

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

**North Dakota Department of Health (NDDH)**

7 Recommendations

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### **Clean Air Act Recommendations**

**Finding:** Certain facilities should not have been counted as not inspected in this data metric.

**Element:** E1 Insp Universe

**Recommendation Title:** Semiannual data metric review for accuracy.

**Status:** Completed

**Expected Completion Date:** 03/30/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** The State and EPA will do a semiannual data metric pull to identify potential data quality issues that may be present. EPA and the State will then decide the best action to correct data issues and update the database whenever possible.

### **Clean Water Act Recommendations**

**Recommendation Title:** Improve documentation of and follow-up on potential stormwater violations.

**Element:** E2 Violations ID'ed Appropriately

**Finding:** Stormwater inspection report areas of concern were identified.

**Status:** Working

**Expected Completion Date:** 09/30/2009

**Responsible Agency:** State Action

**Recommendation Narrative:** NDDH should review the recommendations provided in the storm water file review report and adjust its inspection procedures as necessary. Inspectors should include accurate descriptions of what was observed to sufficiently identify potential violations. Follow up on potential or documented violations should be routinely completed and should follow the timeline established in the State's storm water EMS. NDDH will include in the PPA a schedule for addressing this deficiency. Based on discussions between the EPA Regional Administrator and the NDDH Director, EPA will conduct more inspections and conduct enforcement where appropriate.

**Recommendation Title:** Include inspection report cover letters in inspection files.

**Element:** E3 Violations ID'ed Timely

**Finding:** The timeliness of 8 inspection reports could not be established because it appeared that the cover letter that was sent with the inspection report was not maintained in the inspection file.

**Status:** Working

**Expected Completion Date:** 09/30/2009

**Responsible Agency:** State Action

**Recommendation Narrative:** NDDH must maintain all inspection records including cover letters in the inspection file. EPA will periodically check NDDH files to ensure that this process is occurring.

**Recommendation Title:** Escalate enforcement consistent with EMS; finalize stormwater EMS.

**Element:** E6 Timely & Appropriate Actions

**Finding:** EPA believes that the lack of formal enforcement actions against storm water sites in non-compliance is inadequate.

**Status:** Working

**Expected Completion Date:** 09/30/2009

**Responsible Agency:** State Action

**Recommendation Narrative:** Violations identified during inspections and through other compliance review activities should be escalated per NDDH's EMS and best professional judgment. NDDH should utilize formal enforcement in its storm water program in order to bring facilities into compliance in a timely manner. NDDH must establish a system for identifying repeat violators and following up appropriately. NDDH should finalize their storm water EMS within 6 months of the date that the national storm water EMS is available. Due to the fact that the State Review Framework review period may be up to three years prior to formal review of enforcement actions, EPA is asking all states to share information on all actions on a real-time basis with EPA.

**Recommendation Title:** Improve timeliness of PPA deliverables.

**Element:** E9 Grant Commitments

**Finding:** The CAFO Mid-year and the Stormwater Permit Tracking (Quarterly) were the only agreements not delivered on time.

**Status:** Completed

**Expected Completion Date:** 09/29/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** NDDH should work to ensure all PPA deliverables are submitted on time. Discussion of upcoming PPA deliverables will be conducted between EPA and Division during quarterly calls in FY08.

**Recommendation Title:** Initial and date DMRs and inspection reports.

**Element:** E10 Data Timely

**Finding:** For many files reviewed, there were no indications of when and by whom data was entered into PCS and so the reviewer was unable to determine if the State is meeting the standard for timeliness.

**Status:** Working

**Expected Completion Date:** 09/30/2009

**Responsible Agency:** State Action

**Recommendation Narrative:** The State should initial and date both DMRs and inspection reports so that the timeliness of data entry can be evaluated. EPA will monitor progress towards noting indications of data entry (i.e. date and initials).

**Recommendation Title:** NDDH should enter inspection information into PCS for individual minor permits.

**Element:** E12 Data Complete

**Finding:** There were discrepancies related to the number of inspections conducted as reflected in PCS.

**Status:** Completed

**Expected Completion Date:** 09/29/2008

**Responsible Agency:** State Action

**Recommendation Narrative:** NDDH should enter inspection information into PCS for individual minor permits.

## **Resource Conservation and Recovery Act Recommendations**

None

## 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<sub>x</sub> – 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