

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

Nevada Division of Environmental Protection (NDEP)

17 Recommendations

Clean Air Act Recommendations

Recommendation Title: Improve Major Source FCE Coverage

Element: E1 Insp Universe

Finding: FY06 AFS data showed 22 of 29 Major Sources (75.9%) had received FCE coverage. The goal is to cover 100% of the majors over a 2 year period. NDEP should strive to improve major source coverage toward that goal.

Status: Completed

Expected Completion Date: 09/29/2010

Responsible Agency: State Action

Recommendation Narrative: Improve FCE coverage at major sources towards 100%.

Recommendation Title: Update AFS with 5 FCEs

Element: E1 Insp Universe

Finding: Resolve 5 Plants in "Unknown Compliance", due to missing 5 FCEs, which were determined to have been done, but the FCE's had not been reported to AFS

Status: Completed

Expected Completion Date: 11/15/2007

Responsible Agency: State Action

Recommendation Narrative: Update AFS with FCEs to correct unknown status on 5 plants

Recommendation Title: Update AFS Plant Compliance

Element: E5 Return to Compliance

Finding: NDEP should change the AFS plant compliance status manually at same time as when the various stages of HPV action entry occur to keep the plant compliance value current.

Status: Completed

Expected Completion Date: 09/29/2008

Responsible Agency: State Action

Recommendation Narrative: Update AFS Plant Compliance

Recommendation Title: Improve timeliness of AFS entries

Element: E10 Data Timely

Finding: NDEP should improve timeliness of AFS entries. 90.5% of compliance actions (FCE's, Tests, certs, etc) were entered more than 60 days after occurrence and average entry time was 255 days due to transitioning of the AFS coordinator.

Status: Completed

Expected Completion Date: 09/29/2008

Responsible Agency: State Action

Recommendation Narrative: Improve timeliness of AFS entries

Recommendation Title: Resolve 8 Title V Cert Duplicate Entries

Element: E11 Data Accurate

Finding: 8 of the 29 FY06 Title V Certification reviews reported to AFS appeared to be duplicate entries of another entry. NDEP is reviewing these actions & the underlying source files to clarify & remove any true duplicates.

Status: Completed

Expected Completion Date: 09/29/2008

Responsible Agency: State Action

Recommendation Narrative: Clarify and resolve status of the 8 potential duplicate Title V certification reviews reported to AFS.

Recommendation Title: Improve MDR tracking

Element: E12 Data Complete

Finding: Add fields to NDEP spreadsheets to identify: a) if violations qualify as HPVs, b) HPV type code, c) HPV Discovery Date, d) HPV Discovery method, e) applicable federal air program(s), & f) applicable pollutant(s) as these are all MDRs and their inclusion in local spreadsheets will help improve quality & completeness of this data transfer for AFS.

Status: Completed

Expected Completion Date: 11/15/2007

Responsible Agency: State Action

Recommendation Narrative: Add 5 MDR-related fields to NDEP spreadsheets

Recommendation Title: Report 2 HPVs to AFS

Element: E12 Data Complete

Finding: Report 2 FY06 HPVs to AFS that were found to be missing

Status: Completed

Expected Completion Date: 11/15/2007

Responsible Agency: State Action

Recommendation Narrative: Report 2 HPVs to AFS that were missing

Clean Water Act Recommendations

Recommendation Title: Inspection Reports

Element: E2

Finding: Nevada DEP logs inspection findings in its storm water database and prepares written Notices of Noncompliance to document deficiencies observed during inspections.

NDEP does not use an inspection checklist form or otherwise prepare reports for its storm water inspections.

Status: Working

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: Nevada DEP should prepare reports for all of its storm water inspections.

Recommendation Title: Inspection Coverage

Element: E1

Finding: NDEP conducted MS4 inspections at Reno and Clark County in 2008.

Status: Completed

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: NDEP should conduct MS4 inspections.

Recommendation Title: Case Files

Element: E5

Finding: In 2008, NDEP ensured that copies of NONCs are placed in case files.

Status: Completed

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: NDEP should keep copies of all enforcement actions, including NONCs, in its enforcement case files.

Recommendation Title: Appropriate Enforcement

Element: E5

Finding: NDEP uses informal enforcement actions as its primary enforcement response for storm water violations.

Status: Working

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: NDEP should escalate cases to formal enforcement orders, especially for significant violations, nonresponsive respondents or long duration remedies.

Recommendation Title: Penalties

Element: E8

Finding: NDEP often diverts 100% of penalty to SEPs.

Status: Long Term

Expected Completion Date: 12/31/2010

Responsible Agency: State Action

Recommendation Narrative: NDEP should review its penalty policy and practice of diverting 100% of penalty to SEPs.

Recommendation Title: Data Completeness

Element: E12

Finding: NDEP is not entering all of its enforcement actions in ICIS-NPDES.

Status: Working

Expected Completion Date: 12/31/2009

Responsible Agency: State Action

Recommendation Narrative: NDEP should enter its enforcement actions in ICIS-NPDES.

Resource Conservation and Recovery Act Recommendations

Recommendation Title: Inspection and Enforcement Procedures

Element: E2

Finding: Inspection reports ranged from no inspection reports to complete detailed inspections.

Status: Completed

Expected Completion Date: 11/15/2007

Responsible Agency: State Action

Recommendation Narrative: Inspection report information to reflect complexity of the facility and to clearly identify any potential violations observed

Recommendation Title: Review SNC policies and procedures.

Element: E4

Finding: SNC determination below national average.

Status: Completed

Expected Completion Date: 12/31/2008

Responsible Agency: State Action

Recommendation Narrative: NDEP to review 2003 Enforcement Response Policy to determine if current procedures conform to with SNC identification procedures outlined in the policy.

Recommendation Title: Revise Inspection and Enforcement Procedures

Element: E7

Finding: Settlement calculations destroyed after case closure.

Status: Completed

Expected Completion Date: 12/31/2008

Responsible Agency: State Action

Recommendation Narrative: Revise inspection and enforcement procedures to ensure settlement calculations are maintained in case files.

Recommendation Title: Review inspection and enforcement procedures.

Element: E8

Finding: Penalty policies and procedures do not include economic benefit. Additionally, penalty policy includes automatic penalty reductions.

Status: Completed

Expected Completion Date: 12/31/2008

Responsible Agency: Stare Action

Recommendation Narrative: Revised penalty policy to include consideration of economic benefit and elimination modification of automatic penalty reductions.

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 Data 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
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