

# US EPA • Region 6 Compliance Assurance and Enforcement Division 2008 Annual Report



Pollutant Emissions



Training • Education • Outreach



Collaborative Partnerships



Concentrated Animal Feeding Operations



Surface Impoundments





**US Environmental Protection Agency**  
**Region 6**  
**Compliance Assurance and Enforcement Division**  
**1445 Ross Ave., Suite 1200**  
**Dallas, Texas 75202-2733**



Fiscal Year (FY) '08 is over. I cannot believe it. It seems that just last week I was approving the first Annual Report for the Compliance Assurance and Enforcement Division (CAED). Looking back, it is incredible how much enforcement and compliance assistance work was performed in the Region.

With that said, all of the great work completed in FY '08 is directly due to the hard work and dedication of staff not only in my Division but also in all of the other Divisions in the Region.

Without support from Management Division, we would not have the hardware and software that we need to do our work. We would also not be able to travel as efficiently as we do.

Without support from External Affairs, we would not be able to get "our story" out to the public.

Without support from the Office of Environmental Justice and Tribal Affairs, we would not be able to effectively interact with our Tribal partners and our communities impacted by environmental justice issues.

The Superfund, Water, and Multimedia Divisions all have robust enforcement and compliance assistance programs that compliment/supplement the work performed by CAED.

Finally, without the Office of Regional Counsel we would not be able to efficiently process our enforcement actions. As everyone who knows me is aware, I believe that my Division and ORC-E are indistinguishable. Our success is their success.

I want to thank everyone in the Region for their support and this report is a monument to their accomplishments.

I would also like to recognize our State, Tribal, and Local partners for their continued support in meeting the CAED mission.

As you can see by the cover of our 2nd Annual Report, last year we rallied around "WASBO" (We Are Surrounded by Opportunities). This is not just a "slogan" but rather a true statement. We, and our State partners, are clearly surrounded by an overwhelming number of opportunities to improve the environment through our enforcement and compliance assistance actions. We, collectively, could either be paralyzed by the enormity of the job or we could "seize the day" and create a results driven enforcement and compliance assistance program.

I think last year's results, captured in this report, reflect our success in this regard. We have done amazing things on numerous fronts related to enforcement and compliance assistance.

I will not try to enumerate a list of things here but will let the report speak for itself. I will say that the innovation and magnitude of our "successes" is impressive.

In FY '09, we will not abandon WASBO but we will continue to embrace the concept and it will form the foundation of our "strategic planning and targeting efforts."

In addition to embracing WASBO, the Division will continue to evolve as an organization that is driven by "significant environmental outcomes."

Equally important, we will continue to embrace innovation and streamlining in an effort to become the best we can.

In this regard, I am excited about the Region's effort to embrace the "WE CARE" values, and I

am fully committed to embracing those values in our continuous improvement efforts.

The Division will continue to find new ways to recognize and celebrate our successes. I believe that our Recognition Ceremony this year was our best. I look forward to our FY '09 ceremony and the Customer Service Council finding a way to "raise the bar" again.

While we embraced WASBO as our rallying cry in FY '08, we will embrace "Collaborative Solutions" as our rallying cry for FY '09.

It is my strong belief that our success and failure as an organization is directly related to our ability to communicate effectively. With our success strongly tied to our "partnerships" (internal and external), it is critical that we go beyond mere coordination and/or consultation and evolve to a paradigm that embraces collaboration.

Our success in FY '09 is dependant upon our ability to embrace collaborative solutions and seek them with all of our partners on a daily basis.

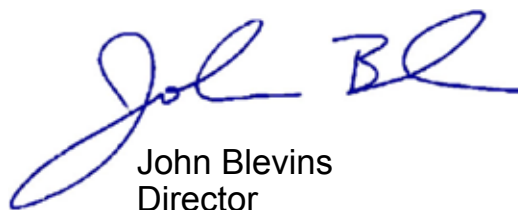
In closing, I hope that the FY '08 Annual Report is useful. It is a summation of an

incredible amount of work performed by an incredible group of people.

As I have said to participants in the Leadership Development Program: "Leadership is not a destination but rather a journey...and it is a journey of self-discovery..." so is our evolution as an organization.

We are making great progress and the future is bright for CAED.

Sincerely,



John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

## Compliance Assurance and Enforcement Division

### Mission:

**Promote compliance with Federal environmental regulations in partnership with our States and Tribes**

### Vision:

**To make environmental compliance commonplace and to establish a culture that promotes going beyond compliance through collaboration, innovation, and partnership**

### Values:

**Teamwork  
Open communication  
Professionalism  
Integrity  
Creativity  
Fairness**





W  
E  
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Workforce Diversity  
Environmental Stewardship  
Character  
Accountability  
Respect  
Excellence

# Enforcement Strategy

1. Be Results Driven (Start with the end in mind)
  - Significant injunctive relief
  - Significant reduction in pollutants
  - Meaningful message
2. Cover National Priorities
3. Cover Regional Priorities
4. Respond to Citizen's Complaints
5. Collaborate and partner with the States, Tribes and Local entities.
6. Find sectors/facilities in non-compliance (aggressive screening)
7. Make sure Consent Decrees and Orders are followed:
  - Certify compliance
  - Re-inspect if necessary



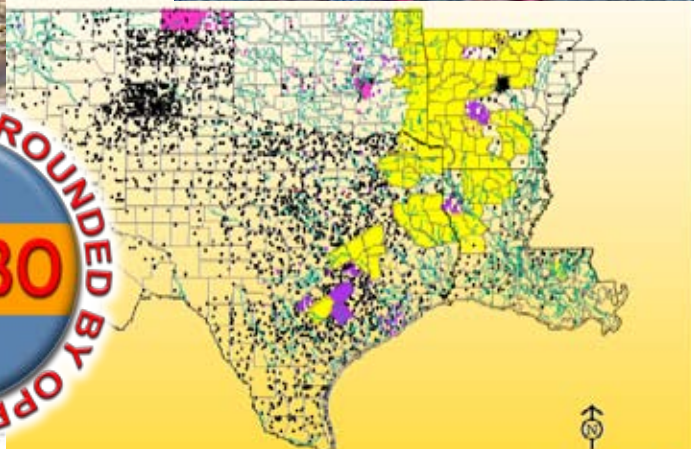
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# We Are Surrounded By Opportunities



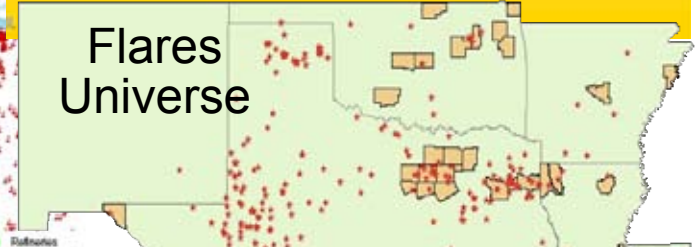
Surface Impoundments  
(more than 2,000!)



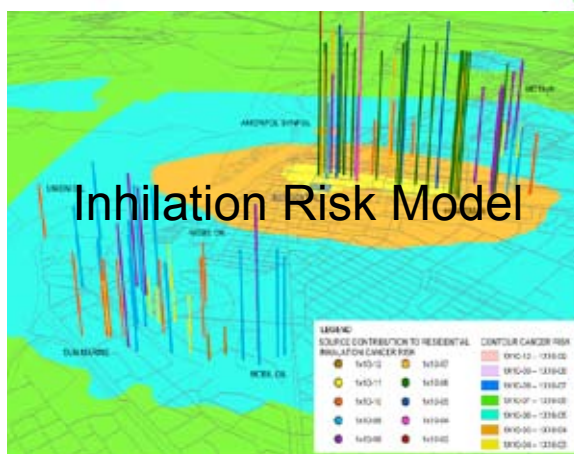
Concentrated Animal Feeding Operations



O&G Offshore Platforms  
(more than 5,000)



Flares Universe

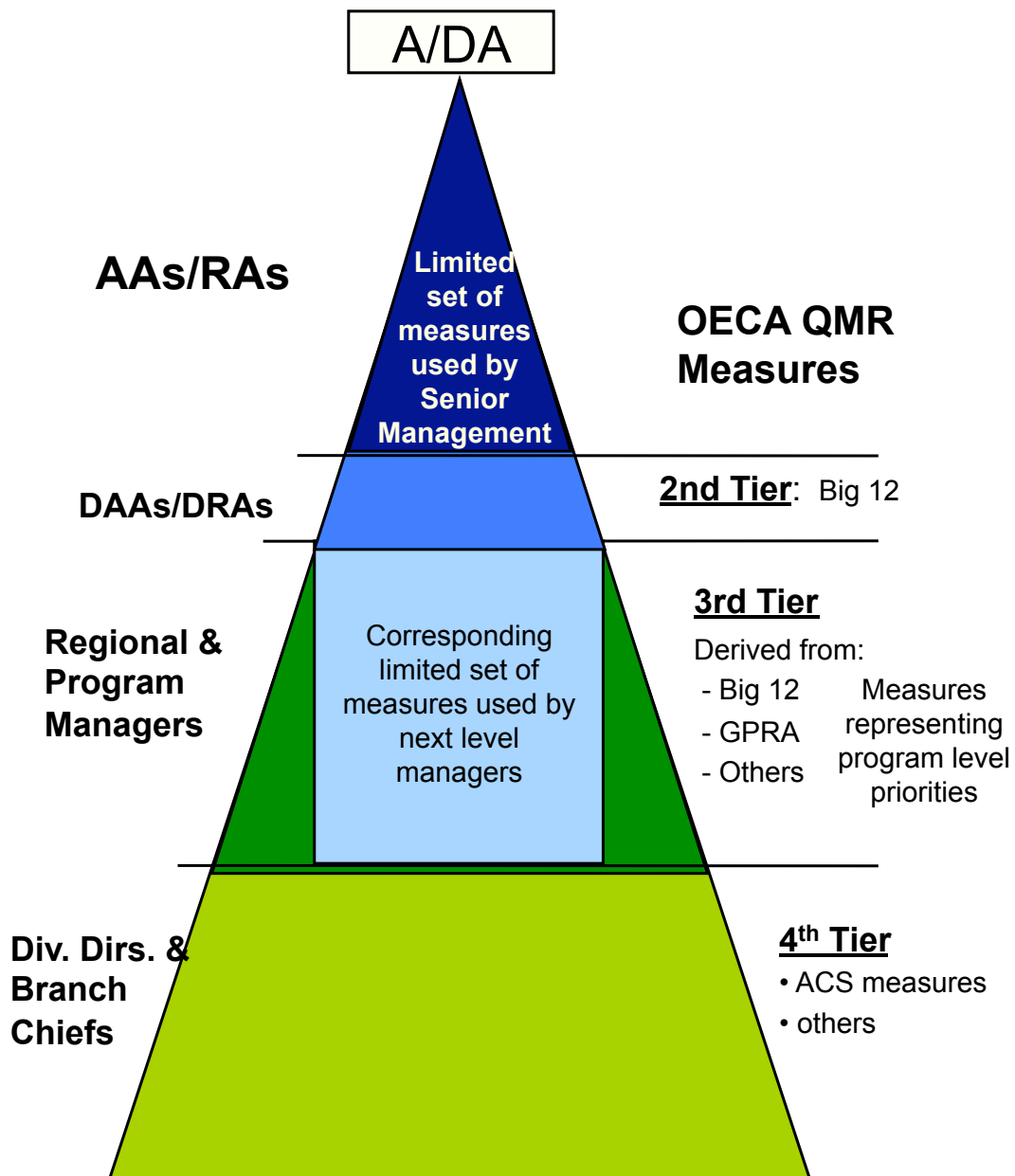


Inhalation Risk Model



# Key Management Measures

OECA Quarterly Management Report Key Management Measures Results		Status
1	% Compliance assistance recipients with improved EMP	77%
2	Number of Civil Referrals to DOJ	<u>31 Total</u> 23 Regulatory, 8 Superfund
3	Number of large concluded cases with more than 1M lbs. Pollution reduced, \$5M injunctive relief or \$1M penalty	25
4	Dollars invested in environmental performance or improved EMP as a result of concluded enforcement (Injunctive Relief + SEPs)	\$574 million
5	Pounds of pollution reduced by audit agreement or concluded enforcement	437 million lbs
6	Volume of contaminated media addressed	13,577 cubic yards

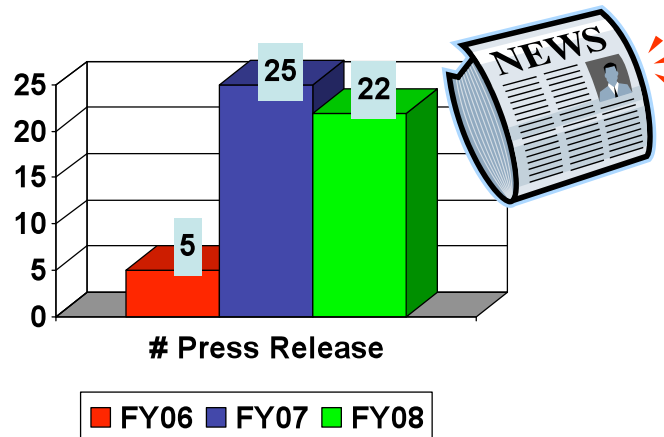


# Highlights

## FY08 Accomplishments

### Press Releases – Reporting Results

Press releases are important tool in getting the word out on the “results” of our activities and they can serve as a tool in promoting compliance.



#### Region 6 Enforcement News Releases Fiscal Year 2008

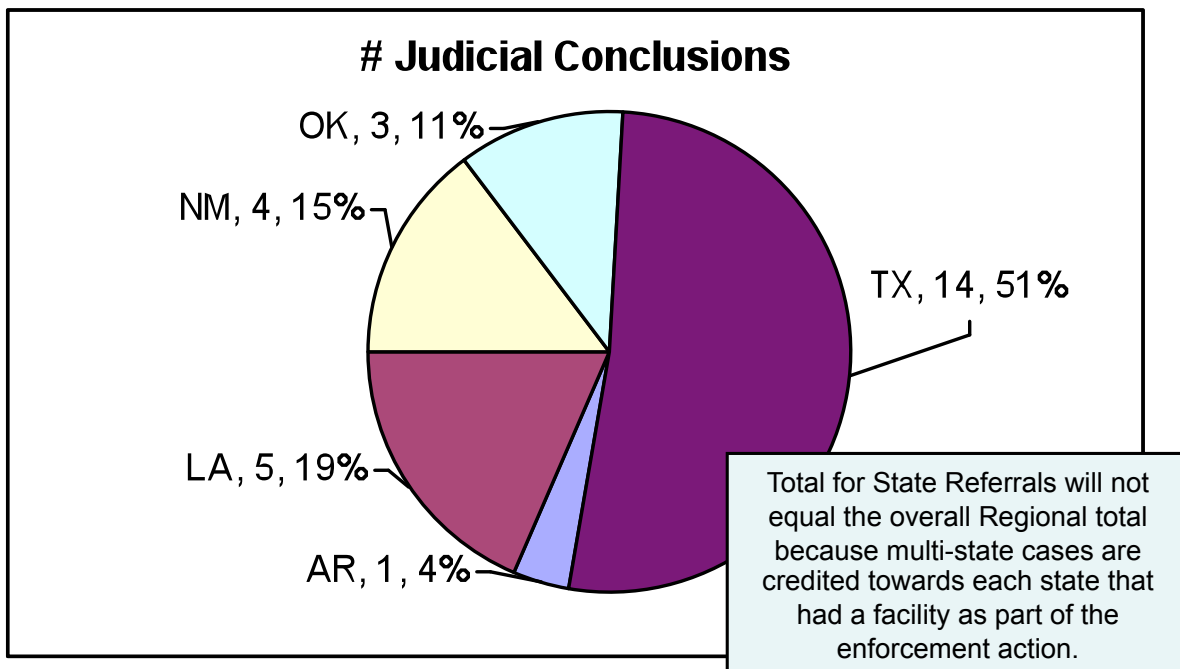
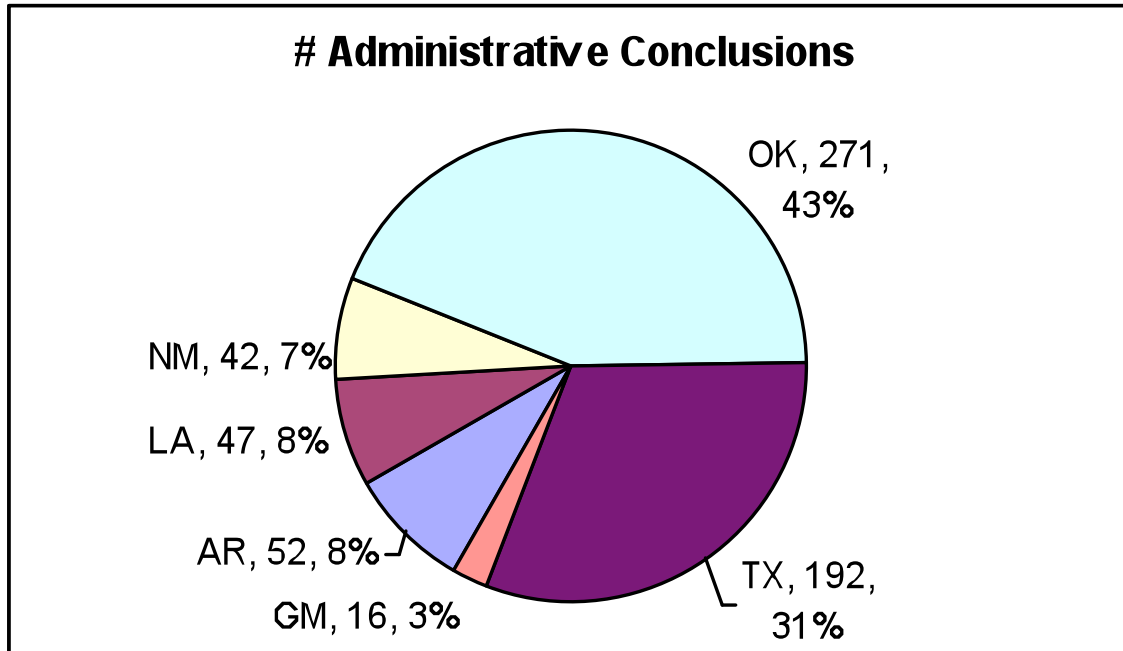
- September 17, 2008: CITGO Pleads Guilty and is Sentenced for Clean Water Act Violation in Louisiana
- August 7, 2008: EPA Orders Ray Hoffman, Jr. Dairy to Cease and Desist Unauthorized Discharges
- August 7, 2008: EPA Orders Mark Allen and Vernon Feeders to Stop Discharge of Pollutants
- August 7, 2008: EPA Announces Web-Based System for Companies to Self-Disclose Environmental Violations
- July 31, 2008: Texas builders working to prevent storm water pollution
- June 18, 2008: Former Fujicolor Employee Pleads Guilty to Environmental Crime
- June 17, 2008: Oklahoma-based pipeline company to pay \$5.3 million for petroleum discharges
- June 11, 2008: Four of nation's largest home builders settle storm water violations
- June 10, 2008: Valero Refining-Texas Agrees to Resolve Alleged Violations Over Corpus Christi, Texas Oil Spill
- May 22, 2008: North Texas power company to issue vouchers for electric lawn mowers
- April 29, 2008: Corporation pleads guilty to ocean discharge violations
- April 7, 2008: ConocoPhillips Pays \$1.2 Million To Settle Clean Water Act Violations
- March 27, 2008: EPA Issues Imminent and Substantial Endangerment Order to Agrifos Fertilizer, Inc. and ExxonMobil
- Jan. 15, 2008: Sinclair Oil agrees to improved refinery pollution controls
- Dec. 13, 2007: EPA Orders Moo Town Dairy to Cease and Desist Permit Violations
- Nov. 15, 2007: EPA reports end-of-year enforcement results for Arkansas
- Nov. 15, 2007: EPA reports end-of-year enforcement results for Louisiana
- Nov. 15, 2007: EPA reports end-of-year enforcement results for Oklahoma
- Nov. 15, 2007: EPA reports end-of-year enforcement results for Texas
- Nov. 15, 2007: EPA reports end-of-year enforcement results for New Mexico
- Nov. 7, 2007: EPA Issues Compliance Order to PSC Industrial Outsourcing, Inc. of Houston
- Oct. 25, 2007: BP to Pay Largest Criminal Fine Ever for Air Violations



# Numbers at a Glance

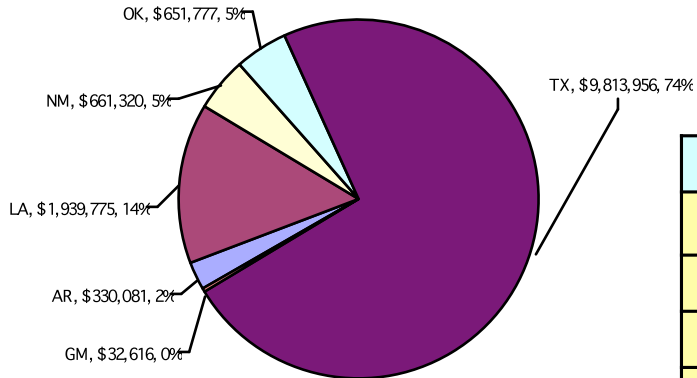
<b>FY2008 Numbers at a Glance</b>	
<ul style="list-style-type: none"> <li>▪ Estimated Environmental Benefits of Enforcement Actions (Including Supplemental Environmental Projects (SEPs)) obtained or committed to:               <ul style="list-style-type: none"> <li>○ Pollutants Reduced (Pounds) 437,566,642</li> <li>○ Hazardous Waste Treated, Minimized, or Properly Disposed of (Pounds) 2,054,000,000</li> <li>○ Contaminated Soil Cleaned (Cubic Yds) (SF &amp; Corr. Action) 13,577</li> <li>○ Contaminated Water Cleaned (Cubic Yds) (SF) 0</li> <li>○ Stream Miles (Linear Feet) (Wetlands) 4,733</li> <li>○ Wetlands Protected (Acres) (Wetlands) 127</li> <li>○ People Protected by Safe Drinking Water Act (SDWA) Enforcement 114,231</li> </ul> </li> <li>▪ Estimated Preventative Environmental Benefits 16,000,000               <ul style="list-style-type: none"> <li>○ RCRA Subtitle C (gallons) 6,000</li> <li>○ RCRA UST Storage Tank Capacity Impacted (gallons) 4,286</li> <li>○ Number of People Notified of Potential Drinking Water Problems 9</li> <li>○ Number of SDWA UIC Wells Protected 25,857,596</li> <li>○ CWA 311J SPCC Pollutant Release Reduction (gallons)</li> </ul> </li> </ul>	
Value of Complying Actions	\$564,939,722
Value of Supplemental Environmental Projects (SEPs)	\$9,666,739
Cases with SEPs	20
Voluntary Disclosure Program	
I. Pollutants Reduced as a Result of Audits or Other Actions (Pounds)	0
II. Facilities Initiated	42
III. Companies Initiated	37
IV. Notices of Determination (NODs)	38
V. Facilities Resolved	42
VI. Companies Resolved	40
Total Entities Reached by Compliance Assistance	12,421
EPA Administrative Compliance Orders (ACOs)	283
EPA Administrative Penalty Complaints (APCs)	366
EPA Civil Judicial Referrals	31 (23 Program/ 8 SF)
EPA Final Administrative Penalty Order (FAPO) Settlements	355
EPA Civil Judicial Conclusions	12 Total (6 Program, 6 SF) Plus 9 Nat'l non-lead participant cases
EPA Administrative Penalties	\$1,669,152
EPA Judicial Penalties	\$9,515,436
EPA Stipulated Penalties	\$194,815
Inspections/Evaluations	1792
Civil Investigations	19
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	51
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	966

# Numbers at a Glance • State by State



# Numbers at a Glance • State by State

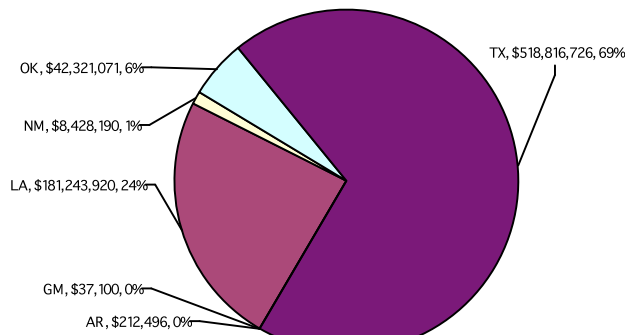
## Penalties



### Top 5 Value of Penalty Cases

TE Products Pipeline Co.	\$2,865,000
Valero Refining Texas	\$1,650,000
ConocoPhillips - Borger	\$1,200,000
Equistar	\$1,000,000
Premcor Refining Group	\$710,000

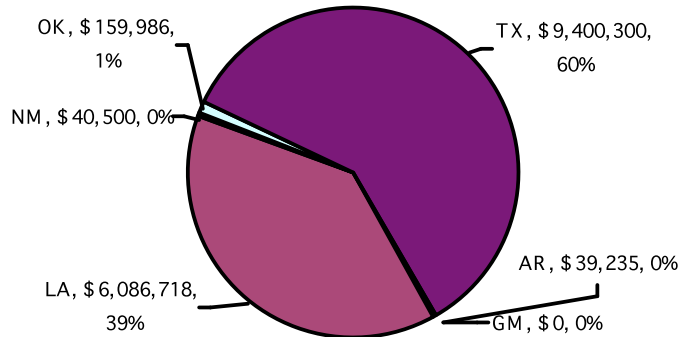
## Injunctive Relief



### Top 5 Value of Injunctive Relief Cases

Agrifos Fertilizer, Inc.	\$216,600,000
Equistar	\$111,428,570
Premcor Refining Group	\$102,000,000
E.I. Dupont De Nemours & Co.	\$66,050,000
Sinclair Oil Corporation	\$40,036,710

## Supplemental Environmental Projects



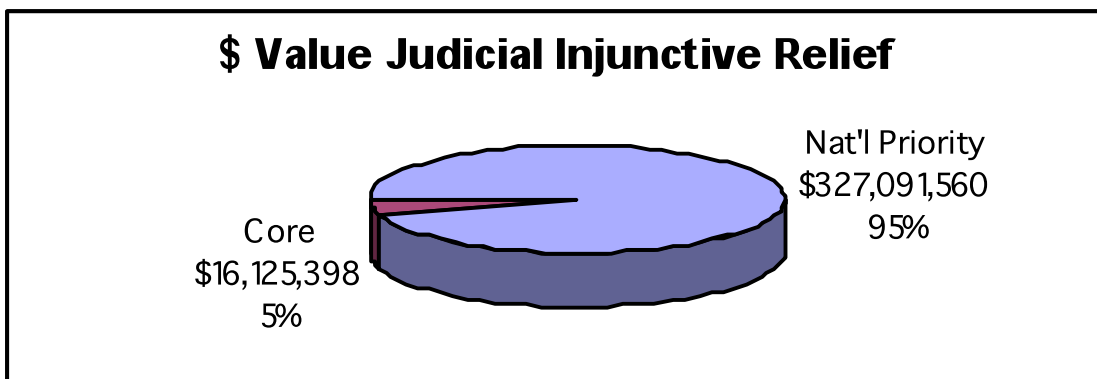
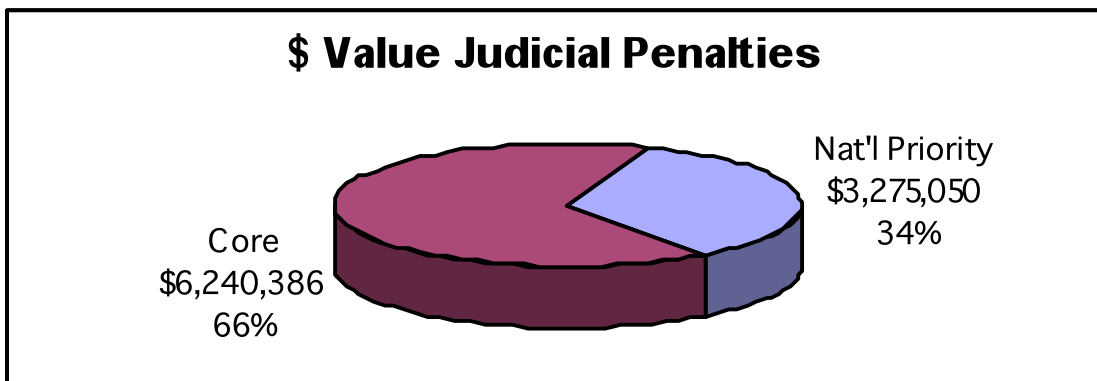
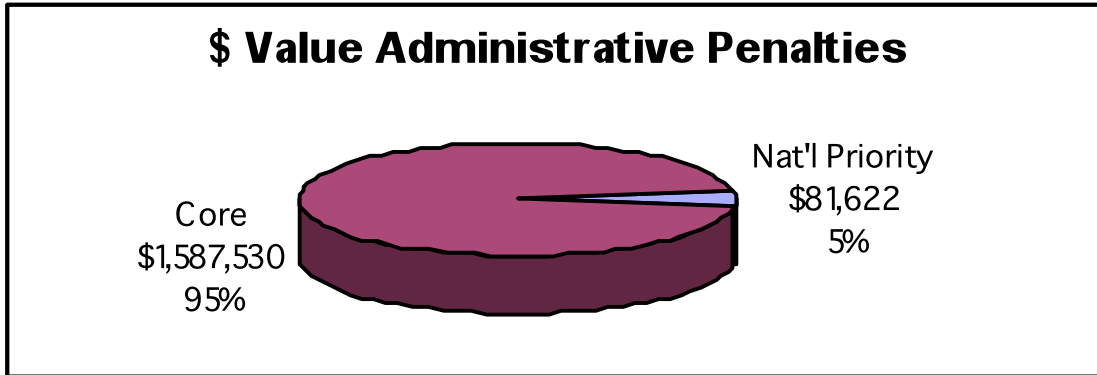
### Top 5 Value of SEPs Cases

Equistar	\$6,060,000
Premcor Refining Group	\$2,275,000
ConocoPhillips - Borger	\$600,000
Valero Refining Texas	\$300,000
Texas Municipal Power Agency	\$78,750

Total for State Penalties, Injunctive Relief and SEPs will not equal the overall Regional total because multi-state cases are credited towards each state that had a facility as part of the enforcement action.

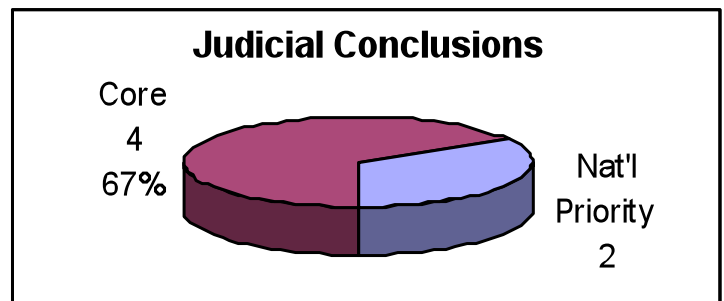
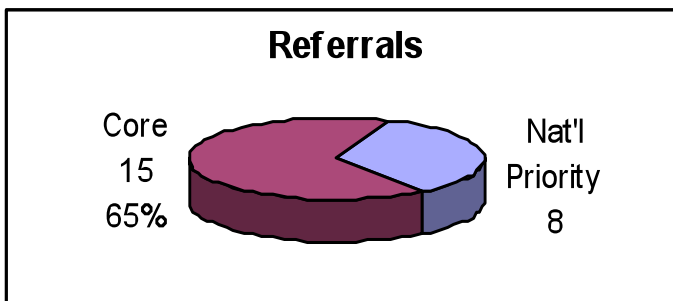
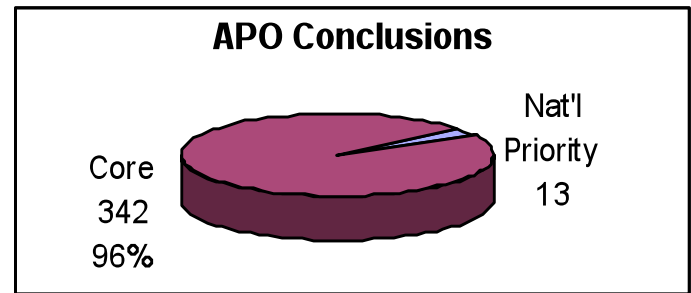
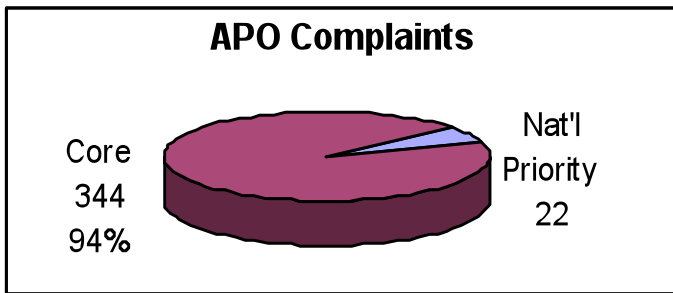
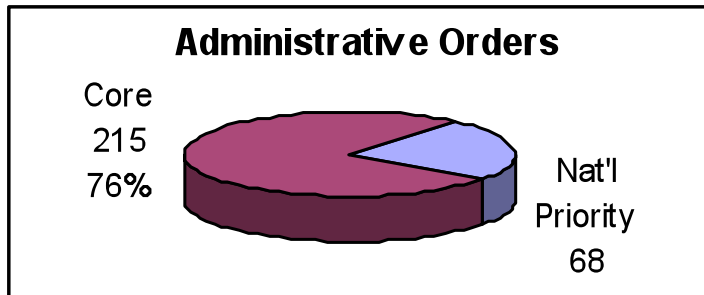
# FY08 National Priorities

## Percentage of Penalties and Injunctive Relief Resulting from National Priority Cases



# FY08 National Priorities

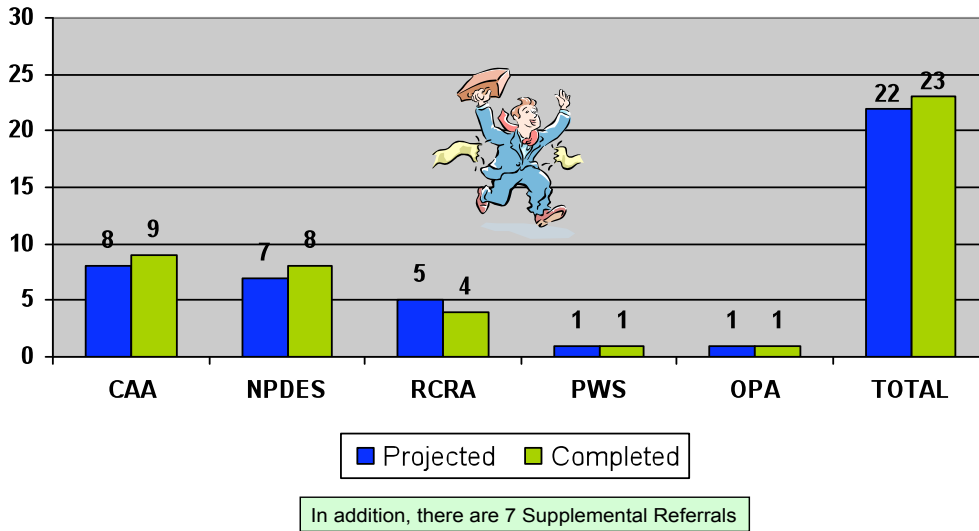
## Percentage of Enforcement Actions Addressing National Priorities



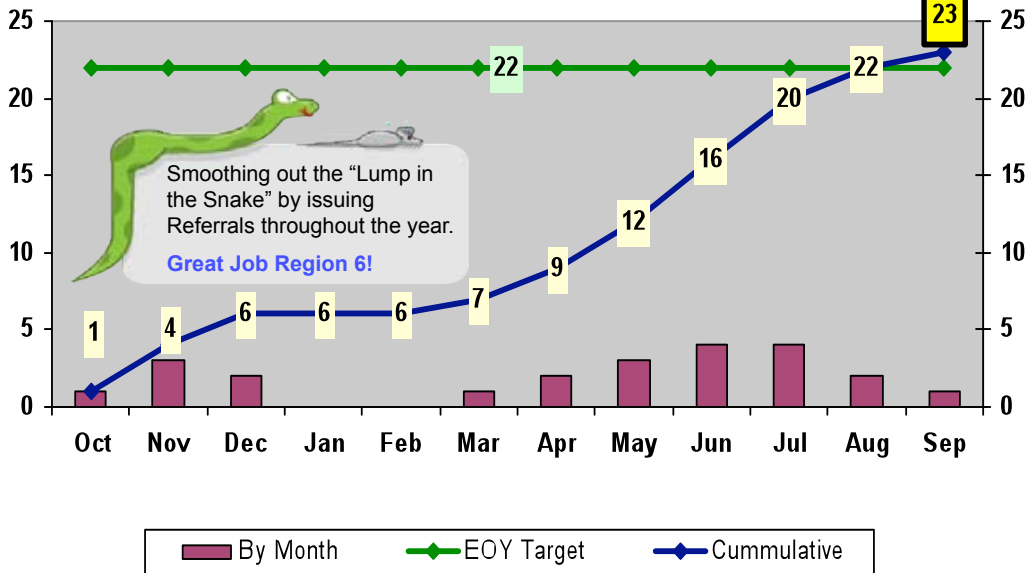
\* Judicial Conclusions does not include National Cases where R6 was not Lead for the case.

# Judicial Referrals

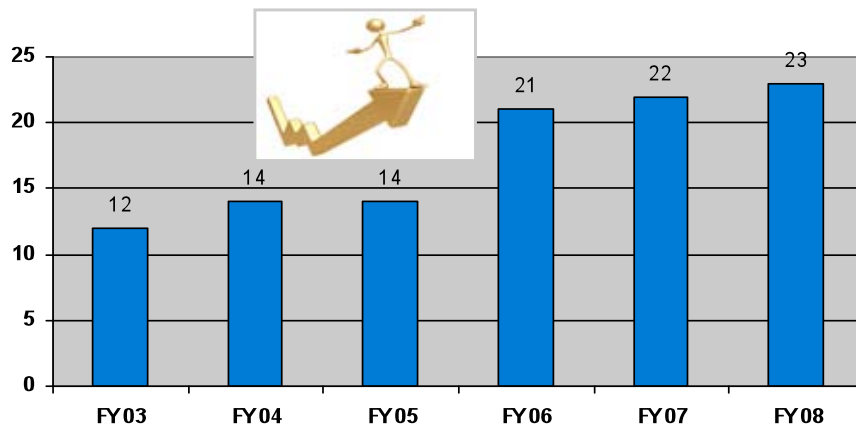
## FY08 Region 6 Judicial Referrals



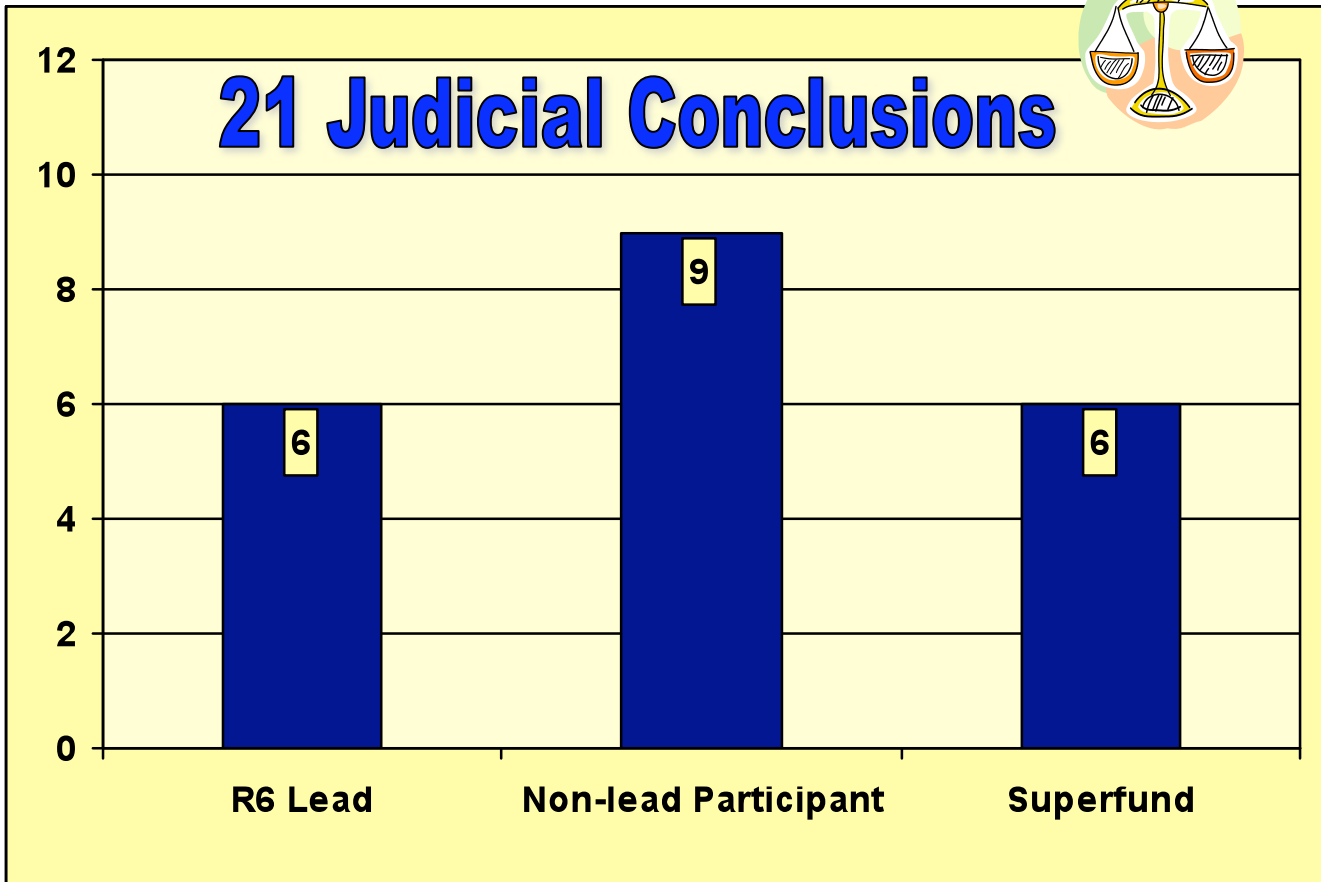
## FY08 Region 6 Referrals (not including Superfund or the 7 Supplemental Referrals)



## Region 6 Judicial Referrals Trends



# Judicial Conclusions



ConocoPhillips, an international energy company, has agreed to pay a \$1.2 million civil penalty to resolve alleged violations of the Clean Water Act related to over 2,000 effluent discharges from a petroleum refinery it operates in Borger, Texas. The settlement includes a Supplemental Environmental Project, estimated to cost approximately \$600,000, which will reduce the amount of solids discharged into local waterways during storm events.

In a National settlement, E.I. Du Pont de Nemours & Co. is expected to reduce more than 13,000 tons of harmful emissions annually from four sulfuric acid production plants in Louisiana, Virginia, Ohio and Kentucky. Du Pont will spend at least \$66 million on air pollution controls at the plants and pay a civil penalty of \$4.125 million under the Clean Air Act settlement. The states of Louisiana, Virginia and Ohio joined the agreement and will receive shares of the civil penalty.

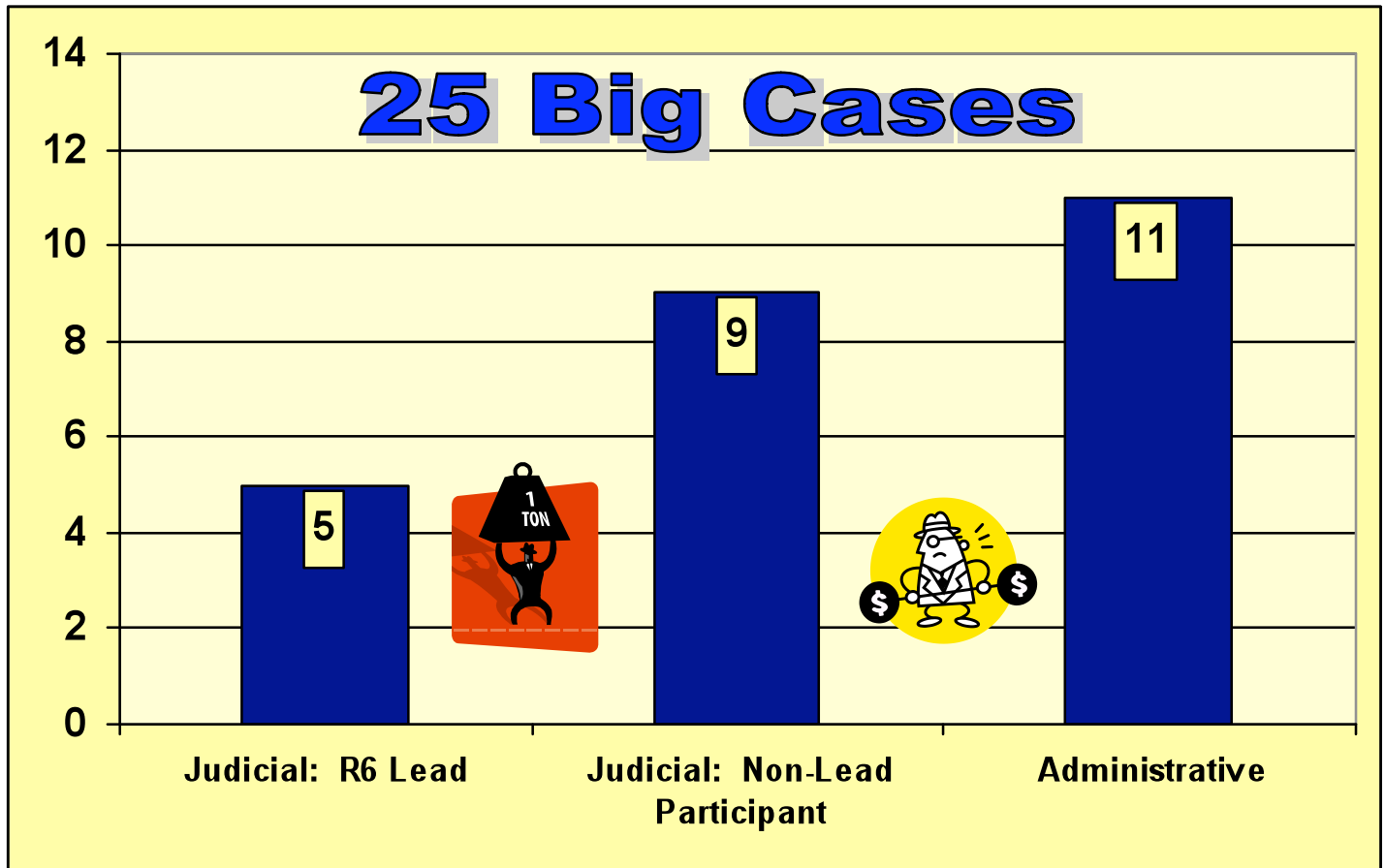
In a National settlement, Valero Energy Corp. will pay a \$4.25 million penalty and \$232 million in new and upgraded pollution controls at refineries in Tennessee, Ohio and Texas, which will reduce annual emissions of nitrogen oxide by more than 1,870 tons per year and sulfur dioxide by more than 1,810 tons per year. The settlement requires an additional \$1.6 million to be spent on supplemental environmental projects serving the Port Arthur, Texas community.

# Supplemental Environmental Projects

Action Name	Project	SEP Category	Cost	Law
<b>Louisiana</b>				
Allen Brothers	Invasive Species Control	Environmental Restoration and Protection	\$26,718	CWA
<b>New Mexico</b>				
City of Rio Rancho	Respondent will remove approximately 200 to 300 tons of undergrowth and tree litter, including salt cedar, dead trees, and other fuels from the North Bosque section of the Rio Rancho Open Space adjacent to and in the Rio Grande (Bosque). This will significantly reduce the amount of fire produced ash that chokes and clogs the Rio Grande and impairs the habitat of the endangered Silvery Minnow.	Pollution Reduction	\$32,400	CWA
May Development Co.	This project will reshape and stabilize the existing slopes on the south side of the Las Cruces Arroyo.	P2/Energy Efficiency – Conservation	\$8,100	CWA
<b>Oklahoma</b>				
Mid-west Oil Co.	The project will: - Move the tank battery facility away from the impacted water body - Remediate and restore areas damaged by brine discharges - Remove tanks - Install new tanks - Install a sump pump	P2/Equipment-Technology Modification	\$5,319	CWA
Williford Petroleum, LLC	Install a sump pump	P2/Equipment-Technology Modification	\$1,030	CWA
Herman Roberts	This project will: - remove old equipment no longer used at the facility - reconstruct the secondary containment - install a sump pump - install a plastic line in the secondary containment - perform extensive soil reconditioning of soils at the facility	Environmental Restoration and Protection	\$13,395	CWA
Sneed Drilling Co.	The project for this drilling company is to: - close out and shut down a tank battery facility - remove all equipment from the facility - remediate the soils at the facility	Environmental Restoration and Protection	\$17,721	CWA
Williford Resources, LLC	SEP by the respondent is in the category of "Environmental Restoration and Protection". The anticipated environmental benefits from the proposed SEP are significant and substantial. The SEP will reduce the potential for any future discharges from the facility and protect the groundwater from being contaminated by: installing a sump pump, rebuilding secondary containment, replacing tanks and replacing flow lines. Overall, this SEP will benefit the environment by ensuring surface water protection.	Environmental Restoration and Protection	\$36,537	CWA
Berexco Inc.	This project includes: - replace steel tanks, previously used to store brine, with fiberglass tanks - apply a layer of clay at the bottom of the facility - reconstruct the secondary containment - install a sump pump - replace the existing shutdown system with a new shut down system - implement a testing process to test the new shut down system - perform extensive soil reconditioning of soils at the facility.	Environmental Restoration and Protection	\$24,184	CWA
<b>Texas</b>				
ConocoPhillips	ConocoPhillips will be rerouting storm water from the oily water treatment system to a large impoundment and through the storm water outfall. This will reduce the amount of solids in the oily water treatment system which are a hazardous waste, and the impoundment will reduce the solids in the storm water, before discharging to the storm water outfall	Pollution Reduction	\$600,000	CWA
Premcor Refining Group (nat'l case)	\$1K million assistance to the Gulf Coast Health Center \$500,000 for Shelter in place air control systems at two local schools \$50,000 for low income housing assistance \$50,000 for mobile air monitoring by the Jefferson County Local Emergency Planning Committee \$675,000 for additional VOC emission reductions at the Port Arthur refinery	Other	\$2,275,000	CAA
Equistar (nat'l case)	CPI Vent Recovery System At Channelview Tx	P2/Equipment-Technology Modification	\$6,060,000	CAA LA & TX
Valero Refining Texas LP	This project is to design and construct a boat ramp that will aid emergency response efforts in the vicinity of the oil spill.	Emergency Planning and Preparedness	\$300,000	CWA
Johnson & Ernst Operating Co.	This project will: - replace old equipment at the facility - reconstruct the secondary containment - install a sump pump - install a plastic line in the secondary containment - install a shutdown system which will shutdown the facility when an injection tank reaches a certain height - perform extensive soil reconditioning of soils at the facility	Environmental Restoration and Protection	\$63,675	CWA
Texas Municipal Power Agency (TMPA) Gibbons Creek Steam Electric Station	Within 50 days of receipt of Consent Agreement, respondent shall begin to notify member City ratepayers and/or residents that a predetermined number of one hundred fifty dollar vouchers (\$150) will be available at designated retail locations for such Member City ratepayers &/or residents to purchase any brand of corded/uncorded lawnmowers, notice to ratepayers shall occur by sending flyer &/or newspaper advertisement sent out by the utilities therefore, decreasing the amount of carbon monoxide, VOC's and Nitrogen oxides emitted by lawnmowers.	Public Health	\$78,750	CAA
<b>15 projects total cost</b>			<b>\$9,542,829</b>	



# Big Case Summaries



## Why track Big Cases?

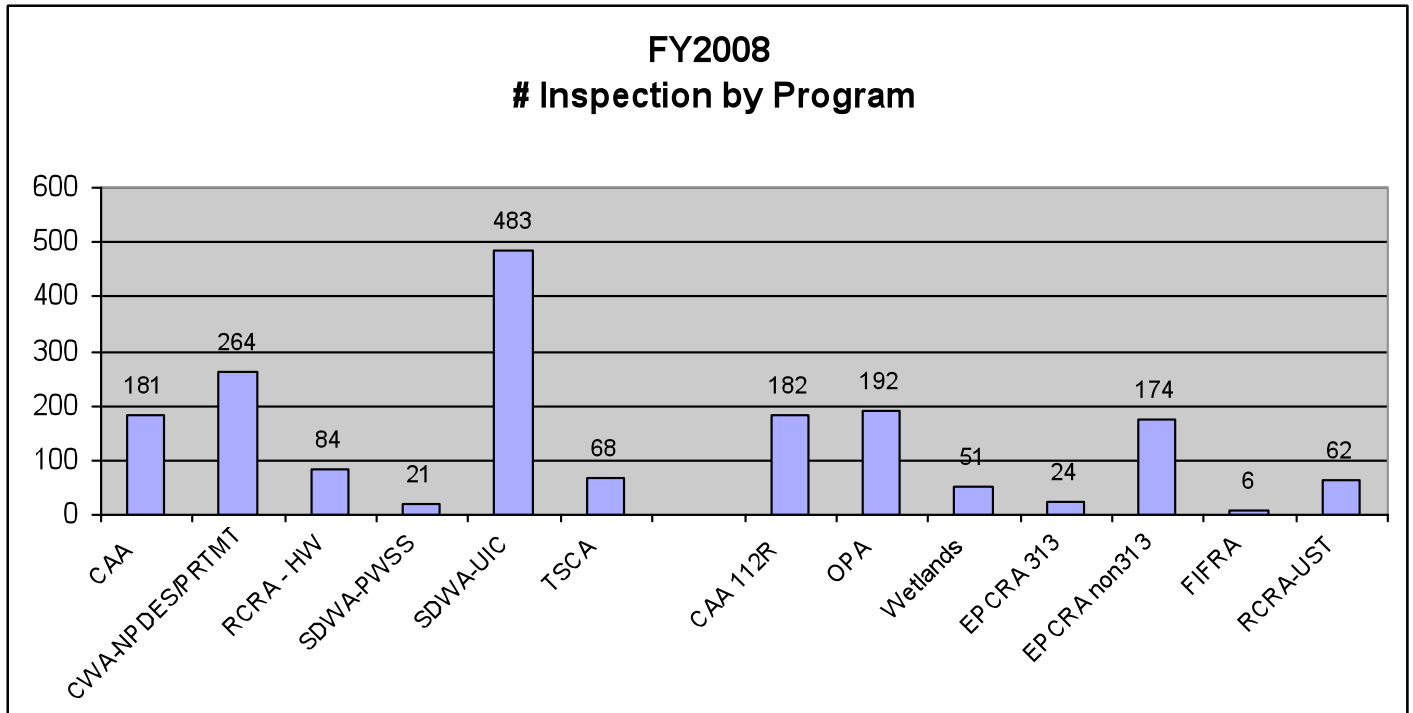
- Most of the pollutants and injunctive relief/SEP dollars come from Big Cases
- 1% of the cases produce over 90% of the Results
- Projecting and Tracking Big Cases makes it easier for EPA's Managers to forecast what our "Results" may be at the end of the year.

## Criteria for Big Case Inclusion:

- Civil Penalty amount of greater than \$1 million; or
- Pounds of pollutants reduced, estimated amount greater than 1 million pounds; or
- Injunctive relief and SEP combined, estimated amount of more than \$5 million

Big Case Results	
\$ Value of Penalties	\$9 Million
\$ Value of Injunctive Relief/SEP	\$566 Million
Direct Pollutant Reductions	418 Million Pounds
Direct Hazardous Waste Reductions	2 Billion Pounds

# Inspections



**Total # Inspections = 1792**

**Combined Animal Feeding Operations:**

- 49 Federal Inspections
- 9 Joint Inspections

**Storm Water Inspections**

- 28 Home Builders
- 20 Big Box Stores
- 11 MS4 (inspections or audits)

**RCRA Inspections:**

- 13 Treatment Storage & Disposal Facilities
- 41 Large Quantity Generators

**Clean Air Act: 181 Inspections**

- 29 Full Compliance Evaluations
- 152 Partial Compliance Evaluations

**Toxics Substance Control Act: 68 Inspections**

- 39 AHERA
- 25 Lead
- 4 PCBs

**Federal Facilities:**

- 2 Multimedia
- 11 Single Media

# Priorities, Measures and Results

400 Day Plan (timeframe Dec 2007 - Jan 2009)		
Measure	Projection	Current Status
Pilot a Self Audit program with Texas Homebuilders Association to improve compliance with stormwater regulations		completed
Initiate an air toxics inspection targeting initiative/pilot with City of Houston		completed
Conduct 10 CAA inspections in or affecting non-attainment areas	10	9
Undertake 5 CAA enforcement actions in or affecting non-attainment areas	5	4
Conduct 75% CAFO inspections in impaired watersheds		on target
Conduct 50% NPDES inspections in impaired watersheds		on target
Develop a regional SSO enforcement strategy		completed
Develop a comprehensive regional safe drinking water enforcement strategy addressing all systems, regardless of size		completed
Cowboys Stadium progressing toward P-Track membership by continuing EMS development		on target
Complete final Trinity River Project EIS review		on target
Convene a forum with stakeholders following publication of the revised EPA CAFO regulations		on target
Assist the Pueblo of Sandia with the inspection of 1 facility on Pueblo lands		completed
Assist San Felipe Pueblo in developing a plan ensuring all Pueblo members receive safe clean drinking water		completed

FY08 Great South Regional Priorities		
Measure	Projection	Current Status
NPDES compliance inspections of CAFOs, major municipals, major industrials discharging nutrients to the Miss. R. basin	15	15
Workshops, presentations, other compliance assistance to CAFOs, municipals and/or workshops to States/Tribes regarding nutrient management in Miss. R. basin		1
Air inspections in the DFW area	2	2
Air inspections in the Houston area	7	9
Air site visits at Oil and Gas facilities	10	10

# Surface Impoundments

There are some 2000 industrial surface impoundments (SIs) in Region 6. Many SIs are huge, covering several acres. They are used for wastewater treatment, storm water surge capacity, and catch basins for spills and process upsets. Pollutants from improperly constructed or mismanaged SIs contaminate the air and groundwater. Region 6 investigations indicate that many SIs may have slipped through the regulatory rubric. Of 28 investigations (16 in 2008) almost half show compliance concerns. Based upon the likelihood of achieving significant environmental and compliance improvements, the Region 6 SI initiative has translated into a national priority for 2009.



*Discharging benzene to an aeration basin which is part of the wastewater treatment system. Non-NPDES volatiles were emitted from the SI. Benzene was found in the sediments in the basin. This resulted in a \$75,000 penalty with injunctive relief involving installation of filtration and air stripper units.*



*Emergency retention basin receiving overflow from the wastewater treatment plant. Vacuum trucks dump into the SI. Wood-lined ditches for wastewater conveyance. Methylene chloride had been spilled and routed to the base of the SI. Groundwater data was found to show methylene chloride at very high levels.*



*A ramp leads into the SI, which is not covered. It receives a mixture of wastes and D008 sludge.*



*Coal fired power plant with 14 evaporation impoundments. 8 of these impoundments exceeded selenium hazardous waste levels. They failed to make waste determinations and did not have a permit for waste disposal.*



*SI receiving discharges of benzene (5-20 mg/L). The facility was also found to have a leaking API separator that is also an SI. The facility has no NPDES permit.*



# RCRA Hazardous Waste Corrective Action

## National Mineral Processor Initiative Activities

EPA Region 6 Enforcement issued and Implemented a 7003 Emergency Action Order at Agrifos Fertilizer, Pasadena, TX after a release of low



pH (<2.0 S.U.) process wastewater following extreme rainfall events in the summer of 2007. Actions



include closure and post closure activities as well as process modifications to reduce waste streams. Waste reductions of approximately



365 million gallons per year. Final closure will remove over 2 billion gallons from the environment.



The Hazardous Waste Branch implemented three 3013 Sampling and Analysis Orders at Mosaic's Faustina and Uncle Sam Plants and PCS Fertilizer all in Geismar, LA. These orders will help define the magnitude of releases and



aid in the assessment of impacts to human health and the environment. These actions are part of a national initiative and referral to DOJ looking at the phosphogypsum mineral processing industry.



We also responded to the Houston area following Hurricane Ike after a report was received that Agrifos had had a large release of process water due to a facility failure. The site visit revealed the area had been inundated by a 12-foot storm surge. The storage ponds at the top of the phosphogypsum stacks were intact and had adequate freeboard. The

storm only dropped between 6 and 8 inches of rainfall. The damage and release was from the stormwater management portion of the facility when a 100 foot section of retaining



wall failed. The facility responded with a coffer dam to temporarily repair the breach. Approximately one million gallons of water was released. The company had appropriate response plans in place and responded in a responsible manner.



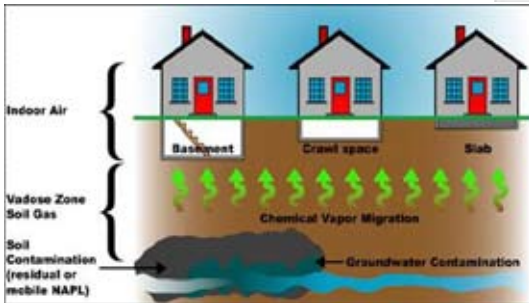
Their recovery plans are staged and they are beginning to bring portions of the facility back on line as parts, labor, and power become available.

The Hazardous Waste staff performed follow-up inspections at ASARCO in El Paso, Texas, finding the facility to be making significant progress in on-site corrective actions. These activities are being closely monitored by TCEQ.



# EJ Corrective Action

Delfasco Forge, Grand Prairie, TX: Sampling conducted in May 2008 revealed trichloroethylene vapors from contaminated ground water entering homes in the vicinity of the former Delfasco Forge facility in Grand Prairie, Texas. The Region issued an emergency order to the company to mitigate the threat from the vapors and clean up the ground water. The company has since declared bankruptcy and the Region's Emergency Response program is addressing the immediate threat to residents.



Lazarus Texas Refinery II (formerly Longview Refinery), Longview, TX: Among EPA's goals under GPRA for 2008 was the control of human exposure and ground water contamination from high priority hazardous waste sites. Most of this work has been done by the authorized States and coordinated by EPA. Where needed, the Region has exercised its enforcement authority to fill in gaps and help keep the clean up process moving ahead. The bankrupt Longview Refining facility in Longview, Texas was acquired by the city for back taxes; then sold to Lazarus Energy in 2006. With a sketchy history of spills and contamination and multiple owners, critical gaps existed in the information need to meet the Agency's goals regarding human exposure and ground water contamination. To fill in those gaps, Region 6 issued an Administrative Order on Consent under RCRA Section 3013 to Lazarus.



# Air Settlement

Region 6 reached an agreement with Valero Energy Corp., formerly owned by Premcor, provides for a \$4.25 million penalty and \$232 million in new and upgraded pollution controls at refineries in Tennessee, Ohio and Texas. The agreement requires new pollution controls to be installed at refineries in Port Arthur, Texas; Memphis, Tenn.; and Lima, Ohio, that, when fully implemented, will reduce annual emissions of nitrogen oxide by more than 1,870 tons per year and sulfur dioxide by more than 1,810 tons per year. The new controls will also result in additional reductions of carbon monoxide, volatile organic compounds and particulate matter from each of the refineries. These pollutants can cause serious respiratory problems and exacerbate cases of childhood asthma.

The settlement requires an additional \$1.6 million to be spent on the following projects serving the Port Arthur, Texas community:

- \* \$1 million to support a local health center serving under privileged and un-insured residents of the Port Arthur area, for the diagnosis and treatment of asthma and other respiratory illnesses that may be caused or exacerbated by air pollution.
- \* A mobile air monitoring van for the Local Emergency Response Commission.
- \* "Shelter-in-place" air control systems at the Booker T. Washington Elementary and Memorial 9th Grade Center schools to detect, isolate and filter air pollution that may result from emissions in the Port Arthur area.
- \* A project to replace existing high-emitting water heaters with new low-emission water heaters in low-income residences in the Port Arthur area.

The three refineries covered by this settlement produce more than 650,000 barrels of oil per day, representing nearly four percent of domestic refining capacity in the United States.

# Collaborative Partnerships

## Technical Assistance Provided to EPA Headquarters and EPA Region 2:

Jeremy Seiger traveled to Rochester, New York during the week of June 1, 2008, to assist EPA Headquarters, EPA Region 2, and the State of NY in conducting a CAFO inspection at one of New York's largest Dairy.

In 2007, Jeremy was asked by EPA HQ to assist EPA Region's 2 and 1 on similar projects. As a result of the assistance provided to New York in 2007, the NY DEQ specifically asked if Jeremy could return to assist in the second large scale joint inspection between the state and EPA.

Jeremy's contributions included the review of overall facility operations and maintenance, nutrient management review, identifying any unauthorized discharges, and sampling of such discharges if warranted.

His contributions included identifying fields receiving over-application of nutrients from dairy manures and identifying water wells on the property that are used for facility operation that had high nitrate concentrations and have tested positive for e-coli and total coliform.



## EPA Region 6 CAFO Enforcement Workshop

January 15 – 17, 2008

The EPA Region 6 CAFO enforcement workshop was held from January 15 to 17, 2008. About 40 EPA and State CAFO inspectors and enforcement officers participated in the workshop, which was held at EPA Region 6 office in Dallas, Texas. Other agencies represented at the workshop included the USGS and the Texas State Soil and Water Conservation Board (TSSWCB). A major objective of this workshop was to provide EPA and State personnel the opportunity to share information, learn from each other, and discuss the future direction of the CAFO compliance and enforcement program, in the context of the new CAFO rule, and the Rapanos Supreme Court ruling.



# Home Builders



Keeping Texas waterways free of storm water pollution is the goal behind an agreement signed by the Texas Association of Builders (TAB), Texas Commission on Environmental Quality (TCEQ), and the Environmental Protection Agency.

Building new homes requires moving a lot of dirt, often tons. When it rains, dirt and other pollutants from construction sites can get swept into storm drains. This runoff generally flows untreated to the nearest waterway, which can lead to water quality problems and harm to fish and plants. Education and assistance with storm water controls can help home builders reduce storm water pollution.

The agreement is a national first and commits Texas home building companies to work together with the state and federal agencies to take steps to prevent storm water pollution. Under the agreement, the three partners worked together on a pilot program to more fully educate, inform, and assist home builders with meeting federal and state storm water regulations.

On July 17, 2008, EPA Region 6 held the 10th Annual Stormwater EPA Municipal Separate Storm Sewer System Operators Conference in Waco, TX. Region 6 helped present the TAB's "Storm Water SWPPP It or Sweat It" training initiative to Texas municipalities. This train-



ing was part of the pilot agreement between TAB, TCEQ, and EPA Region 6, which provides Texas homebuilders the opportunity to self police themselves if they met certain conditions, including the "SWPPP It or Sweat It" training, self-assessments of each of their construction sites, and certification of compliance. Training was conducted at all 33 TAB Districts, reaching approximately 1500 homebuilders.





# Environmental Management Systems

## N-TREMS

Staff from Region 6's Compliance Assurance and Enforcement Division continued their support in 2008 to the North Texas Regional Environmental Management System Partnership. (N-TREMS) The N-Trems Partnership consists of local public and private organizations that collaborate to address regional environmental issues throughout the north Texas regional area.

N-TREMS promotes environmental sustainability, reduced environmental impacts, and formal public/private relationships through the use of environmental management systems.

The N-TREMS partnership provides specific benefits to each of its partnering organizations by helping them to improve local and regional environmental quality; build communication and trust between partners and the community; and cost-effectively manage their environmental impacts to improve environmental management.

N-TREMS' membership consists of several local municipalities, some private businesses and industries who are Performance Track members, the North Central Texas Council of Governments, Texas Commission on Environmental Quality, City of Dallas, and EPA Region 6.



## Municipal EMS Training

In December 2007, the Compliance Assurance and Enforcement Division launched a collaborative effort to provide facilitated training on Environmental Management System (EMS) implementation to eleven (11) municipalities and other public entities. This effort is the culmination of over a year of collaboration with the City of Dallas, North Central Texas Council of Governments, TCEQ, and ourselves to help municipalities and other public entities in the north central region to implement EMS's and to use them as a tool in assuring improved environmental compliance and sound management of their respective organization's environmental impacts. At the end of this 18-month course, these entities will have established sound EMSs that help to promote a culture of going beyond compliance through collaboration, innovation, partnership, and continuous improvement. Finally, it is anticipated that these cities will join the Performance Track program. The eleven (11) entities participating in this effort include the following:

- City of Austin
- City of Carrollton
- City of Coppell
- City of Ft. Worth Solid Waste Service
- City of Ft. Worth Village Creek WWTP
- City of Garland
- City of Haltom City
- City of Lubbock Power and Light
- City of Lubbock Solid Waste Department
- City of Waco
- Dallas Cowboys Stadium



# Performance Track



## LDEQ Recognized for Outstanding Support of the P-Track Program

The Louisiana Department of Environmental Quality (LDEQ) received an Appreciation Award from EPA Administrator Johnson for their outstanding support in the delivery of Performance Track program incentives by expediting the issuance of both air and water permits for an planned expansion of the Marathon Petroleum Company Refinery in Garyville, Louisiana. The Louisiana refinery is currently the 18th largest refinery in the U.S. and has the dual distinction of being the last grassroots refinery built in the country and the only petroleum refinery in the Performance Track program, being a member since 2002.

LDEQ worked closely with Marathon Petroleum and U.S. EPA Region 6

to expedite the issuance of an air permit to construct and operate in December 2006 and issuance of an LPDES (Louisiana Permit Discharge Elimination System) permit in April 2008. LDEQ supported the expedited permit issuance as a result of the Marathon refinery's membership in the Performance

Track program and exemplary compliance record. Having a positive working relationship with the regulatory agencies and the local community was invaluable to the refinery throughout the permitting process. The end result was a "win-win" for the refinery and the State of Louisiana.



# Performance Track



## Region 6 P-Track Members' Roundtable Meeting October 30, 2007

EPA Region 6 Performance Track program members participated in a roundtable meeting in Dallas, Texas on October 30, 2007. Performance Track roundtables provide an opportunity for members to share best practices, as well as develop mentoring relationships with one another to accelerate environmental performance. The roundtables also provide a forum for increased collaboration between members, EPA, and State environmental agencies. Over thirty members participated in the roundtable.

The roundtable provided an excellent opportunity to recognize the newest Region 6 P-Track members and highlight existing member's accomplishments. State performance-based program representatives also provided updates on their respective programs. Mayor Richard Greene, Region 6 Regional Administrator, Larry Starfield, Deputy Regional Administrator, and Dan Fiorino, Director of the National P-Track program, as well as Regional senior management, participated in the roundtable.



## New P-Track Members in 2008

Region 6 has accepted ten (10) new facilities for membership in the Performance Track program in 2008, including the City of Dallas. The 10 new members include the following facilities:

App. No.	Facility Name/Parent Company	Location
A060108	Standard Aero	San Antonio, Inc
A060109	Barksdale Air Force Base	Shreveport, LA
A060110	Goss International Americas Inc.	Kennedale, TX
A060111	Dyess Air Force Base	Abilene, TX
A060112	Intel Corporation	Rio Rancho, NM
A060113	Rough Canyon Marina, LLC	Del Rio, TX
A060114	Rio Grande Village Store & RV Park	Big Bend National Park, TX
A060116	Southfork Ranch	Parker, TX
A060117	John Deere	Thibodaux, LA
A060118	City of Dallas	Dallas, TX

The City of Dallas is the first major city to join the Performance Track program and establish beyond compliance goals to reduce its environmental footprint. As part of their participation in the Performance Track program the City has committed to the following goals:

Reduce total water use at City facilities by 49,285,600 gallons (5%) by expanding the water recycling program, continuing the leak detection and repair program, and upgrading irrigation systems and landscapes. In addition to these, the City will utilize an internal outreach program to improve conservation awareness. Reduce total (non-transportation) energy use by 322,645 MMBTUs (13%) through energy performance contracting, using future savings from increased energy efficiency and energy conservation measures to finance structural upgrades that, over time, will save energy and thus save money. In addition, the City requires all municipal facilities over 10,000 square feet to be constructed to meet LEED standards. Reduce total (transportation) energy use by 33,127 MMBTUs (4%) through the use of cleaner fuels and cleaner vehicles and continue to grow its fleet of hybrid and alternative fuel vehicles. Increase land and habitat conservation by 61 acres (10%) through implementation of the City's Trail Master Plan. The Plan calls for 230 miles of multi-use hike and bike trails at full build out. There are currently 8 miles of trails in design and funding for an additional 10 more miles of new trails. In addition, the City will continue to acquire land and place land aside for park and trail development.

# National Environmental Policy Act

## Environmental Assessments:

- 12 - Special Appropriations
- 5 - BECC
- 2 - New Sources
- 2 - CWPPRA
- 1 - Colonia
- 22 - Total

CAED also reviewed 38 Environmental Impact Statements (EIS). The most significant EISs were the Border Fence, Interstate 69, and Grand Parkway in Houston.

In addition to the Border Fence EIS for the Lower Rio Grande Valley in Texas, CAED also reviewed and made significant comments on 4 Border Fence Environmental Assessments.

The Border Environment Cooperation Commission continued to support environmental infrastructure projects on both sides of the U.S.-Mexico border. These projects are intended to “prevent, control or reduce” environmental pollutants or contaminants, improve the drinking water supply, or protect flora and fauna to improve human health, promote sustainable development, or contribute to a higher quality of life.

The communities of Mier, in Tamaulipas, Mexico, and Fabens in Texas, received funding authorization to improve their drinking water and wastewater treatment systems. The community of Mier also received funding for construction of a wastewater treatment plant.



## Trinity Parkway Project:

The Trinity Parkway Corridor Transportation Improvements will be implemented jointly by the Texas Department of Transportation (TxDOT), the North Texas Tollway Authority (NTTA) and the City of Dallas. The City will participate in the financing of the Trinity Parkway, a tollway reliever route extending in the south from U.S. 175 to connect with S.H. 183 in the area of IH-35E in the north. By Executive Order, the Trinity Parkway Project was put on the Federal Highway Priority List and is on a Fast Track Process. (August 18, 2004). EPA became a cooperating agency and took a proactive role in the development of the EIS required by NEPA and in identifying any issues early in the planning stages where we have special expertise and permitting responsibilities by law. Region 6 of the EPA participates on a monthly basis on the Executive Interagency Coordination Team made up of representatives of the NTTA, City of Dallas, Federal Highway Administration, TxDOT, US Army Corps of Engineers, and the Texas Commission on Environmental Quality. The locally preferred alternative, identified in the Trinity River Corridor Balanced Vision Plan, proposes that the Parkway be constructed with all lanes on the inside of the levee closest to downtown. The Dallas City Council approved this

alignment on April 13, 2005, and it was adopted by the NTTA Board of Directors on April 20, 2005. The roadway will be built on an embankment which will raise it above the 100-year floodplain, or will be protected from the 100-year flood by floodwalls in those areas where the roadway must fall below the 100-year floodplain to go below the various bridges. The NTTA is currently preparing an EIS to evaluate this alternative and its environmental impacts. This EIS is being done in conjunction with the Corps of Engineers Dallas Floodway EIS, which looks at the combined impacts of the roadway, lakes and river channels in the downtown floodway area. Construction of the parkway will utilize material excavated from the proposed lakes and wetlands identified as part of the City of Dallas’ master plan for the existing Dallas Floodway. An official “Record of Decision” is expected for the Parkway EIS in 2009, and construction could be completed in 2013.

Other NEPA projects in FY 08 include the Trans Texas Corridor 35 through Texas in cooperation with TxDOT, FHWA, and NTTA; the Bayou Dupont, Whiskey Island, and Barrier Island and Salt Marsh Projects for the Terrebonne and Timbalier Basins, and the El Segundo Mine New Source NPDES Permit NEPA review.



# Compliance Assistance



Israel Anderson with the Associate Director's Office participated in the North America's SuperCorridor Coalition (NASCO) workshop on Environmental Compliance held in Laredo, Texas on September 18, 2008.

The workshop focused on compliance with environmental regulations in the import and export of



environmentally regulated goods among North American countries, identifying the challenges faced and finding solutions for a more efficient use of government resources and outreach to importers and experts in promoting such compliance.

The conference was hosted by the National Center for Manufacturing Sciences at the Laredo Community College.

The North American Commission for Environmental Cooperation (CEC) is an international organization created by Canada, Mexico and the United States under the North American Agreement on Environmental Cooperation (NAAEC). The CEC was established to address regional environmental concerns,

help prevent potential trade and environmental conflicts, and to promote the effective enforcement of environmental law. This agreement complements the environmental provisions of the North American Free Trade Agreement (NAFTA).

EPA Administrator Stephen Johnson is on the CEC council, which meets at least annually to address environmental issues. Also on the council is the Canadian Environmental Minister, John Baird, and the Mexican Secretary for Environment and Natural Resources, Juan Rafael Elvira Quesada.

This conference progressed environmental relations between NASCO, the CEC and associated governmental agencies.

## Federal Facilities Workshop

On April 29-30, 2008, the Federal Facilities Program hosted an Underground Storage Tank (UST) Workshop for federal facilities personnel who manage or oversee USTs. The workshop provided an overview of the regulatory history of the tanks' programs, including some of the key impacts of the Energy Policy Act. The workshop educated federal facility personnel on regulatory compliance requirements applicable to USTs including a discussion

of applicability, tank and piping leak detection, spill and overfill prevention, corrosion protection, and suspected releases. Also, the federal facility personnel was informed of regulatory compliance requirements applicable to aboveground storage tanks (ASTs) including applicability, spill prevention, control and countermeasure plans, facility response plans, storm water pollution prevention plans, and other federal requirements affecting ASTs such as new source performance standards. Fifty one federal facilities personnel registered to attend the workshop.



## Compliance Assistance Outreach Workshop for Small MS4s

On April 8-9, 2008, EPA completed the third of a four month Compliance Assistance Outreach Workshop series for Small Municipal Separate Storm Sewer Systems (MS4s) permitted in Louisiana. The workshop was held in Alexandria, Louisiana and was well attended by MS4 Directors of storm water management programs for municipalities located within a 120 mile radius. The workshops focus on assisting small MS4s in measures required for compliance with the Small MS4 Permit and helping the small MS4s enhance their storm water management program, prior to a possible audit from LDEQ and/or EPA. The final workshop of the series, for this fiscal year, will be held on May 15, 2008, in Shreveport, Louisiana.

# Federal/State Relations

The State Review Framework was developed by EPA and the States as a set of core standards for evaluating State enforcement program performance. It also provides structure for evaluating and approving alternative approaches to meeting core program requirements like inspection coverage.

The first round of all States completed:



Oklahoma – This year, Craig Kennamer received the ODEQ – Region 6 Strategic Partnership Award for his leadership in completing the first state enforcement program review under the State Review Framework (SRF) in Region 6. In 2008, ODEQ co-chaired 2 national work groups that evaluated and revised the SRF protocol. The ODEQ is to be commended for its leadership in the national SRF effort.



Arkansas – The Arkansas Department of Environmental Quality (ADEQ) has been an active participant in the State Review Framework (SRF) work group process evaluating the first round of reviews under the SRF. ADEQ also represented the Association of State and Territorial Solid Waste Management Officials in revising the SRF protocol. Melanie Foster, Steve Drown and Ann Blake of ADEQ were recognized by Region 6 for their leadership in the SRF process.



New Mexico – In 2008, the Region recognized Debra McElroy of the New Mexico Environmental Department for her leadership in completing the first State Review Framework (SRF) review in New Mexico. The Region also recognizes NMED's help and support for the SRF, as the first State agency in Region 6 to be reviewed under the revised SRF protocol.



Louisiana – The Louisiana Department of Environmental Quality (LDEQ) participated in the national work group process evaluating and revising the State Review Framework (SRF) protocol. Steve Aguiard of LDEQ was recognized by Region 6 for his orchestration of the Department's first SRF review.



Texas – In 2008, the Texas Commission on Environmental Quality (TCEQ) participated in the national effort to revise the State Review Framework (SRF) protocol. The Region recognized Curtis Seaton of TCEQ for his leadership in the SRF process for Texas. Under the SRF, Region 6 approved TCEQ's proposal to pilot its Risk Based Inspection Strategy (RBIS) as an alternative approach to inspection coverage. TCEQ's willingness to partner within the SRF structure could expand benefits from the pilot to other States and Regions.

# Tribal Partnerships

## UIC

The Underground Injection Control (UIC) program is to protect groundwater resources from contamination due to underground injection of fluids. Region 6 directly implements the UIC program on Indian lands in the Region, except for injection wells associated with oil and gas production on lands of the Five Civilized Tribes in Oklahoma. We directly regulate 2435 injection wells on lands of 18 Indian nations in Oklahoma and New Mexico.

The Osage Nation provided reports of more than 1150 injection well inspections that they conducted under a cooperative agreement using grant funds from EPA. In addition, EPA staff conducted more than 511 inspections. During fiscal year 2008, we sent more than 144 notices of violation to operators of 220 injection wells.



These letters addressed more than 250 violations. In addition, we issued 45 administrative compliance orders to address violations at 95 injection wells, and one administrative penalty order in which we collected a penalty of \$3836.

Finally, we referred one case to Department of Justice for civil enforcement action.

## Drinking Water

The Drinking Water Program was the recipient of \$117,000 in OECA funding to address Tribal issues. In

FY08, three projects were funded with implementation in FY09.

1. In order to comply with the new Groundwater Rule (GWR), it is necessary to calculate the chlorine contact time for each chlorinator installed at tribal public water systems using ground water as a source. EPA contractors will collect information to calculate the chlorine contact time to assist water systems in meeting the necessary levels of disinfection when they have issues that trigger corrective action under the GWR. EPA contractors will assist tribes in the collection of chlorine contact time data that will be used to determine the required chlorine residual that would result in the required level of disinfection for each disinfection unit

2. Compliance Assurance training and technical assistance will be provided to Tribes on the implementation of current and new rules for Arsenic, Stage 2 Disinfection By-products Rule, Ground Water Rule, and Total Coliform Rule. This will include training on sampling procedures and schedules, rule implementation, operation & maintenance, including flushing and cross-connection control, operator certification, and trouble-shooting for bacteriological issues.

3. At least four Tribal water systems will have to undergo Cryptosporidium monitoring under Compliance with the Long Term 2 (LT2) Rule: Mescalero BIA, Mescalero Community, Laguna Encinal, and Cherokee Kenwood Water District. The estimated cost for cryptosporidium analysis could be as high as \$12,000 per system. The Tribes would not be able to afford the costs of this analysis, and thus would not

be able to assess their source water for the need of additional treatment to remove Cryptosporidium. Assessing the microbiological quality of water is important for public health reasons, as our nation has seen waterborne disease outbreaks due to pathogens such as Cryptosporidium.

## Credentials

*USEPA Delivers Signed Credentials to the Pueblo of Sandia and NMED - Albuquerque, New Mexico*

On October 30, 2007, EPA Region 6 Surveillance Section Chief, Stacey Bennett-Dwyer, and Management Division's Regional Security Representative, Alma Adams-Horvath, delivered signed EPA Inspector



credentials to the Pueblo of Sandia and to the New Mexico Environment Department. These credentials will allow Pueblo of Sandia and NMED to conduct NPDES inspections on behalf of the EPA.



# Response Support Corps

The Response Support Corps was created in Region 6 on April 3, 2003. It is composed of volunteers who are willing to help the Region respond to natural or man made disasters which occur within the Region. To date, Response Support Corps volunteers have assisted in the Regional response to the Columbia Space Shuttle Disaster, Hurricane Katrina, Hurricane Rita, Hurricane Gustav and Hurricane Ike.

Response Support Corps volunteers provide administrative and technical assistance to the Regional Emergency Operations Center on the 8th floor and administrative,

technical and field assistance to the Incident Management Team in the field. Response Support Corps volunteers are required to complete a questionnaire summarizing their experience and Incident Command System (ICS) training courses (ICS 100, 200, 700 and 800). Field personnel are also required to have completed the 40 hour health and safety training, up to date annual 8 hour health and safety refresher training, and baseline medical monitoring.

In FY 2008, the Compliance Assurance and Enforcement increased the number of Response Support

Corps volunteers from 23 fully trained in FY 2007 to 51 fully trained in FY 2008. This is an increase of 122%. Thank you to all of our volunteers who are willing to assist the Division and Region in responding to national emergencies.

If you are interested in becoming a Response Support Corps volunteer, please see Stacey Bennett-Dwyer or Robert Murphy for more information. All Response Support Corps members who have completed an orientation session and training will receive a shirt identifying you as a Response Support Corps volunteer.





# Innovative Management Tools

## Electronic Voluntary Audit Policy Disclosure

Early in 2007, Regional Counsel approached the Enforcement Division about improving the process for reviewing Self Disclosures under the Audit Policy so that Notice of Determinations can be handled more expeditiously. This project was then proposed and selected as one of Mayor Greene's Regional Geographic Initiatives for 2007. One of the approval conditions was that it would provide improved interaction with the regulated community through electronic reporting.

The Enforcement Division began this project by working with Regional Counsel, OECA and various legal experts in Headquarters. The goal was to develop a system that resulted in shorter processing times to arrive at a Notice of Determination while minimizing the paperwork.



After Region 6 initiated the project, OECA decided that they wanted to start a project similar to ours, but on a national scale and for EPCRA cases only. Since the two projects were very similar, we began working together on solving the legal and technical issues. Even the Administrator's office provided assistance through their Lotus Notes expert.

The project became operational in August 2008 and the first Audit Policy Disclosures have been made electronically. We are still working on the project to improve the information necessary for the technical reviews, but overall the system is working as expected and we hope to see some improvements in the time it takes to produce Notice of Determinations.

Most importantly, this project is all electronic as described in the Regional Geographic Initiative application. The regulated community and EPA communicate through electronic documents, with the ability to steer a case to a manual process if some non-standard issue comes up in processing. However, for most cases, the original report submitted to EPA, to technical and legal review, and finally to the final determination, will all be handled through electronic documents stored on EPA Region 6 secure servers.

More information on this project is available on the Region 6 eDisclosure web page at <http://www.epa.gov/region6/6en/x/self-disclosure.htm> and OECA has a eDisclosure web page at <http://www.epa.gov/compliance/incentives/auditing/edisclosure.html>.



eRouting, once a "bitter" pill is now "sweet."

Since March 2008, CAED has been eRouting documents. eRouting is an electronic version of the routing slips along with the correspondence. eRouting is a Lotus Notes application that keeps all the documents in one database. This eliminates figuring out who has it. An email is sent with a summary and a link to the entry in the database. This cuts network traffic down to a bare minimum. With the document link you go straight to the Routing Slip and do not have to search the database.

Utilizing "Track Changes" in Microsoft Word, all additions, changes, or deletions in the document are tracked. Once finished, the "Routing Slip" is routed to the next person on the list. When the Routing Slip reaches supervisors, changes are incorporated. When it is ready for final signature, the document is printed. Once signed, the document is PDF'd and attached to the routing slip in the database then closed.

The database has different views to show who has the routing slip and if documents are overdue. "Office" and "Category" are also views avail-

able in the database. This provides the ability to measure workload and reallocate resources to accomplish priorities.

Future plans/projects -

- intergrade into systems (FOI, Controls, etc.)
- introduce to Region 6 Divisions
- introduce to Headquarters
- interface with Electronic Content Management System (ECMS).

# Innovative Management Tools

## *The Training Place*



Created in 2008, The Training Place is a one-stop web site for training. Most of the current links are to sessions provided by and/or to Region 6 or the nation.

Training is the acquisition of knowledge, skills, and competencies. It

may teach vocational or practical skills, policies, standard operating procedures, or step-by-step processes. Basic training is required but there is also a need to continue training beyond initial qualifications to ensure that employees maintain a skill or certification, refresh cur-

rent or update skills. Also referred to as "professional development" the "Training Place" is a catalyst for achieving this type of training.

## eLearning

Electronic learning, or eLearning, is a general term used to refer to a form of learning in which the instructor and student are separated by space or time. The training course can be computer based, CD based, or even web based allowing for the training to be taken any time, anywhere.

Benefits to eLearning are:

- 1) Convenient training time.
  - Training can be taken day or night
- 2) Convenient training place.
  - Training can be taken at home, the library, or any Internet Hot Spot
- 3) Lower training costs.
  - The employee can retake the training as many times as they need.
- 4) Better trained employees.
  - Better visual training and the opportunity to take again.
- 5) Refresher training.

- This works great for Annual Mandatory Training. No need to try to get everyone together at one time.
- 6) New employees training.
  - Procedures and Policies can be put into eLearning. Even step by step instructions.

Several training modules have been developed for eLearning as follows:

- Digital Camera Guidance for EPA Civil Inspections and Investigations
- eRouting Training
- QA Project Plan (QAPP) Training

eLearning eliminates the need for printing manuals, hand outs, and materials. Materials can be PDF'd or saved in other electronic formats. This will allow the employee to access the materials from the network or their PC.

This not only saves money but helps the environment.

# Innovative Management Tools

## Real Time Enforcement

Real Time Enforcement: A pilot project utilizing technology to more efficiently identify violations and to address them in a timely manner, while answering any questions the facilities may have about compliance.

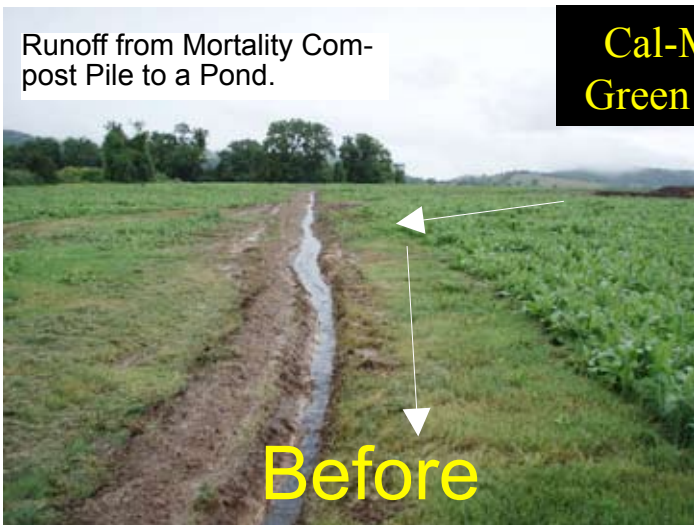
Compliance inspections were conducted at the B&R Dairy located near Sulphur Springs, Oklahoma, and the Barta Dairy in Perkins. Record keeping and lagoon maintenance violations were identified and addressed

by administrative orders that were issued by EPA within 24 hours of the inspections. The actions were hand delivered and reviewed with facility owners.

Facility Name	Inspection Date	Order Date
Belle Vue Dairy	March 12, 2008	March 14, 2008
Cal-Maine Egg	July 7, 2008	July 23, 2008
Petal Dairy	March 13, 2008	March 14, 2008
Tallgrass Petro.	January 28, 2008	January 30, 2008



**Petal Dairy  
Saltillo, TX**



**Cal-Maine Egg  
Green Forest, AR**



# Training

## NEPAssist Training:

CAED held NEPAssist training sessions to support mapping for case development. A total of 73 people were trained for a total number of users of about 168. This includes EPA staff, IBWC, TPWD, CAMPO, NCTCOG, and Tribal staff. We are working with external groups through our pilot project, "NEPAssist Collaboration Project." These partners have agreed to share data and funds to collaborate on making NEPAssist a better tool.

## NPDES Inspector Workshop

The 12th Annual NPDES Inspector Training Workshop was held from April 29 through May 1, 2008, in Oklahoma City, Oklahoma. The training was co-hosted by the Oklahoma Department of Environmental Quality. Approximately 150 inspectors, representing the Region 6 States, Tribes, EPA, and local governments were in attendance.

## Air Inspector Workshop

EPA Region 6 Enforcement Division staff is hosting, in coordination with the Louisiana Department of Environmental Quality (LDEQ), the 11th annual Air Inspector Workshop February 26-28, 2008. This course includes 33 speakers and was developed for the purpose of increasing the inspector's knowledge of Clean Air Act permits and regulations, field inspection capabilities, knowledge of regulated processes and environmental management systems, and to improve the exchange of information between the States, Tribes, Federal and local programs.

Currently, 190 inspectors from EPA, all Region 6 States plus several states outside Region 6 (Kansas, Iowa, Ohio, Idaho, Arizona, Florida, Nevada, South Carolina, several Tribal Communities, EPA Regions 2, 5, 7, 10, OAQPS and several municipalities such as the City of Houston, Galveston County Health District, Cities of Tulsa, El Paso,

Fort Worth, Albuquerque and several Regional Air Protection Agencies have pre-registered for the workshop.

## RCRA Inspector Training Workshop

South Padre Island, Texas

EPA, Region 6 Enforcement Division staff, in coordination with the Texas Commission on Environmental Quality (TCEQ), hosted the 23rd annual RCRA Inspector Training Workshop on April 1-3, 2008, at the Radisson Hotel - South Padre Island, Texas. The RCRA Workshop was developed for the purpose of increasing inspectors' knowledge of investigative techniques, hazardous waste treatment, RCRA regulations, environmental management, and to improve the exchange of information between Federal, State, and Tribal programs. The training workshop also supported the Regional goal of conducting nationally advertised workshops. Approximately 120 inspectors attended the training course. Registered attendees were from multiple EPA regions, all five Region 6 states, and, several states outside Region 6 (South Carolina, Utah, Vermont, and North Dakota). In addition, representatives from the Shawnee Tribe and the Brownsville Local Emergency Planning Commission also participated in the RCRA Inspector Workshop. The RCRA Workshop was a success and was greatly appreciated by the attendees.

## Leadership Development Program

Compliance Assurance and Enforcement Division graduated five supervisors from the first offering of the Region 6 Leadership Development Program. Stacey Bennett-Dwyer, David Garcia, Cathy Gilmore, Diane Taheri, and Rhonda Smith successfully completed the program in March of this year. Another program started in July and we have five participants this time. They are Debra



Griffin, Mark Hansen, Troy Stuckey, Sunita Singhvi and Carol Peters. This year-long program includes continuing 360 degree feedback, 17 days of class work including experiential exercises, prescribed readings, development of individual Focused Development Plans, intensive study on specific subjects related to leadership and 3 group projects chosen to benefit Region 6 at completion.

## Speed of Trust

Speed of Trust training was held for the CAED and Regional Counsel for Enforcement management teams to enhance their credibility, behavior skills and to promote and increase trust levels between staff and managers. This training also supports the Region's mission to become a high performance organization.



# Civil Enforcement Training

CAED and the Office of Regional Counsel hosted the second annual training "Civil Enforcement Training II" for Region 6 on September 17-18, 2008. This year the presentations were made on programs and statutes not previously covered. Some of the programs were FIFRA, EPCRA, NEPA, Tribal, UST, wetlands and more. Litigation hold guidelines, eDiscovery, eRecords, FOIA, and the new discovery rules were discussed. Innovative automation products such as eDisclosure, eRouting and eLearning modules created by CAED were also demonstrated. Feedback from the employees was excellent. The majority of CAED and Regional Counsel Enforcement staff participated. The [Agenda](http://region6.epa.gov/intranet/6en/Training/08-0917-18Civ/Agenda.pdf) with links to presentations (just mouse-over topics and click if the pointer comes up) is available at: <http://region6.epa.gov/intranet/6en/Training/08-0917-18Civ/Agenda.pdf>

## Did You Know?

eDiscovery includes electronically created documents. The list includes the hardware, software and server that the document was created on and traveled by.

The list doesn't stop there, if email or instant messaging (IM) was used to transport the document, the ISP may also be part of the discovery request.

"A requestor can ask for anything, but the court will balance the probative value of the information sought against the burden and cost of producing it."

Pam Travis, R6, Attorney



# Air/Toxics Vision

## Air/Toxics Inspection and Coordination Branch - David F. Garcia -

VISION: To produce enforcement cases and/or enforcement activities that result in a significant environmental impact that improves the quality of the air, human health and the environment.

### FY09 IMPLEMENTATION:

In FY2009, the Air/Toxics Inspection and Coordination Branch will have many workload challenges as we are a Region surrounded by many opportunities. Air enforcement cases that result in significant injunctive relief, emission reduction and environmental gain will continue to be a high priority. To target such facilities, we utilized the states emissions inventory, the federal Toxic Release Inventory, and risk modeling tools, to evaluate potential off-site impacts. With such a focus in mind, the Branch will shift some

Surveillance resources from conducting "fence to fence" full compliance evaluations to target specific partial compliance evaluations. In addition, to support enforcement case development, the Branch anticipates an increased number of information requests sent to companies.

New Source Review (NSR) continues to be a National priority with a focus in the following sectors: Coal-fired Power Plants, Acid Plants, Cement Plants and Glass Manufacturing. These investigations have revealed that many facilities fail to obtain permits or install necessary controls for modifications subject to NSR. The Branch will continue to support and help resolve pending State Implementation Plans that are under 6PD review (i.e., Flexible Permits and Excess Emissions Rule). Another top priority for the Region is Air Toxics - Maximum Achievable Control Technology (MACT) compliance. Region 6 Air Toxics problem

areas include leak detection and repair (LDAR) programs at bulk terminal facilities and flaring at chemical plants. We believe widespread facility noncompliance exists with LDAR practices and, among other issues, compliance with industrial flaring destruction efficiency requirements. In addition to verify MACT compliance, the Branch will implement an expedited enforcement program targeted at facilities having accidents and/or explosions.

Other Regional priority work includes investigations with small refineries, consent decree follow-up, carbon black facilities and 112(r) Risk Management Plans. In addition, we will maintain an oversight presence in our state enforcement programs, and minimize the backlog of NSPS/NESHAP Alternative Monitoring Plans/Applicability Determinations, Consent Decree Implementation and self-disclosures submitted from companies.



## Houston Smog

# Hazardous Waste Vision

Past, Present and Future of the  
Hazardous Waste Enforcement  
Branch

Mark Hansen, Associate Director

## The Past

In May 2006, I shared with our Branch a 3-year vision which included the following elements:

- To migrate from a contract funded inspection program to one in which we use in-house expertise to achieve our Commitments
- To foster an atmosphere of challenge and passion for our work activities
- To develop and implement management systems to track and encourage progress on work activities
- To have exceptional professional relationships with our States and Tribes
- To refocus our Corrective Action program on bringing more facilities into CA through appropriate enforcement tools
- To be recognized as the best RCRA enforcement program in the US

I believe we are well on our way to achieving these elements. These changes have come with significant changes, both in personnel and in work assignments and I believe we have weathered them well. Thank you for working through these changes with me and for your ideas, suggestions and work in support of improving our Branch.



## The Present (FY09)

For 2008, we met our Branch referral projection a week after the third quarter concluded. Our contribution helped the Division meet our referral projection at the same time. This is really huge in my mind since for many years, we struggled mightily in the 4th quarter to meet our commitments at the last minute. We are working concertedly with our colleagues in ORC to meet all of our ACS commitments and projections in the third quarter for a variety of reasons. Most importantly, it really reduces the stress that we all incur when commitments are achieved at the last minute or fail to be met because we simply run out of time. It also gives us pause to plan for the upcoming year. In FY09, we plan to continue to build on this success and achieve our commitments prior to the beginning of the 4th quarter.

I also see us crossing Section boundaries to achieve greater environmental benefits from our actions. Over the past several years, we have reduced the number of inspections we are conducting in various TSCA programs (AHERA, Lead-based paint, etc.) and our colleagues in the TSCA program have volunteered to help out with a variety of RCRA enforcement activities. I encourage and support this contribution and encourage you to think of ways that you can assist our colleagues.

I also see us using our enforcement tools creatively to gain better comprehensive environmental compliance. In FY08 we issued numerous imminent and substantial endangerment orders as well as orders to assess and determine the nature and extent of contamination caused by releases. From my perspective this is the core function of our Corrective Action Section and our colleagues in this Section are gaining substantial environmental benefit from their actions.

With respect to Staff resources, I don't see the coming years as a

period when we will gain significant positions, travel dollars, or extramural resources. The work we are, and likely will be, doing will become more complex and intensive. I believe we will need to continue to streamline our activities for efficiency and outcomes, as well as increase our collaboration with our colleagues within EPA and our States.

## The Future

I believe that meaningful work and passion for our jobs are integral to building a great organization. My vision for our Branch is simple; Let's take our organization from Good to Great. In Jim Collin's 2001 Book titled "Good to Great : Why some companies make the leap and others don't" Mr. Collins concludes that great companies are those that focus their resources on a common area of strength. I believe we need to continue to focus on using our enforcement tools wisely, strategically, and work towards making the processes that are in our control more efficient.

I'd like to focus this year on continuing to forward load our work in the fiscal year (completing our commitments earlier in the fiscal year) and planning our work better to keep our work products moving. This includes holding ourselves and colleagues accountable for our individual contributions to our work activities. In addition, I'd like to see us make additional progress in balancing our referrals and administrative actions, whether administrative orders or administrative penalty orders. I'd also like to work with our colleagues in OECA to help refine a national strategy for surface impoundments with an end game and exit strategy defined.

Our responsibility after all is to efficiently serve the communities we represent and I encourage our Branch, Division, and Region to do so with a passion for excellence in all that we do. Please join me in pursuing this passion.

# Water Branch Vision

Mike Michaud, Associate Director

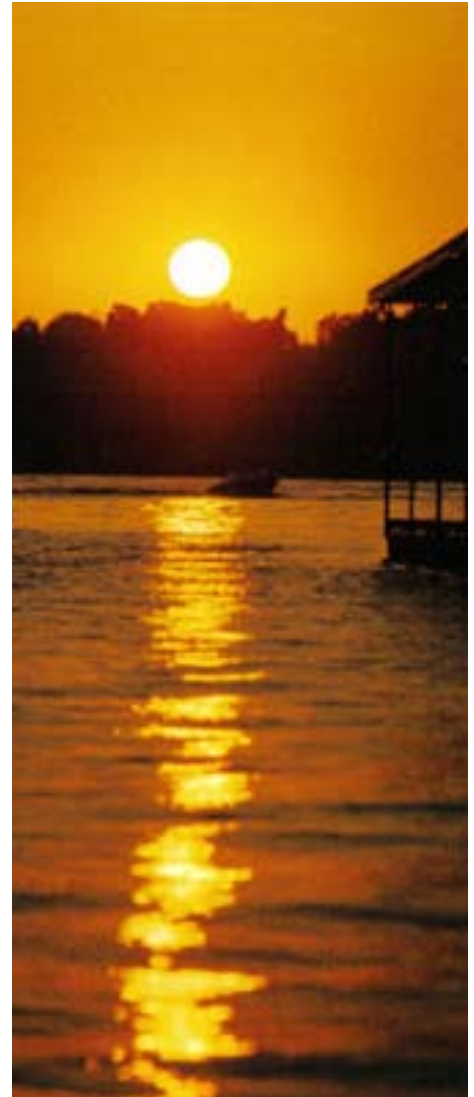
The Water Enforcement Branch has made great strides in changing our focus to address environmentally significant issues. These efforts will continue in FY09 as we address the national wet weather priorities, Concentrated Animal Feeding Operations (CAFOs), Sanitary Sewer Overflows (SSOs) and Construction Stormwater, including large homebuilders, big box stores, and sand and gravel operations with ready mixed concrete plants. Our successful efforts to work cooperatively with our State partners to also address these significant issues will continue through FY09 and beyond.

With our successes, we have also had our challenges. The Rapanos Supreme Court Decision has had a significant impact on what the agency defines as "Waters of the United States". We have been and will continue to work with EPA Headquarters and the Department of Justice to further define and make jurisdictional determinations on "Waters of the United States." We are also working closely with each of the Region 6 States to migrate from the

use of PCS to using ICIS. Arkansas and Oklahoma have just recently migrated. Texas and Louisiana are scheduled to migrate in April 2009.

Innovation will continue to be a significant activity as we move forward with the NPDES, UIC and Drinking Water Enforcement programs. The use of short order formats will be extended to all of the programs within the Branch. We will also continue our efforts to use specialized analytical methodologies and data, including mobile nutrient monitoring, bacterial genotyping and radiochemistry to assist in our determination of environmental impacts and releases off-site. The real time enforcement pilot project that has been pioneered in the CAFO program will be expanded to the other programs, including the stormwater program, on-shore oil and gas program, the UIC program and the Drinking Water program.

The changes we are making are on the cutting edge and reflective of the dynamic nature of the Water Enforcement Programs. It is an exciting time to be a part of the Drinking Water, NPDES and UIC Enforcement programs.





# Strategic Planning and Analysis Vision

Debra A. Griffin, Associate Director

In FY2009, we will use a collaborative approach to solutions with partners to achieve our goals. We will launch a campaign for all employees in our November newsletter.

We will collaborate with the CAED branches to continue implementation of a planning and targeting strategy to evaluate compliance concerns against potential adverse impacts to the environment. This new strategy will shift up the time frame for targeting and allow an extended time for pre-inspection planning. The goal is to provide inspectors and enforcement officers with specific information regarding potentially violating sources or units within a facility.

We will continue to use our Pollution Prevention Program to promote and grow sustainable systems for waste reduction for local entities, industry, and small business. For the last year and a half we have partnered and collaborated with the North Texas Council of Governments, the Texas Commission on Environmental Quality, and the City of Dallas to provide coached Environmental Management Systems (EMS) training to eleven municipalities, and the Dallas Cowboys. In September 2008, we awarded a grant to the University of Texas at Arlington, and the Texas Manufacturing Assistance Center. They will conduct EMS and Lean and Clean workshops in Oklahoma and Arkansas, and work with us to establish a Houston area Regional EMS Workgroup similar to the North Texas Regional EMS Work Group. We also awarded a grant to New Mexico State University that will enable us to expand the coached EMS workshop to New Mexico. I am very excited about the opportunity these programs will provide for new membership into our Performance Track Program and other voluntary programs at the state, local and federal levels. These grants support our national

and regional priorities for all media and the participants will not only reduce waste but they will save money as a result of some of the new strategies they will learn.

We serve as the catalyst to streamline our Division's processes and procedures by providing additional electronic management tools. We will develop electronic reporting mechanisms to measure and report our accomplishments in the National Environmental Policy Act/Clean Air Act Section 309 (NEPA/309) Compliance and Employee Training. We will expand our electronic Learning Center and the Training Place. We will work collaboratively with other Divisions, Regions and Headquarters to share our e-Routing system in support of the Agency's Environmental Management System.

We will continue to be innovative in our approach to compliance assistance activities and look for new opportunities to provide technical expertise. We have volunteered to pilot a new approach in ICIS to include and track NEPA/309 reviews as compliance assistance activities. Under NEPA, we will continue to team with the Texas Department of Transportation, the Federal Highways Administration, the U. S. Army Corps of Engineers and others on major transportation projects

such as I-69, Trans Texas Corridor 35, and the Trinity Parkway. We are also leading an effort with Regions 4, 5, and 7 to coordinate NEPA activities for multiple hydrokinetic energy projects in the Mississippi and other major river basins as well as the Gulf of Mexico. We will continue to partner with Region 8 on the Federal Leadership Forum for energy projects in the west on public lands. As the number of energy projects increase, we will develop approaches for review of upcoming projects such as several planned nuclear energy projects and other energy pipeline and drilling projects; integrating these into the traditional enforcement activities.

We will provide leadership in the implementation of "WE CARE" values within our Division. We will continue to base our targeting, tracking initiatives, partnership programs, pollution prevention, Performance Track, and NEPA/309 programs on Environmental Stewardship and Excellence and we will be accountable for our programs and actions. We will continue to treat each other and our partners with respect and exhibit the character needed to excel in everything that we do. We will assume a lead role in the Compliance Assurance and Enforcement Division in integrating the WE CARE values into our daily activities and actions.

