

Compliance and Enforcement Annual Results

FY2005 Compliance Activities Highlights



Environmental Protection Agency
Office of Enforcement and Compliance Assurance

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FY2005 Compliance Activities Highlights

To promote compliance, improve understanding and encourage innovative approaches, EPA relies on compliance assistance and compliance incentive activities.

EPA provides compliance assistance to help those who are regulated comply with environmental regulations. EPA strategically targets where regulated entities are having difficulty understanding regulatory requirements, and works to provide educational materials and opportunities that will:

- increase the regulated entities' understanding of their environmental responsibilities
- improve environmental management practices of the regulated entities and
- result in the reduction, treatment or elimination of pollution from their operations.

EPA uses compliance incentives to promote self-policing, improvement in environmental management practices, and reductions of pollutants to the environment. Compliance incentives are aimed at eliminating, reducing or waiving penalties under certain conditions for business, industry and government facilities that voluntarily discover, promptly disclose and expeditiously correct environmental problems.

FY2005 Compliance Assistance Activities Highlights

EPA provides compliance assistance to improve compliance with environmental regulations. FY2005 Highlights include:

- Environmental Problems at Colleges and Universities Addressed with Assistance and Other Tools
- EMS Training for Federal Facilities
- Asbestos Outreach to Tribal Schools
- Healthcare Initiative

Environmental Problems at Colleges and Universities Addressed with Assistance and Other Tools

Region 3, which includes Pennsylvania, Delaware, Maryland, Virginia, West Virginia and the District of Columbia, began its College and University Initiative in June 1999, after a Region 1 initiative detected widespread problems at colleges and universities in the New England states. This initiative began with some traditional enforcement activities, followed by compliance assistance and compliance incentives. The initiative continued to get environmental results through 2005.

Region 3 conducted multi-media inspections at 14 colleges and universities throughout its area, which resulted in eight administrative actions. The enforcement actions found violations of Resource Conservation and Recovery Act (RCRA), Underground Storage Tank, Air, Water and Oil Pollution Act (OPA). Region 3 discussed the inspections in the press in order to create awareness of this initiative in the college and university sector.

The Region conducted compliance assistance activities with school officials and developed a web site devoted to environmental compliance for colleges and universities. Compliance assistance workshops were held at Johns Hopkins University and the University of Pennsylvania. Presentations on compliance at environmental conferences for colleges and universities and EPA briefings for university officials explained what to expect during an inspection, as well as the types of violations typically found on college campuses. EPA also encouraged the colleges and universities in the Region to take advantage of EPA's Audit Policy.

Temple University in Philadelphia was the first university to enter into an audit agreement for all ten of its campuses. In May 2003, Temple disclosed violations of the Clean Air Act, OPA, RCRA, and Toxic Substance Control Act (polychlorinated biphenyl). By taking advantage of EPA's Audit Policy, Temple avoided \$285,000 in penalties. As a result of the extensive outreach done by EPA and the example set by Temple, the Association of Independent Colleges and Universities of Pennsylvania approached Region 3 in the spring of 2004 to develop an agreement to self-audit and self-disclose environmental violations of their 82 member colleges. Region 3 worked collaboratively with the association and the Pennsylvania Department of Environmental

Protection to develop this agreement. Of the 82 members of the association, 39 colleges and universities have agreed to audit and self-disclose to EPA and the state. The colleges work with an independent professional auditor who also trains personnel from the participating colleges to perform regulatory audits for compliance with the federal and state environmental programs. These trained personnel work as peer reviewers and assess campuses to identify areas where regulatory compliance can be improved. Examples of common violations disclosed include use of ozone depleting substances or CFCs, failure to meet Emergency Planning and Community Right-to-Know Act reporting requirements, and RCRA hazardous waste storage violations.

EMS Training for Federal Facilities

EPA Region 3, in partnership with EPA's Federal Facilities Enforcement Office, launched a training effort to assist the federal sector in implementation of their Environmental Management Systems (EMSs), which federal facilities are required by executive order to have by December 31, 2005.

In the past two years, Region 3 has sponsored 17 EMS training sessions on EMS information and guidance and how to conduct an EMS Internal Audit. More than 250 participants from the Department of Defense and civilian federal agencies have benefited. This approach has saved more than \$250,000 in EMS training costs for the federal sector.

Facility managers have indicated in surveys that the training equipped them to implement their EMSs and identify potential areas for waste reduction. As a result, they were able to implement better environmental compliance programs for their facilities. Eighty four percent of survey respondents reported increased understanding of applicable environmental regulations as a result of the training. Other benefits realized include improved relationships between federal facilities and their local communities, and new partnerships among federal facilities to collaborate on EMS implementation and audits. Region 3 is also promoting a new concept for EMS development that focuses on specific geographical areas, such as the Chesapeake Bay. This allows facilities to include local environmental issues such as, in this example, nutrient reduction, as a significant aspect of their EMS.

Asbestos Outreach to Tribal Schools

EPA Region 8's asbestos program provided outreach to public and private schools on four Indian reservations to increase awareness of asbestos concerns through training of school maintenance and custodial personnel. Under federal requirements, all school maintenance and custodial employees of public and private K-12 schools must have at least two hours of this type of training over 100 school representatives from the four tribes received this training in FY 2005.

The training provided information on: (1) asbestos and its various uses and forms; (2) health effects associated with asbestos exposure; (3) locations of asbestos-containing building material (ACBM) identified throughout each school building; (4) recognition of damage, deterioration, and delaminating of ACBM; (5) the name and phone number of the person designated to carry out general local education agency responsibilities under

the Asbestos-Containing Materials in Schools Rule; and (6) the regulations for managing asbestos. For example, public and private K-12 schools are required to conduct inspections of their school buildings for ACBM and to prepare plans to manage any ACBM they find. The inspections and management plans are required to be done by persons accredited by the EPA or State. Schools must designate a person who is responsible for: (1) ensuring that the school complies with the AHERA; (2) providing annual notification to parents, students, and employees on the school's asbestos management activities; (3) training custodial and maintenance employees; (4) and notifying contractor contractors or short-term workers on the locations of ACBM in school buildings.

Healthcare Initiative

EPA Region 2 continued to see outstanding results from its multi-year compliance initiative at 480 healthcare facilities in New York, New Jersey, Puerto Rico and the Virgin Islands. In addition to improving environmental compliance at these facilities, also it has promoted permanent changes through the use of waste minimization, pollution prevention practices, and environmental management systems.

The Region 2 strategy uses environmental assistance, voluntary compliance audits and enforcement, as appropriate. Healthcare facilities are helped to understand their environmental obligations through workshops, meetings, and conference presentations. Analysis of the violations occurring at health-care facilities showed that 60 percent of all hospital violations were related to hazardous wastes, particularly their identification and management. So Region 2 developed a workshop on identifying and managing healthcare wastes and presented to more than 1,000 hospital staff members. This training has also been provided to other compliance assistance providers. Dozens of compliance assistance tools were also developed at the request of members of the regulated healthcare community, such as common healthcare wastes lists and waste identification flow charts. Over 10,000 copies of these tools have been distributed nationally. More than 1,100 violations have been identified and corrected under this initiative.

Region 2 has signed 37 audit agreements covering all major federal environmental programs, including air, water, pesticides, solid and hazardous wastes, emergency planning, Community Right-to-Know and toxic substances control. The initiative encourages voluntary self-disclosures with or without signing an audit agreement. The Region has received 129 voluntary self-disclosures covering 496 separate facilities. Inspections have occurred at 45 of the 480 facilities, which resulted in 24 enforcement actions—ten of them penalty complaints. This indicates that the violations being discovered, either voluntarily or through EPA inspections, are significant. The voluntary self-disclosures have resulted in significant human health protection. More than 150,000 staff and over 20 million hospital visitors annually are now better protected because of this initiative. These self-disclosures have also yielded significant protection of the environment. More than 349,000 gallons of oil, more than 42,000 pounds of hazardous wastes and more than 150,000 pounds of Chlorofluorocarbon or CFCs are now being managed properly.

In FY 2005, Region 2 surveyed all of its healthcare facilities to improve similar initiatives, and to gather additional information on the results of this effort. Thirty-eight percent of hospitals responded to the survey, representing 282 facilities and 65,279 staff. Fifty-three percent of the respondents had signed audit agreements with EPA. Respondents also reported that their average cost for an audit was \$10,000 and their average cost of compliance was \$16,600. The survey responses indicated that healthcare facilities in Region 2 have implemented the following operation and management changes:

- Changes in handling, processing, monitoring, and O&M: 35 percent
- Changes to paperwork, labeling, and reporting: 32 percent
- Training: 14 percent
- Change in pollution prevention and waste minimization: 12 percent
- Implementation of Environmental Management Systems (EMS): 7 percent¹

FY2005 Compliance Incentives Case Highlights

EPA is committed to a strong enforcement program to achieve environmental protection by deterring violators, bringing violators into compliance, correcting damage to the environment and ensuring that those who fail to comply do not put those who follow the law at an economic disadvantage. EPA uses compliance incentives to promote self-policing, improvement in environmental management practices, and reduction of pollution in the environment. In FY 2005, a record number of entities voluntarily disclosed violations to EPA, which were comparable to the level of the last several years with EPA resolving violations at over 500 entities representing nearly 1,000 facilities. In FY 2005, nearly 90 percent of these resolutions resulted in improvements to the entities' environmental practices. The following is an example of a case.

Vector Pipeline, L.P.

In March 2005, EPA reached an agreement with Vector Pipeline, L.P. resolving alleged Clean Air Act (CAA) violations at the company's Michigan compressor station. After learning that carbon monoxide or (CO) emissions from its Michigan station exceeded its state operating permit, Vector believed its Indiana station might have similar problems. EPA determined that the Indiana station had violated CAA regulations but did not assess a civil penalty since Vector self-disclosed under EPA's Audit Policy. Vector agreed to pay a \$69,300 civil penalty for past violations at the Michigan station. Vector also agreed to reduce CO emissions at both stations by approximately 1.5 million pounds per year at an approximate cost of \$175,000. Exposure to high CO levels can cause death or impair vision, hand movement, learning ability and performance of complex tasks because it reduces the delivery of oxygen through the body's bloodstream.

¹ Twenty-seven facilities have begun implementing an EMS and another eight are considering implementing an EMS; 68 percent of these facilities indicated that their decision to implement an EMS was influenced by our compliance initiative.