



Announcing EPA's Selection of National Enforcement Initiatives for FY 2014-2016

The EPA's Office of Enforcement and Compliance Assurance (OECA) identifies multi-year national enforcement initiatives to address specific environmental problems, risks, or patterns of noncompliance. These initiatives are reevaluated every three years in order to assure that federal enforcement resources are focused on the most important environmental problems where noncompliance is a significant contributing factor, and where federal enforcement attention can have a significant impact.

The EPA appreciates the comments submitted in response to the January 28, 2013 Federal Register Notice (EPA-HQ-OECA-2012-0956), where the Agency requested public comment for the upcoming Fiscal Year (FY) 2014-2016 cycle of National Enforcement Initiatives.

After careful consideration of all comments, the EPA has decided that the current set of FY 2011-2013 National Enforcement Initiatives will continue for FY 2014-2016. These initiatives focus on:

- Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters
- Preventing Animal Waste from Contaminating Surface and Ground Waters
- Cutting Toxic Air Pollution that Affects Communities' Health:
- Reducing Widespread Air Pollution from the Largest Sources, Especially the Coal-fired Utility, Cement, Glass, and Acid Sectors
- Reducing Pollution from Mineral Processing Operations
- Assuring Energy Extraction Sector Compliance with Environmental Laws

This decision reflects the support expressed for continuing the current initiatives and further sustaining the investments and accomplishments these initiatives have made thus far. Although the EPA has made substantial progress in addressing noncompliance within the sectors addressed by these initiatives, more work remains to be done. Progress made in these initiatives is highlighted in graphs and maps available on this website.

The EPA plans to incorporate new strategies and tools such as Next Generation Compliance to more effectively and efficiently address noncompliance and reduce risk within the following areas:

- **Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters:** The EPA will continue its enforcement focus on reducing discharges of raw sewage and contaminated stormwater into our nation's rivers, streams and lakes. This National Enforcement Initiative focuses on reducing discharges from combined sewer

overflows (CSOs), sanitary sewer overflows (SSOs), and municipal separate storm sewer systems (MS4s) by obtaining cities' commitments to implement timely, affordable solutions to these problems. In FY 2012, the EPA developed the Integrated Municipal Stormwater and Wastewater Planning Approach Framework, which is posted at <http://cfpub.epa.gov/npdes/integratedplans.cfm> to provide further guidance on developing and implementing effective integrated planning solutions to municipal wastewater and stormwater management. This approach allows municipalities to prioritize CWA requirements in a manner that addresses the most pressing public health and environmental protection issues first, while maintaining existing regulatory standards. All or part of an integrated plan may be incorporated into the remedy of enforcement actions. These remedies may include expansion of collection and treatment system capacity and flow reduction measures including increased use of green infrastructure and other innovative approaches. The EPA is committed to working with communities to incorporate green infrastructure, such as green roofs, rain gardens, and permeable pavement, into permitting and enforcement actions to reduce stormwater pollution and sewer overflows where applicable.

- **Preventing Animal Waste from Contaminating Surface and Ground Waters:** Concentrated animal feeding operations (CAFOs) are a subset of livestock and poultry animal feeding operations (AFOs) that meet the regulatory thresholds of number of animals for various animal types. The EPA's goal is to take action to reduce animal waste pollution from livestock and poultry operations that impair our nation's waters, threaten drinking water sources, and adversely impact vulnerable communities. The EPA's regulations require permit coverage for any CAFO that discharges manure, litter, or process wastewater into waters of the U.S. CAFOs that discharge to U.S. waters but do not have National Pollutant Discharge Elimination System (NPDES) permits are in violation of the CWA. The EPA will continue to focus federal enforcement investigations primarily on existing large and medium CAFOs identified as discharging without a permit to waters of the U.S., particularly in areas of concern due to impacts from CAFO/AFO wastes. In addition, EPA's resources will be used to assure that CAFOs that already have permits are in compliance with those permits.
- **Cutting Toxic Air Pollution that Affects Communities' Health:** In 1990, Congress identified hazardous air pollutants (HAPs), currently totaling 187, that present significant threats to human health and have adverse ecological impacts (<http://www.epa.gov/ttn/atw/188polls.html>). The CAA and EPA's regulations impose strict emission control requirements (known as "Maximum Achievable Control Technology" or "MACT") for these pollutants, which are emitted by a wide range of industrial and commercial facilities. The EPA will target and reduce emissions of toxic air pollutants in three areas where the agency has determined there are high rates of noncompliance: (A) leak detection and repair; (B) reduction of the volume of waste gas to flares and improvements to flare combustion efficiency; and (C) excess emissions, including those associated with startup, shut down and malfunction. Through this Air Toxics Initiative, the EPA will undertake compliance monitoring

and enforcement activities to maximize environmental and human health benefits, which is particularly important for disproportionately burdened communities.

- **Reducing Widespread Air Pollution from the Largest Sources, Especially the Coal-fired Utility, Cement, Glass, and Acid Sectors:** The New Source Review/Prevention of Significant Deterioration (NSR/PSD) requirements of the CAA require certain large industrial facilities to install state-of-the-art air pollution controls when they build new facilities or make “significant modifications” to existing facilities. However, many industries have not complied with these requirements, leading to excess emissions of air pollutants such as sulfur dioxide, nitrogen oxides and particulate matter. These pollutants can be carried long distances by the wind and can have significant adverse effects on human health, including asthma, respiratory diseases and premature death. These effects may be particularly significant for communities overburdened by exposure to environmental risks and vulnerable populations, including children. In recent years, the EPA has made considerable progress in reducing excess pollution by bringing enforcement actions against coal-fired power plants, cement manufacturing facilities, sulfuric and nitric acid manufacturing facilities, and glass manufacturing facilities. However, work remains to be done to bring these sectors into compliance with the CAA and protect communities burdened with harmful air pollution.
- **Assuring Energy Extraction Sector Compliance with Environmental Laws** Vast natural gas reserves, unlocked through technological advances in horizontal drilling and hydraulic fracturing, are a key part of the nation’s clean energy future. The full promise of this resource will be realized only if it is developed responsibly and the new technologies are controlled in a manner that protects the nation’s air, water and land. For example, an unprecedented acceleration of natural gas development has led to a significant rise in air pollution throughout the intermountain West. Geospatial analysis suggests that a similar rise in air pollution is possible elsewhere as unconventional gas development grows in other shale plays. Meanwhile, citizens continue to voice concern that drilling and hydraulic fracturing pose a risk to drinking water sources, either through improper well construction, wastewater management or otherwise. OECA initiated its Energy Extraction National Enforcement Initiative in FY 2011 to address these concerns and to take action where violations of environmental laws may cause or contribute to significant harm to public health and/or the environment. The EPA will continue to utilize a wide range of authorities, including the Clean Water Act, the Clean Air Act and the Safe Drinking Water Act, among others, to ensure that natural gas development proceeds in a manner protective of human health.
- **Reducing Pollution from Mineral Processing Operations.** Mining and mineral processing facilities generate more toxic and hazardous waste than any other industrial sector, based on the EPA’s Toxic Release Inventory. Many of these facilities have impacted surrounding communities and continue to pose high risk to human health and the environment. For example, over 120 mining and mineral processing sites are on the Superfund National Priorities List and more sites are being

added every year, including operating facilities. The EPA has spent over \$2.4 billion to address the human health and environmental threats to communities as a result of mining and mineral processing. In some cases, the EPA had to sample drinking water wells due to potential impacts to children in low income communities. At some sites, EPA's inspections have found significant non-compliance with hazardous waste and other environmental laws. Some of the more serious cases required alternative drinking water supplies or removal of lead-contaminated soil from residential yards. In other cases, toxic spills into waterways from mining and mineral processing caused fish kills and impacted the livelihood of low income communities. The EPA will continue its enforcement initiative to bring these facilities into compliance with the law and protect the environment and nearby communities.

The National Enforcement Initiatives for FY 2014-2016 have been incorporated into the EPA's Office of Enforcement and Compliance Assurance FY2014 National Program Managers (NPM) Guidance, which identifies the national compliance and enforcement priorities for FY 2014, discusses national direction for all compliance assurance programs, identifies activities to be carried out by authorized programs, and describes how the EPA should work with states and tribes to ensure compliance with environmental laws. The FY 2014 NPM Guidance can be accessed at <http://www2.epa.gov/planandbudget/fy-2014-npm-guidances>.