

US Environmental Protection Agency
2009 State Summary Data for
Clean Air Act Combined

FISCAL YEAR 2009 FINAL REPORT (June 17, 2010)

Overview

This report on [Clean Air Act \(CAA\)](#) regulated sources provides summary data on source universe as well as the compliance monitoring activities and enforcement actions by the United States Environmental Protection Agency (EPA), states, tribes and delegated local agencies. This report includes major sources, synthetic minor sources, federally-reportable minor sources¹ and sources that have an unknown classification. A major source has actual or potential emissions above at least one of the applicable major source thresholds, which are: 100 tons per year for any air pollutant other than greenhouse gases; 10 tons per year for any single hazardous air pollutant (HAP), or 25 tons per year for any combination of HAPs; or 10 to 250 tons per year for criteria air pollutants, depending on the area's air quality attainment status. Synthetic minor sources, minor sources and sources with unknown classification are collectively referred to as non-major sources throughout this report. Synthetic minor sources would be major but have enforceable permit limits to restrict their emissions below major source thresholds. Minor sources, also known as area sources, are facilities that physically cannot emit at or above major source thresholds. The time frame of this report is the 2009 federal fiscal year (FY09), which extends from October 1, 2008, to September 30, 2009. The data provided in this report are from EPA's Air Facility System (AFS). AFS is the national database of record for CAA compliance and enforcement data for stationary sources regulated by EPA, state, tribal and local air pollution agencies. The data was pulled from AFS in March 2010.

Agencies tasked with implementing CAA regulations report data to AFS on a regular basis. EPA uses the data to manage the national compliance monitoring and enforcement program; to facilitate dialogue with the states, tribes and local agencies; and to evaluate compliance monitoring and enforcement programs. EPA requires a minimum amount of data be reported to AFS on a regular basis. The data does not represent all of the CAA related activities conducted by a state, tribal or local agency. Individuals should visit agency Web sites for additional information.

EPA does not require reporting of most minor source universe data and related activity data, with some exceptions (see Summary of [Data Entry Requirements](#)). However, some agencies voluntarily report on minor source activity; others enter partial or very limited amounts of data. Comparisons across states relating to these facilities are not recommended.

¹ The federally reportable minor sources include synthetic minor sources, non-major sources that are part of a CMS plan, non-major sources with an active High Priority Violation¹ (HPV), minor sources subject to a National Emission Standard for Hazardous Air Pollutants (40 C.F.R. § 61 only) and non-major sources subject to a formal enforcement action. Some exceptions do apply.

Facility-specific information can be reviewed at the [Enforcement and Compliance History Online \(ECHO\)](#) Web site. ECHO allows users to find permit, compliance evaluation, violation, enforcement action and penalty information. The site includes facilities regulated as CAA stationary sources, Clean Water Act direct dischargers and Resource Conservation and Recovery Act hazardous waste generators/handlers. ECHO integrates information about facilities from separate media-specific data systems. It allows the public to monitor environmental compliance in communities, corporations to monitor compliance across facilities they own and investors to more easily factor environmental performance into their decisions. The data in ECHO are updated monthly.

Background on CAA Program

The CAA grants authority to EPA to regulate air pollution from stationary sources, such as chemical plants, utilities and steel mills, and mobile sources; require controls for air pollution; issue permits; control acid deposition and protect stratospheric ozone. EPA delegates much of their CAA authority to state and tribal agencies. In 1990, Congress revised and expanded the CAA, providing EPA even broader authority to implement and enforce regulations to reduce air pollutant emissions.

EPA, state, tribal and local agencies work collaboratively to [evaluate compliance](#) with CAA regulations, developed to implement the requirements of the CAA. Many tools are used to make compliance determinations, including, but not limited to, on-site evaluations, review of emission reports, review of compliance certifications, information requests and investigations. EPA also promotes [compliance incentives and auditing](#) to encourage facilities to find and disclose violations. Violations may also be identified from tips/complaints received from the public. Violations identified as a result of any of these activities may lead to [civil enforcement](#) or [criminal enforcement](#). EPA also provides [compliance assistance](#) to the regulated community to help them understand their requirements and to minimize or prevent violations from occurring.

On a cyclical basis, EPA negotiates a CAA [Compliance Monitoring Strategy \(CMS\)](#) with delegated agencies. The goals of the CMS are to:

- 1) Provide national consistency in developing compliance monitoring programs, while providing state and local governments with flexibility to address local air pollution and compliance concerns;
- 2) Improve communication between state and local governments and EPA Regions;
- 3) Provide a framework for developing compliance monitoring programs that focuses on achieving measurable environmental results; and
- 4) Provide a mechanism for recognizing and utilizing the wide range of tools available for evaluating and determining compliance.

The CMS defines three categories of compliance monitoring: 1) Full Compliance Evaluations (FCE), 2) Partial Compliance Evaluations (PCE) and 3) investigations. An FCE is a comprehensive evaluation of the compliance status of a facility. All regulated pollutants from all regulated emission points are addressed. A PCE is a documented compliance assessment focusing on a subset of regulated pollutants, regulatory requirements or emission units at a facility. An investigation is generally limited to a portion of a facility, is more resource

intensive and involves a more in-depth assessment of a particular issue. Biennially, states provide EPA a CMS plan that includes a list of facilities and the type of compliance monitoring planned at those facilities during the period covered by the plan.

To manage the CAA national stationary source compliance monitoring and enforcement program and oversee state, tribal and local CMS plans, EPA requires delegated agencies provide source universe information and activity data regarding a defined federally-reportable universe of sources. The activity data includes, but is not limited to, compliance evaluations, compliance determinations and enforcement activities. The federally-reportable universe of facilities is major sources, synthetic minor sources, sources that are part of a CMS plan, sources with an active High Priority Violation² (HPV), minor sources subject to a National Emission Standard for Hazardous Air Pollutants (40 C.F.R. § 61 only) and sources subject to a formal enforcement action. Some exceptions apply to the two latter categories. The data are referred to as Minimum Data Requirements (MDRs) and EPA uses this data to assess progress toward meeting requirements developed under the authority of the CAA to protect and maintain the atmospheric environment and the public health.

In representing the minimum amount of data necessary to manage the national program, the MDRs are critical in prioritizing programs and conducting national evaluations. In addition, the information provided enables EPA to respond in a timely manner to requests for information with accurate, nationally defined and reported data. The MDRs are listed in an Information Collection Request that is issued every three years. The ICR is published in the Federal Registrar for review and comment, and affects oversight of over 40,000 stationary sources. It includes a 60 day timeliness standard but encourages a monthly reporting schedule.

Universe of Facilities Covered: All CAA Facilities

This report covers the universe of federally-reportable facilities and other sources that the state, tribal and local agency may report voluntarily for the period October 1, 2008, to September 30, 2009.

- Major sources meet the definition of a major source under the 1990 Clear Air Act Amendments, which states that a major source has actual or potential emissions above at least one of the applicable major source thresholds, which are:
 - 100 tons per year for any air pollutant other than greenhouse gases;
 - 10 tons per year for any single hazardous air pollutant (HAP), or 25 tons per year for any combination of HAPs; and
 - 10 to 250 tons per year for criteria air pollutants, depending on the area's air quality attainment status.
- Synthetic minor sources would be major but have enforceable permit limits to restrict their emissions below major source thresholds.
- Minor sources, also known as area sources, are facilities that physically cannot emit at or

² An HPV is defined by the December 22, 1998 *Policy on Timely and Appropriate Enforcement Response to High Priority Violations* policy – referred to as the HPV policy.

above major source thresholds.

- The sources with unknown classification are likely those that the states report voluntarily.

As of March 2010, there were 160,031 CAA regulated sources reported in AFS.

Definitions for Report Columns

State

Two character state abbreviation. The totals include data provided by both delegated state and local agencies.

Active Total Facilities Universe

The metric counts active facilities in AFS. Active facilities are those characterized as operating, temporarily closed or seasonally operating. It serves as a measure of the degree to which the MDR requirements are complete and the size of state programs.

Total Facilities with Full Compliance Evaluations

The metric counts all facilities that received an FCE during FY09. Agencies completed and reported an FCE at the number of facilities provided on the table. In accordance with the CMS, EPA recommends that a title V major facility receive, at a minimum, an FCE once every two federal fiscal years, those major sources identified as “mega-sites” receive an FCE at least once every three federal fiscal years, and synthetic minor sources that emit or have the potential to emit at or above 80% of the title V major source threshold (SM-80s) receive, at a minimum, an FCE once every five federal fiscal years. A mega-site is identified by states based on size and complexity of operations. Other sources may receive an FCE based on a negotiated CMS plan. Additionally, state and local agencies may develop alternatives to the recommended evaluation frequencies with EPA approval. This metric serves as a measure of the degree to which states and EPA completed planned compliance evaluations.

Percent of Total Facilities with FCEs in 2009

The metric indicates the ratio of all facilities that received an FCE during FY09 to the total number of facilities. State and local agencies are only required to report FCEs at synthetic minors and other federally-reportable minor sources, which include those that are part of a CMS plan; therefore, the data may not be complete.

Total Facilities with Partial Compliance Evaluations

The metric counts all facilities that received a PCE during FY09. Agencies completed and reported a PCE at the number of facilities provided in the table. PCEs are not considered an MDR. Thus, delegated agencies are not required to report PCEs unless they were conducted as part of a negotiated CMS plan. Some states elect to report all compliance monitoring activities,

including all PCEs.

Total Facilities with Non-compliance "Identified" in 2009

The metric counts the number of active facilities with any incidence of *new* non-compliance identified or an HPV entered in AFS by the EPA or state, tribal or local agency during the fiscal year. It does not include facilities that are meeting a compliance schedule (i.e., operating under an enforcement action). When a facility has more than one new non-compliance event in the fiscal year, only one is counted.

Non-compliance is an indication that a violation of a federally enforceable environmental requirement set forth by the CAA and its regulations was identified by an authorized entity. When the violation is identified at a facility that is part of the federally-reportable universe, the violation is a federally-reportable violation³ (FRV). A violation may indicate that the facility released excessive pollutants or that a facility failed to submit a required report. HPVs are a subset of FRVs. These determinations assist the government in tracking resolution of violations through the enforcement process and do not necessarily represent a final adjudication by a judicial or administrative body. In such cases, these characterizations should be considered alleged violations.

Total Facilities with Non-compliance in 2009

The metric counts the number of active facilities with any incidence of non-compliance or HPV entered in AFS by the EPA or state, tribal and local agency during the fiscal year. The non-compliance may have been identified in a previous fiscal year but continues in FY09. It does not include facilities that are meeting a compliance schedule (i.e., operating under an enforcement action). When a facility has more than one non-compliance event in the fiscal year, only one is counted.

Total Facilities with New High Priority Violations (HPVs) Identified 2009

The metric counts the number of facilities with *new* HPVs identified or entered in AFS during the fiscal year. The HPV policy encourages agencies to give priority attention to those violations that they believe are most environmentally important based on established criteria. The policy applies mostly to major sources. In AFS, an HPV is identified by a Day Zero. A Day Zero indicates the date on which a violation is determined to be an HPV by EPA or a state, tribal or local agency. Generally, the Day Zero should occur within 45 days of the initial identification of the violation. Examples of violations at major sources that are HPVs include violation of an air toxic requirement⁴ and failure to obtain a Prevention of Significant Deterioration⁵ (PSD) permit. Violations at non-major sources that are HPVs are violations of an emission limit that affects the source's status as non-major. Included in the table below are

³ An FRV is clarified by the March 22, 2010 *Clarification Regarding Federally-Reportable Violations for Clean Air Act Stationary Sources* – referred to as the FRV memo.

⁴ National Emission Standards for Hazardous Air Pollutants,
<http://www.epa.gov/oecaerth/monitoring/programs/caa/neshaps.html>

⁵ <http://www.epa.gov/nsr/psd.html>

HPVs with a Day Zero achieved during the fiscal year and HPVs that were entered in AFS during the fiscal year. The goal is to make sure all HPVs newly entered in AFS are included. When a facility has more than one new HPV in the fiscal year, only one is counted.

High Priority Violation Identification Rate

The metric compares the number of facilities with new HPVs identified or entered in AFS during the fiscal year to the total number of sources. This metric is an indicator of HPV policy implementation.

Number of Total Facilities with Informal Enforcement Actions Issued in 2009

The metric counts the total number of facilities that received an informal enforcement action during the fiscal year. Informal enforcement actions serve as a warning letter or a notice of violation. Such notification indicates that the enforcement agency believes that the facility is in violation of the CAA and that it should return to compliance or be prepared to defend its actions in subsequent enforcement. These alleged violations do not represent a final, legal determination that a violation has occurred. Informal actions often precede a formal enforcement action (e.g., administrative or judicial enforcement action). In some cases, these actions facilitate corrective action and the source returns to compliance without a formal enforcement action. Each facility with an informal enforcement action is counted only once, even if there are multiple informal actions for that facility during a fiscal year.

Number of Total Facilities with Formal Enforcement Actions in 2009

The metric counts the total number of facilities that received a formal enforcement action during the fiscal year. Formal enforcement actions are either administrative or judicial, and typically require a specified course of action that returns a facility to compliance and may include a penalty. Administrative actions are taken by the EPA or a state under its own authority (e.g., Administrative Orders). Civil actions are formal lawsuits, filed in court (e.g., Consent Decrees). Each facility with a formal action is counted only once, even if there are multiple formal enforcement actions for that facility during a given fiscal year.

Total Assessed Penalties – 2009

The metric counts the total value of assessed penalties at sources that received a formal enforcement action in the fiscal year. The penalty assessed must be linked to the formal enforcement action. Penalties linked in AFS to informal actions or referrals are not included in the total. The same penalty entered on two related formal enforcement actions that address the same violation may be counted twice.

Number of HPV Addressing Actions in 2009

The metric counts the total number of formal enforcement actions issued to during the fiscal

year that addressed an HPV. For the violation identified as an HPV, addressed means the source has entered into a legally-enforceable, administrative or judicial order; or the source is the subject of a referral to a state attorney general or the Department of Justice. The HPV may have been identified in a previous fiscal year. A single HPV could be addressed by more than one formal enforcement action. The metric can be used in coordination with the number of new HPVs identified to evaluate an agency's ability to address HPVs.

Number of HPVs Unaddressed for Greater than 270 Days at the End of 2009

The HPV policy establishes a timeliness standard of 270 days for addressing an HPV from the date of the HPV identification or Day Zero. The metric counts the total number of HPVs that have gone unaddressed for greater than 270 days at the end of the fiscal year. The HPV may have been identified in a previous fiscal year. The metric can be used as an indicator of the timeliness of addressing actions.

FY2009 CAA Total Facilities - Compilation of Evaluations, Violations and Enforcement Reported to EPA Databases for CAA

State ⁽¹⁾	Active ⁽²⁾ Total Facilities Universe	Total Facilities with Full Compliance Evaluations (FCE) ⁽³⁾			Percent of Facilities with FCEs in 2009 ⁽³⁾			Total Facilities with Partial Compliance Evaluations ⁽⁴⁾			Total Facilities with Non- compliance ⁽⁵⁾ "Identified" in 2009	Total Facilities with Non- compliance ⁽⁶⁾ in 2009			Total Facilities with New High Priority Violations (HPVs) Identified in 2009	HPV Identification Rate	Total Facilities with Informal Enforcement Actions Issued in 2009			Total Facilities with Formal Enforcement Actions Issued in 2009			Total Assessed ⁽⁷⁾ Penalties 2009			# of HPV Addressing Actions in 2009		# of HPVs Unaddressed > 270 Days at End of 2009 ⁽⁷⁾
		State	EPA	Total	Total	State	EPA	Total	State	EPA		Total	State	EPA			Total	State	EPA	Total	State	EPA	Total	State	EPA	Total	State	
AK	414	86	3	88	21%	206	15	211	1	18	0	0	0	n/a	4	0	4	5	0	5	\$51,939	\$0	\$51,939	0	0	1		
AL	1,538	985	3	985	62%	1,025	15	1,027	42	79	25	0	25	2%	41	0	41	23	34	55	\$302,000	\$0	\$302,000	18	0	2		
AR	1,138	817	2	817	68%	0	2	2	47	166	11	0	11	1%	26	0	26	72	0	72	\$443,234	\$0	\$443,234	72	0	1		
AZ	401	105	2	107	26%	106	5	111	11	64	9	2	11	3%	6	2	8	9	3	12	\$65,773	\$1,030,000	\$1,095,773	9	0	0		
CA	2,216	1,075	51	1,119	50%	965	47	995	339	453	325	18	338	15%	184	5	189	252	16	267	\$4,416,222	\$2,281,253	\$6,697,475	503	6	39		
CO	15,927	980	44	1,025	6%	76	13	89	37	189	30	0	30	0%	9	0	9	136	1	137	\$1,351,783	\$5,000	\$1,356,783	141	0	11		
CT	2,642	160	1	161	6%	3	78	80	24	106	9	2	11	0%	37	1	38	17	5	22	\$181,504	\$584,742	\$766,246	6	1	8		
DC	532	29	1	30	6%	20	1	21	8	34	8	0	8	2%	7	0	7	6	0	6	\$124,000	\$0	\$124,000	4	0	0		
DE	282	78	0	78	28%	83	1	83	6	39	3	1	4	1%	11	0	11	3	1	4	\$115,324	\$600,000	\$715,324	0	1	7		
FL	4,483	627	12	639	14%	1,579	1	1,579	39	250	37	2	38	1%	24	0	24	33	0	33	\$933,704	\$0	\$933,704	30	0	11		
GA	3,698	616	2	617	17%	667	5	668	56	177	30	0	30	1%	74	0	74	36	0	36	\$614,778	\$0	\$614,778	41	0	5		
GU	30	0	0	0	n/a	0	0	0	0	4	0	0	0	n/a	0	0	0	0	0	0	\$0	\$0	\$0	0	0	0		
HI	166	123	0	123	74%	4	0	4	14	28	14	0	14	8%	9	0	9	10	0	10	\$970,800	\$0	\$970,800	9	0	0		
IA	4,513	789	22	804	18%	416	4	416	65	246	12	0	12	0%	203	1	204	15	1	16	\$27,900	\$167,600	\$225,500	8	1	1		
ID	828	37	4	41	5%	109	1	109	3	42	3	1	3	0%	31	3	34	26	0	26	\$278,124	\$0	\$278,124	2	0	0		
IL	7,964	1,018	1	1,019	13%	106	52	144	78	287	67	10	76	1%	141	7	147	6	14	20	\$457,000	\$1,600,000	\$2,057,000	1	2	54		
IN	1,423	615	1	616	41%	519	27	538	32	202	20	9	29	2%	22	5	27	44	15	58	\$462,615	\$801,183	\$1,263,798	33	3	19		
KS	4,257	729	16	734	17%	42	4	45	23	96	3	0	3	0%	53	1	54	36	1	37	\$426,250	\$600,651	\$1,026,901	10	0	2		
KY	2,590	353	2	355	14%	0	4	4	71	201	14	0	14	1%	66	0	66	18	0	18	\$419,425	\$0	\$419,425	8	0	14		
LA	8,482	204	6	208	2%	9	17	22	37	133	30	5	35	0%	5	1	6	34	1	35	\$172,467	\$0	\$172,467	16	0	13		
MA	4,489	303	9	212	5%	951	99	978	16	33	11	2	13	0%	54	3	56	72	4	76	\$2,310,324	\$650,000	\$2,960,324	9	1	2		
MD	11,212	945	4	946	8%	1,510	4	1,510	55	75	10	1	11	0%	197	0	197	22	0	22	\$534,300	\$0	\$534,300	2	0	1		
ME	899	233	4	237	26%	91	32	97	8	56	3	0	3	0%	27	1	28	10	3	13	\$192,250	\$200,000	\$392,250	4	0	1		
MI	3,331	458	0	458	14%	489	15	498	67	319	12	6	18	1%	34	12	46	15	8	23	\$649,580	\$710,000	\$1,359,580	10	2	18		
MN	2,052	154	2	156	8%	171	14	184	162	247	36	7	41	2%	110	5	114	85	18	97	\$585,944	\$0	\$585,944	82	13	10		
MO	4,655	1,337	31	1,344	28%	3	2	5	10	85	7	1	8	0%	83	1	84	20	0	20	\$137,500	\$0	\$137,500	3	0	1		
MP	11	0	0	0	n/a	0	1	1	1	3	0	1	1	9%	0	0	0	0	0	0	\$0	\$0	\$0	0	0	0		
MS	911	194	2	195	21%	24	6	30	32	45	18	0	18	2%	32	0	32	18	0	18	\$259,167	\$0	\$259,167	18	0	2		
MT	1,761	341	4	345	19%	753	4	758	8	27	6	0	6	0%	72	1	73	12	0	12	\$19,400	\$0	\$19,400	14	0	0		
NC	3,163	1,136	0	1,136	35%	1,442	1	1,442	225	287	26	0	26	1%	328	0	328	25	0	25	\$111,074	\$0	\$111,074	29	0	1		
ND	335	80	1	81	24%	31	6	37	0	9	0	0	0	n/a	0	0	0	0	0	0	\$0	\$0	\$0	0	0	0		
NE	3,617	227	16	233	6%	16	2	18	10	46	7	2	9	0%	27	5	32	8	1	9	\$300,119	\$0	\$300,119	1	0	0		
NH	918	63	2	63	7%	25	17	39	10	25	8	1	9	1%	82	1	83	5	1	6	\$27,675	\$0	\$27,675	2	0	4		
NJ	4,597	455	19	467	10%	10	39	47	26	203	26	0	26	1%	123	2	124	189	0	189	\$4,537,263	\$0	\$4,537,263	30	0	4		
NM	3,791	115	13	125	3%	12	2	14	57	134	16	2	18	0%	67	0	67	54	0	54	\$478,793	\$0	\$478,793	11	0	1		
NV	132	50	1	50	38%	22	2	23	4	21	2	2	4	3%	0	0	0	2	1	3	\$7,750	\$0	\$7,750	2	1	0		
NY	9,466	433	23	452	5%	1,426	38	1,436	192	1,456	37	0	37	0%	270	1	271	131	0	131	\$1,394,625	\$0	\$1,394,625	40	0	7		
OH	5,866	946	0	946	16%	923	98	987	86	618	54	21	74	1%	316	10	324	71	22	93	\$1,626,253	\$1,278,334	\$2,904,587	12	3	57		
OK	3,014	441	0	441	15%	685	5	685	318	50	2	51	2%	36	1	37	40	2	42	\$808,733	\$0	\$808,733	34	0	24			
OR	327	62	0	62	19%	21	0	21	14	27	5	1	5	2%	7	0	7	5	0	5	\$17,950	\$0	\$17,950	3	0	0		
PA	7,189	2,109	24	2,120	29%	1,505	22	1,514	305	830	67	8	71	1%	300	5	303	195	0	195	\$5,061,339	\$0	\$5,061,339	128	0	24		
PR	595	35	7	42	7%	99	12	110	16	348	6	4	4	1%	11	0	11	8	0	8	\$31,000	\$0	\$31,000	0	0	2		
RI	493	36	14	48	10%	44	29	59	8	32	6	1	7	1%	20	0	20	7	2	9	\$22,705	\$0	\$22,705	4	1	2		
SC	2,023	504	1	504	25%	1,324	2	1,325	58	98	25	0	25	1%	102	0	102	29	2	31	\$350,937	\$0	\$350,937	12	0	5		
SD	204	113	1	113	55%	0	0	0	4	12	3	1	4	2%	0	1	1	0	0	0	\$0	\$0	\$0	0	0	1		
TN	2,348	1,125	0	1,125	47%	158	2	159	44	123	42	0	42	2%	38	0	38	33	0	33	\$835,582	\$0	\$835,582	42	0	5		
TX	4,833	217	15	232	5%	1,152	40	1,158	212	602	198	16	212	4%	158	1	159	165	3	168	\$9,453,501	\$11,000	\$9,464,501	256	2	55		
UT	1,383	356	13	369	26%	21	11	32	9	60	3	2	5	0%	0	1	1	35	2	37	\$415,183	\$987,757	\$1,402,940	36	0	6		
VA	6,554	834	36	867	13%	3,218	4	3,218	64	189	13	4	17	0%	49	3	52	39	0	39	\$483,469	\$0	\$483,469	15	0	1		
VI	108	5	1	6	6%	1	3	3	1	37	0	0	0	n/a	1	0	1	0	0	0	\$0	\$0	\$0	0	0	0		
VT	238	39	0	39	16%	0	6	6	3	8	1	0	1	0%	5	0	5	0	0	0	\$0	\$0	\$0	0	0	0		
WA	607	253</																										