

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

Oregon Department of Environmental Quality (ODEQ)

15 Recommendations

Multiple Program Recommendations

Recommendation Title: Analyze 2007 penalties for EB; report and discuss with EPA

Element: E8 Penalties Collected

Finding: Some penalties without economic benefit considered

Status: Completed

Expected Completion Date: 01/31/2008

Responsible Agency: State Action

Recommendation Narrative: EPA to provide additional information about what to consider in estimating economic benefit and ways to obtain the information. ODEQ implement the 2005 Director's policy on economic benefit in penalties that was released ODEQ analyze economic benefit in penalties issued in 2007 and prepare a report to share and discuss with EPA that provides information about cases where economic benefit did and did not accrue and the basis for the conclusion. The state should ensure files provide sufficient documentation to support penalty decision making, especially with respect to consideration of economic benefit.

Clean Air Act Recommendations

Recommendation Title: SM 80 universe

Element: E1 Insp Universe

Finding: SM 80 FCE frequency missed

Status: Long Term Resolution

Expected Completion Date: 06/30/2009

Responsible Agency: State Action

Recommendation Narrative: By March 30, 2008, ODEQ, LRAPA, and EPA will discuss and reach agreement on how SM 80 universe is to be defined; CMS plans (and AFS flags) will be updated accordingly.

Recommendation Title: FCE documentation

Element: E2 Violations ID'ed Appropriately

Finding: Incomplete FCE documentation

Status: Working

Expected Completion Date: 08/31/2008

Responsible Agency: State Action

Recommendation Narrative: ODEQ: By January 15, 2008, ODEQ will develop and submit to EPA a procedure to ensure that FCEs are fully conducted and documented. ODEQ shall also submit, for EPA's critique, its inspection reports for the period April 2008 through June 2008 by September 1, 2008. LRAPA: By January 15, 2008, LRAPA will develop and submit to EPA a FCE checklist containing the FCE elements delineated in EPA's CMS policy. By March 30, 2008, LRAPA will develop and submit to EPA procedures to ensure FCEs are fully conducted and documented. By September 1, 2008, LRAPA shall submit for EPA's critique, inspection reports for any FCE inspections conducted between April 2008 and June 2008. On July 14, 2008, LRAPA requested and extension until September 15, 2008 which was granted.

Recommendation Title: FCE reporting timeframe

Element: E3 Violations ID'ed Timely

Finding: Timeliness of CMR evaluations

Status: Working

Expected Completion Date: 12/31/2008

Responsible Agency: State Action

Recommendation Narrative: ODEQ: By June 30, 2008, ODEQ will review its data entry procedures and inform EPA if new ones are needed. If so, by January 1, 2009, ODEQ will develop and implement new ones. Action is outstanding as of 2/11/09. LRAPA: By January 15, 2008, LRAPA will review, update, and implement new ones if necessary. LRAPA shall provide its review to EPA. LRAPA met this commitment on July 14, 2008.

Recommendation Title: HPV determinations

Element: E4 SNC Accuracy

Finding: No HPVs discovered FY 04-FY05

Status: Completed

Expected Completion Date: 02/14/2008

Responsible Agency: Local Action

Recommendation Narrative: Because LRAPA did not discover any HPVs in FY 04 or 05, and their overall enforcement numbers have declined since 2003, take closer look at their enforcement actions against major sources for HPV applicability. LRAPA: By February 15, 2008, LRAPA will develop, implement and submit to EPA a HPV applicability worksheet and use the worksheet in reviewing violations for HPV applicability and subsequent enforcement action

Recommendation Title: HPV Enf. Timeline

Element: E6 Timely & Appropriate Actions

Finding: not meet HPV enforcement timeline

Status: Completed

Expected Completion Date: 12/24/2007

Responsible Agency: State Action

Recommendation Narrative: ODEQ review its enforcement referral and initiation process to determine why they are having difficulty in meeting EPA's HPV Policy; report to EPA

Recommendation Title: Economic Benefit Calculations

Element: E7 Penalty Calculations

Finding: economic benefit not calculated

Status: Completed

Expected Completion Date: 11/29/2007

Responsible Agency: Local Action

Recommendation Narrative: By November 30, 2007 LRAPA will develop internal guidance that documents and supports economic benefit calculations and applicability determinations during penalty assessment.

Clean Water Act Recommendations

Recommendation Title: Inspector training

Element: E2 Violations ID'ed Appropriately

Finding: Incomplete inspection documentation

Status: Completed

Expected Completion Date: 09/29/2008

Responsible Agency: State Action

Recommendation Narrative: Provide inspector training; monitor report quality after training

Recommendation Title: Inspector training

Element: E3 Violations ID'ed Timely

Finding: Need for appropriate post-inspection follow-up

Status: Completed

Expected Completion Date: 09/30/2008

Responsible Agency: State Action

Recommendation Narrative: Provide inspector training on appropriate post-inspection follow-up

Recommendation Title: PCS data, SNC data

Element: E4 SNC Accuracy, E6 Timely & Appropriate Actions, E10 Data Timely, E11 Data Accurate, E12 Data Complete

Finding: State data not in PCS or ICIS-NPDES

Status: Long Term Resolution

Expected Completion Date: 04/29/2008

Responsible Agency: State Action

Recommendation Narrative: develop data management and staff training plan initiate review of permits for majors to identify SNCs; reconcile differences propose plan for handling newly identified SNCs where no formal enforcement

Recommendation Title: comprehensive files reviews and use of MAOs

Element: E5 Return to Compliance

Finding: enforcement actions address single violations only w/o comprehensive file review concerns about use of MAO enforcement agreements

Status: Working

Expected Completion Date: 03/30/2008

Responsible Agency: State Action

Recommendation Narrative: By February 27, 2008, ODEQ describes to EPA its position with respect to conducting comprehensive file reviews when developing enforcement actions. By March 31, 2008, ODEQ provides a description to EPA about how MAOs are used in the permitting and enforcement process, including any associated legal issues.

Resource Conservation and Recovery Act Recommendations

Recommendation Title: SNC identification

Element: E4 SNC Accuracy

Finding: below national benchmark for SNC designation

Status: Working

Expected Completion Date: 09/30/2009

Responsible Agency: State Action, Regional Action

Recommendation Narrative: quarterly discussions of SNCs; by 9/30/09 retrospective look at 2008, 2009 to see if discussion affects SNC id and enforcement rates

Recommendation Title: schedules with penalties where not in compliance

Element: E5 Return to Compliance

Finding: Some formal enforcement without required compliance schedule

Status: Working

Expected Completion Date: 09/30/2009

Responsible Agency: State Action

Recommendation Narrative: Verify compliance status before penalty action issued; include compliance schedules were not returned to compliance. Do retrospective look to identify number of NOV's with penalty orders that include injunctive relief; report to EPA by 9/30/09

Recommendation Title: more timely SNC enforcement response

Element: E6 Timely & Appropriate Actions

Finding: timely enforcement below national benchmark

Status: Working

Expected Completion Date: 09/29/2009

Responsible Agency: State Action

Recommendation Narrative: SNC case review through quarterly PPG meetings

Recommendation Title: final penalty action reporting

Element: E8 Penalties Collected

Finding: some penalties not reported correctly as final penalty actions

Status: Completed

Expected Completion Date: 11/30/2007

Responsible Agency: Regional Action

Recommendation Narrative: confirm 2007 final penalties reported correctly in RCRAInfo

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
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