

NAHB Find and Fix Brainstorm

How is Find and Fix different than existing EPA guidance?

	EPA Expedited Settlement Offer Policy for Stormwater (2006)	“Find and Fix” Proposed Guidance	EPA Audit/Voluntary Disclosure Policy (2000)
Purpose	<i>Promotes compliance by providing an expedited enforcement mechanism in situations where violations are potentially less significant, can be quickly corrected, or an appropriate penalty can be promptly collected.</i>	<i>Provides opportunity for operators to correct potential violations in the field without threat of enforcement; provides incentives for prioritizing education and timely return to compliance.</i>	<i>Provides incentives for regulated entities to voluntarily discover, report and fix violations.</i>
Target Users	All operators	Small Businesses	Large operators
Pros	<ul style="list-style-type: none"> • Quicker settlement process. • Potentially lower settlement costs. 	<ul style="list-style-type: none"> • Immediate and proactive reduction of environmental risk. • Immediate feedback to firm on potential liability. • Removal of de minimus paperwork issues from enforcement process. • Improved operator education. 	<ul style="list-style-type: none"> • Penalty reduction • No recommendation for criminal prosecution • No routine requests for audit reports
Limitations for use	<ul style="list-style-type: none"> • Operator receives settlement offer months after violations occur, no opportunity to correct violations quickly. • Minor violations placed on permanent record w/large \$\$\$ consequences. 	<ul style="list-style-type: none"> • Only available to those operators in good standing. 	<ul style="list-style-type: none"> • Small operators rarely have resources or expertise to electronically document and disclose violations. • Minor violations placed on permanent record w/ large \$\$\$ consequences.
Performance measure	# Operators accepting ESO offers, \$\$ reduction in fines.	# Inspections resulting in immediate “fixes” reducing environmental risk.	# Operators participating in program.

Supporting EPA Policy for Find and Fix:

EPA Environmental Auditing Policy Statement (1986) 51 FR 131, 25004 (07/09/86)

This policy states that EPA must refrain from routine requests for audit reports. (i.e., EPA has not and will not routinely request copies of audit reports to trigger enforcement investigations).

<https://www.epa.gov/compliance/environmental-auditing-policy-statement>

EPA Audit Policy (April 2000) 65 FR 19,618 (04/11/00)

Formally titled “Incentives for Self- Policing: Discovery, Disclosure, Correction and Prevention of Violations,” this policy provides several major incentives for regulated entities to voluntarily discover and fix violations of federal environmental laws and regulations.

<http://www.gpo.gov/fdsys/pkg/FR-2000-04-11/pdf/00-8954.pdf>

Suarez (2003) The Role of the EPA Inspector in Providing Compliance Assistance during Inspections

This Memorandum describes a policy for EPA inspectors on what compliance assistance should and should not be provided to facilities during on-site compliance inspections.

<https://www.epa.gov/sites/production/files/2013-09/documents/inspectorrole.pdf>

Next Generation Compliance: Strategic Plan 2014-2017

The Next Generation Compliance Strategic Plan is organized around the five interconnected components:

- More Effective Regulations and Permits
- Advanced Monitoring
- Electronic Reporting
- Expanded Transparency, and
- Innovative Enforcement

<https://www.epa.gov/compliance/next-generation-compliance-strategic-plan-2014-2017>