**EPA’s National Compliance Initiatives Show Upcoming Enforcement Priorities**

Just like OSHA has national emphasis programs for areas they want to target in their enforcement, EPA has its own national emphasis targets. Called the National Compliance Initiatives (NCI), EPA has listed 7 priority areas to target for enforcement for Fiscal Years 2020-2023.

So what’s on EPA’s NCI Target List?

**Air – Reducing Air Emissions at Hazardous Waste LQGs and TSDFs**

EPA has found that facilities that generate a greater amount of hazardous waste have air emissions issues. Their focus will be on air emissions at Large Quantity Generators (LQGs) and Treatment, Storage and Disposal Facilities (TSDFs). This emphasis item was in the agency’s last list of NCIs, and inspectors have found there is still significant noncompliance at these facilities. EPA wants improved compliance in controlling organic air emissions from certain management activities. They will especially be looking at the following areas in which they are continuously finding problems:

* Leaking or open pressure relief valves;
* Tank closure devices;
* Monitoring; and,
* Recordkeeping.

**Water – Reducing NPDES Permits Noncompliance**

EPA will be looking at your facility’s NPDES (National Pollutant Discharge Elimination System) permits to see if you’re in compliance. NPDES permits are for water discharges, whether they be wastewater, stormwater or otherwise. In 2018, 11,000 permits had violations totaling 4 billion pounds of pollutants above permitted limits, and EPA wants to crack down on that. Out of 40,000 facilities with NPDES permits, EPA estimates 29% are in significant noncompliance. EPA’s goal is to cut that in half by fall 2022. EPA specifically mentions failure to submit required reports and significant exceedances of limits as two of the most violated areas.

**Air – Reducing Excess Emissions of HAPs and VOCs from Stationary Sources**

EPA wants a focus on reducing emissions of volatile organic compounds (VOCs) and hazardous air pollutants (HAPs). They will be focusing on sources of VOCs that may have substantial impact on an area’s attainment or non-attainment of National Ambient Air Quality Standards. EPA will also be focusing on areas with a greater concentration of HAP sources. EPA has listed over 180 chemicals that are HAPs, including mercury, asbestos, toluene, cadmium, chromium, benzene, perchloroethylene, and lead.

**Hazardous Chemicals – Reducing Risks of Accidental Releases at Industrial and Chemical Facilities**

This was on EPA’s list last time, and is continuing. This NCI not only applies to facilities subject to Risk Management Program requirements (for accidental chemical releases at facilities that store certain chemicals above a certain threshold). EPA cites a General Duty Clause in their Clean Air Act to cover all facilities with regulated substances and extremely hazardous substances, regardless of quantity. They’ll be using that General Duty Clause (Clean Air Act Section 112(r)) which requires companies:

* Identify hazards that may result from accidental releases by using appropriate hazard assessment techniques;
* Design and maintain a safe facility;
* Take steps to prevent releases; and,
* Minimize the consequences of the accidental releases that occur.

It will be important that your facility not only has conducted the proper hazard assessments and has plans and controls in place, but has documentation that has occurred. This exercise and documentation will help you with both EPA and OSHA compliance.

**Air – Stopping Aftermarket Defeat Devices for Engines**

This is a new item on EPA’s list. They will be looking to stop the manufacture, sale and installation of defeat devices on engines. Often called tuners, these devices bypass the engines’ emissions control systems in order to improve engine performance or fuel efficiency. The systems modify the exhaust system or electronic chips within the vehicle. EPA has been levying fines on car manufacturers for a number of years in this area. One of the most famous cases is the recent Volkswagen emissions scandal where vehicles were rigged to recognize regulatory emissions testing, but operated differently in real world driving conditions. Now EPA is going after the aftermarket manufacturers and have already started. However, the emphasis isn’t just limited to vehicles on the road, it’s for any engine, including non-road vehicles and engines.

**Water – Noncompliance with Drinking Water Standards at Community Systems**

This is a new NCI area for EPA. EPA says that out of 50,000 Community Water Systems that serve water to the same people year-round, 40% violated at least one drinking water standard in 2018. Also at these facilities, 30% had monitoring and reporting violations and 7% had health violations. EPA’s goal is to reduce this noncompliance by 25% by having EPA’s Office of Water work to increase capacity within the states and tribes to address these violations.

**Lead – Child Exposure to Lead**

This one is an unofficial NCI emphasis because it will be treated as a directive but not be a part of the official NCI enforcement list as a separate program. EPA has an overall initiative for lead, and the NCI guidance documents affirm enforcement commitment to participating in that initiative. Plans for EPA’s overall lead initiative include:

* Increasing compliance with and awareness of lead-safe renovations with the Renovation, Repair and Painting rule;
* Developing a mapping tool to identify communities with higher lead exposures;
* Targeted geographical initiatives; and,
* Public awareness campaigns on lead issues.

**What’s Next: Regional Plans**

Each region is to develop a strategic plan on how they will be accomplishing these NCI goals. Within these plans the regions are to determine how they’re going to allocate resources to these NCIs and how much investment will be put into each one. The plans are due August 1.

These NCIs are the goals for Fiscal Year 2020-2023, thus they will go into effect October 1, 2019.