

*Fall Air Directors Meeting  
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## Overview of Presentation

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

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**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

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- 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.

## Section I: Requirements for joint planning and regular communication between EPA and States

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- This section emphasizes that cooperative, periodic, and early joint planning and regular communication between the EPA and states is essential to promote enhanced, shared accountability between federal and state enforcement authorities.
- The subsections in this section discuss:
  - Joint planning participants: joint planning should take place at various levels within the EPA and state agencies, including both career managers and senior managers;
  - Strategic planning: joint planning should include a strategic element that goes beyond planning for individual inspections and enforcement actions;
  - Joint inspection planning: identify which inspections the EPA or a state will perform;
  - Joint enforcement planning: identify which individual or classes of enforcement actions the EPA or a state will initiate.

## Section II: EPA and State roles and responsibilities in implementing authorized programs

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- This section articulates the primary role of the states in implementing authorized programs.
- The EPA will generally defer to a state as the primary implementer of inspections and enforcement in authorized programs.
- The EPA, however, retains concurrent enforcement authority so there are specific situations where the EPA may choose to take direct action.
  - The EPA has responsibilities to the President, Congress, and the public to take direct action when a state lacks the economic or technical capability or the will to take timely and appropriate action.

## Section III: Process for the elevation and resolution of issues

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- This section recognizes the importance of elevating and resolving issues as quickly as practicable.
- Issues should be resolved whenever possible at the career management level within EPA and states.
- Issues should be elevated to senior management if they cannot be resolved at the career-staff level.
  - Senior management may include the Regional Administrator and the State Secretary or Commissioner.
- Matters that cannot be resolved by senior managers should be elevated to the Assistant Administrator for OECA.

## FY19 Accomplishments

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- EPA Region 4



## Air Enforcement Branch Programs

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- 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

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- 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

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

## MPLX/MarkWest Settlement

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

## MPLX/MarkWest Settlement Injunctive Relief

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

## MPLX/MarkWest Settlement Benefits & Penalties

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- 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

## Drummond/ABC Coke Settlement

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- Lodged in Northern District of Alabama on February 8, 2019
- Jefferson County Board of Health is a party to the CD
- Benzene NESHAP violations at the coke byproduct recovery plant

## Drummond/ABC Coke Settlement Injunctive Relief

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- Implement overhauled LDAR program
- Establish and annually update a Management of Change program
- Third-party LDAR program audits
- Capture & control VOCs/HAPs from remaining wastewater streams



## Drummond/ABC Coke Settlement Penalty/SEP

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- \$775,000 Civil Penalty
- SEP project to monitor with IR camera for four semi-annual events

## Akzo Nobel Settlement

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- Lodged in the Southern District of Alabama on September 10, 2019
- Resolves PSD violations at the sulfuric acid plant

## Akzo Nobel Settlement Injunctive Relief

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

## Akzo Nobel Settlement Penalty/Mitigation

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

## FY19 CAA Mobile Source Enforcement

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- 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)

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- 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)

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

## EPCRA/CERCLA Enforcement

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- 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



## Asbestos NESHAP Enforcement

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- 27 Inspections of Renovation/Demolition Projects
- Finalized 9 Administrative Settlements
  - \$61,304 in penalties
  - \$4,100 in complying action costs

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# National Compliance Initiatives and Fiscal Year 20 Activities

## National Compliance Initiatives

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- 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

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- 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

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- 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

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- 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?

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- 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

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- 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

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- 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

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

## Region 4 Core Work

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- 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

**Thank You!**

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**Questions?**