Questions for EPA Region 9

July 24, 2015, 1:00 EDT / 10:00 PDT

Call-In: Ex. 2 Passcode: Ex. 2

1. Please briefly describe how the primacy states in your region enforce their programs.

    a. In your experience, do state administered programs track the progress and resolution of administrative orders in a similar fashion to the process identified in Guidance 72?

2. Is the information on enforcement activities provided by states to Region 9 sufficient to identify scenarios where EPA intervention is warranted?

    a. What additional information would be useful?

    b. Why is this information not available?

3. What information are regional officials using to determine whether violations are being resolved in a timely fashion and that conditions set by administrative and civil penalties are being met in primacy states?

    a. How frequently are regional officials able to review this information?

    b. What information do Region 9 officials collect on primacy state enforcement actions (i.e. 7520 data, quarterly exceptions lists, data collected during state program reviews, etc.)?

    c. What additional information from the states would be useful for tracking the state program enforcement and resolution of state class II requirements?

4. Can you provide any examples in the last 5-10 years where Region 9 intervened or considered intervening on behalf of a state program to take enforcement actions?

    a. Have any states in Region 9 asked EPA to assist with the enforcement of state class II program requirements?

    b. Has EPA determined that any of the states have not taken sufficient action and stepped in to enforce an action?

5. Is there a set protocol that program officials use to determine whether EPA should intervene to enforce violations of primacy state class II requirements?

    a. Are there set criteria that Region 9 uses to determine if primacy state enforcement actions are timely and appropriate?

    b. What process does Region 9 use to determine whether to intervene?

    c. What scenarios would require Region 9 to step in to take enforcement actions on behalf of a state-implemented program?

    d. What is OECA's role in enforcement in primacy states? Does this vary region to region?

6. Have there been circumstances where a state has requested the Region's assistance, but the Region did not take action

    a. If yes, what was the reason for not taking action?

7. Does the process for intervention differ if a state requests assistance from the Region?

8. Does Region 9 have enforcement agreements with each of the primacy states in the region?

    a. Is the enforcement agreement incorporated in the MOA granting primacy?

9. What does the Region define as a significant noncompliance (SNC)?

10. Does the region review all SNCs reported on the 7520-2B with the state?

11. How does the Region track nonsignificant noncompliance for overpressured injection and mechanical integrity that do not threaten USDWs?

12. What information does the Region expect see on the 7520-4 Form?
    a. Should all occurrences of Significant Noncompliance that remain unresolved for two consecutive quarters be reported on the 7520-4 Form?
    b. If the state has taken action against an operator who has committed a SNC violation, should that violation still be reported on the 7520-4 Form?
    c. Does the Region inform states about what it expects to see on the 7520-4?

13. Does the Region expect to see a quarterly report for each state in each quarter even if the state has nothing to report (i.e., should a state submit a blank report)?