

**U.S. Environmental Protection Agency  
State Review Framework: Round 1 (Fiscal Years 2003 – 2007)  
Recommendation Status**

**Alaska Department of Environmental Conservation (ADEC)**

21 Recommendations

---

### **Clean Air Act Recommendations**

**Recommendation Title:** Accurately record all violations in AFS

**Element:** E11 Data Accurate

**Finding:** Non-reporting of violations that are not HPV.

**Status:** Completed

**Expected Completion Date:** 10/31/2005

**Responsible Agency:** State Action

**Recommendation Narrative:** ADEC needs to ensure that data regarding sources compliance status, enforcement actions, and penalties are accurately recorded in AFS. ADEC should review data in AFS for FY04 and correct all discrepancies. In addition, ADEC should review its data in AFS quarterly to ensure accuracy.

**Recommendation Title:** Incomplete and inaccurate data

**Element:** E12 Data Complete

**Finding:** Incomplete and inaccurate data entry into AFS

**Status:** Completed

**Expected Completion Date:** 10/31/2005

**Responsible Agency:** State Action

**Recommendation Narrative:** As stated in element #12 above, ADEC needs to correct deficiencies in its database so that complete and accurate information is uploaded to AFS. Quarterly reviews of AFS data are recommended.

### **Clean Water Act Recommendations**

**Recommendation Title:** Inspection coverage

**Element:** E1 Insp Universe

**Finding:** Region requires additional resources to conduct direct implementation of NPDES inspections.

**Status:** Working

**Expected Completion Date:** 07/30/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** In order to improve the Regions ability to conduct as many inspections (majors and minors) as possible in Alaska, it is recommended that the Region, in consultation with Alaska and the program office, explore the possibility of using CWA 106 grant funds. These funds are provided to the states to manage their

NPDES programs. It might be appropriate to arrange with the state for a portion of these funds to remain with the Region in order to support additional inspections by Regional personnel or by hiring contractor support. EPA recommends that ADEQ run monthly AFS and Online Tracking and Information System (OTIS) reports to accomplish this necessary quality assurance task.

**Recommendation Title:** File documentation

**Element:** E2 Violations ID'ed Appropriately

**Finding:** Lack of file documentation that may be due to imprecise filing and record keeping.

**Status:** Working

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** The Region should continue to improve its file management system to ensure that inspection files maintain adequate documentation to demonstrate that violations are identified in a timely manner.

**Recommendation Title:** Inspection file documentation

**Element:** E3 Violations ID'ed Timely

**Finding:** Lack of inspection reports in files that may be do to lack of a filing system.

**Status:** Working

**Expected Completion Date:** 07/30/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** The Region is currently developing and implementing a file system to improve the management of the NPDES files. This system will help in the management of inspection files and making SNC determinations. The Region should ensure that this file system has sufficient controls to show who checks out a file, when reports and documents become part of the file, and the general progress of the case. Documents should be a permanent part of the file and not removed from the file.

**Recommendation Title:** Violation reporting

**Element:** E4 SNC Accuracy

**Finding:** Region not reporting single event violations to PCS.

**Status:** Working

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** The Region needs to have a process for identifying and reporting single event violations into PCS. All violations need to be entered into PCS even if they are not SNC. The SNC flag can be set later if it is indeed a SNC. Lack of resources may be a real issue in entering SNC data into PCS. The Region should look into the possibility of utilizing 106 grant funds for this purpose.

**Recommendation Title:** Violation reporting

**Element:** E6 Timely & Appropriate Actions

**Finding:** Non-entry of violations into PCS.

**Status:** Working

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** The Region needs to improve the timeliness of taking appropriate enforcement actions.

**Recommendation Title:** Data entry

**Element:** E10 Data Timely

**Finding:** Insufficient DMR data entry rate.

**Status:** Working

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** The Region needs to have a management plan for ensuring that DMR data are entered in a timely manner into PCS so that all reports are handled appropriately.

**Recommendation Title:** Data entry

**Element:** E10 Data Timely

**Finding:** Insufficient permit data entry.

**Status:** Completed

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** The Region needs to continue improve its data entry for permit limits for facilities in Alaska. Since permit limit data entry is a Region-wide issue, the problems relating to Alaska should be considered within the context of a Region-wide approach to the issue.

**Recommendation Title:** Data entry

**Element:** E12 Data Complete

**Finding:** Region is not entering single event violations into PCS

**Status:** Working

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** The Region needs to have a plan for entering and tracking single event violations in PCS.

**Recommendation Title:** Data entry

**Element:** E12 Data Complete

**Finding:** Insufficient data entry for NPDES permit limits.

**Status:** Completed

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** Related to the recommendation in Elements 10, the Region needs to finalize a plan for ensuring that permit limit data are entered into PCS.

## Resource Conservation and Recovery Act Recommendations

**Recommendation Title:** Inspection coverage

**Element:** E1 Insp Universe

**Finding:** Region may not be meeting the inspection coverage standard over five years.

**Status:** Completed

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** While the revised LQG universe and recalculated inspection rate for 2003 is about 17 to 18%, which is within the normal range for a given year, it may be that a higher percentage of sources needs to be inspected in subsequent years in order to meet the RCRA programs five-year 100% standard.

**Recommendation Title:** Inspection coverage

**Element:** E1 Insp Universe

**Finding:** Region may not be identifying all LQGs in the states.

**Status:** Completed

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** It is not clear to the review team that the LQG universe in Alaska has been adequately identified. For example, currently, only one oil refinery, only one university campus, and no major hospitals show up on the LQG facility lists. This situation needs to be further assessed to see what LQGs still need to be identified.

**Recommendation Title:** SNC identification

**Element:** E2 Violations ID'ed Appropriately

**Finding:** Insufficient process in the region for making SNC determinations.

**Status:** Working

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** The Region should continue to formulate procedures for making and documenting SNC and SV determinations based on violations identified during inspections. This should be a management system based on the time frame in the Enforcement Response Policy. Each Region should have a SNC identification process that fits their specific organizational structure, and the review team recommends that the Region consult with the RCRA compliance programs in other Regional Offices to see if there are processes and procedures (i.e., best practices) that can be adapted to fit Region 10.

**Recommendation Title:** File documentation

**Element:** E2 Violations ID'ed Appropriately

**Finding:** Region needs to insure that all inspection files contain the inspection reports.

**Status:** Completed

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** One file in thirteen reviewed did not contain an inspection report. This indicates that the Region generally keeps good inspection records. It is important to document each inspection or investigation so that each file is as complete as possible. The Region should ensure that inspection reports are present in each file.

**Recommendation Title:** Data reporting

**Element:** E3 Violations ID'ed Timely

**Finding:** Region is not consistent in achieving timeliness of reporting violations.

**Status:** Long Term Resolution

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** The Region should improve its ability to complete inspection reports and identify violations in a timely way. The Region should try to understand why this is not consistently achieved and take steps to correct the problem.

**Recommendation Title:** Violation identification

**Element:** Not Recorded

**Finding:** Inability of Regional inspectors to identify SNC for RCRA.

**Status:** Completed

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action, HQ Action

**Recommendation Narrative:** Regional staff would benefit from additional training, especially in how to identify SNCs based on the guidelines in the new RCRA ERP. This would be a catalyst for the Region to eliminate uncertainty in determining the difference between SNC and SV. Both the Region and OECA need to ensure that the Region has adequate tools and training to properly identify SNCs. The review team recommends that OECA provide or help coordinate training to the Region inspectors to help them make better compliance determinations and to reflect those determinations properly in RCRAInfo.

**Recommendation Title:** SNC identification

**Element:** E4 SNC Accuracy

**Finding:** The Region may not be identifying RCRA SNC properly

**Status:** Completed

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** Based on the national RCRA policies, the Region should ensure that all cases in the pipeline are against facilities with their violations and/or SNC listings present in the database. The process proposed by the Region for making compliance determinations should help to fulfill this recommendation.

**Recommendation Title:** Timely and appropriate enforcement

**Element:** E4 SNC Accuracy, E5 Return to Compliance

**Finding:** Region takes a long time to settle some formal enforcement actions.

**Status:** Completed

**Expected Completion Date:** 07/31/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** Timeliness for taking formal enforcement actions needs improvement.

**Recommendation Title:** SNC identification

**Element:** Not Recorded

**Finding:** Region does not identify RCRA SNC properly.

**Status:** Completed

**Expected Completion Date:** 07/24/2006

**Responsible Agency:** Regional Action

**Recommendation Narrative:** The SNC identification procedures being formulated by the Region should have provisions for ensuring that these data are entered into RCRAInfo in a timely manner.

## Definition of Terms

### Round 1 Elements:

**Element 1:** Degree to which state program has completed the universe of planned inspections/compliance evaluations (addressing core requirements and federal, state, and regional priorities).

**Element 2:** Degree to which inspection reports and compliance reviews documents inspection findings, including accurate description of what was observed to sufficiently identify violations.

**Element 3:** Degree to which Compliance Monitoring Reports are completed in a timely manner, including timely identification of violations.

**Element 4:** Degree to which significant violations (e.g., significant noncompliance and high priority violations) and supporting information are accurately identified and reported to EPA national databases in a timely manner.

**Element 5:** Degree to which state enforcement actions include required corrective or complying actions (injunctive relief) that will return facilities to compliance in a specific time frame.

**Element 6:** Degree to which a state takes timely and appropriate enforcement actions in accordance with policy relating to specific media.

**Element 7:** Degree to which a state includes both gravity and economic benefit calculations for all penalties, appropriate using BEN model of similar state model (where in use and consistent with national policy).

**Element 8:** The degree to which penalties in final enforcement actions include economic benefit and gravity in accordance with applicable penalty policies.

**Element 9:** Degree to which enforcement commitments in the PPA/PPG/categorical grants (SEAs), written agreements to deliver a product/project at a specified time are met and any products or projects are completed.

**Element 10:** Degree to which the Minimum Date Requirements are timely.

**Element 11:** Degree to which the Minimum Date Requirements are accurate.

**Element 12:** Degree to which the Minimum Date Requirements are complete.

**Element 13:** Optional evaluation element could include program areas such as compliance assistance, pollution prevention, innovation, incentive or self-disclosure programs, outcome

measures, environmental indicators, relationships with Attorney General or other legal offices, etc.

**Finding:** An observation of activities, processes, or policies that the metrics and/or the file reviews show are being implemented by the state that have significant problems that need to be addressed and that require follow-up EPA oversight.

**Status:**

**Working:** The recommendation is in progress, it is expected to be completed, and it is on schedule to meet agreed upon completion date

**Completed:** The terms of recommendation have been implemented, the corrections have been agreed upon, and the work attributed to the recommendation was completed

**Being Negotiated:** The region and the state still have to determine the timeline and the procedures for implementing the recommendation, the timeline of recommendation cannot be determined by the completion of the final report

**Long Term Resolution:** The recommendation cannot be completed without legislative fix, policy change, or institutional arrangement that would have to go on to the future

**Responsible Agency:** The agency that administers the program. Mostly States, but is EPA where EPA directly implements the program.

## **List of Acronyms**

### **A**

ACS – Annual Commitment System  
ASHERA – Asbestos Hazard and Emergency Response Act  
AFS – Air Facilities System  
AFS ICR - Air Facilities System – Information Collection Request  
AST – Above Ground Storage Tank  
ASDWA – Association of State Drinking Water Administrators

### **B**

BIA – Bureau of Indian Affairs  
BMP – Best Management Practices  
BoP – Bureau of Prisons

### **C**

CA – Compliance Assistance  
CAA – Clean Air Act  
CAC – Compliance Assistance Coordinator  
CACDS – Compliance Assistance Conclusion Data Sheet  
CAFO – Concentrated Animal Feeding Operations  
CBP – Bureau of Customs and border Protection  
CBI – Confidential Business Information  
CCDS – Case Conclusion Data Sheet  
CEC – Commission for Environmental Cooperation  
CEI – Compliance Evaluation Inspection  
CERCLA – Comprehensive Environmental Response, Compensation and Liability Act  
CESQG – Conditionally-exempt Small Quantity Generator  
CID – Criminal Investigation Division  
CIPs – Compliance Incentive Programs  
CMS - Compliance Monitoring Strategy  
CSOs – Combined Sewer Overflows  
CSS – Combined Sewer Systems  
CWA – Clean Water Act  
CFC – Chlorofluorocarbon

### **D**

DMR – Discharge Monitoring Report

### **E**

EA – Environmental Assessment  
EIS – Environmental Impact Statement  
EJ – Environmental Justice  
EJAC – Environmental Justice Areas of Concern

EJSEAT – Environmental Justice Strategic Enforcement Assessment Tool  
EMP – Environmental Management Practices  
EMR – Environmental Management Reviews  
EMS – Environmental Management System  
EPA – Environmental Protection Agency  
EPCRA – Emergency Planning and Community Right to Know Act  
ERPs – Enforcement Response Policies  
ERP – Environmental Results Program  
ESD – Explanations of Significant Differences

## **F**

FCE – Full Compliance Evaluation  
FEMA – Federal Emergency Management Agency  
FFEO – Federal Facilities Enforcement Office  
FIFRA – Federal Insecticide Fungicide and Rodenticide Act  
FRP – Facility Response Plan  
FTE – Full Time Equivalent

## **G**

GAO – Government Accounting Office  
GME – Groundwater Monitoring Evaluation  
GPRA – Government Performance and Results Act

## **H**

HAP – Hazardous Air Pollutant  
HPV – High Priority Violators  
HQ - Headquarters  
HUD – Housing and Urban Development

## **I**

IAC – Innovative Action Council  
ICDS – Inspection Conclusion Data Sheet  
ICIS – Integrated Compliance Information System  
ICIS – NPDES Integrated Compliance Information System – National Pollutant Discharge Elimination System  
IG – Inspector General  
INECE – International Network for Environmental Compliance and Enforcement  
IU – Industrial users (non-domestic)  
IPOD – ICIS Policy on Demand

## **L**

LBP – Lead-based Paint  
LDAR - Leak Detection and Repair  
LEA – Local Education Authority  
LGEAN – Local Government Environmental Assistance Network  
LQG – Large Quantity Generator

## **M**

MACT – Maximum Achievable Control Technology  
MDR – Minimum Data Requirements  
MOA – Memorandum of Agreement  
MS4 – Municipal Separate Storm Sewer System

## **N**

NAAQS – National Ambient Air Quality Standards  
NEIC – National Enforcement Investigations Center  
NEJAC – National Environmental Justice Advisory Council  
NEPA – National Environmental Policy Act  
NESHAP – National Emissions Standards for hazardous Air Pollutants  
NETI – National Enforcement Training Institute  
NOV – Notice of Violation  
NOx – Nitrogen Oxide  
NPDES – National Pollutant Discharge Elimination System  
NPL – National Priorities List  
NPM – National Program Manager  
NRC – National Response Center  
NSPS – New Source Performance Standards  
NSR – New Source Review  
NTP – National Training Plan

## **O**

OAM – Operation and Maintenance  
OAP – Office of Administration and Policy  
OC – Office of Compliance  
OCE – Office of Civil Enforcement  
OCEFT – Office of Criminal Enforcement, Forensics and Training  
OCFO – Office of Chief Financial Officer  
OCIR – Office of Congressional and Intergovernmental Relations  
ODS – Ozone Depleting Substances  
OECA- Office of Compliance and Assurance  
OEJ – Office of Environmental Justice  
OGD – Office of Grants and Disbarment  
OIG – Office of the Inspector General  
OMB – Office of Management and Budget  
OPP – Office of Pesticide Programs  
OPPTS – Office of Prevention, Pesticides, and Toxic Substances  
OSWER – Office of Solid Waste and Emergency Response  
OTIS – Online Tracking Information System

## **P**

PBT – Persistent Bio-accumulative Toxics  
PCB – Polychlorinated Biphenyls

PCE – Partial Compliance Evaluation  
PCS – Permit Compliance System  
PEI – Production Establishment Inspections  
PFA – Preliminary Financial Assessments  
PM10 – Particulate Matter  
POTW – Publically Operated Treatment Works  
PPA – Performance Partnership Agreement  
PPG – Performance Partnership Grants  
PRP – Potentially Responsible Party  
PSD – Prevention of Significant Deterioration  
PWS – Public Water System  
PWSS – Public Water System Supervision

## **R**

RCRA – Resource Conservation Recovery Act  
RCRAInfo – Resource Conservation and Recovery Act Information  
RECAP – Regional Enforcement and Compliance Assurance Program  
RMP – Risk Management Plan  
ROD – Record of Decision  
RR+P – Renovation, Repair and Painting

## **S**

SAAP – Special Appropriations Act Projects  
SAC – Special Agent-in-Charge  
SCAP – Superfund Comprehensive Accomplishment Planning  
SDWA – Safe Drinking Water Act  
SDWIS/ODS – Safe Drinking Water Information System/ Operational Data System  
SEC – Securities and Exchange Commission  
SEE – Senior Environmental Employment  
SEP – Supplemental Environmental Project  
SGTM – State Grant Template Measures  
SITS – Strategy Implementation Teams  
SLPD – Special Litigation and Projects Division  
SNCs – Significant Noncompliance  
SOC – Significant Operational Compliance  
SO2 – Sulfur Dioxide  
SPCC – Spill Prevention Control and Countermeasures  
SQG – Small Quantity Generator  
SRF – State Review Framework  
SSO – Sanitary Sewer Overflows  
STAG - -State and Tribal Assistance Grant  
SWPPP – Stormwater Pollution Prevention Plan

## **T**

TSCA – Toxic Substance Control Act  
TSD - Treatment, Storage and Disposal

TSDF – Treatment, Storage and Disposal Facility  
TSS – Total Suspended Solids  
TVA – Tennessee Valley Authority

**U**

UIC – Underground Injection Control  
UNICOR – trade name of Federal Prison Industries  
UST – Underground Storage Tank

**V**

VOC – Volatile Organic Compounds

**W**

WW – Wet Weather