

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

New York State Department of Environmental Conservation (NYSDEC)

24 Recommendations

Multi-Program Recommendations

Recommendation Title: Consistent implementation and development of policies and SOPs

Finding: The decentralized organizational structure of NYSDEC, while having an advantage of assuring a more localized response, may contribute to inconsistent implementation of policies and programs state-wide.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: EPA recommends that NYSDEC Central Office work with the nine NYSDEC regional offices to ensure that the State's policies and standard operating procedures (SOPs) are being fully and consistently implemented on a statewide basis. EPA Region 2 also recommends that NYSDEC develop department-wide SOPs with regard to file maintenance, inspection documentation and penalty calculations. More specific suggestions are identified in the body of the report.

Recommendation Title: Establish standard FOIL-able documents

Finding: NYSDEC has raised the concern that some of the information in their inspection and enforcement files must be deemed confidential with respect to all third parties.

Status: Working

Expected Completion Date: 03/31/2009

Responsible Agency: State Action

Recommendation Narrative: NYSDEC has offered solutions to this issue and EPA agrees with them, specifically, 1) establish a standard inspection report containing only the inspector's factual observations, with no opinions; and 2) include an initial penalty calculation in the file, per the CAA civil penalty policy, and upon the conclusion of the case, the attorney would include a final justification memo that explains the reasons for any deviations from staff calculations in a FOIL-able manner which does not violate any privileges

Clean Air Act Recommendations

Recommendation Title: Establish consistency for compliance activities department-wide.

Element: E1 Insp Universe

Finding: The level of inspection activities undertaken by NYSDEC is indicative of a strong compliance/enforcement program. This finding is supported by data contained in NYS AFS, as well as, the federal AIRS system. NYSDEC does not currently have the ability to batch update the CMS code or frequency indicator in AIRS. But, in 2005 they received a STAG grant to modify their database to include these data elements and to provide them the ability to update CMS codes and frequency indicators in AIRS. When the NYS AFS modification is complete, the EPA anticipates granting them the authority to batch update this data requirement, making the universe of major sources and SM-80s in AIRS more reliable.

Status: Working

Expected Completion Date: 03/31/2009

Responsible Agency: State Action

Recommendation Narrative: We recommend NYS establish a minimum state-wide training curriculum (class room and on-the-job) for their inspectors and establish a manual for compliance related activities. This will help ensure that there is a common basis among regional offices for handling inspections and Title V annual certification reviews. We also recommend further investigation into the possible duplication of Title V annual certification reviews and the mis-classification of major sources in AIRS.

Recommendation Title: Establish SOP for inspection reports

Element: E2 Violations ID'ed Appropriately

Finding: There are no Department-wide Standard Operating Procedures (SOPs) for contents of an inspection report. Some regions have their own policies; the DEC Region 6 SOP that contains an inspection report template was provided to us for review. While we were told that the Region 6 SOP is similar to SOPs used in other Regions, we did not review SOPs from Regions other than Region 6. For the inspection reports that were reviewed (35 reports), 24 reports were deemed to be incomplete, as they failed to include some of the basic elements of a compliance monitoring report set forth in the Compliance Monitoring Strategy. These elements include: accurate inventory and description of regulated emission units and processes, and an enforcement history. The inspection reports did not provide clear documentation that a comprehensive on-site inspection was conducted and one could not determine what was inspected and how the inspector determined compliance.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: To ensure all permit conditions, applicable regulations and current enforcement actions are evaluated, create an option/field within the NYS AFS to automatically create an inspection checklist from the information contained in NYS AFS including the sources permit or registration. Region 2 recommends the development of an inspection report template similar to the one developed by DEC Region 6. Elements of the Region 6 template that were lacking in other reports include: date of report; an indication of all applicable rules; space for recommendations, emission point breakdown, a description of stationary combustion installations, a description of particulate and HAP sources, and a description of other process sources; a table for a facility-wide emissions summary (actual and potential); and a form for field inspection observations. Hard copies

of these documents or an electronic version should be maintained in the source file or NYS AFS database. A combination of the NYS AFS derived checklist and the Region 6 template facilitates more thorough inspection reports. DEC should ensure that all inspection reports contain the basic elements for a compliance monitoring report that are specified in the Compliance Monitoring Strategy.

Recommendation Title: Implement the HPV Policy

Element: E4 SNC Accuracy

Finding: In New York, HPV cases are batch uploaded to AIRS periodically (monthly), meaning there is an immediate delay to when HPVs are reported to EPA. Also, NYSDEC does not assign a violation a “day zero” and upload the data to AIRS until a “case” is created. They do this as part of their quality assurance process. Region 2 evaluated 30 HPVs that were identified at facilities for which we reviewed either an inspection or an enforcement file during the file review process. Of the 30 HPVs (dating back to 2000), 16 of them (53%) were not reported to EPA within 90 days. During the file and data review, we found three (3) violations that should have been identified as HPVs and possibly two (2) more, but additional information is needed for a final determination.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: Comply with the HPV policy and identify HPVs discovered during separate compliance activities conducted greater than 30 days apart at a single source as separate HPVs. Ensure that HPVs are being reported to the EPA within the timeframes specified by the HPV policy (a maximum of 90 days). Implement a protocol for consultation with the EPA.

Recommendation Title: Avoid not addressing violations for extended periods of time

Element: E6 Timely & Appropriate Actions

Finding: In FY 2004, out of 104 HPVs characterized as “unaddressed,” 77 HPVs exceeded the 270 day timeliness threshold for receiving an addressing action. Therefore, 74.0 % of HPVs characterized as “unaddressed” in FY 2004 were not addressed within 270 days, which is above the national average of 58.6%. NYSDEC does not have the authority to issue unilateral administrative orders, therefore, all orders must be negotiated, which may require additional time. Generally, NYSDEC has issued the source a NOV and a “proposed” Order on Consent, however, this is not considered an addressing action by EPA. If the facility is not cooperative they will then issue a Notice of Hearing and Complaint. NYSDEC has stated that additional reasons for the extended time frames for addressing HPVs are the types of violations (PSD cases at electric utilities), the type of source (facilities owned by a government agency) and some cases required the negotiation of an Environmentally Beneficial Project (EBP).

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: The State should prioritize its enforcement actions so that HPVs are addressed within 270 days. Also, the State should more frequently use their authority to issue Notices of Hearing and Complaint or refer cases to the State Attorney

General's office and not allow cases to remain unaddressed for extended periods of negotiation.

Recommendation Title: Implement penalty policy

Element: E7 Penalty Calculations

Finding: Economic benefit is not universally considered throughout the NYSDEC. NYSDEC does not always use the NYSDEC penalty policy or the EPA Civil Penalty Policy in its entirety. Many enforcement files did not contain penalty calculation sheets.

Status: Working

Expected Completion Date: 03/31/2009

Responsible Agency: State Action

Recommendation Narrative: All enforcement cases where a penalty is assessed must have a penalty calculation worksheet in the file. The first calculation should be a computation of the potential statutory maximum for all provable violations as stated in the NYSDEC Penalty Policy. The worksheet should include the justification for how a penalty was calculated and what factor(s) were considered in mitigating the penalty. When using the CAA Penalty Policy, NYSDEC should use all factors to calculate the gravity component of a penalty allowable by the NYSDEC Penalty Policy. Also, when warranted, NYSDEC should factor into their penalty the economic benefit accrued by the facility due to noncompliance

Recommendation Title: Modify Notices of Hearing and Complaints in AIRS

Element: E8 Penalties Collected

Finding: Four of the five Notices of Hearing and Complaint that were identified as not having a penalty assessed were followed by the issuance of ACOs which assessed penalties (three of which were issued in FY 2005). Out of 53 HPVs, 52 included a penalty (98%), which is well above the national average of 84.4%. According to NYSDEC, no economic benefit was recovered by many of the sources; the majority of the HPVs were recordkeeping/reporting violations. Therefore, few of the violations warranted inclusion of an economic benefit component.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: Modify how Notices of Hearing and Complaint are mapped to AIRS; possibly map the issuance of a Notice of Hearing and Complaint to the action type "OT," other addressing action.

Recommendation Title: Report all MDRs accurately

Element: E11 Data Accurate

Finding: Not all MDRs are accurately entered into AIRS.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: Provide an updated CMS Plan to EPA on a yearly basis. Modify NYS AFS so that the Title V air program code is not added to AIRS inaccurately. Also, NYSDEC should report HPVs to EPA in accordance with the HPV policy.

Recommendation Title: Reconcile data in AIRS

Element: E12 Data Complete

Finding: Discrepancies between the NYSAFS and the federal AIRS were discovered.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: The data in AIRS needs to be maintained in a manner consistent with that which is maintained in NYS AFS for federally reportable compliance and enforcement activities. Efforts should be made to reconcile the data in the two databases to the greatest extent possible. Additionally, EPA and NYSDEC should continue to support the modernization of both databases to establish mechanisms for a more efficient and comprehensive interface between the two databases. Upon modification of the NYS AFS, NYSDEC should accept the authority to update the CMS Indicator and Frequency Code in AIRS.

Clean Water Act Recommendations

Recommendation Title: Inspect 100% of all majors and significant minors

Element: E1 Insp Universe

Finding: According to PCS, NYSDEC inspected 69.1% of all the majors, which is greater than the national average of 64.2% of all majors inspected. Yet, the percentage of majors inspected is lower than NYSDEC's policy. According to NYSDEC's Inspection of Major and Significant Minor Wastewater Facilities Technical and Operational Guidance Series (TOGS), it is the policy to conduct at least one comprehensive inspection of each major and significant minor facility each year.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: EPA recommends that NYSDEC continue to implement and strengthen its inspection policy which requires at least one comprehensive inspection to be conducted at each major and significant minor annually so that 100% of all facilities are inspected each year.

Recommendation Title: Curb use of "satisfactory" when violations discovered

Element: E2 Violations ID'ed Appropriately

Finding: According to NYSDEC's Inspection of Major and Significant Minor Wastewater Facilities Technical and Operational Guidance Series (TOGS), specific inspection forms are to be filled out for each type of inspection. The inspection form offers three ratings: satisfactory, unsatisfactory, or marginal. During EPA's file review, we observed that the large majority of inspections received satisfactory ratings and very few received unsatisfactory ratings. However, some inspection reports received overall "satisfactory" ratings even though some portions of the inspection were rated "marginal" or deficiencies were identified.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: Where violations or deficiencies are identified during an inspection, the State should not assign an overall rating of satisfactory to the facility unless immediate corrections are made and identified in the inspection report for future reference.

Recommendation Title: Adhere to TOGS

Element: E3 Violations ID'ed Timely

Finding: Not all inspection reports were completed and transmitted to facility within timeframes specified in TOGS. Some inspection reports received overall "satisfactory" ratings even though some portions of the inspection were rated "marginal" or deficiencies were identified.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: EPA recommends that NYSDEC and its Regional offices evaluate their inspection rating scheme and ensure timely and appropriate follow-up, e.g. Notice of Violation. In addition, EPA recommends that, where violations or deficiencies are identified during an inspection, the State should not assign an overall rating of satisfactory to the facility unless immediate corrections are made and identified in the inspection report for future reference.

Recommendation Title: Impose stipulated penalties when warranted

Element: E5 Return to Compliance

Finding: Of the 20 files that were reviewed for enforcement actions, EPA noted that compliance schedules were established in consent orders. However, most of the enforcement files EPA reviewed showed that the compliance schedules were routinely modified at the facility's request as they were not going to be able to meet the dates established in the consent order. However, when these consent orders were modified, no stipulated penalties were collected or assessed.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: The State should impose appropriate sanctions, in the form of stipulated penalties, for delays in attaining compliance with milestones established in Orders.

Recommendation Title: Implement TOGS department-wide

Element: E7 Penalty Calculations

Finding: For the majority of the files EPA reviewed, no gravity or economic benefit calculations were completed. Nor were TOGS penalty assessment guidance used in the majority of the files reviewed.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: EPA recommends that NYSDEC Central Office oversee more closely the nine NYSDEC regional offices to ensure that the state's TOGS are being followed and implemented including stipulated penalties, for delays in attaining compliance with milestones established in Orders and will work to ensure consistency in the 9 Regions.

Recommendation Title: Follow and implement TOGS department-wide

Element: E8 Penalties Collected

Finding: None of the enforcement actions reviewed included economic benefit and gravity. The documentation for final penalties assessed was not present in the files. However, it was clear that the penalties were not consistent with the TOGS. In addition, most of the enforcement actions issued contained suspended penalties (100% suspended with a few partial suspensions). Minimal documentation was found in the files indicating whether or not penalties were collected, when they were assessed and not suspended. No documentation in majority of files indicating whether or not stipulated penalties were assessed and collected for facilities missing compliance schedules or milestones in consent orders.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: EPA recommends that NYSDEC Central Office oversee more closely the nine NYSDEC regional offices to ensure that the state's TOGS are being followed and implemented.

Recommendation Title: Link actions to violations

Element: E11 Data Accurate

Finding: NYSDEC is not linking actions to violations.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: NYSDEC should begin linking actions to violations.

Resource Conservation and Recovery Act Recommendations

Recommendation Title: Inspect all LQGs over 5 year period

Element: E1 Insp Universe

Finding: The NYSDEC and EPA combined only inspected about 80 percent of LQGs during the FY 2000-2004 period (This 80% level is based on the number of LQGs that reported under the Biennial Reporting System for each of the years 1999, 2001, and 2003; these LQGs were considered to represent the permanent LQG universe that needs to be inspected over the five year period.)

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: EPA and the State need to continue to work together during the planning process to ensure that all the above LQGs are inspected over the five year period.

Recommendation Title: Calculate and recover economic benefit and multi-day penalties

Element: E7 Penalty Calculations, E8 Penalties Collected

Finding: In all but one of the SNC cases, the gravity portion of the penalty was appropriately calculated according to EPA's 2003 RCRA penalty policy. In one case, multi-day penalties should have been assessed for the violation of "storage in excess of 180 days", but this was not done. In general, the State does not assess multi-day penalties nor do they evaluate economic benefit. All but one final order of 25 such actions reviewed, included a specific penalty.

Status: Completed

Expected Completion Date: 09/28/2007

Responsible Agency: State Action

Recommendation Narrative: NYSDEC should calculate multi-day penalties and the economic benefit accrued by the facility due to noncompliance immediately following formal training by EPA on these issues and, if necessary, the development of any internal DEC penalty guidance toward such penalty calculations.

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