

# Expanding Compliance Monitoring Activities

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## Expanding Compliance Monitoring Activities

- 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

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## 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

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## Expanding Compliance Monitoring Activities

- 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 3<sup>rd</sup> party

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## 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

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## Expanding Compliance Monitoring Activities

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

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## 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

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## 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 spend reviewing information from a facility that is not compliance related
- Other issues/consideration?



## Questions/Follow-up

- For further information contact:  
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