

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

Iowa Department of Natural Resources (IDNR)

17 Recommendations

Clean Air Act Recommendations

Recommendation Title: Multiple FCEs as same facility during the same year

Element: E1 Insp Universe

Finding: More than one FCEs conducted at the same Title facility in any year. Follow up FCE should probably be classified as a PCE in AFS

Status: Completed

Expected Completion Date: 01/31/2008

Responsible Agency: State Action

Recommendation Narrative: Review any follow up visits to an FCE and determine if they should really be entered as a PCE

Recommendation Title: Timely Action Taken To Address HPV Sources

Element: E6 Timely & Appropriate Actions

Finding: Under Metric 6.a.-Timely Action Taken to Address HPV Sources, the State's performance of 47.4% fell slightly below the national average of 48.5% for FY05.

Status: Completed

Expected Completion Date: 12/31/2007

Responsible Agency: State Action

Recommendation Narrative: State needs to make a concerted effort to address HPVs within 270 days.

Recommendation Title: Percent (HPV) Actions with Penalties

Element: E8 Penalties Collected

Finding: Under Metric 8.b.-Percent (HPV) Actions with Penalties, the State's 44.4% performance fell below the national average of 79.5% for FY07.

Status: Long Term Resolution

Expected Completion Date: 12/30/2009

Responsible Agency: State Action

Recommendation Narrative: Emission violations detected during stack tests are the most common HPVs in Iowa. The State must address its failure to collect penalties for these emission violations detected during stack tests. (Currently, the State usually addresses these violations by repermitting with higher limits.)

Clean Water Act Recommendations

Recommendation Title: Inspect 20% of permitted CAFOs annually
Element: E1 Insp Universe
Finding: Inadequate inspection coverage of permitted CAFO universe.
Status: Completed
Expected Completion Date: 12/31/2008
Responsible Agency: State Action
Recommendation Narrative: Inspect 20% of permitted CAFOs annually

Recommendation Title: Develop SOP for CAFO Inspections
Element: E2 Violations ID'ed Appropriately
Finding: CEIs at CAFO are inadequate
Status: Long Term Resolution
Expected Completion Date: 12/30/2009
Responsible Agency: State Action
Recommendation Narrative: IDNR should develop SOP for CEIs at CAFOs

Recommendation Title: IDNR should track all CSO/SSO dry and wet weather bypasses
Element: E2 Violations ID'ed Appropriately
Finding: IDNR does not adequately track CSO/SSO dry and wet weather bypasses.
Status: Completed
Expected Completion Date: 12/31/2008
Responsible Agency: State Action
Recommendation Narrative: IDNR should track all CSO/SSO dry and wet weather bypasses, and generate status reports for each CSO community.

Recommendation Title: SNC violations need formal enforcement actions.
Element: E6 Timely & Appropriate Actions
Finding: SNC violations not appropriately addressed
Status: Completed
Expected Completion Date: 12/31/2008
Responsible Agency: State Action
Recommendation Narrative: SNC violations need to be addressed through the use of a formal enforcement action.

Recommendation Title: IDNR Needs to Develop a Civil Penalty Policy
Element: E7 Penalty Calculations
Finding: IDNR does not a civil penalty policy for use when determining penalties for CWA violations.
Status: Completed
Expected Completion Date: 12/31/2008
Responsible Agency: State Action
Recommendation Narrative: IDNR should develop and implement a civil penalty policy that not only covers penalties associated with CAFOs, but penalties for all facilities (wastewater, storm water, etc.) covered under the state and federal clean water laws.

Recommendation Title: Use appropriate inspection codes in PCS

Element: E11 Data Accurate

Finding: IDNR does not utilize all appropriate inspection codes available for use in PCS

Status: Completed

Expected Completion Date: 12/31/2008

Responsible Agency: State Action

Recommendation Narrative: IDNR should utilize all inspection type codes available for use in PCS (i.e., Compliance Evaluation, Complaint, CAFO, Compliance Sampling, etc.) instead of only using the Compliance Evaluation code.

Resource Conservation and Recovery Act Recommendations

Recommendation Title: RCRA/TSD Inspections

Element: E1 Insp Universe

Finding: Not all TSDs were inspected

Status: Completed

Expected Completion Date: 09/30/2007

Responsible Agency: Regional Action

Recommendation Narrative: Region 7 should ensure that it is inspecting 100% of TSDs in Iowa each year as required by statute.

Recommendation Title: CESQG Documentation

Element: E2 Violations ID'ed Appropriately

Finding: CESQGs not properly documented in the file.

Status: Being Negotiated

Expected Completion Date: 09/30/2007

Responsible Agency: Regional Action

Recommendation Narrative: The region needs to ensure that files for conditionally exempt small quantity generators (CESQG) have sufficient documentation to justify the accurate identification of source as conditionally exempt. The Region should work with the Office of Compliance to determine the type of documentation required and initiate its use during future evaluations of CESQGs.

Recommendation Title: Timely and Appropriate Response

Element: E3 Violations ID'ed Timely

Finding: Enforcement actions are not always timely.

Status: Completed

Expected Completion Date: 09/30/2007

Responsible Agency: Regional Action

Recommendation Narrative: It is recommended that the Region review those instances where the timeline exceeded the 2003 RCRA ERP to determine how it can streamline/shorten the period between inspection and formal enforcement activity.

Recommendation Title: Improve SNC Determination

Element: E3 Violations ID'ed Timely

Finding: Region 7 takes a long time to determine SNC.

Status: Completed

Expected Completion Date: 09/30/2007

Responsible Agency: Regional Action

Recommendation Narrative: It is recommended that the Region look at the period of time to review information requests under RCRA Section 3007 and see if it can streamline the activities in order to identify violations earlier.

Recommendation Title: SNC Identification

Element: E4 SNC Accuracy

Finding: Region does not always identify failure to report into Biennial Report as SNC

Status: Completed

Expected Completion Date: 09/30/2007

Responsible Agency: Regional Action

Recommendation Narrative: Regional approach to handling first time failure to file Biennial Report is consistent with EPA's approach to smart enforcement. The Region should put in place a tickler system or other process to indicate if person has previously failed to file the Biennial Report. Such a process should provide notice to the Region so that appropriate enforcement action can be taken.

Recommendation Title: Timeliness of Enforcement Actions

Element: E6 Timely & Appropriate Actions

Finding: Not all enforcement actions are timely.

Status: Completed

Expected Completion Date: 09/30/2007

Responsible Agency: Regional Action

Recommendation Narrative: Improve timeliness of enforcement actions by streamlining the process for case development and SNC determination.

Recommendation Title: Economic Benefit

Element: E7 Penalty Calculations

Finding: Region does not document economic benefit in enforcement files.

Status: Completed

Expected Completion Date: 09/30/2007

Responsible Agency: Regional Action

Recommendation Narrative: It is recommended that the Region document in the case file, on a per count basis, whether or not an economic benefit was calculated and, ultimately, if a cumulative economic benefit should be captured as part of the overall assessed penalty. If the benefit per count is less than \$200, a simple notation to that effect in the file will suffice.

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
NO_x – 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