

EPA Regional Office Challenges

Lead-Based Paint Issues Needing Action

- Outreach programs
 - It is commendable that some regions are conducting compliance initiatives that put them in the field with building remodelers and those regulated by EPA's Renovation, Repair, and Painting (RRP) program. These initiatives offer valuable education opportunities for both remodelers and inspectors, and put a human face on a federal program.
 - However, it is troublesome that some of these regional initiatives are urging local governments and code officials to engage in the RRP program in states where the state has not sought delegation of the program from EPA.
- Inconsistent Enforcement
 - While EPA Regions have a significant amount of flexibility, ostensibly to respond to local conditions, this flexibility can also result in inconsistent enforcement of national regulatory programs.
 - In certain regions, the region has imposed additional requirements in addition to the national program (e.g., a requirement that an RRP checklist for which there is no required format cannot be both typewritten and handwritten).
 - Additionally, the variability between regions makes tracking information on EPA's enforcement programs very difficult. While EPA maintains a national enforcement database, EPA regional staff take a number of different approaches to entering data on enforcement actions. The end result is a database that doesn't capture an accurate picture of enforcement actions occurring in the regions.

Stormwater Issues Needing Action

- Inconsistent Enforcement (active construction)
 - Regional staff need to be educated on a new directive in EPA's 2017 Construction General Permit clarifying that individual details of on-site compliance plans (Stormwater Pollution Prevention Plans [SWPPPs]) are not enforceable, and can no longer be the source of field violations. If implemented correctly, this should dramatically decrease the number of low-level paperwork violations experienced by construction businesses, and allow Regional staff to re-direct their attention to repeat bad actors causing real environmental harm.
- Inappropriate Directives from EPA Regions to States (post construction permits)
 - Regions need to hear a clear message from HQ that states are in the driver's seat when choosing their NPDES water permitting approach. Specifically, it would be useful for HQ to clarify that:
 1. EPA Permit Quality Review (PQR) reports written by Regional offices are not to be considered legally binding. In some cases States have interpreted these reports as a federal directive to adopt stricter limits.
 2. EPA's Revised 2016 MS4 Remand Rule did not "raise the floor" of this federal program governing stormwater obligations for small cities. The 2016 rule does not require States to adopt numeric limits. It only requires them to adopt "clear, specific, and measurable" limits, with wide discretion for states to determine how they want to address urban water pollution.