

EPA Launches Online Discussion

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Ever read a U.S. Environmental Protection Agency (EPA) press release and say to yourself or others, “Gee, why is EPA pursuing that matter - there are a lot of other more important enforcement priorities?” Well, now is your chance to help shape EPA’s 2011- 2013 fiscal years enforcement priorities. EPA launched an online discussion forum on August 31 to receive input on future priorities for EPA’s National Enforcement Program.

Compliance With 10 Statutes

EPA’s National Enforcement and Compliance Assurance Program is designed to maximize compliance with 10 core federal environmental statutes. The breadth of EPA’s authority under these laws is impressive, and EPA’s Office of Enforcement and Compliance Assurance (OECA) has created 28 program areas to deploy EPA’s broad enforcement authority under these laws.

The national program is organized into two key components: a few national program priorities that focus on significant environmental risks and noncompliance patterns, and “core” program activities that implement requirements of all environmental laws. To prioritize enforcement goals, EPA established the National Priorities Program in May 2007, for fiscal years 2008–2010. At that time, EPA identified three criteria it would use to assess enforcement priorities: significant environmental benefit (are substantial improvements or removal or major reductions in risk to human health provided); pattern of non-compliance (are there identifiable and important patterns of noncompliance); and appropriate EPA responsibility (are the environmental and human health risks or the patterns of noncompliance sufficient in scope and scale such that EPA is best suited to take action to address them).

For each area, EPA has developed a strategy to achieve specific goals. The strategy is intended to explain each priority, why it has been identified, and how OECA’s actions will address the problem. EPA developed the “Guide for Addressing Environmental Problems: Using an Integrated Strategic Approach,” a detailed reference to help EPA staff and managers plan, develop, implement, and measure OECA’s national priorities. It also helps determine which mix of tools - enforcement, inspections, incentives, or assistance - will best maximize environmental benefits.

FY 2008-2010 National Priorities

Top priorities under the current National Priorities Program include a broad mix of topics:

Clean Air Act (CAA) Toxics Reduction - Reducing exposure to toxic air emissions by ensuring compliance through directed monitoring and enforcement of Maximum Achievable Control Technology (MACT) standards.

CAA New Source Review (NSR) and Prevention of Significant Deterioration (PSD) Requirements - Failure to comply with NSR/PSD requirements may lead to inadequate control of

emissions, resulting in release of air pollution, particularly of nitrogen oxides, volatile organic compounds, and particulate matter.

Clean Water Act (CWA) Wet Weather - Ensuring compliance with CWA requirements by addressing environmental challenges that are exacerbated by wet weather.

Concentrated Animal Feeding Operations (CAFO) - A major environmental problem associated with CAFOs is the large volume of animal waste generated in concentrated areas.

Combined Sewer Overflows - Combined sewer systems, designed to collect rainwater runoff, domestic sewage, and industrial wastewater in the same pipe, can exceed capacity of the system or treatment plant during periods of rainfall or snow melt. Sanitary sewer overflows and storm water runoff also are national priorities.

Financial Responsibility - Ensuring an operator has adequate funds to address closure of facilities that handle hazardous wastes, hazardous substances, toxic materials, or other pollutants.

Resource Conservation and Recovery Act Mineral Processing - Reducing risk to health and the environment by achieving increased compliance rates throughout the mineral processing and mining sectors.

Indian Country - Working with federally recognized Indian tribes to address significant human health and environmental problems associated with drinking water, solid waste and environmental risks in tribal schools.

Discussion Forum

The discussion forum is intended to elicit ideas for EPA to consider for new areas of enforcement focus. The public can provide feedback through the EPA website until December 1. EPA promises to evaluate and consider all ideas for the future direction of EPA's National Enforcement and Compliance Priorities. To submit your suggestions, go to <http://blog.epa.gov/enforcementnationalpriority/>. Information on enforcement priorities is available at www.epa.gov/compliance/data/planning/priorities/index.html.

Readers who sometimes question whether EPA has its enforcement priorities straight are urged to take advantage of the forum. This is a perfect opportunity to provide input and be heard on this important subject.

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