Why and When does EPA get Involved in Enforcement Cases?

Steve Gilrein, Deputy Director
Compliance Assurance & Enforcement Division
Region 6, EPA
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
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
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)
N. 28.93338  W. 97.82626
Vent off of Truck Leaking and Truck Trailer Leaking in Middle of Pad
Petrochemical Industry

Refineries

Source: Dept. of Energy 2005

50% US Production Capacity

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

Source: Dept. of Energy 2005
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

Steve Gilrein
Deputy Director
Compliance Assurance and Enforcement Division

(214) 665-2210
gilrein.stephen@epa.gov