

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

Minnesota Pollution Control Agency (MPCA)

25 Recommendations

Clean Air Act Recommendations

Recommendation Title: Hold discussions to agree on contents of inspection report.

Element: E2 Violations ID'ed Appropriately

Finding: Inspection Reports not complete.

Status: Working

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: Hold discussions to agree on contents of inspection report.

Recommendation Title: Provide plan to address dating and timeliness of inspection reports.

Element: E3 Violations ID'ed Timely

Finding: Inspection Reports not dates or timely.

Status: Completed

Expected Completion Date: 12/30/2007

Responsible Agency: State Action

Recommendation Narrative: Provide plan to address dating and timeliness of inspection reports.

Recommendation Title: Record HPV and non-HPV cases properly to AFS.

Element: E4 SNC Accuracy

Finding: HPV and non-HPV cases not reported properly.

Status: Completed

Expected Completion Date: 12/30/2007

Responsible Agency: State Action

Recommendation Narrative: Record HPV and non-HPV cases properly to AFS.

Recommendation Title: Report all compliance data to AFS.

Element: E4 SNC Accuracy, E10 Data Timely, E11 Data Accurate, E12 Data Complete

Finding: All data not being reported to AFS.

Status: Completed

Expected Completion Date: 12/30/2007

Responsible Agency: State Action

Recommendation Narrative: Report all compliance data to AFS.

Recommendation Title: Provide reasoning for non-HPV determination on Case Development Form.

Element: E4 SNC Accuracy
Finding: Non-HPV reasoning not given.
Status: Completed
Expected Completion Date: 12/31/2007
Responsible Agency: State Action
Recommendation Narrative: Provide reasoning for non-HPV determination on Case Development Form.

Recommendation Title: Provide plan for better tracking of case completion and entering into AFS.

Element: E6 Timely & Appropriate Actions, E7 Penalty Calculations
Finding: HPV cases not resolved in a timely manner.
Status: Completed
Expected Completion Date: 09/30/2007
Responsible Agency: State Action
Recommendation Narrative: Provide plan for better tracking of case completion and entering into AFS.

Recommendation Title: Submit plan to address proper use of penalty tools for compliance.

Element: E6 Timely & Appropriate Actions
Finding: Penalties not enough for deterrence.
Status: Completed
Expected Completion Date: 09/30/2007
Responsible Agency: State Action
Recommendation Narrative: Submit plan to address proper use of penalty tools for compliance.

Recommendation Title: Ensure penalties are reported correctly for multimedia cases.

Element: E8 Penalties Collected
Finding: Penalties not reported correctly for multimedia cases.
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Ensure penalties are reported correctly for multimedia cases.

Clean Water Act Recommendations

Recommendation Title: Submit inspection strategy to Region 5.

Element: E1 Insp Universe
Finding: Need inspection strategy.
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Submit inspection strategy to Region 5.

Recommendation Title: Hold discussions to agree on contents of inspection report.
Element: E2 Violations ID'ed Appropriately
Finding: Inspection Reports not complete.
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Hold discussions to agree on contents of inspection report.

Recommendation Title: Submit state inspection manual to Region 5 for review.
Element: E2 Violations ID'ed Appropriately
Finding: Inspection content not complete.
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Submit state inspection manual to Region 5 for review.

Recommendation Title: Inspection manual should include report turnaround time.
Element: E3 Violations ID'ed Timely
Finding: Inspection reports not timely.
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Inspection manual should include report turnaround time.

Recommendation Title: Include provisions for transfer of SEV data into ICIS-NPDES plan.
Element: E4 SNC Accuracy
Finding: SEV data needs to be in database.
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Include provisions for transfer of SEV data into ICIS-NPDES plan.

Recommendation Title: Include link to file procedures in inspection manual.
Element: E5 Return to Compliance
Finding: Files not complete.
Status: Working
Expected Completion Date: 12/31/2009
Responsible Agency: State Action
Recommendation Narrative: Include link to file procedures in inspection manual.

Recommendation Title: Include SNC enforcement timelines in revised ERP for major facilities.
Element: E6 Timely & Appropriate Actions
Finding: AEL above joint goal.

Status: Working

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: Include SNC enforcement timelines in revised ERP for major facilities.

Recommendation Title: Calculations of penalties should be included in files.

Element: E7 Penalty Calculations

Finding: All penalty calculations not documented.

Status: Working

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: Calculations of penalties should be included in files.

Recommendation Title: Enter all penalties into PCS.

Element: E7 Penalty Calculations

Finding: Penalty data not in PCS.

Status: Completed

Expected Completion Date: 12/30/2007

Responsible Agency: State Action

Recommendation Narrative: Enter all penalties into PCS.

Recommendation Title: Implement data quality procedures to ensure that enforcement actions are linked to violations.

Element: E11 Data Accurate

Finding: QNCR and Watchlist not accurate.

Status: Working

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: Implement data quality procedures to ensure that enforcement actions are linked to violations.

Resource Conservation and Recovery Act Recommendations

Recommendation Title: Create ad hoc committee to review data discrepancies.

Element: E1 Insp Universe

Finding: Data not synchronized in EPA and MPCA systems.

Status: Completed

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: Create ad hoc committee to review data discrepancies.

Recommendation Title: Hold discussions to agree on contents of inspection report.

Element: E2 Violations ID'ed Appropriately

Finding: Inspection Reports not complete.

Status: Completed

Expected Completion Date: 12/31/2007

Responsible Agency: State Action

Recommendation Narrative: Hold discussions to agree on contents of inspection report.

Recommendation Title: Establish specific timeframe for completion of inspection reports.

Element: E3 Violations ID'ed Timely

Finding: Inspection Reports do not have completion timeframe.

Status: Completed

Expected Completion Date: 12/31/2007

Responsible Agency: State Action

Recommendation Narrative: Establish specific timeframe for completion of inspection reports.

Recommendation Title: Develop a procedure to determine date of actual violations.

Element: E4 SNC Accuracy

Finding: Violation date issues.

Status: Completed

Expected Completion Date: 09/29/2007

Responsible Agency: State Action

Recommendation Narrative: Develop a procedure to determine date of actual violations.

Recommendation Title: Discontinue practice of removing violations from Delta that are in a LOW or NOV.

Element: E4 SNC Accuracy

Finding: Violations removed improperly.

Status: Completed

Expected Completion Date: 09/30/2007

Responsible Agency: State Action

Recommendation Narrative: Discontinue practice of removing violations from Delta that are in a LOW or NOV.

Recommendation Title: Calculations of penalties should be included in files.

Element: E7 Penalty Calculations

Finding: All penalty calculations not documented.

Status: Completed

Expected Completion Date: 09/30/2007

Responsible Agency: State Action

Recommendation Narrative: Calculations of penalties should be included in files.

Recommendation Title: Review 2 unresolved cases to ensure closure or add documentation.

Element: E5 Return to Compliance

Finding: Cases files missing information.

Status: Completed

Expected Completion Date: 12/31/2007

Responsible Agency: State Action

Recommendation Narrative: Review 2 unresolved cases to ensure closure or add documentation.

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