



Federal Compliance Overview

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Introduction

- Who Am I?
- Office of Compliance Reorganization
- Transparency Key Part of Many Efforts
 - Why?
 - General Efforts
 - Clean Water Act Action Plan
 - AFS Modernization
 - CAA Federally Reportable Violations
 - SRF Round 3



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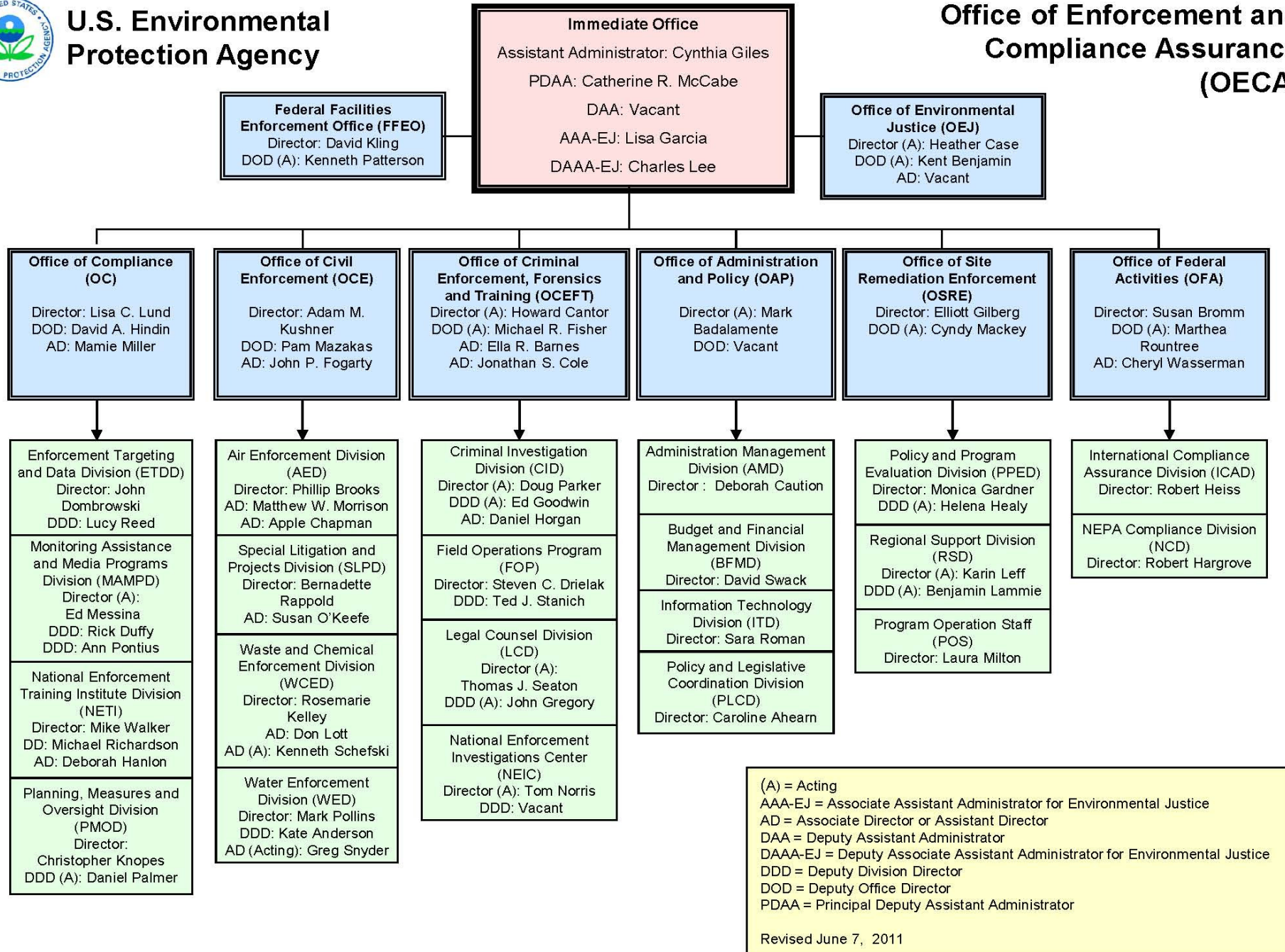
Office of Compliance Reorganization

- Streamline the overall office structure to better support agency goals
- Better align with other offices
- Strengthen media expertise
- Integrate the assistance and monitoring work
- Increase Transparency



U.S. Environmental Protection Agency

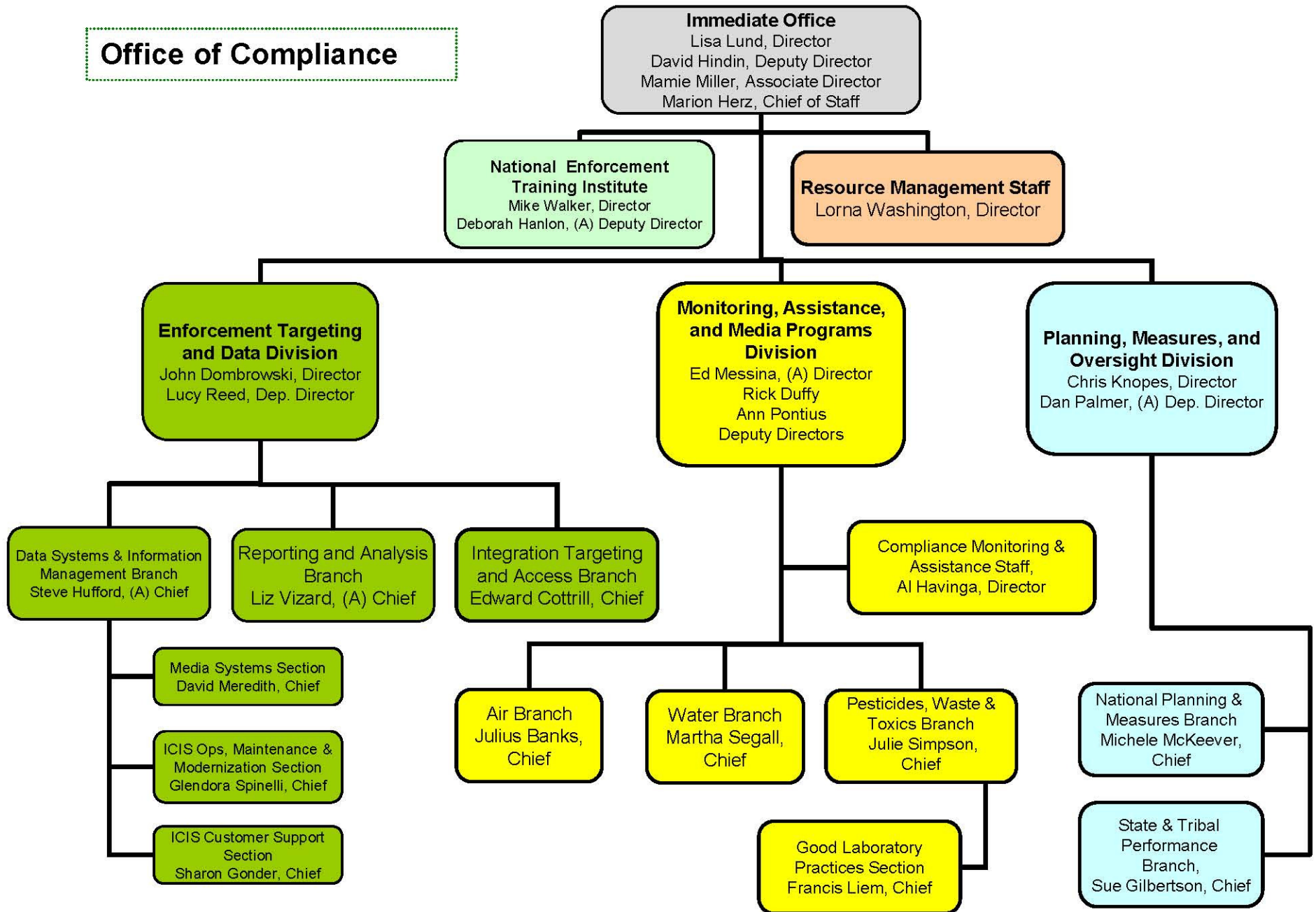
Office of Enforcement and Compliance Assurance (OECA)



(A) = Acting
 AAA-EJ = Associate Assistant Administrator for Environmental Justice
 AD = Associate Director or Assistant Director
 DAA = Deputy Assistant Administrator
 DAAA-EJ = Deputy Associate Assistant Administrator for Environmental Justice
 DDD = Deputy Division Director
 DOD = Deputy Office Director
 PDAA = Principal Deputy Assistant Administrator

Revised June 7, 2011

Office of Compliance



A = Acting

As of June 7, 2011



Air Branch

- Focus on NSPS, NESHAP and MACT programs
- Participate in regulatory development
- Issue applicability determinations, regulatory interpretations, alternative monitoring responses
- Develop and coordinate National Initiative Strategies
- Develop and implement national compliance monitoring policies and training. (e.g., CMS; NPM, Inspector training)
- Develop compliance assistance/monitoring materials and targeting tools
- Inspections and technical assistance in enforcement cases and defensive litigation
- Manage Federal Wood Heater NSPS Program
- Provide oversight assistance with other Div via SRF
- Manage the CAA ICR renewal process
- Compliance Assistance (through “centers” and other work)



Paradigm Shift

- Paradigm of
Rules → permits → inspection → enforcement
 - Not getting the results we need
 - Not workable for expanding universe of sources
 - Not viable with limited and shrinking resources
- Implementation needs to be built in to the rules:
compliance is not just an enforcement problem



New Efforts

- Paradigm shift toward
 - Adequate monitoring (facility knows)
 - Electronic reporting (government knows)
 - Public disclosure (public knows)
- Build implementation in to rules
 - Monitoring and reporting
 - Creative ideas to reduce enforcement burden, strengthen compliance



Transparency

- Increased disclosure can drive better results for health and the environment and level the playing field by helping facilities, governments, and the public know what is being accomplished or required elsewhere.
 - Public knowledge of violations can lead to quicker resolution.
 - Citizens empowered with information can more readily assist in the identification of problems.



Transparency

- Publication of compliance information, in and of itself, can generate real, measureable, and significant additional deterrence.
 - Requirement to mail consumers annual reports reduced total violations 30 to 44% and more severe health violations by 40-57%.
 - Bennear Olmstead analysis on the impact of SDWA amendments requiring drinking water suppliers issue annual consumer confidence reports.

– TRI



Transparency

- The President's Memorandum on Transparency and Open Government (1/21/09)
 - www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment
- EPA Administrator Lisa Jackson's Memorandum on Transparency in EPA's Operations (4/23/09)
 - www.epa.gov/Administrator/operationsmemo.html
- EPA enforcement goal to improve transparency
 - www.epa.gov/compliance/data/planning/initiatives/goals.html



Transparency

- Enforcement and Compliance History Online (ECHO) released in 2002 with continuing improvements and new offerings.
 - All CAA, CWA, and hazardous waste violations online (800,000+ facilities)
 - Facility searching for inspections/evaluations, violations, enforcement
 - Presidential Memorandum on Regulatory Compliance citing ECHO as an EPA effort meeting the goal of “greater agency disclosure of compliance and enforcement data [that] provides Americans with information they need to make informed decisions” (1/18/11)
 - www.whitehouse.gov/the-press-office/2011/01/18/presidential-memoranda-regulatory-compliance



Enforcement & Compliance History Online (ECHO)



[Recent Additions](#) | [Contact Us](#)

You are here: [EPA Home](#) » [Compliance and Enforcement](#) » [ECHO](#) » Home

- ECHO Home
- All Data Search
- Air Data Search
- Water Data Search
- Hazardous Waste Search
- EPA Enforcement Cases Search
- EPA Enforcement SEP Search
- Multiple ID Search

- About the Site
- About the Data
- More State Data
- Related Links
- Frequently Asked Questions
- Site Map

EPA releases 2008 [Clean Water Act Annual Noncompliance Report Map](#) for Non-Major Facilities. Interactive map allows users to toggle between multiple map themes.

ECHO In My Community

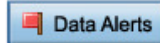
ZIP

Address

ZIP Code



"Map Search" and "Table Search" results may vary. [More information.](#)



Welcome to the EPA's Enforcement and Compliance History Online (ECHO)

- ECHO provides fast, integrated searches of EPA and state data for 800,000+ regulated facilities.
- ECHO integrates inspection, violation, and enforcement for the Clean Water Act, Clean Air Act, and hazardous waste laws.
- ECHO also includes Toxics Release Inventory data, National Emissions Inventory data, and Water Quality Data ([read more about new features](#)).

. Mouse over areas below to:

- search for facilities,
- review state by state analytics and trends,
- or to review contextual reports and information.

ECHO Mapping Center

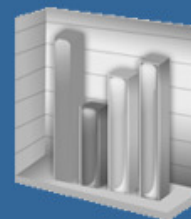
Choose from a comprehensive list of mapping options.



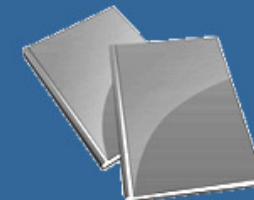
Search for Facilities



Analytics and Trends

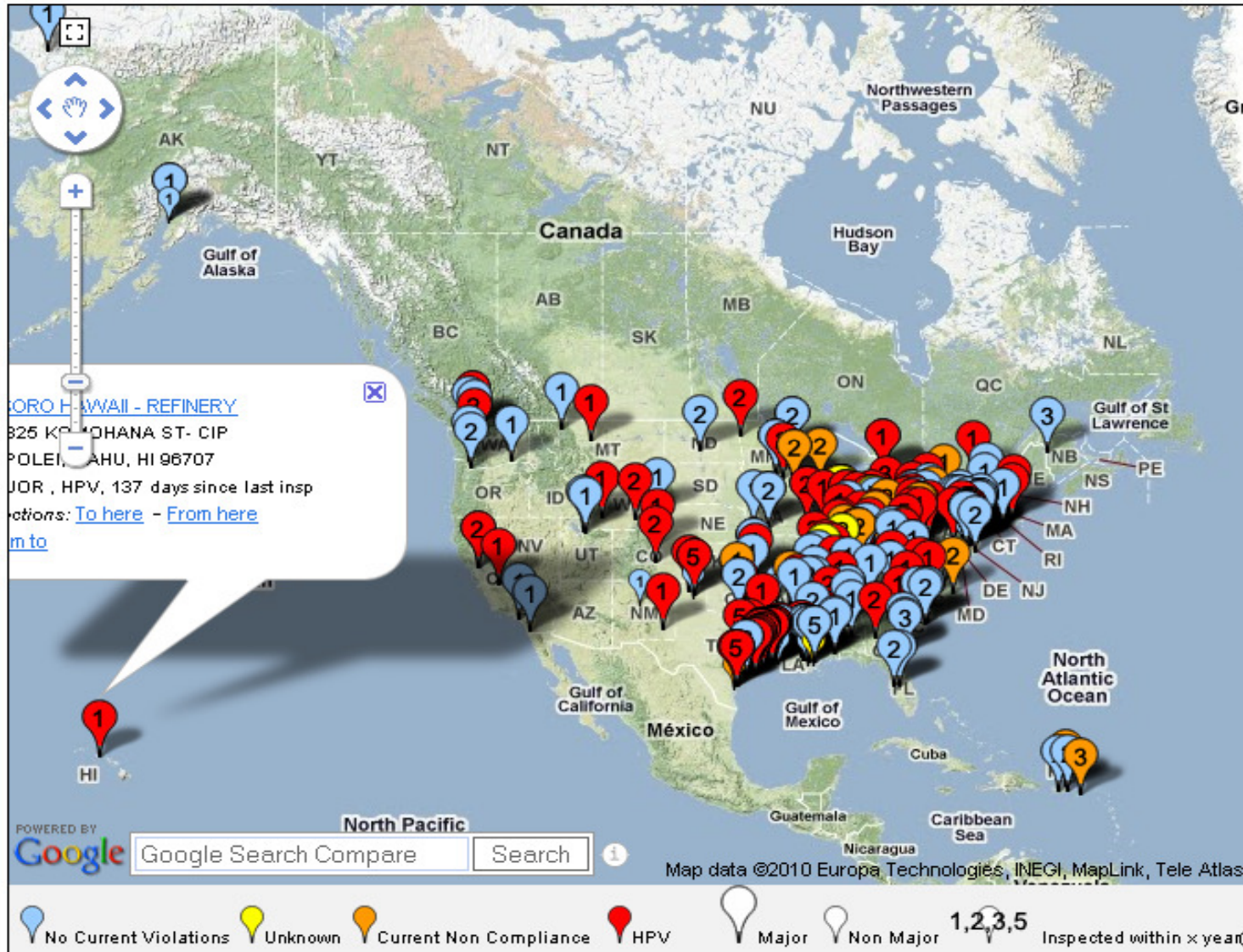


Reports & Resources



[First Time Users](#) |
 [Data Problems](#) |
 [Quality of Data](#) |
 [Download Data](#) |
 [How to Report an Error](#)
[What's New](#) |
 [ECHO History](#) |
 [Use of Data in ECHO](#) |
 [Data Dictionary](#) |
 [State Data Corrections](#)

Mapping



Facilities with recent CAA enforcement actions and 50,000 of TRI Release.

Color coding shows compliance status

Numbers show years since last inspection

New State Dashboards

ECHO State Dashboard Example - CWA

The Dashboard concept shows small snapshots of what is happening within a state at the aggregate level, along with links to more detail.

Water Program

All Majors Non-Majors (Individual)

The charts on the right side of this dashboard pertain to **Clean Water Act** facilities in New Mexico. The map below displays relevant FY2009 Clean Water Act facilities in New Mexico and surrounding areas. [Read more](#) about the Clean Water Act Universe.

[ECHO Expert Comparative Charts](#)
[ECHO Facility Search](#)

[View all available metrics +](#)

Permit Information [View More +](#)

Primary Permit Component

Supporting Data

[New Mexico Environmental Web site](#)
Violation Data Completeness for Major Facilities: 97.3%
Violation Data Completeness for Non-Major Facilities: 85.7%

State Review Framework

The State Review Framework (SRF) is a tool used by EPA to assess each state's enforcement of the Clean Water Act, the Clean Air Act, and hazardous waste laws, and allows EPA to track recommendations for states to improve their enforcement programs.

- [SRF National Homepage](#)
- [SRF Review Reports](#)
- [SRF Recommendations Report](#)
- [SRF State Trends Report](#)
- [SRF Expert Comparative Charts](#)

Violation Information [View More +](#)

Rate of Facilities with Serious Violations

Enforcement Action Information [View More +](#)

Facilities with Enforcement Actions

Penalty Information [View More +](#)

Total Assessed Penalties

Compliance Monitoring Information

Inspection Coverage

Quality of Water in State

[National Watershed Assessment Data](#)
[New Mexico Watershed Assessment and TMDL Information](#)

Pollutant Loadings

[CWA Discharge Monitoring Report \(DMR\) Pollutant Loadings Tool](#)
[Toxics Release Inventory Search](#)

Legend: All CWA Facs Inspected (FY2009) Not Inspected Inspected

- The map results display frozen fiscal year 2009 data pulled from the national data systems. To generate an ECHO map that displays current data, use this ZIP code search: ZIP Code:
- To view or download facilities that may not have been mapped due to missing latitude/longitude data in the national data systems, run a [search for facilities of interest](#) in this state.

The information above is available for the Clean Water Act. OECA is considering expanding this to other media.

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Improving Regulation and Regulatory Review

- Consistent with open government and increased transparency, Executive Order No. 13563 (1/18/11) directs all federal agencies to develop plans for periodically reviewing existing regulations to determine whether any should be modified, expanded, streamlined, or repealed
- EPA Plan: “Improving Our Regulations: A Preliminary Plan for Periodic Retrospective Reviews of Existing Regulations” (5/24/11)
- EPA recognition that our regulatory program must evolve to account for progress already attained and incorporate new technologies/approaches
- Agency review will seek to advance the following initiatives:
 - Electronic reporting
 - Improved transparency
 - Innovative compliance approaches
 - Systems approaches and integrated problem solving

www.epa.gov/improvingregulations



CWA Action Plan

- EPA, in consultation with ASIWPCA and ECOS, developed a suite of new approaches to revamp the National Pollutant Discharge Elimination System (NPDES) permitting, compliance and enforcement program.
 - These approaches are aimed at improving water quality by using 21st century information technology and “best practices” to more effectively and efficiently achieve greater pollution reductions at the universe of approximately one million NPDES water pollution sources.
- A set of four key changes are being developed and implemented:
 1. Switch existing paper reporting to electronic reporting with automated compliance evaluations and improved transparency.
 2. Create a new paradigm in which our regulations and permits compel compliance via public accountability, self-monitoring, electronic reporting and other methods.
 3. Address the most serious water pollution problems by fundamentally re-tooling key NPDES permitting and enforcement practices, while continuing to vigorously enforce against serious violators.
 4. Conduct comprehensive and coordinated permitting, compliance, and enforcement programs to improve state and EPA performance in protecting and improving water quality.

www.epa.gov/compliance/civil/cwa/cwaenfplan.html



Moving Forward on AFS Modernization

In FY2011:

- For the first time, dedicated funding provided for AFS Modernization.
- Collected most business needs and provided alternative analyses to management.
- Identified key areas for decision making:
 - Compliance Status process: Keep or drop “In Compliance” designation?
 - High Priority Violation tracking : changes needed per upcoming revised HPV policy?
 - Electronic reporting from sources, per OAR’s new rules?
- Future state participation will be welcomed.



AFS Modernization

- Brief history of modernization efforts:
 - First Needs Analysis (2002)
 - Modernization Workgroup with States/Locals (2004-2007)
 - Business Case (completed in 2008)
 - Updated Needs Analysis (2008)
 - Alternatives Analysis (2010)
 - High Level Design Issues Paper (2011)



What are the Goals of AFS Modernization?

- Strengthen and improve management and oversight of the CAA stationary source compliance monitoring and enforcement programs.
- Increase transparency of and accessibility to CAA enforcement and compliance data for all stakeholders and the public.
- Provide for a streamlined and easy transmission and receipt of electronic data.
- Utilize modern technologies that would support existing CAA enforcement and compliance business needs and be adaptable to future needs.
- AFS currently difficult to use and exchange data with states.



March 2010 FRV Clarification Memo

- Purpose of FRV Clarification
 - EPA consulted extensively with NACAA in developing this memo.
 - To address the issue that “a significant percentage of violations of federally-enforceable requirements of the CAA and its implementing regulations are not being reported by states to EPA in a consistent or accurate manner.”
 - To correct the misconception that only High Priority Violations (HPVs) are to be reported to EPA.
 - To clarify the universes of stationary sources for which information on federally-enforceable violations are to be reported to EPA.

www.epa-echo.gov/echo/docs/FRVMemoandAppxFinal3.22.10pdf



FRV Clarification Memo (cont.)

- EPA understands the constraints and resource limitations state and local agencies may have regarding the reporting of all minimum data requirements.
- Thus, EPA established two Tiers of FRV reporting.
 - Tier I: We expect that state and local agencies will prioritize their efforts to first focus on complete, timely and accurate reporting of Tier I violations and enforcement actions.
 - Tier II: As resources allow also report Tier II violations.
- EPA will continue to report both EPA Tier I and Tier II activities.



SRF Round 3

- EPA/State discussions on next round of SRF resulted in decision to begin Round 3 in FY2012
- States scheduled for review in FY2012 will use Round 3 metrics
- Round 3 SRF incorporates principles of Clean Water Act Action Plan



SRF Round 3 Metrics

- Purpose for updating the metrics:
 - Streamline metrics to focus on most significant performance issues
 - Apply CWA Action Plan principles
 - Increase transparency and public access
 - Incorporate annual data verification process into SRF to:
 - Evaluate data completeness, accuracy and timeliness
 - Obtain early identification of developing issues
 - Assess effectiveness of solutions



SRF Round 3 Metrics (cont.)

- Draft metrics shared with state/local agencies in February 2011
- Webinars held with states/locals on details of all 3 media metrics
- Draft metrics being revised based on state/local and regional input
- Revised guidance for implementation of Round 3 being drafted
- States/locals, including NACAA, will be provided opportunity to review metrics and guidance



SRF/Permit Quality Review (PQR) Integration

- EPA currently oversees state NPDES program performance through following activities:
 - SRF reviews conducted by Regions
 - PQRs conducted by EPA Headquarters
 - Real-time reviews by Regions of draft/proposed permits
 - Data verification of select data reported in EPA data systems
- EPA working to integrate SRF reviews with PQRs consistent with CWA Action Plan
 - EPA recently conducted SRF/PQR integration webinar
 - EPA HQ/Region/State workgroup being formed



SRF/PQR Integration

- Purpose for Integration
 - Establish holistic evaluation process with NPDES enforcement and permit reviews occurring together
 - Increase efficiencies and reduce state/local burden
 - Apply CWA Action Plan goals
 - Increase transparency and public access
 - Ensure national consistency
- SRF/PQR integration to be piloted in FY 2012
- EPA will consider similar integration for other media in the future



Questions



FRV Appendix



FRV Clarification Memo (cont.)

- Tier I FRVs:

Any emissions or significant procedural violation, continuing, or likely to continue, based on any credible evidence, for at least seven days*, of a federally-enforceable requirement at any source that is:

1. Major source, or
2. Synthetic minor source, or
3. Listed in a CMS compliance monitoring plan, or
4. Part 61 NESHAP minor source (not reportable are Asbestos NESHAP Demolition and Renovation violations), or
5. Active HPV.

* The seven day minimum requirement does not apply to violations at NESHAP Part 61 minor sources or to HPVs.



FRV Clarification Memo (cont.)

- Tier II FRVs:

Any emissions or significant procedural violation, continuing, or likely to continue, based on any credible evidence, for at least seven days*, of a federally-enforceable requirement at any source that is:

1. subject to a formal enforcement action (not reportable are violations of open burning or nuisance violations, or violations of Asbestos Demolition and Renovation requirements).

* The seven day minimum requirement does not apply to violations at NESHAP Part 61 minor sources or to HPVs.