

Compliance and Enforcement Annual Results

FY2006 Compliance Activities Highlights



Environmental Protection Agency
Office of Enforcement and Compliance Assurance

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FY2006 Compliance Assistance Activities Highlights

Compliance assistance is defined by EPA to include activities, tools or technical assistance which provide clear and consistent information to:

- Help the regulated community understand and meet its obligations under environmental laws and regulations
- Aid the regulated community in complying with environmental regulations

Often, EPA partners with compliance assistance providers to develop and deliver compliance assistance resources such as Web sites, compliance guides, fact sheets and training materials.

The FY2006 Compliance Assistance Highlights are listed below under the following categories:

- Federally-recognized Indian Tribes**
- Federal Facilities**
- Region-specific Compliance Assistance Projects**

Federally-recognized Indian Tribes

As a National Priority, EPA is working with tribes to build tribal compliance assurance and enforcement capacity and to enhance EPA's direct implementation of federal compliance and enforcement programs in Indian country in key areas. In FY2006 the Tribal Priority focused on three areas: drinking water, schools and solid waste.

The Tribal Priority is also enhancing the ability of EPA and tribes to monitor compliance with federal and tribal laws in Indian country through analysis of readily available, accurate and reliable data and emphasizes increasing training opportunities for tribal inspectors and other tribal environmental professionals.

Following are major Compliance Assistance activities this fiscal year.

- **Profile of Tribal Government Operations** (Tribal Profile)

The Tribal Profile provides federally-recognized Indian tribes with the key information needed to effectively understand the federal environmental regulations that may apply to governmental operations and pollution prevention opportunities to go beyond compliance. The Tribal Profile orients readers to the environmental responsibilities and challenges facing tribes by pulling together widely available material into one convenient and easy-to-use document. In this way, the Tribal Profile is similar to the other thirty-four EPA sector notebooks. The Tribal Profile is one of the tools developed as part of EPA's National Tribal Compliance Assurance Priority.

- **Federal Air Rules for Reservations**

EPA Region 10 established a program to implement the new Federal Air Rules for Reservations (FARR), a regulatory program to protect air quality and human health on 39 Indian Reservations in Idaho, Oregon and Washington. The FARR closes the “regulatory gap” that has existed for years on reservations because state and local Clean Air Act rules do not apply. The FARR also provides important new tools to manage air quality and support tribes to build capacity in order to run their own air quality programs.

Complaint tracking and response is a significant component of FARR implementation. Additionally, fact sheets and brochures were created and distributed, a FARR Web site deployed, notices were published in major newspapers, and training was provided to over thirty tribal staff. In addition, forms and guidance written specifically for small businesses are in the hands of 200 affected sources in time for them to collect emission information for submission to EPA in 2007. Registration workshops were held on reservations with the largest number of sources, along with ongoing outreach and one-on-one support for businesses. For more information go to Region 10 Federal Air Rules for Reservations.

Federal Facilities

EPA gives compliance assistance to the federal government in a variety of ways. EPA works with other agencies on projects and training to improve compliance and improve environmental stewardship programs.

Following are major Compliance Assistance activities in fiscal year 2006.

FedCenter

Since its inception in late 2004 as a partnership between OECA and the Construction Engineering Research Laboratory of the U.S. Army Corps of Engineers, FedCenter has been the place for federal facility staff and managers to obtain timely environmental information, needed compliance assistance tools and real time mechanisms for facility environmental reporting. In 2006, the Center added two major program areas – Clean Up and Natural Resources. Over a dozen federal agencies used FedCenter’s electronic reporting capabilities to comply with new Energy Policy Act requirements focused on the environmental status of nearly 8,000 underground petroleum storage tanks nationwide.

EPA Assists Other Federal Government Agencies to Implement Environmental Management Systems

Executive Order 13148 mandated that all “appropriate” federal facilities have formal Environmental Management Systems (EMS) in place by Dec. 31, 2005 as a means of improving the overall effectiveness and efficiency of environmental programs at federal facilities and ensuring regulatory compliance matters are recognized and addressed. Nearly 2,400 federal facilities, ranging from NASA’s Kennedy Space Center in Florida to

the National Park Service's Grand Canyon Park, are implementing EMSs. Over 40 percent of these facilities declared they conformed to the requirements of the Executive Order by the due date. EPA developed guidance, provided training and conducted on-site EMS reviews to help federal facilities implement EMSs tailored to their operations. EPA trained federal personnel charged with implementing an EMS under the Executive Order. EPA also chairs the interagency workgroup responsible for developing guidance and measures to ensure successful EMS implementation across the federal government.

Region-specific Compliance Assistance Projects

Regional compliance assistance activities include developing tools, conducting workshops and training sessions, responding to questions from the regulated community, developing and distributing guidance materials, providing direct on-site compliance assistance visits and measuring the results of compliance assistance activities.

Following are major Compliance Assistance activities undertaken in specific geographic areas this fiscal year.

New England Marina Initiative

Marinas can potentially cause significant harm to human health, safety and the environment. The most significant problem areas are hazardous waste management, stormwater management, and oil and fuel management.

To address issues in these areas, EPA Region I implemented a successful Marina initiative. To address issues in these areas, EPA Region I implemented a successful Marina initiative. In early FY06, in response to a number of inspections and enforcement actions, several leaders of the EPA New England Marine Trades Association requested further assistance. EPA New England subsequently conducted several meetings with New England Marine Trades Association leaders to identify the most critical issues. Then on March 30, 2006, EPA New England sponsored a marina leadership conference which addressed critical issues in the areas of controlling pressure wash water and managing hazardous waste. The 56 attendees included leaders of: various state marine trades associations; state environmental agencies; and EPA New England's Office of Environmental Stewardship. Since this meeting, EPA has taken action to develop additional assistance tools for marinas, for example, a hazardous waste management training workshop was held September 7, in Rhode Island. There were 70 attendees at this event including nearly 50 marina owners or general managers and the Director of the RI Department of Environmental Management. For more information on this initiative see EPA New England's Marina Web site.

EPA Region 2 Colleges and Universities Initiative: Environmental Results from an Integrated Strategy

The goal of this initiative was to improve environmental compliance and safety at main and off-site college and university facilities; to change the culture at these facilities to one in which environmental compliance is a priority; to ensure compliance in the entire

sector, not just those reached through inspections; and, to have the sector implement permanent changes. Region 2 used a combination of tools to address compliance issues in this sector. The region started with compliance assistance to educate and inform the regulated community of their obligations and to assist them through development of tools requested by the sectors and dissemination of these tools at seminars and workshops. The region sent mailings to all facilities in the sector and heavily marketed the use of compliance incentives programs such as the audit policy to encourage facilities to assess their own environmental compliance and to voluntarily correct any deficiencies found. To ensure that compliance would be achieved, the region also conducted inspections and issued enforcement actions. The region also promoted voluntary programs to encourage sustained compliance.

Colleges and Universities	FY2006 Results
Universe	375
Region 2 inspections	5
Enforcement actions from these inspections	1
Resultant penalty actions	1 (\$183,000)
Settlements	1 (\$99,000)
Audit agreements	3
Voluntary disclosures	19 covering 33 facilities (\$4,712,308 for 24 resolved)
Violations corrected	436

For more information see Region 2 Compliance Web page on Colleges & Universities.

EPA Region 7 Outreach to the Ammonia Refrigeration Industry to Reduce Accidents and Chemical Releases

One goal of EPA's Risk Management Program is to prevent or reduce chemical accidents. To identify the highest risk and highest return on investment areas, EPA Region 7 analyzed ten years (1994 – 2004) of accident history data submitted by industry to EPA in Risk Management Plans (RMPs). This analysis revealed that the ammonia refrigeration industry (facilities such as cold storage or warehouses) accounts for 8% of the Region 7 regulated RMP facilities, yet is responsible for 33% of all accidents and 44% of all repeat accidents in the Region.

To address this problem, Region 7 developed, published, distributed and marketed the "Accident Prevention and Response Manual for Anhydrous Ammonia Refrigeration System Operators." March 2006 (PDF, 1.57 M, 80 pages, About PDF) The manual outlines best practices in accident prevention and provides tips that system operators can use to eliminate causes of ammonia accidents. Distribution has included 133 RMP refrigeration operators in Region 7 and compliance assistance partners in all EPA regions and Headquarters. Since the manual was placed on the web, it has had nearly 123,000 hits! This is especially impressive because there are only about 32,000 total ammonia refrigeration facilities nationwide.

FY2006 Compliance Incentives Case Highlights

EPA is committed to a strong enforcement program that achieves environmental protection by deterring violators, bringing violators into compliance, correcting damage to the environment and ensuring that those who fail to comply do not put those who follow the law at an economic disadvantage. EPA uses its compliance incentive policies to

- Promote self-policing
- Improve environmental management practices
- Reduce pollution in the environment

Corporate-wide auditing agreements are an additional mechanism to implement the audit policy and for the regulated community to use in assessing and maintaining compliance with federal environmental laws. Such agreements may help to eliminate redundancies by consolidating transactions, provide additional time to determine whether suspected violations have occurred or are occurring, and maximize penalty certainty.

The following is a FY2006 settlement that illustrates the benefit of corporate-wide auditing agreements.

- Adelphia Communications Corporation in June 2002 filed for Bankruptcy under Chapter 11. As part of its reorganization to emerge from Bankruptcy, Adelphia sought to restructure its payment obligations and to sell its assets to Time Warner NY Cable LLC and Comcast Corporation. In order to ensure its facilities were in compliance with environmental requirements, Adelphia voluntarily approached EPA to address its potential violations of environmental laws at its facilities prior to finalization of the company sale. Adelphia conducted an audit of 2,000 facilities. Under the August 2006 settlement Adelphia agreed to pay civil penalties totaling \$142,500 resolving multi-media violations.