

Clean Air Act (CAA) –Alternative Compliance Monitoring Strategy (CMS) in Oregon

Facility Classification	Prior FCE Frequency Commitment	# Facilities
Title V Majors	Every 2 years	104
SM 80s	Every 3 years	19
Facility Classification	Proposed Alternative FCE Frequency	# Facilities
Title V Majors	Every 3 years	104
SM 80s	Every 5 years	19

- ▶ Oregon Department of Environmental Quality (ODEQ) developed a backlog of air permits. A Secretary of State audit in 2017 identified a **42% backlog**.
- ▶ EPA CAA CMS generally requires that Title V Majors should be inspected at least every two years, and Synthetic Minor 80s (SM80s) every five years.
- ▶ **ODEQ proposed an Alternative CMS that would allow them to redirect staff time from doing on-site Full Compliance Evaluations (FCEs) at regular frequencies, while also counting off-site FCEs towards inspection commitments, for a period of five years (FY 2021-2025), so that they could address their backlog.**
- ▶ The Alternative CMS would allow the State to complete FCEs at Title V majors less frequently than expected, and SM80's would revert to the standard five-year schedule.

CAA CMS Flexibilities

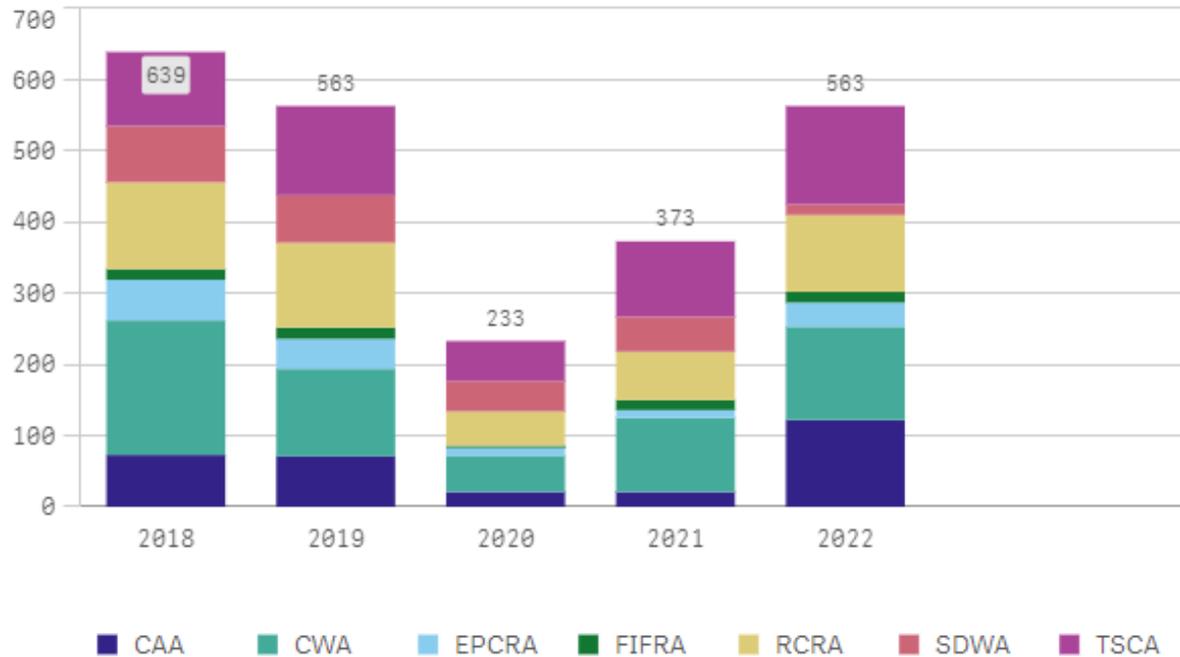
- ▶ States may develop alternatives to the recommended evaluation frequencies for EPA Regional review and approval
- ▶ Alternatives may be developed on a facility-by-facility basis or for an entire source category
- ▶ **In determining whether an alternative frequency is appropriate, the following factors are considered:**
 - ▶ **Details about Stationary Sources**
 - ▶ E.g. Compliance history, location, environmental impact
 - ▶ **State Program**
 - ▶ Nature of identified deficiencies in the compliance monitoring program and state's efforts to address/resolve
 - ▶ **EPA National Enforcement and Compliance Initiatives (NECIs)**
 - ▶ State's participation in such activities
- ▶ Prior to granting Regional approval. The Region must submit the Alternative CMS plan to EPA Headquarters for review

Questions from EPA Headquarters

- ▶ Why not keep priority sources on a standard two-year schedule, such as sources on the HPV list, those which have problematic compliance history or are located in an EJ/vulnerable community?
- ▶ How many workers would be shifting from inspections to permit writing?
- ▶ How many permits would be written/renewed each year to get rid of the backlog?
- ▶ Explain how they would be able to complete Full Compliance Evaluations (FCEs) without going on-site.
- ▶ What are the procedures for conducting an off-site FCE? Remote video?
- ▶ Will the State be hiring new inspectors and permit writers to catch up?
- ▶ What will keep the backlog from coming back after this extra effort is over?

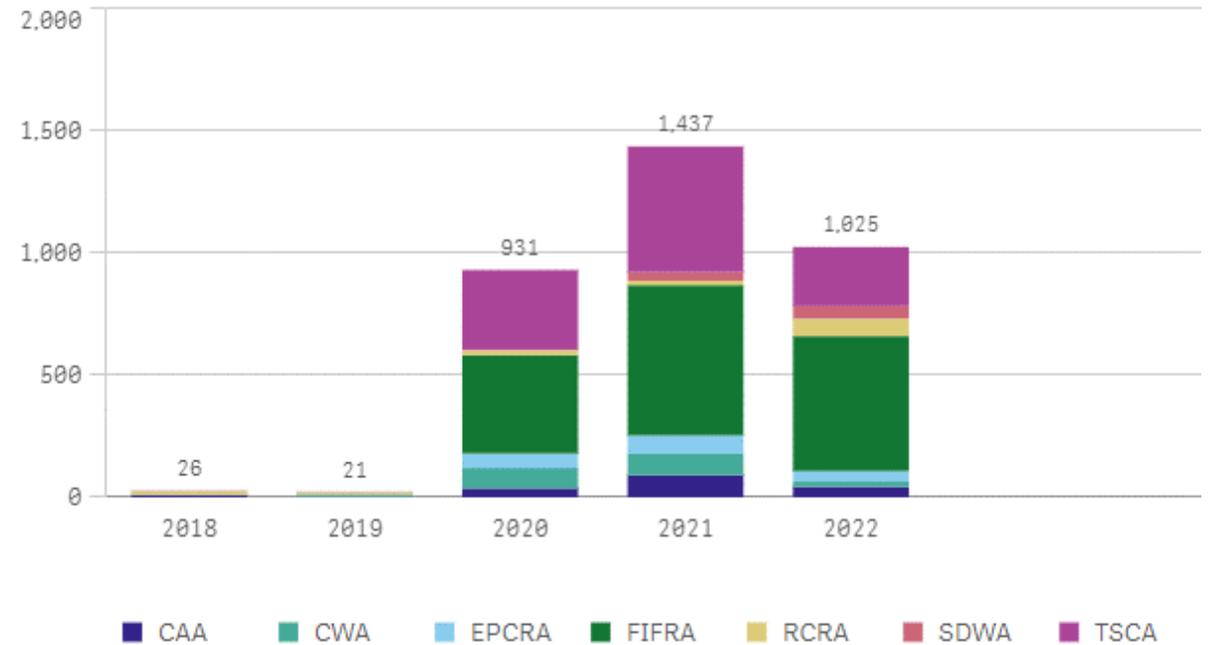
Inspections v. Off-site Compliance Monitoring (OfCM)

EPA Region 10



Inspections (On-Site)

EPA Region 10



OfCM

Toxic Substances Control Act (TSCA) Lead Renovation, Repair and Painting (RRP) Program

Before Process (using inspections)

- ▶ Inspectors scheduled a face-to-face meeting with contractors and sent them a notice of inspection in advance of the meeting
- ▶ Inspectors composed an inspection report after the meeting
- ▶ Enforcement issued if violations identified

After Process (using OfCM)

- ▶ Staff obtain lists of permits from local permitting authorities that are used to research details about contractor's RRP certifications, projects they've completed, and other information that is used to assess potential violations
- ▶ Systematically issue enforcement when Firm Certification violations are identified
- ▶ Only do "face-to-face" inspections with newer companies (i.e., in business less than 1 year) to also use it as an educational opportunity for the company

- EPA Region 10 TSCA RRP team consists of **3 people**
- Since the start of the COVID-19 pandemic, the team **conducted over 800 OfCM reviews** in FY2020-2021 and **issued 70 enforcement actions (penalties)**



What is the National Targeting Center (NTC)?