

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

Hawaii

25 Recommendations

Clean Air Act Recommendations

Recommendation Title: Complete 3 Title V Certs Reviews Missing

Element: E1 Inspection Universe

Finding: DOH reviewed 87 of 90 Title V compliance certificates.

Status: Working

Expected Completion Date: 10/01/2009

Responsible Agency: State Action

Recommendation Narrative: HI should take action to obtain missing Title V compliance certs, if any, or update AFS if there was a data entry problem.

Recommendation Title: Improve Timeliness Addressing HPVs

Element: E6 Timely & Appropriate Actions

Finding: 2 of 11 HPV's addressed after 270 days

Status: Working

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: Seek to address all HPVs within 270 days

Recommendation Title: Improve timeliness of data entry

Element: E10 Data Timely

Finding: Some data took longer than 60 days to add to AFS.

Status: Working

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: CAB should report all actions to AFS within 60 days of occurrence

Recommendation Title: Improve entry of major source permits into AFS

Element: E12 Data Complete

Finding: New major permittees had not been added to AFS

Status: Completed

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: CAB should ensure facilities receiving major source permits are accurately reflected in AFS

Clean Water Act Recommendations

Recommendation Title: Secure state contractor for inspections

Element: E1 Inspection Universe

Finding: EPA contractors have assisted in performing inspections. Contract expires end of FY06

Status: Completed

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: CWB should secure future access to contractor resources to perform inspections

Recommendation Title: Strive to meet inspection commitments

Element: E1 Inspection Universe

Finding: CWA didn't meet all inspection commitments

Status: Working

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: CWB should target inspections to ensure that specific commitments in the grant workplan are met

Recommendation Title: Complete outstanding FY05 reports

Element: E3 Violations ID'd Timely

Finding: Contractor inspections done in Sept. 2005 had not been submitted as of the time of the review.

Status: Completed

Expected Completion Date: 10/01/2007

Responsible Agency: State Action

Recommendation Narrative: Complete and issue all FY05 reports as soon as possible.

Recommendation Title: Use single violation SNC criterion

Element: E4

Finding: CWB doesn't use "single violation" criterion to determine violator is in SNC

Status: Working

Expected Completion Date: 9/30/2006

Responsible Agency: State Action

Recommendation Narrative: CWB should commence using single violation SNC criterion before the end of the current fiscal year.

Recommendation Title: Evaluate specific facility as SNC

Element: E4 SNC Accuracy

Finding: Specific facility could potentially be classified in SNC

Status: Completed

Expected Completion Date: 10/01/2007

Responsible Agency: State Action

Recommendation Narrative: CWB should evaluate whether to include named facility as being in SNC as a chronic violator, and if so, take appropriate action

Recommendation Title: Evaluate same facility for enforcement

Element: E6 Timely & Appropriate Actions

Finding: Specific facility may merit a formal action based on permit violations

Status: Working

Expected Completion Date: 10/01/2007

Responsible Agency: State Action

Recommendation Narrative: Evaluate whether specific site represents a candidate for formal enforcement actions

Recommendation Title: Document economic benefit decision for specific case

Element: E7 Penalty Calculations

Finding: One case file didn't document rationale for \$0 economic benefit

Status: Completed

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: Specific case file should be amended to include justification for recommended economic benefit of \$0

Recommendation Title: Strive to meet grant commitments

Element: E9 Grant Commitments

Finding: CWB largely met its grant commitments

Status: Completed

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: CWA should fulfill all its obligations under the 106 grant

Recommendation Title: Develop non-filers initiative; take DRMQA action against non-respondents

Element: E9 Grant Commitments

Finding: Grant workplan required actions that weren't substantially complete by end of FY05.

Status: Working

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: CWB should undertake and complete any unfilled commitments with respect to implementing a storm water "non-filers" enforcement initiative and take action against non-respondents under the DMR QA program

Recommendation Title: Enter Formal Enforcement Actions; NOV's; effluent limits

Element: E12 Data Complete

Finding: Data entry for specific items was incomplete

Status: Working

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: CWB should commence entry into ICIS-NPDES related to coding effluent limits for NPDES non-majors, NOVs, and Formal Enforcement Actions

Resource Conservation and Recovery Act Recommendations

Recommendation Title: Complete 5-year LQG inspections

Element: E1 Inspection Universe

Finding: 51% of LQGs had been inspected over 5 years

Status: Completed

Expected Completion Date: 10/01/2007

Responsible Agency: State Action

Recommendation Narrative: HDOH will inspect any LQG facilities not inspected in last 5 years.

Recommendation Title: Improve accuracy of SQG info

Element: E1 Inspection Universe

Finding: Disparities exist in number of SQGs reported in OTIS versus RCRAInfo due to presence of episodic or one-time generators, resulting in low 5-year inspection rate of SQGs

Status: Completed

Expected Completion Date: 10/01/2007

Responsible Agency: State Action

Recommendation Narrative: EPA and HDOH will work to improve accuracy of SQG data in RCRAInfo

Recommendation Title: Improve completeness & timeliness of insp. files

Element: E2 Violations ID'd appropriately

Finding: 12 incomplete inspection files lacked documentation. Completed files were thorough.

Status: Completed

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: HDOD should ensure that inspection and violation information is correctly reported in the inspection files in a timely manner. Inspection documentation should be prepared as soon as possible after facility site inspection

Recommendation Title: Improve timeliness of inspection reports

Element: E3 Violations ID'd Timely

Finding: Average time to complete inspection reports was 95 days versus 45 days as agreed

Status: Completed

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: HDOH will improve timeliness in completing inspection reports

Recommendation Title: Enter RFI actions in RCRAInfo

Element: E3 Violations ID'd Timely

Finding: Request for Information (RFI) actions had not been entered into RCRAInfo, resulting in a larger number of cases appearing to miss the 45-day target for completion of inspection report

Status: Completed

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: RFI actions will be entered into RCRAInfo

Recommendation Title: Enter SNC determinations in RCRAInfo at time of violation

Element: E4 SNC Accuracy

Finding: SNC determinations were not entered into RCRAInfo prior to case being settled

Status: Completed

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: HDOH should ensure the timely entry of SNC determinations into RCRAInfo

Recommendation Title: Enter penalty amounts into RCRAInfo

Element: E8 Penalties Collected

Finding: HDOH settled cases in FY05 for \$1.03 million. OTIS did not identify penalties collected because HDOH failed to enter the information into RCRAInfo

Status: Working

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: HDOH will enter penalty amounts into RCRAInfo

Recommendation Title: Timely data entry

Element: E10 Data Timely

Finding: Inspection and enforcement data have historically been entered into RCRAInfo after enforcement action is concluded; return to compliance data and settlement data is entered inconsistently

Status: Working

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: HDOH will improve timely entry of data into RCRAInfo

Recommendation Title: Continue to train inspectors on RCRAInfo

Element: E10 Data Timely

Finding: Inspection data is not timely entered

Status: Working

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: HDOD inspectors will continue to receive training on use of RCRAInfo database

Recommendation Title: Correct Inaccurate LQG universe

Element: E11 Data Accurate

Finding: RCRAInfo and OTIS do not accurately reflect HI's LQG universe

Status: Completed

Expected Completion Date: 10/01/2007

Responsible Agency: State Action

Recommendation Narrative: EPA and HDOH will review and update RCRAInfo LQG universe with HDOH providing verified and accurate numbers

Recommendation Title: Enter RTC, penalties, settlements into RCRAInfo

Element: E11 Data Accurate

Finding: HDOD did not enter return to compliance into RCRAInfo, and other information

Status: Working

Expected Completion Date: 10/01/2008

Responsible Agency: State Action

Recommendation Narrative: HDOD will improve data entry into RCRAInfo of return to compliance dates, settlement dates, and penalty amounts

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