

# A Survey of Current Activities by EPA's Office of Enforcement and Compliance Assurance (OECA)

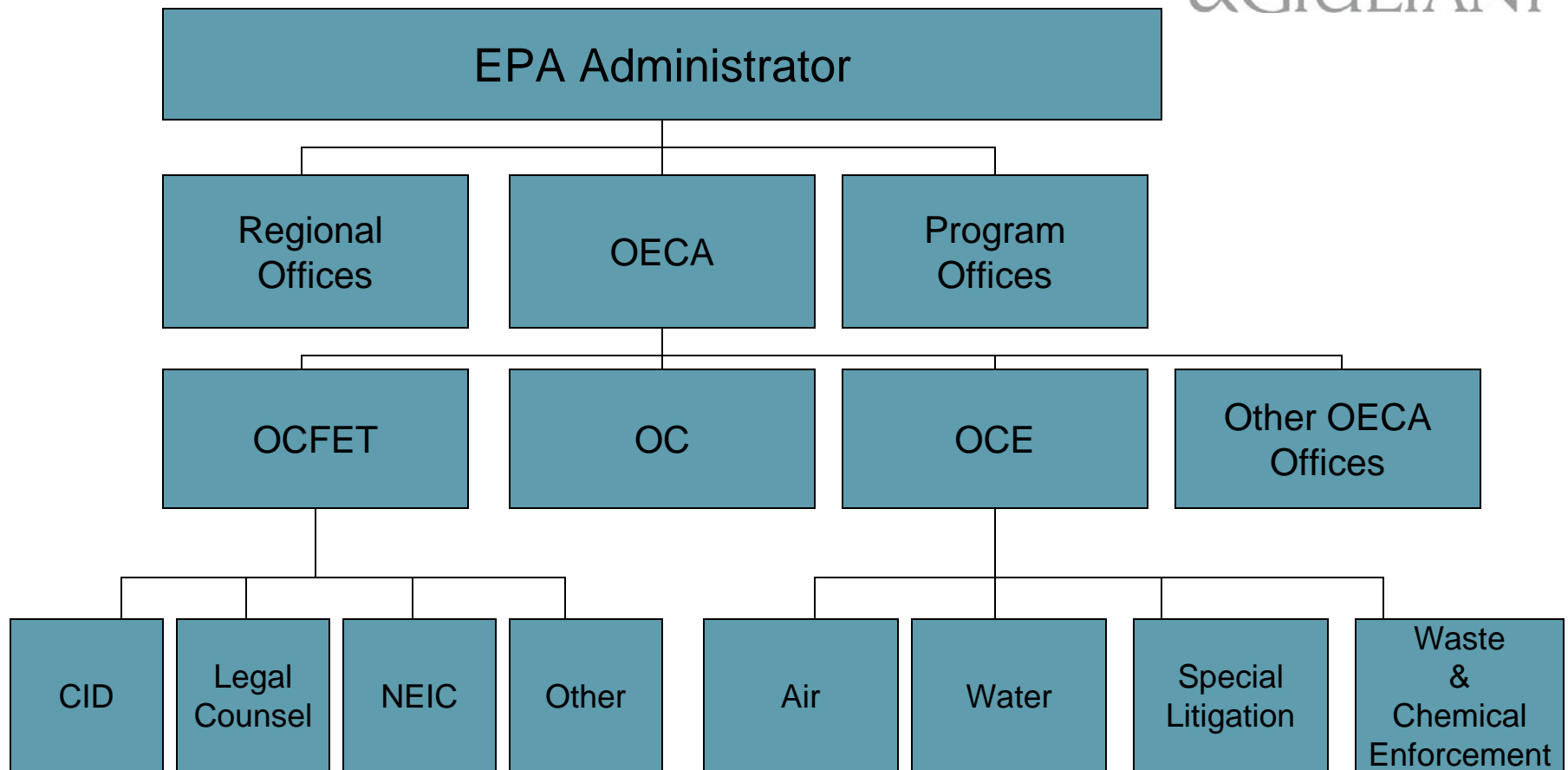
Rebecca Rentz, Counsel  
713.221.1176  
rebecca.rentz@bgllp.com

---

Bracewell & Giuliani LLP  
January 14, 2010

# EPA Enforcement Organizational Structure

BRACEWELL  
& GIULIANI



## How Are EPA Priorities Determined?

BRACEWELL  
& GIULIANI

- Citizen lawsuits
- Court decisions
- Environmental disasters
  - TVA spill
- Public Exposure
  - USA Today series on Air Quality by Schools



# OECA Actions

BRACEWELL  
& GIULIANI

- Increased NSR enforcement – OECA views NSR as the only CAA program that substantially reduces air emissions
- OCE proposal to hire additional enforcement attorneys and reorganization of Office of Compliance
- Centralization of EPA enforcement
  - Increased OECA oversight of Regional offices
  - OCFET reorganization to materialize
- Change in Performance Measurements

# Increased Enforcement Expected

BRACEWELL  
& GIULIANI

- OECA and DOJ working together
  - Filing of judicial cases and less patience in settlement
  - Re-activation of pending cases and referrals at DOJ
  - Revisiting of past settlements to make them more stringent
- Aggressive use of the Office of Compliance for targeting purposes and use of applicability determinations to make enforcement easier
- Settlement demands
  - Super-compliance with regulations
  - Tighter compliance schedules
  - Increased penalty demands
  - Less generous liability releases in settlements

# EPA's Proposed Air Enforcement Priorities

FY 2011 – 1013

BRACEWELL  
& GIULIANI

- **Air Toxics**
  - LDAR, Flares, Toxics around Schools
  
- **Environmental Justice – Community Based Approach**
  - Geographically based at disadvantaged communities identified by EPA Regions
    - City of Houston's investigations
  
- **NSR/PSD**
  - Coal fired plants, cement facilities, acid plants, glass plants, and lime plants
  
- **Energy/Mining Resource Extraction**
  - Natural gas production, mountain top mining
    - Region 6 concerns associated with natural gas production: air toxics, ozone, GHG, water disposal, and traffic and noise

Comments due January 19, 2010

# Other EPA Enforcement-Related Initiatives

BRACEWELL  
& GIULIANI

- **Title V Petitions**
  - PM 2.5
    - *In re Cash Creek Generation, LLC* (December 15, 2009)
    - *In re Louisville Gas and Electric Co.* (August 12, 2009)
  - Oil and Gas Aggregation
    - *In re Kerr-McGee/Anadarko Petroleum Corporation, Fredrick Compression Station* (October 8, 2009)
  - NSR Emission Analysis
    - *In re BP Matters North America, Whiting Business Unit* (October 16, 2009)
  
- **114 Requests**
  - DIAL Requirement in EPA Region 2
  - Flexible Permits in EPA Region 6

BRACEWELL  
& GIULIANI

Rebecca J. Rentz  
Counsel, Houston Office  
Bracewell & Giuliani LLP

713.221.1176  
rebecca.rentz@bgllp.com

---