Summary of Early Engagement

REGION: 8

DATE:

Item #	State, Tribal, Territory Priorities	Strategies	Flexibilities	Responsibility	State	Tribe(s)	Strategic Objective	Strategic Measure or Other Health/Environmental Outcome
	Identify top priorities.	Describe strategies to address the state, tribal and/or territory priority.	What financial, administrative, and/or programmatic flexibilities are needed to carry out the strategies?	organization that would carry out the strategy and/or	state(s) and/or territory(ies) associated	Enter the name of the tribe(s) and/or tribal organization(s) associated with the	Click cell and select the EPA strategic objective that aligns with the priority, if applicable.	Click cell and select strategic measure (or other) from drop-down menu, that align with the priority, if applicable.
	2008 and 2015 Ozone NAAQS - with vehicles, non-road and oil and gas being large contributors.	Still determining exact strategies to employ, but clearly need to see reductions from vehicles, which the state has limited authority over. Need EPA's help with vehicle standards to meet the 70 ppb ozone NAAQS, as vehicle standards are moving backwards. Good emission reduction options available for oil and gas, but expensive. Will continue to look at areas of major sources for NOx reductions to meet ozone stds.	Programmatic flexibility from EPA needed for the policy portion of a 179B(b) request. Colorado will work on the technical portion of a 179B(b) demonstration for the 2008 ozone standard, in case it is needed. Concern of political uncertainty and its impact on CDPHE being able to require emission reductions to meet both ozone standards. Additional funding would be helpful.	Joint	CO		Improve_Air_Quality	Other Environmental or Health Outcome
	C&T State certification plan updates	Need additional staff and funding.	Additional funding is needed to support this work and state needs to be able to fill vacant positions	State-Tribe-Territory	CO	Department of Agriculture	Revitalize_Land_and_Prevent_Contamination	
	Complete additional RAU determinations.	Develop a "Facility Level" road map to achieve the RAU measure at remaining sites. Use road map to focus staff's priorities and develop an internal schedule to complete the work needed to achieve the RAU.	The State may need flexibility in delaying PPA work plan commitments from one fiscal year to the next. The reason they may need this flexibility is because they have made a lot of progress on its RCRA corrective action sites. It is becoming harder to pinpoint specific work plan commitments for a given fiscal year.	Joint	CO	n/a	Revitalize_Land_and_Prevent_Contamination	Make additional Resource Conservation and Recovery Act (RCRA) corrective action facilities RAU
	OECA Questions - CO	EPA should continue to maintain and/or improve transparency for the public and regulated community. EPA could also be an active partner with state/local/tribal agencies in our efforts to improve employee training & retention. An experienced and highly trained workforce can help drive improvements in programs and potentially contribute to improved compliance rates.		EPA	CO	n/a	Compliance_with_the_Law	
	OECA Questions - CO - RCRA	EPA should continue assistance in evaluating Subpart AA, BB and CC compliance. Continued communication on complaints and EPA led inspections.		EPA	CO	n/a	Compliance_with_the_Law	
	OECA Questions - CO - Air	• Share examples of best practices/pilot projects EPA has used or observed in other states/locals/tribes that have successfully impacted goals #1 or #2 above • Continue to leverage resources between EPA and the state/local/tribal agency • EPA continue to provide technical expertise in certain cases (and upon request) • EPA enforcement support (e.g. joint case, referral) in certain cases (and upon request) • Maintain and encourage ongoing, positive communication between regional office and state/local/tribal agency • Provide flexibility where state/local/tribal agency may be resource-challenged • EPA already supports use of compliance assistance via deferring to state/local/tribal agencies use of enforcement discretion in how to best address violations/handle cases; continue to do so • EPA sharing/partnering with state/local/tribal agencies in testing advanced compliance monitoring technologies, sharing results of studies/trials, etc. • Bring back Watch List-like program for most egregious violations	• Provide additional grants to state/local/tribal agencies for database development and/or improvements to create efficiencies in processes and reporting, and improve data collection to allow for data analyses to inform targeting and other efforts • May need additional flexibility in the CMS Policy to allow for innovative compliance monitoring techniques and/or targeting to leverage resources • Provide flexibility to state/local/tribal agencies in terms of electronic reporting and CROMERR compliance.	Joint	CO	n/a	Compliance_with_the_Law	
	Clearly outline what should be measured	States are collecting large volumes of data. Want to know what to collect, analyze, and interpret. Could use assistance identifying what to measure and help processing the data. Focusing on less measurements and more outcomes is better.		Joint	CO, MT, SD, ND, UT, WY	n/a		
	Develop a predictable timely budget process.	Adjust the timing of the funds to better align with the states. Keep funding from year to year consistent so the states can plan.	The states need the money earlier to do more planning for the PPA/PPGs.	EPA	CO, MT, SD, ND, UT, WY	n/a		
	Research	Incorporate the states when selecting research projects to help identify what to research.		Joint	CO, MT, SD, ND, UT, WY	n/a	Prioritize_Robust_Science	
	Enforcement	Develop clear guidance on the state audit process and laws.		Joint	CO, MT, SD, ND, UT, WY	n/a		
	Winter ozone modeling	Provide assistance with winter ozone modeling.		Joint	CO, MT, SD, ND, UT, WY	n/a		
	Emerging Contaminants	Provide assistance measuring, tracking, and communicating on emerging contaminants.		Joint	CO, MT, SD, ND, UT, WY	n/a		
	EPA HQ Communication	Provide communication on new rules or information coming out earlier to the states.		Joint	CO, MT, SD, ND, UT, WY	n/a		

	Good Samaritan			Joint	CO, MT, SD, ND, UT, WY	n/a		
	Improve and maintain air quality in the state. Bring MT's Air Program from a "vintage - 1980's" era program to current.	Although on board with NPM priorities, state sees more emphasis on national issues rather than state priorities. Good relationship with EPA to bring MT's Air Program to current and appreciate openness to different ways of doing business. Bifurcated process with addressing priorities between Air Program and Enforcement. Want to see a joint discussion with both groups. Looking for a more holistic approach. Would like to see EPA change programs to be more reflective of what the states needs are in the future.	EPA needs to accept the states priorities. Additional funding - funds from OECA settlements go to states. Continue the 110(l) flexibility.	Joint	MT		Improve_Air_Quality	Other Environmental or Health Outcome
	Top priorities include achievement of 2020 corrective action goals and the RAU measure.	Montana is working towards achievement of the environmental indicator and remedy construction goals. This work will pave the way for future RAU accomplishments.	None identified at this time.	Joint	MT	n/a	Revitalize_Land_and_Prevent_Contamination	Make additional Resource Conservation and Recovery Act (RCRA) corrective action facilities RAU
	OECA Questions - MT - RCRA	Continued state lead in compliance assurance to prevent releases of contaminants at hazardous waste facilities and proper waste management at generators and Increasing environmental law compliance rates through strengthened partnerships between EPA, state programs and regulated community.	Technical and regulatory assistance.	Joint	MT	n/a	Compliance_with_the_Law	
	Oil and natural gas, and Regional Haze	Global oil and natural gas enforcement settlement has been helpful for getting emission reductions. What does EPA plan to do in Indian country for the 2nd Regional Haze planning period?	Additional funding.	Joint	ND		Improve_Air_Quality	Other Environmental or Health Outcome
	Permit renewals and attaining cleanup standards at corrective action facilities	No specific strategies identified.	State does not see any issues and does not require assistance or flexibilities from EPA.	State-Tribe-Territory	ND	n/a	Revitalize_Land_and_Prevent_Contamination	Make additional Resource Conservation and Recovery Act (RCRA) corrective action facilities RAU
	OECA Questions - ND - RCRA	Virtually all of our enforcement actions are non-formal. If non-compliance is observed during the inspection we issue warning letters requiring a facility response within 20 days. We usually receive a response from the facility in less than 20 days indicating that the item of non-compliance has been corrected. I don't see the state improving on the timelines.		State-Tribe-Territory	ND	n/a	Compliance_with_the_Law	
	Working with tribal governments	Provide assistance with regulatory issues on tribal lands. Develop a more comprehensive process for working with tribes.	Increase monitoring on tribal lands to ensure compliance is occurring.	Joint	ND, UT	n/a		
	Maintain and improve air quality where possible.	Need to balance economic development with keeping the air clean. Maintain an expert staff. Maintain a good enforcement presence. Maintain monitoring program and communication to the public. Implementation of the VW settlement.	Additional funding. Be flexible in NSSR - if a new piece of control equipment is installed, it should not trigger another permit requirement and/or a new permit.	Joint	SD		Improve_Air_Quality	Other Environmental or Health Outcome
	address Dicamba issue	addition burden on state to track training for Dicamba and other emerging pesticides	additional funding is needed to support the training efforts	State-Tribe-Territory	SD	Department of Agriculture	Ensure_Safety_of_Chemicals_in_Marketplace	
	Recycling program for pesticides	The program has outgrown current practices	additional funding is needed to support expansion of the recycling program for pesticides containers	State-Tribe-Territory	SD	Department of Agriculture	Ensure_Safety_of_Chemicals_in_Marketplace	
	Permit maintenance/renewals, and maintaining/updating their hazardous waste regulations.	The state will use their current in-house resources to conduct the lion's share of the workload, with supplemental assistance from EPA technical experts as needed.	The state asks that EPA acknowledging the their statutes and rules.	Joint	SD	n/a	Revitalize_Land_and_Prevent_Contamination	Make additional Resource Conservation and Recovery Act (RCRA) corrective action facilities RAU
	OECA Questions - SD - RCRA	Thank you for the opportunity to comment.	Flexibility in the violation determination date. Not all violations are immediately identified during an on-site inspection; many specifics regarding whether a violation exists aren't identified until a final report is prepared by the agency. As a result, the ability to indicate the date of violation as the date of a final inspection report is more accurate. This could also decrease the average time-to-correction. SD - Increasing the environmental compliance rate has much to do with getting the information out to the regulated community. This is accomplished by inspections and compliance assistance visits by agency personnel. Getting the word out through websites and social media is becoming an important tool and one the state is becoming more adept at.	Joint	SD	n/a	Compliance_with_the_Law	
	OECA Questions - SD - Air	Clarify the meaning for "reduce the average time from violation identification to correction". South Dakota believes EPA's Compliance Program should focus on achieving and maintaining compliance instead of how many enforcement actions are taken or how much of a penalty EPA receives. Since protecting the environment is the major goal, the time duration component should focus on the time period it takes EPA/states to bring the facility back into compliance and not the time period it takes EPA/state to conduct an enforcement action.	South Dakota believes compliance with state and federal regulations is what protects the environment; not heavy handed enforcement. As recommended above, EPA should consider a proactive strategy of having more of an emphasis on compliance presence in the field. South Dakota inspects all of its facilities with Title V air quality operating permits annually and those that take federally enforceable conditions to avoid Title V air quality operating permits or Prevention of Significant Deterioration preconstruction permits every other year. With that constant presence and working with facilities on staying in compliance with state and federal regulation, South Dakota has consistently achieved compliance rates greater than 95%.	EPA	SD	n/a	Compliance_with_the_Law	
	OECA Questions - SD - Air	In addition, EPA should clarify the types of violations associated with EPA's proposed goal to increase the environmental compliance rate. EPA has developed several policy documents on different types of violations. Several of the violations covered by those policies have no direct impact on the environment such as record keeping and reporting violations. South Dakota believes the emphasis should be on those violations that impact the environment with the priority for those violations that impact the goal of meeting or maintaining the National Ambient Air Quality Standards and not those bureaucratic red tape type violations.		EPA	SD	n/a	Compliance_with_the_Law	

	OECA Questions - SD - Air	South Dakota also suggests when EPA revisits, reviews, or drafts new rules that the actual rules are readily understood by the general public and not just someone with a law degree. If a rule has a gray area, it should be rewritten to clarify the meaning in the rule and not through policy or an enforcement action. In an EPA compliance training seminar, an attorney for EPA made the comment that in his opinion, if a person had to have several sticky notes or use more than a two fingers holding pages in deciphering a regulation, that regulation was not federally enforceable.		EPA	SD	n/a	Compliance_with_the_Law	
	OECA Questions - SD - Air	EPA's emphasis on enforcement and not compliance is reflected in its performance metrics. By developing targets on how many enforcement actions are conducted or how many tons of pollutants are reduced by enforcement actions, EPA takes a position of being heavy handed or overly burdensome. South Dakota's experience of working cooperatively or emphasizing compliance instead of enforcement has resulted in high compliance rates with state and federal regulations which in turn relates to a healthier environment. This is reflected in South Dakota being in attainment with EPA's National Ambient Air Quality Standards. EPA's performance metrics should be related more to achieving and maintaining compliance.		EPA	SD	n/a	Compliance_with_the_Law	
	OECA Questions - SD - Air		South Dakota's frequent presence in the field helps the regulated community comply with state and federal regulations, minimizes violation occurrences, results in higher compliance rates, and in turn maintains a cleaner environment. EPA needs to provide sufficient funds to ensure states can maintain a compliance presence in the field. In addition, if EPA proposes any additional compliance workload(s), EPA needs to provide additional funding or reduce the existing workload(s). States have limited resources and cannot maintain a compliance presence if additional requirements are expected for the same amount of funding when additional duties are required. For perspective, South Dakota has less than 20 full time equivalents in its Air Quality Program. These devoted employees work on all aspects of the Air Quality Program such as air quality permitting, compliance, monitoring, regional haze, emission inventories, etc.	EPA	SD	n/a	Compliance_with_the_Law	
	Water Sampling for Pesticides	Collect baseline data on pesticides concentrations for various water bodies.	need additional pesticides funding for water quality sampling	State-Tribe-Territory	TRIBE	Cheyenne River Sioux Tribe	Ensure_Safety_of_Chemicals_in_Marketplace	
	Risk assessment	surveys and handouts	add a "pick list" item for pesticides grant workplan	State-Tribe-Territory	TRIBE	Fort Peck	Ensure_Safety_of_Chemicals_in_Marketplace	
	Water infrastructure funding	Develop clear guidance on distribution of funds.		EPA	UT	n/a	Provide_for_Clean_and_Safe_Water	
	Remedial Cost	Request state approval before conducting work above the agreed upon amounts.		EPA	UT	n/a		
	Attainment planning at the expense of permitting. Modeling performance reliability is needed for Regional Haze, ozone and PM2.5.	Seeking strategy for balance between attainment planning and issuing permits.	Would like to see national training program for staff rather than states having to try to implement on their own. Implementation of the Air 105 reallocation strategy would be very helpful to gain more monetary resources. Need a Uinta Basin FIP from EPA. Streamline the redesignation process (e.g. SO2). Need EPA's help to apply strict standards on non-road vehicles for nonattainment areas (e.g. RACT), but don't need these strict non-road standards in attainment or rural areas with no air quality issues.	Joint	UT		Improve_Air_Quality	Reduce the number of non-attainment areas
	Large-acreage corrective action sites, many of which have complex groundwater plumes. Source removal, remediation and/or capping is needed to address the groundwater. Another priority is a corrective action site undergoing redevelopment where most of the non-impacted property has been sold. The remaining property poses challenges and may require a Corrective Action Management Unit (CAMU) which will take State resources to put in place.	Utah's strategy will remain the same: keep fostering a collaborative working relationship with the facilities.	The State asks that EPA recognize that the size and scope of some of their corrective action sites dictates how fast they can get to an endpoint. Another State challenge is upcoming retirements and the loss of experienced staff. Utah appreciates the good working relationship they've had with EPA Region 8 over the years.	State-Tribe-Territory	UT	n/a	Revitalize_Land_and_Prevent_Contamination	Make additional Resource Conservation and Recovery Act (RCRA) corrective action facilities RAU
	Compliance (self-audit laws)	Incorporates the states in discussions about compliance and connect it to the cooperative federalism discussions happening nationally.	Request that when a party self identifies, that EPA won't go after the party for damages. This would increase the use of the self-audit laws.	EPA	UT, SD	n/a		
	Regional Haze, exceptional events and attainment.	Using resources efficiently and collaborate on exceptional events process. Don't want the 2nd Regional Haze planning period in litigation.	Cooperative Federalism and working together. Additional funding. Multi-purpose grant very helpful. Want to have certainty and know "what the marker is" for SIPs for the Regional Haze Program's 2nd planning period. Need a streamlined/"slide-out option" (e.g. revocation) for redesignating an area to attainment - 2008 ozone tied up in the South Coast decision.	Joint	WY		Improve_Air_Quality	Other Environmental or Health Outcome

	C&T state plan and PSEP manuals needed to implement	university to use media division to create on line courses	additional funding to update PSEP manuals and complete CPARD 3.0 and C&T cross walk and/or template as soon as possible	State-Tribe-Territory	WY	Department of Agriculture	Ensure Safety of Chemicals in Marketplace	
	Evaluate facilities for the RAU measure as they accomplish the requirements for the measure.	As sites complete remedy construction and other criteria, WY will evaluate the RAU measure and whether it has been met.	WY does not have the ability to restrict groundwater use. WY needs to have the ability to reverse an RAU determination if they become aware that contaminated groundwater is being used in a manner that poses a risk. Before WY completes any RAU determinations, they need written guidance from EPA that affirms that the state has the ability to reverse a determination.	Joint	WY	n/a	Revitalize Land and Prevent Contamination	Make additional Resource Conservation and Recovery Act (RCRA) corrective action facilities RAU
	OECA Questions - WY - RCRA	Potential suggestion: EPA evaluation of national database or similar system to track industry standards and/or recommended practices directly related to RCRA compliance. DEQ/SHWD experience indicates numerous standards are published and almost continuously updated for a variety of industries (petroleum refining, O&G/E&P, inorganic chemical, mining, etc.) which are directly related to RCRA compliance, minimizing spills/releases with subsequent waste generation and other environmental protection provisions. Examples include American Petroleum Institute (API) standards and recommended practices, National Association of Corrosion Engineers (NACE) and a few others with broad, national scope. With more expertise and direct experience in their own industries, it seems EPA and states could sensibly use this published and valuable information for RCRA rule-making, more reasonable/applicable enforcement and general environmental benefit. Examples include API Standard 570, API 620, API 650, API 653 and others with valuable design, maintenance and regular inspection information for petroleum piping and for large, above ground steel storage tanks which have likely resulted in more RCRA Corrective Action (CA) concerns than any other industry equipment. States typically do not have the resources to compile and maintain updates for these common industry standards. Further evaluation could likely indicate the significant environmental benefits for RCRA regulators to have some degree of familiarity with such standards from the entities who should know more about their own equipment and industry practices than most every other stakeholder.	Potential suggestion: A more streamlined process for states to confer with EPA regions on a few of the more complex/difficult regulatory determinations which arise each year. There have been instances where DEQ has been hesitant to reach out to EPA for advice on regulatory determinations based on our concern that the feedback will take too long to provide meaningful input to the situation or EPA may interpret the request for advice as an invitation or request for assistance with the operator. It would be helpful if states had a process to reach out for regulatory assistance with the assurance that the response would be timely and would be respectful of the state's primacy over the situation.	EPA	WY	n/a	Compliance with the Law	