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**Compliance Assurance & Enforcement Division
Region 6, EPA**

Why and When does EPA get Involved in Enforcement Cases?

Presentation Overview

National Initiatives/Regional Priorities

How We Target

Who Manages the Case?



Factors to Consider

- ❖ Environmental Significance
- ❖ National or Regional Priority
- ❖ Is the State/Tribe Authorized/Delegated the Program in Question
- ❖ Willingness or Interest by State to Pursue Action
- ❖ Is It a Civil or Criminal Issue

[Federal enforcement authorities are not delegable]

Some Changes Since We Last Saw Each Other . . .

- ❖ Sacket ...
- ❖ “Adverse” NSR/PSD SOL Decisions
- ❖ Ongoing Cuts to EPA Resources
- ❖ Excessive Judicial Delays
- ❖ Increased Emphasis on Administrative Timeliness and Transparency

Timeliness and Transparency

❖ increased emphasis on Administrative

National Initiatives Water

- ❖ **Keeping Raw Sewage and Contaminated Stormwater out of our Nation's Waters (CSO, SSO, MS4)**
- ❖ **Preventing Animal Waste from Contaminating Surface and Ground Waters (CAFO)**



Regional Priorities

❖ Water Enforcement

- ❖ Brine Spills from Oil & Gas Operations
- ❖ Minor Wastewater Collection & Treatment Systems
- ❖ Drinking Water Quality & Health-based Limits
(Enforcement Targeting Tool)
- ❖ Targeting in Impaired Watersheds

National Initiatives Waste/RCRA

- ❖ Reducing Pollution from Mineral Processing Operations



Regional Priorities

❖ RCRA Enforcement

- ❖ Air emissions from open tanks and WWTPs (Media Shifting)
- ❖ Sham recyclers
- ❖ Illegal discharges to municipal systems
- ❖ Centralized Waste Treatment Systems



Emerging Issues for RCRA

1. Non-permitted facilities receiving HW
2. CWTs
 - a. Industrial Pretreatment Program
 - b. Headquarters List
3. TSDs receiving HW they are not permitted to receive
4. Unpermitted facilities land applying HW



A background image of an industrial facility, likely a power plant or refinery, featuring a complex network of pipes, valves, and structural steel. The scene is somewhat hazy, suggesting an overcast day or a misty atmosphere. The text is overlaid on this image.

National Initiatives

Air

- ❖ Cutting Toxic Air Pollution that Affects Communities' Health
- ❖ Reducing Widespread Air Pollution from the Largest Sources, especially the Coal-fired Utility, Cement, Glass, and Acid Sectors (NSR/PSD) , Carbon Black
- ❖ Green House Gas

Regional Priorities

❖ Air Enforcement

❖ Air Toxics Major Sources (Oil & Gas)

❖ 112r Risk Management Plans

❖ 112r General Duty Clause



National Initiatives Multimedia

- ❖ **Assuring Energy Extraction Sector Compliance with Environmental Laws**



How We Target

- ❖ **Size Does Matter!**

- ❖ **Water**

 - ❖ **Complaints**

 - ❖ **SSO analyses**

 - ❖ **Impaired
watersheds**

 - ❖ **ETT**



How We Target

❖ RCRA

❖ Data Sets:

- BRS
- RCRA Info
- RCRIS
- State databases



How We Target

❖ Air

❖ FLIR/Over Flight

❖ NRC

❖ Complaints

❖ Sector Analyses and
proximity to
communities

❖ Non-attainment Areas





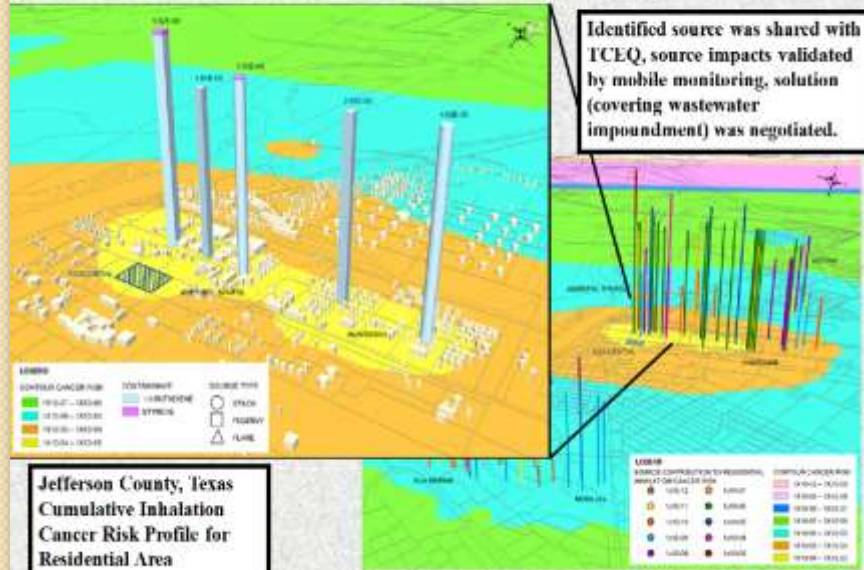
Regional Air Impact Modeling Initiative (RAIMI)

Tool that:

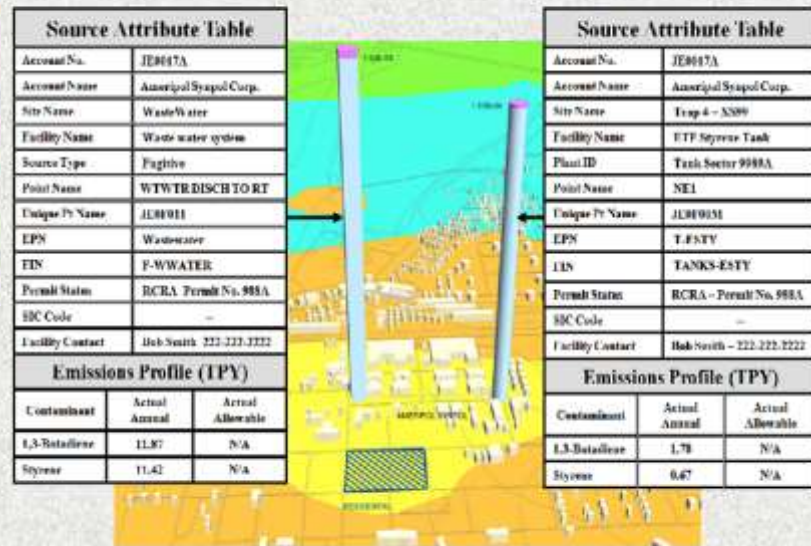
- ❖ Assesses “community-level” inhalation impact
- ❖ Evaluates an unlimited number of stationary and mobile sources
- ❖ Tracks emissions and risks to individual sources
- ❖ Attributes impact back to individual compounds and individual emission sources
- ❖ Serves as platform for strategic and tailored environmental actions—*facilitates solutions*

Regional Air Impact Modeling Initiative (RAIMI)

Results Resolution to Support Prioritization and Verification – Source Attribution Profiling (Zoom)



Results Resolution to Support Verification and Legal Review – Source Attribute Tracking (Sample)



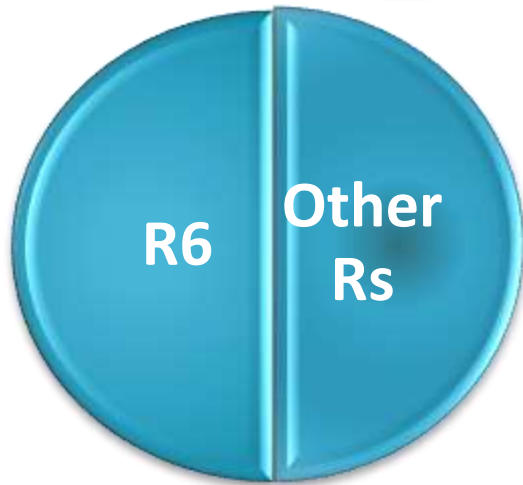
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**Vent off of Truck Leaking and
Truck Trailer Leaking in Middle of Pad**

09:05:2019 01:38

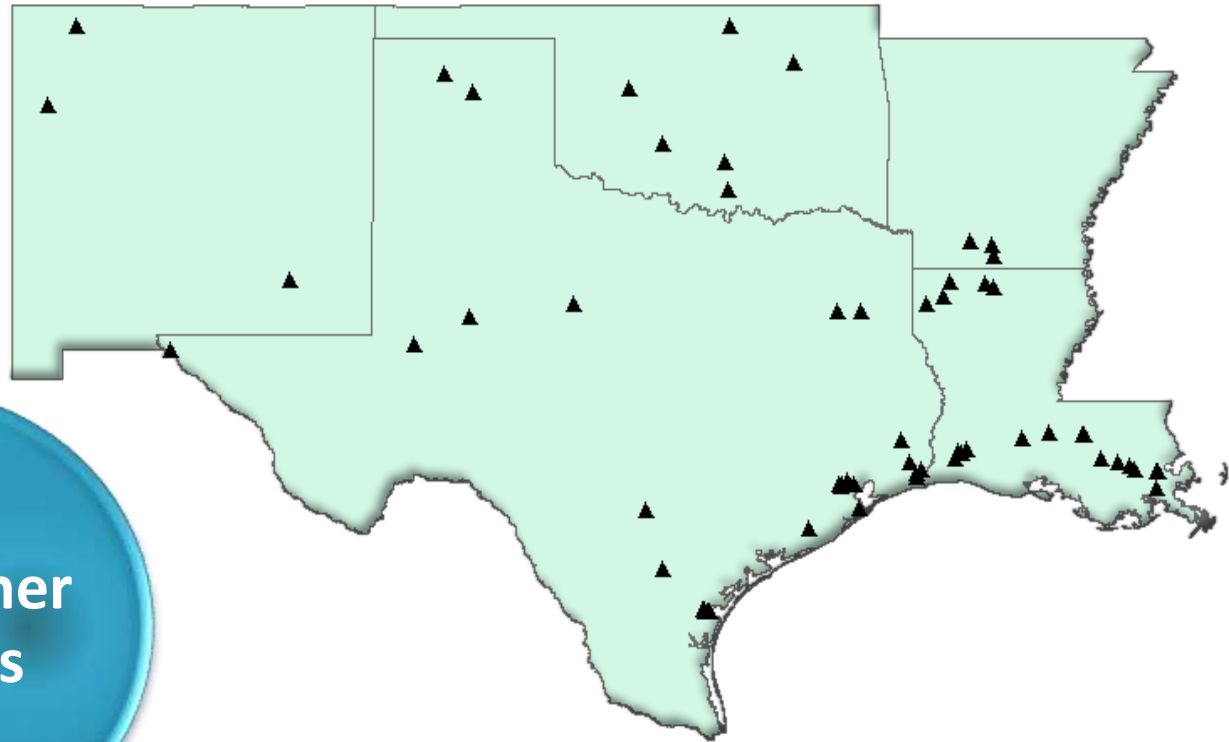
Petrochemical Industry

Refineries



50%

US Production Capacity



51 of the nation's 143 refineries
17 of the 30 largest refineries

Who Manages the Case?

Factors:

- ❖ Program Integrity Issue?
- ❖ Direct Implementation?
 - ❖ Tribes – NM vs. OK
 - ❖ Non-delegated programs
 - ❖ Non-SIP approved programs
- ❖ Does State Want to Manage Case?
- ❖ States Willing to Settle Case in Equivalent Manner?

Administrative Authorities for EPA

(If we pursue a case)

❖ **CWA: \$177.5K, no time limit**

❖ **RCRA: no limitations**

❖ **CAA: \$295K, one-year**

(\$37.5K p/day)



State by State Overview of Issues

❖ Arkansas

- ❖ CAFOs, CAFOs, CAFOS

- ❖ SSOs

❖ Louisiana

- ❖ NSR/PSD

- ❖ Sham Recyclers

- ❖ Illegal Disposal of Hazardous Waste

State by State Overview of Issues

- ❖ **Louisiana** (continued)
 - ❖ **Regionalization Issues with small package plants (waste water)**
 - ❖ **Regionalization Issues with small drinking water facilities**
 - ❖ **SSOs**
 - ❖ **CAFOs**
 - ❖ **Active Communities**

State by State Overview of Issues

❖ Oklahoma

- ❖ UIC – Osage

- ❖ Tribal SDWA (largely casinos)

- ❖ SSOs

❖ New Mexico

- ❖ SDWA – Tribal Systems

- ❖ SDWA - Source Water issues

- ❖ CWA – (not delegates)/SSOs/NPDES

State by State Overview of Issues

❖ Texas

❖ NSR/PSD

❖ Sham Recyclers

❖ Illegal Disposal of Hazardous Waste

❖ SSOs

❖ CAFOs

❖ Active Communities

Transitional Time

- ❖ EPA attempting to refocus amid change
- ❖ Focus on community impacts
- ❖ Need creative approach for:
 - ❖ Loading/unloading emissions
 - ❖ WWTP emissions
 - ❖ Rail car emissions
 - ❖ Marine emissions



Questions

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