

Next Generation Approach to Compliance

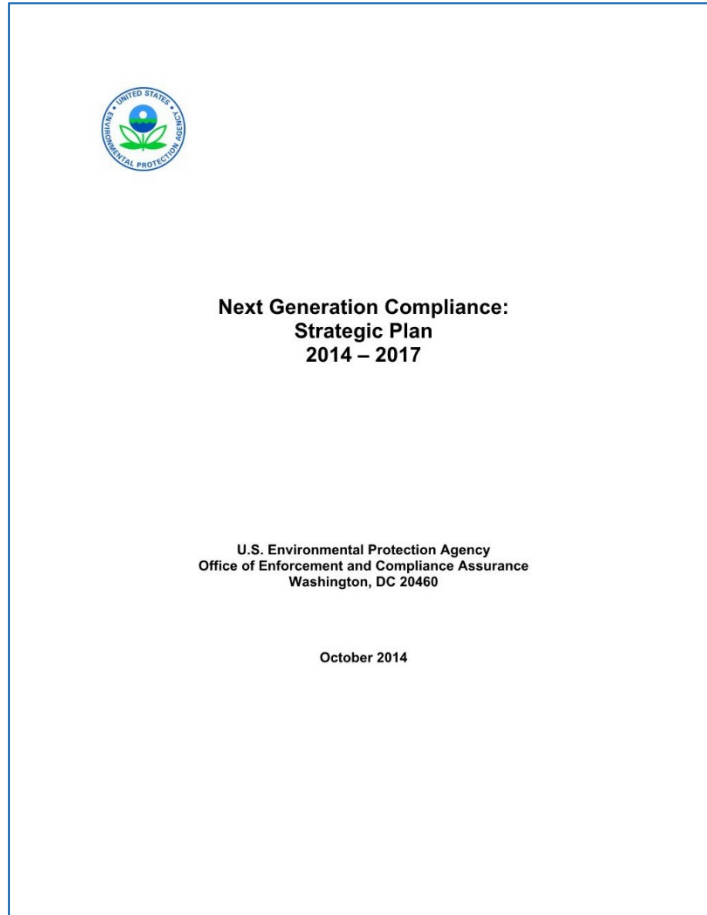
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EPA Next Generation Compliance Strategic Plan



Next Generation Compliance is an integrated strategy, designed to bring together the best thinking from inside and outside EPA on how to:

- Structure regulations and permits
- New monitoring and information technology
- Expanded transparency
- Innovative enforcement

Technical Support

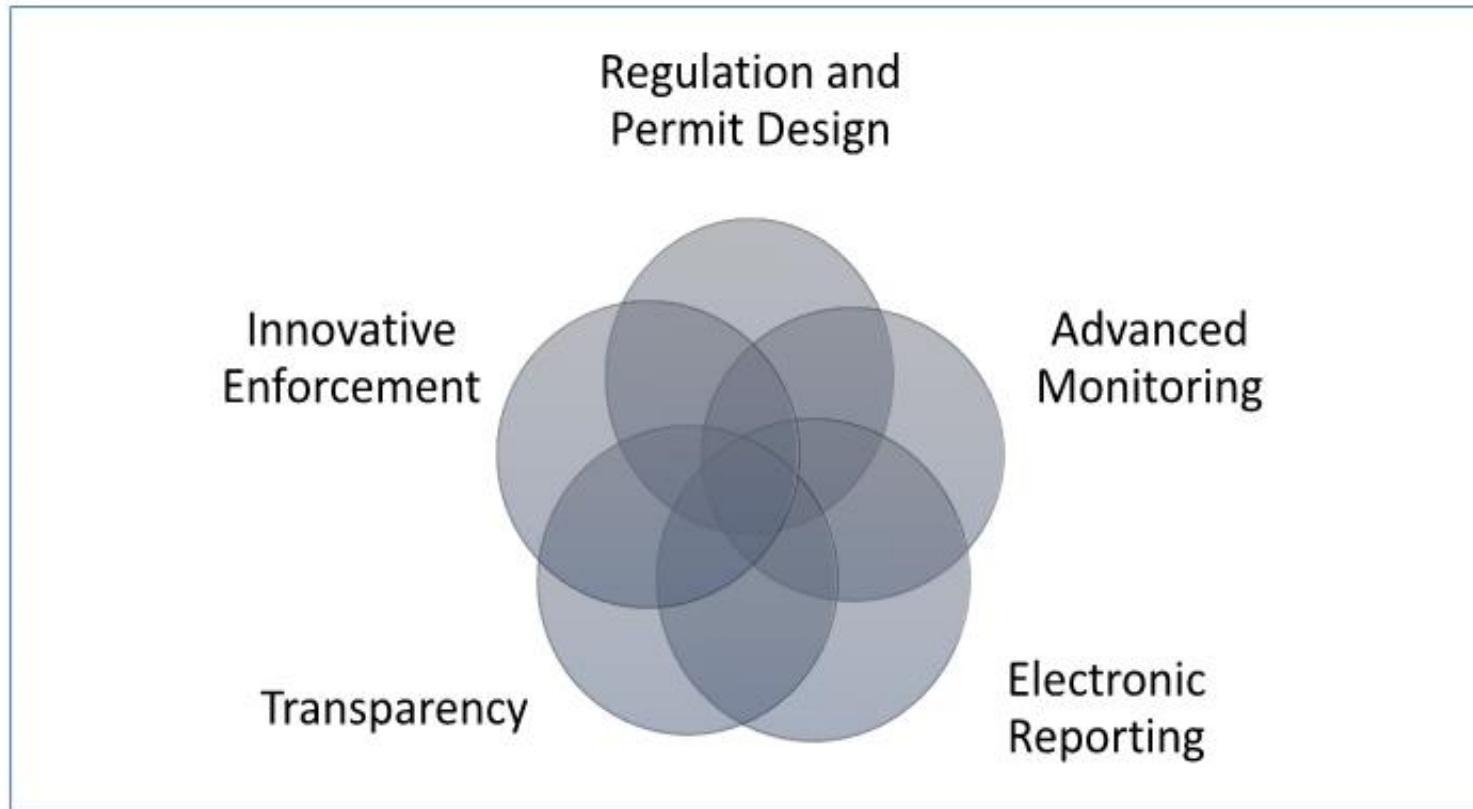


From the Preface:

- Using infrared sensors to detect dangerous but otherwise invisible gas escaping from a pipe.
- Using satellites and drones to monitor logging in a remote forest.
- Using your cell phone to measure air quality while you jog.
- Using the power of YouTube and other video platforms to unmask polluters.

These are just a few of the ways that next generation technologies already are changing how regulators, industry, and citizens are monitoring changes to the environment.

What is NexGen Compliance?



More Effective Regulations and Permits

- Permits that are clear, easy to implement with self-enforcing drivers
- Educate EPA staff, states, and tribes
- OECA will work with EPA's program offices, the Office of Policy, and Office of General Counsel to achieve this goal and to incorporate Next Generation Compliance principles and tools into EPA's regulations

“For example, regulated facilities can take steps to monitor their own performance to prevent violations. New technology can help companies find pollution that was “invisible” and monitors can transmit warnings to facility managers so they can fix a problem before a violation occurs. Real time information to communities and/or market incentives can help inspire facilities to improve compliance. We can build these features into our regulations to improve implementation”

Advanced Monitoring

- Evaluate what technology is currently being used, best practices for using this technology, and how to expand its use
- Develop short-and long-term projects to test and implement advanced monitoring
- Outside groups important to understand more about these technologies
- Identify the most important needs and set priorities for what equipment to purchase

“For example, EPA is now using infrared cameras in inspections to find emissions leaks that would otherwise be very difficult to detect. EPA has deployed solar-powered buoys to collect and transmit water quality data every 15 minutes in the Charles River and Mystic Watershed. Advanced monitoring technologies, especially when linked to information technology systems, can more easily identify—and allow faster fixes—to pollution and help communities avoid exposures.”

Electronic Reporting

- Reporting easier, more efficient, and cost less for the facility and for regulatory agencies
- Increase transparency and spot pollution and compliance issues and respond quickly to emerging problems
- Technical support, grants, or sharing resources to build e-reporting systems to states and tribes
- Work with EPA's program offices on e-reporting for specific programs

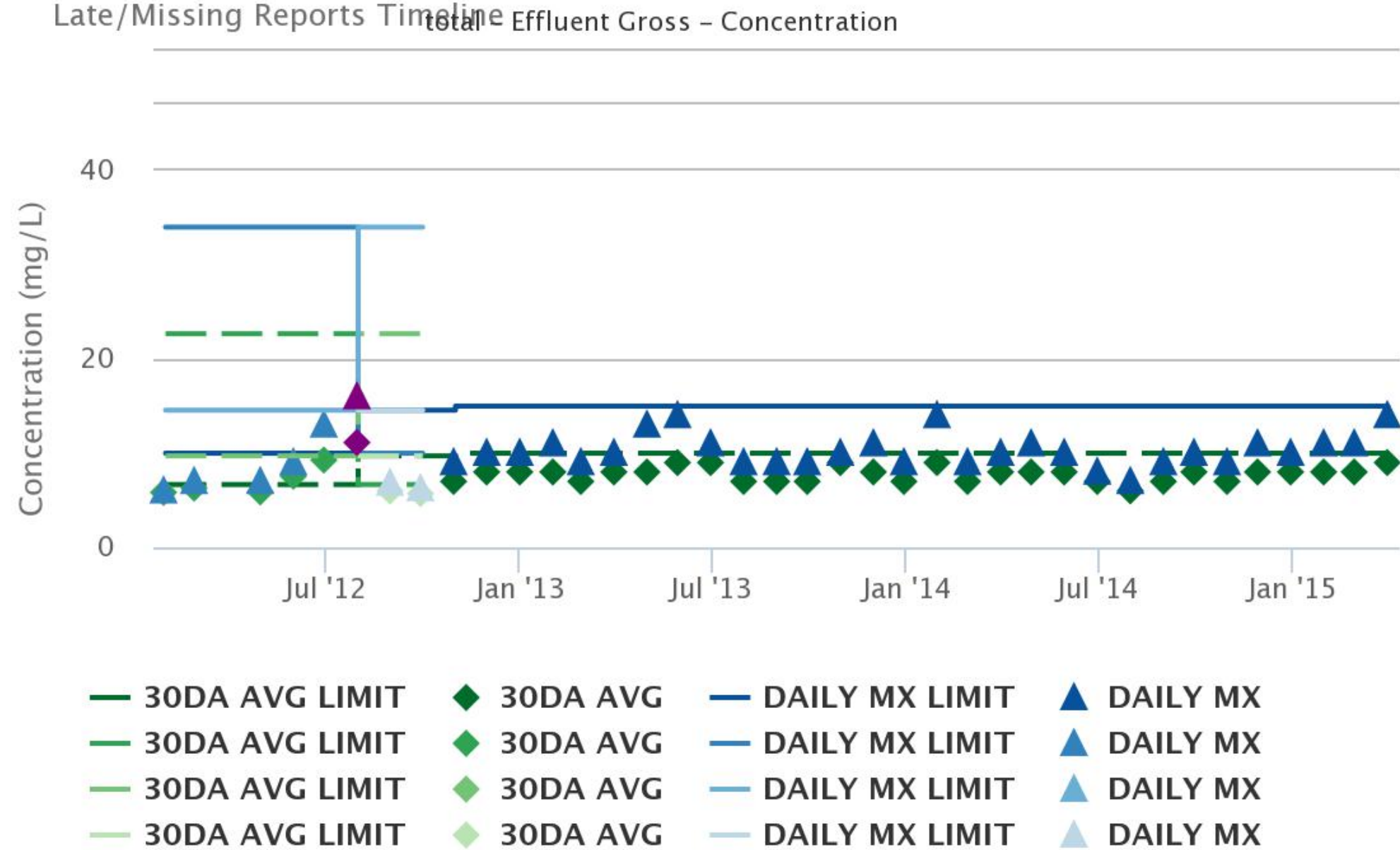
“For example, Ohio’s wastewater program mandated electronic reporting for discharge monitoring reports (DMRs) and has found that this has significantly reduced violations, reduced data errors, and reduced the staff needed to run the program.”

Expanded Transparency

- Better information on pollution releases, pollution sources, and environmental conditions of regulated sources and the government
- Enhance EPA's Enforcement and Compliance History Online (ECHO) website to provide information about facility performance to make it easier to use, more understandable, and improve viewing on mobile devices
- Develop new tools to integrate, analyze, and display data

“For example, an EPA settlement requires a water utility to display a warning light near its outfall that goes on whenever a sewer overflows into the local river, allowing people to avoid water contact when pollution levels are higher.”

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (NM0022250) 001 – Nitrogen, inorganic



Innovative Enforcement

- Data analysis is important to ensure the integrity of the monitoring
- Experiment with approaches that will improve compliance at facilities beyond just those that receive enforcement attention
- Transparency strategies, such as innovative ways to inform the public of serious violations, can also improve compliance when thoughtfully applied to the right problems
- Advanced monitoring, electronic reporting, and transparency are being incorporated into civil and criminal case resolutions

“For example, regulatory agencies may be able to electronically provide targeted compliance assistance based on information a facility provides in its electronic reports. Better information on compliance opens the door to new tactics in enforcement and increases the power of individual cases to inspire improvements at other facilities.”

NEXT GENERATION ENFORCEMENT SETTLEMENT HIGHLIGHTS

5. U.S. v. Roquette America (Keokuk, IA): On November 13, 2012, EPA and DOJ announced a Clean Water Act enforcement settlement requiring Roquette America Inc. to pay a \$4.1 million penalty for CWA violations at its grain processing facility in Keokuk, Iowa. In addition to paying the penalty, Roquette will complete other requirements valued at more than \$17 million to protect the Mississippi River and Soap Creek. Pursuant to the consent decree, Roquette completed a sewer survey to identify possible discharge locations, and initiated sewer improvements, constructed wastewater treatment plant upgrades, and performed enhanced effluent monitoring. **In addition, Roquette will continue to obtain annual independent third-party audits of its compliance with its operations and maintenance (O&M) program, Storm Water Pollution Prevention Program (SWPPP), the company's NPDES permits, and the requirements in the consent decree.** (§16) Required annual reports will continue to identify noncompliance with steps and schedules to address any violations. The third-party audit reports will continue to be included in the annual reports. The consent decree was entered on January 9, 2013.

Press release: <http://yosemite.epa.gov/opa/admpress.nsf/0/645D50E068FF777185257AB50083932A>

Consent Decree: <http://www2.epa.gov/enforcement/roquette-america-inc-settlement>

EPA Plans to:

- Establish direction and expectations in annual Program Manager Guidance;
- Request an appropriate level of resources in the Agency budget;
- Include goals and measures for implementation of Next Generation Compliance in the 2014-2018 EPA Strategic Plan
- Work with headquarters offices and regions to ensure that staff and managers are fully engaged in implementing the Strategic Plan
- Conduct outreach or training with stakeholder groups and co-regulators, including state, tribal, and local government partners, interest groups, the media, and the general public
- Seek to improve internal and public understanding of the effort, communicating the many benefits, and encouraging support and adoption of Next Generation Compliance practices.

Is this a WESTCAS “Issue”?

- No, but it is an opportunity for utilities to provide feedback and influence the direction of NexGen Compliance
- Consider the disconnect between new technologies and regulatory limits
- How to correct inaccurate data
- Public shaming as a enforcement practice

Pipe Dream



"Never underestimate the value of pipe-dreams, my son."

- Eliminate effluent monitoring and effluent limits based on assimilation under low flow conditions
- Instream water quality monitoring (assuming there is water) sending electronic data
- Permit limits based on some acceptable difference from receiving stream quality