Region 2 Civil Environmental Enforcement Update
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Administrator McCarthy’s Themes

• Making a visible difference in communities across the country
• Addressing climate change and improving air quality
• Taking action on toxics and chemical safety
• Protecting water: a precious, limited resource
• Launching a new era of state, tribal and local partnerships
• Embracing EPA as a high performing organization
• Working toward a sustainable future
EPA Enforcement Goals

- Tough civil and criminal enforcement for violations that threaten communities and the environment

- Vigorous enforcement program for the future - Next Generation Compliance

- Strong EPA/state/tribal environmental protection
Enforcement Initiatives

- Raw sewage and contaminated stormwater (CSOs, SSOs, MS4s)
- Concentrated animal feeding operations (CAFOs)
- Air toxics
- Reduce widespread air pollution from the largest sources (NSR, PSD)
- Mineral processing
- Energy extraction
Next Generation Compliance

1. More effective rules

2. Advanced monitoring technology

3. Electronic reporting

4. Increased transparency

5. Innovative enforcement

GMAP (geospatial measure of air pollution) tool can be used to estimate amount and location of methane and VOC emissions. Includes IR camera, sampling ports, GPS, methane meter.
1. More effective rules

Rules structured to promote compliance

- Simplicity
- Designed to make compliance the default
- Market mechanisms – efficiency and clarity
- Transparency as accountability tool
- Self and third-party certifications
2. Advanced monitoring technologies

- Real-time monitoring – knowing about pollution as it’s happening
- Facility feedback loops – preventing pollution before it happens
- Fenceline monitoring
- Community monitoring
- Remote sensing
Advanced monitoring

- Hazardous Organic NESHAP storage
- Tank contains benzene and toluene
Making the invisible visible

FLIR infrared camera reveals a hazardous organic NESHAP storage tank leaking benzene and toluene from a bad seal
PFTIR data showed that actual emissions (in red) at Marathon and BP were $10 \times$ and $25 \times$ times greater, respectively, than the companies’ best engineering estimates (in blue).
3. Electronic reporting

- Information technologies make new solutions possible
- Smart tools and 2-way communication
- Private sector reporting tools
- NPDES e-reporting rule proposed July 2013
4. Increased transparency

- Evidence that effective transparency drives performance
- SDWA Consumer Confidence Reports
- Restaurant health inspection grades
5. Innovative enforcement

Include Next Gen ideas in settlements

- Fence line monitors (advanced monitoring)
- Electronic reporting under consent decree (e-reporting)
- Public posting of compliance and pollution data (transparency)
Innovative enforcement

Drinking water serious violators

- New scoring system
- New enforcement strategy: return to compliance in 6 months or face enforcement
- 74% reduction in serious violators in 3 years
Case Highlights
Hudson River Update

• Currently in the fifth season of dredging
• In 2013, removed approximately 628,000 cubic yards of PCB-contaminated river sediment (660,000 cubic yards removed in 2012)
• EPA anticipates dredging could be completed in 2015
• Habitat reconstruction and decommissioning of the Fort Edward dewatering facility in 2016
Passaic River Update

• Proposed plan for lower 8.3 miles issued April 11, 2014
• Bank to bank dredging and capping
• 4.3 million cubic yards to be dredged – off-site disposal
• Lowest 2.2 miles dredged to depth allowing for use of federally-authorized navigational channel
• Public comment period extended to July 21, 2014
WELCOME TO THE GOWANUS CANAL
BROOKLYN'S COOLEST SUPERFUND SITE
Gowanus Canal

- Main elements of remedy:
  - Dredging of all soft sediment
  - Capping of NAPL-contaminated native sediments
  - Off-site disposal of waste
  - Coordinated state MGP cleanups
  - Two CSO storage tanks ($77 million)
  - 1st Street basin excavation
- Total cost: $506 million
- In March 2014, remedial design UAO issued to 31 PRPs
9/16/2010: Storm floods Gowanus Canal with Raw Sewage
by keanhokeanho
Kodak Bankruptcy

- Settlement for cleanup of Eastman Business Park and Genesee River – coordinated with NYS
- $49 million deposited into a trust
- If cost of cleanup exceeds $49 million, NYS will fund next $50 million
- If cost of cleanup exceeds $99 million, Kodak and NYS will each fund 50% of additional costs
Tronox Bankruptcy

- 2008 EPA cost recovery claim for Federal Creosote Superfund site
- 2009 Tronox filed for bankruptcy in SDNY
- Complaint alleging fraudulent conveyance filed against Kerr-McGee and Anadarko Petroleum
- 2012 trial; in December 2013, defendants found liable
- In April 2014, $5.15 billion settlement of environmental claims
Caribbean Landfills

- Puerto Rico
  - Florida
  - Juncos
  - Vega Baja

- Virgin Islands
  - Bovoni
  - Anguilla