



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

U.S. Environmental Protection Agency Enforcement Analysis: Compendium of Next Generation Compliance Examples in the Clean Air Act Programs

Arkansas Environmental, Energy, and Water Law Blog

10/26/2016

The U.S. Environmental Protection Agency Office of Enforcement and Compliance Assurance and Office of Air and Radiation (Collectively "EPA") issued a document titled Compendium of Next Generation Compliance Examples in Clean Air Act Programs ("Compendium").

The Compendium is focused on the Clean Air Act and air pollution from an enforcement perspective.

The Compendium was developed as part of the agency's "Next Generation Compliance" ("Next Gen") initiative which is stated to promote:

... the principle that today's environmental challenges require a modern approach to compliance with the use of new tools and approaches while strengthening vigorous enforcement as the backbone of environmental protection. In addition to new tools based on technological advancements, Next Gen seeks to leverage creative thinking about how to better design rules and permits to maximize compliance and environmental results.

EPA believes the Compendium demonstrates how the federal agency and state air control programs utilize modern tools to advance clean air goals in rulemaking, permits, enforcement and other functions.

The agency believes the benefits of using Next Gen strategies are not limited to improving compliance. Enhancement of facility operations and overall environmental performance, highlighted public awareness and understanding of environmental impacts, and strengthening the role of communities as partners in the system of environmental protection are also referenced as benefits.

The Next Gen examples in the Compendium are grouped by the type of Next Gen tool that they reflect. The categories (i.e., chapters) identified are:

1. Clear Requirements
2. Transparency
3. Electronic Reporting
4. Advanced Monitoring
5. Independent Third-Party Verification
6. Innovative Enforcement

Another chapter looks at the use of these tools in combination.

These chapters both explain the use of the tool (including how it is believed to advance clean air goals) and describe considerations related to use of the tool in:

- Rules
- Permits
- Enforcement Settlements

Examples are included that illustrate the use of the Next Gen tools.

Representative examples from the Compendium include:

- Oklahoma's inclusion of enforcement staff in permit writing (found in the chapter titled Clear Requirements).
- Alabama Department of Environmental Management's eFile system (found in the chapter titled Transparency in Practice). The example states that the state agency allows the public and other stakeholders to freely access documents that exist in electronic format in its document management system.
- EPA's Village Green Project (found in the chapter titled Using Tools in Combination). Describes the federal agency's placing of cutting-edge air monitors, built into benches with solar panels to provide power, in public locations such as parks or libraries.

[A copy of the Compendium can be downloaded here.](#)