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Puget Sound  
Clean Air Agency  
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# State and Local Involvement in Global Settlements

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## Traditional vs Global Process

- **Traditional (case by case)**
  - Do the investigation and collect evidence (114 letter)
  - Issue a Notice of Violation (113 letter)
  - Issue a penalty
  - Try to resolve the case or litigate it and hope for the best
  - Only addresses the issue that is the subject of the NOV
  
- **Global**
  - Develop evidence that a similar violation may have occurred at multiple facilities owned by one company
  - Offer to resolve the potential violations without the need for investigation/litigation
  - Negotiate "Quantum of Relief"
    - ▲ Independent of liability
    - ▲ Decide what controls, where, and when
  - Provides broad enforcement relief to the company



## Global Settlement Process

- **Develop evidence of similar violations at multiple facilities**
- **EPA invites the company to the process and selects lead Region**
- **Contact affected S/L's to determine if they want to participate**
- **Develop ground rules**
  - **Scope of the liability**
  - **Identify unique issues for specific facilities**
  - **How to achieve greatest environmental benefit**
  - **Time schedule**
- **Clarify roles and responsibilities of Govt Team**
  - **S/L represent their interests in meetings and on calls**
  - **S/L keep their decision makers informed and raise issues**
  - **DOJ negotiates, EPA decides**
- **Develop proposed "Quantum of Relief"**
- **Negotiations lead to agreement**



## How Are S/L's Involved

- EPA asks if we are interested
- Sign confidentiality agreement
- Need specific S/L CBI determinations
- Participate in meetings and calls
- Share expertise
- Know what we want out of the settlement
- Understand where your facility fits into the national picture
- Live with the results



## Why Global Settlements?

- **Right role for EPA**
  - S/L's can only address their own facilities
  - EPA can deal with facilities throughout the country
- **Better use of S/L resources**
  - Resolve potential multiple S/L enforcement actions
  - Share expertise from all the agencies involved
- **Quicker**
  - Skip the argument about liability
  - Negotiate about environmental improvement
- **Maximize environmental benefit**
  - Get emission reductions at facilities without regard to liability
  - Focus improvements where they produce the most benefit

