



COMPLIANCE SECTION

EPA's Priorities for 2002 and 2003

The United States Environmental Protection Agency (USEPA) has issued a draft Memorandum of Agreement (MOA) to their regional offices concerning focus areas for the fiscal years (FY) 2002 and 2003. In the draft MOA, dated May 21, 2001, it is also explained that, due to budget cutbacks, some programs will be consolidated and some enforcement priorities removed.

OVERVIEW

In a draft MOA dated May 21, 2001, the USEPA laid out six areas that are to be priorities for enforcement. These areas are:

- **Clean Water Act** - Programs to control water pollution as a result of run-off from wet weather events. The main focus will be on Combined Sewer Overflows (CSOs), Sanitary Sewer Overflows (SSOs), Concentrated Animal Feeding Operations (CAFOs), and storm water.
- **Safe Drinking Water Act** – Focus on compliance with restricted microbial levels due to the effects on public health and the high number of incidences of non-compliance.
- **Clean Air Act**
 - ◇ Attainment of National Ambient Air Quality Standards (NAAQS) through enforcement of Prevention of Significant Deterioration (PSD) requirements and New Source Review (NSR) requirements, with a particular focus on the coal-fired utility, petroleum refining and pulp/paper industry.
 - ◇ Continuation of FY 2000 and 2001 program in which regions were asked to select one Maximum Achievable Control Technology (MACT) Standard per year and develop expertise and implementation tools. For FY 2002 and 2003, regions will be provided with a list of standards recommended for adoption by USEPA and are expected to “adopt” a MACT Standard and compile information and implementation tools to share with the other regions such as source identification plans, applicability flowcharts and inspector checklists.
 - ◇ Concluding a USEPA priority since 1996, regions are to complete all ongoing settlement negotiations and investigations. Regions are also directed to begin investigation of refineries or companies that did not enter into settlement negotiations, especially in states where a large number of refineries exist.
- **Resource Conservation and Recovery Act** – Facility screening, compliance monitoring and enforcement resources focusing on companies that are evading the regulatory system.

The metal services industry, which was targeted on the prior MOA has been dropped from its enforcement priorities. This industry's target areas included air, water, and hazardous waste violations by metal smelters, platers, and other metal related activities. However, regional offices are authorized to concentrate on these areas as needed.

SUMMARY

The USEPA has outlined six areas for FY 2002/2003 that will be the central enforcement priorities. If you have questions concerning these target areas or require assistance in complying with these programs, please contact Tony Domanico or Emily Rynders at The Payne Firm at (513) 489-2255 or via e-mail at aid@paynefirm.com or ear@paynefirm.com. A copy of the MOA document can be reviewed on-line at <http://es.epa.gov/oeca/polguid/02-03moa.pdf>. This and other Environmental Edge topics can be found on our web site at www.paynefirm.com.