

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

**Connecticut Department of Environmental Protection (CDEP)**

23 Recommendations

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**Clean Air Act Recommendations**

**Recommendation Title:** Inspection Documentation

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

**Finding:** Inspection Documentation

**Status:** Working

**Expected Completion Date:** 01/01/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** CT DEP should change the inspection report cover sheet to reflect the newer terminology of FCE or PCE.

**Recommendation Title:** Enforcement history added to inspection file

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

**Finding:** Enforcement history added to inspection files

**Status:** Completed

**Expected Completion Date:** 09/30/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** CT DEP should demonstrate to EPA the steps it has taken to ensure inspectors include a list of previous enforcement actions in the inspection file, and specify which records they reviewed in their inspection reports.

**Recommendation Title:** Correct UI translation issues

**Element:** E8 Penalties Collected

**Finding:** Correct UI translation issues

**Status:** Working

**Expected Completion Date:** 09/30/2009

**Responsible Agency:** State Action

**Recommendation Narrative:** CT DEP should demonstrate to EPA that it is actively working to correct the data translation problems to ensure formal enforcement data is properly translated to AFS.

**Clean Water Act Recommendations**

**Recommendation Title:** Reconcile NPDES data

**Element:** E1 Insp Universe

**Finding:** Reconcile NPDES data

**Status:** Working

**Expected Completion Date:** 10/15/2007

**Responsible Agency:** State Action

**Recommendation Narrative:** 1) By October 15, 2007, it is recommended that the CT DEP reconcile its NPDES industrial, municipal, federal, state, stormwater, and pretreatment inspection data bases with ICIS.

**Recommendation Title:** Modify Inspection Checklist

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

**Finding:** Modify Inspection Checklist

**Status:** Working

**Expected Completion Date:** 12/31/2007

**Responsible Agency:** State Action

**Recommendation Narrative:** The Industrial Permitting and Enforcement Program's and Municipal Water Pollution Control Section's inspection checklists will be modified to include a section that requires the inspector to document his/her review the of findings of prior compliance inspections as well as the facility's compliance with previously issued inspection-related NOVs.

**Recommendation Title:** Evaluate feasibility of sampling capacity

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

**Finding:** Evaluate feasibility of sampling capacity

**Status:** Working

**Expected Completion Date:** 12/31/2007

**Responsible Agency:** State Action

**Recommendation Narrative:** The Municipal Water Pollution Control Section should evaluate the feasibility of including sampling capabilities during inspections at selected wastewater treatment facilities.

**Recommendation Title:** Improve Inspection Report Timeliness

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

**Finding:** Improve Inspection Report Timeliness

**Status:** Working

**Expected Completion Date:** 03/31/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** The Industrial Permitting and Enforcement Program will report the effectiveness of the measures that it has implemented to expedite the preparation of inspection reports.

**Recommendation Title:** SEV data entry training

**Element:** E4 SNC Accuracy

**Finding:** SEV data entry training

**Status:** Completed

**Expected Completion Date:** 09/30/2008

**Responsible Agency:** State Action, Regional Action

**Recommendation Narrative:** Region 1 will provide the CTDEP the necessary training regarding the entry of single-event violations into ICIS. See recommendations for Metric 10.

**Recommendation Title:** Use Available Enforcement Resources

**Element:** E5 Return to Compliance

**Finding:** Use Available Enforcement Resources

**Status:** Working

**Expected Completion Date:** 09/30/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** Region 1 recommends that the Municipal Water Pollution Control Section utilizes the Enforcement Desk Reference tools for all future multi-media or penalty actions.

**Recommendation Title:** Expedite Consent Orders

**Element:** E6 Timely & Appropriate Actions

**Finding:** Expedite Consent Orders

**Status:** Working

**Expected Completion Date:** 12/31/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** Region 1 recommends that the Industrial Permitting and Enforcement Program report the effectiveness of the measures that it has implemented to expedite the settlement of administrative consent orders.

**Recommendation Title:** Provide Guidance on "Discovery of Violation" in Multi-media Cases

**Element:** E6 Timely & Appropriate Actions

**Finding:** Provide Guidance on "Discovery of Violation" in Multi-media Cases

**Status:** Working

**Expected Completion Date:** 03/31/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** DEP should provide additional guidance regarding the identification of the date of "discovery of violation" and the consistent application of the "discovery of violation" in multimedia cases and for those facilities that fall in and out of compliance (i.e., recidivism), as well as those enforcement actions that are initiated as a result of file reviews.

**Recommendation Title:** Document basis for Economic Benefit Calculations

**Element:** E7 Penalty Calculations

**Finding:** Document basis for Economic Benefit Calculations

**Status:** Working

**Expected Completion Date:** 12/31/2007

**Responsible Agency:** State Action

**Recommendation Narrative:** CT DEP's Water Enforcement programs should document the method and bases for its economic benefit calculations when not using EPA's BEN Model for all future enforcement actions and that the CT DEP and EPA meet to discuss

the application of EPA's BEN model in specific enforcement cases before December 31, 2007.

**Recommendation Title:** Improve Entry of Penalty Data in ICIS

**Element:** E8 Penalties Collected

**Finding:** Improve Entry of Penalty Data in ICIS

**Status:** Completed

**Expected Completion Date:** 12/31/2007

**Responsible Agency:** State Action

**Recommendation Narrative:** EPA will provide the CT DEP with specific training regarding the entry of penalty data into ICIS.

**Recommendation Title:** Improve PCS/ICIS Transition

**Element:** E10 Data Timely

**Finding:** Improve PCS/ICIS Transition

**Status:** Working

**Expected Completion Date:** 12/31/2007

**Responsible Agency:** State Action, Regional Action

**Recommendation Narrative:** EPA and the CT DEP shall meet to discuss PCS/ICIS transitional issues and to schedule future follow-up discussions and training.

**Recommendation Title:** Plan Implementation of ICIS/NPDES Policy Statement

**Element:** E10 Data Timely

**Finding:** Plan Implementation of ICIS/NPDES Policy Statement

**Status:** Long Term Resolution

**Expected Completion Date:** 09/30/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** Within three months of the finalization of the ICIS-NPDES Policy Statement, the CT DEP shall submit a plan for complying with the Policy.

## **Resource Conservation and Recovery Act Recommendations**

**Recommendation Title:** Clarify LQG inspection counts

**Element:** E1 Insp Universe

**Finding:** Clarify LQG inspection counts

**Status:** Working

**Expected Completion Date:** 09/30/2009

**Responsible Agency:** State Action

**Recommendation Narrative:** ECAP will work with EPA to develop a coding convention for use in RCRAInfo to indicate which SQG inspections [targeted by the SQG Manifest Initiative] were actually functioning as state LQGs at the time of inspection and enforcement. ECAP will then ensure that the total number of LQG inspections entered into RCRAInfo also reflects the number of inspections at state LQGs as, uncovered by the SQG initiative. ECAP will identify training needs and request such training from EPA as appropriate.

**Recommendation Title:** Document violation with photographs

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

**Finding:** Document violation with photographs

**Status:** Completed

**Expected Completion Date:** 09/30/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** ECAP should continue to supplement, when appropriate, their violation findings with photographs taken in the field. ECAP will discuss the protocols for photographic documentation and retention, with its hazardous waste inspectors during regular, biweekly inspection staff meetings, and with EPA during monthly enforcement agenda meetings.

**Recommendation Title:** Clarify Day Zero Policy

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

**Finding:** Clarify Day Zero Policy

**Status:** Completed

**Expected Completion Date:** 09/30/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** ECAP should assess using the first day of the inspection as Day Zero if a violation is clearly identified on such day. In cases where Day Zero is not the first day of the inspection, ECAP should justify why Day Zero varied from the first day of the inspection. The state has agreed to prepare an interpretation of its definition of "Date of Discovery" (i.e., Day Zero) as contained in the state's current ERP and as it impacts all media, and has agreed to copy EPA representatives on the final memo.

**Recommendation Title:** Clarify SNC data entry

**Element:** E4 SNC Accuracy

**Finding:** Clarify SNC data entry

**Status:** Completed

**Expected Completion Date:** 09/30/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** ECAP agrees to no longer enter a SNN facility flag on the date when a consent or administrative order is issued, or when a case is referred to the State Attorney General [see footnote 8 in Element 12]. Further, ECAP agrees to only enter the SNN flag for facilities that have achieved full compliance with all prescribed compliance schedules and when all associated violations have been returned to compliance. That is, at the time an order or court ordered settlement is closed. A brief inter-office memo describing when SNN flags should be entered into RCRAInfo will be provided to applicable ECAP staff and a copy will be forwarded to EPA.

**Recommendation Title:** Report dates for return to compliance

**Element:** E4 SNC Accuracy

**Finding:** Report dates for return to compliance

**Status:** Working

**Expected Completion Date:** 09/30/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** ECAP will ensure that, once a facility has returned to compliance, individual “return to compliance” dates are entered for all outstanding violations associated with SNC determinations. Likewise, ECAP will work with EPA to go through the existing RCRAInfo database to identify and resolve “old and outstanding” violations for facilities that have been addressed by informal and formal enforcement and have since achieved compliance [also see comment 3 of Element 12]. ECAP agrees to make any necessary corrections in RCRAInfo.

**Recommendation Title:** Improve timeliness of referrals

**Element:** E6 Timely & Appropriate Actions

**Finding:** Improve timeliness of referrals

**Status:** Long Term Resolution

**Expected Completion Date:** 09/30/2009

**Responsible Agency:** State Action

**Recommendation Narrative:** ECAP will, as resources allow, continue to ensure that referrals to the Office of the State Attorney General are expedited to meet the state ERP timeline of 210 or 300 days. If not, ECAP will clearly document the reasons for exceeding timeliness expectations on a case specific level.

**Recommendation Title:** Improve penalty calculations

**Element:** E8 Penalties Collected

**Finding:** Improve penalty calculations

**Status:** Working

**Expected Completion Date:** 09/30/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** EPA recommends that the practice of zeroing out the continuing violation segment of a gravity-based penalty be carefully assessed. EPA and CT can discuss this further as necessary. If, after further consultation, the practice is not discontinued, then the validity and justification of zeroing out certain segments of a penalty should be based on documented allowances consistent with the state’s Civil Penalty Policy and federal policy. This practice, if continued, should be recognized somewhere within the state policy. Changes to be made to the enforcement policy or procedures to address the recommendation should be discussed with and copied to EPA. If the state wishes to continue to use a “zeroing out” of certain segments of a penalty, the validity and justification of doing so should be based on documented allowances consistent with the state’s Civil Penalty Policy. EPA recommends that the practice of zeroing out the continuing violation segment of a gravity-based penalty be either discontinued or recognized somewhere within the Policy. Any changes made to enforcement policy or procedures to address this recommendation should be copied to EPA.

**Recommendation Title:** Improve data completeness

**Element:** E12 Data Complete

**Finding:** Improve data completeness

**Status:** Working

**Expected Completion Date:** 09/30/2007

**Responsible Agency:** State Action

**Recommendation Narrative:** 1. ECAP and EPA agree to review the above statistics as they are reflected in state records and in RCRAInfo and to reconcile any differences between the two data sets. ECAP and EPA agree to conduct this type of review on an annual basis.

2. As discussed in Element 4, ECAP agrees to only turn on the RCRAInfo “SNN” code for facilities that have achieved full compliance with all prescribed compliance schedules and when all associated violations have been returned to compliance. This applies to referrals to the State Attorney General’s Office, administrative orders and consent orders. In addition, for the SNY flag when cases are referred directly to the State Attorney General’s Office (i.e., without previous consent order negotiations or administrative order issuance), ECAP will begin to turn on the SNY code when the complaint is filed in court.

3. ECAP and EPA agree to discuss a process for turning on the SNN code when continued non-compliance is no longer applicable. For example, when violations have not been corrected or enforcement has not been concluded, but the company has gone out of business and there is no viable entity from which to seek resolution.

## 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  
AHERA – 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