



EPCRA Section 313 Enforcement

**2010 National Training Conference on the TRI
and Environmental Conditions in Communities
November 2, 2010**

EPA's Priorities

- } Taking action on climate change
- } Improving air quality
- } Assuring the safety of chemicals
- } Cleaning up our communities
- } Protecting America's waters
- } Expanding the conversation on environmentalism and working for environmental justice, and
- } Building strong state and tribal partnerships.

EPA's Enforcement Goals

- Aggressively go after pollution problems that make a difference in communities. Vigorous civil and criminal enforcement that targets the most serious water, air and chemical hazards; advance environmental justice by protecting vulnerable communities.
- Reset our relationship with states: make sure we are delivering on our joint commitment to a clean and healthy environment
- Improve Transparency.

EPCRA Enforcement Program

- } Setting program direction
 - National Program Managers guidance

- } Updating national policies
 - Enforcement response policy
 - Nationally significant issues

- } Providing inspection targeting and case support to the Regions

FY11 National Program Managers Guidance

- } Non-reporters (including facilities that never reported, as well as facilities that reported in past years, but are out of compliance for the current year).
- } Significant data quality errors (both under-reporting and over-reporting).
- } Facilities that submit a Form A after having previously submitted a Form R, and concerns exist as to the accuracy of this change.
- } The submission of forms with significant data quality errors.

FY10 Non-Reporter Initiative

- } EPA embarked on an enforcement initiative in FY 10.
- } The initiative targeted facilities that reported in RY 07 but failed to report in RY 08 (reports due July 1, 2009).
- } To date, EPA has issued 17 enforcement actions and assessed almost \$260,000 in penalties.

Nevada Gold Mine Processing Facility Inspections

- } Nevada ranks 1st in the U.S. for mercury and mercury compound releases
- } In 2007, the Idaho Conservation League raised concerns about large mercury emissions from Nevada gold processing facilities.
- } EPA analyzed TRI release data and state mercury emission test data.
- } Analysis suggested significant TRI under-reporting.

Nevada Gold Mine Processing Facilities

- } In June 2008, EPA Region 9 began data quality inspections of Nevada gold mine processing facilities.
- } Region has inspected 11 facilities, with 5 more planned for Fiscal Year 2011.
- } To date, Region has filed one complaint.

Agrifos Fertilizer, L.L.C.

- } EPA settled an EPCRA § 313 case against Agrifos of Pasadena, Texas on September 27, 2010
- } First settlement of a mineral processing case against a fertilizer manufacturer for EPCRA 313 violations.
- } The total civil penalty is \$535,206, with \$391,838 allocated to EPCRA 313.
- } Agrifos failed to report for five toxic metal compounds which had been coincidentally manufactured and disposed of on-site in large piles of phosphogypsum.
- } Agrifos had never reported hydrogen fluoride (HF) releases

FY09 Enforcement Activity

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| Administrative Penalty Order (APO) Complaints (TRI) | 81 |
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| Final Administrative Penalty Orders (FAPOs) (TRI) | 71 |
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| Value of Administrative Penalties (TRI) | \$2,387,474 |
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| Value of Administrative SEPs (TRI) | \$1,225,882 |
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| Total # of Administrative Cases with SEPs (TRI) | 11 |
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| Federal Inspections/Evaluations (TRI) | 276 |