

# Federal Environmental Enforcement

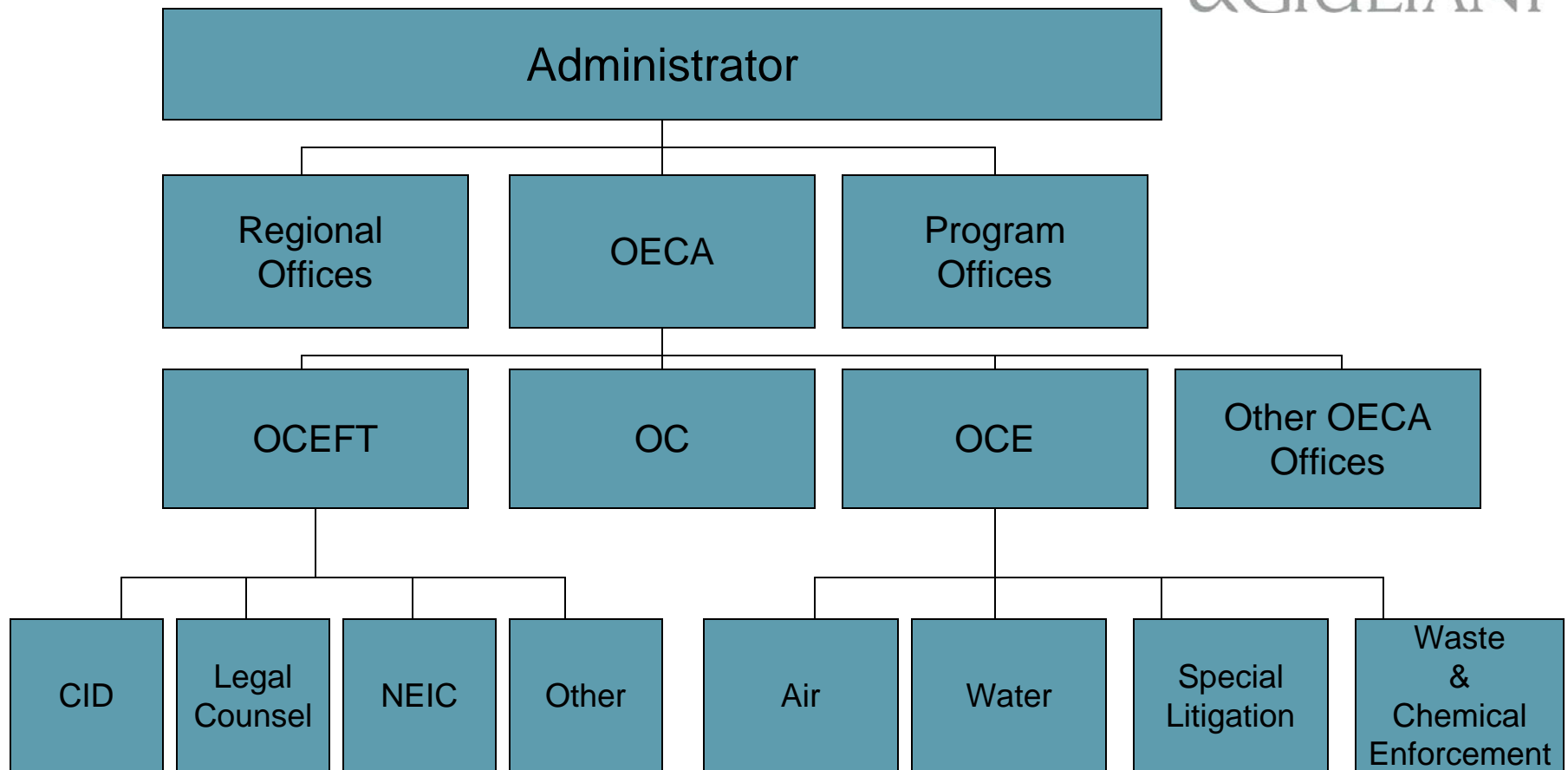
CIBO Focus Group  
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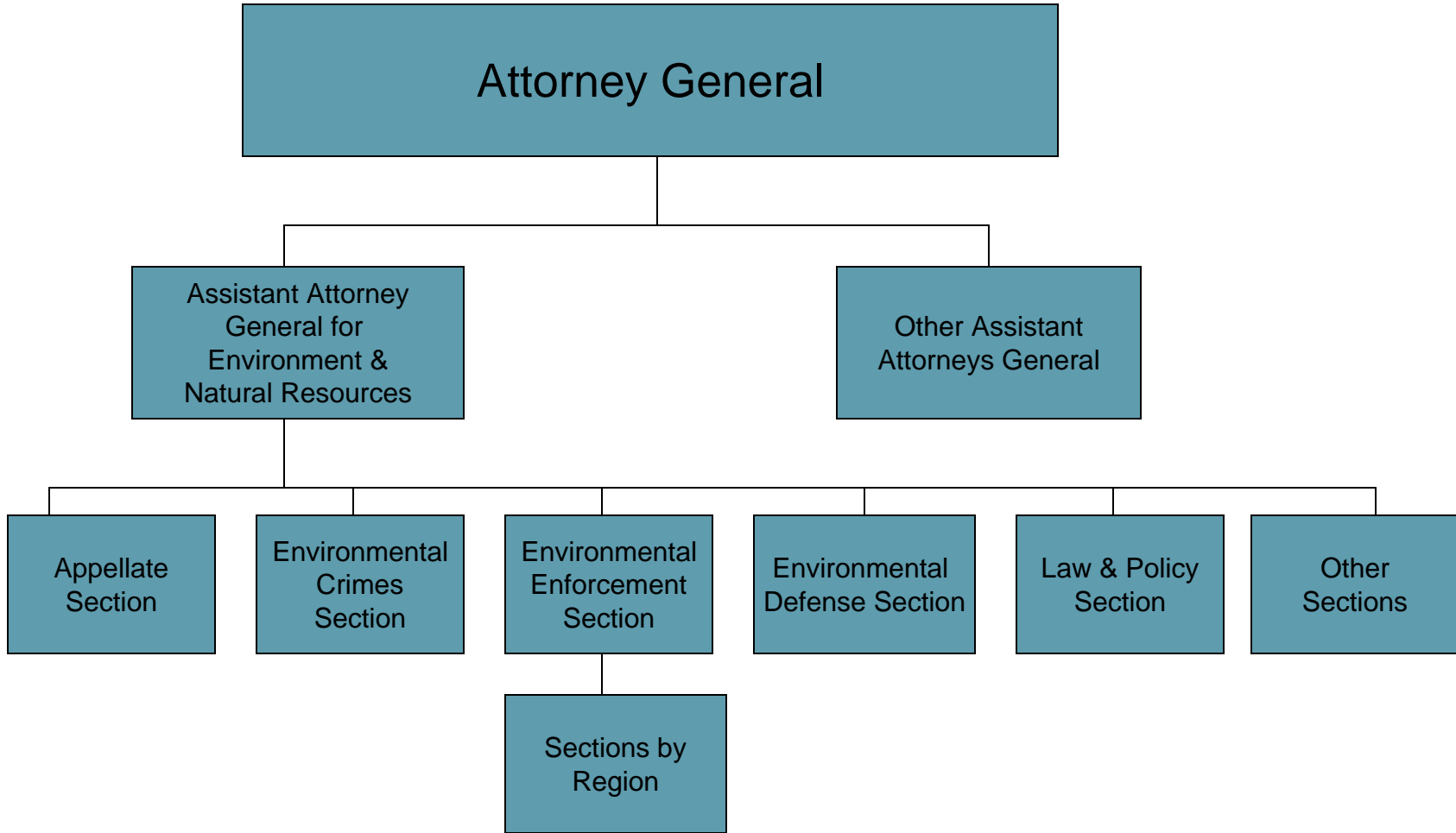
# EPA Enforcement Organizational Structure

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# Attorney General Organizational Structure

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## OECA in the 2<sup>nd</sup> Obama Term

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- NSR enforcement – OECA views NSR as the only CAA program that substantially reduces air emissions
  - Enforcement justified internally given court decisions on major rules.
- Other enforcement media to follow air enforcement model of targeting industry-wide alleged compliance issues
- Centralization of EPA enforcement
  - Increased OECA oversight of Regional offices and pressure on States

# Increased Enforcement

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- 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

# OECA and GHG Policy Development

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- OECA has traditionally played a large policy role at EPA
- During first term, OECA was a silent partner at the GHG table
- Enforcement as a tool to advance policy decisions
  - Regulation by enforcement – It is fast (examples LDAR and Flares)
  - Advancement of GHG reducing measures and CCS in settlements (environmental projects)
  - Forcing the shutdown/repowering of units by insisting on non-cost effective controls and then taking GHG credit
  - Enforcement of GHG emission rule and using data from rule

# Questions and Discussion

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