Expanding Compliance Monitoring Activities

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- Compliance monitoring = key component of program implementation
- Compliance Monitoring Strategies traditionally inspection/investigation based
- New technology/electronic reporting may result in new ways to determine compliance at facility-specific level
Expanding Compliance Monitoring Activities

CM activities used to:
• Assess & document compliance
• Support enforcement
• Monitor compliance with orders & decrees
• Create deterrence
• Provide feedback to permit & rule writers

• Expanded CM activities includes all means to used to make compliance determinations – off-site or on-site – not just on-site inspections
  ▪ But must be used to determine facility specific compliance status
• CM activities used can be derived from media specific compliance monitoring strategies, state/local priorities; or citizen tips/complaints
• Conducted by credible regulator – including 3rd party
Expanding Compliance Monitoring Activities

✓ On-site activities conducted by inspectors
  ▪ Inspections either complete or partial
  ▪ Record & document reviews (tests, sampling data)
  ▪ Review of facility reports (compliance certifications)
  ▪ Review process, emission and inventory information
  ▪ Conduct facility specific monitoring using advanced monitoring technologies (fenceline monitors; FLIR cameras;
  ▪ Conduct source performance tests, sampling, monitoring

Expanding Compliance Monitoring Activities

✓ Off-site reviews
  ▪ Assess compliance of facility either in whole or in-part.
  Review:
    o Review reports
    o Facility records
    o Agency gathered testing, sampling, monitoring data
    o Process, emissions, ambient monitoring
    o Facility specific fenceline & ambient monitoring
    o Evaluate response to formal info requests (CAA 114; CWA 308; RCRA 3007)
Expanding Compliance Monitoring Activities

• Expanded CM -- is optional -- but must meet following criteria:
  ▪ Activity conducted for purpose of making a compliance determination
  ▪ On-sited conducted by authorized inspector
  ▪ Off-site conducted by inspector/credible regulator
  ▪ Documented in a CMS and reported to relevant data systems

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Expanding Compliance Monitoring Activities

Activities to date:
✓ Kick-off meeting – January 2013
✓ Initial state comment period – March 2013
✓ Revisions to individual CMS’s in 2013
✓ National data base changes
✓ Implementation 2014

6/18/2013
RCRA CMS

• Current CMS
  – TSDFs must have CEIs (and FRRs) unless state and TSDF approved for flexibility then can use FCI
  – LQGs should have CEIs unless state has adopted an approved flexibility plan
  – SQGs, CWSQGs, transporters have no inspection type requirement

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RCRA CMS

• CMS is being opened only for the addition of expanded compliance monitoring activities
• Propose allowing expanded compliance monitoring activities as part of an LQG flexibility plan or for any/all other generator and transporter facilities
• Expanded compliance monitoring activities at TSDFs will not count towards meeting ACS commitments but could be part of negotiated agreements beyond ACS requirements

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Alternatives?

• Discussion
• Other issues/considerations?

Impact on Data Collection

• Discussion
  – Can we use existing inspection codes in RCRAInfo
    • e.g. NRR
  – Do we need new codes
    • Do existing codes cover activities that do not allow for a compliance determination? e.g. do some use NRR to just record time spent reviewing information from a facility that is not compliance related
• Other issues/consideration?
Questions/Follow-up

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