



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

According to U.S. Environmental Protection Agency (EPA) data, in many instances EPA and States are not addressing high priority violations (HPVs) of the Clean Air Act in a timely manner (generally within 270 days). We undertook this review to determine why this is occurring and what improvements are planned. If HPVs are not addressed in a timely manner, continued emissions from facilities may result in significant environmental and public health impacts, deterrence efforts being undermined, and unfair economic benefits being created.

Background

In 1998, EPA revised a 1992 policy to prioritize and focus on the most environmentally important violations of the Clean Air Act by stationary sources. EPA and States jointly determine which agency will be taking the lead for each HPV case.

For further information, contact our Office of Congressional, Public Affairs and Management at (202) 566-2391.

To view the full report, click on the following link:
www.epa.gov/oig/reports/2010/20091014-10-P-0007.pdf

EPA Oversight and Policy for High Priority Violations of Clean Air Act Need Improvement

What We Found

HPVs were not being addressed in a timely manner because regions and States did not follow the HPV policy, EPA Headquarters did not oversee regional and State HPV performance, and regions did not oversee State HPV performance. According to EPA data, about 30 percent of State-led HPVs and about 46 percent of EPA-led HPVs were unaddressed after 270 days. This can result in significant environmental and public health impacts.

Regions are not ensuring that sources receive notices of violation within 60 days. None of the regions reviewed held meetings with their States after HPVs had been unaddressed for 150 days to discuss case strategy. Several States addressed HPVs with informal rather than formal enforcement actions. EPA Headquarters did not use the "Watch List" and trend reports to assess performance of regions and States in addressing HPVs. The regions did not ensure that State-led HPVs are addressed in a timely manner by taking over delinquent State HPV cases. Regions also did not always ensure that States entered accurate data into the Air Facility System database. Although EPA noted some of these deficiencies, it has not developed a plan to correct them.

EPA regions reviewed generally conducted status meetings with States to discuss HPVs. Also, EPA implemented the State Review Framework as a means to better evaluate the performance of its Clean Air Act compliance and enforcement programs.

What We Recommend

To improve oversight over HPVs, we recommend that EPA (1) direct regions to comply with the HPV policy, (2) make needed revisions to the policy, and (3) implement proper management controls over HPVs.

EPA concurred with two of the recommendations but did not provide sufficient detail for us to agree with their proposed corrective actions. EPA did not agree with a third recommendation indicating it needed to revise HPV policy because it intends to conduct a review of the policy before committing to revising the policy. For reasons detailed in the report, we believe the recommendation is valid. For resolution purposes, all recommendations are considered "undecided."