

CAA Program Reporting

- Clarification Regarding Federally-Reportable Violations for Clean Air Act Stationary Sources (March 2010) (FRV Clarification Memo)
- The Timely and Appropriate Enforcement Response to High Priority Violations (December 1998)
- AFS Information Collection Request (ICR) Minimum Data Requirements

Why is State and Local Agency Reporting Important?

- Nationally manage CAA monitoring and enforcement activities
 - Level playing field/national consistency
 - Input to regulatory analyses/design
- Enhances targeting
 - Focus on most serious sources and significant noncompliance
 - Wise use of limited resources
- Increases transparency/meet public expectations for accessible, detailed and timely information
 - Important for public to have access to national level data
 - Helps drive facility and government performance

Why is State and Local Agency Reporting Important?

- Informs oversight responsibilities and improve evaluative efforts
 - Assesses progress in meeting CAA goals
 - Provides context (Eg. FRV and HPV identification)
- Provides foundation for policymaking and respond to public and congressional inquiries
 - Demonstrates value of our compliance and enforcement programs

FRV

- OECA committed to reopen FRV Policy and engage with states/locals to more fully understand concerns with the current policy
- Multiple discussions with state/local air agencies and associations
 - Working to reconcile shared commitment to transparency and making information accessible to the public about pollution and violations affecting their communities with the understanding for the need to reduce reporting burden

FRV

- AFS Modernization is a high priority
- EPA has seriously considered concerns about burden and resources
- Recognizing limitations, EPA proposes to:
 - Revise the FRV Policy so that it applies only to the CMS universe (Title V major sources, SM-80s, or sources included in alternative CMS plans)
 - Finalize the new HPV Policy and implement the changes developed by the joint workgroup.
 - Initiate development of the FY2015 ICR which will only change to address the reporting reductions caused by the FRV and HPV Policies.

Current FRV Policy (2010 FRV Clarification Memo)

Applicable source universes:

- (1) Major sources
- (2) All synthetic minor sources
- (3) Sources included in a CAA CMS
- (4) Part 61 NESHAP minors
- (5) Active HPV sources
- (6) Sources subject to a formal enforcement action

Expectation: Focus complete, timely, accurate reporting on Tier 1 and enforcement actions

Tiered reporting for violations:

Tier I FRVs:

- Emissions/significant procedural violation
- Continuing, or likely to, for at least 7 days
- Federally-enforceable requirement
- Sources listed in adjacent #1-5.

Tier II FRVs:

- Emissions/significant procedural violation
- Continuing, or likely to, for at least 7 days
- Federally-enforceable requirement
- Sources not in Tier 1 but subject to formal enforcement (#6)

Draft Revised FRV Policy

- Reduce burden associated with FRV reporting
- Proposed policy revisions for consideration based on input:
 - Limit the universe/scope of FRV reporting
 - Define FRVs as violations of federally enforceable CAA requirements at CMS sources which include violations of any emission limitation, standard or surrogate parameter; any procedural violation
 - Continue linking of activities and actions to HPV reporting only
 - In accordance with ICR, report FRVs within 60 days of determination

Summary of the HPV Policy Revisions

- Six states and all EPA regions participated in the workgroup that made recommendations for the revisions.
- EPA consulted with the two tribes that could be affected by the revisions.
- Revised the criteria to six categories of violations that EPA should track and provide additional oversight
- Revised the process for addressing the violations that
 - Emphasizes early identification and notification.
 - Recognizes that not every violation that meets an HPV criterion warrants tracking and attention at the national level.
 - Provides flexibility on timeline to address violations to acknowledge that enforcement actions can be quite varied.

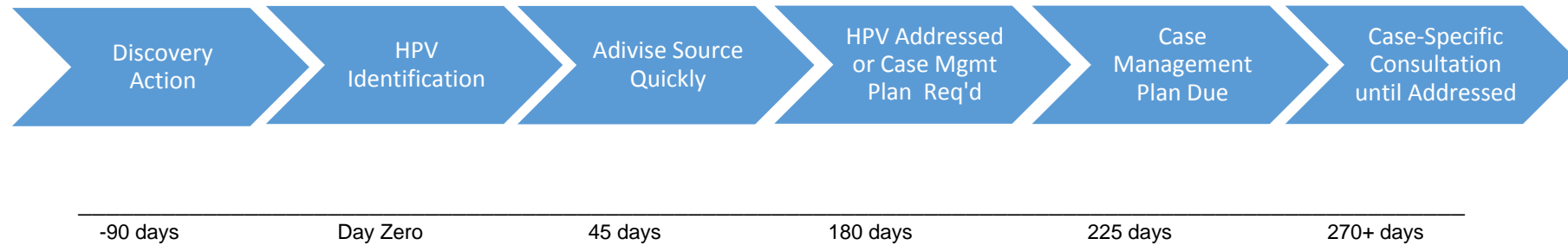
HPV Definition- Revised Criteria

- **Criterion 1-** Failure to obtain a NSR permit (and/or install BACT/LAER) for any major stationary source or a modification of a major stationary source
- **Criterion 2-** A continuing violation (7 days or more) of any NSR or NSPS emission limit or parameter that is a surrogate for emissions
- **Criterion 3-** A continuing violation (7 days or more) of any NSPS emission limit or parameter that is a surrogate for emissions
- **Criterion 4-** A continuing violation (7 days or more) of any NESHAP emission limit or parameter that is a surrogate for emissions
- **Criterion 5-** A violation that involves work practices, testing requirements, monitoring requirements, recordkeeping or reporting that substantially interferes with enforcement
- **Criterion 6 -** Any other violations identified by the Director, Air Enforcement Division, U.S. EPA or as mutually agreed upon between the enforcement agency and corresponding EPA Region.

Revised HPV Definition

- Eliminated the following General Criteria
 - Title V certification violations
 - Failure to submit Title V application violations
 - Violation of any local, state or federal order
 - Violation of synthetic minors where actual emissions do not exceed major or significant thresholds
 - Immediate Stack Test Failures if source can re-test within 7 days and show in compliance
- Eliminated the Matrix
 - Accommodated emission violations into Criteria
 - Opacity violations will be handled via the Discretionary Criteria

HPV Definition- Revised Process For Addressing the Violation



ICR

- EPA will soon initiate the development of the FY2015 ICR:
 - Only changes to include the reductions associated with the revisions to the FRV and HPV Policies.