

Next Generation Compliance – EPA Developments

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Midwest Environmental Compliance Conference *Chicago, Illinois*

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November 2, 2016

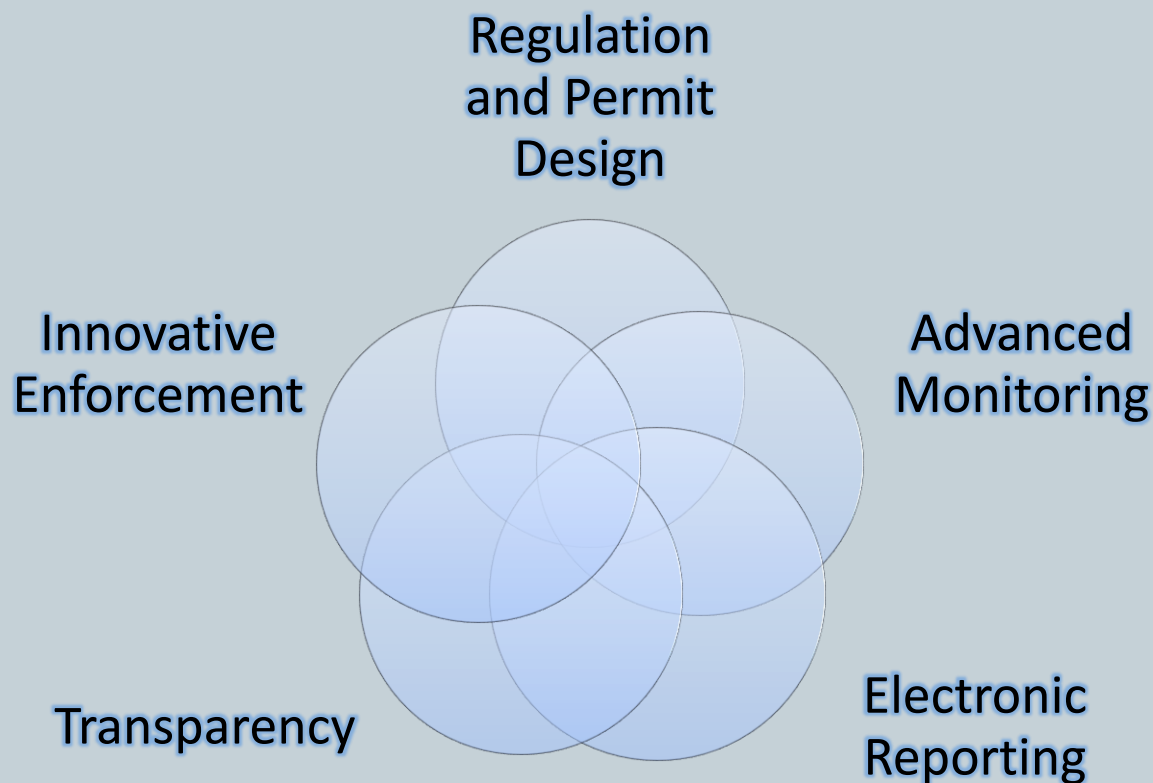
The Importance of Independent Third Party Monitoring

2



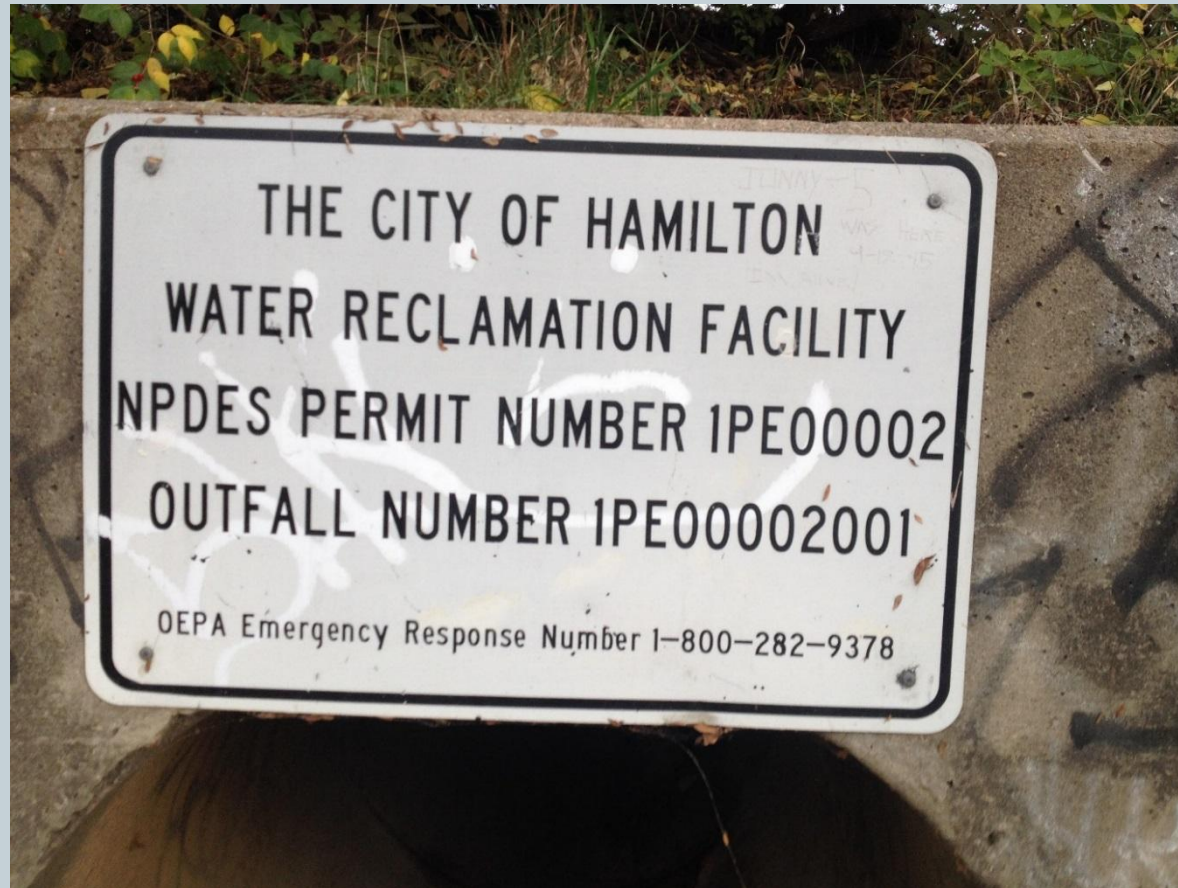
Next Generation Compliance – What is it?

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Rule Example: OH signage

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Rule example: keep dangerous chemicals out of homes, small businesses

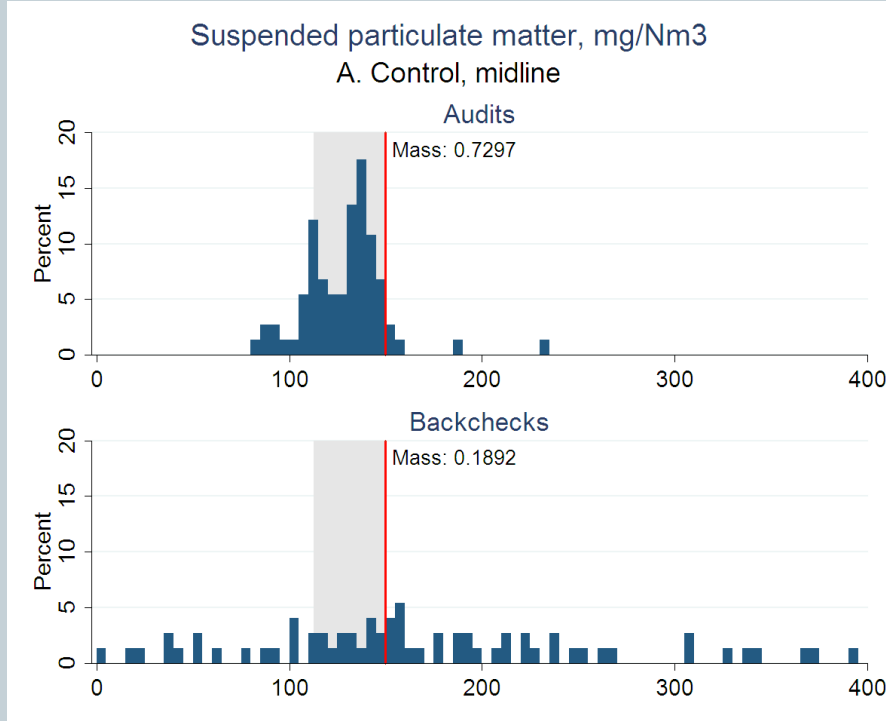
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The Power of Independent Third-Party Compliance Verification

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Empirical support:
MIT research in Gujarat,
India



EPA rules and settlements

- Proposed rules:
 - CAA 112r Accidental Release Prevention Requirements: Risk Management Programs
 - Renewables Enhancement and Growth Support (REGS) (signed October 3, 2016)
- Several enforcement settlements

Whose poop is in the water?

7



PhyloChip knows...

Which monitor should EPA, states, or citizens use for PM_{2.5}?

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THE AIRBEAM

YOUR AIR QUALITY SENSOR



Underwater Inspections

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Advanced Monitoring

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- Accelerate adoption by environmental agencies
 - Technology scanning and screening state EPA network to help us understand which equipment might meet our needs.
 - Leaning approval processes will speed up adoption of “gold standard” technology for regulatory use
- Strengthen quality and impact of citizen science
 - Third-party process for certifying sensors will help ensure only high quality tools are used
 - Guidance on data interpretation will minimize confusion, maximize value of privately-collected data
 - Data exchange standards will make data from all sources interchangeable, enhance value of external data collection

Example: Harrisburg Water Case

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City of Harrisburg, PA CD (2015)

- Pilot study to evaluate flow activation technologies and determine which technology to implement to send an alert each time a monitored CSO outfall begins discharging



Enbridge Settlement (lodged July 2016)

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- Strong independent third party verification
 - No prior or future relationship between verification entity and defendant for 3 years past and future.
 - ✦ Defendant bears the burden of seeking exception to strong independence, and cost not a factor
 - Competency requirements
 - Verification covers most CD deliverables such as spill prevention measures, leak detection technology and procedures, pipeline upgrades

Example: Waste and Pesticide Case

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Walmart CA/FO (2013)

- Maintain a hazardous waste electronic database available to all workers to aid in identifying hazardous wastes from spilled or broken products

