

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

Indiana Department of Environmental Management (IDEM)

35 Recommendations

Clean Air Act Recommendations

Recommendation Title: Correct Title V Major Source Inventory in AFS

Element: E1 Insp Universe

Finding: Title V Inventory not correct in AFS

Status: Being Negotiated

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: Correct Title V Major Source Inventory in AFS

Recommendation Title: Use ACES Database to Upload Data to AFS

Element: E1 Insp Universe

Finding: Inspection data not being uploaded to AFS

Status: Completed

Expected Completion Date: 11/29/2006

Responsible Agency: State Action

Recommendation Narrative: Use ACES Database to upload FCE, ACC, and stack test result data to AFS

Recommendation Title: Add Language to CMS Cover Letter About Inspection Targeting

Element: E1 Insp Universe

Finding: Not enough sources targeted for inspection in CMS

Status: Completed

Expected Completion Date: 03/31/2007

Responsible Agency: State Action

Recommendation Narrative: Add language to CMS cover letter that states how sources are targeted via Indiana's alternate plan.

Recommendation Title: Provide Adequate Detail of Enforcement History in the CMR.

Element: E2 Violations ID'ed Appropriately

Finding: CMRs not providing enough background detail

Status: Completed

Expected Completion Date: 03/31/2007

Responsible Agency: State Action

Recommendation Narrative: Provide adequate detail of enforcement history in the CMR

Recommendation Title: Caution Inspectors Not to Duplicate Report Content
Element: E2 Violations ID'ed Appropriately
Finding: CMRs duplicating report content
Status: Completed
Expected Completion Date: 03/31/2007
Responsible Agency: State Action
Recommendation Narrative: Caution inspectors not to duplicate report content from previous CMRs

Recommendation Title: Update Referral Guidance With Clear Examples of HPV Criteria
Element: E4 SNC Accuracy
Finding: HPV Identification and Reporting is lacking
Status: Completed
Expected Completion Date: 03/30/2007
Responsible Agency: State Action
Recommendation Narrative: Update referral guidance with examples of HPV criteria

Recommendation Title: Have HQ Provide HPV Determination Checklist to IDEM
Element: E4 SNC Accuracy
Finding: HPV Identification and Reporting is lacking
Status: Completed
Expected Completion Date: 12/30/2006
Responsible Agency: Regional Action
Recommendation Narrative: Have HQ provide HPV Determination Checklist to IDEM

Recommendation Title: Improve HPV Referral Process Between ACB and OE
Element: E4 SNC Accuracy
Finding: HPV identification and reporting is lacking
Status: Completed
Expected Completion Date: 03/31/2007
Responsible Agency: State Action
Recommendation Narrative: Improve HPV referral process between ACB and OE

Recommendation Title: Train ACB and OE Staff in HPV Policy
Element: E4 SNC Accuracy
Finding: HPV Identification and Reporting is lacking
Status: Completed
Expected Completion Date: 03/31/2007
Responsible Agency: State Action
Recommendation Narrative: Train ACB and OE staff in HPV Policy

Recommendation Title: Communicate With Local Offices to Ensure HPV Policy Followed
Element: E4 SNC Accuracy
Finding: HPV identification and reporting is lacking
Status: Completed
Expected Completion Date: 03/31/2007

Responsible Agency: State Action

Recommendation Narrative: Communicate with local offices to ensure HPV policy followed

Recommendation Title: Use Injunctive Relief to Ensure Continuous Compliance

Element: E5 Return to Compliance

Finding: Injunctive relief not used in enforcement documents

Status: Completed

Expected Completion Date: 03/31/2007

Responsible Agency: State Action

Recommendation Narrative: Use Injunctive Relief to ensure continuous compliance

Recommendation Title: Use Commissioner Order for Slow Settlement Situation

Element: E6 Timely & Appropriate Actions

Finding: Enforcement actions not resolved in timely manner

Status: Completed

Expected Completion Date: 03/31/2007

Responsible Agency: State Action

Recommendation Narrative: Use Commissioner Order for slow settlement situations

Recommendation Title: Calculate Economic Benefit or Document No Calculation

Element: E7 Penalty Calculations

Finding: Econ Benefit not calculated

Status: Completed

Expected Completion Date: 03/31/2007

Responsible Agency: State Action

Recommendation Narrative: Calculate economic benefit or document no calculation

Recommendation Title: Improve Justification for Penalty Mitigation

Element: E7 Penalty Calculations

Finding: Penalty mitigation not justified well

Status: Completed

Expected Completion Date: 09/30/2007

Responsible Agency: State Action

Recommendation Narrative: Improve justification for penalty mitigation

Recommendation Title: Create SOP for Referring Violations from Office to Office (see Element 4 for other related recommendations)

Element: E10 Data Timely

Finding: MDRs not timely

Status: Completed

Expected Completion Date: 03/31/2007

Responsible Agency: State Action

Recommendation Narrative: Create SOP for Referring Violations from Office to Office

Recommendation Title: Use ACES to Meet MDRs Within 60-Day Standard.

Element: E11 Data Accurate
Finding: MDRs not timely or accurate
Status: Completed
Expected Completion Date: 03/31/2007
Responsible Agency: State Action
Recommendation Narrative: Use ACES to meet MDRs within 60-day standard.

Clean Water Act Recommendations

Recommendation Title: Revise Inspection Commitments to be Consistent with CMS
Element: E1 Insp Universe
Finding: Inspection commitments need to be consistent with CMS
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Revise inspection commitments to be consistent with CMS

Recommendation Title: Develop State CMS
Element: E1 Insp Universe
Finding: New national policy will require that the state develop a new Compliance Monitoring Strategy
Status: Completed
Expected Completion Date: 09/30/2008
Responsible Agency: State Action
Recommendation Narrative: Develop State CMS, consistent with National CMS

Recommendation Title: Enter CAFO Inspections Into ICIS-NPDES
Element: E1 Insp Universe
Finding: CAFO inspections not in ICIS-NPDES
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Enter CAFO inspections into ICIS-NPDES

Recommendation Title: Perform Q/A Check on Pre-Inspection Checklists for Effluent Violations
Element: E2 Violations ID'ed Appropriately
Finding: Effluent violations not being recorded in pre-inspection checklists
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Perform Q/A check on pre-inspection checklists for effluent violations and report results

Recommendation Title: Send Memo to Staff to Remind Them of 45 Day Report Deadline
Element: E3 Violations ID'ed Timely
Finding: Some inspections reports not timely
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Send memo to staff to remind of 45 day report deadline

Recommendation Title: Report SEVs Consistent With Guidance
Element: E4 SNC Accuracy
Finding: SEVs not reported
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Report SEVs Consistent With Guidance

Recommendation Title: Include Expectations for Document Closeouts in EMS
Element: E5 Return to Compliance
Finding: Closeout documentation lacking
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Include expectations for documents closeouts in EMS

Recommendation Title: Add Timeliness of Action Requirements to Revised EMS
Element: E6 Timely & Appropriate Actions
Finding: EMS does not include timeliness of action requirements
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency:
Recommendation Narrative: Add timeliness of action requirements to revised EMS

Recommendation Title: Include Requirements and Guidance for Calculating BEN in EMS
Element: E7 Penalty Calculations
Finding: BEN not calculated
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Include requirements and guidance for calculating BEN in EMS

Resource Conservation and Recovery Act Recommendations

Recommendation Title: Date Inspection Reports
Element: E3 Violations ID'ed Timely

Finding: Inspection reports are not dated

Status: Completed

Expected Completion Date: 01/01/2007

Responsible Agency: State Action

Recommendation Narrative: Date Inspection Reports to distinguish between the timeliness of inspection report completion and the transmittal of the report to the regulated entity.

Recommendation Title: Use Unilateral Commissioner Orders if Negotiation is Taking Too Long

Element: E6 Timely & Appropriate Actions

Finding: Timeliness of actions is lacking

Status: Completed

Expected Completion Date: 01/01/2007

Responsible Agency: State Action

Recommendation Narrative: Use unilateral Commissioner Orders if negotiation is taking too long

Recommendation Title: Update Penalty Policy to Delineate Calculation of Economic Benefit

Element: E7 Penalty Calculations

Finding: Economic benefit not calculated

Status: Working

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: Update penalty policy to delineate calculation of econ benefit. Use narrative penalty examples in policy for guidance.

Recommendation Title: Calculate Economic Benefit When Appropriate and Record in File

Element: E7 Penalty Calculations

Finding: Economic benefit not calculated

Status: Completed

Expected Completion Date: 09/30/2007

Responsible Agency: State Action

Recommendation Narrative: Calculate econ benefit when appropriate and record in file

Recommendation Title: Identify if Staff Need to be Trained on Use and Theory of BEN

Element: E7 Penalty Calculations

Finding: Economic benefit not calculated

Status: Completed

Expected Completion Date: 01/01/2007

Responsible Agency: State Action

Recommendation Narrative: Identify if Staff Need to be Trained on Use and Theory of BEN

Recommendation Title: Develop Or Improve the Process for Entry into RCRAInfo

Element: E10 Data Timely

Finding: Some information not entered into RCRAInfo
Status: Completed
Expected Completion Date: 09/30/2007
Responsible Agency: State Action
Recommendation Narrative: Develop or improve the process for entry into RCRAInfo

Recommendation Title: Implement Procedure to Track Duration of Violations
Element: E11 Data Accurate
Finding: SNC determinations not made for old cases
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Implement Procedure to Track Duration of Violations

Recommendation Title: Correct Errors for 9 Cases in RCRAInfo
Element: E11 Data Accurate
Finding: Data errors in RCRAInfo
Status: Completed
Expected Completion Date: 01/01/2007
Responsible Agency: State Action
Recommendation Narrative: Correct errors for 9 cases in RCRAInfo

Recommendation Title: Compare Universe/Action Counts of IRATS and RCRAInfo
Element: E12 Data Complete
Finding: Universe/Action counts need to be analyzed
Status: Completed
Expected Completion Date: 09/30/2007
Responsible Agency: State Action
Recommendation Narrative: Compare universe/action counts of IRATS and RCRAInfo

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