

# CLEAN AIR ACT ENFORCEMENT PRIORITIES AND RECENT DEVELOPMENTS

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Air Enforcement Division



# President Joe Biden on Supreme Court Ruling: West Virginia v. EPA

2

“We cannot and will not ignore the danger to public health and existential threat the climate crisis poses... My Administration will continue using lawful executive authority, including the EPA’s legally-upheld authorities, to keep our air clean, protect public health, and tackle the climate crisis. **We will work with states and cities to pass and uphold laws that protect their citizens...** Together, we will tackle environmental injustice, create good-paying jobs, and lower costs for families building the clean energy economy. Our fight against climate change must carry forward, and it will.”



# Environmental Justice – A Guiding Principle

3

- ▶ **President Biden called on EPA to “strengthen enforcement of environmental violations with disproportionate impact on underserved communities through the Office of Enforcement and Compliance Assurance” (Executive Order 14008, January 27, 2021)**
- ▶ **Administrator Regan directed EPA staff to “strengthen enforcement of violations of cornerstone environmental statutes and civil rights laws in communities overburdened by pollution” (April 7, 2021)**

# Strengthening Enforcement in Communities with EJ Concerns

4

Preliminary Injunctions or Early Relief in Settlements

Engage with communities about facilities, pollution, and enforcement activities

Increase community awareness of EPA compliance and enforcement resources



# Climate Change

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**Reduce pollutants that contribute to climate change through enforcement of existing regulations**

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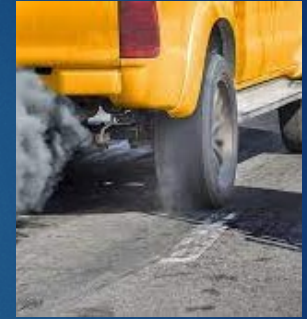
**Promote clean renewable energy opportunities in settlements**



# Reducing Emissions of Greenhouse Gases

6

- Enforce new standards for hydrofluocarbons and existing standards for Ozone Depleting Substances
- Enforce Renewable Fuels Standards
- Seek opportunities to reduce methane emissions from oil and gas facilities and landfills





# Areas of Focus for CAA Enforcement

7

- ▶ Clean Air Act
  - ▶ Stationary Sources
  - ▶ Mobile Sources
  - ▶ Fuels
- ▶ American Innovation and Manufacturing (AIM) Act of 2020
  - ▶ Phase down of Hydrofluorocarbon (HFC) production and consumption



# AIM Act and HFCs

8

October 2021: EPA issued rule under AIM Act to phase down U.S. production and consumption of HFCs by 85% over the next 15 years

HFC taskforce chaired by EPA and Department of Homeland Security formed to:

- 1) prevent illegal trade, production, use or sale of HFCs,
- 2) support transition to HFC alternatives, reclamation, and recycling

Issued 14 Notices of Violations to HFC importers for violations of the Clean Air Act Greenhouse Gas Reporting Rule

Issued over 20 letters to customs and Border Protection recommending denial of entry of bulk HFCs in violation of the AIM Act at ports



# National Compliance Initiatives

9

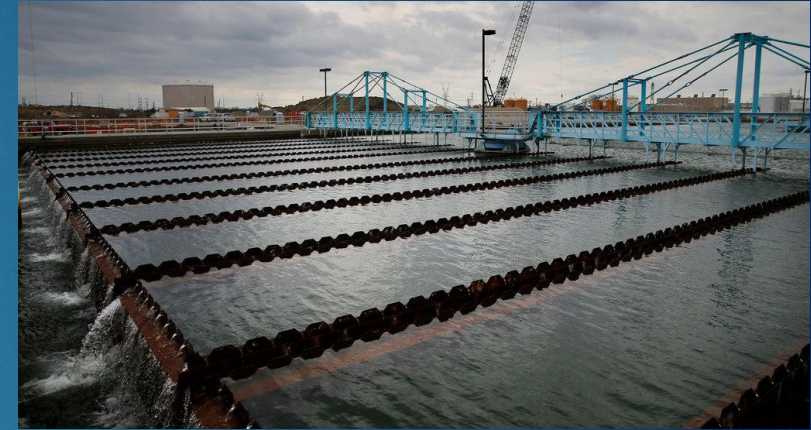
**Creating Cleaner Air for Communities by  
Reducing Excess Emissions of Harmful  
Pollutants**

**Stopping Aftermarket Defeat Devices for  
Vehicles and Engines**

# Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants

10

- ▶ Addressing **excess emissions** from sources including:
  - ▶ Flares, storage tanks, open tank aeration, and leaking components
- ▶ Making use of all (state and federal) authorities to address excess emissions and reduce risks in communities
- ▶ Identifying and addressing major sources that are posing as minor sources





# Stopping Aftermarket Defeat Devices for Vehicles and Engines

11

- ▶ Addressing **excess emissions** by:
  - ▶ Ensuring original engine manufacturers comply with national standards
  - ▶ Stopping vehicles and engines that do not meet US standards from entering the country
  - ▶ Stopping the sale and distribution of aftermarket defeat devices
  - ▶ Coordinating with state partners to make use of state as well as federal authorities

## Supplemental Environmental Projects -- Outlook for the Future

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**SEPs are environmentally beneficial projects, not required by law, that a defendant elects to undertake as part of the settlement of an enforcement action.**

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**SEPs are an important tool to resolve noncompliance in ways that benefit communities**

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**SEPs must meet certain criteria and have a relationship or “nexus” to the violations at issue in the enforcement action**

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**EPA cannot require a defendant to perform a SEP**

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# Recent Clean Air Act Enforcement Alerts



Stationary Engines Cause Excess Emissions in Communities Across the Country (August 2022)

Violations at Metal Recycling Facilities (July 2021)

Inappropriate Use of Emission Factors (November 2020)

Aftermarket Defeat Devices and Illegal Vehicle Tampering (December 2020)

Violations at Natural Gas Gathering Operations (September 2019)

# Recent Completed Enforcement Actions

14

- ▶ **Actions to address excess emissions from:**
  - ▶ **Poorly operated flares (Westlake, Chevron/Phillips, Equistar)**
  - ▶ **Poorly maintained tanks (Total)**
  - ▶ **Wastewater treatment open tank aeration (Crescent Point, EP Energy)**
  - ▶ **Tanks storing liquids at oil and gas facilities and leaking components at gas plants (DCP)**
  - ▶ **Illegal vehicle tampering (Navistar, Toyota, Daimler/Chrysler)**



# Emerging Issues

15

Ethylene  
Oxide

PFAS

# Our Partners

- ▶ **For Stationary Source work**
  - ▶ **EPA Regional Offices**
  - ▶ **State, Local and Tribal Governments**
- ▶ **For Vehicle and Engines work**
  - ▶ **EPA Regional Offices**
- ▶ **Vehicle and Engines, Fuels and AIM Act work are not delegable to state, local, and tribal governments, but we look for opportunities to collaborate where state, local, and tribal governments have additional authorities**
- ▶ **We work closely with the California Air Resources Board on cases related to Original Engine Manufacturers**