



2009 State Summary Data for Clean Air Act Non-majors FISCAL YEAR 2009 FINAL REPORT

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Office of Compliance
Office of Enforcement and Compliance Assurance
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1200 Pennsylvania Avenue, NW (MC: 2224-A)
Washington, DC 20460

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US Environmental Protection Agency
2009 State Summary Data for
Clean Air Act Non-majors

FISCAL YEAR 2009 FINAL REPORT (June 17, 2010)

Overview

This report on [Clean Air Act \(CAA\)](#) synthetic minor and minor sources provides summary data on source universe as well as the compliance monitoring activities and enforcement actions by the United States Environmental Protection Agency (EPA), states, tribes and delegated local agencies. This report also includes sources identified as federally-reportable minor sources¹ and those sources that have an unknown classification. These sources along with sources classified as synthetic minor sources and minor sources are collectively referred to as non-major sources throughout this report. Synthetic minor sources would be major but have enforceable permit limits to restrict their emissions below major source thresholds. Minor sources, also known as area sources, are facilities that physically cannot emit at or above major source thresholds. The time frame of this report is the 2009 federal fiscal year (FY09), which extends from October 1, 2008, to September 30, 2009. The data provided in this report are from EPA's Air Facility System (AFS). AFS is the national database of record for CAA compliance and enforcement data for stationary sources regulated by EPA, state, tribal and local air pollution agencies. The data was pulled from AFS in March 2010.

Agencies tasked with implementing CAA regulations report data to AFS on a regular basis. EPA uses the data to manage the national compliance monitoring and enforcement program; to facilitate dialogue with the states, tribes and local agencies; and to evaluate compliance monitoring and enforcement programs. EPA requires a minimum amount of data be reported to AFS on a regular basis. The data does not represent all of the CAA related activities conducted by a state, tribal or local agency. Individuals should visit agency Web sites for additional information.

EPA does not require reporting of most minor source universe data and related activity data, with some exceptions (see Summary of [Data Entry Requirements](#)). However, some agencies voluntarily report on minor source activity; others enter partial or very limited amounts of data. Comparisons across states relating to these facilities are not recommended.

Facility-specific information can be reviewed at the [Enforcement and Compliance History Online \(ECHO\)](#) Web site. ECHO allows users to find permit, compliance evaluation, violation, enforcement action and penalty information. The site includes facilities regulated as CAA stationary sources, Clean Water Act direct dischargers and Resource Conservation and Recovery Act hazardous waste generators/handlers. ECHO integrates information about facilities from separate media-specific data systems. It allows the public to monitor

¹ The federally reportable universe of non-major sources includes all synthetic minor sources, non-major sources that are part of a CMS plan, non-major sources with an active High Priority Violation¹ (HPV), minor sources subject to a National Emission Standard for Hazardous Air Pollutants (40 C.F.R. § 61 only) and non-major sources subject to a formal enforcement action. Some exceptions do apply.

environmental compliance in communities, corporations to monitor compliance across facilities they own and investors to more easily factor environmental performance into their decisions. The data in ECHO are updated monthly.

Background on CAA Program

The CAA grants authority to EPA to regulate air pollution from stationary sources, such as chemical plants, utilities and steel mills, and mobile sources; require controls for air pollution; issue permits; control acid deposition and protect stratospheric ozone. EPA delegates much of their CAA authority to state and tribal agencies. In 1990, Congress revised and expanded the CAA, providing EPA even broader authority to implement and enforce regulations to reduce air pollutant emissions.

EPA, state, tribal and local agencies work collaboratively to [evaluate compliance](#) with CAA regulations, which are developed to implement the requirements of the CAA. Many tools are used to make compliance determinations, including, but not limited to, on-site evaluations, review of emission reports, review of compliance certifications, information requests and investigations. EPA also promotes [compliance incentives and auditing](#) to encourage facilities to find and disclose violations. Violations may also be identified from tips/complaints received from the public. Violations identified as a result of any of these activities may lead to [civil enforcement](#) or [criminal enforcement](#). EPA also provides [compliance assistance](#) to the regulated community to help them understand their requirements and to minimize or prevent violations from occurring.

On a cyclical basis, EPA negotiates a CAA [Compliance Monitoring Strategy \(CMS\)](#) with delegated agencies. The goals of the CMS are to:

- 1) Provide national consistency in developing compliance monitoring programs, while providing state and local governments with flexibility to address local air pollution and compliance concerns;
- 2) Improve communication between state and local governments and EPA Regions;
- 3) Provide a framework for developing compliance monitoring programs that focuses on achieving measurable environmental results; and
- 4) Provide a mechanism for recognizing and utilizing the wide range of tools available for evaluating and determining compliance.

The CMS defines three categories of compliance monitoring: 1) Full Compliance Evaluations (FCE), 2) Partial Compliance Evaluations (PCE) and 3) investigations. An FCE is a comprehensive evaluation of the compliance status of a facility. All regulated pollutants from all regulated emission points are addressed. A PCE is a documented compliance assessment focusing on a subset of regulated pollutants, regulatory requirements or emission units at a facility. An investigation is generally limited to a portion of a facility, is more resource intensive and involves a more in-depth assessment of a particular issue. Biennially, states provide EPA a CMS plan that includes a list of facilities and the type of compliance monitoring planned at those facilities during the period covered by the plan.

To manage the CAA national stationary source compliance monitoring and enforcement program and oversee state, tribal and local CMS plans, EPA requires delegated agencies

provide source universe information and activity data regarding federally-reportable minor sources. The activity data includes, but is not limited to, compliance evaluations, compliance determinations and enforcement activities. As stated previously, the federally-reportable universe of non-major sources includes all synthetic minor sources, non-major sources that are part of a CMS plan, non-major sources with an active High Priority Violation² (HPV), minor sources subject to a National Emission Standard for Hazardous Air Pollutants (40 C.F.R. § 61 only) and non-major sources subject to a formal enforcement action. Some exceptions apply to the two latter categories. The data are referred to as Minimum Data Requirements (MDRs) and EPA uses this data to assess progress toward meeting emission requirements developed under the authority of the CAA to protect and maintain the atmospheric environment and the public health.

In representing the minimum amount of data necessary to manage the national program, the MDRs are critical in prioritizing programs and conducting national evaluations. In addition, the information provided enables EPA to respond in a timely manner to requests for information with accurate, nationally defined and reported data. The MDRs are listed in an Information Collection Request that is issued every three years. The ICR is published in the Federal Registrar for review and comment, and affects oversight of over 40,000 stationary sources. It includes a 60 day timeliness standard but encourages a monthly reporting schedule.

Universe of Facilities Covered: CAA Non-Major Facility

This report covers CAA non-major facilities for the period October 1, 2008, to September 30, 2009. These non-major facilities are synthetic minor sources, minor sources, sources with unknown classification and sources identified as federally-reportable. Synthetic minor sources would be major but have enforceable permit limits to restrict their emissions below major source thresholds. Minor sources, also known as area sources, are facilities that physically cannot emit at or above major source thresholds. The sources with unknown classification are likely those that the states report voluntarily.

As of March 2010, there were 145,236 non-major sources reported in AFS.

Definitions for Report Columns

State

Two character state abbreviation. The totals include data provided by both delegated state and local agencies.

2009 Active Non-Major Universe

The metric counts active non-major facilities in AFS. Active facilities are those characterized as operating, temporarily closed or seasonally operating. State and local agencies are only required to report on a subset of these non-major sources (i.e., federally reportable universe). However,

² An HPV is defined by the December 22, 1998 *Policy on Timely and Appropriate Enforcement Response to High Priority Violations* policy – referred to as the HPV policy.

some states use AFS for all of their stationary source related data entry. The data helps EPA to fully understand the activities performed in each state. In those instances where data is required, knowing the universe of regulated sources serves as a measure of the degree to which the MDR requirements are complete.

Non-Major Facilities with Full Compliance Evaluations

The metric counts all non-major facilities that received an FCE during FY09. Agencies completed and reported an FCE at the number of facilities provided on the table. In accordance with the CMS, EPA recommends that a synthetic minor source that emits or has the potential to emit at or above 80% of the Title V major source threshold (SM-80s) receive, at a minimum, an FCE once every five federal fiscal years. Additionally, state and local agencies may develop alternatives to the recommended evaluation frequencies with EPA approval. This metric serves as a measure of the degree to which states and EPA completed the universe of planned compliance evaluations.

Percent of Non-Major with Full Compliance Evaluation in 2009

The metric indicates the ratio of all non-major facilities that received an FCE during FY09 to the total number of non-major facilities. State and local agencies are only required to report FCEs at synthetic minors and other federally-reportable minor sources; therefore, the data may not be complete.

Non-Major Facilities with Partial Compliance Evaluations

The metric counts all non-major facilities that have received a PCE during FY09. Agencies completed and reported a PCE at the number of facilities provided in the table. PCEs are not considered an MDR. Thus, delegated agencies are not required to report PCEs unless they were conducted as part of a negotiated CMS plan. Some states elect to report all compliance monitoring activities, including all PCEs.

Facilities with Non-compliance "Identified" in 2009

The metric counts the number of active non-major facilities with any incidence of *new* non-compliance identified or an HPV entered in AFS by the EPA or state, tribal and local agency during the fiscal year. It does not include facilities that are meeting a compliance schedule (i.e., operating under an enforcement action). When a facility has more than one new non-compliance event in the fiscal year, only one is counted.

Non-compliance is an indication that a violation of a federally enforceable environmental requirement set forth by the CAA and its regulations was identified by an authorized entity. When the violation is identified at a facility that is part of the federally-reportable universe, the violation is a federally-reportable violation³ (FRV). A violation may indicate that the facility released excessive pollutants or that a facility failed to submit a required report. HPVs are a

³ An FRV is clarified by the March 22, 2010 *Clarification Regarding Federally-Reportable Violations for Clean Air Act Stationary Sources* – referred to as the FRV memo.

subset of FRVs. These determinations assist the government in tracking resolution of violations through the enforcement process and do not necessarily represent a final adjudication by a judicial or administrative body. In such cases, these characterizations should be considered alleged violations.

Facilities with Non-compliance in 2009

The metric counts the number of active non-major facilities with any incidence of non-compliance or HPV entered in AFS by the EPA or state, tribal and local agency during the fiscal year. The non-compliance may have been identified in a previous fiscal year but continues in FY09. It does not include facilities that are meeting a compliance schedule (i.e., operating under an enforcement action). When a facility has more than one non-compliance event in the fiscal year, only one is counted.

Facilities with New High Priority Violations (HPVs) Identified 2009

The metric counts the number of non-major facilities with *new* HPVs identified or entered in AFS during the fiscal year. The HPV policy encourages agencies to give priority attention to those violations that they believe are most environmentally important based on established criteria. The policy applies mostly to major sources. In AFS, an HPV is identified by a Day Zero. A Day Zero indicates the date on which a violation is determined to be an HPV by EPA or a State/local/tribal agency. Generally, the Day Zero should occur within 45 days of the initial identification of the violation. Violations at non-major sources that are HPVs are violations of an emission limit that affects the source's status as a non-major source. Included in the table below are HPVs with a Day Zero during the fiscal year and HPVs that were entered in AFS during the fiscal year. The goal is to make sure all HPVs newly entered in AFS are included. Any non-major source with an active HPV is federally-reportable; therefore, this data is complete. When a facility has more than one new HPV in the fiscal year, only one is counted.

High Priority Violation Identification Rate (Non-Majors)

The metric compares the number of non-major facilities with new HPVs identified or entered in AFS during the fiscal year to the total number of non-major sources. This metric is an indicator of HPV policy implementation.

Number of Non-Major Facilities with Informal Enforcement Actions Issued in 2009

The metric counts the total number of non-major facilities that received an informal enforcement action. Informal enforcement actions serve as a warning letter or a notice of violation. Such notification indicates that the enforcement agency believes that the facility is in violation of the law and that it should return to compliance or be prepared to defend its actions in subsequent enforcement. These alleged violations do not represent a final, legal determination that a violation has occurred. Informal actions often precede a formal enforcement action (e.g., administrative or judicial enforcement action). In some cases, these actions incite corrective action and the source returns to compliance without a formal enforcement action. Each facility with an informal enforcement action is counted only once,

even if there are multiple informal actions for that facility during a fiscal year.

Number of Non-Major Facilities with Formal Enforcement Actions in 2009

The metric counts the total number of non-major facilities that received a formal enforcement action during the fiscal year. Formal enforcement actions are either administrative or judicial, and typically require a specified course of action that returns a facility to compliance and may include a penalty. Administrative actions are taken by the EPA or a State under its own authority (e.g., Administrative Orders). Civil actions are formal lawsuits, filed in court (e.g., Consent Decrees). Any non-major source that received a formal enforcement action is federally-reportable; therefore, this data is complete. However, in the FRV memo³ EPA clarified that these sources that are only federally-reportable because of the enforcement action are tier II and should be reported as resources allow. Each facility with a formal action is counted only once, even if there are multiple formal enforcement actions for that facility during a given fiscal year.

Total Assessed Penalties at Non-Majors in 2009

The metric counts the total value of assessed penalties at non-major sources that received a formal action in the fiscal year. Formal enforcement actions often include a penalty, which serves as a deterrent to future non-compliance. The penalty assessed must be linked to the formal enforcement action. Penalties linked in AFS to informal actions or referrals are not included in the total. The same penalty entered on two related formal enforcement actions that address the same violation may be counted twice.

HPV Addressing Actions at Non-Majors in 2009

The metric counts the total number of formal enforcement actions issued to a non-major source during the fiscal year that addressed an HPV. For the violation identified as an HPV, addressed means the source has entered into a legally-enforceable, administrative or judicial order; or the source is the subject of a referral to a state attorney general or the Department of Justice. The HPV may have been identified in a previous fiscal year. A single HPV could be addressed by more than one formal enforcement action. The metric can be used in coordination with the number of new HPVs identified to evaluate an agency's ability to address HPVs.

Number of HPVs Unaddressed for Greater than 270 Days at the End of 2009

The HPV policy establishes a timeliness standard of 270 days for addressing an HPV from the date of the HPV designation or Day Zero. The metric counts the total number of HPVs at non-major sources that have gone unaddressed for greater than 270 days at the end of the fiscal year. The HPV may have been identified in a previous fiscal year. The metric can be used to evaluate the timeliness of addressing actions.

FY2009 CAA Non-majors report - Compilation of Evaluations, Compliance Determinations and Enforcement Reported to EPA Databases for CAA Non-Major Sources

State ⁽¹⁾	2009 Active ⁽²⁾ Non-major Universe	Non-major Facilities with Full Compliance Evaluations (FCE) ⁽³⁾			Percent of Non-majors with FCE in 2009	Non-major Facilities with Partial Compliance Evaluations ⁽⁴⁾			Facilities with Non-compliance ⁽⁵⁾ Identified in 2009	Non-Major Facilities with Non-compliance ⁽⁶⁾ in 2009	Non-Major Facilities with New High Priority Violations (HPV's) Identified 2009			HPV Identification Rate	Non-major Facilities with Informal Enforcement Actions in 2009			Non-major Facilities with Formal Enforcement Actions in 2009			Total Assessed ⁽⁶⁾ Penalties in 2009			HPV Addressing Actions at Non-majors in 2009		# of HPVs Unaddressed > 270 Days at End of 2009 ⁽⁷⁾	
		Total	State	EPA		Total	State	EPA			Total	Total	State		EPA	Total	Total	State	EPA	Total	State	EPA	Total	State	EPA		Total
AK	267	33	2	34	13%	121	9	127	0	6	0	0	0	n/a	2	0	2	2	2	0	2	\$3,939	\$0	\$3,939	0	0	0
AL	1,171	624	2	624	52%	665	7	665	10	21	3	0	3	0.3%	10	0	10	6	17	23	\$54,750	\$0	\$54,750	4	0	0	
AR	930	613	2	613	62%	0	0	0	23	110	1	0	1	0.1%	10	0	10	40	0	40	\$246,979	\$0	\$246,979	40	0	1	
AZ	262	45	0	45	17%	57	2	59	6	51	4	2	6	2.3%	3	2	5	3	2	5	\$15,335	\$80,000	\$95,335	3	0	0	
CA	1,061	174	39	213	20%	117	29	145	24	84	19	5	24	2.3%	7	2	9	10	11	21	\$855,969	\$261,253	\$1,117,223	13	2	3	
CO	15,644	843	16	859	5%	72	11	83	9	127	7	0	7	0.0%	4	0	4	112	0	112	\$671,797	\$0	\$671,797	116	0	1	
CT	2,560	119	1	120	5%	2	44	46	17	79	5	1	6	0.2%	27	1	28	16	2	18	\$178,904	\$128,000	\$306,904	6	0	2	
DC	497	17	0	17	3%	12	0	12	0	20	0	0	0	n/a	1	0	1	1	0	1	\$6,000	\$0	\$6,000	0	0	0	
DE	221	45	0	45	20%	24	0	24	0	15	0	0	0	n/a	6	0	6	0	0	0	\$0	\$0	\$0	0	0	0	
FL	4,078	325	11	336	8%	1,186	1	1,186	2	200	1	1	2	0.0%	1	0	1	7	0	7	\$15,875	\$0	\$15,875	0	0	0	
GA	3,294	272	1	273	8%	321	1	322	23	90	6	0	6	0.2%	48	0	48	18	0	18	\$182,130	\$0	\$182,130	18	0	1	
GU	14	0	0	0	n/a	0	0	0	0	3	0	0	0	n/a	0	0	0	0	0	0	\$0	\$0	\$0	0	0	0	
HI	30	7	0	7	23%	0	0	0	0	5	0	0	0	n/a	0	0	0	0	0	0	\$0	\$0	\$0	0	0	0	
IA	4,234	639	8	644	15%	159	0	159	27	173	0	0	0	n/a	119	0	119	6	0	6	\$17,300	\$0	\$17,300	0	0	0	
ID	770	14	0	14	2%	85	0	85	0	29	0	0	0	n/a	25	2	27	18	0	18	\$44,034	\$0	\$44,034	0	0	0	
IL	7,462	742	1	743	10%	57	24	77	39	145	35	2	37	0.5%	115	6	120	6	9	15	\$457,000	\$0	\$457,000	1	1	19	
IN	778	251	0	251	31%	456	5	459	5	62	4	1	5	0.6%	6	3	9	13	6	19	\$119,750	\$0	\$119,750	6	0	2	
KS	3,958	480	9	484	12%	28	1	29	17	57	0	0	0	n/a	36	0	36	19	0	19	\$126,500	\$0	\$126,500	0	0	0	
KY	2,298	166	1	167	7%	0	1	1	49	140	3	0	3	0.1%	27	0	27	6	0	6	\$108,925	\$0	\$108,925	2	0	2	
LA	7,962	18	2	20	0%	1	1	2	5	41	3	1	4	0.1%	0	1	1	7	0	7	\$85,300	\$0	\$85,300	2	0	2	
MA	4,346	141	9	150	3%	805	55	831	8	12	4	1	6	0.1%	40	2	42	61	2	63	\$2,215,354	\$650,000	\$2,865,354	3	0	0	
MD	11,083	874	2	875	8%	1,375	1	1,375	33	41	1	0	1	0.0%	173	0	173	17	0	17	\$223,500	\$0	\$223,500	0	0	0	
ME	831	185	2	187	22%	31	4	35	5	42	3	0	3	0.4%	22	0	22	9	2	11	\$19,250	\$0	\$19,250	3	0	1	
MI	2,873	235	0	235	8%	262	4	266	25	190	8	0	8	0.3%	10	3	13	0	8	8	\$195,360	\$0	\$195,360	4	0	2	
MN	1,750	29	0	29	2%	169	6	175	103	158	10	1	11	0.6%	77	2	79	55	10	62	\$125,405	\$0	\$125,405	55	4	3	
MO	4,339	1,106	19	1,110	25%	0	1	1	1	65	1	0	1	0.0%	70	0	70	16	0	16	\$33,500	\$0	\$33,500	0	0	1	
MP	7	0	0	0	n/a	0	1	1	1	2	0	1	1	14.3%	0	0	0	0	0	0	\$0	\$0	\$0	0	0	0	
MS	624	53	1	54	9%	10	1	11	20	24	8	0	8	1.3%	15	0	15	11	0	11	\$164,167	\$0	\$164,167	11	0	1	
MT	1,689	303	0	303	18%	689	4	693	4	18	3	0	3	0.2%	60	0	60	8	0	8	\$19,400	\$0	\$19,400	8	0	0	
NC	2,815	775	0	775	27%	1,396	0	1,396	168	202	1	0	1	0.0%	258	0	258	1	0	1	\$6,198	\$0	\$6,198	1	0	0	
ND	266	41	1	42	16%	1	2	3	0	4	0	0	0	n/a	0	0	0	0	0	0	\$0	\$0	\$0	0	0	0	
NE	3,501	161	12	167	5%	13	0	13	6	32	4	1	5	0.1%	17	3	20	5	1	6	\$109,500	\$0	\$109,500	1	0	0	
NH	874	45	0	45	5%	9	11	20	6	17	5	1	6	0.7%	76	1	77	4	0	4	\$4,500	\$0	\$4,500	1	0	3	
NJ	4,275	291	12	300	7%	3	4	7	1	108	1	0	1	0.0%	51	0	51	83	0	83	\$532,680	\$0	\$532,680	1	0	1	
NM	3,626	32	9	41	1%	5	1	6	29	99	2	0	2	0.1%	47	0	47	37	0	37	\$264,129	\$0	\$264,129	2	0	0	
NV	75	15	0	15	20%	4	0	4	0	4	0	1	1	1.3%	0	0	0	0	0	0	\$0	\$0	\$0	0	0	0	
NY	9,009	129	18	147	2%	1,014	4	1,021	150	1,238	15	0	15	0.2%	221	0	221	101	0	101	\$730,315	\$0	\$730,315	17	0	1	
OH	5,145	610	0	610	12%	592	45	632	26	388	19	2	21	0.4%	245	4	248	60	12	72	\$673,303	\$0	\$673,303	6	24	10	
OK	2,697	266	0	266	10%	498	0	498	97	175	18	0	18	0.7%	18	0	18	14	2	16	\$192,832	\$0	\$192,832	11	0	2	
OR	192	4	0	4	2%	5	0	5	0	1	0	0	0	n/a	0	0	0	0	0	0	\$0	\$0	\$0	0	0	0	
PA	6,552	1,567	16	1,577	24%	1,016	7	1,021	175	603	4	0	4	0.1%	196	0	196	105	0	105	\$1,984,388	\$0	\$1,984,388	40	0	4	
PR	548	8	6	14	3%	85	5	90	10	308	1	0	1	0.2%	7	0	7	5	0	5	\$16,000	\$0	\$16,000	0	0	1	
RI	452	20	11	29	6%	6	13	19	1	12	1	0	1	0.2%	9	0	9	3	0	3	\$16,205	\$0	\$16,205	1	0	0	
SC	1,745	310	0	310	18%	1,110	0	1,110	33	56	11	0	11	0.6%	65	0	65	17	1	18	\$173,790	\$0	\$173,790	5	0	1	
SD	118	37	0	37	31%	0	0	0	1	6	1	0	1	0.8%	0	0	0	0	0	0	\$0	\$0	\$0	0	0	0	
TN	2,041	887	0	887	43%	49	0	49	15	57	13	0	13	0.6%	10	0	10	8	0	8	\$32,782	\$0	\$32,782	8	0	2	
TX	3,409	16	12	28	1%	96	1	97	15	179	12	3	15	0.4%	8	0	8	10	0	10	\$42,620	\$0	\$42,620	10	0	1	
UT	1,256	275	8	283	22%	12	5	17	4	37	0	0	0	n/a	0	0	30	1	31	\$258,183	\$0	\$258,183	31	0	0		
VA	6,285	681	35	713	11%	2,949	2	2,949	44	142	1	0	1	0.0%	33	0	33	26	0	26	\$294,805	\$0	\$294,805	1	0	0	
VT	98	0	0	0	n/a	0	1	1	0	27	0	0	0	n/a	1	0	1	0	0	0	\$0	\$0	\$0	0	0	0	
WA	220	29	0	29	13%	0	3	3	2	6	0	0	0	n/a	4	0	4	0	0	0	\$0	\$0	\$0	0	0	0	
WI	2,458	187	0	187	33%	239	0	239	2	13	1	0	1	0.2%	42	1	43	18	0	18	\$154,321	\$0	\$154,321	0	0	1	
WV	881	112	0	112	13%	158	0	158	5	75	1	0	1	0.1%	5	0	5	8	0	8	\$101,710	\$0	\$101,710	1	2	8	
WY	1,185	202	0	202	17%	10	0	10	1	11	1	0	1	0.1%	40	0	40	30	0	30	\$423,468	\$0	\$423,468	0	0	0	
National	145,236	15,213	268	15,432	11%	16,010	337	16,285	1,278	6,058	246	27	272	0.2%	2,277	36	2,311	1,044	81	1,122	\$12,713,644	\$1,139,253	\$13,852,897	441	9	76	

Notes:

Totals for facilities with compliance evaluations and actions/events may not be additive because EPA and states can take an activity against the same facility. Generally, EPA counts will include activities conducted at facilities on Tribal lands.

The data used in this report reflects a static data set that was pulled in March 2010. The information may differ from the live or production data pulled from ECHO or other sources that have been updated since March 2010. The static data set is used by the State Review Framework (SRF). SRF is used to consistently assess EPA and state/local enforcement of the Clean Air Act and its regulations. SRF reports allow EPA to identify recommendations for improvement to ensure fair and consistent enforcement and compliance programs across the states.

Non-major universe is a plain language term for the universe of facilities which are not major. The universe of non-majors includes sources classified as synthetic minor, minor or unknown; and sources identified as federally-reportable. Sources voluntarily reported by state and local agencies are likely those with unknown classifications. The universe does not include all minor sources. For a description of federally-reportable minor sources see the CAA Minimum Data Requirements at <http://cfpub.epa.gov/compliance/resources/publications/data/air/policies/>.

Several columns include data that are voluntarily reported by state and local agencies. The columns that reflect data that is required and can be considered complete are "Non-Major Facilities with New High Priority Violations (HPVs) Identified 2009," "Number of Non-Major Facilities with Formal Enforcement Actions Issued in 2009," and those regarding HPVs. All of the other columns should be considered to include voluntarily reported data; therefore, no conclusions should be drawn from the data.

Footnotes:

- The counts include activities entered in AFS by federal, state and local agencies.
- Active in this report indicates a facility is either operating, temporarily closed, seasonally operated or, for columns indicating an activity count, an active facility was the subject of that activity during the fiscal year.
- An FCE addresses all regulated pollutants from all regulated emission points at a facility.
- A PCE is a documented compliance assessment focusing on a subset of regulated pollutants, regulatory requirements or emission units at a facility. PCEs are not required to be reported; therefore, the data may not be complete and no conclusions should be drawn from the data.
- Non-compliance is an indication that a violation was identified. Non-compliance determinations assist the government in tracking resolution of violations and should be considered alleged violations. Facilities with non-compliance identified refers to facilities with alleged violations identified during the fiscal year.
- An assessed penalty is the amount of any penalty that is required by administrative order, consent agreement/order, or consent decree.
- The Policy on Timely and Appropriate Enforcement Response to High Priority Violations (December 22, 1998) establishes a timeliness standard of 270 days for addressing a High Priority Violation (HPV) from the date the violation is determined to be an HPV. An HPV that remains unaddressed for greater than 270 days is considered not to be meeting the HPV policy.

¹ A source's classification as a non-major source is based on its potential emission rate (<http://www.epa.gov/compliance/data/results/performance/caa/index.html>)