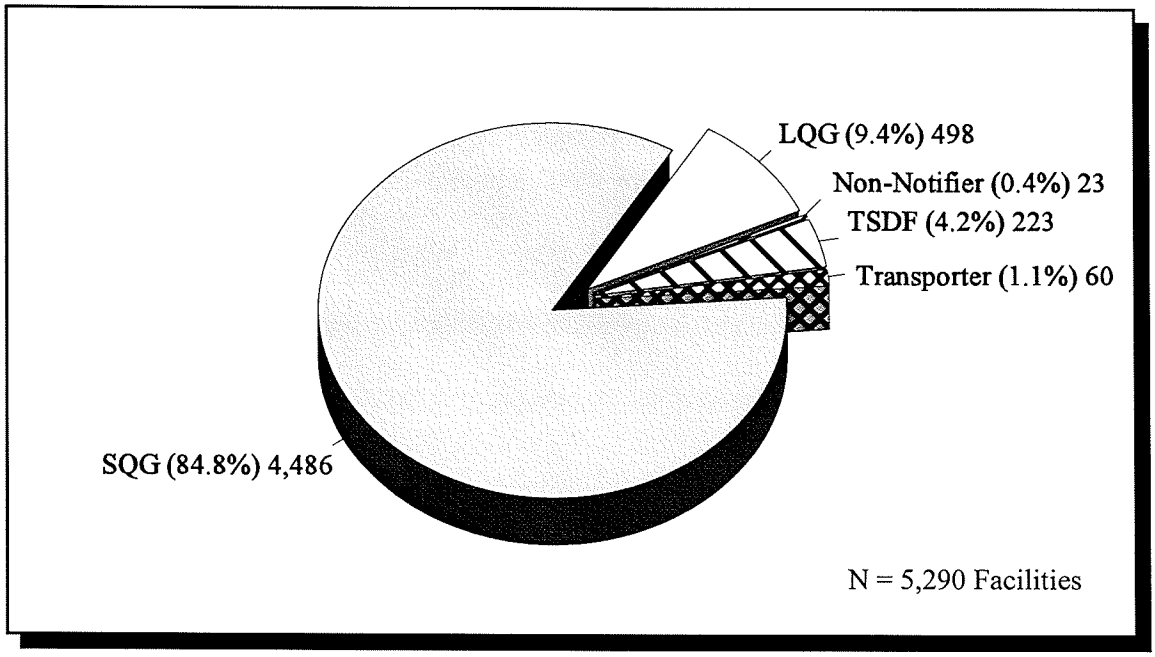
Exhibit 26
RCRA Regulated Facilities by Agency Category (FY 2002)



Source: IDEA – 1/27/03

As shown in **Exhibit 27**, large and small quantity generators[5] (LQGs and SQGs) make up the largest share of RCRA regulated federal facilities (94.2 percent), followed by TSDFs and transporters (4.2 percent and 1.1 percent respectively). Non-notifiers (at least those that have been identified through other means) comprise less than one percent of the universe of RCRA regulated federal facilities.

Exhibit 27
Universe of RCRA Regulated Federal Facilities (FY 2002)



Source: IDEA – 1/27/03

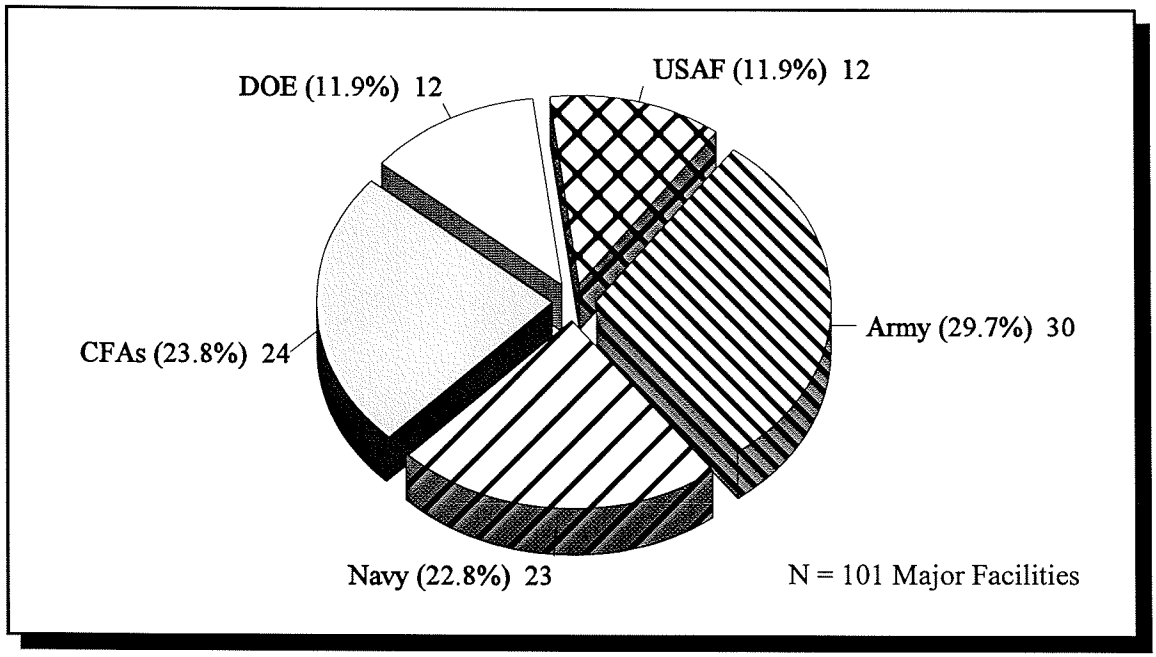
[5] This total also includes conditionally exempt small quantity generators.

CWA/NPDES Universe

Under the CWA, all point source dischargers of wastewater, including federal facilities, must submit an application for a NPDES permit. NPDES permits may contain water quality-based and/or technology-based standards for effluent discharges, compliance schedules, and monitoring/reporting requirements.

At the end of FY 2002, there were 101 major federal facilities regulated under the NPDES program. As shown in **Exhibit 28**, of these 101 facilities, 64.4 percent were DOD (Army – 29.7 percent, Navy – 22.8 percent, and USAF – 11.9 percent, while 23.8 percent were CFA facilities and 11.9 percent were DOE facilities.

Exhibit 28
Universe of Major Federal CWA/NPDES Facilities (FY 2002)



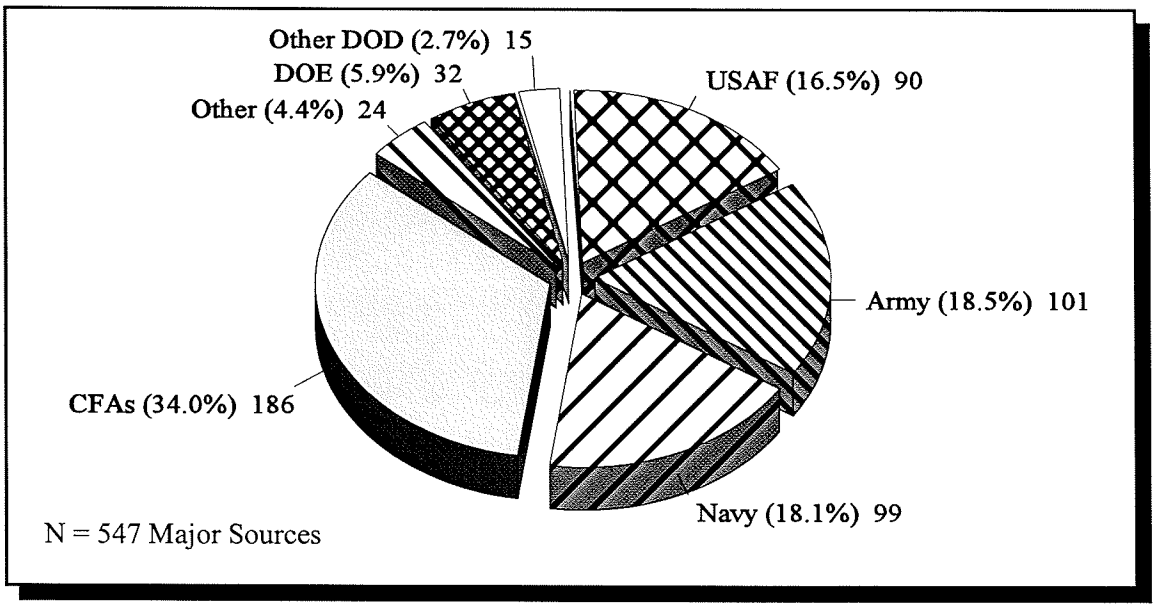
Source: IDEA – 1/27/03

CAA Universe

To meet EPA's National Ambient Air Quality Standards (NAAQS), states typically require new sources to obtain preconstruction permits. Permit requirements depend on the attainment status of the area, which is based on air quality with respect to six criteria pollutants (CO, SO_2, NO_x, VOCs, particulates, and lead). Areas meeting the NAAQS are considered in "attainment," while areas that do not are in "nonattainment." New sources in nonattainment areas must go through the permit review process under the New Source Review, which allows for new sources if stringent requirements are met, including emissions offsets, state-wide compliance for all sources, public notification, and installation of equipment to meet the Lowest Achievable Emission Rate. If the source is to be located within an attainment area, the permit review process falls under Prevention of Significant Deterioration requirements, which require installation of the Best Available Control Technology, establishment of maximum allowable emissions increases, performance of impact analyses by source, and public notice.

Federal sources, depending on the nature and size of their operations, also may be subject to technology-based New Source Performance Standards for new, modified, or reconstructed sources; health-based National Emissions Standards for Hazardous Air Pollutants for new and existing sources within specific categories; and/or Title V requirements for all sources of emissions at a facility under a single permit. In FY 2002, there were 547 major federal sources (i.e., exceeding federally reportable thresholds) regulated under all programs within the CAA. As shown in **Exhibit 29**, 55.8 percent of these federal sources were DOD (Army – 18.5 percent, Navy – 18.1 percent, USAF – 16.5 percent, and other DOD – 2.7 percent), 34 percent were CFAs, 5.9 percent were DOE, and 4.4 percent were unidentifiable by agency category.

Exhibit 29
Universe of Major Federal CAA Sources (FY 2002)



Source: IDEA – 1/28/03

SDWA/PWSS Program Universe

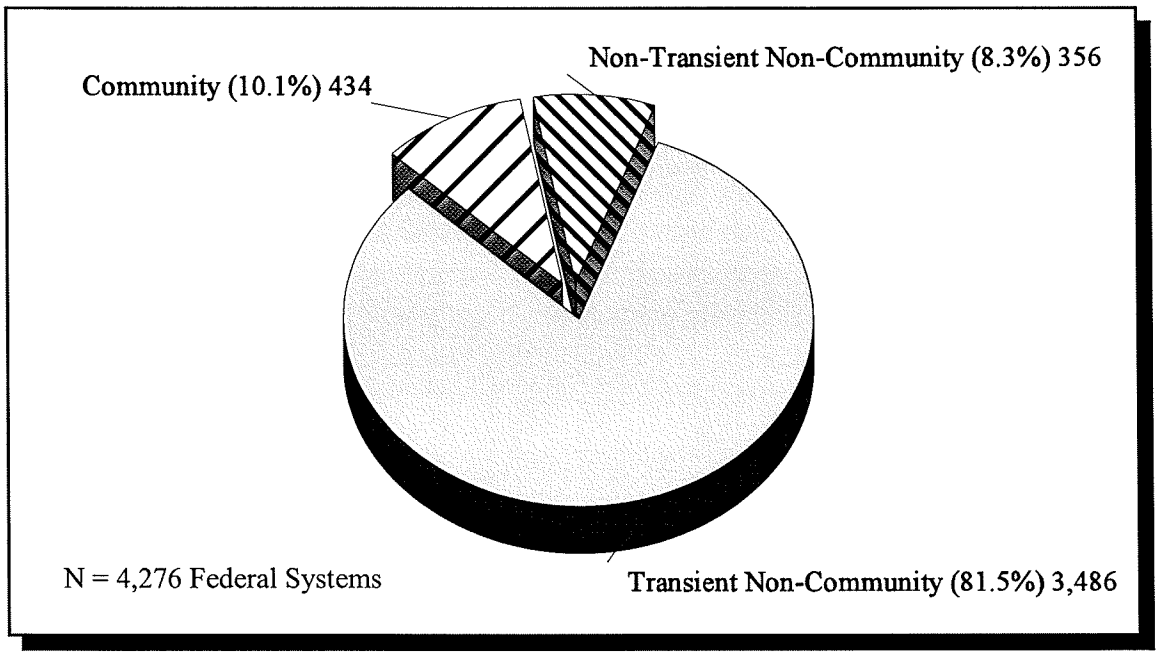
Under the SDWA/PWSS program, the definition of a public water system is "a water system providing water for human consumption through constructed conveyances to at least 15 service connections or an average of 25 individuals daily at least 60 days per year." EPA has interpreted the term human consumption to include drinking, bathing, showering, cooking, dishwashing, and maintaining oral hygiene. There are three types of public water systems:

- Community Water Systems serve at least 15 service connections used by year-round residents of an area or regularly serves at least 25 year-round residents for 60 days or more per year. The remaining two types of systems are considered non-community water systems because they do not provide water to more than 15 residences year-round.

- Transient Non-Community Water Systems serve transient or seasonal customers in locations such as campgrounds, motels, and gasoline stations.

- Non-Transient Non-Community Water Systems regularly serve at least 25 of the same non-resident people per day for at least six months of the year. Examples include schools, factories, hospitals, and other facilities with their own supplies.

Exhibit 30
Universe of Federal Public Water Supply Systems (FY 2002)



Source: SDWIS – 7/9/03

As shown in **Exhibit 30**, the most common system is the Transient Non-Community, which comprise 81.5 percent of all federal PWSS, while Community and Non-Transient Non-Community systems make up 10.1 percent and 8.3 percent, respectively of the federal universe. There is no agency identifier within SDWIS, so it is not possible to identify the PWSS universe by agency category. A review of system names indicates that most PWSS in the federal government are operated by CFAs, particularly public land agencies such as the U.S. Forest Service within the Department of Agriculture and the National Park Service within the Department of Interior.

EPCRA TRI Data for Federal Facilities

The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 established the authority for EPA to create the Toxic Release Inventory (TRI). TRI is a publicly available database that contains information on toxic chemical releases and other waste management activities reported annually by certain covered industries as well as by federal facilities.

Executive Order 13148 requires federal facilities to report to TRI if certain reporting criteria are met. **Exhibit 31** shows the TRI on-site and off-site releases at federal agencies for calendar year 2001. In summary, a total of 283 federal facilities reported under TRI. Of these, 172 facilities were DOD, 23 DOE and 88 were CFAs. DOD reported 13.8 million pounds of total releases representing 17.4 percent of all releases by all federal facilities. Federal facilities, as a whole, reported a total of 79 million pounds of both on-site and off-site releases.

Between 2000 and 2001, total on- and off-site releases from federal facilities declined 7.6 percent, a decrease of 6.3 million pounds, primarily due to the net decrease reported by the Tennessee Valley Authority (TVA). TVA facilities reported a decrease of 10.3 million pounds from 2000 to 2001, which represented a decrease of 14.5 percent. DOE facilities reported the second largest decrease with almost 266,700 pounds or 35.7 percent. Defense Logistics, an agency of DOD, reported a decrease of 79.1 percent from 2000 to 2001.

Most other federal agencies reported increases. U.S. Army facilities reported the largest increase with 2.2 million pounds, or a 37 percent increase. EPA Fund-lead Superfund Sites also reported a net increase from 2000 to 2001. These releases are related to clean-up activities at hazardous waste sites. U.S. Air Force facilities reported the third largest increase with 637,400 pounds, a 45.8 percent increase.

More information or TRI releases at federal agencies can be found in an EPA report, *2001 Toxics Release Inventory Public Data Release*. The report can be found at the EPA website: http://www.epa.gov/tri/tridata/tri01

Exhibit 31
TRI Releases at Federal Facilities (2001)

Federal Agency	Total Facilities	On-site Releases						Off-site Releases	Total On- and Off-site Releases
		Total Air Emissions	Surface Water Discharges	Underground Injection	On-site Land Releases		Total On-site Releases	Transfers Off-site to Disposal	
					RCRA Subtitle C Landfills	Other On-site Land Releases			
	Number	*Pounds*	*Pounds*	*Pounds*	*Pounds*	*Pounds*	*Pounds*	*Pounds*	*Pounds*
Department of Defense	172	2,964,552	4,024,363	0	0	5,869,743	12,858,658	928,474	13,787,132
Air Force	35	910,939	110,405	0	0	1,014,977	2,036,321	109,065	2,145,387
Army	78	1,596,769	3,527,879	0	0	3,767,221	8,891,869	438,393	9,330,262
Army Corps of Engineers	2	0	13,287	0	0	4,600	17,887	0	17,887
Defense Logistics	1	869	0	0	0	0	869	0	869
Defense Stockpile	3	0	0	0	0	0	0	0	0
Marines	21	132,814	338,784	0	0	675,534	1,147,131	3,059	1,150,190
Military Academy	2	254	0	0	0	32,914	33,168	0	33,168
Navy	30	322,907	34,008	0	0	374,497	731,412	377,957	1,109,369
Department of Energy	23	215,239	86,425	0	3,880	227,470	533,013	258,872	791,886
Department of Interior	13	751	5,225	0	0	23,508	29,484	0	29,484
Department of State	1	0	250	0	0	0	250	0	250
Department of Transportation	9	227	2	0	0	6,222	6,451	2,527	8,978
Department of Treasury	14	148	0	0	0	142,796	142,944	29,016	171,960
Department of Veterans Affairs	3	3,686	750	0	0	0	4,436	0	4,436
Environmental Protection Agency	7	5,900	64,911	0	0	1,750,613	1,821,424	1	1,821,425
Environmental Protection Agency	3	0	0	0	0	0	0	0	0
EPA Fund-Lead Superfund Sites	4	5,900	64,911	0	0	1,750,613	1,821,424	1	1,821,425
NASA	8	73,334	0	0	4	4,632	77,969	1,825	79,794
Tennessee Valley Authority	26	41,275,091	909,336	0	0	18,652,015	60,836,442	545,953	61,382,396
US Department of Agriculture	5	1	0	0	0	450,768	450,769	250	451,019
US Enrichment Corporation	1	497,743	73	0	0	570	498,386	0	498,386
US General Services Administration	1	0	0	0	0	0	0	3	3
Total for Federal Facilities	283	45,036,673	5,091,334	0	3,884	27,128,337	77,260,228	1,766,920	79,027,148

Source: *2001 Toxic Release Inventory Public Data Release - 6/30/03*

Note: On-site Releases are from Section 5 of Form R. **Off-site Releases** are from Section 6 (transfers off-site to disposal) of Form R. **Off-site Releases** include metals and metal compounds transferred off-site for solidification/stabilization and for wastewater treatment, including to POTWs. **Off-site releases** do not include transfers to disposal sent to other TRI facilities that reported the amount as an on-site release.

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APPENDIX A – ACRONYMS

Acronym	Definition
AIRS/AFS	Aerometric Information Retrieval System/AIRS Facility Subsystem
CAA	Clean Air Act
CESQG	Conditionally-Exempt Small Quantity Generator
CFA	Civilian Federal Agency
CWA	Clean Water Act
DMR	Discharge Monitoring Report
DOD	Department of Defense
DOE	Department of Energy
ECHO	Enforcement and Compliance History Online
FFEO	Federal Facilities Enforcement Office
FRS	Federal Registry System
FUDS	Formerly Used Defense Site
IDEA	Integrated Database for Enforcement Analysis
HPV	High Priority Violator (Violation)
LQG	Large Quantity Generator
NAAQS	National Ambient Air Quality Standards
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
OTIS	Online Tracking Information System
OECA	Office of Enforcement and Compliance Assurance
PCS	Permit Compliance System
PWSS	Public Water System Supervision
RCRA	Resource Conservation and Recovery Act
RCRAInfo	RCRA Information System

Acronym	Definition
SDWA	Safe Drinking Water Act
SDWIS	Safe Drinking Water Information System
SNC	Significant Noncompliance (Noncomplier)
SQG	Small Quantity Generator
TSDF	Treatment, Storage, and Disposal Facility