

*Fall CAPCA Workshop
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Overview of Presentation

- **FY19 Accomplishments**
- **National Compliance Initiatives and FY20 Activities**
- **Enhancing Effective Partnerships Between EPA and the States in Civil and Compliance Assurance Work**

FY19 Accomplishments

- EPA Region 4

FY19 Enforcement Summary

- 1,097 Inspections
- Filed 6 Judicial Settlements
- Referred 10 Cases to DOJ for Judicial Action
- Improved Timeliness of Inspection Reports

Improved Timeliness of Inspection Reports

- Used EPA Lean Management System to reduce time to deliver inspection report to inspected facilities
- Meeting Agency goal of delivering report 75% of the time within 70 days

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Air Enforcement Branch Programs

- CAA Stationary Sources
- CAA Mobile Sources
- Risk Management Program (RMP) / General Duty Clause (GDC)
- EPCRA & CERCLA § 103
- CAA Asbestos NESHAP

FY19 CAA Stationary Source Enforcement

- 61 Onsite Inspections
- Filed 3 Judicial Settlements
- Referred 2 Cases to DOJ for Judicial Action
 - Gasoline Distribution
 - Energy Extraction

FY19 CAA Stationary Source Enforcement - Continued

- Finalized 1 Administrative Penalty Action
 - \$81,000 in penalties
 - \$5,000 in complying action costs
- Filed 10 Administrative Compliance Orders

Natural Gas Processing Case Settlement

- Consent Decree entered on January 8, 2019
- Multi-Region Case involving NSPS violations at 20 gas processing facilities
 - Three Region 4 facilities

Natural Gas Processing Case Settlement Injunctive Relief

- Comply with NSPS requirements including Subparts 0000 & NNN
- Implement upgraded LDAR Program
- Address VOC emissions from pressure relief valves
- Requirements for emissions monitoring and parametric monitoring

Natural Gas Processing Case Settlement Benefits & Penalties

- Nearly \$3.5 Million in injunctive relief
 - \$197,000 tied to R4 violations
- 1,523 tons per year of VOC emission reductions
- Total Civil Penalty of \$925,000
 - \$154,167 tied to R4 violations

Sulfuric Acid Case Settlement

- Lodged on September 10, 2019
- Resolves PSD violations at a sulfuric acid plant

Sulfuric Acid Case Settlement Injunctive Relief

- Install peroxide scrubber and meet BACT-level emission limits for sulfur dioxide (SO₂) and sulfuric acid mist (SAM)
 - 2,340 tons per year reduced SO₂
 - 40 tons per year reduced SAM

Sulfuric Acid Case Settlement Penalty/Mitigation

- Civil penalties totaling \$300,000
- Mitigation project valued at \$150,000
 - Upgrade of engine at the Port

FY19 CAA Mobile Source Enforcement

- 17 Inspections for Illegal Engine Imports
 - Ports of Savannah & Jacksonville
- 4 Defeat Device Inspections
- Finalized 2 Administrative Settlements
 - \$25,289 in penalties
 - \$129,871 in complying action costs

CAA 112(r) Risk Management Program (RMP)

- 24 RMP Inspections
- Finalized 17 Administrative Settlements for RMP
 - \$230,325 in penalties
 - \$442,700 in complying action costs
 - 6 SEPs valued at \$486,887

CAA 112(r) General Duty Clause (GDC)

- 5 GDC Inspections
- Finalized 1 Administrative Settlement for GDC
 - \$90,693 in penalties
 - \$10,100 in complying action costs

EPCRA/CERCLA Enforcement

- 71 EPCRA Non-§ 313 Inspections
- 50 EPCRA § 313 Inspections
- Finalized 23 Administrative Settlements
 - \$616,697 in penalties
 - \$5,200 in complying action costs
 - 5 SEPs valued at \$221,775

National Compliance Initiatives and Fiscal Year 20 Activities

National Compliance Initiatives

- EPA selects National Compliance Initiatives (NCIs) to focus enforcement and compliance resources on the most serious environmental violations by developing and implementing national program priorities
- NCIs are in addition to EPA's core enforcement work

FY 2020 - 2023 NCIs

- For the Fiscal Year 2020 - 2023 cycle, EPA has selected seven priority areas, six of which are National Compliance Initiatives
- The NCIs are:
 - **Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants from Stationary Sources**
 - Reducing Hazardous Air Emissions from Hazardous Waste Facilities
 - **Stopping Aftermarket Defeat Devices for Vehicles and Engines**
 - Reducing Significant Noncompliance with National Pollutant Discharge Elimination System Permits
 - Reducing Noncompliance with Drinking Water Standards at Community Water Systems
 - **Reducing Risks of Accidental Releases at Industrial and Chemical Facilities**
- Reducing lead exposure is a high priority; enforcement will play a part in the Agency-wide lead initiative

Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants from Stationary Sources

- Reduce emissions of both volatile organic compounds (VOCs) and hazardous air pollutants (HAPs)
- VOCs: focus on significant sources of VOCs that have a substantial impact on air quality and
 - (1) may adversely affect an area's attainment of National Ambient Air Quality Standards (NAAQS), or
 - (2) may adversely affect vulnerable populations
- HAPs: focus on sources that have a significant impact on air quality and health in communities

Stopping Aftermarket Defeat Devices for Vehicles and Engines

- Numerous companies and individuals have manufactured and sold hardware and software specifically designed to defeat required emissions controls in violation of the CAA
- Illegally-modified vehicles and engines contribute substantial excess pollution that harms public health and impedes efforts by the EPA, tribes, states, and local agencies to plan for and attain air quality standards

What is an Aftermarket Defeat Device?

- Simple Definition: Anything installed on a motor vehicle, after it is introduced into commerce, which disables one or more of the vehicle's emission control features.
- Emission Controls: Catalytic Converter, Diesel Exhaust Fluid, Diesel Oxidation Catalyst, Diesel Particulate Filter, Electronic Control Module, Exhaust Gas Recirculation, NOx Adsorption Catalyst, Onboard Diagnostic Device, Selective Catalytic Reduction

Aftermarket Defeat Device

- Two broad categories:
 1. Hardware
 - Example: “straight pipe” exhaust
 2. Software
 - Example: “tune” that changes the engine’s operating parameters
- Both hardware and software are used together frequently

Reducing Risks of Accidental Releases at Industrial and Chemical Facilities

- Goal: reduce the risk to human health and the environment by decreasing the likelihood of chemical accidents at CAA § 112(r) regulated facilities
- Thousands of facilities nationwide, many of which are in environmental justice communities, make, use, and store extremely hazardous substances
- 112(r) General Duty Clause applies to all stationary sources with regulated substances or other extremely hazardous substances, regardless of the quantity of chemical involved

Region 4 Core Work

- Mobile Source Imports
- EPCRA
- Scrap Shredders
- Asbestos
- Lead

Region 4 Core Work

- NSPS Subpart 0000 - Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or before September 18, 2015
- NSPS Subpart 0000a - Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015

Enhancing Effective Partnerships Between EPA and the States in Civil and Compliance Assurance Work

Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work

- Memorandum announcing EPA's final policy of expectations and procedures for enhancing effective partnerships in civil enforcement and compliance assurance work between EPA and states that are implementing federal environmental programs
- The memo is organized into three sections:
 1. Requirements for joint planning and regular communication between EPA and states to promote enhanced, shared accountability.
 2. Details on EPA and state roles and responsibilities in implementing authorized programs.
 3. Process for the elevation and resolution of issues.

Thank You!

Questions?

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