

HPV Policy Letter to STAPPA/ALAPCO

Mr. Dave Wallenberg
STAPPA/ALAPCO
444 N. Capitol Street, N.W.
Suite 307
Washington, D.C. 20001

Dear Dave:

I wanted to take this opportunity to memorialize our conversation with Region IX, state and local agencies, and STAPPA/ALAPCO representatives on April 29, 1999, concerning the recently issued HPV policy. This conversation grew out of a desire of California and some of its districts to discuss some issues they had with the implementation of this policy. The discussion focused on two issues which are described below:

Accounting of HPV's

In the course of our conversation, there appeared to be general agreement concerning the need for the national data system to have comparable information state-to-state. On high priority violators, California and its local air quality management districts identified their problems with adapting their long-standing record keeping and reporting methods to those described in the HPV policy. There was no clear consensus among the states as to whether it would be preferable to follow California's suggested approach of reporting individual violations rather than identifying violators and grouping violations occurring within a 30-day period. Given the lack of agreement to conform the national system in a manner consistent with California's suggestion, we then focused the discussion on how we could address California's specific concerns by software modifications to either the AQMD's reporting systems or the Federal Air's system. We offered OECA support to assist Region IX and the California districts by providing some resources to assist automated data transformation to ensure consistent reporting in the national data system.

Alternatively, Region IX and the California districts agreed to discuss an option offered by Bay Area AQMD to forward all of their violations to Region IX and have the Region enter the data into the national data base. It was agreed that HQ data managers and California and Region IX staff would meet to discuss the most satisfactory resolution.

Identification of HPV's

During our discussions, California representatives stated that in carrying out their inspection and compliance program, they may inspect certain facilities on a daily basis. As a result, numerous violations are detected that may or may not rise to the level of HPV. The California districts felt that application of the new policy matrix to these multiple violations could be very time consuming and take them away from more important compliance and enforcement activities. We noted that our approach would reduce the number of violations that would be reported while

focusing our enforcement resources on chronic problems, repeat violators and significant environmental problems. When, as requested by most states, we altered the reduced burden from "all violations" to just "environmentally significant violations," regardless of criteria, an additional task of deciding which violations are more significant, is necessarily created. We assume, however, that in the ordinary course of business, state and local authorities are or should be making such judgments. However, as a means of reducing resources associated with this activity, we suggested that the districts and Region IX could review the types of violations that were being identified and predetermine whether they would qualify as an HPV. Once this exercise was completed, any similar violation would automatically be characterized as an HPV (or not), without having to apply the HPV matrix on a case specific basis. If, however, it was determined that a violation was mistakenly left off the HPV list, then a correction could subsequently be made and the source would be added to the list.

Again, this appeared to be a solution to a problem that most affected the California districts. However, if such a scheme could assist other states and regions, we agreed that they could develop similar agreements.

We have not agreed to modify the HPV policy issued on December 22, 1998, which was the result of much intensive effort on the part of both EPA and STAPPA/ALAPCO members. While we explored ways to facilitate the implementation of the policy, the HPV policy for California is the same as the policy for the rest of the country. Based on conversations since our call, there does not appear to be a widespread need for a deferral of the full implementation date of October 1, 1999. However, we will continue to assess this issue as we move through transition issues.

Sincerely,

/s/

Bruce C. Buckheit, Director
Air Enforcement Division

cc:

Regional Enforcement Directors
Eric Schaeffer, Director, ORE
Elaine Stanley, Director, OC
Fred Stiehl, Director, EPTDD