

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

Michigan Department of Environmental Quality (MDEQ)

25 Recommendations

Clean Air Act Recommendations

Recommendation Title: FCE Completions not showing up

Element: E1 Insp Universe

Finding: All FCE completions for Title V sources in 03/04 not showing up in EPA data

Status: Completed

Expected Completion Date: 04/26/2006

Responsible Agency: State Action

Recommendation Narrative: Reconcile data differences using MI 04 data.

Recommendation Title: Ensure HPV Guidance being followed

Element: E2 Violations ID'ed Appropriately, E4 SNC Accuracy

Finding: HPV Guidance not followed for classification of HPVs

Status: Completed

Expected Completion Date: 04/26/2006

Responsible Agency: State Action

Recommendation Narrative: MI review guidance/implementation materials (with EPA help, if needed) and ensure being followed.

Recommendation Title: Put HPVs on HPVL in timely manner

Element: E6 Timely & Appropriate Actions

Finding: Settlements not always timely

Status: Completed

Expected Completion Date: 04/26/2006

Responsible Agency: State Action

Recommendation Narrative: MDEQ should put HPVs on the HPVL in a timely manner.

Recommendation Title: Promote SEPS during settlement

Element: E6 Timely & Appropriate Actions

Finding: SEPs are not promoted during settlement process

Status: Completed

Expected Completion Date: 04/26/2006

Responsible Agency: State Action

Recommendation Narrative: Promote more SEPs as appropriate during enforcement negotiations.

Recommendation Title: Maintain gravity and economic benefit calculations
Element: E7 Penalty Calculations, E8 Penalties Collected
Finding: Gravity and economic benefit information not always in case files
Status: Completed
Expected Completion Date: 04/26/2006
Responsible Agency: State Action
Recommendation Narrative: MDEQ to maintain file that includes gravity and economic benefit calculations for all formal cases.

Recommendation Title: Seek commitment for gravity and benefit calculation
Element: E7 Penalty Calculations, E8 Penalties Collected
Finding: Gravity and economic benefit information not always in case files
Status: Completed
Expected Completion Date: 04/26/2006
Responsible Agency: State Action
Recommendation Narrative: EPA to seek commitment from MDEQ in FY'06 work planning to work with EPA on developing gravity and BEN calculation protocol.

Recommendation Title: Enter Agreement to cover Title V Sources
Element: E9 Grant Commitments
Finding: PPA only covers non-Title V sources
Status: Completed
Expected Completion Date: 08/31/2006
Responsible Agency: State Action
Recommendation Narrative: EPA and MDEQ to enter additional agreement that covers Title V sources.

Recommendation Title: Upload data into AFS
Element: E10 Data Timely, E11 Data Accurate, E12 Data Complete
Finding: MI is not uploading data into AFS
Status: Working
Expected Completion Date: 12/28/2009
Responsible Agency: State Action
Recommendation Narrative: Expediently address this problem by finalizing software development for connection to AFS or manually entering data.

Clean Water Act Recommendations

Recommendation Title: Input from MI on ASIWPCA process
Element: E1 Insp Universe
Finding: Number of majors inspections insufficient
Status: Completed
Expected Completion Date: 04/26/2006
Responsible Agency: State Action

Recommendation Narrative: Solicit input from MI through ASIWPCA process to re-evaluate NPDES compliance monitoring program.

Recommendation Title: Ensure good reports

Element: E2 Violations ID'ed Appropriately

Finding: Inspection reports not complete

Status: Completed

Expected Completion Date: 04/26/2006

Responsible Agency: State Action

Recommendation Narrative: Ensure reports are “stand-alone” documents – possibly through additional training of staff and periodic internal audits.

Recommendation Title: EPA to conduct training inspections

Element: E2 Violations ID'ed Appropriately

Finding: Inspection reports not complete

Status: Completed

Expected Completion Date: 08/31/2006

Responsible Agency: State Action

Recommendation Narrative: EPA conducts training inspections.

Recommendation Title: EPA conduct oversight inspections

Element: E2 Violations ID'ed Appropriately

Finding: Inspection reports not complete

Status: Completed

Expected Completion Date: 08/31/2006

Responsible Agency: State Action

Recommendation Narrative: EPA conducts oversight inspections for further evaluation.

Recommendation Title: Modify EMS for inspection reporting

Element: E2 Violations ID'ed Appropriately

Finding: Inspection reports not complete

Status: Completed

Expected Completion Date: 08/31/2006

Responsible Agency: State Action

Recommendation Narrative: Modify EMS to incorporate revised inspection reporting requirements.

Recommendation Title: Monitor report deadlines

Element: E3 Violations ID'ed Timely

Finding: Inspection reports not timely

Status: Completed

Expected Completion Date: 04/26/2006

Responsible Agency: State Action

Recommendation Narrative: Monitor performance against state inspection plan and PCS form to ensure meeting of report deadlines.

Recommendation Title: Add report deadlines into state EMS

Element: E3 Violations ID'ed Timely

Finding: Inspection reports not timely

Status: Completed

Expected Completion Date: 08/31/2006

Responsible Agency: State Action

Recommendation Narrative: MDEQ consider adding report completion deadlines into state EMS.

Recommendation Title: Continue with enhancements to state NMS system.

Element: E4 SNC Accuracy, E10 Data Timely, E11 Data Accurate

Finding: Entry of data into PCS not complete or timely

Status: Completed

Expected Completion Date: 04/26/2006

Responsible Agency: State Action

Recommendation Narrative: Continue with enhancements to state NMS system.

Recommendation Title: Improve notice letters

Element: E6 Timely & Appropriate Actions

Finding: Notice letters not sufficient

Status: Completed

Expected Completion Date: 08/31/2006

Responsible Agency: State Action

Recommendation Narrative: Work with MDEQ district staff to improve notice letters, including 1) using new notice letter templates, and 2) training staff on proper use of notice letters.

Recommendation Title: Implement changes for gravity and benefit calculations

Element: E7 Penalty Calculations, E8 Penalties Collected

Finding: Gravity and BEN calculations are not complete or not made.

Status: Completed

Expected Completion Date: 08/31/2006

Responsible Agency: State Action

Recommendation Narrative: EPA affirms that process changes for complete gravity and BEN calculations continue to be implemented.

Resource Conservation and Recovery Act Recommendations

Recommendation Title: Reconcile list of TSDs

Element: E1 Insp Universe

Finding: EPA's and MDEQ's lists of operating TSDs do not match

Status: Completed

Expected Completion Date: 04/25/2006

Responsible Agency: State Action

Recommendation Narrative: Reconcile differences in list of TSDs with discussions and reviews

Recommendation Title: Complete reports/checklist thoroughly

Element: E2 Violations ID'ed Appropriately

Finding: Inspection reports/checklists not thorough enough in terms of facility and violation information

Status: Completed

Expected Completion Date: 04/25/2006

Responsible Agency: State Action

Recommendation Narrative: MDEQ to encourage inspectors to complete reports/checklist thoroughly.

Recommendation Title: Adhere to SNC Policy

Element: E4 SNC Accuracy, E6 Timely & Appropriate Actions

Finding: SNCs not identified correctly in all cases

Status: Completed

Expected Completion Date: 04/25/2006

Responsible Agency: State Action

Recommendation Narrative: MDEQ to adhere to EPA's Significant Non-Compliers policy and MDEQ's enforcement policy.

Recommendation Title: Maintain gravity and econ benefit calculations

Element: E7 Penalty Calculations, E8 Penalties Collected

Finding: No gravity and economic benefit information in case files

Status: Completed

Expected Completion Date: 04/26/2006

Responsible Agency: State Action

Recommendation Narrative: MDEQ to maintain file that includes gravity and economic benefit calculations for all formal cases.

Recommendation Title: Use work planning for gravity and econ benefit

Element: E7 Penalty Calculations, E8 Penalties Collected

Finding: No gravity and economic benefit information in case files

Status: Completed

Expected Completion Date: 06/30/2006

Responsible Agency: State Action

Recommendation Narrative: EPA to seek commitment from MDEQ in 06 work planning to work with EPA on developing gravity and BEN calculation protocol.

Recommendation Title: Resolve ECHO error requests

Element: E11 Data Accurate

Finding: ECHO data errors not resolved in a timely manner

Status: Completed

Expected Completion Date: 04/26/2006

Responsible Agency: State Action

Recommendation Narrative: MDEQ to strive to address error requests within 60 days.

Recommendation Title: Reconcile Counts of elements

Element: E11 Data Accurate, E12 Data Complete

Finding: EPA's and MDEQ's count of compliance monitoring and enforcement elements not the same

Status: Completed

Expected Completion Date: 04/26/2006

Responsible Agency: State Action

Recommendation Narrative: EPA to work with MDEQ toward reconciling differences.

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