

ASSESSMENT FORM FOR STATE REPORTING REQUIREMENTS

PROGRAM: Enforcement & Compliance

Reporting Requirement	State Recommendation	States	Regional Comments	Program Comments
Document quarterly compliance assistance activities for minor/non-title V sources	Eliminate	SC	R4: did not comment	Further clarification needed to fully respond to this comment.
Database reporting	<p>--For RCRA and ECHO databases, improve EPA's handling of such data so states are not criticized for incorrect info in databases (MD)</p> <p>-- Data reporting from PCS and ECHO is burdensome--EPA should retrieve data directly from its own databases instead of states reporting to region in hard copy (MD)</p> <p>--Populate RCRA Info database with hazardous waste compliance, corrective action and permitting info; improve user interface; reduce number of corrective action codes (OR)</p> <p>--Submission of public water system violations, enforcement, etc. to ODS database: modify, data entry time-consuming and taxing (TN)</p>	MD, OR, TN	<p>R3: no comment (MD)</p> <p>R4: appreciates concerns and will work w/TN. Region requires this info.</p> <p>R10: (OR) in late 2007, HQ to launch revised version of RCRAInfo</p>	<p>--ECHO decreases the formerly lengthy process for corrections to data from states and makes this info available to the public through user friendly Internet search capabilities. It is critical that information provided to the public through ECHO remains up to date and accurate. (MD)</p> <p>--The top of each ECHO facility report has a "Report Error" link for easy access to the error correction process. Error notifications are routed to EPA and state data contacts so they are aware of possible errors and can make corrections in program databases. Data contacts are posted at http://63.160.3.204/publicaccess/state/data_stewards.html (not publicly available).</p> <p>--States are not required to provide Watch List information. The Watch List is a communication tool to assist EPA regional offices and states in quarterly meetings established under the Enforcement Response Policy (ERP) to discuss ways to address Significant Non-Compliers. (MD)</p> <p>--Close EPA/state collaboration occurs prior to updates that only occur every 1.5 - 2 years. States usually have a year to complete the update to their systems in response to RCRAInfo updates. (OR)</p> <p>--States have 45 days to send public water system data to the region, the region has 15 days to respond, and states/regions receive 30 days to review/correct data, so there is a total of 90 days available for the entry,</p>

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				review, and correction of public water system data. (TN)
Quarterly and annual reporting in PPAs (e.g., permits, inspections, compliance events)	Written reports redundant as EPA can retrieve same information from its own databases (e.g., NPDES)	MT	R8: disagrees with respect to NPDES example and unclear as to general PPA concern	If all states transfer (flow) data into the proposed ICIS-NPDES database system with the Required Integrated Compliance Information System (ICIS) Data Elements (RIDE), then EPA would be willing to consider this suggestion.
SDWIS	--Drinking water enforcement NOV, orders, penalties assessed/collected, warning letters: eliminate as information is in SDWIS	SC	R4: agrees as long as this info is in SDWIS	--Warning letters and NOV are voluntarily reported by states. Regions oversee state implementation of the Safe Drinking Water Act (SDWA) in delegated states. --Information in warning letters, NOV, orders, and penalties assessed and collected provides information on state progress in addressing significant non-compliance defined as non-compliance lasting longer than 2 quarters of a fiscal year. Recommend further consultation with the region.
ICIS/PCS	--Upgrade of PCS database to ICIS; should re-examine proposed ICIS reporting requirements and negotiate more reasonable data set parameter. New ICIS requirements pose significant challenges (AZ) --ePIFT (record permit backlog) duplicates information currently in PCS database (MN) --Expanded NPDES reporting in ICIS: ASIWPCA & ECOS developing position paper and EPA should consider suggested alternatives (NY) --Permit counts, backlog and permit forecast statistics: duplicative--info that is uploaded weekly in PCS	AZ, WI, MN, NY, SC, VA, NJ, NV, MI, AL, MD, NE, OR	R2: supports OECA/OW efforts; ICIS data is central to EPA program management (see ICIS steering committee draft policy statement re reduction of data elements); EPA is working the states to resolve this (NJ & NY) R3: will contact VA to clarify concern R4: disagrees w/SC(2)—info is a statutory requirement; agrees w/SC(1) to limit reporting	--At the December 2006 ICIS-NPDES Expanded Steering Committee meeting, EPA made proposals to the states that would reduce the required reporting elements by 20% and phase data entry requirements in order to extend the time allowed for state data entry and to take advantage of future technological efficiencies and address state burden concerns. (AZ, MI, NV, SC) --The Expanded Steering Committee is continuing with follow-up tasks from this meeting that will address the ICIS/PCS recommendations made by the states in response to the October 11, 2006 EPA Memorandum. (NY) --EPA provided grant funds from the Office of Environmental Information (OEI)

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	<p>should suffice (SC)(1) --Annual noncompliance report for non-major discharges: eliminate 30+ year-old requirements as data is now entered into PCS (SC)(2) --Upgrade of PCS to ICIS: data population of new ICIS limited to existing PCS data elements (major dischargers). Minor facilities data elements should be optional --Expanded required ICIS data elements (RIDE). VA agrees to input same data to ICIS that is now inputted to PCS but notes that this will expend all available IT resources (VA) --Inputting NPDES data via ICIS-RIDE too resource-intensive; adopt an alternative summary data approach—more cost effective (NJ) --ICIS cumbersome, burdensome. NV will no longer input data to ICIS and will provide NPDES data through exchange network (NV) --Eliminate report on NPDES permits for 303d listed waters as info is in PCS or obsolete upon completion --ICIS-required data changes too costly, need resources from EPA to implement (MD) --For significant industrial user (SIU) semi-annual and annual reports, EPA can generate list from ICIS. No federal requirement for this report, only PPG (NE) --For SIU Pre-treatment Summary</p>		<p>to PCS --agrees w/AL R6: agrees w/OK regarding resource burden to the state --participating in a national workgroup to examine data elements that are necessary to support implementation of CWA programs R5: disagrees w/MI and WI, increased reporting concern is premature --agrees w/MN R7: --agrees w/NE if ICIS can provide the info; if not status quo prevails --sympathetic to NV, new ICIS system needs work --data elements are under discussion (see ICIS steering committee policy statement) R9: sympathetic to AZ, believes ICIS steering committee proposal should help R10: no comment</p>	<p>and the Office of Enforcement and Compliance Assurance (OECA) to support state efforts to prepare for ICIS-NPDES database updates. (NY) --EPA is developing a governance structure to include state input involving subsequent changes to this database after FY08. Thus, states and EPA will be able to discuss the benefits of any proposed changes to ICIS-NPDES with the states. --Further clarification is needed to address comments on SIUs. (NE) --If all states transfer (flow) data into the proposed ICIS-NPDES database system with the Required Integrated Compliance Information System (ICIS) Data Elements (RIDE), then EPA would be willing to consider this suggestion. (VA) --During EPA's collaboration with states on the RIDE list, EPA noted state concern that manual entry of DMR data received from the regulated community on a monthly basis was the most significant new state burden. However, by taking advantage of modern electronic reporting technology, this new reporting requirement can be accomplished while lowering burden on states and permitted facilities. (AZ, MI, NV) --EPA provided \$750,000 in grant funding to a coalition of 11 states to develop electronic reporting software that will allow DMR data to flow to ICIS-NPDES directly from regulated facilities. When completed, EPA will host this system for any interested state. States taking advantage of this software will be able to discontinue manual entry of DMR data (at</p>

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	<p>Enforcement Report, use ICIS to generate report (NE) --Compliance reporting on NPDES permittees--monthly report required in PCS but expanded requirements in ICIS. New ICIS requirements too burdensome (MI) --Need resources; allow requirements to be phased in over time (OR) --EPA wants to add new WENDB data elements for compliance monitoring and evaluating CAFO data: disagrees with proposed data elements and current database can't handle these elements. Lack of resources for these changes. (IA) -- Eliminate list of CAFO facilities with permits as info is in PCS (AL) --New reporting requirement for ICIS, including wet weather requirements, are costly, burdensome and will provide little or no benefit to states in implementing CWA. (OK)</p>			<p>major and non-majors) for facilities that sign up for the service. Because most states currently report their majors data manually (and many other states also report their non-majors data manually), EPA projects that NetDMR will actually reduce state reporting burden. EPA's most recent proposal allows states to the phase in the new RIDE requirements to take advantage of electronic reporting through NetDMR. (MD, NJ, OR, VA) --EPA provided \$1.2 million in STAG grant funding for PCS modernization to 7 batch and direct user states in FY 2006; funds will be available for state PCS modernization for direct and batch user states in FY07.</p>
<p>NPDES reports</p>	<p>--Annual report on inspection of NPDES CAFOs: modify to treat CAFOs as other NPDES permittees (KS) --Enforcement and Compliance Assistance Priorities (RECAP) Report for NPDES majors: EPA regional office should run RECAP report from federal database instead of having state do it (TX)(1) --Annual non-compliance report (ANCR) for NPDES non-major permittees: suspend or eliminate</p>	<p>KS, TX, CO</p>	<p>R6: agrees w/TX (1) but disagrees w/(2), requirements are in regulations R7: will discuss issue w/KS during workplan negotiations for the calendar year 2008 workplan. R8: disagrees w/CO but will undertake effort in '07 to evaluate reporting</p>	<p>--The regional office and state need to negotiate a mutually agreeable approach to reporting CAFO data. (KS) --KS negotiated a CAFO inspection frequency of every two years with the region. KS state law requires swine facilities to be inspected every 2 years. (KS) --The Compliance Monitoring Strategy only requires CAFO inspections every 5 years. (KS) --Regions require states to report non-compliance rates through ANCR on NPDES non-major permittees. For states</p>

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	report; change reporting cycle for ANCR to federal fiscal year (TX)(2) --NPDES enforcement documents, associated correspondence and NPDES inspection reports requested by R8: eliminate and provide requirement in PPA that CO will provide e-copies for specific cases upon request (CO)		requirements of R8 states	that use Discharge Monitoring Reports (DMRs), EPA calculates these rates for the state. For those states that do not submit DMRs, the state must perform some manual calculations. (TX) --Providing NPDES enforcement documents is a matter of regional oversight which should be discussed with Region 8. (CO) --Further consultation required to respond to the comment on RECAP. (TX)
Misc. reports	--Eliminate double violation semi-annual reports (NE)(1) --Eliminate Annual Noncompliance Report (NE)(2) --Written report (w/o format) on how state addresses chronic non-compliers with Bureau of Water policy: eliminate report format and provide info during annual or quarterly program reviews (KS) --Provide additional resources to implement wet weather initiative--reporting and inspection (VA)(1) --Civil docket report (updates on litigation of enforcement cases) generated by VA Attorney General's Office is outdated. EPA staff is provided updated info on case-by-case basis via meetings, telephone or correspondence (VA)(2) --Annual public water system compliance report is duplicative; data provided to EPA regional office (KY) --Modify reporting frequency from quarterly to annual for: NPDES non-	NE, KS, VA, KY, IL, ND	R3: will follow up to clarify VA's concerns (1); agrees w/(2) and will look into and consider suspending report R4: disagrees w/KY, report/analysis required by statute R5: --disagrees with reduction in frequency for QNCRs because required by statute; although EPA can generate report, there are verification issues (IL) R7: -- report is required by regulation (NE)(1) but if info is in ICIS/NPDES, report can be discontinued --disagrees w/ NE(2), report required by regulation --disagrees w/KS R8: no comment (ND)	--Further clarification is required to fully respond to comment on double violation semi-annual reports; EPA HQ is not familiar with this term/report. (NE) --Regions require states to report non-compliance rates through ANCR on NPDES non-major permittees. For states that use Discharge Monitoring Reports (DMRs), EPA calculates these rates for the state. For those states that do not submit DMRs, the state must perform some manual calculations. (NE) --Further regional/state consultation required to discuss feasible level of state participation in wet weather enforcement and compliance assurance (VA)(1); defers to R3. (VA)(2) --Annual public water system non-compliance data is required by statute. (KY) --If all states transfer (flow) data into the proposed ICIS-NPDES database system with the Required Integrated Compliance Information System (ICIS) Data Elements (RIDE), then EPA would be willing to consider this suggestion. (ND) --The QNCR is statutorily required as part

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	compliance report (IL) --Eliminate Safe Drinking Water Annual Compliance report; duplicative of data already available to public (ND) --Semi-annual statistical summary report for major dischargers: eliminate, info duplicated on QNCR (SC)			of EPA's oversight of delegated state enforcement and compliance assurance programs. (IL) --Assume ND Annual Compliance report comment applies to NPDES program; Regions require states to report non-compliance rates through ANCR on NPDES non-major permittees. For states that use Discharge Monitoring Reports (DMRs), EPA calculates these rates for the state. For those states that do not submit DMRs, the state must perform some manual calculations. (ND)
Watch list reports	--Eliminate QWLR (NE) --Eliminate watch lists for CAA, CWA, and RCRA--not useful and time-consuming to compile, or reduce from quarterly to semi-annual (TX) --Within 15 days of generating facilities watch list, explain why no formal action has been taken or will be taken, unless already provided on QNCR. Since EPA doesn't recognize state formal actions as such for purposes of this reporting requirement, consider state NOV's as formal actions, and don't require additional report beyond what is annotated in QNCR (AL)	NE, TX, AL,	<p>R4: disagrees w/AL, state NOV's do not require any action so EPA doesn't count NOV's as formal enforcement actions</p> <p>R6: agrees w/TX for air and RCRA watch list elimination but finds list useful for water (see comments for other options)</p> <p>R7: burden is minimal because reporting is done via phone call</p>	--States are not required to provide Watch List information. (AL,NE,TX) --Watch Lists are generated by EPA based on information states are already required to report into federal databases (AL,NE,TX) --The Watch List is a communication tool to assist EPA regional offices and states in quarterly meetings established under the Enforcement Response Policy (ERP) to discuss ways to address Significant Non-Compliers that remain in non-compliance for more than two quarters of a fiscal year. (AL,NE,TX)
Submittal of all enforcement-related info	Duplicative of information already in databases	NE	<p>R7: copies of violations are needed to track enforcement actions; providing electronic copies may be less burdensome. Issue may be resolved during FY08 PPA/PPG</p>	This is a regional oversight matter for states to discuss with the regional office. Regions are required by law to oversee delegated state programs. (NE)

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			region/state negotiations.	
Regional enforcement oversight--submit hard copies of inspection reports, compliance documents and permits	Requests assessment of need for status reports and allow annual or less frequent reporting	CO	R8: Current PPAs and original delegations w/R8 states require this info for NPDES enforcement programs. During '07, R8 plans to evaluate reporting requirements for R8 states, review the national ones and determine if any can be eliminated. Will issue specific regional guidance if there are any changes.	This is a regional oversight matter for states to discuss with the regional office. Regions are required by law to oversee delegated state programs. (CO)
Negotiating multiple agreements, PPA, and inspection agreements in matters relating to enforcement	Requests EPA to use one definitive document if state opts to use PPA. Appreciates OECA's willingness to allow the State Review Framework (SRF) assessments to occur every three years instead of annually for adequate programs. Asks that regions not be allowed to request any additional information on compliance program beyond the SRF. States are not always comfortable refusing regions requested information or data.	CO	R8: regions are using the SRF to evaluate state programs. However, there are established reporting requirements (e.g., GPRA, program delegation) that may not relate to the SRF. Unanticipated requests from HQ not originally in NPM/PPA Guidance contribute to ad-hoc state information requests.	--The SRF is an effort to provide consistency in the level of core state enforcement activities and consistent oversight of those programs. The SRF does not require any additional reporting to national databases. Required reporting is determined in regulations, statutes, ICRs, program policies and negotiated agreements between regions and states. SRF reviews do not preclude EPA from collecting required information nor preclude the regions from conducting regular and required oversight of grants and ongoing program activities. --This is a matter for states to discuss with the regional office during the next PPA negotiation cycle. OECA believes flexibility exists; recommend further consultation with the region. (CO)
Manage small business compliance assistance program in same manner as large quantity	Allow for more flexibility in administration of this program	UT	R8: not a reporting burden but a program management issue. R8 notes that UT has flexibility.	Further clarification needed to fully respond to this comment. Regulations apply to all businesses regardless of size. (UT)

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hazardous waste generator				
Report on compliance and enforcement activities at used oil handler facilities	Requests EPA to defer to state in administration of used oil program	UT	R8: disagrees; states must report these activities to ensure national consistency in complying w/RCRA	Further clarification needed to fully respond to this comment. (UT)
Provide copies of all enforcement and compliance documents to R8	Reduce level of reporting	UT	R8: agrees; reviewing (in order to update) the 1989 regional enforcement agreement w/UT	This is a regional oversight matter for states to discuss with the regional office. Regions are required by law to oversee delegated state programs. (UT)
Asbestos Data Report	Eliminate (inadequately funded by EPA)	SC	R4: ACT/NARS has been discontinued and uses Section 105 grants to capture info. If request pertains to elimination of reporting through Sec. 105 grants, R4 does not agree. Willing to adjust or relax reporting frequency for asbestos activities.	N/C