WIN/INFORMED

HANDLER MONITORING AND ASSISTANCE PROGRAM AREA ANALYSIS

Covering RCRA Subtitle C Compliance Assistance, Compliance Monitoring, and Enforcement Activities

FINAL Response to All Comments Received During National Review

November 6, 2003

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	?	?	?	The following items are of particular interest to this state. 1. Handler: Active and inactive would be a good idea; however, we do not have a particular plan on how to get there. **Team Response:** There is a separate WIN/INFORMED workgroup which is addressing the issues associated with identifying Active vs. Inactive RCRA Subtitle C sites. The HMA PAA was not tasked with this issue as it is primarily a Handler issue. The co-leads for the Active vs Inactive workgroup are: Rene' Anderson, State co-lead from Idaho (randerso@deq.state.id.us) and June Alexander, EPA co-lead from region 10 (June Alexander/R10/USEPA/US@EPA)
State	Gen	0	0	This state has maintained data on inspections, complaints, and enforcement activities since 1985/86. During that time this state has used a number of separate databases on personal computer based programs. As the need for new data elements has increased, these systems have been modified to add or change various data elements. These databases have formed the basis for the data the state has collected and sent to U.S. EPA for the maintenance of the various national data systems that have been created. This state has many thousands of records regarding inspections conducted since 1985/86. In addition, this state has more than 2,500 records on enforcement actions taken during that same period of time. In 2002, at a cost of approximately $350,000, his state contracted to have the Hazardous Waste Management Program and Inspections, Complaints, and Enforcement (ICE) data systems designed and implemented. Those systems were based on the mandatory data elements required for RCRAInfo as it was existed in June of 2001. Under the current environment of scarce resources regarding both staffing and contract dollars, it will be difficult for this state to justify significant modification to these newly created data systems. In any program where data is collected an effort must be

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				made to balance the cost in resources of collecting, entering and maintaining data with the value and usefulness of the data collected. This state has noted that the level of detailed data proposed for collection under these recommended changes to RCRAInfo will have a significant additional cost in resources to collect, enter and maintain. This state questions whether the value and usefulness of the data collection changes can justify both the resources to collect the data and the capital costs to modify RCRAInfo and the various State, Territorial, and Tribal data systems which translate data for submittal to RCRAInfo. Although the report claims to reduce the burden of data entry by eliminating numerous codes, the burden reduction is, in part, illusory because many of the eliminated codes are implementer codes which were not used by every state. If you compare the increased number of mandatory codes entries with elimination of both mandatory and non-mandatory codes, the burden increases. Several of the recommendations increase the amount of data that would be collected. While some specific additional data items may meet the "clear benefit" test, the overall impact of these recommendations appears to be substantial. Our inspectors are continually working to maintain expertise on the (generally expanding and increasingly complex) laws and regulations they evaluate handlers against. It requires constant effort and vigilance to maintain this expertise. Adding additional mandates and complexity to the tracking of their inspection and enforcement work will further detract from the inspector's technical expertise. Also, when more data must be tracked, it takes more time to determine the proper data to be entered and enter that data, whether this is done manually on forms or directly into a database. This takes away from the impact inspectors have through their inspection and enforcement activities. In addition, our region and U.S. EPA Headquarters are seeking the input of local jurisdiction data into the RCRAInfo data system from approximately 80 local jurisdictions responsible for generator inspections in this state. The WIN/INFORMED Team should consider the impacts of the level of detail that is being sought in the form of the required data fields to support the RCRAInfo data

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				system. If too much detailed data is required, local jurisdictions will not be able or willing to participate. Finally, at a time when State resources are declining for both personnel and contracts, significant changes to data systems will be extremely difficult to implement no matter how well justified those changes may be. This state will identify specific areas in these comments where we do not believe that the benefits of the proposed changes justify the costs associated with those changes. Beyond the issue of cost, we must consider the fact that as we attempt to collect more data in greater detail there is a risk that the data error rate will increase. When highly specific data elements are collected requiring implementer (inspector) interpretation, the accuracy and consistency across many programs will decline and the probability of inconsistency and mistakes will increase. These proposals require the tracking of each step in many of these processes that currently are adequately tracked in office files or tickler systems that are adapted to the office handling the issue. Requiring a standardized data entry system for each such event seems unnecessary and burdensome to the State, Territory or Tribal agency. Several of the recommendations (including 6, 14 and 19) would require updating and/or converting existing data to meet revised and expanded data elements. Our experience with data cleanup is that it can be very resource intensive, further taking time from frontline outreach, inspection and enforcement activities. Again, the time spent on updating and/or converting historic inspection and enforcement data would provides more public health and environmental benefit if spent on further direct involvement with handlers. We fully support the clarification of guidance for all data elements actually tracked, as this will improve accuracy and usability of the data. This should be the focus of any changes. Each area of recommended changes corresponds to a policy and procedural issue. These policy and procedural issues are

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				numbered and abbreviated as a PPI #. **Team Response:** The Team gave a lot of thought to each issue and proposed change. Each proposed deletion and addition was evaluated and compared to what is currently available, the "status quo," and then each was discussed in great detail. All proposed changes were also evaluated as to the need of that information on a national or implementer level. The recommendations of the Team were the result of the Team discussions and the critical review comments. The Team does not believe that it will be necessary to spend enormous amounts of time converting historical data manually. Several Team members spent tremendous amounts of their time evaluating data and creating cross-walks for implementers to review their current and historical data. During the comment period implementers had a chance to agree on the proposed automatic conversion or suggest a different one. That opportunity will come up again prior to the DESIGN TEAM converting the data. On the whole, national comments were supportive of the recommendations of the Team. Where the majority of national comments supported a different position than the Team recommendation, PPIs have been altered to reflect those comments.
State	Gen	0	0	ALSO SEE ATTACHMENT WHICH IS A LISTING OF CODES IN A SPREADSHEET **Team Response:** Thank you.
State	Gen	0	0	No Comments
State	Gen	0	0	No Comments
State	Gen	0	0	No Comments
State	Gen	0	0	I wanted to thank you and the entire Team for all the hard work that was put into this PAA. **Team Response:** Thank you.
State	Gen	0	0	You did a great job on what I know is not an easy task. **Team Response:** Thank you.
State	Gen	0	0	You guys did a great job laying everything out. I hope that the Permitting & Corrective Action PAA Team can do the same.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: Thank you.
State	Gen	0	0	No Comments.
HQ	Gen	0	0	Question: Still need to describe the relationship between ICIS and RCRA Info. Will RCRAInfo undergo some changes to incorporate the ICIS Phase I data elements? This document should mention something about that relationship. **Team Response:** In the future, required data elements in RCRAInfo that are contained in ICIS will be extracted to automatically populate RCRAInfo.
HQ	Gen	0	0	This relates to the first question. There is no discussion in the HMA Critical Review document about the Inspection Conclusion Data Sheet (ICDS). Currently HQ is requiring certain inspection programs to either manually or using ICIS Phase I to report on three (3) questions dealing with inspection outcomes. EPA regions will have to begin collecting data on inspection outcomes in RCRA beginning in FY 2004. **The ICDS applies only to the Regions, NOT the States**. ICIS Phase II (PCS modernization) is addressing this by making the ICDS data elements hidden to the States. Can you do the same thing in RCRA Info? **Team Response:** At present, all of ICIS data is hidden to the States. In the future, some ICIS data elements will automatically populate RCRAInfo. A decision will be made in the future concerning States' ability to view ICIS data. It is unclear to this Team why EPA inspection conclusion data should be hidden from States.
HQ	Gen	0	0	(on vacation till 8/11) Thank you for providing us with the opportunity to comment on the draft Handler Monitoring and Assistance PAA. We would like to bring to your attention that HQ is concerned that the need for a "flag" or "link" between the CM&E module and the Corrective Action module has been removed in this version of the report. We need to be able to identify corrective action activities in both modules in order to have a complete picture of activities at a facility. We would appreciate it if you would keep us posted on the status of PPI #6 and PPI#24. In addition, we would like to set up a meeting with the appropriate members of the PPA Team to discuss our comments which are listed below:

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: The Team agrees that it is important to identify Corrective Action activities. The proposal from the Team clarifies what is corrective action related and what is compliance related or what activity may have been both.
State	Gen	0	0	This state commends the Workgroup for doing a great job in examining the many complex issues and drafting an excellent National Review Report that contains all the details needed for a thorough study of the Policy/Procedural Issues and the changes that may result. It will be invaluable to the DESIGN TEAM because it contains the level of detail needed for the next stage in the process and will help them proceed more quickly with the re-design of the CM&E Module. The HMA PAA Report will be a model for all future PAA endeavors. **Team Response:** Thank you.
HQ	Gen	0	0	General Report Comments: This is an excellent report. The Team presents a tremendous amount of information in a clear and precise manner. It is obvious a lot of time and effort went into this report and it will really help implementers. Great Job. **Team Response:** Thank you.
State	Gen	0	0	This state can probably live with whatever you finalize this out to be, as long as you do not change it substantially after it is finalized. We have only limited dollars for translation, and to pay contractors to continually write program script is something we can't afford. We cannot hire staff to do it. **Team Response:** The recommendations were finalized based on comments from national review. The report is being presented to the Executive Steering Committee and, based on their decision, the report will be finalized and turned over to the DESIGN TEAM. This Team will not make changes to the recommendations after the report is finalized.
State	Gen	0	0	You are trying to track too much! It is eventually going to lead to data management problems. Some of what you intend to track is superfluous. Please consider - "Need to Know, vs Nice to Know". There is a huge difference between the two. **Team Response:** The Team spent a great deal of time discussing the need for each data element proposed to be

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				added to or deleted from RCRAInfo. The recommendations represent the Team's determination of those data elements that will be of the most value in the tracking of RCRA activities. Many data elements are recommended to be optional so that those implementers choosing to track the information will have a place to do so, and those implementers who do not choose to will not have to.
State	Gen	0	0	My overarching concern is the volume of material you are trying to include in RCRAInfo. That, I feel is a mistake. When this eventually added to ICIS you will have helped create a monster. **Team Response:** This data will not be added to ICIS. In the future, information in ICIS will be extracted to populate fields in RCRAInfo.
1 Region and 1 State	Gen	0	0	Once again, we'd like to thank you for the opportunity to comment on this package. The Handler Monitoring and Assistance Program Area Analysis (HMA PAA) is a document that contains an enormous amount of information devoted to many CM&E issues. We want to thank the State, Regional and HQ Team Members for developing this well defined document. Although it contains much information - on the different areas of the CM&E module, what needs to be tracked, how to track it, and what we no longer need - it is well thought out, easy to read and understand. The WIN/INFORMED process has allowed us to continue to improve how we track programmatic information in order to show success within the RCRA program. We realize that this is a somewhat difficult task with the shifts in focus that take place in the program from time to time. For us, the two biggest difficulties are coping with ongoing instability and coping with extensive changes. Although RCRAInfo is a well developed powerful tool for tracking and displaying the CM&E and other information, it continues to have significant bugs in the CM&E module. We ask that, before changes that this HMA PAA recommends are put into production, we first ensure that RCRAInfo is stable and in good working order. We ask that, as in past releases, implementors be scheduled to test the new software; and that, as was not done in past releases, implementors also test the final software version, the exact

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				one that will go into production and accept it, before it goes into production. We wish to ensure that we, the implementors, are satisfied that all is working as it should be and that we have confidence in how the information will be tracked and displayed. We are relieved to see that the HMA PAA Team proposes that its changes be implemented in phases. We endorse this, and ask that the phases be designed to accommodate Implementors' data cleanup necessitated by the PAA. Here are some of our more specific comments: **Team Response:** The final implementation schedule will be determined by the DESIGN TEAM.
Region	Gen	0	0	Attached please find this Region's comments on the WIN/INFORMED package. I think you and the Team did a very fine job writing this up so that we could understand what all the proposals are. If you have any questions about this, please feel free to give me a call. **Team Response:** Thank you.
Region	Gen	0	0	We want to thank you and the HMA PAA Team for all of your hard work and excellent efforts to communicate with the user community on this PAA. **Team Response:** Thank you.
Region	Gen	0	0	Overall, the Region agrees with the Team's key recommendation to discourage the use of implementer-defined codes in favor of a more standardized coding system. The revamping of codes used in the Compliance Monitoring and Enforcement (CM&E) module in conjunction with the revised definition of new and existing codes should result in less confusion in data entry and higher confidence in the reports pulled from the data. **Team Response:** The Team agrees.
2 Regions	Gen	0	0	We recognize that the HMA Analysis includes a number of Policy/Procedural Issues (PPI) recommendations which will improve our data management and which we support. We have focused our comments on a relatively small number of recommendations that most concern us, as a group. We also recognize that the various PPI recommendations may overlap and affect more than a single PPI. We have not

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				attempted to include all potentially related PPIs in our comments or cross-reference to other potentially related PPIs, and we hope that with your greater familiarity with HMA Analysis, you will be able to identify how our comments may affect other PPIs. **Team Response:** The Team has tried to ensure that changes were reflected in all affected PPIs.
2 Regions	Gen	0	0	We have a general comment concerning HMA Analysis recommendations that would require manual data conversion. This potentially large job is made more burdensome by the probable need to convert historic data. This kind of conversion can require significant time and resources to research and is likely to pose unanswerable questions. At a minimum, we recommend grand-fathering data which is older than five years - this is generally considered to be the statute of limitations - and should provide sufficient information for events in the (relatively) recent past. In some instances, where extensive amounts of manual conversion would be needed, a three year grand-fathering cut off date might be appropriate. **Team Response:** The Team does not anticipate the need for a lot of manual data conversion. Cross-walks have been provided for implementer review in an effort to identify the correct data element change in order to facilitate automatic conversion for most of the data.
Region	Gen	0	0	The comments below are compiled from discussions among the regions. The regions discussed comments on the WIN/Informed Handler Monitoring and Assistance Program Area Analysis (HMA Analysis or PAA) at a May 2003 meeting, and again on two conference calls in July 2003. Representatives from all regions participated in the discussion at the May meeting. Representatives from 5 regions participated in the two conference calls. Following the conference calls, the comments were compiled and sent to all of the region for review prior to finalizing. These comments, therefore, represent a general concensus of the regions on the issues discussed. **Team Response:** Thank you.
State	Gen	0	0	From what I have scanned of the document, it looks like you guys have done a good job. Unless I missed too much in my re-read, I saw nothing extra to cause me to change any of my

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				comments that I originally sent in as a critical reviewer. I can only speak for myself on this matter. I have a nagging concern about all of this at this juncture in the 5 year (or more) project. My concern is that all of these good ideas and improvements that have resulted from what I think is the most thorough, sensible, and logical analysis of the RCRA Program's data management system be incorporated as time goes by. I am afraid that so much time has gone by that some of these recommendations may be overlooked or purposefully omitted due to funding problems, change in administration goals, policy changes, etc. I think that we have gotten to a point in this project where it might make sense to try to have someone at EPA HQ look to see that these recommendations make it into the reporting and tracking system and that there be some periodic verification and reporting that this is indeed occurring. This could be accomplished by having a small concise report produced by the computer folks who are charged with the responsibility of improving and updating the system (the DESIGN TEAM?). This report could be on a reasonable periodic basis (quarterly, semi-annually, or annually, whichever is the most appropriate). One would think that many of the recommendations made during the earlier analyses like the WAM/UID PAA would begin to find their way into RCRAInfo by now. I would think that everyone who has participated in this project over the last 5 to 7 years would want to see as many of these recommendations come to fruition as possible. I know I would....and I know you would, too. Didn't mean to get on a rant. This was just a thought. **Team Response:** The Team hopes to see these changes to RCRAInfo implemented very quickly.
State	Gen	0	0	This State submitted comments to the ASTSWMO HW Enforcement/Compliance Assurance Task Force. We will not be sending any other comments separate to those. **Team Response:** Thank you.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	Intr	03	0	Thank you, Debbie and Tod, for the conference call on July 24. Most of the recommendations seem like good clarifications and consistency. But I checked "Can live with recommendation" rather than "Agree with recommendation" if implementation of the PPI seemed very complex, requiring a lot of reprogramming/conversions of RCRA Info, possibly resulting in lots of delays and bugs like we had with Handler module V 2.0. I feel that way about PPI's 6, 14, and 19 too, but there was no "Can live with recommendation" block to check for them. **Team Response:** Thank you.
HQ	Intr	07	11 - 14	Do NOT list compliance assistance visits (CAVs) under the HMA Functional Scope listing "Compliance Evaluation/Inspection Activities". These are totally different activities. **Team Response:** Thank you, we have made this change.
HQ	Intr	07	43	Need to define "performance tracking". Do you mean tracking compliance with regulations? **Team Response:** This was listed in the State Information Strategic Plan, concerning commitments and initiatives. We have added some explanation to the document.
HQ	Intr	08 ~~14~~	04 ~~13~~	Need to "enforcement monitoring". Do you mean tracking compliance with an enforcement order? If so, use that phrase instead. **Team Response:** Thank you, you have re-worded this to "tracking compliance with enforcement orders".
Region	Intr	08	25-34	In the list of issues excluded from this PAA we expected to find something on the updating of TSDF unit legal and operating status records; and generator, transporter, used oil statuses; if necessary, following on-site inspections. Since this issue was not in any of the PPIs, and it's such an extremely important inspection follow-up issue, we then expected to see it listed as an excluded item. These records and statuses are used to calculate many of the universes extracted from RCRAInfo and presented on the public web sites (Envirofacts and ECHO). Maintaining accurate and up-to-date records for these universes is dependant on recording the observations and determinations made by inspectors following on-site inspections. This is not currently being

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				done in many states and regions. Since accurate universe records are so important in presenting clear and accurate information about the RCRA C program to the public, we want to know why this issue wasn't addressed in this PAA? At a minimum, triggers are needed in the data entry process for inspections. These triggers need to direct the person entering inspection information to the appropriate fields for universe record updates, or to verify that no updates are needed. **Team Response:** The UID/WAM PAA and this HMA PAA Team has discussed this and agree that this would be a good idea, but so many states require a written record signed by the site before they can update their universe information that we felt that this recommendation could not be made. We will forward this request on to the DESIGN TEAM for consideration. Maybe with the use of CDX having universes updated without a "signed piece of paper" will have more acceptance.
State	Intr	10	13-16	Based on the funding levels, will more funding be provided to states that lack proper funding? Will funding be based on priorities and dependencies? **Team Response:** Sorry this Team does not control, nor can we make any recommendations for funding. But it is highly unlikely that there will be any funding.
State	Intr	10	27-29	Costs and complexity has always been the reason that past data programs have settled for less and not fulfilled the expectations created by system re-designs. **Team Response:** Yes, this has happened but we fully expect that, as part of WIN/INFORMED, these recommendations will be fully implemented as recommended.
State	Intr	10	40 - 41	Is the idea to change existing regulations to fit the program or change regulations to support data reporting? **Team Response:** The goal is: to change existing regulations to reflect the realities of the program.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
HQ	Exe	iii	0	Executive Summary: General comment, use active voice more vs passive voice. **Team Response:** We have made some changes to use the active voice. Hopefully we caught them all.
HQ	Exe	iii	47	(add the following as a introduction to the table) An important goal of the WIN/INFORMED initiative is to identify information that must be collected and made available to all program staff to support implementation of the RCRA program. "Before attempting..... **Team Response:** Thank you, we have added this language.
1 Region & 1 State	Exe ~~Intr~~	iii & 11	bottom	state that 'Many of the concerns ... can be attributed to varying interpretations of the information and **poor current data quality**." We always want specifics when our data are labeled 'poor'. We consider our data to be quite good, and wish to address all criticisms, especially those made in important contexts like this Executive Summary. We look for this PAA to identify specific data quality problems (or suspicions), and ways to detect specific types of bad data. A high priority for this or any WIN/INFORMED project must be to devise audits, exception reports, guidance, procedures, software, training, documentation, changes to forms and regulations, or whatever else is needed to achieve certainty that our data are worth collecting and using. We admire the impressive efforts by this PAA to do just this. **Team Response:** Thank you, we have tried to do this in every PPI. We ask that Help in the CM&E module be enhanced so that the screen label for every data-entry element serves as a hyperlink to Help specific to data entry of that element. CM&E needs extra-friendly Help because its data entry is done by Enforcement staff, many of whom enter little data and so have little chance to master the data rules. Also, CM&E data rules are complex and will undergo significant changes due to this PAA. Existing Help is wonderfully complete and useful to data managers, but its structure requires going thru many levels to find specific information and its very completeness can hide critical info from casual readers. The existing Help should be kept as is, and the new

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Help developed either as a stand-alone or by pointing to the most pertinent screen within existing Help. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
State	Exe	iii	bottom	The Executive Summary states that "Many of the concerns expressed by HMA PAA participants with respect to current RCRA program information can be attributed to varying interpretations of the information and poor current data quality." We agree that varying definitions between states and regions can provide variation in interpretations of the data (that is why it is essential to add new evaluation types to the system – to lead to clarification of the data. We feel for the most part, that the data to the CM&E Module the date is verified and good, reportable data on the day it is entered into the system. However, there have been times, because of bugs in the software, that RCRAInfo was unstable, and the data did not always stay intact or display the data correctly as it was originally entered into the system. We would like emphasis placed on resolving any significant software bugs prior to making any future software releases. Also, and more critical fact is that we would like the ability to test the final version of the software, prior to going into production (preferably by testing with our own data), which would make it easier to define problems. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
HQ	Exe	iv	0	Table Definition and Principle of National and Shared Information, line 11 - 14; this statement leaves a big hole in national definitions, what is our business practice/ implementation guidance for this issue. **Team Response:** This came directly from the UID/WAM final report as part of the definition and principles.
State	Exe ~~Intr~~	v	14 - 21	Not being familiar with the ERP revision process, some discussion of how this PPA and the ERP relate to each other would be helpful. EPA regional staff inform me that any changes recommended by this PPA have already been approved or will be approved by the ERP revision workgroup. This process information would be helpful when reviewing this document, as there are many places where the PPA will require changes in the ERP. **Team Response:** The ERP workgroup, ASTSWMO, and

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				this HMA PAA Team have been working very closely to resolve any differences which may exist between the groups. It is expected that the groups will make the same, consistent recommendation on these issues. Both the ERP and this HMA PAA must be, and will be, consistent in their recommendations and guidance.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	Find	0	0	The staff code/responsible person drop-down list should be sorted alphabetically by last name in all modules. This would improve data entry efficiency and data accuracy, as well as make data entry easier. Currently it is sorted alphabetically by the five digit staff code. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
State	Find	09	0	Several important goals that we would like to see as a result of this project are RCRAInfo CM&E final version of the documentation, definitions and explanations regarding mandatory data elements, vs. optional data elements; and not just a draft version – which currently exists for some of the modules. The documentation and online help needs to clearly define and describe the "mandatory" vs. "optional data elements to enable us to meet our SEA commitments and other tracking goals. Additionally, we would like to see better guidance, reports and additional training, to enable implementers not only to verify the data, but to enable states, regions and the public to extract useful information from the system. **Team Response:** The Team agrees with you and has tried to provide the guidance and to clearly identify all data elements as to whether they are mandatory or optional.
State	Find	11	04	Comment/correction/modifications needed: This state agrees that the PAA Team recommendation will improve RCRA Info data collection methods. The following areas are of special interest to this state: separation of evaluation start and end dates; improved accuracy of SNC status determination; improved accuracy of actual violation determination date and assuring that OECA waste import/export data is available in RCRA Info. **Team Response:** Thank you, they were also important to us!
HQ	Find	13 14	23-24 1-2	Don't agree that system should support national, shared, and optional information needs. As the data needs and system grow, it becomes more difficult to design, administer and implement the system. We don't use all the data in RCRA Info now. Shouldn't we design a smaller, more useful system instead of a bigger system? **Team Response:** We analyzed all data contained in the compliance and enforcement module of RCRAInfo, and, the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team, believes that all this data is important to implement the program and is being used by implementers for the management of the program. This is especially important for states which do not have any other system other than RCRAInfo to manage their program.
HQ	Find	14	04-08	Reinforces the previous comment. If shared information only represents a partial set of States, who will use the data? **Team Response:** The State and possibly it's region and other states in it's region. Are States interested in seeing other States' data? **Team Response:** Could be if they had a similar situation occurring in their state. Will HQ use the data? Answer is probably no. **Team Response:** Agree, probably not, but they could if they wanted.
Region	Find	15	05-06	This Region has already begun to track 3007 information request letters (coded in RCRAInfo as "LTR" evaluation type) as separate and apart from Facility Evaluations. There is good reason to keep 3007 letters from not being a qualifier field in the evaluation field. For one, a 3007 letter may be sent when no facility inspection is ever conducted. Secondly, LTR evaluations could be tracked far easier as a primary field using SQL reporting. Preparing and following up on 3007 letters are a significant activity that should be shown as such to the credit of the Implementer. Lastly, "The Paper Reduction Act" limits the federal Implementer to no more than 9 letters for targeting purposes. **Team Response:** Will be considered as part of PPI # 7
HQ	Find	15	06	1. The RCRA 6002 inspection data is very detailed. Do we need this level of detail? Did FFEO commit to reviewing this data on a routine basis? **Team Response:** Yes, we need this level of detail per FFEO. Yes, FFEO requested this information and has committed to it's use. 2. Consider adding the Inspection Conclusion Data Sheet (ICDS) to this table **Team Response:** ICDS is not currently a RCRA requirement, therefore it was not included here. 3. Citizen complaint is a reason to do an inspection **Team Response:** Citizen Compliant is a option in the Indicator drop-down box for evaluations.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				4. Most of the optional information needs, with the exception of evaluation and violation notes, are not important from a national perspective. Do Regions and/or States actually use this information to manage the program? **Team Response:** Yes.
HQ	Find	16	05	Define "violation activity location" Is this different than the facility address? **Team Response:** For transporters, this is the location where the violation occurred. (IE: transporter has a Maryland ID because MD is it's home state but while he was traveling through Virginia (or any other state in the nation), the transporter was inspected and had a violation.
Region	Find	16	05-06	This Region asks that violation priority, class of violation not be deleted from RCRAInfo. The reason we believe it is a mistake to delete this data is the lack of consensus Nationally as to what is a SNC. Also the granularity afforded by the use of priority and class allows the reader a better understanding of what the severity of the violations were. Granted the use of CFR and State Regulatory citations make it easier for the reader to understand the violations. But the citation alone may not be specific enough to give the true understanding of the severity or trivialness of the specific violation. **Team Response:** Will be considered as part of PPI # 14
Region	Find	17	05	This Region is concerned how the current SNN and SNY data will be converted to the Implementer-specific SNN and SNY data. **Team Response:** Please see PPI #5 for a description of our recommendation for conversion.
State	Find	18	11 & 23	Text states "and making OECA waste import data available in RCRAInfo". This was specified in the WIN/Informed UID/WAM PAA for the waste portion of the data but has not been implemented to date. In hindsight, maybe the UID/WAM PAA should have been very specific regarding what data must be made available in RCRAInfo. You may want to expand on your statement and if possible iterate that this is an expansion of the waste data that is already suppose to be in RCRAInfo. **Team Response:** Will be considered as part of PPI # 28

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	Find	18	16 - 24	Many of the items to be tracked seem duplicative and not in line with information gathered by inspectors or inspections such as state grants, regional MOAs, initiatives, information requests, pre-inspection reports, and conditions/requirements of formal enforcement actions. These items are being tracked by various parts of agencies that do not all need to be a part of WIN/INFORMED. Besides, conditions/requirements of formal enforcement actions are items for Program Reviews, not continual oversight. This state is currently developing a tracking system for enforcement oversight. **Team Response:** WIN/INFORMED and RCRAInfo must address all aspects of the RCRA Subtitle C compliance assistance, compliance monitoring, and enforcement program. This is why non inspector functions are also addressed here.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	01	21	0	Agree with recommendation
State	01	21	0	Can live with recommendation
States	01	21	0	Can live with recommendation: Most states do not plan to track initiatives
State	01	21	0	Can live with recommendation
State	01	21	0	Can live with recommendation
State	01	21	0	Can live with recommendation
State	01	21	0	Can live with recommendation
State	01	21	0	It seems like it would be easier to retain the reason codes and use them with the CEI to record initiatives. That's how we handle it in our state database. **Team Response:** The Team has proposed to delete reason codes and their usage here is not recommended. (See PPI #6.)
State	01	21	0	Can live with recommendation
State	01	21	0	Agree with recommendation
State	01	21	0	Agree with recommendation
State	01	21	0	Can live with recommendation
State	01	21	0	**Absolutely can not live with recommendation** **BECAUSE:** This would actually take us back to times when the database attempted to dictate the program instead of acting as a tool for managing the program. This is an optional (not nationally required) data element group, which I completely agree with, nevertheless it may raise expectations by Regions that they will always be able to use this function. If this is pursued by Regions with their states it could cause extensive changes to state data bases and with translation. The focus must change to that it continues to remain optional. **Team Response:** The recommendation of this Team is that this will remain optional data. Any change to that status would need to be made pursuant to the principles of the WIN/INFORMED charter
State	01	21	0	Agree with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	01	21	0	Agree with recommendation
State	01	21	0	Can live with recommendation
State	01	21	0	After RCRAInfo was implemented, implementers agreed that RCRAInfo's violation linking screens for evaluations and enforcements need not show unlinked, already RTC'd violations. We would like to have the new release show all violations on the Evaluation and Enforcement linking screens, to ensure that the proper violations are RTC'd, and the links have not been unlinked, and no orphan violations exist in the database. **Team Response:** Agree unlinked RTC violations should be shown on the SELECT VIOLATION SCREEN. As part of the implementation of these HMA changes, RCRAInfo is planning on using JAVA which should correct the previous problems with displaying large amounts of data. Therefore, all recommendations should be able to be implemented without the type of problems previously encountered.
State	01	21	0	Agree with recommendation OK, provided data system can interact w/ this states system for seamless data transfer – extra State resources for additional and possible duplicative date entry is not available. **Team Response:** The use of these fields are optional but this comment will be forwarded to the DESIGN TEAM.
State	01	21	0	Can live with recommendation As long as this is optional to enter. **Team Response:** The recommendation by this Team is for this data to be optional.
HQ	01	21	0	Can live with recommendation
HQ	01	21	0	Agree with recommendation
State	01	21	0	Agree with recommendation
State	01	21	0	Can live with recommendation
State	01	21	0	**Absolutely can not live with recommendation** **BECAUSE:** This state tracks this information through quarterly meetings with EPA and would not use this RCRAInfo tracking system. In order accommodate this change, we would need to make major changes to our

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				compliance tracking system. Even if we chose not to use RCRAInfo to track commitments, we would still have to change our translation software to accommodate changes to the flat file specifications. It is also a concern that once this functionality is implemented, EPA will require all states to use it to communicate there commitments. **Team Response:** The Team's recommendation is that this data will remain optional. As for changes to your translation, since this is optional and you state that you will not be using it, you will only need to add these new fields, with blank values, to the end of the evaluation flat file.
1 Region & 1 State	01	21	0	We are concerned that the current Web/Oracle platform cannot handle the existing volume and complexity of CME data in RCRAInfo. After RCRAInfo was implemented, implementors reluctantly agreed that RCRAInfo's Violation linking screens for Evaluations and Enforcements need not show unlinked, RTCed violations. We had no choice: the production environment was unable to process evaluation data (some sites have ~1000 evaluations). This compromise continues to bedevil inspectors who RTC a violation on an evaluation screen and then can't find it again on linking screens. We put a high priority on correcting this unfortunate situation and ask that the new release show all violations on the Evaluation and Enforcement linking screens. We ask that this PAA acknowledge that its proposed enhancements could exacerbate platform problems, and that specific enhancements (repeating Commitment/Initiative data structure under Evaluations, SNY/N edits, CAV edits, repeating RFI data structure under Evaluations, FFEO and multi-media fields) may require adaptations. Should the PAA recommendations prove unworkable, the DESIGN TEAM should undertake to notify Implementors, and seek their input on trade-offs and resolution. **Team Response:** Agree unlinked RTC violations should be shown on the SELECT VIOLATION SCREEN. As part of the implementation of these HMA changes, RCRAInfo is planning on using JAVA which should correct the previous

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				problems with displaying large amounts of data. Therefore, all recommendations should be able to be implemented without the type of problems previously encountered.
Region	01	21	0	Can live with recommendation
Region	01	21	0	General Comment: The Implementer Inspector should have the capability to change the Universe of the facility inspected in the CM&E module and that change should be automatically updated in the Handler Module as either a change to the last Implementer record (w/accompanying change of date) or a new Implementer Handler record be added. Every Inspector when inspecting a facility makes a current and accurate determination of the status of the facility. The Universe Change should be simplified so that this should not be a separate change process from just adding an inspection. **Team Response:** An implementer record can be added to the system in the Handler Module. This suggestion will be forwarded to the DESIGN TEAM for consideration.
Region	01	21	0	The recommendation allows the entry of commitment or initiative requirements into the national system with the ability to identify specific sites for commitments, initiatives, and targeting, although the use of these data fields would be optional. It seems that this option assumes that State (and Regional?) commitments are typically site specific; in reality, many of the commitments are numeric only, and target sectors or geographic areas but not specific facilities. In other words, States and Regions typically commit to inspecting a given *number* of facilities within a sector (or geographic area) in a year, but no to inspecting a given *list* of facilities (there are, of course, some exceptions). So, for instance, instead of committing to ten foundries to be inspected, a commitment would be made (in the data system) to inspect a specific list of ten foundries. This is a more prescriptive means of establishing annual commitments, and one I suspect the States (and we) would hope to avoid. One of the "Pros" listed of this option is that it would provide HQ and Regions with an automated mechanism for identifying commitments/initiative activities. However, this is only true if this data would be "required"; the option, as written, makes entry and maintenance of this data

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				"optional". As is also suggested, this automated means of tracking would not be available for all the initiatives which one might want to track, particularly with regard to non-notifiers. Since I feel the benefits of such a system would not outweigh the difficulties in entering, maintaining, and "quality assuring" the data, and due to the fear that this data would eventually be reclassified from "optional" to "required", I much prefer the Status Quo option of leaving things as is. **Team Response:** The Team envisions this data remaining optional and any report pulled using this data would have to take into account that the data is incomplete.
Region	01	21	0	Agree with recommendation
Region	01	21	0	Can live with recommendation
Region	01	21	0	Agree with recommendation
Region	01	21	0	The Region agrees with the Team's recommendations, on the condition that the commitments/initiative data is maintained as enforcement sensitive information until the evaluation start date is entered. **Team Response:** The initiative information will remain enforcement sensitive until an evaluation start date is entered into RCRAInfo.
Region	01	21	0	Agree with recommendation
State	01	21	0	Can live with recommendation This state will not track initiatives
State	01	21	0	Can live with recommendation
State	01	21	0	Agree with recommendation
State	01	21	0	Agree with recommendation
State	01	21	0	This State's decision process for selecting sites to inspect will minimize the planning benefits of this recommendation. However, this recommendation may be quite useful for tracking site visits and categorizations within the PPA.
State	01	21	0	This state usage will be a management decision.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	01	21	0	We appreciate that this is optional data.
State	01	21	0	Agree with recommendation
State	01	21	0	Agree with recommendation
State	01	21	0	General Comments: Sounds like a good concept to track these things in RCRAInfo. This state operates under a July-June fiscal year, not the federal fiscal year, so the system will need to allow this date flexibility in tracking & reporting out the information. Setting up "blank" evaluation records at the start of the year for commitments such as TSD evaluations will work for us because of our small TSD universe—we know ahead of time who needs to be inspected. For other commitments & initiatives, though, we may not know at the beginning of the year what sites will be inspected to meet those commitments so the information will be entered at the same time as the evaluation. The table of defined commitment/initiative types may need to be fiscal year specific. **There should also be a way to record not just the type of commitments for a state for the fiscal year, but also the expected numbers of inspections/work activities to meet those commitments.** Thus, RCRAInfo could produce a true report of commitments & accomplishments because it would show a comparison of the required & the actual numbers. For example, if there is a commitment to perform CEIs for 20% of the LQG universe, & this state has 200 LQGs, at the beginning of the fiscal year an entry could be made in the table indicating the key information for these data fields: when—FY04, who—state, commitment type—LQG Universe, & commitment number—40. **Team Response:** The data will be able to be pulled according to whatever dates the implementor chooses so differing fiscal years should not pose a problem. The Team did not recommend adding additional fields to RCRAInfo for the actual number of commitments that had to be met, but this will be forwarded to the DESIGN TEAM for consideration.
State	01	21	15 - 21	This new system of tracking seems to be more heavily weighted as oversight of the States' Program than data gathering and sharing. Review of data collected can help in

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				oversight, but the actual oversight is best done on a person to person basis, not with "shared data". **Team Response:** The Team did not envision this as oversight driven data. While sharing this data allows Regions and Headquarters the ability to see which evaluations have been conducted for certain commitments, this data was envisioned to help implementers track the status of grant commitment progress should they choose to use this option. This should not replace State/Region or Region/Headquarters direct conversations.
HQ	01	21	45	indicates implementers will be able to enter their organization's commitment/initiative requirements into a national system. What system? - - RCRAInfo; if so, say so. **Team Response:** "a national system" has been changed to read "RCRAInfo".
HQ	01	22	0	The recommendation should also stipulate that national program management reports be developed . This would eliminate duplication of effort nationally and there would be a consistent approach to pulling the information for the commitments/initiatives. **Team Response:** The PPI states that reports would be provided in the system. See the Reports Section for a description of the proposed reports.
State	01	22 & 23	04	Keep these commitment/initiative fields "optional", and retain the status quo, to leave everything like it is, and not add the 3 new fields: 1) Commitment/ Initiative Year; 2) Commitment Type; and 3) Commitment/Initiative Type Description. The SEA Commitments/Initiatives need to continue to be tracked separately from RCRAInfo. **Team Response:** Use of commitment fields is optional.
Region	01	22	09	Three of this region's states & their respective PPA's run on a calendar year. It would be helpful to be able to enter a date range for commitments either by a Calendar Year (CY) date and/or Fiscal Year (FY) date. **Team Response:** The dates for pulling the reports will be flexible.
State	01	22	13	Glad to see that it is optional and not mandatory.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
HQ	01	22	13 - 14	Recommend doing a cost benefit analysis of including optional information in the RCRA Info database. Adding it may make designing and maintaining the database much more difficult. Without an analysis of the benefit, is it worth the cost? **Team Response:** The Team feels that the benefits of this PPI are worth the up-front cost to modify the system. There is a manpower cost to implementers presently in collecting and providing this data manually.
Region	01	22	13	The statement, "use of these fields is **optional**", is a very important part of this PPI. This should be highlighted by adding the word **optional** to the title of this PPI. **Team Response:** The Team feels that this PPI is clear on the concept of the commitment fields use being optional.
State	01	22	13	Agree as long as entry of commitments/initiatives remains optional
State	01	22	24-26	This will potentially result in Commitments and Initiatives being entered, but the inspection info never being filled in, if the inspection is entered separately. So, if this is implemented, this state recommends against entering a blank evaluation record containing only the three commitment/initiative fields as a placeholder. **Team Response:** Use of this commitment field is optional.
HQ	01	22	27	I thought one of the objectives in the HMA PAA review effort was to streamline as much as possible. This recommendation will create multiple records for each evaluation record. What's the justification? **Team Response:** There will not be multiple records for each evaluation. The blank commitment record can be completed by adding the evaluation data for the evaluation that is to count toward the commitment and multiple commitment boxes can be checked for the same record. Additional evaluations conducted at the site would be added to RCRAInfo as is done currently. This field is designed to be an enhancement to a current record, not numerous extra records.
State	01	22 - 23	all	Multiple commitments/initiatives for each evaluation record considered Enforcement Sensitive; sounds multi-tasked. Structural changes will need to be made.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: You are correct.
State	01	23	21	You state the only Con is, "Structure changes and data entry changes required." But under Pros you state ". . . provide HQ and Regions with an automated mechanism for identifying commitment/initiative activities for both implementer oversight . . . ." Actually this in itself is also a Con. This is an optional (not nationally required) data element group, which I completely agree with, nevertheless it may raise expectations by Regions that they will always be able to use this function. If this is pursued by Regions with their states it could cause extensive changes to state data bases and with translation. There are already enough proposed changes that will cost translator states a significant amount of money to implement. It would be very unfortunate if these optional data elements became required by Regions (possibly through pressure from HQ). Subsequently, I propose a rewording of the benefits by just emphasizing that this would allow states (implementers) to track their commitments or initiatives instead of Regions using it for oversight. **Team Response:** The primary goal of this PPI is to allow implementers to track commitments within RCRAInfo. The ability of EPA Regions and Headquarters to use the information for oversight is recognized, but it is not the main goal. And, since the data entry is optional, it will only be a side benefit of the PPI. However, the Team felt that it was something that should be pointed out in the text. We will add "States" to the implementers benefitting from this PPI.
HQ	01	23	21 & 38 - 41	Add Cons: 1. Very little use if data is not required 2. Only can be used by States, not at national level **Team Response:** The Team realizes the limited national or regional value of this optional information, but we do not feel that it should be stated that it can only be used by States.
State	01	23	42	This document states, Regions and EPA HQ will receive inconsistent data from States." This further leads users to assume that this optional data element group is actually required. Again, it must be made clear that this is optional and will NOT be required. **Team Response:** This data element is optional.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	01	24	27	This would actually take us back to times when the database attempted to dictate the program instead of acting as a tool for managing the program. What this PAA should be accomplishing is trying to eliminate the final areas where the database dictates program. **Team Response:** This PPI only proposes to allow tracking progress of commitments for implementers who choose to use it.
State	01	24	40	Instead of, "This PPI will result in a savings of time being spent on tracking initiatives and grant commitments between agencies to verify commitment accomplishments." This should say, where agreed upon by the state (and not in any work plan) this PPI will result in a savings of their time being spent on tracking initiatives and grant commitments in lieu them having their own state database for this task. "Additionally, this could also be negotiated by States and their Region as a tool for tracking grant commitments." Again, remove language that alludes to the premise that this set of data elements for tracking will always be available instead of this being an optional data element. **Team Response:** See language change.
State	01	24	44	There may be some burden reduction. However there are numerous commitments that cannot be tracked in RCRAInfo so it should never be mandatory. **Team Response:** This field is optional.
State	01	25	13	Instead of, "The translator load program will need to be modified to accept these three new commitments/initiatives fields from implementers." And add . . . fields from implementers if they choose submit the optional data elements. Even though at the beginning of PPI#1 the documentation states this is optional, it needs to be reflected in the rest of the language. **Team Response:** See language change.
State	01	25	20	Program Needs (line 5 on page 21) states, ". . . internal and external priorities that collectively constitute the . . .(MOA), Categorical Agreement, or . . . (PPA), specific commitments to State legislatures, and specific Regional and/or State initiatives." The look up table should also allow Regions to enter in defined values in case they apply to all of their states to assist in consistency, instead of just EPA HQ and

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				implementer (usually the State) defined values. **Team Response:** Implementer defined values are allowed. Regions and States are implementers.
Region	01	25	29	Stakeholders anticipating the planning of inspections should never release Public Access to commitment/initiative fields to the public since they are planning tools and will invite abuse. If the data is available, it will be abused. This is data is more akin to comments anyway and comments aren't released to the public. **Team Response:** This information is not released to the public until after the evaluation has been conducted and an evaluation start date has been entered into RCRAInfo.
State	01	34 - 38	all	I fail to see how the proposed solution solves the problem of getting the proper count for facility types. EG., when a LQG changes to SQG after the inspection but during the FY. **Team Response:** This PPI is a method of recording which evaluations are counted toward certain commitment categories so that the implementer will be able to query and get the number of evaluations completed for commitments. These inspections will be counted for the specific initiative that is checked regardless of how the universe changes at the handler level.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	02	26	0	Agree with recommendation: Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No** **Team Response:** Thank you.
State	02	26	0	Can live with recommendation
States	02	26	0	**Absolutely can not live with recommendation** **BECAUSE:** While one state agrees with this recommendation, most states support the Default lead organization recommendation. In addition, many states support only the lead agency that will be taking the enforcement action should enter the data. One state supports only one agency taking an enforcement action. **Team Response:** Based on comments, the Team is not making a specific recommendation and this issue will continue to be handled by affected agencies.
State	02	26	0	Agree with recommendation Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No**. 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? Between Affected Agencies. **Team Response:** Thank you.
State	02	26	0	Agree with recommendation
State	02	26	0	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? Sometimes. 2. If so, what impacts has it had on your organization? Caused some problems during overview/management conferences as to responsible parties & who is handling what when data is missing. 3. What approaches have you used to address the issue? Brought up missing EPA data during management conferences.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? Should be nationally addressed for consistency. May want to look at the fact that this is all very duplicative of effort (particularly in the entry of violations by each agency. Specifically when EPA intends to refer to the State – or vise versa-and then just automatically RTCs them with enforcement action. Seems easier to link to existing violations, which is why the timeliness is so important). **Team Response:** Thank you.
State	02	26	0	Can live with recommendation
State	02	26	0	We don't have any problems with this issue **Team Response:** Thank you.
State	02	26	0	**Questions to reviewers:** 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No** 2. If so, what impacts has it had on your organization? **N/A** 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **Best handled on region/state basis** **Team Response:** Thank you.
State	02	26	0	Agree with recommendation Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **Not yet** 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **national** **Team Response:** Thank you.
State	02	26	0	Can live with recommendation
State	02	26	0	Can live with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? *Actually, since we are a translator state the issue is not only obtaining EPA data (which we enter into our database so we can translate back all of the correct links) but also timeliness of correction of data in "active" sites (e.g., an evaluation has not returned-to-compliance).* *2.* If so, what impacts has it had on your organization? *Database entries are not current regarding activities and outstanding violations.* 3. What approaches have you used to address the issue? *State joint inspections are entered but not linked to the EPA actions. Issues noted with data entry are forwarded to the Region for updating though not always with satisfactory results.* 4. Do you consider this issue one that needs to be addressed as part of a national effort, or **is it best handled between affected agencies**? *Because (1) this issue can involve more than just data entry, and (2) the degree of the problem and the solutions may vary too much to be addressed nationally. Except that EPA could issue/enforce national guidelines for its staff on data entry and corrections in a timely manner.* **Team Response:** Thank you.
State	02	26	0	Agree with recommendation
State	02	26	0	Agree with recommendation **Questions to reviewers:** 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **NO** 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **Team Response:** Thank you.
State	02	26	0	**Absolutely can not live with recommendation** **BECAUSE**: Since no one on the PAA Team has this

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				particular problem, it is obviously limited to a few States and Regions. I believe this issue is best handled between agencies through other means. **Team Response:** Based on comments, the Team is not making a specific recommendation and this issue will continue to be handled by affected agencies.
State	02	26	0	Agree with recommendation Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **NO** 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **Team Response:** Thank you.
State	02	26	0	Can live with recommendation Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No** 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **No opinion.** **Team Response:** Thank you.
HQ	02	26	0	Comments: 1) In reality, the bulk of data are not entered until FY end and has quality issues. This causes considerable problems for HQ (perhaps not so much for implementers) in capturing accurate, reliable and the most current information for annual performance measurement. Regions and/or States continually dispute the validity of HQ published numbers, only to later discover that the data were not entered timely. Reporting timetable do need to be better synchronized. However, HQ has recently instituted a data certification process to address this issue. **Team Response:** Thank you. 2) What does OEI policy on data stewardship requirements

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				say about timeliness? **Team Response:** To the best of the Team's knowledge, there is no OEI policy.
HQ	02	26	0	Agree with recommendation
State	02	26	0	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No. Lack of timeliness on Region's part is more of an issue for them, not for us.** 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **It is best handled between affected agencies.** **Team Response:** Thank you.
State	02	26	0	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **NO** 2. If so, what impacts has it had on your organization? **NA** 3. What approaches have you used to address the issue? **This state treats joint inspections like a state lead so the delay incurred in the regional office does not adversely impact compliance with the enforcement MOA.** 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **Between the affected agencies. Regional office should be required to complete their evaluation processes in the same time frame as the State office.** **Team Response:** Thank you.
State	02	26	0	**Absolutely can not live with recommendation BECAUSE:** This has not been an issue for this state. This issue is best handled between affected agencies. **Team Response:** That is the Team's position.
State	02	26	0	Timeliness of data entry is not a problem for us, inspection date (day zero) is. This is an in-house problem that we are working out with our region. This issue has no business being even considered for a national effort.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: Thank you.
Region	02	26	0	Can live with recommendation
Region	02	26	0	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **Very rarely** 2. If so, what impacts has it had on your organization? **Minimal** 3. What approaches have you used to address the issue? **Pending enforcement actions are communicated between EPA Region and our States. Joint Inspections are rare and the States are given the lead in most cases, except in new regulatory areas.** 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **This should be handled by those affected.** **Team Response:** Thank you.
Region	02	26	0	Timeliness of evaluation/inspection data entry related to joint inspections is *not* an issue for our Region. We spend considerable effort before the beginning of each fiscal year coordinating with our States with regard to which facilities EPA will inspect; for those inspections, although the State is invited to participate in the inspection, it is considered an EPA-lead inspection. In addition, it is understood that EPA will typically bring timely and appropriate enforcement action in response to violations found during these inspections, and our States will refrain from taking enforcement (except in cases where EPA chooses not to bring action - after that point, the State is free to bring any action as they see fit). So, the situation where a State is waiting for violations to be identified in the data system before selecting their enforcement response would not arise in our Region. Further, we believe that in most cases where there was a joint inspection that the State would follow up with enforcement, timeliness would not be dependent upon data entry into the national system, but would be a result of conversations between EPA and the State. As a result, we do *not* consider this issue to be one that needs to be addressed as part of a national effort, but would be better

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				handled between the affected agencies as it arose. **Team Response:** Thank you.
Region	02	26	0	Agree with recommendation
Region	02	26	0	Agree with recommendation
Region	02	26	0	Can live with recommendation
Region	02	26	0	Four specific questions were put to the reviewers to assist the Team in determining to what degree the timeliness of data entry is a problem for the implementers. 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No, it is not an issue for this Region. The joint inspections that we conduct with the authorized states are for the most part oversight or training opportunities. The inspection and enforcement lead is usually clearly determined prior to the inspection, and is very rarely shared between the agencies.** 2. If so, what impacts has it had on your organization? **Not applicable.** 3. What approaches have you used to address the issue? **Not an issue for this Region.** 4. Do you consider this issue one that needs to be addressed as a part of a national effort, or is it best handled between affected agencies? **We do not consider this an issue that needs to be addressed at the national level. It is best handled between the affected agencies.** With regard to the other options considered for this PPI, option 3 which would automatically default to the State being the lead for joint inspections and the enforcement follow up is not one that we can live with. This option further states that the authorized States will have the option to be the enforcement lead on all inspections that they conduct or participate in. As previously stated, in this Region, the joint inspections that are conducted between the EPA and authorized States are usually for oversight or training purposes. However, some State inspectors will attend EPA inspections in authorized States for purposes of observation only. During such inspections, the State inspector does not actively participate. Therefore, the inspection report and enforcement follow up are completed by EPA, in accordance with the Enforcement Principles

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				established by the Regional Administrator. The default described in this option is not one that we can live with, given the Enforcement Principles we have established within the Region. **Team Response:** Thank you.
Region	02	26	0	Agree with recommendation
State	02	26	0	**Absolutely can not live with recommendation** **BECAUSE:** This state supports the Default lead organization recommendation. Also, this state is of the opinion that only the lead agency taking the enforcement action should enter the data. **Team Response:** Based on comments, the Team is not making a specific recommendation and this issue will continue to be handled by affected agencies.
State	02	26	0	Agree with recommendation
State	02	26	0	**Absolutely can not live with recommendation** **BECAUSE:** Needs more discussion between state and EPA, not a national effort. Dual reports and status of reports are unclear. **Team Response:** Based on comments, the Team is not making a specific recommendation and this issue will continue to be handled by affected agencies.
State	02	26	0	Can live with recommendation
State	02	26	0	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **We don't typically do joint inspections with EPA – so, not applicable.** 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **This issue should be handled between affected agencies.** **Team Response:** Thank you.
State	02	26	0	Agree with recommendation
State	02	26	0	**Absolutely can not live with recommendation**

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				BECAUSE: We want to be able to track our role in a joint inspection independent of the other agency's inspection tracking. We would like an indicator on the evaluation record to show there was EPA/State involvement for the inspection, similar to how Reason Code 99 was used. Entering a CEI evaluation type with the appropriate joint insp code would show that our state had an equal or lead role in the activities. Entering an FCI eval type with the appropriate joint insp code would show that our state had a lesser role, accompanying the lead agency on the inspection. If the OTH eval type is not available & we can only use the FCI eval type, the specific focus area field should be optional. We disagree with the proposal to enter certain joint inspection information under a different "responsible agency" code. **Team Response:** Checking off the specific focus area field for FCI evaluations is optional.
HQ	02	26	12 - 13	Is there any data supporting that "joint inspections are routinely conducted between EPA and some regions"? The sentence as currently worded is confusing because it says "some" joint inspections are "routinely" conducted. If it is routine, it is probably more than some inspections. **Team Response:** Thank you, we have reflected this.
State	02	27	0	*Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization?* No. Our goal is to meet the timelines; however, there are reasons for delay, that are not under the control of the inspectors: 1) dependent upon the facility, as additional information requests are sent, such as analysis pending to make a determination; and 2) dependent upon the workload of the inspectors, such as working on multiple facilities and/or enforcement cases concurrently. *Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies?* This situation is already being handled effectively between the state and EPA. We agree with the status quo to leave the resolution up to the affected agencies. **Team Response:** Thank you.
HQ	02	27	0	Q.1. Yes, timeliness of entering evaluation data is crucial to measuring program performance

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Q.2. The impact on the program is that we have had to make assumptions based on the data that is in RCRAInfo which has at times turned out be incorrect. Q.3. We have addressed this issue by talking to individual regions and states to resolve. Q.4. We consider this issue one that needs to be addressed as part of a national effort. **Team Response:** Thank you.
1 Region & 1 State	02	27	0	Questions to Reviewers - *Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization?* No. Despite our goal to meet various ERP timelines, most reasons for delay are often not under the control of either EPA or State RCRA inspectors and are dependent upon availability of lab personnel to conduct sampling, drafting, issuance and review of Information Requests and other normal case development activities that are the main cause of delay unrelated to whether an inspection was conducted jointly or separately. The most significant issue that impacts timeliness of activities is the workload of an individual inspector and his/her ability to work multiple cases concurrently. The ERP nor any EPA guidance considers individual workload in the timeliness equation but it is a major issue and will remain a major issue where state and federal programs are down-sizing and remaining inspectors are asked to do more work to keep up the "numbers" that historically distributed amongst many more inspectors. This Region works closely with its States to identify their enforcement pipeline and has found that individual inspectors routinely have multiple enforcement cases, each having the potential to affect the timeliness of one another depending of their complexity or phase of the enforcement process these cases may be in. **Team Response:** Thank you.
State	02	27	08	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **Sometimes. EPA does not always hold itself accountable to the ERP timelines**. 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				addressed as part of a national effort, or is it best handled between affected agencies? **It needs to be addressed nationally such as everyone being accountable to the ERP. Deviations from the requirements of the ERP (or similar national guidance) should be handled between affected agencies.** **Team Response:** Thank you.
State	02	27	08	**Questions to reviewers:** 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No** 2. If so, what impacts has it had on your organization? **N/A** 3. What approaches have you used to address the issue? **N/A** 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **Best handled between affected agencies.** **Team Response:** Thank you.
State	02	27	08	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No** 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **Best handled between affected agencies.** **Team Response:** Thank you.
Region	02	27	08	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No** 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **The clarification on page 27, lines 19-34 is adequate.** **Team Response:** Thank you.
Region	02	27	08	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				to joint inspections an issue for your organization? **No** 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? Joint planning of specific inspections and leads 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **can live with it either way** **Team Response:** Thank you.
Region	02	27	08	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **NO** 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **Team Response:** Thank you.
Region	02	27	08	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No** 2. If so, what impacts has it had on your organization? **N/A** 3. What approaches have you used to address the issue? **See comment** 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **See comment** **Team Response:** Thank you.
State	02	27	08	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No**. 2. If so, what impacts has it had on your organization? 3. What approaches have you used to address the issue? 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? This may be an isolated issue with certain States and/or Regions and may be better handled outside of a national effort. **Team Response:** Thank you.
State	02	27	08	Questions to reviewers:

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **No** 2. If so, what impacts has it had on your organization? **NA** 3. What approaches have you used to address the issue? **NA** 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **Should be managed using existing dispute resolution processes. Local resolution is best, but elevation should occur when necessary.** **Team Response:** Thank you.
State	02	27	08	Questions to reviewers: 1. Is timeliness of evaluation/inspection data entry related to joint inspections an issue for your organization? **Yes sometimes the other agency doesn't enter their inspection, violation, violation resolution, & enforcement data into RCRAInfo in a timely manner.** 2. If so, what impacts has it had on your organization? **We get inaccurate counts & lists of what joint inspections were actually performed. We also get comments from regulated sites wondering why the ECHO website still shows them as out of compliance after many years.** 3. What approaches have you used to address the issue? **Trying to work with the other agency's staff or their supervisor. Explaining the ECHO data to the public.** 4. Do you consider this issue one that needs to be addressed as part of a national effort, or is it best handled between affected agencies? **A national effort to bring about consistency with an emphasis on timeliness may be required to get cooperation among all staff.** **Team Response:** Thank you.
Region	02	27	09-10	No

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	02	27	11	N/A
Region	02	27	12	This Region enters a CEI evaluation and makes a note in the comments field (joint inspection w/state; state lead); the State enters their own CEI evaluation and/or related violations/enforcements. EPA's data entry stands alone and is not linked to the states data for joint inspections. **Team Response:** Thank you.
Region	02	27	13-14	No; it is best handled by the affected agencies. This Region and its states do not have problems with data entry for joint inspections and/or oversight inspections. Each inspection is discussed individually with the applicable state and a decision made as to who has the lead. **Team Response:** Thank you.
HQ	02	27	20 - 30	This is a complicated procedure. I am not sure will work in the real world. How do you implement such a system? What QA/QC is needed to make sure it is working? **Team Response:** This the status quo, which is currently working, this PPI just provides clarification.
State	02	28	0	The question whether EPA or the State is the lead should continue to be resolved between the EPA and the State. The lead agency would be responsible for adding in the violations, with the State or EPA linking to the appropriate violations. **Team Response:** Thank you.
1 Region & 1 State	02	28	0	This Region opposes a default mechanism. The question whether EPA or the State is the lead should be resolved between the Region and the State program, with a regional plan to elevate the issue between EPA and State managers if the length of time becomes an issue. **Team Response:** Thank you. This proposal doesn't specify, but we assume that, for joint inspections, only the lead keys violations and both EPA and State link to the same violations. Is this true? **Team Response:** Correct.
State	02	28	15 - 16	This state suggests this only happens if each agency fails to put its own independent actions into the data system. **Team Response:** Thank you.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	02	28	29 - 33	Although this state can live with the proposed recommendation, This state would tend to prefer Other Option 3. **Team Response:** Thank you.
State	02	28	39 - 41	This state suggests this problem may only arise if EPA takes commitments upon themselves in States with proper authorization or in conflict with agreements in authorized States. **Team Response:** Thank you.
Region	02	29	07-09	It should be noted that this recommendation will result in fewer CEI inspection by both EPA and the states. **Team Response:** Thank you.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	03	30	0	Agree with recommendation
State	03	30	0	Can live with recommendation
States	03	30	0	**Absolutely can not live with recommendation BECAUSE:** The ASTSWMO RCRA Enforcement T/F continues to support our position as outlined in this document. However, as stated previously the OECA compromise is acceptable. Please note that one state maintains its position that day zero should be the last day of the inspection and there is no need to add another field for "evaluation start date." **Team Response:** The recommendation has been changed to mirror the ASTSWMO recommendation.
State	03	30	0	This one always comes up.....What ever time one uses we need to have it backed up by some kind of documentation. This is one of the most important milestones in the enforcement program. As far as I'm concerned we need to maintain the actual date of the inspection/site visit as the first day of the inspection. A regulatory CEI or a complaint response may take many visits, waiting for sampling results, etc, violation determination, violation classification, violator classification and the decision on the enforcement option and notifying the facility of its violations recommend that the inspection/investigation time period run from the first day of the inspection to the date of the inspection report (the evaluation end date.) As far as I know, all states base enforcement cases on the inspection report. In our state, the facility gets a copy of the report and the report is a public document. Even though there may be changes to violations, etc. The inspection report is "official" and contains the violations. 90 days seems to be a pretty good average time to go from a site visit to producing a report. I do not like using the "violation determination" date as a milestone. So many of our inspections have multiple violations. If we go for a multi day violation, the violation determination date may actually be BEFORE the inspection.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				This date is actually critical to determining not only multi day violations but also in determining the Statue of Limitations. this date can be difficult to determine that you can have entire court cases devoted to the date of the violation determination. I like the date of the inspection report as a milestone(s). It's documented. If we have to go back to our records for missing data we can find the inspection report. **Team Response:** The recommendation has been changed to be consistent with the revised draft ERP which allows 60 additional days, if needed.
State	03	30	0	The WIN/INFORMED Team recommends adding a new field "Evaluation End Date" (EED) which would become the new "Day Zero". **This state absolutely cannot live with this recommendation.** There are at least two difficulties associated with this proposal and the related PPI #6 and PPI #11. PPI #6 proposes that we establish a start date and an end date for inspections. PPI #11 proposes that we establish a date for when a violation is determined. Adding PPI #3 to this recommendation and we have established a four dates regarding each inspection. At a minimum four dates are now proposed where one date was previously used. This is a significant new incremental increase in the number of data entries made for a single inspection. The second issue this state sees is in the definition of EED. During the course of an inspection inspectors are gathering information and making decisions regarding violations on an ongoing basis. State law requires that inspectors notify the facility on the last day of an inspection regarding any violations detected during the inspection. This represents the first cut of any determinations regarding violations at the facility. Inspectors do not wait to collect all the information before making decisions on violations and certainly would not say to themselves, "Today is the day I have all the information needed to make a decision on all violations detected during this inspection and I will enter today's date." This state believes that inspectors will instead default to the inspection report date.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				This state recommends that the inspection report date be used as the EED because that is the date on which all decisions regarding violations will have been made and reviewed by the supervisor. For most inspections, even those which result in enforcement, the inspection report is probably completed within 60 to 90 days after the Evaluation Start Date. State statutes require the program to send out an inspection report within 65 days of the Evaluation Start Date. For the minority of enforcement cases which involve very complicated inspections, this state recommends that these cases be categorized as exceptions to the Enforcement Response Policy time frames. This proposal to utilize the proposed definition of "Day Zero" as well as the recommendations in PPI #6 and PPI #11 to record the start and end dates of an inspection requires far too much specificity and complexity in terms of keeping track of numerous dates and in data entry. **Team Response:** The Evaluation End Date has been eliminated from the recommendation.
State	03	30	0	**Absolutely cannot live with recommendation BECAUSE:** Makes programmatic sense, but implementation of entering inspection end dates is a nightmare for getting the data from an inspector. If a default date is going to be entered, then data accuracy becomes suspect. Most (80-90%) inspections do not depend on sample results or further case development inspections. This data element is unnecessary and will bog down all data entry for inspections for the occasional case of needing more time to gather data and information. Set time frames have been identified by ASTSWMO and ORE agree that "60 days" should be allowed to make a determination if needed. All that is needed is an Additional Information Flag in the evaluation table. When it is checked, the date of determination should be made within 150 days instead of 90 days from the inspection date. End dates and determination dates would need to be clearly defined and guidance on how and when they differ. The inspection date could be redefined as the end date of a multi-date inspection to be consistent with other Programs. OTIS and Envirofacts will be enough of an incentive for

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Programs to closeout SNCs and RTC data fields. **Team Response:** The Evaluation End Date has been eliminated from the recommendation.
State	03	30	0	Agree with recommendation
State	03	30	0	Can live with recommendation (Don't agree with ERP changes, but should match)
State	03	30	0	Agree with recommendation
State	03	30	0	Can live with recommendation
State	03	30	0	Agree with recommendation
State	03	30	0	Can live with recommendation
State	03	30	0	Can live with recommendation
State	03	30	0	**Absolutely can not live with recommendation BECAUSE:** The Team may believe that the evaluation end date should be no longer than 90 days but this is not something that is necessary to track at a national level for all implementers. As indicated by the EDSC (and reflected in other environmental programs) the date the decision can be made on whether the site is in compliance or is not in compliance and thus has specific violation is the only date necessary. This meets the needs itemized, such as the public will be able to determine in both how often inspections are conducted and whether or not the regulated entity is currently compliant and this will also offer a mechanism for States and Regions to be evaluated on the timeliness of their enforcement responses. The policy does not and should not dictate how long the evaluation will take to complete. Implementers already have enough of an incentive to complete evaluations for their commitment/initiative activities and enter the results into the database. Nevertheless, some implementers use RCRAInfo as their main mechanism for managing the program. In these cases an optional data element for the beginning date of the evaluation may be beneficial for them to ascertain how their work progresses and where areas of concern in the process may be. **Team Response:** The Evaluation End Date has been eliminated from the recommendation.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	03	30	0	Agree with recommendation
State	03	30	0	Can live with recommendation
State	03	30	0	**Absolutely can not live with recommendation** **BECAUSE:** Is not consistent with current PPA's/MOA's and the national ERP. **Team Response:** The Team charter requires the Team to look at current policy and make a determination whether or not policy changes are needed to better reflect the current inspection and enforcement processes. The Team has made a determination that the timeliness part of the ERP needs to be changed and that recommendation is included in the final report.
State	03	30	0	Agree with recommendation
State	03	30	0	Agree with recommendation This will complicate data entry and require more DQ review time to ensure evaluation end dates are entered. **Team Response:** The Evaluation End Date has been eliminated from the recommendation.
HQ	03	30	0	Can live with recommendation But defer to other HQ program office on the policy decision re: Day Zero time frame. However, the program and/or policy considerations absolutely must drive the decision here - - not the data issues **Team Response:** The Team charter requires the Team to look at current policy and make a determination whether or not policy changes are needed to better reflect the current inspection and enforcement processes. The Team has made a determination that the timeliness part of the ERP needs to be changed and that recommendation is included in the final report.
HQ	03	30	0	**Absolutely can not live with recommendation** **BECAUSE:** This recommendation seeks to resolve a problem which may not exist in a fairly resource-intensive way, when there are many simpler ways of resolution. The basis of the recommendation seems to be that, in those cases where additional information (beyond that contained in the inspection report) is needed before moving forward with a case, additional time should be provided to allow for this information gathering. In the Region's experience, however,

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				the large majority of inspections requiring enforcement action are followed by additional information gathering. Nearly all enforcement actions are preceded by one or more formal written information request letters and often regions return to facilities to take samples. Information gathering often continues up to the date of issuing a complaint or show cause letter. It would be difficult and burdensome for us to determine what day information gathering concludes. Most likely, it would default to 90 days after the inspection because that appears to be the upper limit of time allowed. We point out that the ERP already contemplates circumstances where the enforcement response times specified in the ERP may be insufficient and that up to 20% of Regional and State enforcement cases may exceed the standard response time. As a result, the issue of requiring additional time to meet the ERP timelines may not be as widespread as suggested. If substantially more cases exceed the timelines, a cleaner approach would be to modify the ERP by extending the timelines or increasing the allowance for exceeding timeframes to more than 20%. That issue can best be resolved through the policy, rather than modifications to RCRAInfo. Requiring data managers and case developers to take on the additional burden of identifying and tracking this new Evaluation End Date is very resource intensive and will likely contribute to data inaccuracies. **Team Response:** The Team charter requires the Team to look at current policy and make a determination whether or not policy changes are needed to better reflect the current inspection and enforcement processes. The Team has made a determination that the timeliness part of the ERP needs to be changed across the board, as recommended above, and that recommendation is included in the final report. The Evaluation End Date has been removed from the recommendation.
State	03	30	0	Can live with recommendation
State	03	30	0	**Absolutely can not live with recommendation**

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				BECAUSE: This state writes an enforcement action at the conclusion of a CEI. If the date of the CEI is later that the conclusion of the on-site portion of the inspection, the current database will not accept allow a link to occur between the enforcement and violation. The day of evaluation should be day zero, regardless if sample results are pending. **Team Response:** The Evaluation End Date has been eliminated from the recommendation.
State	03	30	0	**Absolutely can not live with recommendation** **BECAUSE:** this state currently collects and Investigation Complete Date in our compliance tracking system so we would not need to modify the system to accommodate the change. However, this would require a change to our translation software to accommodate changes to the flat file specifications. **Team Response:** The Evaluation End Date has been eliminated from the recommendation and no changes to the translator software or flat file are anticipated.
Region	03	30	0	Can live with recommendation
Region	03	30	0	This recommendation would change the date of "Day Zero" from the inspection date to the Evaluation End Date, which is the day that all the information necessary for the determination of the compliance status became available (up to 90 days after the inspection). I dislike this recommendation because it seeks to resolve a problem (which may or not exist) in a fairly resource-intensive way, when there are many simpler ways of resolution. The basis of the recommendation seems to be that, in those cases where additional information (beyond that contained in the inspection report) is needed before moving forward with a case, additional time should be provided to allow for this information gathering. In our experience however, the large majority of inspections (which reveal violations serious enough to warrant enforcement action) are followed by additional information gathering, sometimes more than once. Very nearly all of our enforcement actions are proceeded by a formal written information gathering request letter, and often we return to the site to take samples of waste (to prove it is hazardous). Information gathering has been known to

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				continue right up to the point of a complaint being issued. It would be difficult (and burdensome) for us to have to determine what day our information gathering had concluded. Most likely, it would default to 90 days after the inspection, since that appears to be the upper limit of time allowed. If the ERP does not provide for sufficient time to fully develop cases in most instances, a cleaner approach would be to add time to the ERP across the board. To require data managers and case developers to take on the additional burden of identifying and tracking this new Evaluation End Date seems to be rather resource intensive way of accomplishing what could be simply done by extending the ERP time frames. However, it is important to point out that the ERP already allows that circumstances arise where the enforcement response times specified in the ERP may be insufficient, and that up to 20% of Regional and State enforcement cases may exceed the standard response time. **Team Response:** The Team charter requires the Team to look at current policy and make a determination whether or not policy changes are needed to better reflect the current inspection and enforcement processes. The Team has made a determination that the timeliness part of the ERP needs to be changed across the board, as recommended above, and that recommendation is included in the final report. The Evaluation End Date has been removed from the recommendation.
Region	03	30	0	Can live with recommendation
Region	03	30	0	Can live with recommendation
Region	03	30	0	**Absolutely can not live with recommendation BECAUSE:** This recommendation seeks to resolve a problem which may not exist in a fairly resource-intensive way, when there are many simpler ways of resolution. The basis of the recommendation seems to be that, in those cases where additional information (beyond that contained in the inspection report) is needed before moving forward with a case, additional time should be provided to allow for this information gathering. In our experience, however, the large majority of inspections requiring enforcement action are

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				followed by additional information gathering. Nearly all of our enforcement actions are preceded by one or more formal written information request letters and, often, regions return to facilities to take samples. Information gathering often continues up to the date of issuing a complaint or show cause letter. It would be difficult and burdensome for us to determine what day our information gathering concludes. Most likely, it would default to 90 days after the inspection, since that appears to be the upper limit of time allowed. We point out that the ERP already considers that circumstances arise where the enforcement response times specified in the ERP may be insufficient and that up to 20% of Regional and State enforcement cases may exceed the standard response time. As a result, the issue of requiring additional time to meet the ERP timelines may not be as widespread as suggested. If substantially more cases exceed the timelines, a cleaner approach would be to modify the ERP by extending the timelines or increasing the allowance for exceeding timeframes to more than 20%. (*Region 6 prefers the suggestion that the 20% allowance should be flexible and that the states should negotiate with their respective Region if their procedures are such that the 20% allowance is insufficient.*) That issue can best be resolved through the policy, rather than modifications to RCRAInfo. Requiring data managers and case developers to take on the additional burden of identifying and tracking this new Evaluation End Date is very resource intensive and will likely contribute to data inaccuracies. **Team Response:** The Team charter requires the Team to look at current policy and make a determination whether or not policy changes are needed to better reflect the current inspection and enforcement processes. The Team has made a determination that the timeliness part of the ERP needs to be changed across the board, as recommended above, and that recommendation is included in the final report. The Evaluation End Date has been removed from the recommendation.
Region	03	30	0	This recommendation seeks to resolve a problem which may

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				not exist in a fairly resource-intensive way, when there are many simpler ways of resolution. The basis of the recommendation seems to be that, in those cases where additional information (beyond that contained in the inspection report) is needed before moving forward with a case, additional time should be provided to allow for this information gathering. In our experience, however, the large majority of inspections requiring enforcement action are followed by additional information gathering. Nearly all of our enforcement actions are preceded by one or more formal written information request letters and, often, regions return to facilities to take samples. Information gathering often continues up to the date of issuing a complaint or show cause letter. It would be difficult and burdensome for us to determine what day our information gathering concludes. Most likely, it would default to 90 days after the inspection, since that appears to be the upper limit of time allowed. The ERP already considers that circumstances arise where the enforcement response times specified in the ERP may be insufficient and that up to 20% of Regional and State enforcement cases may exceed the standard response time. As a result, the issue of requiring additional time to meet the ERP timelines may not be as widespread as suggested. If substantially more cases exceed the timelines, a cleaner approach would be to modify the ERP by extending the timelines or increasing the allowance for exceeding timeframes to more than 20%. That issue can best be resolved through the policy, rather than modifications to RCRAInfo. Requiring data managers and case developers to take on the additional burden of identifying and tracking this new Evaluation End Date is very resource intensive and will likely contribute to data inaccuracies. **Team Response:** The Team charter requires the Team to look at current policy and make a determination whether or not policy changes are needed to better reflect the current inspection and enforcement processes. The Team has made a determination that the timeliness part of the ERP needs to be changed across the board, as recommended above, and that recommendation is included in the final report. The

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Evaluation End Date has been removed from the recommendation.
Region	03	30	0	Can live with recommendation
Regions	03	30	0	This recommendation seeks to resolve a problem which may not exist in a fairly resource-intensive way, when there are many simpler ways of resolution. The basis of the recommendation seems to be that, in those cases where additional information (beyond that contained in the inspection report) is needed before moving forward with a case, additional time should be provided to allow for this information gathering. In our experience, however, the large majority of inspections requiring enforcement action are followed by additional information gathering. Nearly all of our enforcement actions are preceded by one or more formal written information request letters and, often, regions return to facilities to take samples. Information gathering often continues up to the date of issuing a complaint or show cause letter. It would be difficult and burdensome for us to determine what day our information gathering concludes. Most likely, it would default to 90 days after the inspection, since that appears to be the upper limit of time allowed. We point out that the ERP already considers that circumstances arise where the enforcement response times specified in the ERP may be insufficient and that up to 20% of Regional and State enforcement cases may exceed the standard response time. As a result, the issue of requiring additional time to meet the ERP timelines may not be as widespread as suggested. If substantially more cases exceed the timelines, a cleaner approach would be to modify the ERP by extending the timelines or increasing the allowance for exceeding timeframes to more than 20%. That issue can best be resolved through the policy, rather than modifications to RCRAInfo. Requiring data managers and case developers to take on the additional burden of identifying and tracking this new Evaluation End Date is very resource intensive and will likely contribute to data inaccuracies.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: The Team charter requires the Team to look at current policy and make a determination whether or not policy changes are needed to better reflect the current inspection and enforcement processes. The Team has made a determination that the timeliness part of the ERP needs to be changed across the board, as recommended above, and that recommendation is included in the final report. The Evaluation End Date has been removed from the recommendation.
State	03	30	0	**Absolutely can not live with recommendation BECAUSE:** this state supports the ASTSWMO Enforcement T/F position as outlined in this document. However, this state finds the OECA compromise acceptable. **Team Response:** The recommendation has been changed to mirror the ASTSWMO recommendation.
State	03	30	0	3. Compliance: We would not want to see start and end dates for inspections. We think there is adequate time for the inspection process now. If you gave an inspector up to 90 days for collection of information to arrive at the start date, that would really stretch out the process. MOA's and work plans might have to be changed along with the Environmental Response Plan. While the current program might not be perfect, we don't think start dates will helps us. **Team Response:** The Evaluation End Date has been eliminated from the recommendation.
State	03	30	0	**Absolutely can not live with recommendation BECAUSE:** Since there are 3 proposals on the table, but, only an opportunity to vote for the one Team's perspective, it is somewhat confusing. It seems apparent that a consensus could not be reached between States and EPA. This is such an important part of the regulatory process and the public perception of both State and Federal agencies. The workgroup has indicated that all parties have recognized that the timeframes in the current Hazardous Waste Enforcement Response Policy (ERP) are not adequate to properly negotiate a settlement or try a case before appropriate authorities. It is recommended that RCRA Info be used to analyze current trends in processing the various steps involved in the enforcement process from investigation to final order and use that as the basis for developing a

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				dialogue and setting up a workgroup to develop an appropriate timeframe. The workgroup that developed the 1996 revisions to the ERP was an excellent example of an effective State/Federal workgroup. A similar process should be set up to resolve this important issue. The RCRA Info design should be flexible enough to encompass changes to the ERP but this process should not dictate national policy of this nature. **Team Response:** The Team has decided to mirror the ASTSWMO recommendation and has been in negotiation with ORE and the REMs to ensure a fair compromise. We believe the recommendation accomplishes this compromise between all parties.
State	03	30	0	Agree with recommendation
State	03	30	0	How do we track numbers at end of FY if evaluation date extends? **Team Response:** The Evaluation End Date has been eliminated from the recommendation.
State	03	30	0	Can live with recommendation
State	03	30	0	Agree with recommendation
State	03	30	0	General comments: To minimize the additional burden of entering an evaluation end date, the system could default the field to the same date as the evaluation start date. Thus the assumption would be made that the start & end dates are the same, but the end date could be changed at any time. **Team Response:** The Evaluation End Date has been eliminated from the recommendation.
State	03	30	0	Agree with recommendation
State	03	30	14	(see comment above- this is used as supporting documentation) Environmental Data Standards Council's (EDSC) "Standard Data Elements for Enforcement/Compliance" dated April 26, 2002, which define the Compliance Monitoring Date as the date the inspection or investigation was completed. **Team Response:** Many of the comments received during National Review did not support addition of an Evaluation End Date. Therefore, the final recommendation will not be

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				consistent with the EDSC.
HQ	03	30	45 - 46	Don't agree with this statement. RCRA inspections at large quantity generators, small quantity generators and CESQG's should only take one day to complete. Should qualify by saying permitted TSDF's take more than one day. Also, only very large megasites (e.g., Federal facilities like INEL, Hanford, Savannah River) and large chemical plants like Dupont Chambers Works) should take 1-2 weeks. **Team Response:** The experience of the State and Regional Team members (most have worked as inspectors) did not indicate that CAMPD statistics were accurate.
State	03	31	0	Do collect an evaluation start date – first day of the original inspection/evaluation as well as an evaluation end date – the day that all information is available to make a determination of the compliance status of the site (but should be no later than 90 days after the evaluation start date (new field). Day Zero – would be the evaluation end date. (Additionally implementers would have an additional 60 days from the evaluation end date (day zero) to determine violations, with the understanding that implementers must determine violations as quickly as possible. **Team Response:** The Evaluation End Date has been eliminated from the recommendation.
State	03	31	06 - 10	A large number of our inspections are not the complex facilities that take more than one day to complete. Entering a start and end date will be redundant and un-necessary. **Team Response:** The Evaluation End Date has been eliminated from the recommendation.
State	03	31	08	Agree that it is good to standardize this timeline in relation to other media programs.
State	03	31	17	(see comment above- this is used as supporting documentation) The Team believes that the evaluation end date (and Day Zero) should be no longer than 90 days after the start of the evaluation (the evaluation start date). **Team Response:** The Evaluation End Date has been eliminated from the recommendation.
State	03	31	27	Comment/correction/modifications needed: this state strongly concurs with the recommendation that the 1996

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				ERP be modified so that the "Day Zero" will be changed to the evaluation end date. This state agrees that the CM&E data module would include both a start date and end date with up to a 90-day interval between the two. **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.
State	03	31	27	The state's PPA's/MOA's will need to be revised if this proposal goes through. Not much of a burden reduction **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.
State	03	31	32	Clarification is needed in defining when an evaluation ends and another begins in order to consistently use the eval end date. There is a distinct possibility for confusion as to whether additional site visits are part of the original inspection or are separate FUI evaluations. **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.
State	03	31	38	The start and end eval dates will be the same for the vast majority of state site visits. **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.
State	03	32	03 - 10	This will assist in determining the actual length of inspections for various facilities. Instead of trying to guesstimate how long an inspection of a particular facility will take, this will give some background for a better determination. **Team Response:** The majority of comments received during

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.
State	03	32	06	According to your definition of Evaluation end date (date that all information is available to make a determination of the compliance status of the site) the violation determined date (PPI #11) should be the same date. In my mind, if you are able to determine if the site is not in compliance, then you should be able to determine if a violation occurred or not at that time. If you determine the site is in compliance then there should be no violations at the site. **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.
Region	03	32	24-27	Sampling and analysis (including multiple and additional Requests for Information) may exceed the alternative ceiling from meeting the standard response time (i.e. Permit Evaders, Phosphate Sector, NEIC inspection and/or sampling reports) in making an end date determination. **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.
HQ	03	32	32 - 38	Agree with this approach
State	03	32	39	I agree with the concerns other states have raised about the burden of checking with inspectors and managers to verify and post the evaluation end date and violation-determined date. These dates might continue to default to evaluation start date, except for cases where we need more time to complete enforcement. **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				been included.
State	03	33	0	Agree more strongly with ASTSWMO's position to just give additional time. This state believes that there will be a lot of confusion for inspections staff with the recommended changes to the definition of day zero. **Team Response:** The recommendation was changed to mirror ASTSWMO's position.
State	03	33	28	this state agrees with the ASTSWMO concerns in the paragraph which starts at line 28. It may become more time-consuming and complex for the inspectors to capture the information and supply it to the data entry staff. Training them to help ensure consistency and explaining the definition to the public will be troublesome. Having to translate the information from an older version or system might result in a loss of quality. Is the benefit worth the change? **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.
State	03	34	09	The EDSC definition is vaguely defined as the date the inspection or investigation was completed. This could be evaluation start date or date of determination. **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.
Region	03	34	30-35	Use of the date that all information is available to make a determination of the compliance status of the site as day zero is preferred by this Region. This would ensure sufficient time for data gathering and sample results to be available for analysis for all exceptions. **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	03	35	26	States, "This PPI will make the RCRA program more consistent with other media compliance programs." And yet the opening (page 30 line 21) indicates that there is a wide variety of methods for dealing with this, if it is addressed at all. Subsequently, this does not appear to be an accurate statement. **Team Response:** The majority of comments received during the National Review did not concur with adding an Evaluation End Date, so, that recommendation has been changed. The additional time added to the ERP process has been included.
State	03	35	39	90 days is too long in most circumstances; say something stronger than "violations as quickly as possible". **Team Response:** There is nothing in the recommendation that prevents an implementer from completing activities quicker than the timeline recommends. The experience of the Team members and their individual processes were the determining factors in developing the timeline recommendation.
HQ	03	36	12	This PAA, if implemented, has major impacts on performance measures reporting for SNC recidivism, SNC duration and Timely and Appropriate Actions for Addressing SNCs. **Team Response:** Yes, it does. The Team's charter requires the Team to evaluate current policy and determine if changes are appropriate to accurately reflect the current inspection and enforcement processes.
State	03 ~~11~~	33	28	We have the same concerns as for PPI #3, Day Zero: this state agrees with the ASTSWMO concerns in the paragraph which starts at line 28. It may become more time-consuming and complex for the inspectors to capture the information and supply it to the data entry staff. Training them to help ensure consistency and explaining the definition to the public will be troublesome. Having to translate the information from an older version or system might result in a loss of quality. Is the benefit worth the change? **Team Response:** The Evaluation End Date has been eliminated from the recommendation.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	04	37	0	Agree with recommendation
State	04	37	0	Can live with recommendation
States	04	37	0	Can live with recommendation: some states have no plans to enter this information into RCRAInfo **No response required**.
State	04	37	0	Agree with recommendation
State	04	37	0	Agree with recommendation
State	04	37	0	Can live with recommendation (but requires a significant amount of additional guidance to implement)
State	04	37	0	Agree with recommendation
State	04	37	0	Can live with recommendation Our Office of Pollution Prevention does these and they are always confidential.
State	04	37	0	Agree with recommendation
State	04	37	0	Agree with recommendation
State	04	37	0	**Absolutely can not live with recommendation** **BECAUSE:** this state feels that compliance assistance activities fall outside the realm of enforcement and therefore should not be tracked as such. **Team Response:** Information will be entered into an evaluation record only. RCRAInfo is the national database to track all RCRA Subtitle C compliance activities.
State	04	37	0	**Absolutely can not live with recommendation** **BECAUSE:** Continue to believe that CAVs do not belong in a Compliance and enforcement database. Recording that a company has violations but treating them differently than CEIs is confusing to the public's interpretation of the agency's intentions. As stated on Page 38, line 1-3 some implementers conduct CAVs through a separate non-regulatory office which are not certified inspectors to accurately determine violations. If data entry of CAVs is retained, data entry must be optional. **Team Response:** Compliance assistance is within the scope

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				of this PAA and the National Enforcement Policy and the Team believes that compliance assistance is a valuable tool for gaining compliance.
State	04	37	0	Agree with recommendation
State	04	37	0	Can live with recommendation
State	04	37 - 38	0	Regarding CAV's do not add any problems to RCRAInfo regarding CAVs. The individual conducting the CAV will turn the matter over to a RCRA Inspector to conduct a CEI if there are significant violations found, and the violations will be written up in conjunction with the CEI. Pg. 38, Lines 28-36: The following issues need to be address to achieve consistency: 1. *Is it appropriate to identify a violation, deficiency, or compliance issue or problem at a site during a compliance assistance visit and not document it in the RCRAInfo data system since it will not be cited in a formal enforcement action?* Yes, inform the facility of the regulations and how to comply with the regulations; and do not document it in the RCRAInfo system. 2. *Is it appropriate to document the violation information in the data system where the public and other businesses may see it if, in fact, it is not going to be pursued in a formal action?* No. Documenting violation information resulting from a CAV is counter-productive, and will lead to industries not trusting the states or EPA when they ask for guidance or assistance, which is the purpose of the CAVs. **Team Response:** The HMA Team and National Reviewers believe there is a need to capture this facility specific type of compliance assistance visit in RCRAInfo. The Team and National Reviewers believe that compliance assistance is a valuable tool for gaining compliance and needs to be recorded.
State	04	37	0	Agree with recommendation
State	04	37	0	Can live with recommendation
HQ	04	37	0	We support the approach the group is recommending. We think it is a good solution. I do have a few comments Is there a difference between compliance assistance

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				evaluations and compliance assistance visits? It is not clear to me what the distinction is. If only one term were to be used, I'd use the term compliance assistance visit - it's less confusing with the monitoring evaluations. Our preference would be to identify generic categories of problems ONLY if they were corrected. I think the ICDS form has some generic types of actions taken that aren't too specific. Problems identified but not corrected should not be identified, as the recommendation states. Is there some way to track the CAVs that lead to enforcement. I think that would be useful. I wasn't entirely clear on the explanation. Who made the determination that the CAV data can be released to the public? I wonder whether we can make an argument to the contrary. Is it b/c there is no official case file opened? Thanks so much for taking on this important issue and making sure that I was aware of it!!!! **Team Response:** We have changed the recommendation to consistently use the term Compliance Assistance Visit. CAVs will indicate if "issues/problems" were observed during the visit, but will not indicate if they were corrected or not during the visit. CAVs will not lead to enforcement in our recommendation. The Team checked with the HQ FOIA officials and they made the determination that it was not enforcement sensitive.
HQ	04	37	0	**Absolutely can not live with recommendation BECAUSE:** Problem analysis assumes site-visit is required. Compliance Assistance(C.A.) can be done by mailing or internet site. It is clear that the HQ concept of C.A. is not the same as the implementer concept. This office relies on these data for national reporting and does not consider an evaluation and/or technical assistance to be C.A. We need different categories to capture: 1) Technical C.A. and 2) Non-Technical C.A. **Team Response:** The HMA Team and the national

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				reviewers believe there is a need to capture this facility specific type of CA visit in RCRAInfo. The type of CA categories you are referring to are currently being reported in RCATS. Once RCATS or ICIS can capture facility specific information, this will no longer need to be entered into RCRAInfo.
HQ	04	37	0	Can live with recommendation
State	04	37	0	Agree with recommendation This state does not conduct many CAVs because we're so busy doing inspection activities. We could only do CAVs if additional resources were made available.
State	04	37	0	Can live with recommendation This state has not conducted CAV's Compliance Assistance visits have not been a practice, nor have these visits been entered into RCRA Info. Pollution Prevention, who does these type of visits, has their own program.
State	04	37	0	**Absolutely can not live with recommendation BECAUSE:** Since there is no national compliance assistance program, there is no need to track anything in addition to a CAV evaluation type. It is important for EPA to understand that compliance assistance programs vary greatly from state to state. Some state may even be prohibited from sharing the results of a compliance assistance visit. For example, our state statute that allows compliance assistance visits requires the state to keep assistance records separate from inspection and enforcement records. In order accommodate this, we would need to make changes to our compliance tracking system. We would also need to change our translation software to accommodate changes to the flat file specifications. **Team Response:** Compliance assistance visits meeting the confidentiality exception described in this PPI will not be entered into the system.
State	04	37	0	Compliance assistance is an important part of almost every inspection we do; and it should be part of every CEI. To track only compliance assistance as a separate category of

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				inspection will demean this part of a normal RCRA inspection. **Team Response:** CAV refers to a specific type of activity outside the scope of normal compliance assistance activities performed during a routine compliance monitoring evaluation. A CAV is one type of compliance assistance, but not all compliance assistance qualifies as a CAV. The only compliance assistance activity to be tracked in RCRAInfo is a Compliance Assistance Visit.
Region	04	37	0	Can live with recommendation
Region	04	37	0	The recommendation is that on-site compliance assistance activities, as well as a general statement as to the site's compliance status, should be tracked in RCRAInfo; however, any compliance assistance activities conducted under the auspices of a confidentiality agreement via a small business or local government assistance program or where prohibited by state stature would not be included in the national system. This exemption alone undercuts one of the "Pros" listed for this recommendation ("This would lead to more consistent data in RCRAInfo ..."). Further, tracking this data would likely have a chilling effect on facilities' willingness to participate in compliance assistance - if a likely result is that the data system would identify the fact that compliance issues and/or problems were notes, facilities might not want to be listed as violators or problem facilities in the national data system. We feel a better solution is the status quo. If States want to use the national data system to help track these activities, both for grant tracking as well as management of the program, this option allows it. The recommendation as stands would exclude some of this data from entry into the system anyway, so RCRAInfo would not be useful in tracking this information nationally in either scenario (recommended option vs status quo). **Team Response:** The Team believes the recommendation will provide more reliable and consistent data and will prevent the inaccurate and inappropriate result of associating violations and enforcement actions to CAVs, as currently occurs.
Region	04	37	0	Agree with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	04	37	0	Can live with recommendation
Region	04	37	0	Can live with recommendation
Region	04	37	0	The Region agrees with the Team's belief that compliance assistance activities conducted under the auspices of a confidentiality agreement via a small business or local government assistance program should not be included in RCRAInfo. Only those compliance assistance activities conducted by EPA or an authorized state should be recorded in this database. There are two issues discussed in this PPI regarding the identification and documentation of violations during a compliance assistance activity. (See page 38, lines 31 - 36.) Region believes that it is necessary to identify violations, deficiencies or compliance issues discovered during an on-site compliance assistance visit, and to make the facility representative aware of these issues. We agree that these issues should not be identified as specific violations in RCRAInfo, as this would defeat the concept of compliance assistance. However, the addition of data elements to indicate whether issues were noted during the compliance assistance visit (see page 39, lines 10 - 15), should prompt the compliance officer to examine the RCRA facility files for information resulting from the compliance assistance visit. Since one of the conditions for identifying significant non-compliers is through repeat violations, the Region would consider the notification given to the facility during the compliance assistance visit (that certain violations or issues exist and should be corrected by the facility in an expeditious manner,) constitutes the first occurrence of a particular violation, should the same violation be detected in future compliance evaluation inspections. The second issue questions whether it is appropriate to document the violation information in the data system if it is not going to be pursued in a <u>formal enforcement action</u> (emphasis added). The Region does not believe that it is appropriate to associate or link violations to a compliance assistance visit. However, whether or not a violation is addressed by a formal enforcement action should not be the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				premise upon which the violation is recorded in RCRAInfo. The issue to be resolved should be limited to whether or not it is appropriate to record a violation noted during a compliance assistance visit. Overall, this Region agrees with the Team's recommendations for this PPI. **Team Response:** No response needed.
Region	04	37	0	Agree with recommendation
State	04	37	0	Can live with recommendation This state has no plans to enter this information into RCRAInfo
State	04	37	0	Agree with recommendation
State	04	37	0	Need a mechanism to stop CAV if gross violations are discovered. **Team Response:** It is permissible to halt a CAV if severe violations are found and then conduct a CEI. This is a determination by the implementer's management.
State	04	37	0	Agree with recommendation
State	04	37	0	Can live with recommendation
State	04	37	0	Agree with recommendation
State	04	37	0	Can live with recommendation But see comment below
State	04	37	0	General Comment: Don't add more data fields than we need. Perhaps a simpler way to track the results of a Compliance Assistance Visit would be to add another code to the list of Violation Found values, such as a "C--Yes, compliance issues were found during a Compliance Assistance Visit". Make RCRAInfo so it will not allow you to link violations to a CAV evaluation marked that way. Make it so you cannot use the code "Y—Yes, violations were found during the evaluation" for a CAV evaluation. Allow the use of "N—No violations/compliance issues found" or the "U—Undetermined violations/compliance issues". **Team Response:** Good suggestion! This information will be passed to the DESIGN TEAM.
State	04	37	01	As states, "Some implementers conduct compliance

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				assistance activities via their traditional RCRA inspectors while others may conduct compliance assistance through a separate "non-regulatory" office (i.e., Office of Small Business, Office of Pollution Prevention . . .). Because some states have clearly separated the tasks of compliance/monitoring and assistance, we do not agree that tracking CAV data should be a nationally required. But we do agree that the CAV should be clearly defined different than a CEI. Additionally, having this as an optional data element will allow implementers to track progress in this area if they choose. **Team Response:** This information is shared data. But if a CAV is entered then the question asking about "problems/issues found" must be answered.
State	04	37	16 & 38	(see comment below- this is used as supporting documentation) Different implementers may have different objectives for these activities. The purpose of these visits may be to provide assistance on new regulations, to conduct an abbreviated RCRA inspection that addresses the more significant RCRA regulatory requirements, to reach a certain business/industrial sector that may have a higher rate of non-compliance with new or existing requirements, or various other objectives. Regardless, Compliance Assistance Visits evaluations should never be conducted in lieu of a CEI or other compliance monitoring inspection. **Team Response:** The Team agrees.
State	04	37	38	Even though line 38 states that CAV's should not be conducted in lieu of a CEI the text should iterate the different objectives starting on line 16 and discuss which will or will not quality as a CAV. Otherwise one is left with the impression that they all qualify (in our opinion an abbreviated RCRA inspection should not be recorded as a CAV based on your criteria). There must be a clear distinction between CAV and CEI. **Team Response:** The Team believes the issue is adequately addressed. See definitions in PPI # 6.
HQ	04	37	43	Where did the term "Compliance Assistance Evaluation" come from? This office disagrees with the statement that ".... the term is a solid first step in guidance clarification providing consistency with OECA's expectations". A C.A.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				visit is just that, a site visit (not an evaluation) to disseminate information/tools to assist regulated entities in understanding and complying with EPA requirements. **Team Response:** Compliance Assistance Evaluation has been changed to Compliance Assistance Visit.
HQ	04	38	01 - 37	**The definition of a CAV remains a major concern**. There are too many objectives and too many ways states and regions can interpret a CAV . Providing guidance on pollution prevention and waste minimization goes beyond the scope of the current RCRA regulations. CAVs with no formal enforcement should NOT, under any circumstances, be included in RCRA Info. **Team Response:** The HMA Team and National Reviewers believe there is a need to capture this facility specific type of compliance assistance visit in RCRAInfo. The Team and National Reviewers believe that compliance assistance is a valuable tool for gaining compliance and needs to be recorded.
HQ	04	38	01	This issue depends on the credentials used by the implementer to access the site. If a violation is observed under the auspices of a C.A. visit, there is concern whether or not enforcement can follow if the C.A. provider (Region or State) does not present certified inspector credentials. **Team Response:** Citing violations in an enforcement action which cannot follow a CAV. A CEI or some other inspection type would have to be conducted, following proper inspection protocol, in order to cite violations and initiate an enforcement action.
State	04	38	04-06	We agree with the Team that it is very important to exclude, from RCRA Info, documentation of compliance assistance activities conducted under the auspices of a confidentiality agreement via small business or local government assistance programs. **Team Response:** No response needed.
HQ	04	38	23 - 24	**This sentence is a problem**. If there is no threat of formal enforcement, RCRA Info should not capture this activity. It is not appropriate because CAVs done this way do not meet the Part 271 State Program Authorization regulation to be delegated to operate the State hazardous waste program.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: But it is consistent with the National Compliance Assistance guidelines given to regions and states.
State	04	38	31 - 36	This state suggests that part of what works with the CA/TA program is the fact that minor "violations" may be corrected on-site during an inspection or soon thereafter and is not recorded in the data system. The only place to record CA/TA "violations" is in the inspection report or other correspondence to the facility. **Team Response:** This can still be done.
HQ	04	38	31 - 32	Cannot answer this without a clear definition of a CAV. Generally if states or regions are identifying violations during CAVs they should be defined as inspections and should be in the database. If there is no threat of formal enforcement, RCRA Info should not capture this activity. It is not appropriate because CAVs done this way do not meet the Part 271 State Program Authorization regulation to be delegated to operate the hazardous waste program. **Team Response:** But it is consistent with the National Compliance Assistance guidelines given to regions and states.
HQ	04	38	35 - 36	No. Should not enter violations into RCRAInfo if it is not pursued in a formal action. It is less important that the public and other businesses see it. It is simply not good government to identify violations and not address them for whole list of reasons including those above. **Team Response:** The recommendation specifically calls this "compliance issues/problems" and not violations.
State	04	38	38	A vast majority of the sites we conduct compliance assistance evaluations at are not notifiers. Most of them are CESQG, therefore this information will not be captured in RCRAInfo. We will not assign non-notifier numbers to these sites just to get them into RCRAInfo. We will capture this information under the I source (no EPA ID number needed) and EPA can pull the information from there. **Team Response:** This recommendation addresses CAVs done at RCRA regulated sites and does not attempt to capture all compliance assistance activities an implementer engages in.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	04	38	38	CAV data should be tracked in RCRAInfo and not be required to be entered into ICIS as well. An added field should be added to the Inspection should indicate that compliance assistance was provided (as opposed to a CAV being performed solely). This would eliminate the need for double data entry in ICIS and in RCRAInfo. Also, there should be the ability to add the NAICS number to the HANDLER by the inspector in conjunction with the inspection. The inspector should be able to enter this data in the CM&E module and the data should be copied over into the last Implementer record in HANDLER. This makes it far easier to track NAICS data in RCRAInfo and avoid duplication in ICIS as well. **Team Response:** CAV data does not get tracked in ICIS so there will not be double entries. Currently, NAICS codes can be added or modified through the Handler module. The Team believes this should continue.
State	04	38	38	This state already follows the recommendation principles.
HQ	04	38	39 - 45	**Strongly disagree**. It most definitely matters what specific office within the implementing office conducts the CAVs. If the CAVs are conducted by inspectors who normally do inspections and the CAVs are being used by the State to meet the RCRA Program Authorization Requirements in 40 CFR 271, **there is a serious problem.** Some states may have a wall between enforcement and assistance. Other states may refer violations to enforcement. This recommendation should be changed. **Team Response:** The Team believes that this has been adequately addressed and the recommendation should remain as written.
State	04	38	44	If this recommendation is equal to the CAV outlined in PPI #6, this state suggests that the document specify "CAV" here to avoid confusion. **Team Response:** See change from Compliance Assistance Evaluation to Compliance Assistance Visit.
HQ	04	39	0	As noted in our comments submitted during the critical review, the workgroup should recommend that a separate group undertake how we track this information. We agree that compliance assistance visits should be tracked, but to

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				track them as an inspection is to continue a practice that has caused confusion and inconsistency since it is was implemented. **Team Response:** The Team believes the PPI is sufficient to provide the needed level of clarification and information.
Region	04	39	07	We can live with this recommendation provided that violation data can not be linked. If there are violations, it should be a CEI. **Team Response:** The Team agrees.
HQ	04	39	11 - 15	"Undetermined" should NOT be an option. Under what circumstances would undetermined be used? The purpose of a CAV appears to be to help the facility achieve compliance. If the official conducting the CAV cannot determine if there are any compliance issues or problems, why do the CAV? The official should NOT conduct these visits unless they are properly trained to make these types of determinations. **Team Response:** In some cases implementers conduct a CAV very much the same as a CEI is conducted and additional information review is needed after leaving the site in order to determine if a problem exists. Undetermined may be checked in the system until such time as all information review is completed and a final determination is made on whether there are compliance issues. At that time, a Yes or No can be checked.
HQ	04	39	17 - 20	It is difficult to see how this approach will make RCRA Info more useful. RCRAInfo should not include CAVs where there is no threat of formal enforcement, RCRA Info should **not** capture this activity. It is not appropriate because CAVs as defined here do not meet the Part 271 State Program Authorization regulation to be delegated to operate the hazardous waste program. **Team Response:** The HMA Team and National Reviewers believe there is a need to capture this facility specific type of compliance assistance visit in RCRAInfo. The Team and National Reviewers believe that compliance assistance is a valuable tool for gaining compliance and needs to be recorded.
State	04	39	17	Agree with the prohibition of links to violation and

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				enforcement. It is this state's belief that visits that result in citations of non-compliance and resulting enforcement are not generally considered "technical assistance" by the receiving party **Team Response:** The Team agrees.
HQ	04	39	27 - 36	**This is a policy call that needs to be made by EPA Senior Managers**. This approach will be difficult, at best, to implement. The document should state who is responsible for initiating the action to address violations discovered during the CAV are addressed with a follow-up inspection? Is it the office conducting the CAVs? This will cause problems with targeting between assistance and compliance monitoring programs. **Team Response:** This is not part of the option recommended.
HQ	04	40	08 - 09	List additional Cons: 1. Not part of 40 CFR 271 State Program Authorization 2. Difficult to design and will confuse violation classification 3. Will confuse inspections with CAVs **Team Response:** This is not part of the option recommended.
State	04	40	08	An additional "Con": A great deal of technical assistance is conducted during other visit types, including CEIs. This PPI will not capture those efforts. **Team Response:** The Team agrees that technical assistance is part of most if not all CEIs. However, there is no way to record in RCRAInfo everything that is covered in an inspection. This PPI addresses those visits that are exclusively for compliance assistance.
State	04	40	24 - 28	The idea of returning to compliance is the burden of the facility. The CA/TA inspection allows them to determine if they want to return to compliance (this is for minor violations only). Once the facility has been notified, the facility is open to an enforcement potential inspection at any time with an appropriate enforcement action taken. **Team Response:** The Team agrees.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
HQ	04	40	35 - 38	There are more Cons that should be listed including: 1. Not part of 40 CFR 271 State Program Authorization 2. Difficult to design and will confuse violation classification 3. Will confuse inspections with CAVs **Team Response:** This is not part of the option recommended.
HQ	04	41	08 - 09	No to this option **Team Response:** This is not part of the option recommended.
HQ	04	41	37	Strongly support deleting CAVs completely **Team Response:** This is not part of the option recommended.
HQ	04	42	07 - 08	this is really not a factor **Team Response:** This is not part of the option recommended.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	05	44	0	Agree with recommendation
State	05	44	0	Can live with recommendation
State	05	44	0	**Absolutely can not live with recommendation BECAUSE:** A SNC is a facility designation, there is no need to link it to violations. Sometimes violations in other media programs (Air, Water) as well as RCRA create a compliance history that results in a SNC definition. **Team Response:** Linkage provides more information, however, the recommendation has been changed to optional linking.
State	05	44	0	**Absolutely cannot live with recommendation BECAUSE:** of Mandatory data linking of the violation to a SNC determination. The ERP is a flexible facility wide document that does not identify the specific violations that make a facility a SNC. The need to deSNC a facility will be more prominent with the public data systems of OTIS and Envirofacts to represent this data accurately. We do not want the ERP to be modified in any way to accommodate mandatory linking and the data system should not be more programmatically stringent than ERP guidance. ERP guidance should remain as is to provide program implementation flexibility. We agree the agency turning on and off the SNC should be the same. Clarification for implementation is that an agency evaluation must be entered and that only the same agency can add SNY and SNN to this evaluation. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	44	0	Can live with recommendation The State agrees with the recommendation with the exception that linking of violations to an SNC designation should be optional. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	44	0	Agree with recommendation
State	05	44	0	Agree with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	05	44	0	Agree with recommendation
State	05	44	0	Agree with recommendation
State	05	44	0	Can live with recommendation
State	05	44	0	Can live with recommendation
State	05	44	0	Agree with recommendation
State	05	44	0	Agree with recommendation
State	05	44	0	One significant change to the current RCRAInfo data structure would be to allow the SNC delineating agency owning the SNC determination to be the only agency allowed to "turn off" the designation. Currently, states and/or EPA can turn off each other's SNC designations. Additionally, we would like the linking of violations to SNC evaluations to be optional, not mandatory. State inspectors need to identify which violations led to the SNC designation; however, linking those violations should remain optional. Additionally we do not want SNC records released to the public, as we consider a facility to be a SNC when a facility is referred to our Legal Service Section for formal enforcement. A SNC remains a SNC until the facility is in compliance and remains in compliance with its compliance schedule; such as from a consent decree, administrative order. **Team Response:** Linking has been changed to be optional. See PPI # 18 - *Enforcement Sensitive Information* for a discussion of when the SNC designation will be released.
State	05	44	0	We like **streamlining the SNC calculations** by creating SNY/SNN records where they would have been. We hope that only one SNY and one SNN are created when a facility remains in RCRAInfo as a SNC for several years while enforcement and/or settlement are still moving forward through the legal process. I have noticed sometimes in RCRAInfo that there are several SNC's for the same site. A SNC flag would be useful to track only the sites currently considered a SNC, and de-flag when the site is no longer an SNC. The SNC flag would enable us to clean up the SNC universe to the current sites that are SNC's. Changing the SNC select logic to use Only the evaluation SNY and SNN codes to determine SNC status, and no longer use violation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Class 1, priority 9, or to look for non-RTC'd violations we feel is an improvement in identifying current SNC's. **Team Response:** You are correct only one SNY/SNN will be entered for facilities which remain in SNC for long periods of time.
State	05	44	0	**Absolutely can not live with recommendation BECAUSE:** We disagree that the SNC designation should be linked to specific violations. The SNC designation applies to the facility and not to specific violations. Consistent with the RCRA Enforcement Response Policy, SNC status is determined by taking into consideration violations, history of non-compliance, recalcitrance, exposure and potential for exposure, and extent of violations as a whole. RCRAInfo data must be consistent with the ERP. It is inappropriate to link specific violations to SNC status, indicating that only those violations contributed to SNC status, for the following reasons: 1. It signals to the regulatory community that they only need comply with certain regulations, because others are not likely to result in penalty enforcement action. This would be an inaccurate conclusion, since regions and states make SNC determinations based on all of the factors listed above. 2. It signals to Respondents that they may be able to argue against penalties imposed for non-SNC violations, since those violations didn't contribute to SNC status. 3. It is open to other misinterpretation by the public and the regulatory community. 4. It is inconsistent with the ERP. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	44	0	Agree with recommendation
HQ	05	44	0	Can live with recommendation but defer to HQ program office
HQ	05	44	0	**Absolutely can not live with recommendation**

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				BECAUSE: The SNC designation applies to the facility and not to specific violations. Consistent with the RCRA Enforcement Response Policy, SNC status is determined by taking into consideration violations, history of non-compliance, recalcitrance, exposure and potential for exposure, and extent of violations as a whole. Linking violations, therefore, is inconsistent with the ERP. RCRAInfo data must be consistent with the ERP. To address the interests of individual states and regions that are interested in tracking which violations tend to "tip" violators into SNC status, we recommend that the workgroup develop specific report requirements for capturing this information for program management purposes only. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	44	0	Agree with recommendation
State	05	44	0	Agree with recommendation
State	05	44	0	Can live with recommendation This state agrees there is a need to clarify the SNC determination. We agree that all violations returning to compliance should be the basis of removing the SNC determination. However, this should be done without mandatory linking of SNY records to violations. Implementers should make the decisions to enter an SNN; RCRAInfo should not make the decision for them. We prefer to link the violations and enforcement actions associated with SNC facilities to other evaluation types, typically CEI. The SNC determination works well as an additional entry with no links to violations or enforcements. Mandatory linking would require this state to change our translation software. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
1 Region & 1 state	05	44	0	Our SNC positions are straightforward: 1) We don't want SNY linked to vios.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				2) We don't want SNY/SNC released to the public. 3) We consider a site a SNC until we put in an SNN (regardless of its compliance schedule). 4) We wouldn't usually put in an SNN when a compliance schedule is established (we'd wait for confirmed full physical compliance). Below are our comments, relating our positions to the HMA: **Team Response:** Linkage provides more information, however, mandatory linkage is not required. The SNC designation will be considered enforcement sensitive until a formal enforcement action has been issued with a date after the date of the SNY.
1 Region & 1 state	05	44	0	Significant Non-Compliers (SNC) in RCRAInfo - Linking violations to SNC status does not necessarily mean that only the one or more linked violations led to the SNC determination. Often times, the preponderance of the number of violations or the previous history of non-compliance in a particular area may lead to an SNC designation. We would like the linking of violation to an SNC evaluation to be optional, not mandatory. The Region is aware that some state inspectors are under pressure by their upper managers to identify which violations led to the SNC designation (whether or not the overall number of violations which may or may not be that significant in of themselves, was the real reason that a SNC designation was made). This Region also believes the SNC designation is protected under the deliberate process because it is derived from the assessment of violations identified by RCRA inspectors which are also protected by the FOIA deliberative process since none of these "violations" represent a legal determination under law until the enforcement action is issued. SNC violations in water or air rely on self-reported data by the particular industry who, at the time of this submittal, is fully aware that it has exceeded a limit, failed to test for a particular parameter and failed to submit a required report. **Team Response:** Linkage provides more information,

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				however, mandatory linkage is not required. The SNC designation will be considered enforcement sensitive until a formal enforcement action has been issued with a date after the date of the SNY.
1 Region & 1 state	05	44	0	We like **streamlining the SNC calculations** by creating SNY/SNN records where they would have been. We hope that only one SNY and one SNN are created when SNCness continues over multiple years. **Team Response:** Yes, that is our intent also.
Region	05	44	0	We disagree that the SNC designation should be linked to specific violations. The SNC designation applies to the facility and not too specific violations. Consistent with the RCRA Enforcement Response Policy, SNC status is determined by taking into consideration violations, history of non-compliance, recalcitrance, exposure and potential for exposure, and extent of violations as a whole. RCRAInfo data must be consistent with the ERP. It is inappropriate to link specific violations to SNC status, indicating that only those violations contributed to SNC status, for the following reasons: * It signals to the regulatory community that they only need comply with certain regulations, because others are not likely to result in penalty enforcement action. This would be an inaccurate conclusion, since regions and states make SNC determinations based on all of the factors listed above. * It signals to Respondents that they may be able to argue against penalties imposed for non-SNC violations, since those violations didn't contribute to SNC status. * It is open to other misinterpretation by the public and the regulatory community. * It is inconsistent with the ERP. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
Region	05	44	0	The Team recommends that SNY and SNN evaluation types should be linked to the violations that were used as part of the SNC determination. While I think we typically link our SNCs to violations, I am concerned that this requirement can potentially lead to a number of problems. The biggest

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				problem for us is deciding which violations are responsible for putting a facility into SNC status, and which ones are not. Normally, we are not that fine and detailed in our thinking, but rather we look at all the violations identified during an inspection and make a SNC determination based on a holistic view of the situation. It would be very challenging for us to have to assess each and every violation individually to determine it's SNC-ness. I also have concerns about the proposal that a facility must be in full physical compliance (and indicated by all the linked violations containing a returned to compliance date) before the SNC designation can be changed to SNN. As we take the view that the SNC designation is dependent on the situation as a whole (and not dependent on individual violations), the removal of the SNC designation should likewise be dependent on a holistic view of the facts, and should not necessarily require a return to full compliance of *all* violations. However, we do think that the SNC designation should somehow indicate the evaluation (or inspection or other event) that it is based on, so that we can describe what problems contributed to the SNC determination and also so that we can more easily figure out when (and if) an old SNC can and should be put into SNN status; that is, if you don't know why a facility was identified as a SNC in the first place, it may be difficult to determine if and when a SNN designation would be appropriate. **Team Response:** Linkage provides more information, however, mandatory linkage is not required. The SNC will remain a SNC until the implementer enters an SNN evaluation the requirement of RTC has been removed.
Region	05	44	0	**Absolutely can not live with recommendation** **BECAUSE:** R5 prefers option #4, page 50 starting on line 20. We are requesting the Team to reconsider their earlier decisions and recommendation on this PPI. (See comment below regarding the current recommendation for this PPI. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
Region	05	44	0	Agree with recommendation
Region	05	44	0	Can live with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	05	44	0	We disagree that the SNC designation should be linked to specific violations. The SNC designation applies to the facility and not to specific violations. Consistent with the RCRA Enforcement Response Policy, SNC status is determined by taking into consideration violations, history of non-compliance, recalcitrance, exposure and potential for exposure, and extent of violations as a whole. RCRAInfo data must be consistent with the ERP. It is inappropriate to link specific violations to SNC status, indicating that only those violations contributed to SNC status, for the following reasons: • It signals to the regulatory community that they only need comply with certain regulations, because others are not likely to result in penalty enforcement action. This would be an inaccurate conclusion, since regions and states make SNC determinations based on all of the factors listed above. • It signals to Respondents that they may be able to argue against penalties imposed for non-SNC violations, since those violations didn't contribute to SNC status. • It is open to other misinterpretation by the public and the regulatory community. • It is inconsistent with the ERP. To address the interests of individual states and regions that are interested in tracking which violations tend to "tip" violators into SNC status, we recommend that they track this outside of the publicly-available program database. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
Region	05	44	0	Agree with recommendation
Regions	05	44	0	We disagree that the SNC designation should be linked to specific violations. The SNC designation applies to the facility and not to specific violations. Consistent with the RCRA Enforcement Response Policy, SNC status is determined by taking into consideration violations, history of non-compliance, recalcitrance, exposure and potential for

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				exposure, and extent of violations as a whole. RCRAInfo data must be consistent with the ERP. It is inappropriate to link specific violations to SNC status, indicating that only those violations contributed to SNC status, for the following reasons: • It signals to the regulatory community that they only need comply with certain regulations, because others are not likely to result in penalty enforcement action. This would be an inaccurate conclusion, since regions and states make SNC determinations based on all of the factors listed above. • It signals to Respondents that they may be able to argue against penalties imposed for non-SNC violations, since those violations didn't contribute to SNC status. • It is open to other misinterpretation by the public and the regulatory community. • It is inconsistent with the ERP. To address the interests of individual states and regions that are interested in tracking which violations tend to "tip" violators into SNC status, we recommend that they track this outside of the publicly-available program database. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	44	0	**Absolutely can not live with recommendation BECAUSE:** A SNC is a facility designation, there is no need to link it to violations. Sometimes violations in other media programs (Air, Water) as well as RCRA create a compliance history that results in a SNC definition. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	44	0	2. Enforcement: This state would recommend that no action be taken on the proposal to link SNC's to violations. Informal and formal enforcement are linked now. SNC's would basically be doing the same thing. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	05	44	0	Agree with recommendation
State	05	44	0	**Absolutely can not live with recommendation** **BECAUSE:** We have difficulty tracking SNCs and this may complicate the issue, unless easily accessible and understandable report is available. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	44	0	**Absolutely can not live with recommendation** **BECAUSE:** We believe that linking of violations should be Optional, not mandatory. Otherwise, we agree that SNC designations should continue to be made through the use of the two evaluation types – SNY and SNN. Also, we agree with the recommendations on page 47 regarding ownership of SNC designation. Agree with 3rd recommendation on page 48 regarding streamlining SNC select logic **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	44	0	Agree with recommendation
State	05	44	0	Can live with recommendation
State	05	44	07	States, "designating an SNC in RCRAInfo." Should be, "designating **a** SNC in RCRAInfo." **Team Response:** For consistency the Team has used "an SNC" throughout the document, as reading "an S-N-C".
HQ	05	44-89	Many	General Comment – In April 2001 OECA finalized the Clean Air Act Compliance Monitoring Strategy (CMS). The CMS took about two years to develop with a workgroup of regions and states. Comments were provided by over 15 states and STAPPA/ALAPCO. The CMS developed an evaluation very similar to what RCRA is trying to do with FCIs. The CMS terms is "Partial Compliance Evaluations (PCEs)". RCRA managers should review the 12-page CMS located at: http://search.epa.gov/s97is.vts. The RCRA program should consider using the terms PCEs instead of Focused Compliance Inspections to create consistency between

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				programs. Also it is extremely important to get States Commissioners to agree to report these type of evaluations. It has been difficult to convince the States to report CAA PCEs. They argue the reporting burden is too high. RCRA could minimize this by briefing both senior OECA management and the ECOS Compliance Committee and/or Commissioners. It is not sufficient to get buy-in from **some** state managers. This is really important. **Team Response:** This is not a new requirement, it is currently being entered. This only provides clarification and consistency.
State	05	45	26	You state on line 31 page 45 "This is a very complicated and cumbersome process . . . ." And then discuss your proposed changes. However, it appears that nothing you are doing will correct history and make it less confusing. Subsequently, this needs to be reflected in the discussion. In fact, what you are proposing will add a new layer of confusion rather than eliminate any. **Team Response:** The HMA Team and the consensus of National Reviewers is that this will in fact reduce the confusion.
State	05	46	0	State agrees with the general concept of linking violations to SNCs. However, State feels that SNC should not be an "evaluation type." State suggests that there might be a better way/level to designate a facility as a SNC. **Team Response:** Other options were considered but the Team believes this to be the best solution.
State	05	46 - 47	0	Changes will need to be made to the screens and translator load, but clarification will be made. **Team Response:** Thank you.
State	05	46	30-38	Do not require mandatory linking of a SNY evaluation type to a violation. We want the flexibility that the current ERP has. By making this change you are making the data be the determining factor and not the other site issues. You can not capture everything in the database. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	46	31	". . . mechanism for designating an SNC should not be

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				changed." Should be **a** SNC not an SNC **Team Response:** For consistency the Team has used "an SNC" throughout the document, as reading "an S-N-C".
HQ	05	46	33	Might make more sense to have only one flag for SNC, not a separate one for not a SNC. Acronyms are confusing. **Team Response:** There will not be a flag for not a SNC.
State	05	46	34	*A data entry person may not always know all info that makes a site a SNC, so linking violations that make it a SNC may be problematic. We don't agree with mandatory linking. The reason a site is a SNC might not adequately be represented in the database and when viewed by the public in ECHO. We recommend linking be optional. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	46	40 - 44	Please clarify that a SNC can remain in SNC status even after the relevant violations are returned to compliance. Other PPIs in the proposal are not clear on this subject (See comments for PPI #16.) **Team Response:** The proposal is to have a facility with an SNY remain an SNC until an SNN is entered, regardless of any other data (violation being present or out of compliance, compliance schedule dates, RTC dates, etc.).
HQ	05	47	04	There will also be procedural changes to the current reporting process for GPRA and RECAP. **Team Response:** Yes.
State	05	47	14-45	The entity that has the delegated authority should be the ones determining SNC status. By allowing both the State and EPA to enter a SNY code it will cause further public confusion. Esp. since it is difficult to get EPA to clean up their data. Keep the system the way it is. If EPA overfiles then they can enter their own SNC codes and track it. If the proposal goes through, EPA must clearly state in the enforcement agreements how SNC sites will be handled by the agencies and in RCRAInfo. **Team Response:** Thank you.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	05	47	19 - 24	We agree that the designating Agency should be the only one who can "de-SNC" a site. **Team Response:** Thank you.
State	05	47	26.B & 32.C	The public should be able to see what agency determined that the site is a SNC. This isn't something that is confidential. One of the problems this agency has now with, for example OTIS/ECHO, is the public is lead to believe that all data is from the state when this is not the case. Subsequently, we end up with individuals who are very frustrated after speaking with the state staff to only learn that they need to talk to EPA-Region staff. As you state in the Pros for this approach "This will indicate exactly how each implementer (State and Region) views the site in regards to SNC status." This should be visible to anyone who views the data. **Team Response:** It is the consensus of the Team and the National Reviewers that SNC designation presented to the public should not specify agency. However, the underlying SNY will still identify the agency.
State	05	47	28	At the conference call, I think you agreed that the statement "to be shown as not an SNC, both State and EPA must de'SNC the site" might be misleading. I understood you agree that only one agency would need to post SNN, if only one agency had posted SNY. Any other rule would be burdensome, error prone, and inconsistent with the rest of PPI 5 and other PPIs. **Team Response:** You are correct, that is the way the recommendation is written.
State	05	48	09	"This will require changes to the universe select logic. Also changes to reports to include the agency with the SNC universes." It should be agency(s) **Team Response:** You are correct, that is the way the recommendation is written.
State	05	48	11	Will there be dates entered to indicate when the facility was a SNC? **Team Response:** Yes, it is the date of the SNY.
State	05	48	13 - 14	How can a facility be a SNC with no violations when page 46 recommends mandatory linkage to violations? Also,

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				need to set flag to be "on" only if there is a SNY and open violations. **Team Response:** Linkage provides more information, however, mandatory linkage is not required. SNC will be set "on" if there is an SNY and "off" if there is an SNN. There is no other criteria.
HQ	05	48	18	While streamlining is an overall goal of the PAA, eliminating violation class and priority may **Team Response:** Not sure what the comment is here. Team was unable to respond.
State	05	48	22	Will the program that creates a SNY or SNN record create one if one already exists? **Team Response:** No.
State	05	48	24	The "Notes" section will be created to provide an explanation of why this record was created will be of little value. A general statement that the violations found meet the general conditions of the SNC definition is all the information necessary in lieu of a "notes" box. **Team Response:** Thank you.
1 Region & 1 state	05	48	24	It is Region 1's belief that the "Notes" section will be created to provide an explanation of why this record was created will be of little to no value. A general statement that the violations found meet the general conditions of the ERP SNC definition is all the information that is legally necessary and will not produce better data or explanations that are anticipated by the inclusion of a "notes" box. **Team Response:** Thank you.
State	05	48	32	WA likes the clarity provided by the proposal for explicit entry into and out of SNC status in the data system. WA also likes the clarification of ownership of the data and the requirement for clear linkage to relevant violations. **Team Response:** Thank you.
State	05	48	33 - 37	Seems to conflict with the recommendation to require mandatory violation linking. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
HQ	05	48	39	What about state authorization? Can states that are not

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				authorized for a certain parts of the RCRA program be allowed to make SNC designations in those areas? Are SNC determinations based on more stringent state program requirements considered equivalent to federal SNC requirements? **Team Response:** Authorization issues should be addressed by the Regional Authorization person. However, if a State is not authorized but can take enforcement on what they perceive to be SNC violations, they should do so. If a State has more stringent program requirements than EPA, then it is more than equivalent to the federal SNC requirements.
State	05	50	03	THIS IS NOT A GENERAL COMMENT ON THE TEXT BUT RATHER AN ITERATION OF THE STATE'S OPINION REGARDING SNC AND WHERE THE DETERMINATION SHOULD BE STORED AS A DATA ELEMENT. (Page 46, lines 34-38) the report states, "The Team also recommends that the SNY and SNN evaluation types be linked to the violations that were used as part of the SNC determination. The Team recognizes that other factors are involved in the determination of SNC and that violations alone do not determine SNC, as this is a designation of the site as a whole. However, this **mandatory linking** will indicate the RCRA violations that contributed to the SNC determination." This clearly indicates the importance placed on the violation(s) which completed the picture that caused the SNC. And in the Pros for proposal the report states, "This option would clearly indicate which RCRA violations contributed to the SNC determination and therefore eliminate the current problems with reporting and interpretation." Not only would this option clearly indicate what violation(s) "have caused actual exposure or a substantial likelihood of exposure to hazardous waste or hazardous waste constituents; are chronic or recalcitrant violators; or deviate substantially from the terms of a permit, order, agreement or from RCRA statutory or regulatory requirements.", it makes it clear that the violations caused the SNC. Even staff, with in the program, have a difficult time indicating the whole site is a SNC since this is interpreted to mean every environmental program has an issue. The ERP indicated that Facilities should be evaluated on a multi-media basis; however, a facility may be found to

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				be a chronic or recalcitrant violator based solely on prior RCRA violations and behavior and this is the hazardous waste data and not all of the environmental data which you can find in OTIS/ECHO. It isn't the evaluation that caused the SNC or the whole facility's actions that caused the SNC (even if it is this is the hazardous waste data and not air or water), rather it is a combination of violation(s) (current or continuous) that caused the SNC determination. This option would make the SNC designation clear and understandable. **Team Response:** Thank you, but based on National Review the recommendation has been changed to optional linking.
State	05	50	08 - 10	The state does not currently release SNC designation as public record until the enforcement action is issued. **Team Response:** We are making the same recommendation.
State	05	51	0	Guidance needs to be created to clarify how to change a SNC to SNN. This issue needs to be consistent with PPI #6 and #16 (p. 147) **Team Response:** The proposed ERP revisions and these recommendations should provide the requested guidance.
State	05	51	38	When adding a SNN, all open SNY violations must be closed/returned to compliance. **Team Response:** Thank you.
State	05	51	43-44	Data Entry- Any editing of existing unlinked SNY and SNN evaluations won't be possible once this change is made which requires linking. **Team Response:** Linkage provides more information, however, mandatory linkage is not required.
State	05	52	0	The release of SNC status and any violations as determined by State or EPA inspectors and not other self-reported by the facility should remain protected during the investigation stage until final action are taken. **Team Response:** See PPI # 18 - *Enforcement Sensitive Information* for a discussion of when the SNC.
1 Region & 1 state	05	52	0	Public Access - For reasons given in our comments for page 42, the release of SNC status and any violations, as determined by EPA inspectors and not other self-reported by

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				the facility, should remain protected under FOIA during the investigation stage until final agency action has occurred, at which point it is sufficient to release just the agency action. The SNY determination tells only that the site was determined to have violations sufficient to warrant formal action. When linking of violations to an SNY is optional, it is impossible to assure that all violations involved with an SNY determination have been formally addressed (let alone whether post-SNY violations also warrant formal action because of the SNY-determination). **Team Response:** The SNC designation will be considered enforcement sensitive until a formal enforcement action has been issued with a date after the date of the SNY. Then it will be released.
Region	05	52	13-14	A SNC can only be removed from the SNC universe when both the State and EPA have de'SNCed the site. During our conference call on 7/9/03 we learned that this should read **"either the State or EPA agency, whichever SCNed the site and only that agency, needs to de'SNC the site (enter an SNN evaluation), to remove it from the SNC universe. This allows an agency to maintain SNC status on a site even when there are no outstanding violations."** Obviously this provides an exception to the required linking of a SNCed site to the violations leading to a decision to SNC the site. Currently we are not required to enter SNN evaluation to de'SNC a site, the RTCing of outstanding violations does the de'SNCing. Everything considered, we believe it makes more sense to change the SNC indicator from an evaluation to an enforcement record and drop the SNY and SNN evaluations and the newly required SNY evaluation links to violations. Another, but secondary choice for us, is to track SNC status in the handler module. If it's necessary to track the violations, when they exist and lead to a SNC decision, we can create tags for those violations, so they can be tagged and tracked. **Team Response:** Other options were considered but the Team believes this to be the best solution.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	06	53	0	"Implementers" should not be making this many changes themselves as it is too burdensome on state staff. There needs to be more regional support for mass changes. **Team Response:** There is full support for this effort by EPA and the States as documented in the WIN/INFORMED charter. The Team has made every effort to ensure that the changes recommended in the Report are done as automatically as possible (via the HMA DESIGN TEAM) with minimal burden on the implementers. In addition, all of the recommendations identified in the Team's final report must receive approval from the WIN/INFORMED Executive Steering Committee (consisting of EPA and State senior managers) prior to implementation.
States	06	53	0	No Comment
State	06	53	0	FCEI - I thing too many inspections types are lumped into this category. Complaint response is a significant component of any Regulatory program (you may have these elsewhere and I just didn't see it) . We need to identify complaint responses separately. It is also helpful to have a separate code for compliance inspections at generators and transporters to be able to distinguish them from CEIs at TSDs. On page 65 I agree that we need a field to specifically say no violations found and the date of the letter. The default needs to be "undecided or unknown" until a violation determination is made. the violation status is a critical element that we need to formally recognize the no violation determination process. **Team Response:** There is a complaint indicator which can be used with evaluations and you can query on this value. As for being able to identify evaluations (CEI or any other) done at generators, transporters or any other universe, you can pull these by using the universe flag in the Handler module.
State	06	53	0	The WIN/INFORMED Team made a number of recommendations in this PPI. 1. Revise evaluation date field: ***This state absolutely***

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				cannot live with this recommendation. The proposal to have a start date and an end date considered in light of the proposal under PPI #3 does not make sense. If RCRAInfo is to be modified to provide a "Day Zero" date which is to be the date of determination of the violations at an inspected facility, what use is there for an end date for an inspection? We do not need to be recording, tracking and reporting on three separate dates for each inspection. 2. Redefine and clarify the definition of CEI: **This state agrees with recommendation.** 3. Revise title and code for CME evaluation type: **This state agrees with recommendation.** 4. Remove all evaluation types involving sampling: **This state agrees with recommendation.** 5. Redefine CDI evaluation type: **This state agrees with recommendation.** 6. Redefine SCE evaluation type and create new code for follow-up inspections: **This state agrees with recommendation.** 7. Redefine and rename CAO evaluation type: **This state agrees with recommendation.** 8. Redefine CAV evaluation type: **This state agrees with recommendation.** 9. Eliminate the LBN evaluation type: **This state agrees with recommendation.** 10. Eliminate the OTH evaluation type: **This state agrees with recommendation.** 11. Eliminate multi-media evaluation types: **This state agrees with recommendation.** 12. Create new evaluation type code for focused compliance inspections: **This state agrees with recommendation as long as only one three character field is used to enumerate focused compliance inspections.** 13. Provide limited list of FCI focus areas for added clarification: **This state cannot live with this recommendation.** This state does not agree that it is of benefit to have two sets of three character codes

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				necessary to designate a focused compliance inspection. Either the focused compliance inspection or the clarifying three character code should apply. There is no benefit or burden reduction to have two different codes apply to each inspection that falls within this area. 14. Discontinue use of implementer-defined evaluation types: **This state can live with this recommendation.** 15. Redefine SNN and SNY evaluation types: **This state agrees with this recommendation.** 16. Consolidate site self-disclosure evaluations into FSD: **This state agrees with this recommendation.** 17. Eliminate all evaluation reason codes: **This state can live with this recommendation.** 18. Eliminate evaluation coverage areas: **This state agrees with this recommendation.** 19. Add new responsible agency code for oversight/observation/training activities conducted by states: **This state can live with this modification.** 20. Clarify definition for EPA oversight of state actions: **This state agrees with this recommendation.** 21. Create definitions for all responsible agency codes: **This state agrees with this recommendation.** 22. Add capability to track grant commitments, MOA commitments and initiatives: **This state can live with this recommendation.** This state absolutely cannot live with any effort to go back and change historical information regarding past inspection activities. **Team Response:** 1. The Team has modified its recommendation on the concept of an evaluation start date AND evaluation end date. See PPI 3 (Day Zero) for revised definition in response to comments received from National Review. In short, no evaluation end date will be needed with the Team's modified recommendation reflecting comments received from National Review. 13. See response to previous comment from this state. In addition,

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				the use of these codes is optional. The Team is recommending that all historical evaluation data be converted to the new coding system recommended in PPI #6. See language PPI # 6 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level.
State	06	53	0	Agree with recommendation
State	06	53	0	Agree with recommendation Overall, this state agrees with the recommendations made in this PPI with the following exceptions. **Team Response:** Thank you. The Team's responses to your exceptions are addressed individually as they occur within this comment summary.
State	06	53	0	Agree with recommendation
State	06	53	0	This state has a need for a way to track the generator status, as determined by the inspector. **Team Response:** This can be accomplished within the Handler Module of RCRAInfo. You may "jump" to the corresponding site record in the Handler Module from the CM&E Module and make the necessary change(s).
State	06	53	0	Can live with recommendation
HQ	06	53	0	Agree with recommendation
State	06	53	0	**Absolutely can not live with recommendation BECAUSE:** This state is opposed to any adding, deleting or changing existing codes as this requires us to modify our translation software. We agree to clarifying definitions of existing codes, providing the underlying meaning is not changed as that would also require modification to our translation software. If add or deleting new codes is unavoidable, the Translation Loader must convert the current codes to the new codes. **Team Response:** The Team is recommending that all

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				historical evaluation data be converted to the new coding system recommended in PPI #6. See language PPI # 6 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level. The Team recognizes that some modification to your translation software may be necessary to implement the recommendation. However, this should be a one-time change with the least impact possible on implementers that translate HMA data to RCRAInfo.
State	06	53	0	How does FCI differ from OTHER as an inspection type (other than spelling). If staff is already familiar with, and using, "other" why change it? **Team Response:** The Team believes that Focused Compliance Inspection (FCI) is a more accurate and appropriate title for this evaluation category and that the benefits of this conversion outweigh the costs.
Region	06	53	0	A concern I have across these recommendations is the need for manual data conversion. This potentially large job is made more burdensome by the possible need to go back to convert historic data, which may take a significant amount of time to research, and is likely to pose unanswerable questions. At a minimum, I recommend we consider grand-fathering data which is older than five years - this is generally considered to be the statutory maximum, and should provide sufficient information for events in the (relatively) recent past. In some instances, where extensive amounts of manual conversion would be needed, we might consider a three year grand-fathering cut off date. **A** - Nationally Defined Values for Evaluation Type Section 1 relates to revising the evaluation date field. This proposal arises from PPI#3, which I disagree with, so I also disagree with this proposal. Section 2 is also linked somewhat to PPI#3, and involves redefinition and clarification of the definition of Compliance Evaluation Inspection (CEI). The proposed definition as currently written leaves me with some questions and

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				concerns. It says the CEI is an evaluation of the compliance status of the handler with regard to all applicable RCRA Regulations and Permits, with the exception of groundwater monitoring and financial assurance. Does "handler" suggest this inspection types is only applicable to TSDs, or does it also apply to generators? Does it also suggest, since it is to evaluate compliance with *all* aspects of RCRA, that anything not identified as *in violation* must by definition be *in compliance*? This causes us concerns from an enforcement point of view - we strive to only represent the violations which were identified; our silence on an area does not indicate compliance, but only that either no violation was observed or this area was not evaluated. The definition as proposed seems to suggest that the status of any facility, or part thereof, is either violative or compliant. I think there is also some potential inconsistency in the definition as to whether groundwater monitoring is a part of this evaluation or not (the first paragraph says it's not, the second says it is, when appropriate). Section 4 is also linked to PPI#3 and causes a potential (and I think, unnecessary) burden of determining which of multiple visits to a facility might or might not be part of a single, not to exceed 90 days, evaluation. Section 5 discusses redefinition of the Case Development Inspection (CDI). I think CDI is a code we should hesitate to use in any event, since it suggests to the data system (and potentially the facility and public) that an enforcement action is anticipated in advance of that decision being public. Such information seems to be sensitive due to its deliberative nature. Section 6 proposes definitions for FUI and CSE, which seem to have some overlap in them. A CSE evaluates for compliance with an enforceable compliance schedule; a FUI evaluates violations for return to compliance, regardless of whether an enforcement action was taken or not. So, a FUI could also be evaluating compliance with compliance schedule conditions, which seems to overlap with the CSE definition. Section 7 discusses Corrective Action Compliance Evaluations, but seems to have some overlap with the definition of a CEI, which is to evaluate *all* aspects of compliance by a handler.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Section 12 recommends the creation of a new code for Focused Compliance Inspections, which is an on-site inspection that addresses only a specific portion of the RCRA regulations. I recommend that we consider changing this definition from "addresses only a specific portion" to "emphasizes a specific portion". Section 13 contains a proposed list of nationally defined focus area codes. It includes Underground Injection Control, which is not a RCRA program, but rather is covered under the Safe Drinking Water Act. Section 15 recommends revisions to the SNN and SNY definitions. I recommend they be limited to only the first sentence listed in the proposal for each, that is: 1. "SNN - Not a Significant Non-Complier (SNC). A determination has been made to remove the SNC designation from a facility. Note: Entry of an SNN record is required to remove a site from being an SNC." 2. "SNY - A Significant Non-Complier (SNC). A determination has been made to designate a facility as an SNC using guidelines as set forth in the current version of the Hazardous Waste Civil Enforcement Response Policy (ERP). Note: It is important to enter the SNY designation promptly upon designation." This section goes on to say that the data system will not allow a switch from SNY to SNN unless all the RCRA violations linked to the original SNC determination are returned to compliance in RCRAInfo. However, in some instances, it may not be a particular violation that puts a facility into SNC status, but rather a group of violations together. So, if only one of this group were to remain noncompliant, this single violation alone might not be sufficient to keep a facility in SNC status (see also our comments related to PPI #5 for more on this issue). **D** - Nationally-Defined Values for Responsible Agency Section 1 proposes a definition for the State-Initiated Oversight/Observation/Training Actions. I recommend the definition be enhanced to make it clear that no inspection report is generated *by the State* from these activities nor is any direct *State* enforcement response anticipated.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Section 3 recommends that definitions be established for all Responsible Agency codes. Having no federally recognized tribes in this Region, I'm not sure if this is an issue for the other Regions, but should the S and B definitions be expanded to include tribes (ie: Responsible Agency is the State or Tribe)? **Team Response:** Manual conversion is not required. This is an option provided to the implementer during the 6-month period prior to automatic conversion. The Team is recommending that all historical evaluation data be converted to the new coding system recommended in PPI #6. See language PPI # 6 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level. Section 1(A): The recommendation in PPI 3 (Day Zero) has been modified in response to comments received from National Review. The Team has eliminated our recommendation on the use of an evaluation end date. Section 2(A): The definition of CEI applies to all generators, transporters and TSDs. The definition of "in compliance" is addressed in PPI 16. Section 4(A): See modified PPI 3 (Day Zero). Section 5(A): The use of the CDI evaluation type in no way requires the filing of a formal enforcement action. The definition identifies "potential" action. Regarding the enforcement sensitive nature of a CDI the Team conducted further analysis with HQ experts and their determination was that CDI, as we have defined it, does not need to be enforcement sensitive. See final report for resolution of this issue. Section 6(A): The definition of FUI has been "tweaked" to provide additional clarification to the implementer. An FUI does not address compliance schedule conditions of a formal enforcement action. Section 7(A): Corrective Action Compliance (CAC) evaluations strictly address the conditions of a Corrective Action Order and should be coded separately from, and in addition to, a CEI, if applicable. Section 12(A): The Team believes that "addresses" is a more appropriate term. Section 13(A):

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Although UIC is adopted under the SDWA (not RCRA), it involves the injection of RCRA hazardous wastes into a deep well, and RCRA-regulated pre-injection storage and disposal activities that are addressed under many state-EPA agreements within the RCRA program. Therefore, the Team believes that this focus area is appropriate to include under the FCI evaluation focus areas. Section 15(A): The Team does not agree with the proposal to modify the definition of SNY and SNN. Section 1(D): The Team has added further clarification. Section 3(D): The Team has added further language to the definition of S and B.
Region	06	53	0	**Absolutely can not live with recommendation BECAUSE:** This Region recommends that all existing Evaluation Types be grand-fathered and not changed to the new Type codes. New codification of Evaluation Types should begin upon implementation of the new CM&E Module. Many of the existing Type codes do convert directly to recommended Type codes. Many do not. Due to the already limited resources at the Regional and State Agency level, research required for those Type codes that do not directly convert will take much longer than the 6 months recommended by the HMA PAA. **Team Response:** The Team is recommending that all historical evaluation data be converted to the new coding system recommended in PPI #6. See language PPI # 6 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level. The HMA DESIGN TEAM will determine if the proposed 6-month period is sufficient and that timeframe may be extended if necessary.
Region	06	53	0	Item #1on page 55, discusses the creation of the "evaluation start date" and "evaluation end date" fields. Please see our comments on PPI #3. We do not agree that these fields need to be created.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				The Region agrees in general with the Team's recommendation for streamlining the HMA data entry codes and guidance development, as described in items 2 through 17, pages 55 - 65. However, some clarification is necessary. Page 54, lines 28 - 32, discuss the grand-fathering of historical data and why it is more appropriate to convert as much data as possible. We agree that converting the data is more appropriate, but in terms of time and effort to complete any manual data conversion, is it the Team's intention to convert **all** data in RCRAInfo (i.e., back to 1980)? If so, a six month period to complete all manual data conversion may or may not be sufficient time. Item #6, page 58 discusses the redefinition of the CSE evaluation type. The definition should be further refined to indicate whether or not this is an on-site evaluation. We believe that CSE should be limited to on-site evaluations of the enforceable compliance schedule. The NRR evaluation could be utilized to reflect document reviews of deliverables submitted pursuant to the compliance schedule. Item #9, page 60, discusses the conversion of LBN evaluations to FCI evaluations with an LBN focus area clarifier. Most of the LBN evaluations conducted by Region in the past were in conjunction with full CEI evaluations, therefore, an automatic conversion to FCI would not be appropriate in all instances. Item #10, page 60, discusses the elimination of OTH evaluations, and re-categorizing these to other evaluations codes. Since Region is a heavy user of the OTH evaluation code, a manual conversion to other types of evaluation codes could take some time. We recommend the six month period of manual conversion of data be available to accomplish this task. **Team Response:** The Team has eliminated our recommendation for an evaluation end date in PPI 3 (Day Zero) in response to comments received from National Review. The Team is recommending that all historical evaluation data be converted to the new coding system recommended in PPI #6. See language PPI # 6 under

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				"Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level. The HMA DESIGN TEAM may extend the 6-month time frame allowing optional manual conversion if they deem it necessary.
Region	06	53	0	Can live with recommendation
State	06	53	0	General Comments: This state is in favor of allowing individual implementers the option of grand-fathering existing historical evaluation data that was not easily converted. We will not be able to devote much staff time to fixing data that did not convert correctly. **Team Response:** The Team is recommending that all historical evaluation data be converted to the new coding system recommended in PPI #6. See language PPI # 6 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level.
State	06	53	09	We oppose the dropping of the PEI evaluation type – we do many PEIs and do not feel that the FCI type even with the proposed Focus Area Codes represents the areas covered in a PEI. If we can't have the PEI evaluation type, we request that you define a Focus Area Code that includes the areas evaluated in our PEIs, which we can provide. **Team Response:** The Team is unsure of the meaning of the PEI evaluation type. Regardless, you can either create an implementer defined FCI focus area, or you may choose to use an existing national defined evaluation type for your PEI. (See PPI 27 for further information on the creation and use of implementer-defined codes.)
State	06	53	all	There are many changes to current codes anticipated in the PPI. There are many States that are either current translator States or are in the process of designing systems to translate data to Federal Databases to eliminate duplicate data entry.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Has there been any consideration for grant funding (100%) or other assistance to States in modifying their code for the translations? Has the impact on States that are current translators that may have to move to direct data entry been contemplated? This could be a significant resource issue for States. **Team Response:** The Team has made these considerations and believes that the one-time data conversion and modification to translator programs is necessary to ensure accurate, consistent, meaningful, and retrievable data on the national level. The Team urges you to consult with your EPA Region concerning grant resources available to translator states.
State	06	54	19-26	The CME Evaluation Type Code List, Lu_Evaluation_Type, should have a new utility added in RCRAInfo's System Administration to assist transferring existing data to other/new codes, similar to how staff codes can be transferred. **Team Response:** The Team will refer this comment to the HMA DESIGN TEAM for consideration.
State	06	54	28 - 32	This will entail much manual tweaking to get the data consistent with expectations. **Team Response:** Manual "tweaking" is optional. However, the Team encourages you to consider conducting this one-time effort to ensure the most accurate and consistent data possible.
Region	06	54	28-32	In this region we are in favor of allowing individual implementers the option of grand-fathering existing historical data and not converting to new codes. As we understand the Team's recommendations, the grand-fathering of existing historical data is not currently an option available to implementers. We believe it should be. As long as the RCRAInfo lookup tables show all historic code values, active and inactive, there is really no reason to force all implementers to have their data converted. The look-up tables allow everyone to find the descriptions for historical data code where implementers may chose to leave data as is. Conversions are not always the best choice for certain data. If individual implementers feel grand-fathering some or all of these records is preferable to conversions, this should be

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				an option for them. We do agree with the requirement that all future data entry by implementers needs to be done using the recommended nationally defined codes in this HMA PAA report. **Team Response:** The Team is recommending that all historical evaluation data be converted to the new coding system recommended in PPI #6. See language PPI # 6 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level.
State	06	55	02	Revise Evaluation Date Field—We agree, but would like to see the system fill in the evaluation end date to match the evaluation start date. The assumption should be made that the start & end dates are the same, but the end date could be changed at any time. **Team Response:** The Team has modified our recommendation in PPI 3 (Day Zero) to exclude the use of an evaluation end date.
State	06	55	10-11	See comments under PPI #3 **Team Response:** Your comments are addressed separately under PPI 3.
State	06	56	03 - 24	This state agrees with the concept of the FCI (focused inspections), but suggests it may be easier to list the CEI, with the many subsets (FCI type codes) that can be marked if a full CEI is not performed, since a CEI is the culmination of many subset inspections. Other equivalent inspections to the CEI would be the CDI, CM&E, and O&M, with no subsets. The less codes used the less confusion there will be. **Team Response:** Thank you for the suggestion. However, the Team maintains our recommendation of CEI and FCI as separate evaluation types. If a full CEI is not performed, then FCI should be used with the appropriate focus area code(s).
State	06	56	13	states, "The major function of a CEI is an overall review of the handler's performance. . . . . The inspection includes an

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				on-site examination of records and other documents maintained by the handler and an evaluation of the handler's compliance with all applicable requirements and adequate sampling, when necessary. Where appropriate, it includes groundwater monitoring assessment outlines or plans, closure/post-closure plans, contingency plan reviews, waste analysis plan reviews, and preparedness and prevention plan reviews. Specifically excluded from the CEI type of evaluation are Financial Record Reviews and inspections of groundwater monitoring systems. A Financial Record Review . . . coded as an FRR evaluation. Inspections of groundwater monitoring systems are coded as either a GME or OAM." Since there isn't any discussion about NRR exactly what does fit in "NRR Non-financial Record Review An evaluation conducted in the Agency office involving a detailed review of non-financial records." As specified in the Recommended Nationally-Defined Values Evaluation Type Codes on page 77 since FRR's, GME's, or OAM's are discussed in CEI as separate codes and it suggests that all other document reviews are part of a CEI. I do not agree that all reviews are part of the CEI but you need some discussion about NRR. Later on you discuss analysis of information requests (page 89) but there needs to be some discussion in this section. **Team Response:** The use of NRR as a nationally-defined evaluation type remains unchanged. The review of records conducted during a CEI are included in the CEI evaluation type. However, non-financial record reviews conducted in or out of the office that are not part of a CEI should be coded as an NRR.
State	06	56	14	We do not agree that stating how often a site may be evaluated should be part of the definition. But if it is included the statement, "All active treatment, storage, and disposal facilities are required by federal statute to receive this type of inspection biennially." does not mean much. What does 'active' mean? Is that any unit at the site with legal/operating status codes of, for example, DLOP, EMDC, EMUC, ITOP, LIOP, LPOP, NNOP, PCIN, PIOP, RQOP, RUOP, TAOP, or are you including all of the post-closed with waste in place. Use codes that exist and have specific meaning instead of using a vague term such as 'active' if you want consistent data. (as you did with formal

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				enforcement in PPI#17). **Team Response:** Good Suggestion. The statement concerning frequency of inspections has been eliminated from the definition of CEI.
State	06	56	17	States, "Where appropriate, it includes groundwater monitoring assessment outlines or plans, ... Inspections of groundwater monitoring systems are coded as either a GME or OAM." Groundwater monitoring assessments plans are a part of the groundwater monitoring systems and is part of a GME or OAM. **Team Response:** The verification of the presence and/or adequacy of groundwater monitoring assessment outlines or plans is a part of a CEI. However, inspections of groundwater monitoring systems is part of a CEI or OAM.
State	06	56	34	While the RCRAInfo definition title is Compliance (Groundwater) Monitoring Evaluation, this state has always referred to this as a Comprehensive Groundwater Monitoring Evaluation. We do support the code label change to GME instead of CME. **Team Response:** Thank you.
State	06	56	42	Remove All Evaluation Types Involving Sampling, SPL SAMPLING INSPECTION, used 83 times, by 45 Handlers, in db by state, as of 7/23/03. CES CEI WITHOUT SUBSTANTIAL SAMPLING, NOT used in db by state, as of 7/23/03. CMS CME WITHOUT SUBSTANTIAL SAMPLING, NOT used in db by state, as of 7/23/03. **Team Response:** Thank you.
State	06	56	42	Remove All Evaluation Types Involving Sampling—We cannot agree with this recommendation. We have tracked many site visits where sampling was the main activity & often not related to a CEI. One of our Initiative commitment even requires us to perform a certain number of sampling evaluations each year. These activities would not be easily converted to some other kind of evaluation & we will not be able to devote much staff time to fixing data that did not convert correctly. **Team Response:** As noted in Appendix IX, the conversion

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				of all sampling inspections to the FCI evaluation type (with the sampling checkbox checked) is an easy and painless conversion.
State	06	56 & 57	43 - 48 01 - 39	Can live with the removal of SPL evals as long as the proposed method of checking the sampling checkbox in conjunction with a CEI does not change or affect inspection counts. **Team Response:** Sampling conducted as part of any evaluation type will be included as part of that evaluation (including the FCI evaluation type).
State	06	57	13-15	CES and CMS should have unchecked boxes when converted since their name contains '..without substantial sampling', shouldn't they? **Team Response:** Yes.
State	06	57	16 - 19	Line 16 says SPL inspections would be deleted but line 19 states when it is difficult to link the SPL activities to an evaluation they will use an FCI. No SPL data must be deleted – please confirm that unlinked data will be changed to an FCI with a sampling check. Can the changes of SPL to FCI (after linking those that can be) be done globally? **Team Response:** No SPL data (or any other evaluation data for that matter) will be deleted. It will be converted to the newly proposed framework. Changes of SPL to FCI will be done globally with all links preserved.
State	06	57	16-17	The date of the sampling won't be able to be tracked except in the comment field, assuming sampling is done on a different date than the inspection. **Team Response:** That is correct.
State	06	57	28	If the SPL is changed to an FCI then the violations linked to the SPL should carry over to the FCI after the change. Most of this state's, for example, SPL's will not relate to another existing violation. They are for specialized sampling situations as described in the next box. **Team Response:** All existing links from evaluations to violations will be preserved in the conversion.
State	06	57	33	States, "It is the Team's position that sampling is not a reason for performing an evaluation." How would you code an evaluation where the only reason is to split samples, for

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				example from monitoring wells, with the site only to verify the consistency of lab results and isn't a complete GME or OAM. This is often done as part of a GME or OAM but in some instances it is done on a more frequent basis. Other examples would be split sampling for remediation verification after an incident involving a release or to resample of a well that had elevated levels discovered during a GME or OAM. **Team Response:** Those instances should be coded as an FCI (with a check in the sampling box).
State	06	57	41	Currently, the RCRAInfo DED states, "**Case Development Inspection.** A CDI may involve sampling to confirm the chemical composition/characteristics of wastes handled by generators and transporters, and their waste handling practices. In addition, facility operations and design information may be reviewed, and manifests from generators and transporters verified. A focused CDI may be conducted when a CEI reveals possible RCRA violations, and could serve to gather the additional data needed to support an enforcement case." You propose that this be changed to, "**Case Development Inspection (CDI).** A CDI evaluation is an on-site inspection conducted for the sole purpose of gathering additional information that supports the evidence (i.e., samples, on-site record review, interview, etc.) for a potential or pending enforcement case. A CDI is performed only after an initial CEI/GME/OAM evaluation has resulted in the observation of alleged violations." Granted the current version is very vague and does not appear to mean much but the proposed definition goes too much in depth and becomes very enforcement sensitive. For an administrative case this data would have to be removed from any public views but there is also a problem with anyone who has access to RCRAInfo being able to view this type of data. Beyond that, when the "sole purpose of gathering additional information that supports the evidence. . . for a potential or pending enforcement case" is a civil or criminal case you may put the whole case in jeopardy if this type of information is released. **Team Response:** Thank you for the comment. The Team recognizes this as a valid issue and has conducted further analysis with HQ experts and their determination was that

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				CDI, as we have defined it, does not need to be enforcement sensitive.
State	06	57	41	This state has concerns that the CDI inspection will create expectations of formal enforcement. While this may be the case in most instances, it should be recognized that there will be instances where the evaluations at a site will not result in formal enforcement action, but may lead to informal enforcement instead. **Team Response:** There is no requirement in RCRAInfo or otherwise that a CDI will lead to an enforcement case. It is simply an evaluation that gathers evidence for a potential enforcement case. The evidence gathered may very well prove that violation(s) do not exist and may result in the termination of a case.
State	06	58	0	Follow-Up Inspection (FUI) Box - We suggest added language to explain that the FUI is conducted to verify the status of violations cited during a previous evaluation "or where an informal action may have been issued. No one in our state has used the CME sampling evaluation type so to delete any codes not used by the programs will provide better clarification as to when to use correct codes. Also to eliminate the reason codes will hopefully provide more consistent use of the data fields. Also, to add new responsibility type (T) to define oversight, observation training etc. will be useful; as sometimes it is difficult to decide which agency was the lead; and to provide better narrative description will make it easier to select the correct codes. **Team Response:** Thank you.
1 Region & 1 state	06	58	0	Follow-Up Inspection (FUI) Box - We suggest added language to explain that the FUI is conducted to verify the status of violations cited during a previous evaluation "or where an informal action may have been issued." The definition of this type of inspection appears to suggest that a FUI can be based upon either a previous evaluation, informal action or both. We also believe that this definition should be clear that 'new' violations should not be linked to this type of evaluation. **Team Response:** Thank you for the comment. The Team has modified the definition of FUI for clarification.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				However, new violations may very well be linked to an FUI if those new violation(s) are observed during the FUI.
State	06	58	11	Redefine CSE Evaluation Type & Create New Code For Follow-Up Inspections—This is a very good idea. **Team Response:** Thank you.
State	06	58 & 59	12 - 46 & 02 - 10	This state does not fully agree with the apparent hair-splitting redefinition of the CSE eval code and the new FUI code, but can live with it. Since a mandatory compliance schedule is often a means of returning a facility to compliance, there would appear to be no real distinction between activities. **Team Response:** The Team believes there is a very clear distinction between FUI and CSE.
State	06	58	18	The Team recommends that the CSE evaluation type definition be," An evaluation conducted to verify compliance with an enforceable compliance schedule associated with a formal enforcement action." Agree with this statement but would prefer that 'enforceable compliance schedule associated with formal enforcement action' be tied to any administrative, civil, or criminal action (see comments regarding formal enforcement in PPI#17). There have been questions in the past if an evaluation of item(s)/action(s) in a court ordered document/schedule would be a CSE. In fact, giving examples of the enforcement type code that apply to a CSE would be of assistance. For example you have three criminal codes and it would appear that a CSE would usually only be conducted in the case of a 730 (if necessary). 720 Criminal Indictment - A written notification advising a RCRA hazardous waste handler they have been charged with a criminal offense. 730 Criminal Conviction - A court ruling which finds a RCRA hazardous waste handler guilty of a criminal offense. 740 Criminal Acquittal - A court ruling which finds a RCRA hazardous waste handler not guilty and has been set free from the charge of an offense by verdict, sentence, or other

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				legal process. Granted, there may be (to borrow a phase from permitting) 'strange but true' situations where the judge could issue an acquittal but have stipulations. Nevertheless, a listing of the most common enforcement type codes that would be associated with a CSE would be helpful. Any place where you can eliminate ambiguity but referencing other codes with in the database, instead of using undefined words will promote consistency. **Team Response:** The Team is unsure of the nature of your comment. Enforcement type codes are not linked to evaluation type codes. However, a CSE may be linked to violations that are, in turn, linked to any formal enforcement action (including criminal actions). The Team believes that examples are not necessary.
State	06	58	33	I don't think it's necessary or productive to differentiate between a FUI and a CSE. They're both follow up inspections to verify compliance. If we need to know whether there was a formal action we should just look at the enforcement records and not try to squeeze too much information into an inspection type. **Team Response:** The Team disagrees with this comment and will recommend that FUI and CSE remain as separate and distinct evaluation types.
State	06	58	36	Additional guidance is necessary to help determine when an initial CEI ends and a FUI begins. **Team Response:** The Team believes the current language in the definitions of CEI and FUI is clear on when a CEI ends and an FUI begins.
State	06	59	01 - 10	FUI & CSE- How is the event linked to previous violations/inspections so you know what the action the follow-up is to? **Team Response:** An FUI or CSE should be linked to the appropriate violations that the evaluation addresses. Evaluations cannot be linked to other evaluations.
State	06	59	12 - 31	In the listing of codes for Routine/Standardized Focused Compliance Inspections, you list CAR - Corrective Action/Remediation Oversight. This document iterates in

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				numerous places the need to remove overlapping codes. So how is a FCI for CAR different than "An on-site inspection to evaluate a facility's compliance with the corrective action requirements of a permit or an order. When a CAC is conducted as part of another inspection type (CEI, GME, etc.), a separate entry for a CAC should be made in RCRAInfo for the CAC component." Let's see a CAC isn't a complete CEI and is an "inspection that addresses only a specific portion or Subpart of the RCRA regulations or authorized State regulations/programs." (the definition of a FCI). So why the redundant data entry? **Team Response:** A CAC is an evaluation of a site's compliance with a corrective action order or permit. A CAR is a focus area that represents a field activity where corrective action or remedial action activities are simply observed by the implementing agency and does not involve a complete evaluation of a site's compliance with the order or permit. Therefore, CAC and CAR are two separate and distinct evaluation types and do not represent redundant data entry.
HQ	06	59	24 - 28	Redefine and rename CAO Evaluation: this office would like clarification on this recommendation. We are unclear as to the distinction between the compliance monitoring inspection and the RFI Inspection. How is the RFI "Inspection type"defined? In addition, although there is a data field in the CA module to enter an RFI none exists for an RFI Inspection. **Team Response:** A CAC is an evaluation of a site's compliance with a formal corrective action order under Section 3008(h) of RCRA or a permit. Thank you, we have removed the word "inspection" from the RFI reference.
State	06	60	01 - 14	CAV definition does not include telephone calls or other assistance that is not rendered during an actual site visit. **Team Response:** That is correct. CAV addresses only on-site compliance assistance activities.
State	06	60	06	When you click on http://www.epa.gov.compliance/resources/policies/planning/state/oprin-integ-mem.pdf you get a message that says the internet server or proxy server can not be located. You have a typo – the . between gov.compliance should be a / so it is

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				gov/compliance **Team Response:** Thank you. The Team has made the correction.
State	06	60	09	Eliminate the LBN Evaluation Type LBN LAND RESTRICTION COMPONENT, NOT used in db by state, as of 7/23/03. **Team Response:** Thank you.
HQ	06	60	11	see comments under PPI # 4 **Team Response:** The Team's response to your comments are addressed under PPI 4.
State	06	60	24	There are always oddball situations that don't fit into any category. OTH should be left as an eval type. **Team Response:** Those oddball situations should be entered as FCI and, if no nationally-defined or implementer-defined code is warranted, then the comment field may be used to further define the evaluation activity.
State	06	60	24	Eliminate the OTH Evaluation Type All current OTH Evaluation Types in db by state, which are 99 occurrences as of 7/21/03, will be converted, either automatically or manually. **Team Response:** Thank you.
State	06	60	24	This state disagrees with the proposal to remove the OTH evaluation type. It is our experience that no matter how well defined and extensive the provided options are, there will always be events that do not fit. We agree that OTH should be used much more sparingly than it has in the past, and the expanded evaluation options provided by this PPA will help to reduce the instances where OTH will be the only valid evaluation type. **Team Response:** The Team continues to recommend the OTH evaluation type be replaced with the FCI evaluation type. FCI will handle any evaluation type previously coded as "OTH."
State	06	60	38 - 40	Although the in-depth analysis presented in the HMA document seems to be very thorough, it would seem possible that not every scenario has been accounted for by new and/or existing codes. Therefore, it is possible an "other"

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				category may still be necessary for the occasional doesn't fit anywhere else scenario. This state would request the 6-month time frame for corrections of Other Evaluations as recommended for other code conversions. **Team Response:** The Team continues to recommend the OTH evaluation type be replaced with the FCI evaluation type. FCI will handle any evaluation type previously coded as "OTH." The 6 month timeframe is for all data conversion of ALL codes, inducing this code.
State	06	60	39	Grandfather the OTH evaluation types currently in the data base. We do not have reason codes for all our existing OTH codes and we do not have the resources to go back through and assign an evaluation type for each one manually. **Team Response:** The Team is recommending that all historical evaluation data be converted to the new coding system recommended in PPI #6. See language PPI # 6 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data.
State	06	60	40	We do not agree with the concept of deleting OTH inspections. This data though it no longer meets the new regimen contains essential historical data on sites. **Team Response:** No evaluation data (including OTH evaluations) will be deleted! See Appendix IX for conversion proposal.
State	06	60	44	Eliminate Multi-Media Evaluation Types Multi-Media Evaluation Types, MMB, MMC, MMD, MMS, NOT used in db by state, as of 7/23/03. **Team Response:** Thank you.
State	06	61	12	Additional clarification is needed to differentiate between FCI evaluations and CEI evaluations **Team Response:** The Team believes the current definition of CEI and FUI provide adequate clarification.
HQ	06	61	23 - 28	Suggest calling this a Partial Compliance Evaluation (PCE) instead to coincide with Clean Air Act terminology. **Team Response:** The Team believes that Focused Compliance Inspection (FCI) is a more accurate and appropriate term to identify the types of evaluations covered

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				under that category.
Region	06	61	23	Region II feels that FCI should count as a full inspection if it is not a follow-on inspection. This should be clarified. **Team Response:** FCI will count as an inspection. Whether or not it is counted as a "full inspection" is an issue that should be discussed with OECA.
HQ	06	61	30 - 31	Inspections done for purposes of oversight, observation, or training should NOT be included as an FCI or PCE (if that terminology is adopted). They should be called what they are not shoved under this broad category. **Team Response:** Oversight, observation, or training activities can be associated with any inspection type (including FCI). But would be identified by agency "X" or "T".
State	06	61	37	Trying to track "evaluations that are conducted because of the implementation of new categorical regulations such as Subpart CC, Universal Waste Rule, and Used Oil Management" is in large part what started the long list other secondary reason codes. In lieu of the statement, "CEIs are all-encompassing and that further clarification of scope can be determined by referencing information concerning a site's regulatory universe" (pg 67, line12) this document contradicts itself. If a CEI is all-encompassing then any new regulation that is in effect in that state MUST be included. Granted this does get to be slightly difficult initially after a new regulation goes into effect given the RCRA/HSWA split when regulations take effect in authorized states but where is the specific need to track this over and above the current proposal. Trying to limit codes to only "new regulation" given the years in difference on effective dates per states and the questionable need for this data, a comment would suffice. As for the other types of routine evaluations that are neither a complete CEI nor any of the other nationally-defined evaluation types a listing is necessary but the list provided is not sufficient. Such as, CPC – Closure should be a separate code from Post-Closure Inspection since you often have both activities going on at one site and the evaluation of either is important to document. You state on page 64, line 39, "The

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Reason code for Withdrawals (05) was used for Part A applications and associated interim status which has since expired and is no longer applicable and should therefore be eliminated." Whenever a new regulation goes into effect that brings in new sites/operations as a TSDF they have to file a Part A and have interim status. Subsequently, you still need this code. **Team Response:** The Team agrees that a CEI is all-encompassing. However, in instances where an implementer conducts an evaluation solely for compliance with a new regulation/Subpart, the FCI evaluation type with the appropriate focus area code should be used. The Team does not agree with the recommendation to separate evaluations of closure activities from those of post-closure activities, or to reinstate the Withdrawal evaluation reason/focus area.
State	06	62 & 63	07 - 09, 42 - 46 & 08 - 10	How should multiple focused evals be entered if they do not comprise a complete CEI? **Team Response:** One at a time please!
HQ	06	62	11 - 31	**Major data entry problem. Need to get this agreed upon at the Senior Management levels (Division Directors) in both EPA and States (Commissioner level):** This is an interesting concept, but only if someone at the state or federal level will actually use it to manage or monitor progress or the RCRA compliance monitoring program. Questions to be answered are: 1. Is there a commitment on the part of the states and regions to use this information to manage and make the program more effective? 2. Will States and Regions be willing to enter this level of detail? The experience so far with the Clean Air Act Partial Compliance Evaluations strongly suggests that the states and the regions will be reluctant or refuse to enter this level of data. **Team Response:** There is full support for this effort by EPA and the States as documented in the WIN/INFORMED

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				charter. The Team has made every effort to ensure that the changes recommended in the Report are done as automatically as possible (via the HMA DESIGN TEAM) with minimal burden on the implementers. In addition, all of the recommendations identified in the Team's final report must receive approval from the WIN/INFORMED Executive Steering Committee (consisting of EPA and State senior managers) prior to implementation.
Region	06	62	11-31	Additional codes are needed for inspections focusing on institutional and engineering control evaluations. **Team Response:** These evaluation activities should be coded under the FCI evaluation type with a CPC focus area code.
State	06	62	16	LDR - Land Ban Restrictions should have superscript [2] to refer to note 2 below on line 38. **Team Response:** Thank you, change has been made.
Region	06	62	26	The focused inspections for closure/post-closure verification activities and the entry of such into the RCRAInfo CM&E module is only part of the required data entry. The legal and operating status records in the permitting module, at the unit group level, are the primary records for recording a verification of closure. Second to the unit group records are the permit module event records. If inspectors are going to be required to enter focused inspections for closure/post-closure verification in the CM&E module, a link or trigger is needed to require the entry and saving of updated unit level legal and operating status records and event records in the permit module. If we are recording verification inspections in the CM&E module in the future, we can not fail to record unit group record updates and events for closure/post-closure in the permit module. **Team Response:** Data entry in the Permit Module of RCRAInfo is a permitting function and will not be conducted by inspectors in most instances. However, if desired, an implementer may require the inspector to conduct the necessary data entry in the Permit Module. This issue has been forwarded to the Permitting and Corrective Action PAA for consideration. We will also forward it to the DESIGN TEAM for consideration.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	06	63	05	We applaud the statement, "no implementer-defined code should be allowed unless the implementer also provides a description and definition of the code." And encourage a mechanism to require something for a definition before a code can be saved in the database. **Team Response:** Thank you.
State	06	63	14	How can the date the inspection report is received be tracked? (Discontinue Use of Implementer-Defined Evaluation Types) **Team Response:** The Team did not identify this data element as a national need. But it could be tracked in the evaluation comments.
1 Region & 1 state	06	63	29	Discontinue use of Implementor-defined Evaluation types. The PAA may not have gone far enough to control the confusion and inconsistencies caused by Implementor-defined codes. For example, this PAA proposes to let Implementors define FCI subtypes - which implementors could use as they now use Implementor-defined evaluation types. Implementors need to track certain non-national data related to national data in RCRAInfo - and will continue trying to do so in RCRAInfo. In fact, since WIN says shared information deserves to have its place preserved in RCRAInfo, as long as a Region/State pair declares that what they are tracking is shared CM&E data, then they should be allowed to continue to keep that info in RCRAInfo. The information is often Agency-specific To-Dos for a site, and both State and Region often want to share such info. There are trade-offs among the different places implementors put such data (State-only activities in the Handler module tie their info to a whole Source which can be superceded by a newer source; Evaluations tie their info to a date, agency, and person; Notes are tied to specific info and hard to search; Initiatives are tied to Evaluations but repeat and are easy to search, etc).

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				One solution may be to educate implementors about the Usage field in all RCRAInfo lookup tables, and to indicate a code's Usage when the code is displayed, especially when its Usage is set to '8', indicating that the code and its related data concern data that are 'implementor-defined, not nationally required, and not routinely-released' - i.e., only for internal use, lacking completeness in the data. Such data would never go out to the public. Internal reports and screens should flag codes with Usage = '8' to alert internal users that it is an Implementor-oddity. Perhaps the proposed Code-Review Committee could direct Implementors to set Usage = '8' for weird Implementor-defined codes and concentrate their efforts towards consistency on codes with other Usage. Shared CME data now in evaluation and enforcement tables should be kept as it is now (with Implementor-defined codes), with Usage = '8', unless the PAA finds a better place for it. This Region expects that, with its own locally-written scripts and with manual cleanup, all our evaluation types, except IRQ and IRR, can be converted into the proposed new structure. We see no way to convert IRQ/R ourselves, and ask that it be kept as is. **Team Response:** See PPI 27 for the appropriate controls to be placed on the use of implementer-defined codes. The Team did not identify site-specific "To-Dos" as either national or shared data. The Team does not concur with your recommendation on the usage code/field. See PPI 7 for recommendation on the conversion of information requests to the newly proposed format. It can be done!
State	06	63	33	SNN and SNY Evaluation Types - Again, as stated earlier in this response, we would like the linkage of violations to an SNY evaluation to remain optional, because there may be many individual violations from several different evaluations responsible for designating the facility a SNC.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: The Team has modified our recommendation on the linkage of SNY evaluations to the appropriate violations to optional.
1 Region & 1 state	06	63	33	Re-define SNN and SNY Evaluation Types - Again, as stated earlier in this response, this Region believes that the linkage of violations to an SNY evaluation should be optional. This Region will not generally link any violations to its SNY determinations since a facility can be placed in SNC status as a result of the preponderance of violations and not necessarily one individual violation itself. The Region is aware that our States would like to have this capability and identify individual violations as needed. **Team Response:** The Team has modified our recommendation on the linkage of SNY evaluations to the appropriate violations to optional.
State	06	64	04 - 06	This state suggests rewording the phrase to state "no longer a SNC" rather than just "not a SNC". The logic being that there are thousands of facilities that are not and never were SNCs. This would separate those facilities that went into the deep hole and returned from those that never got themselves in trouble in the first place. **Team Response:** Good suggestion. The Team has implemented the suggested re-wording.
State	06	64	09	The new SNN - Not a Significant Non-Complier (SNC) definition is good and will help avoid confusion about when to close an open SNC. **Team Response:** Thank you.
State	06	64	09-40	Make sure it is consistent with PPI #5 & PPI #16 **Team Response:** Of course!
HQ	06	64	18-40	Suggest having a flag only for a SNC. **Team Response:** The Team considered this option but we maintain that the SNY evaluation is the most accurate and appropriate means to designate a site as a SNC in RCRAInfo.
State	06	64	43	We disagree with requiring all violations be RTC before a SNN can be entered. We recommend this be optional. **Team Response:** The Team has modified our

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				recommendation to implement this suggestion. Thanks!
State	06	65	17 - 26	"However, when no violations exist, such letters can not be tracked in the enforcement module since there are no violations to link to them. Accordingly, if an implementer wishes to track such "no violation" letters, it must be done in the evaluation module as a notation in the Comment field." As you state on page 100, lines 11-21, it is very important that an evaluation without violations can be tracked as completely. Indicating 'no' violations is just as important to have in a database (that goes public) as the indication of violations and this eliminates any confusion that blanks leave (i.e., blank is usually no in databases). **Team Response:** This mechanism is already present in the "violation determined" field. (See PPI # 11 for further details.)
State	06	65	29	Evaluation Reason isn't used by this state. **Team Response:** Good for you.
HQ	06	65 66	30-47 2-46	Suggest using the values developed for the Enforcement and Data Standard Evaluation. The E&C Data Standards values are: Core program, Agency priority, and Selected Monitoring Action. Why are these not included here? **Team Response:** The Team believes that these E&C values are not specific enough for the RCRA program. Since we can map our evaluation types to the E&C standard's values, we are compliant with the standard.
State	06	65	36	Do not like the elimation of all evaluation reason codes. May be the one area where Implementer defined codes are important to many States. We use to track milestones & are uncertain if the new recommended commitment tracking will work to meet our needs as currently defined. **Team Response:** Evaluation reason codes will be replaced with the FCI focus areas so they're not really going to be eliminated; just coded differently. The Team believes the new mechanism to track commitments and initiatives will meet the implementers' needs. You did not give us any specific reason why it will not.
State	06	66	05	This change doesn't take into consideration full CEIs that also include a Follow-up (01) evaluation. These should be converted as CEIs with a second evaluation added as a FUI.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: You are correct; and they will be converted as such.
State	06	66	11	These should not be eliminated but converted as CDIs **Team Response:** No evaluations will be eliminated; just converted to the newly proposed framework.
State	06	66	24	Citizen compliants should be an inspection type, not a check off box. IF it's a check off box which eval type do you use it with? A complaint may turn out to be a CEI, but it may not, if the facility inspected does not turn out to be a RCRA handler. If it turns into a full fledged CEI another eval for that day should be entered. **Team Response:** The Team believes that complaint investigations are a valid reason to conduct an evaluation, but are not evaluations in and of themselves. Therefore, any evaluation type may have a check in the complaint checkbox.
State	06	66	38	The withdrawal code may still be applicable. In the past EPA has redefined waste codes or eliminated some that have caused a facility to no longer be regulated, i.e. phosphating. The code should remain. **Team Response:** The Team has referred this comment to the Permitting and Corrective Action PAA for consideration.
State	06	67	0	Eliminate Evaluation Coverage Areas. This is an excellent idea because this is an extra layer is duplicative information, due to any violations discovered, for instance during a compliance evaluation, the evaluation coverage areas are covered in the violation section. Regarding a site's regulatory status at the time of a compliance inspection, for instance, we add an "I" Source record to update the status of the generator verified by the inspection. **Team Response:** Thank you.
1 Region & 1 state	06	67	0	Eliminate Evaluation Coverage Areas says 'clarification of scope can be determined by referencing information concerning a site's regulatory universe.' This is not true before 9/2000 because history was not kept then. Post 9/2000, it is true. We ask that national software be developed that determines a site's universes in any date range since 9/2000 and that such software be published for Implementors to copy and use. In addition, we ask that:

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				- all RCRAInfo selection on universes allow users to specify the date range in which a site should be in the universe, - all selection on CME events allow users to specify whether universe selection applies at the time of the event or at the time of the retrieval, - all reports list current universes at the site level and historical universes (if different) at the time of reported events. - an attempt be made to develop software that determines a site's possible universes before 9/2000. - consideration be given to preserving universe-specific coverage areas in an archive table that merely indicates the universe, date, and agency for each evaluation that has such coverage areas. These would then be used when reporting universes for pre-9/2000 evaluations. Determining a site's regulatory activities at the time of each CME event may slow processing considerably. Since it is entered once usually, reported occasionally, and searched more than once a day, it may be efficient to insert a pointer from each evaluation, violation, and enforcement row to the Hhandler2 row in effect at the time of their determination. **Team Response:** The Team will pass this comment on to the HMA DESIGN TEAM for their consideration.
State	06	67	08	Eliminate Evaluation Coverage Areas. If these are used to track existing info, will a comment creation program be available to search for Evaluation Type and Evaluation Coverage Area combinations and add implementer comments/notes to the Evaluations? This state uses DGW Evaluation Coverage Areas for NRR Evaluation Types to indicate 'GW Annual Reports', and GAR Evaluation Coverage Areas for NRR Evaluation Types to indicate 'Annual Reports'. **Team Response:** First, evaluation coverage areas no longer exist. Second, GW Annual Reports and Annual Reports are not evaluation types. If you want to count the review of these documents as an evaluation type, then use NRR (and use the comment field for further clarification).
State	06	67	08-19	If you check the yes box that a violation was found during an evaluation, you have to indicate in the coverage areas

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				where the violation occurred. That is how RCRAInfo works now. By making the change in PPI #10 you will be duplicating efforts. The change suggested in PPI #10 is currently done in the coverage areas rather than the violation screen as proposed. Do not remove the coverage areas (See PPI # 10 Comments) **Team Response:** No, that is not how RCRAInfo works now. The coverage area where the violation occurred is on the evaluation screen and is optional. The use of evaluation coverage areas will be eliminated from RCRAInfo.
State	06	67 & 69	27 & 02	Add/Change 2 Responsible Agency Codes - We are not sure how smoothly this would work, may add more confusion than clarity. **Team Response:** The Team recognizes the potential for confusion and the need for clear training on the use of these codes.
HQ	06	68	03	Currently we count EPA oversight inspections for RECAP purposes; why wouldn't we want to give credit to states for conducting oversight? **Team Response:** States will get credit (just like EPA) under our recommendation.
HQ	06	68	10-34	Don't agree with the new code unless specific examples and a legal rationale is provided that enable States to conduct oversight of EPA activities. Delete "oversight" unless examples and legal authority are provided **Team Response:** States do conduct oversight on EPA. It's called partnership and the state needs to ensure proper conduction of EPA inspection activities within their authorized jurisdiction.
HQ	06	68	13-16	Don't know of any situation where the states conduct "oversight" of EPA activities? I suggest you eliminate the word "oversight" from the definition. **Team Response:** See previous comment.
HQ	06	68	21-34	1. Not sure if both EPA and state should get credit for a CEI in the example provided. Sounds like redundant counting of inspections. 2. Observations and training inspections should be **not** be coded as an FCI. Suggest coding these

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				inspections as another evaluation type. **Team Response:** 1) Both implementers will not get credit for a CEI in the example provided. One will get credit for a CEI; the other will get credit for an FCI. 2) The Team believes FCI is the appropriate evaluation type for these inspections.
State	06	68	37-42	Please move definition of X to appropriate spot on next page, under 2. **Team Response:** Done. Good eye!
State	06	70	0	You do not discuss Translator load changes and there will be many. **Team Response:** The HMA DESIGN TEAM will establish translator specs to address this issue. This comment will be passed on to them.
HQ	06	70	12-13	An EPA contractor is very different from an EPA grantee both legally and how they are employed by the Agency. Suggests creating a separate category for EPA Grantee (G). **Team Response:** The Team does not believe that creating a separate code for EPA grantee is necessary in a national database. However, the word "grantee" has been added to the contractor category.
State	06	72 - 88	0	Switch in acronyms may not be well accepted or universal, not to mention numerous code changes to historical data. **Team Response:** The Team recognizes this and urges implementers to adapt to the newly proposed framework in the interest of national consistency and clarification.
HQ	06	72	11	Delete CAV **Team Response:** The Team believes that compliance assistance is a vital part of an implementer's RCRA compliance efforts and, therefore, CAV is a national information need and should be tracked in RCRAInfo.
State	06	76	09	We understand the reason for combining and eliminating unnecessary, redundant or confusing codes but changing CAO to CAC seems to serve no real purpose. It would be less disruptive to those who have regularly used the codes to retain those that can be in the form they have existed. **Team Response:** The Team believes the coding change will

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				provide clarification to this evaluation type and that adjustment to the use of this code will be easy.
HQ	06	77	03	This definition should include a **time limit restriction**. It only should be counted as a follow-up if the inspection occurs within X number of weeks or months. Suggest 4 months as a starting point for discussion. **Team Response:** The Team does not concur with this suggestion. A follow-up inspection can occur anytime prior to the formal enforcement action that addresses the unresolved violations.
State	06	77	04	We understand the reason for combining and eliminating unnecessary, redundant or confusing codes but changing CME to GME seems to serve no real purpose. It would be less disruptive to those who have regularly used the codes to retain those that can be in the form they have existed. **Team Response:** The Team believes that GME is a more accurate and appropriate code and that adjustment to its use will be easy.
HQ	06	79	09	Need to include Subparts AA and BB? **Team Response:** No Subpart AA or BB evaluations were identified in our analysis of RCRAInfo evaluation data. However, these codes can be added at a later date if necessary (see PPI 27).
State	06	79	10	Define commercial facility. Is that a TSDF that accepts off-site waste? Or is it any industry related to commercial enterprises? What is this code trying to track? **Team Response:** The definition of commercial facility is outside the scope of the HMA PAA. However, the Team intended for this code to be used for sites covered under the EPA Off-Site Policy.
HQ	06	79	13	An EMR is not generally a RCRA activity. It is more closely related to Superfund, CWA 311 (SPCC), etc. **Team Response:** There are instances where an implementer will conduct a RCRA field activity associated with an emergency response incident (spill, release, etc.). These types of field activities are conducted within the purview of an implementers RCRA program and, therefore, represent a RCRA information need.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	06	79	16	This code definition should also include facilities that are found to be not regulated. **Team Response:** See PPI 27 for further discussion on sites that should be tracked in RCRAInfo.
HQ	06	84	09-14	Add "EPA Grantee" to include use of SEE employees or State employees operating under a grant to conduct inspections **Team Response:** The Team does not believe this level of clarification is necessary.
State	06	88	0	There are a lot of current reason codes that are not included in the cross walk – how will they be dealt with in the conversion? Again it is important that data not be lost. States could designate which codes these actions could best be converted to whether they are state or HQ codes. Two HQ codes in particular not included in the cross walk are 13 – Multimedia and 73 - Used Oil. **Team Response:** No data will be lost! See Appendix IX of National Review Report for recommendations on conversion of existing evaluations to newly proposed framework.
State	06	Tables		The tables are good for an at a glance up-date. However, the RCRIS DED did have definitions for all the codes and they were useful. I still use the DED for definitions. **Team Response:** RCRAInfo On-Line Help will contain definitions for codes and values proposed by the HMA PAA. The tables in the report that contained existing definitions of evaluation codes were taken from the RCRAInfo On-Line Help area.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	07	89	0	State does not see the need to track 3007 requests.
State	07	89	0	Can live with recommendation
States	07	89	0	**Absolutely can not live with recommendation** **BECAUSE:** It is not a good use of limited resources to track information requests through RCRAInfo. Information requests are not needed for regulatory decisions. **Team Response:** The Team identified this as an informational need which is currently entered inconsistently into RCRAInfo. EPA has had Congressional requests on the status of 3007's and the number of 3007's that were sent to facilities. This is an optional requirement.
State	07	89	0	Agree with recommendation
State	07	89	0	Agree with recommendation
State	07	89	0	Can live with recommendation
State	07	89	0	Can live with recommendation
State	07	89	0	Agree with recommendation
State	07	89	0	Agree with recommendation
State	07	89	0	Can live with recommendation
State	07	89	0	Agree with recommendation
State	07	89	0	Agree with recommendation
State	07	89	0	Can live with recommendation While we can live with this recommendation, we would also suggest that RCRA Info should not be band-aid fixed to gather and track information that is truly needed. If there is a need for the Tracking of Information Requests then a new table should be created that contains the required data elements. You should not be adding data elements to a table that is, at best, remotely similar. A request for information is clearly not an evaluation and should not be included in that table. **Team Response:** The Team identified this as an informational need which is currently entered inconsistently into RCRAInfo. This will add consistency.
State	07	89	0	**Absolutely can not live with recommendation**

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				BECAUSE: We will never use these fields because the case development staff are the inspectors. Do not make this a mandatory field as it will be a waste of time on my part to enter it. Plus our legal counsel has concerns regarding case development and disclosure. **Team Response:** This is an optional requirement The Team identified this as an informational need which is currently entered inconsistently into RCRAInfo.
State	07	89	0	Agree with recommendation
State	07	89	0	Can live with recommendation
HQ	07	89	0	Agree with recommendation
HQ	07	89	0	Agree with recommendation
State	07	89	0	Agree with recommendation
State	07	89	0	Adding the three fields will clarify the evaluation.
State	07	89	0	Agree with recommendation
State	07	89	0	**Absolutely can not live with recommendation** **BECAUSE:** This state has not experienced a need for this change. If this change was implemented, we would be required to change our translation software to accommodate changes to the flat file specifications. However, we would receive no benefits from these changes. **Team Response:** This is an optional requirement. The Team identified this as an informational need which is currently entered inconsistently into RCRAInfo. EPA has had Congressional requests on the status of 3007's and the number of 3007's that were sent to facilities.
State	07	89	0	Information requests are not inspections or enforcements. This is a prime example of trying to track too much! Why track a request? **Team Response:** This is an optional requirement. The Team identified this as an informational need which is currently entered inconsistently into RCRAInfo. EPA has had Congressional requests on the status of 3007's and the number of 3007's that were sent to facilities.
Region	07	89	0	**Absolutely can not live with recommendation** **BECAUSE:** Information Requests are separate and apart for

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				the inspection in many instances. This Region feels that 3007 Letters should be treated as an inspection type and be tracked separately from the inspection. We agree that there should be a date of request scheduled response data and actual response date. Clearly a violation could result from an information request and an enforcement action could also result – without a physical evaluation ever being conducted. **Team Response:** 3007's are not inspection in and of them selves. Any violations discovered from a 3007 and enforcement actions can be linked to a Non-financial record review, which will have a date in the "Date of Request" field indicating that a request was sent.
Region	07	89	0	I agree that it would be beneficial to be able to track (nationally) information requests. However, I would like to offer another option for consideration, and that is to only track the Date of Request (and not track the Scheduled Response Date and Date Response Received). Since most information request letters have a fairly short time for response, using the data system to track responses (for case management purposes) is not really efficient, and I don't see a compelling a reason to track this data nationally **Team Response:** The Team agrees that tracking a Scheduled Response Date is not necessary.
Region	07	89	0	Agree with recommendation
Region	07	89	0	Can live with recommendation
Region	07	89	0	Can live with recommendation
Region	07	89	0	We understand EPA Headquarters may require compilation of data on information requests at the national level. We would point out that tracking information requests in RCRAInfo is not a priority to regional enforcement managers because information request letters typically have short response times and are simple to track manually. Similarly, we generally do not have the need, as described in the "Program Need" section of PPI #7, for case developers to understand how information is gathered, since very often, the case developers are issuing the information requests. Given these circumstances and the fact that the recommendation would require extensive data input, using RCRAInfo to track requests and responses is not efficient,

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				effective, or necessary. To address a need that EPA Headquarters may have to collect this information, we would like to offer another option for consideration: Tracking only the Date of Request, not the Scheduled Response Date and Date Response Received. This might meet Headquarters' needs, while streamlining the data input necessary. **Team Response:** This is an optional requirement. The Team identified this as an informational need which is currently entered inconsistently into RCRAInfo. The Team agrees that tracking the Scheduled Response Date is not necessary.
Region	07	89	0	Agree with recommendation
Regions	07	89	0	We understand EPA Headquarters may require compilation of data on information requests at the national level. We would point out that tracking information requests in RCRAInfo is not a priority to regional enforcement managers because information request letters typically have short response times and are simple to track manually. Similarly, we generally do not have the need, as described in the "Program Need" section of PPI #7, for case developers to understand how information is gathered, since very often, the case developers are issuing the information requests. Given these circumstances and the fact that the recommendation would require extensive data input, several of the RCRA Enforcement Managers believe that using RCRAInfo to track requests and responses is not efficient, effective, or necessary. To address a need that EPA Headquarters may have to collect this information, we would like to offer another option for consideration: Tracking only the Date of Request, not the Scheduled Response Date and Date Response Received.. This might meet Headquarters' needs, while streamlining the data input necessary. We also note that one region, at least, favors tracking the Date of Request and the Date Response Received. **Team Response:** This is an optional requirement. The Team identified this as an informational need which is

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				currently entered inconsistently into RCRAInfo. The Team agrees that tracking the Scheduled Response Date is not necessary.
State	07	89	0	**Absolutely can not live with recommendation BECAUSE:** It is not a good use of limited resources to track information requests through RCRAInfo. Information requests are not needed for regulatory decisions. **Team Response:** This is an optional requirement. The Team identified this as an informational need which is currently entered inconsistently into RCRAInfo.
State	07	89	0	Can live with recommendation
State	07	89	0	Can live with recommendation
State	07	89	0	Agree with recommendation
State	07	89	0	Agree with recommendation
State	07	89	0	Can live with recommendation But we don't really understand the need for it.
State	07	89	32 - 46	The description provided is not clear enough as to exactly how this will work. If the Information request is made independent of an inspection the linking evaluation would be a NRR which would not take place until after the Information from the request is received. Precisely how will this data be entered so it can be tracked prior to an evaluation? **Team Response:** The Information Request fields would be entered first, with the evaluation fields blank. Once the Information Request was received, a Non-Financial Record Review evaluation (NRR) would be entered into the blank evaluation portion of the record.
State	07	89	32	We do not see the need to track information requests in RCRAInfo and would encourage it to be optional, not mandatory as the proposal envisions keying data for future evaluations that are not yet in the database (and so lack values for database keys like evaluation date). We foresee problems with nulls keyed into the database – and more updates would be required when the actual evaluation occurs. We do not want to release such information to the public.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: This has been changed to be an optional requirement.
1 Region & 1 state	07	89	32	We ask that this proposal (to associate multiple Information Requests/Receipts with a specific evaluation, rather than tracking them as now as evaluations of type IRQ/IRR) not be implemented. This proposal drops all existing IRQ/IRR data (see page 358) and requires new requests to be entered as part of an evaluation. We see no way to convert the existing IRQ/R data ourselves, and do not want to loose it. We have additional issues: - CME data must be presented simply and consistently because its many users are often new to RCRA CME or use it only sporadically. The current data/reporting structure, a chronological list of events, has served well, and we would like it continued. - The proposal envisions keying IRQ/IRR data for future evaluations that are not yet in the database (and so lack values for database keys like evaluation date). Nulls or dummy values in database keys will be problematic. And will be challenging to update when the evaluation occurs and should be keyed into RCRAInfo. Easier to avoid this. If you proceed with dummy/null values here, please consider our request at page 168 for system-generated database keys. - This change requires more work than the data are worth. Declare these data to be optional, nationally defined, not released to the public. **Team Response:** This is an optional requirement. The Team identified this as an informational need which is currently entered inconsistently into RCRAInfo.
State	07	89	34 - 42	This would seem to not be very necessary. We do not track when samples are submitted or results are received. This seems to be an effort to track something that just takes more time and is of little value. **Team Response:** This is an optional requirement. The Team identified this as an informational need which is currently entered inconsistently into RCRAInfo. EPA has had Congressional requests on the status of 3007's and the number of 3007's that were sent to facilities.
Region	07	89	35	We do not think that it may be necessary to include Scheduled Response Date as a mandatory field but it should

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				be available as an optional field. **Team Response:** The Team agrees that tracking a Scheduled Response Date is not necessary.
State	07	89	44 - 46	Many information requests are not linked to an evaluation. So, if these become orphans and orphans are not allowed in the database; why force them to fit into an evaluation type, just to keep the database "clean?" **Team Response:** This is an optional requirement. The Team identified this as an informational need which is currently entered inconsistently into RCRAInfo. At a minimum, a Non-Financial Record Review evaluation (NRR) would always take place when the agency receives the 3007. Therefore these records would not be orphans for very long.
State	07	89	all	This state does not currently have an equivalent statutory provision for information requests and therefore this issue does not affect this state. **Team Response:** Thank you.
Region	07	90	01-04	Is it possible to convert current RCRAInfo Requests for Info (102) entered in the Enforcement Portion of CM&E or code them so they will appear on new QA/QC reports? **Team Response:** This will be addressed by the DESIGN TEAM. However, this recommendation is only for new Information Requests issued after the implementation date of this recommendation.
State	07	90	32	This state's preferred recommendation for this PPI. **Team Response:** This is an optional requirement.
State	07	92	05	If implemented, the data entry screen should be designed to clearly differentiate these dates from the inspection date, so inspection dates aren't accidentally entered in these fields. **Team Response:** This will be addressed by the DESIGN TEAM.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	08	93	0	Can live with recommendation
States	08	93	0	Can live with recommendation This is a federal issue, not a states issue **Team Response:** Yes, this is a federal issue.
State	08	93	0	Can live with recommendation This has the look and feel of inspection report checklist that is too specific of information for a National Database. Implementors at the state level do not get the luxury of being talked though what it takes to complete the different types of inspections. Consistency on data entry information should limit collection of most of these data fields in RCRAInfo. This PPI could still be tracked as an ongoing commitment since it is just Y/N checkboxes and reduces the clutter of RCRAInfo. If the implementers have to live with no implementor-defined codes then HQ should also and see if they can track this commitment using the proposed structure of PPI#1. **Team Response:** The Team believes that there is a need for this information in the RCRAInfo database.
State	08	93	0	Can live with recommendation Not Applicable to a State agency
State	08	93	0	Can live with recommendation
State	08	93	0	Can live with recommendation
State	08	93	0	Can live with recommendation
State	08	93	0	Can live with recommendation
State	08	93	0	Agree with recommendation
State	08	93	0	**Absolutely can not live with recommendation BECAUSE:** The small universe of facilities and the fact that this is clearly not a RCRA requirement would indicate that this information should not be in the RCRA database. There is no reason to utilize RCRA time and money to revise and track non RCRA related information. **Team Response:** This PPI is a requirement under RCRA subtitle C.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	08	93	0	Can live with recommendation
State	08	93	0	N/A for participating States
State	08	93	0	Can live with recommendation
HQ	08	93	0	We reviewed PPI#8 on page 93 of the draft and approve of this most recent version and therefore, have no comment. Sorry this is late thank you for the opportunity to comment and most importantly for an opportunity to propose adding a RCRA Section 6002 to the data system.
HQ	08	93	0	Can live with recommendation but defer to Federal Facilities program for decision **Team Response:** FFEO is in agreement, see statement above.
HQ	08	93	0	Can live with recommendation
State	08	93	0	Agree with recommendation
State	08	93	0	Agree with recommendation
State	08	93 - 94	0	Adding the 6002 section would greatly benefit the monitoring process of Federal Facilities. **Team Response:** The Team is in agreement.
State	08	93	0	Agree with recommendation This appears to be an issue for EPA evaluations and would not require a change to current data systems. **Team Response:** The Team is in agreement.
Region	08	93	0	Can live with recommendation
Region	08	93	0	I'm not sure we have done enough of this type of work to evaluate how difficult it might be to implement this recommendation. However, it seems like a fairly burdensome change to the data system to accommodate a rather small universe of work that might be more effectively tracked in some other way. **Team Response:** The Team believes that there is a need for this information in RCRAInfo.
Region	08	93	0	**Absolutely can not live with recommendation BECAUSE:** We think the RCRAInfo database should be reserved for tracking RCRA Subtitle C activities. RCRA

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				program activities under other Subtitles should be tracked outside of RCRAInfo. **Team Response:** This PPI is required under subtitle C, please refer to the problem analysis for the PPI. RCRAInfo is the only national data base for subtitle C requirements.
Region	08	93	0	Can live with recommendation
Region	08	93	0	Agree with recommendation
Region	08	93	0	Region agrees with the Team's recommendations.
Region	08	93	0	Agree with recommendation
State	08	93	0	Can live with recommendation This is a federal issue, not a states issue **Team Response:** Yes, this is a federal issue.
State	08	93	0	Can live with recommendation
State	08	93	0	Can live with recommendation
State	08	93	0	Can live with recommendation
State	08	93	0	Can live with recommendation
Region	08	93	40	This Region believes that the 6002 Inspection type should be a **Team Response:** Could not respond, sentence incomplete.
Region	08	93	42	Should allow states to use data fields as some states also preform these inspections. **Team Response:** Only required of EPA and only will be available for EPA inspections.
State	08	93	all	This is a Federal issue and does not affect this state. **Team Response:** Yes, this is a federal issue.
State	08	95	22	"**Translator Load Changes:** No changes." If a Region decided to translate instead of direct data entry (such as 9 used to) wouldn't this require a change in the flat file specs? **Team Response:** Yes it would, if a region decides to be a translator.
	08 ~~07~~	93 ~~99~~	44	We would rather see these activities handled with an additional evaluation type, rather than in 3 additional data

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				fields that could end up sitting in an orphaned evaluation record. **Team Response:** This is an optional requirement. The Team identified this as the best solution to an informational need which is currently entered inconsistently.
HQ	08 ~~07~~	94	24-26	Document says: "but only for a very small portion of inspections which are conducted at federal facilities". Would these questions apply to any federal inspection conducted by either EPA or State? **Team Response:** No, only for ones conducted by EPA.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	09	96	0	Agree with recommendation
State	09	96	0	This state feels that this information is already available and recommends deleting this PPI. **Team Response:** Since most of the states agreed or can live with the recommendation, the Team still feels this feature will provide a useful compilation of the existing information and is worth the extra resources that will be needed. You can choose to or not to use the report.
State	09	96	0	Can live with recommendation
States	09	96	0	**Absolutely can not live with recommendation BECAUSE:** One state agrees with this recommendation, however, most states take the position that it is not a good use of limited resources to track Pre-Inspection Reports or Definitions of Waste through RCRAInfo. **Team Response:** This PPI is not suggesting the tracking of pre-inspection reports but the ability to run a report which can be used for pre-inspection preparation.
State	09	96	0	Can live with recommendation This is only as good as the maintenance of the web sites it is linked to.
State	09	96	0	Agree with recommendation
State	09	96	0	Agree with recommendation
State	09	96	0	Can live with recommendation
State	09	96	0	Can live with recommendation
State	09	96	0	Agree with recommendation
State	09	96	0	Can live with recommendation
State	09	96	0	Agree with recommendation
State	09	96	0	Can live with recommendation
State	09	96	0	Agree with recommendation
State	09	96	0	Agree with recommendation
State	09	96	0	Can live with recommendation
State	09	96	0	Agree with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	09	96	0	Agree with recommendation
State	09	96	0	Ron Gambill said a prepopulated "last submission" type of "facsimile" of the paper Site ID form report will be developed, i.e. a report filled in with the latest site ID form data from RCRAInfo that is formatted and looks like the site ID form. Inspectors could bring this on inspections and if necessary, the handler could update it. I was thinking it should be included in the report for HMA PAA PPI # 9 Pre-Inspection Report and Linkage to Definition of Waste. If you agree, please let Ron know. **Team Response:** The Team will pass this suggestion onto the DESIGN TEAM.
HQ	09	96	0	Agree with recommendation
State	09	96	0	Agree with recommendation A Pre-Inspection Report will be invaluable for inspectors. The currently available reports do not serve their needs well.
State	09	96	0	Agree with recommendation This will require considerable time for the report generating staff considering the large number of inspections conducted. Hopefully the interface will be user friendly enough that the inspectors can generate their own reports.
State	09	96	0	Agree with recommendation This does not appear to have any affect on current data systems.
Region	09	96	0	Can live with recommendation
Region	09	96	0	No comment
Region	09	96	0	Agree with recommendation
Region	09	96	0	Agree with recommendation
Region	09	96	0	Agree with recommendation
Region	09	96	0	This Region does not see the need for this type of report to be developed. The Region RCRA inspectors conduct thorough file reviews prior to conducting inspections. **Team Response:** The recommended function does not have

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				to be used but can be used to supplement current information.
Region	09	96	0	Agree with recommendation
State	09	96	0	Can live with recommendation
State	09	96	0	Agree with recommendation
State	09	96	0	Would there be additional data entry requirements for inspectors? **Team Response:** None
State	09	96	0	Can live with recommendation
State	09	96	0	Agree with recommendation
State	09	96	0	Agree with recommendation
State	09	96	0	Can live with recommendation
State	09	96	31	Excellent tool!
HQ	09	96	32-33	What do you mean by "each hazardous waste site"? Assume you mean LQGs and TSDFs only. You don't have this information on SQGs and CESQGs do you? **Team Response:** The Pre-Inspection Report would contain information on all facilities in RCRAInfo the Handler module., including SQGs and CESQGs
State	09	96	37 - 40	Why not biennial reporting data such as waste generated and managed on-site. If we aren't even going to use this data in our own reports to prepare for an inspection it causes you to ask the question, why we collect so many details if it is only used for an overall national report. **Team Response:** Thank you, we have added BRS data to the report.
State	09	96	42	"The Team also recommends that each pre-inspection report for each site contain the Definition of Solid Waste (DSW) web site url and the specific url site and descriptions for any other appropriate web url sites that provide guidance for making solid and hazardous waste determinations." Do that many State inspectors use 40 CFR without BIS or MST? Or is this mostly for EPA inspectors? You need to look at use and this may be addresses also by the survey Debbie has out

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				asking how much states use RCRAInfo. If it will not be used much this could be an expensive luxury. **Team Response:** The definition of solid waste determinations are applicable to all inspectors, whether EPA or State. Don't see how adding the url to the report will cost any money.
Region	09	96	42	This Region conducts a manifest review prior to inspecting a known RCRA C facility. If OSW will be creating a comprehensive facility report (CME, PMT, CA & Handler), then the States' Manifest Site URLs should be actively maintained as well. For example, one of our states has a web-based site for checking state Manifests: http://www.state.nj.us/dep/dshw/hwr/manifest.htm **Team Response:** Will note on the report that State manifest data may be available, please contact the specific State for information.
State	09	97	0	Despite needing to create a new program, the information will be beneficial.
HQ	09	97	06	Say more about resources. It appears to be resource-intensive to design and generate the report. It may be prohibitively expensive. Suggest providing a rough estimate of cost. **Team Response:** The cost to develop a report in Oracle is relatively inexpensive compared to the benefits**.**
State	09	98	38	If Company Name or Owner/Operator appear on a RCRAInfo report of CM&E data, then all Company Names and Owners/Operators at the site during the time period of the report should appear on the report. From past experience with pre-inspection reports, the reports were often retrieved, and not always accurate, given current generator status, for instance. Caution in using such reports should be made; and because of past incorrect retrievals such as "RCRIS Handler Reports" often were signed by the facility during recent inspection; however, when the inspector compared the RCRIS Handler Reports with the facility file, discrepancies between what was found in the facility's file and the "Report" were found; such discrepancies included incorrect generator status, etc. **Team Response:** The Team will make a suggestion to the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				DESIGN TEAM to include the date the current owner/operator assumed the responsibility of the facility.
1 Region & 1 state	09	98	38	If Company Name or Owner/Operator appear on a RCRAInfo report of CME data, then all Company Names and Owners/Operators at the site during the time period of the report should appear on the report. To do otherwise is libelous on FOIA reports and misleading on internal reports. If a version of the pre-inspection report were developed that could be given to the site, it would enhance communication with the site and provide a turn-around document for corrections to SI-type data. **Team Response:** The purpose of the report is to prepare the inspector. The Team will make a suggestion to the DESIGN TEAM to include the date the current owner/operator assumed the responsibility of the facility.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
States	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
HQ	10	100	0	Agree with recommendation
HQ	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation A tickler report that lists the "Undetermined" evaluations will be very helpful. **Team Response:** No response required.
State	10	100	0	Can live with recommendation
State	10	100	0	Agree with recommendation This state agrees with the recommendation to stay with the current way of designating Violations Found. **Team Response:** No response required.
Region	10	100	0	Agree with recommendation
Region	10	100	0	No comment.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	10	100	0	Agree with recommendation
Region	10	100	0	Agree with recommendation
Region	10	100	0	Can live with recommendation
Region	10	100	0	This Region agrees with the Team's recommendation.
Region	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
State	10	100	0	Agree with recommendation
HQ	10	100	11-13	General Comment – In April 2001 OECA finalized the Clean Air Act Compliance Monitoring Strategy (CMS). The CMS took about two years to develop with a workgroup of regions and states. One of the important policy decisions dealt with how to address violations in relation to compliance. Suggest the RCRA Program Managers review the CMS for ideas on how to address violations. **Team Response:** This comment was considered after the critical review time period and the Team felt that it was not applicable.
State	10	100	23	Considering the time lag between getting data into RCRAInfo and getting into a publicly accessible forum such as ECHO/OTIS, I think this argument is moot. **Team Response:** Most implementers have indicated a need for this PPI.
State	10	100	36	Your description of the actions is incorrect. Currently in RCRAInfo you select Yes for a violation. You are then directed to the coverage areas where you have to indicate in which coverage area there is a violation. Then you are directed to the violations screen. By removing the coverage areas you will have to change the data entry screens and structure.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Currently the proposed recommendation is already happening in the coverage areas screen. (See PPI #6 comments regarding coverage areas) **Team Response:** Your evaluation of current screen structure is incorrect. From the evaluation screen if you select yes there are violations, then continue, you are sent to the violations screen.
State	10	101	02	Should iterate here that the yes/no/undetermined will apply except for 'T' and "X" code for responsible agency since "no inspection report is generated from these activities nor is any direct enforcement response initiated." **Team Response:** No violations determined would be the appropriate response in these situations.
Region	10	101	06-08	This report can currently be run from the RCRArep menu. This and other new national reports proposed throughout this PAA should be developed to be pulled from the RCRArep menu. This will provide all users a single place from which to run the nationally developed reports they will be using. RCRArep is currently far ahead of the RCRAInfo reports menu in providing useful reports and could easily be enhanced to provide these new reports along with its existing reports. **Team Response:** This information will be sent to the DESIGN TEAM.
State	10	101	06-08	The QA/QC report for "undetermined" violations is definitely needed. **Team Response:** No response required.
State	10	102	0	The report will be helpful, however the current nine month lag time between RCRA Info and ECHO, Envirofacts, etc., gives the appearance of no determinations with old information. **Team Response:** There is only a one month lag in time between RCRAInfo and ECHO.
State	10	102	06	Need to add there will be changes for 'T' and 'X' as should have been discussed in PPI#6 and referenced here. **Team Response:** No violations determined should be used in the answer for 'T' and "X'.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	11	103	0	Agree with recommendation
State	11	103	0	Can live with recommendation
States	11	103	0	**Absolutely can not live with recommendation BECAUSE:** The ASTSWMO RCRA Enforcement Task Force/OECA Workgroup is currently working on this issue. **Team Response:** The Team has changed its recommendation to be consistent with ASTSWMO's, therefore the violation determination date should be no later than 150 days from the evaluation start date.
State	11	103	0	"The WIN/INFORMED Team believes it is critical to accurately record the specific date the implementing agency determines that a violation occurred during or, in some cases, even after the evaluation process. 1. The violation 'determined date' should be the actual date the implementing agency determines that a violation has occurred, based on having all appropriate information available for making that determination. This date must be on or after the evaluation start date and within 60 days of the evaluation end date." **Absolutely cannot live with this recommendation. See discussion below.** 2. "All observed violations must be entered in RCRAInfo, regardless of whether or not they were corrected on the same day they were observed." While State concurs that observed violations must be entered in RCRAInfo even when they are corrected on the same day. **cannot live with this recommendation as stated. See discussion below.** We see no need for a change here, and are not certain that there is really a problem with the violation "determined date." The discussion merely states that recording the specific date the implementing agency determines that a violation occurred during the evaluation process is "critical," without stating why. The "Program Need" statement calls for national consistency, which we support. However, the discussion of the issue states, "Each implementer should decide the most appropriate date to use as the violation determined date." How does this promote national consistency? As stated, the date each implementing agency

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				uses as the violation determination date must take into account the procedures used by that agency. What is not discussed in the analysis of this issue is the purpose of tracking the date violations are determined and the date of return to compliance. If the purpose of tracking violation determination and return to compliance dates is to ensure timely return to compliance by handlers, then the violation determination date should be the date the handler is notified of the violation. This would reflect how long it took the handler to return to compliance after being notified of the violation. If the handler was notified during or at the end of the onsite portion of the evaluation or inspection, that date should be used. If the handler is notified of a violation in writing after the onsite portion of an inspection or evaluation (or for records reviews, where there is no site visit), the date of that notification should be used. This state believes that ensuring a timely return to compliance by the handler should be the focus. If the purpose of tracking is to track how quickly the agency returns a handler to compliance, then two time frames are important. The first is how long it takes the implementing agency to notify the violator of the violation, and the second is how long it takes the handler to return to compliance after being notified of the violation. The first of these dates is already tracked, either through the date of the inspection report or the date of a Notice of Violation (action 120). The second is the actual RTC date, as discussed above. Depending on implementation, we can envision complicated scenarios resulting from the recommendation. For example, a site visit is conducted. During the site visit, violations are observed. This date would be tracked. Additional documentation (e.g., training records, waste analysis records and inspection records) is requested by the inspector, who begins reviewing these the following week. On Tuesday the inspector finds a violation in the training records. On Wednesday the inspector finds a violation in the waste analysis records. On Monday of the following week the inspector finds a violation in the inspection records. There

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				are now four separate dates to track for this one inspection. The report is finalized and sent to the handler. The handler responds with additional documentation. After review, the inspector finds another violation, triggering a fifth date to track. What is the value in tracking these five dates? For the second part of this issue, we agree that violations, including those corrected during the inspection, must be entered into RCRAInfo. This state currently does this. However, This state does not separately enter each violation that is observed during an inspection or record review. This state indicates if a violation is observed within a coverage area. There may be more than one violation within that coverage area. Therefore, this state does not record all violations within the data system and this state cannot support a requirement that all violations be entered into the data system. **Team Response:** The Team has changed its recommendation to: the violation determination date should be no later than 150 days from the evaluation start date. The current programmatic and policy is for ALL violations discovered in an evaluation to be listed. In your example, yes all 5 violations, with the actual dates discovered would be entered for that evaluation. The Team also believes that in order to provide an accurate picture of the compliance status and history of a site, all violations must be recorded in RCRAInfo.
State	11	103	0	Agree with recommendation See PPI#3 comments
State	11	103	0	Agree with recommendation
State	11	103	0	Can live with recommendation (same issues with ERP changes)
State	11	103	0	Can live with recommendation
State	11	103	0	Can live with recommendation
State	11	103	0	Agree with recommendation
State	11	103	0	Agree with recommendation
State	11	103	0	Can live with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	11	103	0	Can live with recommendation
State	11	103	0	Agree with recommendation
State	11	103	0	Agree with recommendation
State	11	103	0	Agree with recommendation
State	11	103	0	Can live with recommendation
HQ	11	103	0	Can live with recommendation but defer to ORE
HQ	11	103	0	**Absolutely can not live with recommendation BECAUSE:** The first part of this recommendation deals with capturing the violation determination date, and is heavily dependent on PPI #3 (Day Zero Definition). We disagree with PPI #3 and, therefore, disagree with the Team's belief that is it critical to accurately record the specific date the agency determined that a violation occurred. To require the establishment of a violation determination date, given some of the other constraints (such as, it must be within 60 days of the evaluation end date) seems to be of limited value in consideration of the burden involved. We agree that all observed violations must be entered into RCRAInfo, regardless of whether or not they were corrected on the same day they were observed. **Team Response:** The Team has decided that the violation determination date should be no later than 150 days from the evaluation start date. PPI # 3 no longer includes an evaluation end date.
State	11	103	0	Can live with recommendation While we agree that all observed violations must be entered, there may be a need to enter more evaluations than before because of waiting on sample results. Not being able to enter information until after the evaluation end date is a limiting factor. We may have difficulty getting the information data entry staff need from the inspectors. **Team Response:** The Team has decided that the violation determination date should be no later than 150 days from the evaluation start date. PPI # 3 no longer includes an evaluation end date.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	11	103	0	Consistency in violation determined date is needed. **Team Response:** We agree.
State	11	103	0	Agree with recommendation
State	11	103	0	**Absolutely can not live with recommendation BECAUSE**: This State uses the evaluation date as the violation determination date. We have not experienced a need for a determination date later than the inspection date. **Team Response:** And you will be able to continue using the evaluation date.
State	11	103	0	Under this scenario, a facility may not know it is in violation until half a year has passed. Too long! **Team Response:** The Team has decided that the violation determination date should be no later than 150 days from the evaluation start date. PPI # 3 no longer includes an evaluation end date.
Region	11	103	0	Can live with recommendation
Region	11	103	0	The first part of this recommendation deals with capturing the violation determination date, and is heavily dependent on PPI #3 (Day Zero Definition). We disagree with the Team's belief that is it critical to accurately record the specific date the agency determined that a violation occurred. We're not even sure that in many cases we could pinpoint the date that such a determination was made; the process of determining violations can be somewhat fluid, requiring both legal and technical analysis. In a strictly legal sense, no formal determination is made by EPA until an enforcement action is signed/filed by the agency official duly delegated to bring and action and make the violation determination. To require the establishment of a violation determination date, given some of the other constraints (such as, it must be within 60 days of the evaluation end date) seems to be of limited value in consideration of the burden involved. We agree that all observed violations must be entered into RCRAInfo, regardless of whether or not they were corrected on the same day they were observed. **Team Response:** The Team has decided that the violation determination date should be no later than 150 days from the evaluation start date. PPI # 3 no longer includes an

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				evaluation end date.
Region	11	103	0	Agree with recommendation
Region	11	103	0	Can live with recommendation
Region	11	103	0	The first part of this recommendation deals with capturing the violation determination date, and is heavily dependent on PPI #3 (Day Zero Definition). We disagree with the Team's belief that is it critical to accurately record the specific date the agency determined that a violation occurred. *This Region uses this field to record when a determination is made to expend resources to pursue an enforcement action.* We're not even sure that in many cases we could pinpoint the date that a violation determination was made; the process of determining violations can be somewhat fluid, requiring both legal and technical analysis. In a strictly legal sense, no formal determination is made by EPA until an enforcement action is signed/filed by the agency official duly delegated to bring an action and make the violation determination. To require the establishment of a violation determination date, given some of the other constraints (such as, it must be within 60 days of the evaluation end date) seems to be of limited value in consideration of the burden involved. We agree that all observed violations must be entered into RCRAInfo, regardless of whether or not they were corrected on the same day they were observed. **Team Response:** The Team has decided that the violation determination date should be no later than 150 days from the evaluation start date. PPI # 3 no longer includes an evaluation end date.
Region	11	103	0	Can live with recommendation
Region	11	103	0	The first part of this recommendation deals with capturing the violation determination date, and is heavily dependent on PPI #3 (Day Zero Definition). We disagree with the Team's belief that is it critical to accurately record the specific date the agency determined that a violation occurred. We're not even sure that in many cases we could pinpoint the date that such a determination was made; the process of determining violations can be somewhat fluid, requiring both legal and technical analysis. In a strictly legal sense, no formal

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				determination is made by EPA until an enforcement action is signed/filed by the agency official duly delegated to bring an action and make the violation determination. To require the establishment of a violation determination date, given some of the other constraints (such as, it must be within 60 days of the evaluation end date) seems to be of limited value in consideration of the burden involved. We agree that all observed violations must be entered into RCRAInfo, regardless of whether or not they were corrected on the same day they were observed. **Team Response:** The Team has decided that the violation determination date should be no later than 150 days from the evaluation start date. PPI # 3 no longer includes an evaluation end date.
Region	11	103	0	Agree with recommendation
Regions	11	103	0	The first part of this recommendation deals with capturing the violation determination date, and is heavily dependent on PPI #3 (Day Zero Definition). We disagree with the Team's belief that is it critical to accurately record the specific date the agency determined that a violation occurred. We're not even sure that in many cases we could pinpoint the date that such a determination was made; the process of determining violations can be somewhat fluid, requiring both legal and technical analysis. In a strictly legal sense, no formal determination is made by EPA until an enforcement action is signed/filed by the agency official duly delegated to bring an action and make the violation determination. To require the establishment of a violation determination date, given some of the other constraints (such as, it must be within 60 days of the evaluation end date) seems to be of limited value in consideration of the burden involved. We agree that all observed violations must be entered into RCRAInfo, regardless of whether or not they were corrected on the same day they were observed. **Team Response:** The Team has decided that the violation determination date should be no later than 150 days from the evaluation start date. PPI # 3 no longer includes an evaluation end date.

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State	11	103	0	Can live with recommendation
State	11	103	0	Can live with recommendation
State	11	103	0	Agree with recommendation
State	11	103	0	**Absolutely can not live with recommendation BECAUSE:** It is a waste of time for inspectors entering violations into CM&E to enter the exact date each one was determined. The information is in inspection reports if it is needed, but we couldn't think of many instances when the exact date that a violation was "determined" would be imperative. If the recommendation under PPI #3 is implemented, we would rather have the option of entering the evaluation end date rather than the exact date that each violation was "determined". The exception would be for violations that are corrected on the same day as the inspection – these should be entered as determined on the same day that they were actually observed by the inspector. **Team Response:** The Team has decided that the violation determination date should be no later than 150 days from the evaluation start date. PPI # 3 no longer includes an evaluation end date.
State	11	103	0	Can live with recommendation
State	11	103	0	Agree with recommendation
State	11	103	06 - 14	Yes, there is inconsistency and probably always will be because each Region and each State may do things in a different manner. An inspector may see something at the facility that appears to be a violation. The violation may be corrected at the time of inspection. The inspector's findings may go in a report and be sent to an enforcement group (EG). The EG may determine which violations are valid, which are still current, which are worth enforcing, and which are not. There may be disagreement between the inspector and the EG. Often times, the DOJ or AG's Office plays a role in violation selection. Violations may be cited from two sets of regulations (i.e., State regs and Federal regs; RCRA and Water Quality). There is no need to have multiple sources of data entry for violations (i.e., inspector vs. EG). The only way to maintain consistency of violations and dates are to have one authority (i.e., the EG) be the determining entity and the date of the violation is the date of the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				inspection. The violation did not occur days later, after the inspection. The violation occurred at the date of inspection or was observed at that date. Determining the violation is a process and measuring that process is of little value. **Team Response:** You can continue using the evaluation date.
State	11	103 & 104	42 - 47 & 01 - 12	Again, all we are measuring is the process, not the dates that are important. The dates that are important are the date the violation occurred, whether it occurred at the date of inspection (i.e., drum unlabeled) or days/weeks/months/years earlier (i.e., manifest or LDR violations of previous loads of waste). This is important in the finding of facts to base the enforcement case and for per day penalties. The other important date is the date the agency knew or reasonably should have known of the violation. That date will usually be established as the date of the inspection, unless an attorney can argue that the violation determination process is the actual date of reasonable knowledge. This has to do with the statute of limitations for enforcement. **Team Response:** Thank you.
State	11	103	42-43	See comments under PPI #3. **Team Response:** The Team has decided that the violation determination date should be no later than 150 days from the evaluation start date. PPI # 3 no longer includes an evaluation end date.
HQ	11	104	14-15	This is OK as long as you are comfortable with inconsistencies on data entry **Team Response:** There will be training.
HQ	11	104	26-41	**This is a major change:** RCRA Enforcement Managers need to discuss, commit to, and inform and train inspectors on how to do it. Managers will need to determine how inspectors will: 1. Obtain and take specific training on how to access the unresolved violations listed in RCRAInfo 2. Conduct better pre-planning of inspections. 3. Spend more time on-site specifically looking at these violations to determine whether they are in compliance or not.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Where do resources come from to implement this change? **Team Response:** Everyone who enters data into RCRAInfo will be trained. The State and Regional Inspectors are already supposed to be doing 2 and 3.
State	11	104	31	Typo – you have entered , showing **Team Response:** Thank you, this correction has be made.
HQ	11	104	34-41	This PPI is similar to one of the questions on the Inspection Conclusion Data Sheet EPA is currently requiring the ICDS be completed for some inspection programs namely CAA-Stationary Sources and Mobile Sources, CWA-NPDES, TSCA Lead Based Paint, and Good Laboratory Practices. The three ICDS questions are included in ICIS Phase I. What is the relationship of ICIS to RCRA Info? **Team Response:** Eventually, RCRA data will be incorporated into ICIS but that is a long way off. RCRAInfo is scheduled to be the last data system to be incorporated into ICIS.
State	11	105	16-36	This recommendation mirrors the recommendation in PPI # 3, Day Zero Definition. Although we could live with the timeframes included in this recommendation for violation determination, we strongly recommend that a State/EPA workgroup be set up to resolve the issues that exist regarding timeframes in the ERP before going forward with these recommendations. **Team Response**: The HMA PAA Team, the ERP workgroup, and ASTSWMO are working together to accomplish this.
State	11	106	05	Additionally, recording all violations will more accurately show trends in areas the site has problems with compliance, even if minor. **Team Response:** Thank you.
State	11	106	09	I agree that recording insignificant violations are burdensome. **Team Response:** The Team believes that in order to provide an accurate picture of the compliance status and history of a site, all violations must be recorded in RCRAInfo.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
HQ	11	106	29-30	This exact problem is occurring with implementation of the CAA Compliance Monitoring Strategy. There is a real reluctance/refusal by the Regions and States to enter this type of data. You will need to get buy-in from senior Regional (Division Directors) and State officials (ECOS Commissioners) for this type of reporting. **Team Response:** Correct, that is what the WIN/INFORMED process assures - buy-in from all aspects of the program.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	12	108	0	Agree with recommendation
State	12	108	0	Can live with recommendation
States	12	108	0	**Absolutely can not live with recommendation BECAUSE:** States and EPA already spend resources compiling this data in other areas of RCRAInfo. We do not see a need to spend additional resources gathering waste code specific information. **Team Response:** This PPI does not ask or require additional data collection and entry by implementing agencies.
State	12	108	0	Can live with recommendation Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. **None.**
State	12	108	0	Can live with recommendation There is no benefit to the State and only adds extra burden because of the potential to be required to enter additional information into RCRAInfo. **Team Response:** This PPI does not ask or require additional data collection and entry by implementing agencies.
State	12	108	0	Agree with recommendation
State	12	108	0	Can live with recommendation
State	12	108	0	Can live with recommendation
State	12	108	0	Can live with recommendation
State	12	108	0	Can live with recommendation Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. **UNKNOWN** **Team Response:** Thank you.
State	12	108	0	Can live with recommendation
State	12	108	0	Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. **None – have our own state**

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				warehouse. **Team Response:** Thank you.
State	12	108	0	Agree with recommendation
State	12	108	0	Can live with recommendation Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. EPA's 1-6 reasons seem appropriate to states as well **Team Response:** Thank you.
State	12	108	0	**Questions to State reviewers:** Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. No needs or issues. Any information we have on federal facilities is more current and up-to-date than ICIS. **Team Response:** Thank you.
State	12	108	0	Agree with recommendation
State	12	108	0	Can live with recommendation Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. It would be good to view EPA enforcements for this State facilities. **Team Response:** Thank you.
HQ	12	108	0	Agree with recommendation
HQ	12	108	0	Agree with recommendation
State	12	108	0	Agree with recommendation Questions to State reviewers: Identify any program needs/uses for this RCRA site

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				compliance history information currently stored in ICIS for federal enforcement action. **Cannot identify any needs.** **Team Response:** Thank you.
State	12	108	0	**Absolutely can not live with recommendation BECAUSE:** The ICIS program apparently has no impact on this state since no one has asked any questions regarding it and it is not used by enforcement in this state. Expanding RCRA Info for another lacking program would be of no use. **Team Response:** Certain of the RCRAInfo data users do have a need for this information. Also, this recommendation does not ask or require additional data collection and entry by implementing agencies. Since most of the states agreed or can live with the recommendation, the Team still believes this recommendation will provide a useful compilation of the available information and is worth the extra resources that will be needed.
State	12	108	0	Can live with recommendation This change will have no value to this State
HQ	12	108	0	supports this recommendation.
State	12	108	0	Can be valuable tool to target waste minimization needs for meeting gpra requirements. **Team Response:** Thank you.
Region	12	108	0	Agree with recommendation
Region	12	108	0	This proposal seems to involve a great deal of effort for relatively little benefit. Not withstanding the fact that EPA already has access to the data in ICIS (this proposal seems to allow for easier data management, but not access to data not already available), the relatively small percentage of the RCRA universe against whom EPA takes enforcement action means that the data available for analysis would be extremely limited, and not enormously beneficial in assessing how well the broader RCRA program is meeting its environmental and human health protection goals. **Team Response:** Some of the RCRAInfo user community identified program needs for this recommendation, along with examples of how this information has been used, along

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				with expanding future needs. Agree that this recommendation will result in some burden increase in programming efforts for the RCRAInfo and ICIS systems. Since most of the states agreed or can live with the recommendation, the Team still believes this recommendation will provide a useful compilation of the available information and is worth the extra resources that will be needed.
Region	12	108	0	Agree with recommendation
Region	12	108	0	Can live with recommendation
Region	12	108	0	This proposal seems to involve a great deal of effort for relatively little benefit. Not withstanding the fact that EPA already has access to the data in ICIS (this proposal seems to allow for easier data management, but not access to data not already available), the relatively small percentage of the RCRA universe against whom EPA takes enforcement action means that the data available for analysis would be extremely limited, and not enormously beneficial in assessing how well the broader RCRA program is meeting its environmental and human health protection goals. **Team Response:** Some of the RCRAInfo user community identified program needs for this recommendation, along with examples of how this information has been used, along with expanding future needs. Agree that this recommendation will result in some burden increase in programming efforts for the RCRAInfo and ICIS systems. Since most of the states agreed or can live with the recommendation, the Team still believes this recommendation will provide a useful compilation of the available information and is worth the extra resources that will be needed.
Region	12	108	0	Can live with recommendation
Region	12	108	0	This proposal seems to involve a great deal of effort for relatively little benefit. Not withstanding the fact that EPA already has access to the data in ICIS (this proposal seems to allow for easier data management, but not access to data not already available), the relatively small percentage of the RCRA universe against whom EPA takes enforcement action means that the data available for analysis would be

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				extremely limited, and not enormously beneficial in assessing how well the broader RCRA program is meeting its environmental and human health protection goals. **Team Response:** Some of the RCRAInfo user community identified program needs for this recommendation, along with examples of how this information has been used, along with expanding future needs. Agree that this recommendation will result in some burden increase in programming efforts for the RCRAInfo and ICIS systems. Since most of the states agreed or can live with the recommendation, the Team still believes this recommendation will provide a useful compilation of the available information and is worth the extra resources that will be needed.
Region	12	108	0	Agree with recommendation
Regions & two specific regions	12	108	0	This proposal seems to involve a great deal of effort for relatively little benefit. Not withstanding the fact that EPA already has access to the data in ICIS (this proposal seems to allow for easier data management, but not access to data not already available), the relatively small percentage of the RCRA universe against whom EPA takes enforcement action means that the data available for analysis would be extremely limited, and not enormously beneficial in assessing how well the broader RCRA program is meeting its environmental and human health protection goals. **Team Response:** Some of the RCRAInfo user community identified program needs for this recommendation, along with examples of how this information has been used, along with expanding future needs. Agree that this recommendation will result in some burden increase in programming efforts for the RCRAInfo and ICIS systems. Since most of the states agreed or can live with the recommendation, the Team still believes this recommendation will provide a useful compilation of the available information and is worth the extra resources that will be needed.
State	12	108	0	**Absolutely can not live with recommendation BECAUSE:** States and EPA already spend resources compiling this data in other areas of RCRAInfo. State does not see a need to spend additional resources gathering waste

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				code specific information. **Team Response:** This PPI does not ask or require additional data collection and entry by implementing agencies.
State	12	108	0	**Absolutely can not live with recommendation BECAUSE:** The case conclusion data that EPA and some States already spend resources preparing should be sufficient to fulfill this need, along with TRI data, and other data maintained in different components of RCRA Info. There is no need to require additional resources to gather waste code specific information. This is worrisome because if it is considered a success at the Federal level it will only be a matter of time before States are asked to do the same. In addition, this appears to be an incredible amount of work for very little additional benefit. **Team Response:** This PPI does not ask or require additional data collection and entry by implementing agencies, and before that could happen a new national discussion and decision would have to occur.
State	12	108	0	**Absolutely can not live with recommendation BECAUSE:** Benefit may not match effort. May be difficult to link all violations to waste code. Suggest a more global approach such as putting a field in for industry type. **Team Response:** This PPI does not ask or require additional data collection and entry by implementing agencies.
State	12	108	0	Can live with recommendation
State	12	108	0	Can live with recommendation
State	12	108	0	Can live with recommendation
HQ	12	108	2	Support the program need for this recommendation, along with the recommendation on page 110. An interface is needed to allow users access to non-restricted EPA Case Conclusion data/information, such as: statute/section violated, site information, and quantitative environmental impacts currently collected and tracked by OECA in the ICIS database for federal enforcement. The interface would allow an implementor access to waste code, violation, and compliance information in a clear and concise manner by case or facility identifier. This information would be made available to implementors in a nationally consistent manner.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: Thank you
State	12	108	23	Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. **I am not aware that this state uses ICIS.** **Team Response:** Thank you.
Region	12	108	23	Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. Compliance assistance provided to the facility SIC Code (ICIS provides for both NAICS and SIC codes) Case summary notes **Team Response:** Thank you.
State	12	108	23	Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. **None.** **Team Response:** Thank you.
State	12	108	23	Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. State has a waste reduction goal similar to the EPA goal found on page 110, lines 11 and 12. State is working on a project titled "Beyond Waste" focusing on sustainability principles. State is also tracking waste generation trends by industry sector, using NAICS codes in part. **Team Response:** Thank you.
State	12	108	23	Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. Perhaps it could be used for planning & targeting of inspections & technical assistance, but we don't have any

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				specific needs for this type of data at this time. **Team Response:** Thank you.
HQ	12	108	25-33	The recently finalized national policy on the Role of the EPA Inspector in Providing Compliance Assistance During Inspections does not allow EPA inspectors to provide "technical assistance" during compliance inspections. **Team Response:** Thank you, we have clarified it as compliance assistance.
State	12	109	43	"RCRAInfo contains waste code information at the site and unit level." It is at the site level and would be too difficult to collect, way too time consuming to maintain, and isn't necessary at the unit level. **Team Response:** This PPI does not ask or require additional data collection and entry by implementing agencies. This data is optional and will remain so.
Region	12	109	43	Not true. There is no waste code information in the RCRAInfo permit module, or any other module, at the unit group level. **Team Response:** You are correct.
State	12	110	38 - 44	How would potential discrepancies be resolved? What documentation does EPA use to add waste code information into ICIS? **Team Response:** Discrepancies with other sources of this information, would be handled on a case-by-case basis, by the individual program office.
State	12	110	39	Thank you for clarifying that this PPI does not ask or require additional data collection and entry by implementing agencies.
State	12 ~~26~~	108 ~~225~~	24	Agree with recommendation Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement action. **Cannot identify any.** **Team Response:** Thank you.
State	12 ~~26~~	108 ~~225~~	24	Questions to State reviewers: Identify any program needs/uses for this RCRA site compliance history information currently stored in ICIS for federal enforcement

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				action. **ICIS is apparently not used by this state.** **Team Response:** Thank you.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	13	113	0	Agree with recommendation
State	13	113	0	Because some states have requirements above and beyond the federal, State wants to assure that the federal citations are not a required field. **Team Response:** The rule citations have been changed to Optional.
State	13	113	0	Agree with recommendation
States	13	113	0	Agree with recommendation
State	13	113	0	The WIN/INFORMED Team recommended that RCRAInfo be modified to allow the storage of multiple code citations for each violation. State **absolutely cannot live with this recommendation.** Implementation of this proposed change to RCRAInfo would require significant design changes to RCRAInfo. For State, Territorial, or Tribal agencies that provide data through a translation program, the translator programs would have to be modified to accommodate this change. Data entry screens would have to be modified. State, Territorial, or Tribal data systems would have to be modified to provide this level of detail. Since this citation data was not a mandatory data field, State has never provided the level of detail required to support this data element. State does not collect this data currently in our data system. State only collects the data on the coverage areas that were provided for in the RCRIS data system. When State submits data to U.S. EPA, Region 9, that data is converted to show a citation that corresponds to the coverage area cited. In fact, State's data does not actually report the number of violations that were detected. When an inspector enters a violation area in the data system, at least one violation in that coverage area has occurred. However, each area of violation can have multiple violations associated with it. Even if State were to enter citation level information into the data system, it would not correspond to federal regulations. State inspectors would cite State regulations and statutes rather than federal regulations.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				In order for State to actually provide this level of detailed data, State's data system would have to be modified to allow the recordation of the actual regulation or statute cited. This modification represents a significant capital expenditure to modify a recently developed data system. In addition to the above issues, there would be a significant data entry load on the part any program implementing these changes. The individual inspector would then have to record the sections of regulations or statutes that were violated as determined during the inspection. During the process of negotiating a settlement of an order issued against a facility, program staff frequently determines that a specific violation that was cited is not an appropriate citation. This can occur as we receive additional information from the facility that a cited violation did not happen or a determination can be made that we do not choose to fight a disputed allegation of violation when we have another violation that is indisputable. In order for State, Territorial, or Tribal jurisdictions to accurately reflect the violations detected and to be given credit for addressing all violations that were detected, those changes in violations would then have to be recorded in the system. The inspector or data entry personnel would be required to go back into the data system to modify this information at each step of the process to ensure that we accurately reflect the violations in our data system. **Team Response:** The requirement for this data has been changed to Optional. Previously certain rule citations were mandatory, but, the Team has decided to make this completely optional, therefore it should have no impact on State.
State	13	113	0	Agree with recommendation
State	13	113	0	Agree with recommendation The ability to enter multiple citations for a given violation will be useful. However, to be truly useful, users need the ability to conduct searches based on reg citations as well. States currently enter regulatory citations when entering violation data into RCRAInfo. However, there is presently no capability to conduct searches by reg citation. For

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				example, say you wanted to see a list of all the generators that were cited for failing to label their hazardous waste containers in accordance with 262.34(a)(3). The reg citation is there but you can't search the database by citation to retrieve that information. The closest you can get is by searching on the coverage area GPT. You could further refine your search if you were able to search on the specific reg citation. While no new reports are being planned as a result of this PPI it would be useful to the States if a reg citation search feature could be added to the current CM&E report programs. **Team Response:** A report has been added to the recommendation to allow for a search based upon citation.
State	13	113	0	Agree with recommendation
State	13	113	0	Agree with recommendation
State	13	113	0	Can live with recommendation
State	13	113	0	I've always entered as many of the same violation type (GPT, GGR, etc) as needed and put the appropriate citation in each. It seems like less of a hassle than making database changes and accomplishes the same purpose. **Team Response:** The Team decided that the field was too limited and did not produce reliable query results, therefore the decision remains to allow multiple citations to be entered. Additional features were added based upon National Review comments that should make this data entry more user friendly and will allow you to more accurately enter the "true" number of violations listing all the citations for them.
State	13	113	0	Agree with recommendation
State	13	113	0	Can live with recommendation
State	13	113	0	Agree with recommendation
State	13	113	0	**Absolutely can not live with recommendation BECAUSE:** You state on page 115, line 4 "The use of these fields are Mandatory." [note: should be . . use of these fields is . . but we still disagree] **Team Response:** The recommendation has been changed to make this optional.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	13	113	0	Being this specific on violation citations can also cause problems with regulation changes that modify an existing regulation, modify the citation, or even move the whole citation to a new Part. Over time the precise regulation cited becomes obscure without referring to old copies of regulations. **Team Response:** The Team recognizes this is an issue, however, rule citations should reflect the current rule at the time the violation is discovered, so, it should not be a significant issue, since no data is required to be changed once initially entered.
State	13	113	0	Agree with recommendation
State	13	113	0	Can live with recommendation
State	13	113	0	Can live with recommendation
State	13	113	0	Agree with recommendation
State	13	113	0	Agree with recommendation Can state regulations/statutes be entered with a state drop-down list? State would happily create our own lookup table for State regulations/statutes. We feel enough time would be saved not having to type state regulations/statutes in every time that entry of BOTH state and federal citations could be entered. This would improve data entry efficiency and data accuracy, as well as make data entry easier. **Team Response:** Thank you for the recommendation. We have modified the recommendation to allow an option for States to use lookup tables as well. We have also recommended a crosswalk between the State/Federal citations as well as a crosswalk with the Violation Coverage Areas so that the data entry can be as automated as possible.
HQ	13	113	0	Agree with recommendation
State	13	113	0	State has noted that the pull-downs in the CM&E module are only memnonic for the first character in the label. For example, if the code to be entered is DTR, the user types D, sees the first D code row highlighted, and then has to use the arrow key or mouse to select DTR further down the list. If the user was able to type additional characters to more quickly zero in on the selection, it would speed up data

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				entry. Having a look-up table for regulations will be not faster than direct entry unless the user can type more of the characters; most of State's regulations start out with the same four digits. Can this be discussed with Lori Furr during the Design phase? **Team Response:** The Team has included a recommendation to allow the user to search for the correct rule citation by the numeric rule number in order to allow quick access to the rule.
State	13	113	0	Agree with recommendation
State	13	113	0	**Absolutely can not live with recommendation BECAUSE:** I am under the impression that this is an optional field. I oppose any changes that give it the appearance of being a required field. **Team Response:** The requirement for this data has been changed to Optional. Previously certain rule citations were mandatory, but, the Team has decided to make this completely optional.
State	13	113	0	I do not believe splitting the regulatory citing on a singular violation would be of any use. Additionally, changes would have to be made to RCRA Info and conversion of existing data. **Team Response:** The Team decided that the field was too limited and did not produce reliable query results, therefore the decision remains to allow multiple citations to be entered. Additional features were added based upon National Review comments that should make this data entry more user friendly. In addition, the requirement has been changed to optional, so, implementers can choose to not enter the data and therefore would not be impacted.
State	13	113	0	**Absolutely can not live with recommendation BECAUSE:** This would require the addition of a new RCRAInfo table as well as a new flat file for the translation. In order to accommodate this change we would need to modify data collection system and our translation software. **Team Response:** The Team decided that the field was too limited and did not produce reliable query results, therefore the decision remains to allow multiple citations to be entered. This requirement has been changed to optional, so,

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				implementers can choose to not enter the data and therefore would not be impacted.
Region	13	113	0	Can live with recommendation
Region	13	113	0	No comment
Region	13	113	0	Agree with recommendation
Region	13	113	0	Can live with recommendation
Region	13	113	0	Agree with recommendation
Region	13	113	0	Region agrees with the Team's recommendation.
Region	13	113	0	Agree with recommendation
State	13	113	0	Agree with recommendation
State	13	113	0	Agree with recommendation
State	13	113	0	Agree with recommendation
State	13	113	0	Agree with recommendation
State	13	113	0	**Absolutely can not live with recommendation BECAUSE:** State appreciates the need for this ability. However, creation of one-to-many relationships in RCRAInfo will greatly increase the programming requirements for state systems that translate data to RCRAInfo. The increased cost and programming may prohibit creating, updating, or maintaining state systems for CM&E data translation **Team Response:** The Team decided that the field was too limited and did not produce reliable query results, therefore the decision remains to allow multiple citations to be entered. This requirement has been changed to optional, so, implementers can choose to not enter the data and therefore would not be impacted.
State	13	113	0	State recognizes the need for this ability, but would like EPA to acknowledge that this will probably cause significant re-programming for states that are translating data. Creating one-to-many relationships is a major programming addition. **Team Response:** The Team decided that the field was too limited and did not produce reliable query results, therefore the decision remains to allow multiple citations to be

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				entered. This requirement has been changed to optional, so, implementers can choose to not enter the data and therefore would not be impacted.
State	13	113	0	Can live with recommendation
HQ	13	113	02	Support the program need for this information and the recommendation, specifically for Federal Regulations and Statutes.
Region	13	113	04	Region can see that this will reduce data entry time since multiple citations could be stuffed on a single violation and there would be less need to enter multiple coverage areas to capture a complete picture of the violations found. **Team Response:** Thank you for your comments. It is difficult to ascertain whether the comments are genuine or not but they do not provide any kind of recommendation or solution, therefore, no changes were made.
State	13	113	10 - 29	We already post multiple citations in the single block, with the primary citation first. Queries should at least find that primary citation. We were trained by EPA to use just the unique digits of the state regulation number without letters or chapter number (310 CMR 30.) **Team Response:** The recommendation does not preclude MA from entering violations in the same manner as they have been regarding the use of abbreviations. The Team decided that the field was too limited and did not produce reliable query results, therefore the decision remains to allow multiple citations to be entered.
State	13	113	32	Should we assume that this data element will not change with regard to when the data element is mandatory (if 266.102, 266.103, 266.104, 266.105, 266.106, 266.107, or 266.111)? You should state this. **Team Response:** This requirement has been changed to be completely optional. The citations listed above will no longer be considered mandatory.
State	13	113	32	Will citation be required? If so, will a State citation suffice, or is a federal one required? We are an authorized State, and our inspectors typically cite state citations; with a few exceptions, so would encourage that state citations be allowed.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: This requirement has been changed to optional. The Team has made recommendations to allow crosswalks and lookup tables between Federal Statutes, State Statutes, and Violation Coverage Areas, so, this should not be an issue once implemented.
1 Region & 1 State	13	113	32	Will citation be required? If so, will a State citation suffice, or is a federal one required? In an authorized State, even EPA inspectors use State citations, so we ask that State citations alone be allowed if citation is required. **Team Response:** This requirement has been changed to optional. The Team has made recommendations to allow crosswalks and lookup tables between Federal Statutes, State Statutes, and Violation Coverage Areas, so, this should not be an issue once implemented.
State	13	113	36	Why can't you allow states to have an LU table where they can enter in their citations and a limited definition if they want to use this shared data element? This way States can also ensure accuracy and this will greatly reduce their burden for data entry. **Team Response:** Thank you for the recommendation. We have modified the recommendation to allow an option for States to use lookup tables as well. We have also recommended a crosswalk between the State/Federal citations as well as a crosswalk with the Violation Coverage Areas so that the data entry can be as automated as possible.
State	13	115	03	They should not be mandatory for all violations. The current requirement is a citation is only required for 266.102, 266.103, 266.104, 266.105, 266.106, 266.107, or 266.111. We even question if this should still apply. Authorized states often have no need to track the 40 CFR citations and to require this would be overly burdensome. **Team Response:** This requirement has been changed to be completely optional. The citations listed above will no longer be considered mandatory.
State	13	115	19	State would like the option of having a state look-up table so we can populate defined values for the citations. This would increase data quality and make data entry faster. We would be able to do queries of all citations of a specific type. Right now this is very difficult to do.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: Thank you for the recommendation. We have modified the recommendation to allow an option for States to use lookup tables as well. We have also recommended a crosswalk between the State/Federal citations as well as a crosswalk with the Violation Coverage Areas so that the data entry can be as automated as possible.
1 Region & 1 State	13 & 14	113 - 116	0	We have long wanted to have CME entry screens provide a **crosswalk from violation type to citation**. This PAA seems to have provided for this, so let's do it! The PAA defines violation types to correspond with EPA regulations and offers a lookup of EPA citation values. If data entry screens let a users choose violation type first, the screens then position the citation table based on the violation type they specified. Citation drop-down should contain English/RCRA summary of each citation. Implementation should provide the following: - Sequence violation type and EPA citation lookup tables in the order in which regulations are numbered. Do this by putting a violation type field in the citation table to associate each citation with a violation type. This will provide the correct order in the citation table. - Putting violation type in the citation table will also provide a way to position citation lookup at citations appropriate once a violation type is specified. If it is possible for a citation to go with two contiguous violation types, allow a double-width violation type in the citation lookup and, when a citation applies to two violation types, put the 1st and 2cnd violation type in this field - otherwise put the single applicable violation type in twice. If a citation could apply to two non-contiguous violation types, put the citation into the lookup more than once, associated with each violation type. - If necessary, allow federal citations to be typed in. Since multiple citations are allowed, screens could offer multiple boxes, some text and some drop down. Alternately, screens could have multiple text entry fields (for direct keying) each associated with a pop-up that lists citations and have a selected citation populates the text entry field. - Allow States to maintain a lookup for their citations, and to associate them with violation types (as discussed above).

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				From PA Q&A sessions, we understand that every violation will be required to have a citation (or more than one) and that the citation may be a State one. We also understand that States may populate citation drop-down with their own citation values. **Team Response:** Thank you for the recommendation. We have modified the recommendation to allow an option for States to use lookup tables as well. We have also recommended a crosswalk between the State/Federal citations as well as a crosswalk with the Violation Coverage Areas so that the data entry can be as automated as possible.
State	13 & 14A			We have long wanted to have CME entry screens provide a **crosswalk from violation type to citation**. There is emphasis regarding wanting to know the typical areas where violations usually occur. If data entry screens let a users choose violation type first, the screens then position the citation table based on the violation type they specified. **Team Response:** Thank you for the recommendation. We have modified the recommendation to allow an option for States to use lookup tables as well. We have also recommended a crosswalk between the State/Federal citations as well as a crosswalk with the Violation Coverage Areas so that the data entry can be as automated as possible.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
States	14	116	0	No Comment
State	14	116	0	In order to correct the problem of inconsistent data entry and codification of violations the WIN/INFORMED Team recommended that RCRAInfo be modified and that guidance be developed to detail how the codes and combination of codes are to be applied for tracking compliance monitoring and enforcement activities. The following specific recommendations were made in support of this issue: 1. Replace existing coverage area codes with ones that more closely correspond to the federal regulations. This would create 114 federal regulation section citations. **State absolutely cannot live with this recommendation.** 2. Add a coverage area code for State-specific statutory or regulatory requirements that are broader-in-scope than federal RCRA requirements. **State can live with this recommendation.** 3. Delete all existing coverage area codes. There are currently 46 coverage area codes with a three character length. **State absolutely cannot live with this recommendation.** 4. Redefine FEA code to include formal enforcement orders. **State can live with this recommendation.** 5. Eliminate all violation coverage areas that are not related to statutory or regulatory requirements or enforceable agreements and orders. **State agrees with this recommendation.** 6. Add a citation type code of OC or Order Condition. **State can live with this recommendation.** 7. Provide for multiple citations per violation to allow for the recordation of State regulation or statute citation in the system. **State can live with this recommendation if it is not a mandatory requirement.** 8. Eliminates Priority Codes (i.e. HPV) in favor of Significant Non-Complier (SNC) or Not a Significant Non-Complier (SNN). **State agrees with this recommendation.** 9. Eliminate violation class information. **State can live with this recommendation.**

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				10. Modifies return to compliance qualifiers to eliminate one of five possible entries. **State can live with this recommendation.** 11. A 6 month conversion period would be recommended to allow user defined codes be converted to the new codes prior to the elimination of non-conforming data in the system. **State absolutely cannot live with this recommendation.** 12. Citation type data would be changed from optional to mandatory. **State absolutely cannot live with this recommendation.** State supports any effort on the part of U.S. EPA to provide clarity and guidance in the use of the various codes established for use in RCRAInfo. State has noted a dismaying lack of data element definitions in the RCRAInfo system and that system's predecessors. The first part of the recommendations for this issue would delete the existing coverage areas that have been in use for many years and replace those 46 codes with 114 new codes. This change may promote a greater accuracy in determining the coverage area of a violation since it would establish 2.5 times more codes to use. That increase coupled with guidance on how to use those codes could definitely increase the accuracy of the coding and data entry involved. However, State questions the need for this greater specificity. State believes that increased guidance on using the existing codes would be adequate to provide the desired accuracy and consistency. State would object to any effort to go back into past data to conform that data to the proposed new system. State lacks the resources to review the many thousands of inspection records that have been created and recorded from 1985 to date in order to update those records to match this new coding scheme. Prior existing records should be "grand-fathered" into the new system. The change in the size of the field for the coverage areas will require capital outlay to conform State's newly created data system to the new proposed system federal system. As

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				previously noted, State questions the value of these changes when considering the cost of implementation and maintenance. We believe that RCRAInfo could achieve an equal improvement in the accuracy of coding by providing data element definitions and guidance on using those existing data elements. With respect to the concept of coding multiple citations for a single violation, State objects to this concept for various reasons. Actual code citations were not mandatory for the RCRAInfo data system or its predecessors (except for six specified code citations). Adding mandatory code citations carries a significant capital cost in modifying a newly created data system. During a period of scarce resources, this change will also introduce a significant and incremental increase cost in the resources necessary to enter, maintain and modify the data that is to be collected. As observed under the comments on PPI #13, this data element will have to be constantly updated to reflect enforcement action decisions. **Team Response:** First, this is not solely an EPA effort. The entire WIN/INFORMED process is a joint partnership between EPA and the states, and this is a state-lead effort. The Team believes the newly proposed violation coverage areas are very clear and no further clarification or guidance is needed. If the violation occurs within the corresponding federal regulatory section, then use the violation coverage area that corresponds to that section. No grand-fathering will occur under the Team's recommendation for data conversion. No review of all data is necessary on the part of implementers. Simply review the use of your state's evaluation codes in Appendix IX of the National Review Report and make the necessary changes. You will also get another chance by the HMA DESIGN TEAM prior to data conversion. The Team maintains our commitment to the recommendations in PPI 14. The resources utilized by implementers to make these changes will result in the most

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				accurate, consistent, and retrievable data possible on a national level. The use of multiple violation citations for each violation is optional.
State	14	116	0	Can live with recommendation
State	14	116	0	Can live with recommendation However, it would like to retain the ability to create State specific coverage areas. **Team Response:** The Team is recommending the creation of a state-specific violation coverage area and the use of implementer-defined codes if necessary.
State	14	116	0	Agree with recommendation
State	14	116	0	All of it sounds great
State	14	116	0	Agree with recommendation
State	14	116	0	**Absolutely can not live with recommendation** **BECAUSE:** It isn't that it is broken but rather a case of staff unfamiliar with the codes, their meaning, not having documentation carry over from one database to another correctly, and the lack (at least for the most part) of a way to get the corrections and updates made. You do not need to "throw out the baby with the bath water" rather just clean up the water and actually document the meaning of the codes and have an up-to-date list. Why go to all of the problems associated with the amount of a change (training, translation, data entry screens, and business rules) when you can get the exact same results by fixing what is already established. **Team Response:** The Team believes that our recommendation will provide for the most accurate and consistent data possible and that the use of these codes will require less clarification and guidance because of their self-explanatory nature.
State	14	116	0	**Absolutely can not live with recommendation** **BECAUSE:** : Deleting priority and class is irreversible and pointless from a historical perspective. EPA Region and State inspectors continue to use these codes as a way to gauge the severity of the violation cited. Clearly the need

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				for these codes are much less with the use of the actual CFR citation as the violation coverage. However, within each citation there still can be a difference in the quality and severity that is lost if all that remains is a decision to mark a facility a SNC or a Secondary Violator. The 1996 ERP was quite explicit in leaving the SNC determination to the Implementer. This guidance does not address the severity of individual violations, only the global determination as to what constitutes sufficiency to determine a facility to be a SNC. **Team Response:** The concept of violation class and priority no longer exists in national policy and, therefore, will be eliminated.
HQ	14	116	0	Agree with recommendation
State	14	116	0	State requests that the Workgroup and/or DESIGN TEAM discuss whether it is possible to have the data entry screen allow the implementer to select from a pull-down list their own coverage area code (regulation) that is the equivalent of the CFR section in the new code list. The implementor would need to enter data to a look-up table which would be accessed behind the scenes to select the corresponding federal coverage area field. This way the staff doesn't have to memorize the CFR equivalents so data entry is quicker, plus it allows the implementor to do queries using their own coverage areas assuming that a new field is added to store it. **Team Response:** The Team will provide for this mechanism in the final recommendations.
State	14	116	0	Due to the lack of guidance, the states were left to their own decisions on what codes to use; hence the various codes for the same evaluation. **Team Response:** We agree. Hence, our recommendation to modify and clarify the codes for violation coverage area and to eliminate the use of evaluation coverage areas.
Region	14	116	0	**Absolutely can not live with recommendation BECAUSE:** Deleting priority and class is irreversible and pointless from a historical perspective. EPA Region and State inspectors continue to use these codes as a way to gauge the severity of the violation cited. Clearly the need for these codes are much less with the use of the actual CFR

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				citation as the violation coverage. However, within each citation there still can be a difference in the quality and severity that is lost if all that remains is a decision to mark a facility a SNC or a Secondary Violator. The 1996 ERP was quite explicit in leaving the SNC determination to the Implementer. This guidance does not address the severity of individual violations, only the global determination as to what constitutes sufficiency to determine a facility to be a SNC. **Team Response:** The concept of violation class and priority no longer exists in national policy and, therefore, will be eliminated.
Region	14	116	0	My primary concern here is the apparent need for implementers to manually revise data so linkages are not lost during conversion. Grand-fathering existing historical data is being considered, but the preferred approach is to convert data to the new standard. Manually revising data, especially older data, is a tedious job that often involved hours of file review to recreate the fact. In some cases, after hours of research, we find that we are unable to determine the current status of historic facts to accurately revise data in the system. We strongly urge the grand-fathering option to be adopted is broadly as possible. **Team Response:** No linkages will be lost during conversion (see Appendix IX of National Review Report). The Team is recommending that all historical violation data be converted to the new coding system recommended in PPI 14. See language PPI # 14 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level.
Region	14	116	0	**Absolutely can not live with recommendation BECAUSE:** Region recommends that all existing Violation Types be grand-fathered and not changed to the new Type codes. New codification of Violation Types should begin upon implementation of the new CM&E Module.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Many of the existing Type codes do convert directly to recommended Type codes. Many do not. Due to the already limited resources at the Regional and State Agency level, research required for those Type codes that do not directly convert will take much longer than the 6 months recommended by the HMA PAA. **Team Response:** The Team is recommending that all historical violation data be converted to the new coding system recommended in PPI 14. See language PPI # 14 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level. The HMA DESIGN TEAM may extend the six-month review time if necessary.
Region	14	116	0	Region agrees with the Team's recommendations.
Region	14	116	0	Agree with recommendation
State	14	116	0	State can live with all recommendations, but we would like to have the option of grand-fathering any historical violation data that is "unconvertible". We will not be able to devote much staff time to fixing data that did not convert correctly. **Team Response:** The Team is recommending that all historical violation data be converted to the new coding system recommended in PPI 14. See language PPI # 14 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level. The HMA DESIGN TEAM may extend the six-month review time if necessary.
State	14	116	16	"For example, one organization would record citations of State requirements while another organization would enter all citations using the federal equivalent citation. This inconsistency across organizations can potentially result in over/under counting of activities. Also, some States have created new violation codes because there is a missing

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				national code and/or the national codes are being improperly used." We have violation area coverage codes (e.g., GPT which covers all requirements under GENERATOR PRE-TRANSPORT REQUIREMENTS, PART 262, SUBPART C) and if they had been kept up this should be sufficient for any analysis and would have been consistent. Then, it would not have made any difference if a State entered a citation using 40 CFR or their own State regulations because anyone would have understood that the citation dealt with, for example, generator pre-treatment requirements as specified in 40 CFR, Part 262, Subpart C. The inconsistency started when the documentation did not follow with the database changes and, in numerous cases, date entry staff did not have an in depth understanding of State and Federal regulations to remember what the codes stood for. As a state, sending a code has an initial burden with mapping to the appropriate code and this is and should continue to be a mandatory data element. However, requiring a 40 CFR citation is burdensome and inaccurate since in a number of states the site is cited by the State requirement which could be BIS or MST. Anyone looking at the data would be confused by the citation but could under the area code the violation occurred in. This would eliminate a significant amount of the problems with conversion of historic data, would allow the public to see a category in words (e.g., GRR which cover generator recordkeeping and reporting requirement as in 40 CFR, Part 262, Subpart D) instead of the proposed numeric code 262D followed by the same definition but also has an additional description. **Team Response:** We agree with your analysis. However, the entry of the federal-equivalent citation is optional in authorized states. However, the violation coverage area will remain mandatory. The Team will recommend that the code and its descriptor be shown on the data entry screen.
HQ	14	116	2	Support the program need for national analysis of this information and the recommendation to streamline the coding process.
State	14	116	23	There are violation are codes that do not have a definition as the rest because they were added without an understanding of the codes and were one of the "super important at that second in time" type of codes, in particular some of the BIF

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				codes. **Team Response:** We agree.
State	14	116	26 ~~06~~	The CEI example is not relevant to coding violations. **Team Response:** You are correct. Good eye!
State	14	116	30	The weakest point in all of the RCRIS data systems (HWDMS, RCRIS, RCRAInfo) has been the guidelines to what the entries mean. **Team Response:** We agree.
State	14	116	32	Comment/correction/modifications needed. State can live with the recommendation. State agrees that inconsistent HMA data entry/coding practices do frequently occur and that detailed guidance is needed for implementers entering HMA data. The proposal to have one set of national codes is acceptable to State, however two areas may pose difficulties. As with many states, State has certain regulations, which are more stringent than RCRA regulation. To abruptly change or delete certain codes that are unique to State's situation may pose difficulties for the state to retrieve needed data. State suggests that either the PAA Team or DESIGN TEAM consider allowing for state only codes on a case-by-case basis. State agrees with the recommendation that existing historical data should be converted to the new proposed codes. However, State does question the Team's recommendation that six months be allowed to conduct necessary manual data conversions and updates before the establishment of an automated national data conversion. Limited resources may preclude some states from achieving this goal. **Team Response:** No existing codes will be deleted. You would use the XXS (state-specific code). Additional detail about a State's unique citations will be available by sorting on the Citation field. In addition, the HMA DESIGN TEAM may extend the 6-month conversion period if necessary.
State	14	116	all	There are many changes to current codes anticipated in the PPI. There are many States that are either current translator States or are in the process of designing systems to translate data to Federal Databases to eliminate duplicate data entry. Has there been any consideration for grant funding (100%)

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				or other assistance to States in modifying their code for the translations? Has the impact on States that are current translators that may have to move to direct data entry been contemplated? This could be a significant resource issue for States. **Team Response:** We agree that the conversion is a significant resource issue in some states, particularly translator states. We suggest you contact your EPA Region for contractor or grant assistance and/or build this effort into your annual RCRA program agreement.
State	14	117	0	**Absolutely can not live with recommendation BECAUSE:** State is opposed to any adding, deleting or changing of existing codes as this requires us to modify our translation software. We agree to clarifying definitions of existing codes, providing the underlying meaning is not changed as that would also require modification to our translation software. If adding or deleting new codes is unavoidable, the Translation Loader must convert the current violation codes to the new codes. **Team Response:** No data will be deleted. The existing data will be converted pursuant to Appendix IV of the National Review Report. The Team urges your state to seek contractor/grant assistance from your EPA Region and/or build this effort into your annual RCRA program agreement. The Team will forward your comment to the HMA DESIGN TEAM for their consideration.
State	14	117	16 - 19	May be difficult to do since a lot of historical information may be missing due to the passage of time and personnel when trying to retrofit long past data. Records change forms and are archived causing failure in recognition and proper interpretation for selection into new codes. **Team Response:** The Team recognizes that this may be a difficult initial effort for some implementers. However, in our opinion, the benefits far outweigh the costs.
State	14	117	22-30	The CME Evaluation Violation Area Code List, Lu_Evaluation_Violation_Area, should have a new utility added in RCRAInfo's System Administration to assist transferring existing Violation data to other/new codes, similar to how staff codes can be transferred. **Team Response:** Your comment will be forwarded to the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				HMA DESIGN TEAM for consideration.
State	14	117	28	We appreciate the note that the data conversion will take a long time because we believe it will.
Region	14	117	32-36	we are in favor of allowing individual implementers the option of grand-fathering existing historical data and not converting to new codes. As we understand the Team's recommendations, the grand-fathering of existing historical data is not currently an option available to implementers. We believe it should be. As long as the RCRAInfo lookup tables show all historic code values, active and inactive, there is really no reason to force all implementers to have their data converted. The look-up tables allow everyone to find the descriptions for historical data code where implementers may chose to leave data as is. Conversions are not always the best choice for certain data. If individual implementers feel grand-fathering some or all of these records is preferable to conversions, this should be an option for them. We do agree with the requirement that all future data entry by implementers needs to be done using the recommended nationally defined codes in this HMA PAA report. **Team Response:** The Team is recommending that all historical violation data be converted to the new coding system recommended in PPI 14. See language PPI # 14 under "Recommendation" in the 5th paragraph, in the National Review Report for the Team's position on grand-fathering historical data. The Team believes that data conversion as we have recommended will result in data conversion that will be as "painless" as possible and will result in more meaningful and retrievable data on a national level. The HMA DESIGN TEAM may extend the six-month review time if necessary.
State	14	118	06	See codes above – you already have a structure that works if it had been kept up and staff using it understood the regulations. **Team Response:** We agree that the existing coding could have worked if it had been kept up properly. However, it didn't, and it wasn't. We believe this new coding methodology will be much better, more clear, and less likely to fail.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	14	118	06	Replace Existing Coverage Area Codes With Ones That More Closely Correspond To The Federal Regulations: The text should state that existing violation coverage area data will be converted to the new codes, per Figure 14-1. Visual Code Change Crosswalk - Violation Coverage Areas on page 138. **Team Response:** The Team believes the existing language does state that all existing codes will be converted and no data will be deleted.
State	14	118	06-37	These changes can be made in the current coverage areas. See comments under PPI #6 and PPI #10. **Team Response:** Thank you.
State	14	118	37 - 40	It will take time to get used to the new codes since they won't be as obvious what they relate to in plain English, however, this will reinforce what the particular regulations are. **Team Response:** The Team believes this new coding system will be more clear and concise.
State	14	118	42	Does this code apply to violations where the state is more stringent than RCRA because the state does not recognize a federally allowed exclusion? For example, State does not recognize 40 CFR 279.10(2), which allows generators to mix characteristic RCRA waste with used oil and manage the resultant mixture as used oil in certain cases. A generator that did so in State would be required to manage the mixture as regulated characteristic waste, and could be cited for making an improper hazardous waste determination if they managed it as used oil. Would State then need to use coverage code XXS rather than code 261C or 262A for this violation? **Team Response:** Yes.
1 Region & 1 State	14	119	03	Lump all broader-in-scope violations under type XXS. We need more than one broader-in-scope violation type because there are so many flavors of broader-in-scope: precious metal generation/transport TSDR, PCB generation/transport/TSDR, spec-oil burning. If you require that all broader-in-scope violation types begin with 'X', you can allow multiple types and still readily recognize the types as broader-in-scope. Also, please allow Usage = '7'

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				(routinely released) for broader-in-scope violations. **Team Response:** All broader-in-scope state regulations will be coded under XXS. Any analysis needed can be done by looking at the state citation.
State	14	119	06 - 17	We agree that there must be a violation code for a violation of a formal enforcement order (FEA) but based on EPA's desire to relate very specific violation citations to a violation code how will that be handled in this case. Sometimes the violation of an aspect of the order doesn't relate specifically to a citation. In addition the use of the drop-down list of citations mentioned earlier would be useless here unless it contained all citations. **Team Response:** Any violation of a formal enforcement order should be coded as FEA. Since EPA is represented on the Team, they will have to live with it and they have indicated that they can live with it.
State	14	119	16	"**Formal Enforcement Agreement or Order (FEA)-** Violation of a formal enforcement agreement or order." Tie this in with codes so that data entry staff and others know what is a FEA can be used with (e.g., 610 - FINAL CONSENT DECREESJUDGMENT ENTERED/ORDERED). Same comment for page 119, line 12. **Team Response:** It will be tied in when you link the violation to the enforcement action.
State	14	119	29	Eliminating all "violation coverage area codes that are not directly related to statutory or regulatory requirements" is saying that all state codes will be eliminated and all violations are assumed to be related directly to RCRA citations. The general state code XXS (page 131) is supposedly created to resolve this issue. It is deficient for two reasons. One is that some of the state violations would very easily fit into one of the existing violation codes currently set up – i.e. GPT in that the violation is an additional state regulation on Pre-Transport requirements but there is no equivalent Federal regulation. Being able to keep the violation under this category tells all national inquirers that the violation is related to pre-transport even though they are unfamiliar with the state specific citation. The second deficiency is that the one code doesn't allow States to

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				categorize there violations on type/category allowing them to track regulatory types. As long as a detailed description follows the state code there is no reason why a code can't be created that can be nationally understood. **Team Response:** The Team disagrees with your analysis. If the violation is not one of a federal-equivalent requirement, then it should be coded under XXS, not the corresponding violation coverage area for the CFR Subpart (it doesn't apply). Second, any detailed analysis by the state can be done by looking at the state citation instead of the coverage area.
HQ	14	120	12-13	The term "Order Condition" may not be the best term to use. Suggest the HMA Team consider other possibilities that are more plain language such as "Violation of the Terms of an Order"? **Team Response:** The Team believes the term "Order Condition" is the proper term.
State	14	120	15	Multiple citation type entry – comment as per PPI #13 regarding impact of many-to-many relations on translating data from state developed systems to RCRAInfo. **Team Response:** See response under PPI 13.
State	14	120	47	Do not remove the violation priority code. We currently use the code to indicate secondary violators that are not SNC but are undergoing escalated enforcement (such as referrals to AG's office). Since we have the SNY code that clearly states when it is to be used there will be no confusion with this code. It is another way of tracking our enforcement actions. If the code will be removed, we do not want our data converted. **Team Response:** The concept of violation priority no longer exists in federal policy and, therefore, will be eliminated from RCRAInfo. If a site has unresolved violations, and they're not a SNC, then they are an SV.
HQ	14	121	11 - 12	Generally agree with recommendation; although removal of the Violation Priority strips functionality that the Regions find very useful. Recommend keeping the field but not using it for performance measurement reporting (GPRA/RECAP). (Defer to ORE) **Team Response:** The concept of violation priority no

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				longer exists in federal policy and, therefore, will be eliminated from RCRAInfo.
1 Region & 1 State	14	121	13	We may want to delete some of our Class 3 violations. We use Class to identify minor violations, and, if we can't use Class, we may be better off removing them. **Team Response:** The concept of violation class no longer exists in federal policy and, therefore, will be eliminated from RCRAInfo. There is no need for you to remove the class since they will be deleted automatically. There is no reason to delete the violations - they should remain as record of them occurring.
State	14	121	16	Do not remove the violation class code. We currently use the code to indicate secondary violators that are not SNC but are undergoing escalated enforcement (such as referrals to AG's office). Since we have the SNY code that clearly states when it is to be used, there will be no confusion with this code. It is another way of tracking our enforcement actions. If the code will be removed, we do not want our data converted. **Team Response:** The concept of violation class no longer exists in federal policy and, therefore, will be eliminated from RCRAInfo.
Region	14	121	31	Is it really necessary to work through a conversion of the historic HPV records? We are not in favor of using SNY evaluation records to track SNCs. We propose leaving the historic HPV and SNC records as is (grand-fathered) and change the future SNC indicator from an evaluation to an enforcement record, to open and close the SCN status for a handler. SNY and SNN evaluations should deactivated and not be entered in the future. Another, but secondary choice for us, is to track SNC status in the handler module. If it's necessary to track the violations, when they exist and lead to a SNC decision, we can create tags for those violations, so they can be tagged and tracked. **Team Response:** The Team maintains our support for using SNY and SNN violations to identify "SNCs" and "No-Longer SNCs." No data will be grand-fathered. All data will be converted.
State	14	121	38	Nationally-Defined Values for RTC Qualifier—the new

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				codes & revised definitions are clear & seem to cover all cases.
State	14	122 149 150	12 & 31	I think we still need 5 RTC qualifier codes, as before. At the conference call, I think you explained that some State implementers wanted to code "the violation is for a drum that was not labeled, and since all the drums at the site are now labeled, can no longer tell if any of the drums at the site now is the actual non-labeled drum referred to in the violation" as "Unverifiable". I believe they/we were preferring the old value "Unobserved". Given the new choice of values, without "Unobserved" as an option, I think the vast majority of implementers and inspectors would prefer to take the common-sense approach and code it instead as "Observed". There are many other cases where "Unverifiable" is not the same as the old value "Unobserved". Also, it would be inaccurate to convert all old Stale violations into "Not Resolvable". Rather, I think most closed facilities and old Stale violations would best fit "Unverifiable", and the old value "Unobserved" should be kept as is. **Team Response:** The Team believes the new categories of RTC qualifier codes are sufficient to address all instances of RTC. However, we have added some clarifying language to address several comments on this issue.
1 Region & 1 State	14	122	12	Eliminate 'Stale' as reason for RTC. This code has a well-defined meaning for us: Statute of Limitations says we would have to revisit the site to confirm the violation before taking action on it because the violation is more than 5 years old. We use this. We ask that it be kept, and renamed to SOL (Statute of Limitations). We object to the PAA's proposal (to use the 'unresolvable' code for 'stale') because 'unresolvable' has a different meaning (the violation cannot be resolved no matter what time/enforcement occurs) from SOL (which means the violation may or may not have returned to compliance, we'd have to check to know). **Team Response:** The Team believes the new RTC qualifier codes are adequate to address you concerns. However, we have added some clarifying language to address several comments on this issue. The Team believes the word "stale" has a negative connotation.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	14	122	12	We can live with Stale being eliminated for future use as an RTC qualifier. **But** we do **not** agree with the recommendation to convert existing Stale qualifiers to Not Resolvable. The description – "violations no longer being pursued (Page 122, Line 9)" more accurately describes how we have used the stale code to close out old (>5yrs old) violations. It wasn't that we could not resolve the old violations, we chose not to actively resolve them due to lack of resources to investigate each one. For violations found since RCRAInfo has been implemented, most violations are closed out through a combination of follow up inspections (RTC qualifier of "O") and documentation received from the handler (RTC qualifier of "D"). Thus the need for the Stale Qualifier has greatly declined, but we don't want to misrepresent the old data. **Team Response:** The Team believes that conversion of "Stale" to "Not Resolvable" is appropriate.
State	14	122	19 - 37	Consider a RTC Qualifier code that would indicate that the violation was referred to Superfund or state equivalent for remediation. This area is not addressed in the current codes but is used frequently where there is contamination involved. **Team Response:** For purposes of tracking timeliness of enforcement responses, referrals, including those to Superfund or its State equivalent, are considered an "enforcement response." Accordingly, these activities are tracked in the enforcement module. There is an enforcement code that addresses this issue.
HQ	14	122	25-27	Suggest deleting the term "Not resolvable". It is an inappropriate term to use in an EPA compliance and enforcement database. If the government can't resolve it who can? EPA and/or the States can always bring an action to shut down the facility. If so, this category would not apply since it would move to "Unverifiable". **Team Response:** The Team disagrees. There are many instances where implementers cannot resolve a violation or take an enforcement action against the site. And just how many facilities have been "shut down" by EPA?
State	14	122	30	The example for Unverifiable was confusing. The first sentence and the example seem to suggest one use for the code, but the sentence starting in line 34 suggests a totally

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				different use for the code. **Team Response:** The Team has added clarifying language to address this comment. Thanks
State	14	124	01	Actually there are definitions for almost all of the codes. The problem is you have to look in the paper documentation which discusses how the codes iterate the subparts, etc. (go back to older documents – the definitions were not in the database because there wasn't enough character when they were set up (think HWDMS) and the problem followed into RCRIS. When there was enough character space (RCRAInfo) they were on the round-to-it list) The following are the HQ codes: (I probably missed some but this should give you the idea). GGR - GENERATOR GENERAL REQUIREMENTS, PART 262, SUBPART A GMR - GENERATOR MANIFEST REQUIREMENTS, PART 262, SUBPART B GPT - GENERATOR PRE-TRANSPORT REQUIREMENTS, PART 262, SUBPART C GSQ - SMALL QUANTITY GENERATOR REQUIREMENTS, PART 262, SUBPART C GRR - GENERATOR RECORDKEEPING AND REPORTING REQUIREMENTS, PART 262, SUBPART D GLB - GENERATOR LAND BAN REQUIREMENTS PART 268 GTF - GENERATOR TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE, PART 262, SUBPART H TGR - TRANSPORTER GENERAL REQUIREMENTS, PART 263, SUBPART A TMR - TRANSPORTER MANIFEST/RECORDKEEPING REQUIREMENTS, PART 263, SUBPART B TWD - TRANSPORTER HAZARDOUS WASTE DISCHARGE, PART 263, SUBPART C DPB - TSD PART B PERMIT APPLICATION, PART 264, SUBPART A DGS - TSD GENERAL STANDARDS, PART 264/265, SUBPART B DCP - TSF CONTINGENCY PLAN REQUIREMENTS, PART 264/265, SUBPART D

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				DMR - TSD MANIFEST, RECORDKEEPING AND REPORTING REQUIREMENTS, PART 264/265, SUBPART E DGW - TSD GROUNDWATER MONITORING REQUIREMENTS, PART 265, SUBPART F DCL - TSD CLOSURE/POST CLOSURE REQUIREMENTS, PART 264/265, SUBPART G (HQ codes continued) DTR - TSD TANK REQUIREMENTS, PART 264/265, SUBPART J DWP - TSD WASTE PILE REQUIREMENTS, PART 264/265, SUBPART L DLT - TSD LAND TREATMENT REQUIREMENTS, PART 264/265, SUBPART M DLF - TSD LANDFILL REQUIREMENTS, PART 264/265, SUBPART N DIN - TSD INCINERATION REQUIREMENTS, PART 264/265, SUBPART O DOP - TSD INCINERATOR OPERATING REQUIREMENTS, PART 264/265, SUBPART O DMI - TSD INCINERATOR MONITORING AND INSPECTION, PART 264/265, SUBPART O DPS - TSD INCINERATOR PERFORMANCE STANDARDS, PART 264/265, SUBPART O DLB - TSD LAND DISPOSAL RESTRICTION REQUIREMENTS, PART 268 DDP - TSD DRIP PADS REQUIREMENTS, PART 264, SUBPART W DCH - TSD CHEMICAL/PHYSICAL/BIOLOGICAL REQUIREMENTS, PART 265, SUBPART Q DFR - TSD FINANCIAL RESPONSIBILITY REQUIREMENTS, PART 264/265, SUBPART H DGS - TSD USE AND MANAGEMENT OF CONTAINERS REQUIREMENTS, PART 264/265, SUBPART I this state (and other states in this Region) added the following because, as you state, the codes were not kept up as new subparts were adopted in 40 CFR. GEX - GENERATOR EXPORTS OF HAZARDOUS

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				WASTE, PART 262, SUBPART E GIX - GENERATOR IMPORTS OF HAZARDOUS WASTE, PART 262, SUBPART F DEP - TSD EXPIRATION AND CONTINUATION OF PERMIT REQUIREMENTS, PART 270, SUBPART E DPC - TSD PERMIT CONDITIONS, PART 270, SUBPART C DPP - TSD PREPAREDNESS AND PREVENTION REQUIREMENTS, PART 264/265, SUBPART C DSI - TSD SURFACE IMPOUNDMENT REQUIREMENTS, PART 264/265, SUBPART K DMU - TSD MISCELLANEOUS UNIT REQUIREMENTS, PART 264, SUBPART X DCA - TSD SWMU CORRECTIVE ACTION, SOLID WASTE MANAGEMENT UNIT REGULATIONS, PART 264, SUBPART S DAE - TSD, AIR EMISSIONS, SUBPART AA BB CC DD (264 & 265) DME - TSD MUNITIONS AND EXPLOSIVES STORAGE REQUIREMENTS, PART 264/265, SUBPART EE **Team Response:** Thank you, but the Team will move forward with the current recommendation.
Region	14	126	01-31	Violation Coverage Area Question: Which violation coverage would cover when a generator is an illegal TSD operating without a permit, because they didn't meet the condition criteria as stated in 262.34? **Team Response:** A facility cannot violate 40 CFR 262.34. It is simply a permit exemption. Failure to meet the permit exemption criteria means that the facility is operating without a permit. You would enter a 270A for this type of violation.
State	14	126 ~~128~~	05	262D should be 265D. **Team Response:** Thank you, good eye!
State	14	126	20 - 29	A very important aspect of the RCRAINFO data is the ability to determine compliance rates and study compliance problems on a national level. If we cannot understand the effects we are having on improving compliance, down to the individual regulatory requirement level, then the data is

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				useless and should not be collected in the first place. To this end, State strongly believes that reducing the number of coverage areas reported is a very bad thing to do. In fact, the number of coverage areas should be expanded so that EPA can study RCRA compliance in more detail. If EPA and the Workgroup are committed to reducing the number of coverage areas reported, then reduce it to none, because the information EPA will end up with at the reporting levels proposed will have no value. State would argue that, if states are not collecting compliance data at a much more detailed level on their own, then those states have no way of evaluating the adequacy and effectiveness of their program, and neither does EPA. So, as a matter of program consistency and quality, EPA should require that detailed level of reporting into RCRAINFO. Generator inspections make up the most frequent universe inspected yet the coverage areas are being reduced and streamlined to the point of being generic and not useful for ongoing data analysis. This is the only area where the federal requirements should be expanded to the next subsection of the Federal Regulations. See Attachment A for an example of what this expansion would look like. **Team Response:** The Team disagrees with your recommendation and will maintain the current recommendation for establishing new violation coverage areas by federal Subpart.
State	14	126	Table 14.2	The generator codes need to be expanded to cover more areas. For example: contingency plan, personnel training, containers. We find most of our violations are in those areas and the only coverage area we can use is recordkeeping or other. **Team Response**: The Team has designed the new Violation Coverage Area Codes to correspond to regulatory "subparts" as contained in the Federal Code of Regulations. What Nebraska is describing goes beyond the broad "coverage area" groupings to the actual, more detailed, violation citations. RCRAInfo allows implementers to identify specific citations in addition to the violation coverage areas. The coverage areas are intended to be used in a broader sense for planning and program management purposes while

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				the specific citation references allows implementers the opportunity to track activities at a more detailed level.
State	14	127	07	264F's Description "TSD- Releases from SWMUs " or Definition should also indicate "(GW monitoring)" to distinguish it from 264S "TSD- Corrective Action for SWMUs ". **Team Response:** We are using the title of the 40 CFR Subpart.
State	14	127	10	"TSD- Container Use and Management" should be "TSD- Container Standards" to be consistent with the Description of the other TSD unit standards. **Team Response:** We are using the title of the 40 CFR Subpart.
State	14	128	10	"TSD- Container Use and Management" should be "TSD- Container Standards" to be consistent with the Description of the other TSD unit standards. **Team Response:** We are using the title of the 40 CFR Subpart.
State	14	128	15	266N should be 265N. **Team Response:** Thank you, good eye!
State	14	130	06	Insert 270I.. **Team Response:** Thank you, good eye!
State	14	131	02	Region cites State regulations and statutes in its enforcement actions. The catchall XXS is really inadequate to dump all citations into that category. While it would be preferable to cite the Federal equivalent to the State Regulation or Statute, a preferable way of dealing w/ producing national reports that are consistent is to add a qualifier field to the State Citation Code field that would allow the Implementer State to specify what the equivalent Federal Regulation or Statute is equivalent. If no equivalent Code were available, then the National Report would show that State Citation Code as "Other" or report the original State Citation Code. This is far more elegant and user-friendly since the inspector (EPA or State) would not have to look up or guess what the Federal equivalent code should or

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				may be. **Team Response:** There is no need for many authorized states to enter the equivalent federal citation. The violation coverage area will generally suffice. However, the Team has revised its recommendation to include a State/Federal cross-walk mechanism to help facilitate the determination of the appropriate violation coverage area for individual State regulations.
Region	14	131	02	Region cites State regulations and statutes in its enforcement actions. The catchall XXS is really inadequate to dump all citations into that category. While it would be preferable to cite the Federal equivalent to the State Regulation or Statute, a preferable way of dealing producing national reports that are consistent is to add a qualifier field to the State Citation Code field that would allow the Implementer State to specify what the equivalent Federal Regulation or Statute is equivalent. If no equivalent Code were available, then the National Report would show that State Citation Code as "Other" or report the original State Citation Code. This is far more elegant and user-friendly since the inspector (EPA or State) would not have to look up or guess what the Federal equivalent code should or may be. **Team Response:** There is no need for many authorized states to enter the equivalent federal citation. The violation coverage area will suffice. **However, the Team has revised its recommendation to include a State/Federal cross-walk mechanism to help facilitate the determination of the appropriate violation coverage area for individual State regulations.**
State	14	138	DLB	Should be conversion to 268A **Team Response:** Thank you.
Region	14	138	DLB	Should be conversion to 268A **Team Response:** Thank you.
State	14	139	DOR	Should be conversion to 264B **Team Response:** Thank you.
State	14	139	DOR	TSD- Other Requirements used 26 times in db by State, as

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				of 7/21/03. Please convert to 264B. **Team Response:** Thank you.
Region	14	139	DOR	Should be conversion to 264B **Team Response:** Thank you.
State	14	139	DOT	TSD- Other Requirements (Oversight) used 814 times in db by State, as of 7/21/03. Please convert to 264B. **Team Response:** Thank you.
State	14	139	GER	Should be conversion to 262A **Team Response:** Thank you.
State	14	139	GER	Generator-All Requirements (Oversight) used 5209 times in db by State, as of 7/21/03. Please convert to 262A. **Team Response:** Thank you.
Region	14	139	GER	Should be conversion to 262A **Team Response:** Thank you.
State	14	140	0	Existing GRR, GSC, GSQ codes are missing in crosswalk. **Team Response:** Thank you.
Region	14	140	12-16	Region used GOR for used oil violations; what code would be the crosswalk? **Team Response:** Use the corresponding code for the CFR Subpart where the violation occurred. The default value for this conversion would be 279A, unless it involves a generator, in which case the code would be 279C. The implementer should make that determination and ensure the code changes proposed in Appendix IX are correct.
State	14	140	13	It would be a monumental task to manually convert our old Violation Coverage Area codes GER, GLB, GOR, etc, to new codes 262A, XXS (State statutory or regulatory requirements that are broader-in-scope than federal RCRA requirements), and any others that may specifically apply. I believe that, in State, the only feasible (but quite imperfect) solution would be to automatically convert our GHW code to 261B, GMR to 262B, GRR to 262D, most of our other Gxx codes to 262A, and WOV (and GRC?) to XXS. Even the cleanup from the resulting errors would be a monumental task. Perhaps some of the new codes should be consolidated to reduce inaccuracy. Why is Violation Coverage Area so

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				important? Why is it un-editable in the present CME module? It seems arbitrary. **Team Response:** Your proposal seems appropriate given the task ahead. The Team identified violation coverage areas as a national need and continue to support our re-coding recommendation.
State	14	140	50 - 52	Agree with comment to allow implementers time to make manual conversions before automatic conversions take place
State	14	140	GLB	Should be conversion to 268A **Team Response:** Thank you.
State	14	140	GLB	Generator-Land Ban Requirements used 660 times in db by State, as of 7/21/03. Please convert to 262A. **Team Response:** Thank you.
Region	14	140	GLB	Should be conversion to 268A **Team Response:** Thank you.
State	14	140	GOR	Should be conversion to 262A **Team Response:** Thank you.
State	14	140	GOR	Generator- Other Requirements used 38 times in db by State, as of 7/21/03. Please convert to 262A. **Team Response:** Thank you.
Region	14	140	GOR	Should be conversion to 262A **Team Response:** Thank you.
State	14	140	TOR	Should be conversion to 263A **Team Response:** Thank you.
State	14	140	TOR	Transporter- Other Requirements used 3 times in db by State, as of 7/21/03. Please convert to 263A. **Team Response:** Thank you.
Region	14	140	TOR	Should be conversion to 263A **Team Response:** Thank you.
State	14	140	TRR	Should be conversion to 263A **Team Response:** Thank you.
State	14	140	TRR	Transporter- All Requirements (Oversight) used 5 times in db by State, as of 7/21/03. Please convert to 263A.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: Thank you.
Region	14	140	TRR	Should be conversion to 263A **Team Response:** Thank you.
State	14	Table 14.2		The generator codes need to be expanded to cover more areas. For example: contingency plan, personnel training, and containers. We find most of our violations are in those areas and the only coverage area we can use is recordkeeping or other. **Team Response:** The Team maintains our recommendation on the violation coverage areas being identified by the federal-equivalent 40 CFR Subpart.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	15	141	0	Can live with recommendation
State	15	141	0	Can live with recommendation
State	15	141	0	State does not think this field should be required but that it should be an option as it will only work for those violations that are easily corrected (<30 days) or once a facility is on a compliance schedule. Violations referred for formal enforcement will not have a scheduled RTC date. **Team Response:** The Team agrees that this report can only work for those violations having a scheduled RTC date.
States	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Can live with recommendation This PPI has no added benefit. Open violations can be tracked using other reports such as the CM&E Comprehensive Report. Inspectors and project managers already have the means to track RTC due dates without a Tickler Report. The most useful tool States had in the past was the old Timely and Appropriate Report from RCRIS. **Team Response:** The use of this report will be optional to implementers.
State	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Can live with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Can live with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Can live with recommendation
State	15	141	0	**Absolutely can not live with recommendation** **BECAUSE:** : The Scheduled RTC date field really needs to

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				accept multiple dates for compliance schedules that have multiple milestones. This has never been addressed in RCRAINFO and there should be no need to have another database to track multiple date milestones from consent orders or other instruments. **Team Response:** The issue of having the ability to put in multiple RTC dates for compliance schedules or orders is addressed in PPI # 22.
State	15	141	0	Agree with recommendation A "tickler" report already exists from Region shared web reports.
HQ	15	141	0	Agree with recommendation
State	15	141	0	Can live with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Could be useful to improve the data in OECA's new ECHO website.
State	15	141	0	Can live with recommendation This is not a tickler. This is a report the user will still have to remind himself/herself to pull. This report should be covered by existing reports and therefore should not be developed. **Team Response:** There is no existing report that covers this information.
Region	15	141	0	**Absolutely can not live with recommendation BECAUSE:** The Scheduled RTC date field really needs to accept multiple dates for compliance schedules that have multiple milestones. This has never been addressed in RCRAINFO and there should be no need to have another database to track multiple date milestones from consent orders or other instruments. **Team Response:** The issue of having the ability to put in multiple RTC dates for compliance schedules or orders is addressed in PPI # 22.
Region	15	141	0	While we can see the potential benefit of having such a report available, it is doubtful that we would make much use of it. We don't find RCRAINFO to be a very efficient or effective way to perform day-to-day case management and tracking, so we have developed other systems to help us

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				manage our cases and violators. It is unlikely that RCRAINFO, even given this new proposed report, would meet our needs in this area as well as other systems already in place. **Team Response:** Use of this report is optional.
Region	15	141	0	Agree with recommendation
Region	15	141	0	Agree with recommendation
Region	15	141	0	Agree with recommendation
Region	15	141	0	Region agrees with the Team's recommendations.
Region	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	Agree with recommendation
State	15	141	0	General Comment: State has already developed & is currently using a similar report. Our report looks for violations with a violation date older than 180 days that do not have an actual compliance date. Each quarter we run it & distribute it to our field staff for their follow-up. Our report includes the type of violation & the most recent enforcement action logged. **Team Response:** No response required.
State	15	141	30	State does not enter a Scheduled RTC Date because it is not a required field as stated in line 32. Therefore a tickler report that uses this as a criterion could not be used by us. If the report was more flexible we would definitely use it. **Team Response:** Scheduled RTC Date is currently a nationally required data field. There is not another data element in RCRAINFO that can be queried for this report in place of Scheduled RTC Date. However, use of this report is optional. Use of the scheduled RTC date is NOT OPTIONAL.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	15	141	31 - 32	The recommendation suggests that the Scheduled RTC is currently required. This is not accurate. The Scheduled Compliance Date in a nationally required field, but not system required. Currently, implementers can translate the field as a blank. State opposes making the Scheduled RTC a system required field, as it would force a significant change in our business practices. **Team Response:** The recommendation by the Team is for the Scheduled RTC Date to remain a nationally required data field. This report function will not work for those implementers who do not add a Scheduled RTC date to the system. Use of the scheduled RTC date is NOT OPTIONAL.
State	15	141	37 - 38	A facility's failure to meet a scheduled RTC date may be more an indication of mail delays than a failure to comply in a timely manner (e.g., a facility corrects all deficiencies and mails documentation three days prior to scheduled RTC date, but correspondence is not received at worker level until after scheduled RTC.) **Team Response:** The Team recognizes this possibility. The implementer will have to interpret the significance of the report findings and determine appropriate actions, if any.
HQ	15	142	03-08	Another Con: Reporting data burden. Regions and States will view this as an additional burden. **Team Response:** This is not an additional data requirement. Scheduled RTC Date is a nationally required data element currently. This PPI proposes to have a report format available to query the data in order to QA/QC the data currently being collected.
State	15	142	24 - 26	Although State has developed a non-database in-house tickler management system of sorts, it does not have the resources to easily develop this type of report from RCRAINFO so having it made available in RCRAINFO would be great. Depending on what's included in the report, it may turn out to be a great timesaver for State. **Team Response:** No response required.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	16	145	0	Agree with recommendation Remove from SNC
State	16	145	0	Can live with recommendation
States	16	145	0	**Absolutely can not live with recommendation BECAUSE:** While one state agrees with the recommendation, most do not see the need for three fields for a SNC. If it is an "unaddressed SNC" it is a SNC; if it is an "addressed SNC" it is no longer a SNC; and, if it is a "SNC on a compliance schedule" it is no longer a SNC. **Team Response:** The Team has re-evaluated our recommendation and with the removal of the mandatory linking, believe that the three categories of SNC are needed.
State	16	145	0	WIN/INFORMED Team recommendations included the following: 1. Establish national definitions for in-compliance and SNC (significant non-complier). 2. Establish 6 new data fields to designate State unaddressed SNC, State addressed SNC, State SNC with compliance schedule, EPA unaddressed SNC, EPA addressed SNC, EPA SNC with compliance schedule. 3. Define these 6 new data fields. 4. Create categories of secondary violators as unaddressed SV (secondary violation) and addressed SV. 5. Convert all current SNC designations to these categories based on the criteria established in this issue discussion. **State absolutely cannot live with the above recommendations.** This proposal would require the establishment of three new data elements to be tracked in a State, Territorial, or Tribal data system. Currently, State records significant non-compliers as those facilities that have significant violation (primarily a Class 1 violation) and who have not returned to compliance. Once a facility has returned to physical compliance with all Class 1 violations, the facility is no longer considered a significant non-complier and the data system is modified to show this.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				The addition of data fields to capture unaddressed SNC, addressed SNC, and SNC with a compliance schedule established seem to be unnecessarily detailed statements regarding the status of a facility, because two of the proposed definitions of these elements correspond to a still out-of-compliance SNC, while the third definition would correspond to a facility that has entered into compliance schedule. The one area that was raised that seems deserving of resolution was whether a SNC on a compliance schedule should be considered to still be a SNC. This issue seems to split the various agencies discussing the issue. If the purpose of designating a facility as a SNC is to focus regulatory attention on those facilities that represent the greatest non-compliance and presumably the greatest hazard to the public health and the environment, what purpose is served by focusing additional attention on a facility that has entered into an enforceable compliance schedule and is functioning within that schedule to return to compliance? In general, the creation of these multiple definitions to describe a situation where a facility is either in compliance or not incompliance seems unnecessary and burdensome to those agencies or programs that are required to provide the data. No useful purpose seems to be served by increasing the number of data elements that must be determined, entered, and maintained. **Team Response:** The Team has re-evaluated our recommendation and with the removal of the mandatory linking, believe that the three categories of SNC are needed. Clarification of "in-compliance" is necessary for national consistency.
State	16	145	0	Can live with recommendation **Should remain an SNC:** meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) State prefers this definition **Team Response:** The Team has revised our recommendation to allow implementers to choose whether

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	See PPI #5 regarding no mandatory linking. **Team Response:** The Team has revised our recommendation to not require mandatory linking.
State	16	145	0	Can live with recommendation
State	16	145	0	Can live with recommendation
State	16	145	0	Throughout the document, the phrase "an SNC" was used incorrectly. It should read "a SNC." **Team Response:** The Team has chosen to use the "an" reading it as "an S-N-C" as opposed to "a significant non-complier".
State	16	145	0	Can live with recommendation **Remove from SNC:** meaning that the site is removed from being called a SNC when a compliance schedule is established. **State's choice** **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) **State agrees with this.** **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	Agree with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	16	145	0	Agree with recommendation Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) **Yes** **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	Agree with recommendation Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) **YES, with the conditions explained in the HMA**. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	Can live with recommendation
State	16	145	0	**Absolutely can not live with recommendation BECAUSE:** It is too vague and confusing. We have a facility that is a licensed TSDF, 23 years ago the site was under an order do to abandoned wastes and groundwater contamination. Though the contaminated soil and abandoned wastes were removed the groundwater contamination remains. The site has since changed hands several times, and is now a licensed commercial TSDF. The order was dropped long ago in favor of permit conditions requiring continued maintenance of the groundwater recovery program with financial assurance to guarantee that continuance. Is it fair to say the facility is still a SNC when they have taken all measures they can to responsibly handle the problem? What if they were a generator under the same circumstances and a permit wouldn't be an option, they would have no choice but to continue under the order (this is

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				also an actual facility) and stay a SNC even though they have and are continuing to take all necessary measures. In the discussion related to remaining a "SNC" until all order requirements are met unless "there is a long term monitoring of the site…", how do you define the "long term?" Another example is a TSDF that has been operating under an order for 12 years. It has become its corrective action order, compliance order, and operating conditions all in one and until all items are resolved the order will continue. Like the previous examples, the facility has changed hands and was not responsible for the original violations but is bound to the order. Should they continue to be punished as a SNC? The SNC indicator is also used by EPA when determining if a TSDF is acceptable as a commercial facility. Maintaining this designation will remove viable facilities from a business/income source. It should be noted, in the database, when a facility is under an active order – that would be clearer and more informative to those making inquiries. The order is already recorded in RCRAINFO what is needed is some sort of flag/date that can be entered when the order is terminated. This is also consistent with comments on page 168, line 23. That way information users would know, using the SNC designation whether the facility is still "negotiating" a compliance schedule or currently operating in compliance with regulations and orders. Using the enforcement action codes users can tell the enforcement history of the facility with regards to how many orders, how often and how recently. And using the "flag/date" designation users can also tell whether the company is currently operating under an active order that may impact the facility's activities. If more clarification is desired add an RTC qualifier code for closed per formal enforcement agreement/with established compliance schedule. Databases are meant to track activities but the more complex and detailed they become, the more difficult they are to keep current, and the less effective they become. Keep it simple.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				The facility is SNN'd after the order is signed, a termination date is flagged after an active order is terminated – if the facility violates the order an FEA violation is entered and the SNC is re-activated. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	Agree with recommendation
State	16	145	0	Can live with recommendation Questions to reviewers, choose one of the following: Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) OK unless SNC (SNY) is flagged years down the road due to unforeseen issues Remove from SNC: meaning that the site is removed from being called an SNC when a compliance schedule is established. OK NOW **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	State chooses the following. This is consistent with our legal counsel and the ERP. **Remove from SNC:** meaning that the site is removed from being called an SNC when a compliance schedule is established. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN,

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	**Absolutely can not live with recommendation BECAUSE:** State believes the over-arching term "In Compliance" should be inclusive of any and all regulatory requirements which were imposed as a result of the violation. This specifically should include full payment of penalties, in addition to the physical return to compliance. In the same vein, State believes that a site should remain an SNC until all conditions of the compliance schedule, including penalty payments have been completed. This should provide added thrust to expeditiously complete the compliance schedule. **Team Response:** National consensus supports the Team recommendation excluding the payment of penalties from the condition of in-compliance, therefore that part of the recommendation will remain as originally written. The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	Can live with recommendation State chooses first one: Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
HQ	16	145	0	Can live with recommendation but defer to ORE

Who	PPI	Page #	Line #	Comment/correction/modifications needed
HQ	16	145	0	**Absolutely can not live with recommendation BECAUSE:** Currently the ERP states that facilities will be deemed to have **returned to compliance** when they are in full physical compliance with regulatory and/or statutory requirements or when they are in full compliance with a compliance schedule established in a formal enforcement action. A facility may be considered a newly classified SNC if it fails to meet a milestone in the compliance schedule. SNC is a management tool to ensure that certain serious violators are timely and appropriately addressed. Once the state or EPA has timely and appropriately addressed a facility through a formal enforcement action, the SNC designation should be removed because it has served its purpose. The implementing agency should then focus on tracking the milestones in the compliance schedule, which is a separate effort. RCRAINFO data must be consistent with the ERP. **Team Response:** The definition of Returned to Compliance in the latest revised Draft ERP, negotiated with ASTSWMO, is consistent with the HMA recommendation. The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	Agree with recommendation State likes the three categories of SNC that the workgroup has defined. **Team Response:** Thank you.
State	16	145	0	Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) **State chooses this one.** **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered,

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	Can live with recommendation
State	16	145	0	Remove from SNC: meaning that the site is removed from being called an SNC when a compliance schedule is established. **I prefer this option since it will retain continuity with previously entered data** **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	**Absolutely can not live with recommendation BECAUSE:** Additional categories of SNCs add unnecessary complexity to the SNC policy. There is no value to State of describing SNC beyond indicating SNN or SNY. This recommendation would require us to modify our SNC policy and our business practices for no gain. State is unsure the PAA has completely assessed the impact of this recommendation to system structure and on translations. It is not clear that RCRAINFO currently contains the information needed to make the new universe calculations. We have concerns that there may be additional need for new fields causing us to make change to our data collection system and flat-file generation software. **Team Response:** National consensus supports the recommendation of three categories of SNC. Therefore we will continue to recommend these three categories.
State	16	145	0	No change is needed to the SNC determinations. If there is confusion, clarify the instructions. If a facility is on a compliance schedule and is following it, it should be removed from the SNC universe. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN,

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				the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
Region	16	145	0	**Absolutely can not live with recommendation BECAUSE:** If a facility is meeting its compliance schedule then it shouldn't be considered a SNC anymore unless it misses one of its milestones. This is a good reason to have multiple milestone capability in the scheduled RTC date field. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
Region	16	145	0	Before I provide specific comments and thoughts on these issues, there are two general comments I would like to offer. One is that the goal of having consistency in the SNC and Compliance definitions will likely provide to be an illusive one, due to the subjective nature of the SNC definition for the RCRA program. The second comment is that I feel the data system and it's definitions should reflect what is contained in the ERP, and not the other way around, where the ERP becomes driven to change to match up with data definitions and data management approaches. Much of the discussion revolves around scenarios where violations are addressed by enforcement actions, which require injunctive tasks to get the facility back into physical compliance. A more frequent issue for us is one where a facility corrects violations before an enforcement action is issued. In this case, the facility has returned to physical compliance, but I'm not clear what the recommendation is as far as resolving the violations in the system and what SNY and SNN codes are appropriate (and when they should be entered). This scenario occurs more often than those where injunctive tasks are required as part of the enforcement action, and should be addressed to advance the goal of data consistency. Regarding the question to reviewers, my recommendation would be to remove a facility from SNC designation once a

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				compliance schedule is established as part of a formal enforcement action. I think this approach is also the most consistent with an issue raised later with regard to SNC facilities which are referred to Superfund. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC. The Team agrees with you that the data system does not drive the policy, but the charter of the WIN/INFORMED process dictates that the PAA analyze policy, guidance, and data system to determine if any changes are necessary. This is what the HMA Team has done. Since these recommendations have gone through National Review, the ERP will be modified to be consistent with these recommendations. In your example: if a facility corrects violations before an enforcement action is issued (violations have returned to physical compliance) - the violations would have an actual_rtc_date (indicating they are in full physical compliance), and when the implementer returns the violation to compliance, the implementer would enter an SNN evaluation to remove the site from being a SNC. The Team suggests you refer to the ERP to determine if, in this case, the SNC was "addressed appropriately".
Region	16	145	0	**Absolutely can not live with recommendation** **BECAUSE:** We favor option #4 on page 50, line 20 and its related SNC designation and tracking functions. **Team Response:** The Team has listed the reasons why option 4 was not selected for the tracking of SNCs.
Region	16	145	0	Can live with recommendation
Region	16	145	0	**Absolutely can not live with recommendation** **BECAUSE:** Currently the ERP states that facilities will be deemed to have **returned to compliance** when they are in

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				full physical compliance with regulatory and/or statutory requirements or when they are in full compliance with a compliance schedule established in a formal enforcement action (either an order or an agreement). Similarly, the ERP considers a SNC to be resolved when a formal action is taken, and an SNN (SNC no) when a Consent Order/Agreement is reached. The facility is presumed in compliance with that order/agreement (assuming the state/region is tracking the milestones in the order/agreement) and is considered a newly classified SNC if found in violation of the Order. Based upon the definitions, a SNN and an RTC date is coded in t RCRAINFO as the date of the Order. PPI # 16 recommends changing the definitions by: • having 3 compliance definitions: In compliance, not in compliance, or returned to compliance, and • having 3 categories of SNCs: Unaddressed SNC, addressed SNC, and a SNC with a compliance schedule established. Based upon discussion with the REMs, most feel that the current definitions should not be changed. The main reason for leaving it unchanged is the data issues that will be associated with the change. If the SNC status doesn't change to SNN until the facility is in full physical compliance, then facilities with a compliance schedule for 1 or 2 years or longer will always show up on some SNC target list. Similarly, if an RTC date is not coded in once the Consent Order/Agreement is signed, then the facility will always show up on some target list as not in compliance. It is hard enough to get the data coded in correctly once an Order is issued, and getting an SNN and RTC date coded in at the time the Order is issued. Tracking more info and then requiring someone to code in numerous codes (SNC, then addressed SNC or compliance schedule SNC, then the different in-compliance schedule codes) will create many more inaccuracies in RCRAINFO. Furthermore, what is the purpose of continuing to track a facility on an enforceable compliance schedule as a SNC or

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				not RTC. If they are resolved via a formal enforcement action, and in compliance with that schedule, then why should the agency be concerned, assuming the action taken was appropriate and the order is being tracked. The SNC identifier is an internal management tool. Once an enforceable compliance schedule is developed, the SNC designation is no longer useful. The implementing agency has done what it was required to do. **We are tracking too many things, and need to focus on the proper issues. If an appropriate action is taken, then why continue to track it as SNC or an addressed SNC. It becomes a SNC again if it is in violation of its compliance schedule.** **addressed SNC. It becomes a SNC again if it is in violation of its compliance schedule.** **<u>Team Response:</u>** The definition of Returned to Compliance in the latest revised Draft ERP, negotiated with ASTSWMO, is consistent with the HMA recommendation. Which revised the definition of RTC to be only full physical compliance, therefore the date of the Consent Order/Agreement is not the RTC date. The additional categories of SNC (Unaddressed, Addressed, & Compliance Schedule Established) will not need to be set by implementers, it will be set automatically by the system based on the data (exactly how the SNC flag is currently being set). The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC. The Team agrees with you that the data system does not drive the policy, but the charter of the WIN/INFORMED process dictates that the PAA analyze policy, guidance, and data system to determine if any changes are necessary. This is what the HMA Team has done. Since these

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				recommendations have gone through National Review, the ERP will be modified to be consistent with these recommendations.
Region	16	145	0	Currently the ERP states that facilities will be deemed to have **returned to compliance** when they are in full physical compliance with regulatory and/or statutory requirements or when they are in full compliance with a compliance schedule established in a formal enforcement action (either an order or an agreement). Similarly, the ERP considers a SNC to be resolved when a formal action is taken, and an SNN (SNC no) when a Consent Order/Agreement is reached. The facility is presumed in compliance with that order/agreement (assuming the state/region is tracking the milestones in the order/agreement) and is considered a newly classified SNC if found in violation of the Order. Based upon the definitions, a SNN and an RTC date is coded in t RCRAINFO as the date of the Order. PPI # 16 recommends changing the definitions by: • having 3 compliance definitions: In compliance, not in compliance, or returned to compliance, and • having 3 categories of SNCs: Unaddressed SNC, addressed SNC, and a SNC with a compliance schedule established. We do not believe that the current definitions should be changed. The main reason for leaving it unchanged is the data issues that will be associated with the change. If the SNC status doesn't change to SNN until the facility is in full physical compliance, then facilities with a compliance schedule for 1 or 2 years or longer will always show up on some SNC target list. Similarly, if an RTC date is not coded in once the Consent Order/Agreement is signed, then the facility will always show up on some target list as not in compliance. It is hard enough to get the data coded in correctly once an Order is issued, and getting an SNN and RTC date coded in at the time the Order is issued. Tracking more info and then requiring someone to code in numerous codes (SNC, then addressed SNC or compliance schedule SNC, then the different in-compliance schedule codes) will create many more inaccuracies in RCRAINFO.

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				Furthermore, what is the purpose of continuing to track a facility on an enforceable compliance schedule as a SNC or not RTC. If they are resolved via a formal enforcement action, and in compliance with that schedule, then why should the agency be concerned, assuming the action taken was appropriate and the order is being tracked. The SNC identifier is an internal management tool. Once an enforceable compliance schedule is developed, the SNC designation is no longer useful. The implementing agency has done what it was required to do. **We are tracking too many things, and need to focus on the proper issues. If an appropriate action is taken, then why continue to track it as SNC or an addressed SNC. It becomes a SNC again if it is in violation of its compliance schedule.** **Team Response:** The definition of Returned to Compliance in the latest revised Draft ERP, negotiated with ASTSWMO, is consistent with the HMA recommendation, which revised the definition of RTC to be only full physical compliance, therefore the date of the Consent Order/Agreement is not the RTC date. The additional categories of SNC (Unaddressed, Addressed, & Compliance Schedule Established) will not need to be set by implementers, it will be set automatically by the system based on the data (exactly how the SNC flag is currently being set). The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC. The Team agrees with you that the data system does not drive the policy, but the charter of the WIN/INFORMED process dictates that the PAA analyze policy, guidance, and data system to determine if any changes are necessary. This is what the HMA Team has done. Since these recommendations have gone through National Review, the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				ERP will be modified to be consistent with these recommendations.
Region	16	145	0	Can live with recommendation
Regions & 2 specific regions	16	145	0	Currently the ERP states that facilities will be deemed to have **returned to compliance** when they are in full physical compliance with regulatory and/or statutory requirements or when they are in full compliance with a compliance schedule established in a formal enforcement action (either an order or an agreement). Similarly, the ERP considers a SNC to be resolved when a formal action is taken, and an SNN (SNC no) when a Consent Order/Agreement is reached. The facility is presumed in compliance with that order/agreement (assuming the state/region is tracking the milestones in the order/agreement) and is considered a newly classified SNC if found in violation of the Order. Based upon the definitions, a SNN and an RTC date is coded in t RCRAINFO as the date of the Order. PPI # 16 recommends changing the definitions by: • having 3 compliance definitions: In compliance, not in compliance, or returned to compliance, and • having 3 categories of SNCs: Unaddressed SNC, addressed SNC, and a SNC with a compliance schedule established. Based upon discussion with the REMs, most feel that the current definitions should not be changed. The main reason for leaving it unchanged is the data issues that will be associated with the change. If the SNC status doesn't change to SNN until the facility is in full physical compliance, then facilities with a compliance schedule for 1 or 2 years or longer will always show up on some SNC target list. Similarly, if an RTC date is not coded in once the Consent Order/Agreement is signed, then the facility will always show up on some target list as not in compliance. It is hard enough to get the data coded in correctly once an Order is issued, and getting an SNN and RTC date coded in at the time the Order is issued. Tracking more info and then requiring someone to code in numerous codes (SNC, then addressed SNC or compliance schedule SNC, then the different in-compliance schedule codes) will create many

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				more inaccuracies in RCRAINFO. Furthermore, what is the purpose of continuing to track a facility on an enforceable compliance schedule as a SNC or not RTC. If they are resolved via a formal enforcement action, and in compliance with that schedule, then why should the agency be concerned, assuming the action taken was appropriate and the order is being tracked. The SNC identifier is an internal management tool. Once an enforceable compliance schedule is developed, the SNC designation is no longer useful. The implementing agency has done what it was required to do. **We are tracking too many things, and need to focus on the proper issues. If an appropriate action is taken, then why continue to track it as SNC or an addressed SNC. It becomes a SNC again if it is in violation of its compliance schedule.** **Team Response:** The definition of Returned to Compliance in the latest revised Draft ERP, negotiated with ASTSWMO, is consistent with the HMA recommendation, which revised the definition of RTC to be only full physical compliance, therefore the date of the Consent Order/Agreement is not the RTC date. The additional categories of SNC (Unaddressed, Addressed, & Compliance Schedule Established) will not need to be set by implementers, it will be set automatically by the system based on the data (exactly how the SNC flag is currently being set). The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC. The Team agrees with you that the data system does not drive the policy, but the charter of the WIN/INFORMED process dictates that the PAA analyze policy, guidance, and data system to determine if any changes are necessary. This

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				is what the HMA Team has done. Since these recommendations have gone through National Review, the ERP will be modified to be consistent with these recommendations.
State	16	145	0	**Absolutely can not live with recommendation BECAUSE:** State does not see the need for three fields for a SNC. If it is an "unaddressed SNC" it is a SNC; if it is an "addressed SNC" it is no longer a SNC; and, if it is a "SNC on a compliance schedule" it is no longer a SNC. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	145	0	Agree with recommendation
State	16	145	0	Agree with recommendation
State	16	145	0	Agree with recommendation
State	16	145	0	Perhaps it is better addressed in the ERP revision process, but the PPI makes no mention of state specific regulations and how they related to SNC determinations. **Team Response:** With our revised our recommendation, the ERP and ASTSWMO are in agreement with the definitions. The revised ERP will reflect these changes.
State	16	145	0	Can live with recommendation
Region	16	146	09	Typo - should be corrected to "when a violator becomes a SNC" **Team Response:** The Team has chosen to use the "an" reading it as "an S-N-C" as opposed to "a significant non-complier".
State	16	146	09	Typographic error – should be …"becomes a SNC"… **Team Response:** The Team has chosen to use the "an" reading it as "an S-N-C" as opposed to "a significant non-complier".
State	16	146	20 -	The definition of "not in compliance" is inconsistent with

Who	PPI	Page #	Line #	Comment/correction/modifications needed
			36	the way ECHO pulls data. ECHO does not consider some violations to be "not in compliance" until a scheduled RTC date has been missed. **Team Response:** Once these recommendations (definition changes) have been approved by the ESC, ECHO will change how it is pulling RCRA data.
State	16	146	23	". . . only a snapshot of the site's status during a particular evaluation event and does not necessarily reflect the status of the site at this time" It should also be made clear that these were violations found but they may not be every area with possible violations. In the past when the public see words such as. in compliance," "compliant," and "physical compliance" they assume that every inch of a facility is inspected and this usually is not the case. A through inspection is conducted but that is balanced out with the priority to evaluate other sites so every inch is not inspected. **Team Response:** Thank you.
State	16	146	28	"an instance where a site has unresolved RCRA violations." Should read "an instance where a site has unresolved RCRA, Subtitle C, violations." This is necessary to distinguish that this evaluation and identified violations do not cover all of RCRA. **Team Response:** Thank you, the Team has made a modification.
State	16	147	02	"The Team believes that sites should be classified as SNCs until they have returned to physical compliance with all applicable RCRA requirements which contributed to them being classified as an SNC. This includes requirements that may be in the form of technical remedies present in a formal enforcement order. However, the Team does not believe that a site should continue to be flagged as an SNC when long term monitoring of a site is one of the conditions of the order and the condition that caused the violation has been corrected . . ." Well, this will be even more confusing than it is now. Do you mean that if it is too long the site will not stay a "SNC with Compliance Schedule Established" but will just be un-SNC'ed? This would be a case of trying to have your cake and eat it too. In other words, you want the site to stay a

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				SNC even with an order but not if it takes too long (maybe because that would not look good). You will have all of the same problems you have now with consistency and more. What is 'long' in long-term monitoring (one year – ten years – thirty years?). Some remediation takes a 'long' time also so will that be counted as a SNC or not. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	147	13	Another way of defining DeSNCing a remediation violation would be if the facility were in physical compliance with a closure plan or permit or the corrective action equivalent. **Team Response:** Correct.
State	16	148 & 152 - 153	0	As stated elsewhere, we do not want a requirement to link violations to an SNY record; make this an option and not mandatory. **Team Response:** The Team has revised our recommendation to make linking optional.
1 Region & 1 State	16	148 & 152 - 153	0	As stated elsewhere, we do not want a requirement to link violations to an SNY, but we would accept an option to do so. If such linking is required, this page must specify what violations affect SNC categories. If it is those that are not RTCed and are linked to the SNY, then the definitions of SNC categories should specify this (e.g., 'no formal action addressing un-RTCed violations linked to the SNY'). The definitions should make clear that failing to address even one of the target violations (however defined) leaves site as 'Unaddressed SNC' and failing to formally address even one violation and give it a compliance schedule leaves site as 'Addressed SNC'. **Team Response:** The Team has revised our recommendation to make linking optional. The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
Region	16	148	01 - 38	All these categories are confusing. The public will see the ECHO report of their facility and all they really want to know is if they are a SNC or aren't they. A simple go-no go test is easy to understand and easy to implement. If the categories listed are for HQ reporting purposes, that's fine. But if they are going to be made categories for public consumption, it is too confusing. Region takes exception to call facilities SNCs so long as they meet their compliance schedules. The category would then be Former SNCs on compliance schedules. That sounds much more accurate and appealing. **Team Response:** The Team has re-evaluated our recommendation and with the removal of the mandatory linking, believe that the three categories of SNC are needed. National Review supports these categories of SNC.
State	16	148	04 - 22	The flag should be maintained at the compliance level and not the handler level. **Team Response:** The Team looked at that option, but believes that the recommended option is the best way to identify SNC.
State	16	148	05 - 0 7	State suggests using the terms "Pre- and Post-Enforcement SV" since "Unaddressed SNC" sounds like the agency is either neglecting the facility and violations or has failed to attempt to bring the facility into compliance for whatever reason. **Team Response:** Thank you, but these are the terms used in the ERP.
State	16	148	05	**Unaddressed SNC** defined as an SNC (has an SNY evaluation record without a subsequent SNN) with no formal enforcement action filed. As stated before, you can not use vague words such as 'formal' enforcement action and expect any kind of consistency as to what 'formal' is. Try using codes to define the scope of 'formal' but obviously do not limit it to certain codes. Actually, you could explain what

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				the groupings of code numbers mean (100 series enforcement actions, 200 series enforcement actions, etc.) and what level a 'formal' enforcement action would fall into. Historically there have been enough problems maintaining current and up-to-date information on the database. Adding various categories to the SNC may help explain whether outstanding violations are being addressed at the facility but it will be labor intensive to keep this data current, with possible major financial consequences to the industry that is not correctly noted. **Team Response:** PPI # 17 addresses precisely what the definition of Formal vs Informal enforcement action, therefore no one should have any confusion as to what these terms mean.
State	16	148	08 - 11	Since payment or non-payment of penalties does not determine a SNC designation at a facility, why are penalties (punitive measures) included in the definition of an Addressed SNC? **Team Response:** It is used to describe the enforcement action. Just a formal action without appropriate sanctions is not enough to qualify as addressed - but the payment of the penalty is not enough to prevent the site from not being an SNC.
Region	16	148	12-21	No; Do not agree with the HMA table that a SNC with a compliance schedule established should still be considered a SNC (as long as the facility has not exceeded their scheduled RTC date) **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	148	28 - 37	Choose: Remove from SNC: meaning that the site is removed from being called an SNC when a compliance schedule is established. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
Region	16	148	28 - 37	Questions to reviewers, choose one of the following: Remove from SNC: meaning that the site is removed from being called an SNC when a compliance schedule is established. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
Region	16	148	28 - 37	We are in favor of the first statement below. Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
Region	16	148	28 - 37	Choose: Remove from SNC: meaning that the site is removed from being called an SNC when a compliance schedule is established. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
Region	16	148	28 - 37	Remove from SNC: meaning that the site is removed from being called a SNC when a compliance schedule is established. Region's Choice

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	148	28 - 37	Remove from SNC: meaning that the site is removed from being called an SNC when a compliance schedule is established. **We agree with this definition.** **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	148	28 - 37	Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) **The different categories of SNC defined in the document (Unaddressed SNC, Addressed SNC, and SNC on Schedule for Compliance) will portray a more meaningful and accurate picture of the status of an SNC, so, it will be OK to leave them in SNC status until compliance is established.** **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	148	28 - 37	Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) Select this option-remain SNC until all violations have a physical RTC date. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a

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				compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	148	28 - 37	State chooses: Remove from SNC: meaning that the site is removed from being called an SNC when a compliance schedule is established. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	148	28 - 37	Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) State AGREES that the site should remain a SNC **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	148	28 - 37	Questions to reviewers, choose one of the following: If the three categories of Significant Non-Compliers can be established & adequately conveyed to the public when this compliance information is shared in reports & on websites—then State is in agreement with: Should remain an SNC: meaning that the site stays an SNC even when a compliance schedule is established (this is the current HMA recommendation.) **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
States	16	148	29 - 37	**Remove from SNC:** meaning that the site is removed from being called an SNC when a compliance schedule is established. **We agree with this definition.** **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	148	29 - 37	**Remove from SNC:** meaning that the site is removed from being called an SNC when a compliance schedule is established. AGREE **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	148	33	State believes the site should remain a SNC. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	149	0	Survey asking if a SNC is still a SNC when it is in compliance with its compliance schedule - A SNC is any site with an SNY and no subsequent SNN by the same agency. A site stays a SNC until the SNN is entered due to a consent decree, administrative order, penalties paid, etc. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
1 Region & 1 State	16	149	0	Survey asking if a SNC is still a SNC when it is in compliance with its compliance schedule. Because we ask that linking of SNYs to violations be optional, we must first define our terms: **- A SNC is any site with an SNY and no subsequent SNN by the same agency. A site stays a SNC until the SNN is entered, regardless of its compliance status.** - Compliance status for any site (whether or not it is a SNC) falls into one of the three categories listed on page 146: - 'in compliance': no non-RTCed violations at site - 'not in compliance': non-RTCed violations at the site - 'returned to compliance': is a special case of 'in compliance' in which violations exist, but all have RTCed (and we ignore the status of any payments, SEPs, or other requirements not necessary to return violations to compliance). Sites 'not in compliance' (i.e., the non-compliance status of a site) can be subdivided as follows: - 'Unaddressed': at least one non-RTC violation lacks any formal or informal action (100-399, 500-799*), although others may have them. - 'Informally addressed': All non-RTCed violations have a formal or informal action (100-399, 500-799*), and at least one non-RTCed violation lacks a formal enforcement (200-399, 500-799*) (and, if a compliance schedule exists, it is ignored); - 'Formally addressed, but lacking a compliance schedule': All non-RTCed violations have a formal action (200-399, 500-799*) these formal action(s) fail to establish a compliance schedule for at least one non-RTCed violation. (This is a case of not following the ERP or of bad data.) - 'In compliance with compliance schedule': All non-RTCed violations have a formal action (200-399, 500-799*) that establishes a compliance schedule that has not lapsed. - 'Has lapsed compliance schedule': All non-RTCed violations have a formal action (200-399, 500-799*) that establishes a compliance schedule for each non-RTCed violation, and at least one of these compliance schedules has lapsed.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				We recommend that RCRAINFO universe calculations calculate the following mutually-exclusive SNC categories separately for State and for EPA. These categories cover all SNC categories of interest (plus possible bad data): - Non-violator SNC: has SNY and no SNN for the agency, and has no violations (probable bad data) - Unaddressed SNC: has SNY and no SNN for the agency, and has unaddressed non-RTCed violations (determined before or after the SNY and with either agency responsible). - Informally-addressed SNC: has SNY and no SNN for the agency, and has non-RTCed violations (determined before or after the SNY and with either agency responsible) that are informally addressed, but not formally addressed. - Formally-addressed SNC without a compliance schedule: has SNY and no SNN for the agency, and all non-RTCed violations are formally addressed but the formal action(s) failed to establish a compliance schedule for at least one non-RTCed violation (bad data or failed to follow ERP). - SNC in compliance with compliance schedule: Has SNY and no SNN for the agency, and all non-RTCed violations (determined before or after the SNY and with either agency responsible) have formal action(s) (200-399, 500-799*) that establishes a compliance schedule for them that has not lapsed. - SNC with lapsed compliance schedule: Has SNY and no SNN for the agency, and all non-RTCed violations (determined before or after the SNY and with either agency responsible) have formal action(s) (200-399, 500-799*) that establish a compliance schedule for them that has lapsed. - SNC in apparent compliance: Has SNY and no SNN for the agency, and has violations, but all are RTCed. (These sites probably need an SNN. We have heard arguments that a SNC might have no violations. If so, Implementor will see this on tickler reports for sites probably needing an SNN, and must determine whether or not the SNN is needed.) * The asterisked ranges above must exclude 700-720 if the above definitions are for public release. Since we ask that SNY/N not be released, we define this range for internal use.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Implementors and Oversight can choose groups of SNC categories to meet their needs: - When using the current ERP definition of SNC, choose all (or all but Non-violator SNCs). - When using the definition this PAA recommends, choose all (or all but Non-violator SNCs), but omit SNCs in compliance with compliance schedule. - When looking at Implementor workload, choose Unaddressed and Informally-addressed SNCs and SNCs with lapsed compliance schedule, and SNCs in apparent compliance. - When looking for data problems, choose Non-violator SNCs, Formally-addressed SNCs without a compliance schedule, and SNCs in apparent compliance. - **If SNYs and other SNC information are released to the public, which we advise against, then we concur with the PAA that a site is still a SNC when it is in compliance with its compliance schedule but has not achieved full physical compliance. A SNC is any site with an SNY and no subsequent SNN by the same agency. A site stays a SNC until the SNN is entered, regardless of its compliance status.** If the PAA moves away from its recommendation and chooses to have compliance status affect SNC status - following the REM recommendation (to remove the following from SNC universe: 'Formally-addressed SNC without a compliance schedule', 'SNC in compliance with compliance schedule', 'SNC with lapsed compliance schedule', and, perhaps, Non-violator SNC and 'SNC in apparent compliance') or the alterative PAA definition (to remove 'SNC in compliance with compliance schedule') - then we ask that: - the omission of categories be handled by the SNC universe calculations and that Implementors be allowed to continue to enter an SNN when they determine a site is no longer a SNC (which will not always be when a formal action is done or when a compliance schedule is established). - the SNC calculations say a site is a SNC when an agency has entered an SNY, but no SNN, has a formal action on or

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				after the SNY date, and a violation for which the agency is responsible has a lapsed compliance schedule. Violations with no compliance schedule would be ignored and sites with no violations on a compliance schedule could not be SNCs. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	149	08	State votes Should remain a SNC **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
State	16	149	38 - 40	It is stated here that once all SNC related violations are returned to compliance the site will no longer be a SNC. However, PPI #5 (page 46, lines 35 – 37) clearly stated that violations should not be the sole consideration in determining the SNC status of a site. State agrees with the logic in PPI #5, and would like the guidance to be consistent with the stated logic. This comment also applies at page 146, lines 15- 17 of this PPI. Page 149, line 23 implies that no open violations equates directly to not being a SNC. Page 151, line 8 also implies that once all violations are RTC, the site is no longer a SNC. This comment applies also to the proposed SNC QA/QC report on page 235, line 25. State strongly believes that some sites should remain in SNC status even though all cited violations have been resolved. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.
1 Region & 1 State	16	150	04	The categories listed in our comments on page 149 cover all possibilities at sites with an SNY but no SNN, and can be combined to produce the categories of internal interest. (For example, 'SNCs with compliance schedule established' would be 'SNCs whose compliance schedule has expired' plus 'SNCs in compliance with their compliance schedule'.) **Team Response:** You are correct.
State	16	150	26 - 43	Additional tracking of secondary violators are an over-kill on what is already done. The database tracks relative evaluation, violations and enforcement actions, as well as, scheduled compliance due dates until the violations have been RTC'd. That seems sufficient. **Team Response:** The Team has provided these definitions in order to provide a complete guidance on the subject of in-compliance, out-of-compliance & RTC so that there will be national consistency.
State	16	153	0	Structure Change for calculated SNC flags: You need add only two fields for calculated SNC values, not six: State_SNC and EPA_SNC to calculate and turn on the SNC flag; and current SNC flag to designate current SNC's. **Team Response:** The Team, National review, and the revised Draft ERP supports the six categories of SNC.
1 Region & 1 State	16	153	0	Structure Change for calculated SNC flags: You need add only two fields for calculated SNC values, not six: State_SNC and EPA_SNC. All the SNC categories are mutually exclusive, so there is no need to allow for a site's simultaneously being in two categories. To efficiently summarize violator-status on reports where CME data are of secondary interest (e.g., CA, PMT, handler lists), the universe calculations should calculate non-SNC violator-statuses ('never a violator', 'former violator', 'SV-type violator'). Assigning additional values for the SNC flags would accomplish this (because the SNC and non-SNC statuses are mutually exclusive).

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: The Team, National review, and the revised Draft ERP supports the six categories of SNC.
State	16	154	05 - 26	Translation issues were not addressed. **Team Response:** Detail translator issues/instructions will be provided by the DESIGN TEAM.
State	16	154	28 - 30	State does not put SNC information in system until action is issued since ECHO made this public information. **Team Response:** The Team has revised our recommendation to allow implementers to choose whether or not to enter an SNN when the SNC site is on a compliance schedule. If the implementer enters the SNN, the site will no longer be an SNC, if the SNN is not entered, the SNC site becomes a "SNC With Compliance Schedule Established" and remains an SNC.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	17	155	0	Agree with recommendation
State	17	155	0	Can live with recommendation
States	17	155	0	Agree with recommendation
State	17	155	0	Agree with recommendation
State	17	155	0	Can live with recommendation
State	17	155	0	Agree with recommendation
State	17	155	0	Agree with recommendation
State	17	155	0	Question: Does this mean that an action can be formal even if it does NOT have to go before a trier of fact? If so then this is great! **Team Response:** Yes, but sanctions do need to be included.
State	17	155	0	Agree with recommendation **Agree as long as definition still reads and/or for formal actions** **Team Response:** After consultation with State representatives, changes were made to the definition of enforcement to address their concerns regarding secondary violators.
State	17	155	0	Agree with recommendation But please recommend to your peers at ECHO to include NOVs in ECHO as well. Otherwise the public gets a very incomplete picture of (informal) enforcement and return to compliance. **Team Response:** It is the Team's understanding that ECHO is not displaying NOVs because they are not consistently defined across the Nation. This HMA-PAA project will result in defining NOVs in a consistent manner, therefore there will be no reason why ECHO would not display NOV information.
State	17	155	0	Agree with recommendation
State	17	155	0	**Absolutely can not live with recommendation BECAUSE:** You completely ignore criminal cases, which in this state are an important part of enforcement. In addition it is often difficult to put state civil actions in EPA definitions when their enforcement actions/styles are so different.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Either definitions will have to be broad enough to include State actions or there will have to be allowances for such state codes. **Team Response:** Criminal enforcement actions have been added to the definition of Formal Enforcement.
State	17	155	0	Agree with recommendation
State	17	155	0	Agree with recommendation
State	17	155	0	Can live with recommendation
State	17	155	0	Agree with recommendation
State	17	155	0	Agree with recommendation
HQ	17	155	0	Can live with recommendation but defer to ORE
Hq	17	155	0	**Absolutely can not live with recommendation BECAUSE:** We cannot agree with this recommendation because it is inconsistent with the ERP. This recommendation changes the definition of "formal enforcement" that is in the ERP and adds a definition for "NOVs and Settlement Agreements." This issue is best resolved through the workgroup established to revise the policy, rather than modifications to RCRAINFO. The recommended definition includes state Corrective Action orders in the definition of "Formal enforcement." The ERP does not address the use of an order pursuant to Section 3008(h) of RCRA, 42 U.S.C. § 6928(h), to compel corrective action. Such a change will likely cause confusion. In addition, we do not believe that a separate definition is needed for "NOVs and Settlement Agreements." No other enforceable documents are specifically defined. Adding this definition will likely cause confusion. If a document meets the definition for "formal" then it is formal enforcement. **Team Response:** The Team closely coordinated with ORE in developing the final recommendation. The separate definition regarding NOVs and Settlement Agreements was removed and recognition of the issue was added to the definition of Formal enforcement. This issue was the very issue identified by the Team to be resolved, so, it must be addressed in the final recommendations.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	17	155	0	Agree with recommendation
State	17	155	0	Can live with recommendation
State	17	155	0	Can live with recommendation State agrees with the recommendation only if it can be supported without any coding changes. **Team Response:** There are no structure, translator load, or data entry screen changes proposed in this PPI.
Region	17	155	0	Agree with recommendation
Region	17	155	0	No comment
Region	17	155	0	Agree with recommendation
Region	17	155	0	Agree with recommendation
Region	17	155	0	Agree with recommendation
Region	17	155	0	Region agrees with the Team's recommendations.
Region	17	155	0	Agree with recommendation
State	17	155	0	Agree with recommendation
State	17	155	0	Agree with recommendation
State	17	155	0	Can live with recommendation
State	17	155	0	State has state specific code of 119, written informal. So definition may still differ slightly. **Team Response:** This would still be an informal action, the changes in the definition will not affect this.
State	17	155	0	Agree with recommendation
State	17	155	0	Agree with recommendation
State	17	155	0	Agree with recommendation
State	17	155	30	**For States**, a formal enforcement action is: 1. a referral to the State's Attorney General for the commencement of a civil or administrative action in the appropriate forum, or 2. the filing of an administrative complaint, or the issuance of an administrative order, requiring compliance and/or assessing a civil penalty." We realize this is what is in the ERP and that has always presented a problem with States

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				that have an active and effective criminal enforcement program. Your revision still does not mention criminal enforcement except by the note "RCRAINFO data field: enforcement_type values 200 - 999." Please add the words criminal. Also, we want to applaud you for adding in codes that apply which helps with consistency especially when the regulatory side can now converse with the data entry side. **Team Response:** The word "criminal" was added to the definition.
State	17	156	0	Clarification of terms would be beneficial for all. **Team Response:** Thank you.
Region	17	156	34	Region's states that issue field citations treat them as formal enforcement actions and they are coded as 210s and 310s (310s where the citation is agreed and not contested). It is good that HMA guidance should reflect the reality that some formal actions do not go through the federal process of initial signed complaint through the settlement process. Streamlining the enforcement process saves both the Implementer and the Regulated Community time and expense without sacrificing the right to a formal hearing and administrative process. **Team Response:** Thank you.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	18	159	0	Agree with recommendation
State	18	159	0	Can live with recommendation
State	18	159	0	State might have to release some of the information classified in this PPI as "enforcement sensitive" if an FOIA request was made. **Team Response:** It is recognized that States will need to comply with their own FOIA requirements, however, the data will be released at the National level as defined in the PPI.
States	18	159	0	Can live with recommendation
State	18	159	0	Agree with recommendation
State	18	159	0	Can live with recommendation
State	18	159	0	Can live with recommendation
State	18	159	0	Agree with recommendation
State	18	159	0	Agree with recommendation
State	18	159	0	Agree with recommendation
State	18	159	0	Agree with recommendation
State	18	159	0	Agree with recommendation
State	18	159	0	**Absolutely can not live with recommendation** **BECAUSE:** Not all items of concern have been addressed. **Team Response:** With no specification on what the items are, there is no way to resolve this issue.
State	18	159	0	Agree with recommendation
State	18	159	0	Agree with recommendation
State	18	159	0	Can live with recommendation
State	18	159	0	**Absolutely can not live with recommendation** **BECAUSE:** Region doesn't agree that SNY flags should have any violations linked to them. In addition, Region feels that once the SNY designation has been made, this information can be made public since the basis of the SNC designation would be considered public information, i.e. the inspection and associated violation records. Restricting

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				SNC data linked to violations goes back to comments made earlier that this flies in the face of the 1996 ERP Guidance on SNC designation. **Team Response:** The Team decided to make the linking of SNY to violations optional since there was a split among commenters as to a preference for this.
State	18	159	0	Can live with recommendation
HQ	18	159	0	Can live with recommendation but defer to ORE
HQ	18	159	0	Agree with recommendation
State	18	159	0	Agree with recommendation
State	18	159	0	Agree with recommendation
State	18	159	0	Agree with recommendation
Region	18	159	0	**Absolutely can not live with recommendation BECAUSE:** Region doesn't agree that SNY flags should have any violations linked to them. In addition, Region II feels that once the SNY designation has been made, this information can be made public since the basis of the SNC designation would be considered public information, i.e. the inspection and associated violation records. Restricting SNC data linked to violations goes back to comments made earlier that this flies in the face of the 1996 ERP Guidance on SNC designation. **Team Response:** The Team decided to make the linking of SNY to violations optional since there was a split among commenters as to a preference for this.
Region	18	159	0	I generally agree with the Team's recommendations. Any information in the data system which indicates or suggests that EPA (or the States) are planning an action before it is finalized should not be released to the public. SNC designation is not a legal determination (like a violation is); it is just an internal tool for the regulators to use to help set priorities, and I'm not sure this data ever needs to be released (even after issuance of an enforcement action). The Team proposes that State-to-EPA Referrals information will be released. I disagree with this proposal, and feel that this data, as well as EPA-to-State or any other agency referrals should not be released. Again, this is pre-

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				enforcement and deliberative, and does not represent a formal finding or action, so should not be available to the public. **Team Response:** The Team agrees with your concerns over the release of pre-enforcement action and deliberative information. We have conferred with legal staff specializing in the protection of enforcement sensitive information and have fashioned our recommendations based on that feedback. We have changed our recommendations to include all State/EPA and EPA/State referrals as being enforcement sensitive and, therefore, not released to the public until an enforcement action has been issued.
Region	18	159	0	Agree with recommendation
Region	18	159	0	Agree with recommendation
Region	18	159	0	Can live with recommendation
Region	18	159	0	Region agrees with the Team's recommendations for Evaluations and Violations. We also agree with the recommendations for Enforcement Actions as described on pages 160 - 161 with the exception that State-to-EPA referrals are not maintained as enforcement sensitive until such time as a formal (or in some cases informal) enforcement action is recorded. This would seem an appropriate point to indicate that the action has been accepted and all parties notified (see page 160, lines 1 through 5). The same logic should hold true for EPA referrals to the States. The same level of enforcement sensitivity for SNY designations (see page 160, lines 10 - 12) should also apply to referrals. **Team Response:** The Team has revised its recommendation to include all EPA/State and State/EPA referrals as enforcement sensitive and will not be released to the public until an action has been issued.
Region	18	159	0	Agree with recommendation
State	18	159	0	Can live with recommendation
State	18	159	0	Agree with recommendation
State	18	159	0	Agree with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	18	159	0	Agree with recommendation
State	18	159	0	Can live with recommendation
State	18	159	0	General Comment: It would be nice to have the option of marking an evaluation & all linked violations/enforcements as "confidential", so it could not inadvertently be included in a report or on a website when it should not be there. **Team Response:** The Team considered treating a broader group of information (such as what you suggested) as enforcement confidential, but were advised by legal staff that it would not meet the exemption criteria for FOIAs.
State	18	159	33	EPA to State referrals is not addressed as enforcement sensitive. They should be. After enforcement codes are finalized this should be revisited for state input and review of all the codes relative the enforcement sensitivity. **Team Response:** The Team has revised its recommendation to include both EPA/State and State/EPA referrals as enforcement sensitive until an enforcement action has been issued.
State	18	160	0	Information no longer enforcement sensitive can be released from system.
Region	18	160	10 & 35	cannot live with the release of enforcements of type 400-499. * Nor can we allow enforcements of type, 400-499, 700-719, 800-899 to affect the release of SNY information. 100-199 - informal, releasable 200-399 - formal, releasable 400-499 - internal, not formal, never releasable, doesn't affect SNY release 500-699 - formal, relesable 700-719 - formal, releasable only after 720-799 by same agency occurs after the 700-719,* doesn't affect SNY release 720-799 - formal, relesable 800-899 - internal, not formal, releasable, doesn't affect SNY release **Team Response:** After consulting with legal staff, the Team believes its recommendations are consistent with legal requirements under FOIA and consistent with the need to maintain protective enforcement sensitive status for

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				appropriate data in RCRAINFO.
1 Region & 1 State	18	160	10	The PAA proposes (in enforcement sensitivity) that SNYs not be released to the Public until all violations linked to them have 'a formal enforcement action (RCRA data field: enforcement_type = 200-999)'. This begins to address our concerns, but problems remain: 1) We maintain that linking of violations to SNYs should be optional. Absent linking, it is possible to categorize SNCs based on all non-RTCed violations (or on only those in existence at the time of the SNY-determination), but such categories do not help determine releasability of SNY data. See our comments on SNC categories on page 150. 2) Page 160's 'formal enforcement action' needs qualification: it should read: 'a releasable formal enforcement action (200-399, 500-699, 720-799).' We see no reason to release SNY/SNN information: the formal enforcement action whose existence allows the release of an SNY conveys exactly the same meaning as the SNY (ie, that the site has violations that warrant a formal enforcement action), so releasing the SNY when the formal action occurs gives the public no additional information (except, perhaps the SNY determination date). If our request is not followed and SNY-determinations are released, they should be released only after an SNN-determination by the same agency has occurred. **Team Response:** The Team has revised its recommendation on mandatory linking of violations to SNCs and instead, now recommend that it be optional. The Team also continues to believe that SNY information should not be released until a formal enforcement action has been issued. There is no legal basis for denying the release of SNY information to the public after the formal enforcement action has been issued.
State	18	160	20	"Except for the SNY discussed above, all evaluations will be released, whether linked to a violation or not." Please see comments regarding a CDI page 57, line 41 under PPI#6 "but the proposed definition *[for CDI]* goes to much in depth and becomes very enforcement sensitive". **Team Response:** The Team specifically sought legal

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				opinion on the enforcement sensitive status of CDI evaluations and were advised that a CDI evaluation should be released and not considered enforcement sensitive.
Region	18	161	12	If SNY information is released to the public (which we do not favor), it should only be released after the agency that owns the SNY does a subsequent, releasable, formal action (200-399, 500-699, 720-799). In addition, if compliance schedules affect the release of SNY information (which we also don't favor), the SNY information should be released only when a compliance schedule established by the formal action lapsed before the violation RTCed. It is also OK to release SNY information when a subsequent SNN is entered by the same agency that owns the SNY. * REM says: 'We never discuss the fact nor do we ever publicly acknowledge any information about case referrals to DOJ. It's up to the states as to whether they would want to "strategically" release this information to get their AG or State Attorneys office moving.' **Team Response:** The Team believes that SNY information should not be released until a formal enforcement action has been issued. There is no legal basis for denying the release of SNY information to the public after the formal enforcement action has been issued.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	19	134 & 170	02 & 47	The HMA Team proposes to track "Notice of Determination" and "Notice of Intent to Initiate Enforcement Action" (and State Notice of Enforcement Conference?) as enforcements, but not "3007 letter seeking hazardous waste information". The difference seems pretty fuzzy/arbitrary to me. **Team Response:** The Team believes that there is a very clear distinction between these three documents and that, for the purposes of consistency and accuracy in the data system, it is very important that the differences be understood. Notices of Determination and Notices of Intent to Initiate Enforcement Action are enforcement actions because they are issued after a violation determination has been made and serve as an official notice that violations have occurred. A 3007 letter seeking hazardous waste information is nothing more than an information gathering tool and does not serve as an official notice of a violation; it is no different than an inspector conducting an on-site inspection to gather compliance information, except that this "inspection" is being done through use of a letter instead of an inspector's visit. What is often confusing with information requests is the fact that they can be issued at almost any time during the compliance monitoring and case development processes. Regardless of when they are issued, they are still always nothing more than an information gathering tool. Accordingly, 3007 letters are to be tracked as part of the "evaluation" module while the other two documents will be tracked in the "enforcement" module.
States	19	164	0	**Absolutely cannot live with recommendation BECAUSE**: States do not want a new system for tracking legal proceedings. This would create unnecessary new work for the states (and probably would result in new timelines being formed for legal proceedings. Since judges and not attorneys control the pace of legal proceedings, states would not be in a position to make commitments. **Team Response:** The Team appreciates ASTSWMO's feedback on the question about whether or not additional enforcement processes should be tracked in RCRAINFO and, based on all comments received, do not intend to add this to the tracking data in RCRAINFO. However, the Team does acknowledge that some items are worthy to track and

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				have been identified as having value in the system. Accordingly, the Team has decided to retain its recommendations to track Enforcement Action Disposition Qualifiers, Cases Under Appeal, and additional milestones relating to Criminal proceedings. These recommendations reflect information needs identified to the Team by States who needed a better way to track case dispositions to avoid the appearance of cases remaining unresolved in RCRAINFO because the current data system provides no mechanism to track the progress and end result of many cases. In particular, this PPI offers recommendations to track case dispositions, cases under appeal, and various milestones involved in criminal cases. The Team recognizes that RCRAINFO does not control the pace of legal proceedings and believes that these recommendations provide a better mechanism for addressing the identified data need and eliminates the numerous existing implementer-defined entries that were inconsistently used and often included in appropriate activities.
State	19	164	0	The WIN/INFORMED Team made numerous recommendations regarding enforcement action codes, definitions for these actions, supplemental environmental project type codes (SEPs), penalty type codes, and proposed new enforcement action disposition qualifier codes. The primary reason expressed in this report for the many code modifications proposed are because of confusion on the part of some implementers regarding what the various codes were intended to mean and the subsequent apparent errors in data entry caused by that confusion. The Team that reviewed these codes also indicated that RCRAINFO and RCRIS both lacked any definitions for these various codes. The lack of clear definitions left individual implementers with the responsibility to interpret what U.S. EPA intended by these various codes. With assistance from Region, State has correctly interpreted those codes for the last 5 to 10 years. On that basis, the State implemented a contract in 2002 to develop a new data system that reflects the current data elements mandated in RCRAINFO. It would be a major capitol cost to change our

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				system to accommodate many of these revised codes. The following specific proposals were made in support of this issue: 1. Update currently used implementer-defined codes. **State agrees with this recommendation.** 2. Remove non-enforcement and non-RCRA codes. **State agrees with this recommendation.** 3. Remove federal facility specific enforcement codes. **State agrees with this recommendation.** 4. Remove "combination" (X90) enforcement type codes. **State agrees with this recommendation.** 5. Add new case disposition status qualifiers. **State can live with this recommendation.** This is one of a number of recommendations that, taken by itself, will cause a minor change to our data system. However, the cumulative impact of the many changes proposed in this report would require a significant capitol cost in modifying our data system. 6. Tracking of cases under appeal. **State can live with this recommendation; however, the effort to develop additional tracking for cases under appeal does not seem warranted.** The number of such cases is fairly small and once the appeal process leaves the administrative arena it is completely outside of the control of the regulatory entity. 7. Tracking other enforcement related process events. **State does not believe that RCRAINFO should be used to track these events. RCRAINFO should not be used to track every conceivable event/milestone that could occur. These events (meetings, phone calls, discussions, and etc.) should be hand tracked. State agrees with the Team's recommendation not to track these activities in RCRAINFO.** 8. Add new codes for additional informal action types (100 series codes). **State can live with this recommendation.** 9. Clarification between formal (200 series) and informal (100 series) enforcement types. **State**

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				agrees with this recommendation. 10. Revise and clarify use of enforcement type code series 200 and 300. Combination of 200 and 300 series codes into 200 series only. Create an initial action filing date and a final action date. **State absolutely cannot live with this recommendation. See discussion below.** 11. Add new 200 series code for field citations. **State can live with this recommendation.** 12. Clarify use of enforcement type codes series 400 and 500. Change the titles of these series to reflect the terms "civil/judicial" and revise series definitions to clarify their use. **State can live with this recommendation.** 13. Simplify and consolidate 500 and 600 series codes. Expand the current enforcement date to include initial action filing date and final action date. **State absolutely cannot live with this recommendation. See discussion below.** 14. Consolidate current codes 510, 530, 550 into one code 510. **State agrees with this recommendation.** 15. Revise the 700 series codes to improve tracking of progress and resolution of criminal actions. **State can live with this recommendation.** 16. Revise administrative referral codes (800 series). **State can live with this recommendation.** 17. Develop national definitions for enforcement type codes. **State agrees with this recommendation. This correction is long over-due.** 18. Expand media type codes for use with administrative referrals. **State can live with this recommendation.** 19. Define media type codes. **State can live with this recommendation.** 20. Consolidate SEP codes. **State can live with this recommendation.** 21. Define SEP type codes. **State can live with this recommendation.** 22. Clarify how SEP penalty credits are calculated and recorded in RCRAINFO. **State absolutely cannot with this recommendation.** State questions the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				usefulness in tracking the Final SEP cost to the handler of performing a SEP. The portion of a SEP that is important to the regulatory agency is the amount of the SEP that can be applied as a credit against the total penalty. That amount plus the Final Monetary Penalty is the actual "amount" assessed as a penalty in any enforcement action. Any effort to collect data must be balanced between the costs in resources to collect, enter, and maintain the data and the value of collecting that data. If too much data is proposed for collection, then the resources for inspecting facilities and taking enforcement action must be proportionately reduced. 23. Clarify penalty type code definitions and clarify use of penalty type codes. **State absolutely cannot live with these recommendations.** Clarification of the Penalty Type Code definitions will help in the use of these codes; however, these codes are inherently confusing because the code letters do not match the property that they are supposed to measure. Final Monetary Penalty does not match well to FA. It would be more appropriate to use FP for final penalty. The proposed association of these penalty codes with the enforcement action type codes does not seem to provide the level of clarity that the RCRAINFO system requires. **Discussion of why State absolutely cannot live with the more significant recommendations made under PPI #19:** State's newly designed and implemented data system will require extensive modification with associated significant capitol costs. State's data entry and inspection staff will have to be trained in the new changes to minimize data entry errors. The proposal to make these changes includes a recommendation to update old data to accommodate these changes. A period of six months is recommended to allow implementers to accomplish all necessary manual data conversions and updates before automated date conversion is done. This manual data conversion will create a severe impact on State resources to accomplish any manual data

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				conversion in six months. State's experience with data conversion indicates that it can be very resource intensive and require more time than envisioned in this recommendation. During a period of scarce and declining State and federal resources, the amount and type of change proposed here will have a significant deleterious affect on State's ability to balance data collection needs with program implementation activities including inspection and enforcement. **Team Response:** The Team agrees that data conversion should be as automated as possible. Accordingly, the Team has reviewed existing data in RCRAINFO and has proposed conversions (see Appendix IX) that are to be converted automatically. It is envisioned that manual data conversions will be minimal. The DESIGN TEAM will work with the implementer agencies to address these automated conversions and any necessary manual conversions. Final SEP cost is included because it can be a factor in how SEP credits are calculated in that it ensures the SEP credit equals the appropriate/required percentage of the actual SEP cost. In cases where the final SEP cost turns out to be less than anticipated, the SEP credit may actually have to be adjusted to reflect the SEP cost percentage mandated under the SEP policy. Penalty Type Codes were essentially left unchanged. However, your point is well taken and we will change some of the codes to provide a better code to description relationship.
State	19	164	0	Agree with recommendation
State	19	164	0	The State currently follows the guidance policy for assigning enforcement codes being proposed in this PPI provided the State will be allowed to retain its current State specific codes. Any adjustment or realignment to the new code series would be made accordingly. **Team Response:** The Team has recommended that many currently used implementer-defined codes need to be updated, revised, re-coded, and/or eliminated, since many

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				implementer-defined codes have been inconsistently and improperly used. The Team has reviewed the current implementer-defined codes in RCRAINFO and has made recommendations based on that review (see Appendix IX). State should review the proposed changes as contained in Appendix IX to determine how those recommended changes will impact State's current data. These changes were made to provide consistency and improve accuracy of data in RCRAINFO.
State	19	164	0	Agree with recommendation State agrees with the PPI #19 recommendations with the following exceptions.
State	19	164	0	Agree with recommendation
State	19	164	0	**Absolutely can not live with recommendation BECAUSE:** Creating a situation where you can not obtain a complete enforcement picture is not acceptable. This will be created because of the decision to remove ". . . activities *[that]* may be important activities either in gathering information or associated with deliberative process steps or milestones, each of these activity types, standing alone, are not enforcement type actions and entries coded under these descriptions and should be removed from this part of the RCRAINFO data system." Agreed they are not the general enforcement type but they are actions that need to be documented in the database. **Team Response:** The Team recognizes that information gathering is an important part of the evaluation process and has recommended that all data relating to information gathering can and should be tracked more appropriately in the "evaluation" module and not in the "enforcement" module. Further, the Team believes that other intermediary steps in the enforcement process can and should be better tracked independently by other mechanisms outside of RCRAINFO. The Team believes that tracking non-enforcement activities unnecessarily burdens the RCRAINFO data system and increases the incidence of data inaccuracies.
HQ	19	164	0	Defer to ORE on all non-Superfund recommendations
HQ	19	164	0	Agree with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	19	164	0	Good definitions of the enforcement types in the data element dictionary are the key to success. Poor definitions have created the inconsistencies that exist.
State	19	164	0	Streamlining of HMA data entry codes would work, only if guidance would be given (unlike the previous times).
State	19	164	0	NOI will confuse. RCRAINFO is for enforcement actions, not intent. Another good thing not to enter or track. **Team Response:** The Team agrees that RCRAINFO should be tracking enforcement actions and not activities that are not enforcement actions. However, an NOI is recognized by many States as the initial official notice of a violation that will be further addressed through further legal action. Although not all States use such an instrument, for those that do, it is typically a legal requirement in their respective enforcement process and is essentially the equivalent of a Notice of Violation (NOV) but has a different name. And, since NOIs are sometimes followed by a State action that could be an NOV, it is important to show a distinction in our coding system.
Region	19	164	0	As has come up with regard to other PPIs, I would recommend that we limit the amount of data which needs to be manually converted and use grand-fathering to the maximum extent possible. There is a recommendation to add new case disposition status qualifiers - it's not clear to me if this data would be required. In any event, I find some of the codes on the table (particularly DR-dropped, PA-permanent abeyance, and RV-revoked) to have some overlap in definitions, and therefore be somewhat confusing. I'm not actually convinced that RCRAINFO is the best place to track this data, as well as "tracking cases under appeal" - much of this litigation-type tracking is already handled in ICIS, which (having evolved in part from DOCKET) is better suited to track this type of data. Regarding the question for national review (whether or not the ability to track enforcement process events such as settlement conferences, hearings, and trials in the 000 series is a valid need for implementers), while we probably would not make much use of this capability, I would not object to having it, so long as the data (1) isn't required to be entered,

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				and (2) will not be released to the public. Section D discusses how SEP penalty credits are calculated and recorded in RCRAINFO, and discusses the entry of Final SEP Cost as well as Final SEP Credit. While I think Final SEP Cost is an appropriate piece of data to have in the national system, I don't think Final SEP Credit should be in there. It is not always completely clear how much of the SEP is off-setting the penalty; often, once we get beyond the minimum which we are looking for, we don't worry too much about the SEP penalty credit. Secondly, I'm not sure this is data which should be widely available. For reporting purposes, EPA tells our story in terms of cash penalty and SEP value, not in terms of cash penalty that includes a specific amount of SEP credit. The portion of the SEP cost that off-sets the cash penalty is sensitive information that is both deliberative and part of settlement negotiations, and needs to be documented only for the file (for penalty justification), and not contained in the national data system. **Team Response:** The Team believes that most data can and will be automatically converted and that manual conversions will be minimal. The DESIGN TEAM will work with each implementer to facilitate these data conversions and will address the appropriate amount of time needed to accomplish the manual conversions required. The Team feels that it is essential that use of the proposed Enforcement Action Disposition Qualifiers be mandatory since that is the only way we can ensure that cases not closing in the traditional manner (with penalty) can be shown as having been resolved and as not being in a continuous state of being open and active. Further, it should be noted that, although tracking case status in ICIS is a reasonable approach for EPA, States do not have access to ICIS and, therefore, can not use ICIS to track such data. The Team believes that it is important to capture the Final SEP Credit since it is the only way to apply a value to a SEP as it relates to the penalty provisions of the SEP policy and the RCRA penalty policy. Because there are specific guidelines mandating how much credit can be allowed for SEP projects, it is important to be able to document this information. There is no change to the current system now concerning this.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	19	164	0	**Absolutely can not live with recommendation BECAUSE:** Region recommends that all existing Enforcement Types be grand-fathered and not changed to the new Type codes. New codification of Enforcement Types should begin upon implementation of the new CM&E Module. Many of the existing Type codes do convert directly to recommended Type codes. Many do not. Due to the already limited resources at the Regional and State Agency level, research required for those Type codes that do not directly convert will take much longer than the 6 months recommended by the HMA PAA. **Team Response:** The Team believes that most data can and will be automatically converted and that manual conversions will be minimal. You will be able to request more time from the DESIGN TEAM to facilitate these data conversions and the DESIGN TEAM will address the appropriate amount of time needed to accomplish the manual conversions required.
Region	19	164	0	Region agrees with the Team's recommendations for nationally-defined values for enforcement type. However, item 7, page 169, lines 32 - 35, asks for implementer input regarding the value in tracking enforcement process activities such as settlement conferences, hearings and trial, within the series 000 enforcement action type codes. Region does not see any value in tracking these activities. Region agrees with the Team's recommendations for the nationally-defined values for media type. Region agrees with the Team's recommendations for the nationally-defined values for SEP type. Region does not agree with all of the recommendations regarding the clarification of the definition of SEP penalty credit. We have discussed this definition and concept overall with our Regional Counsel. In accordance with the Miscellaneous Receipts Act, the penalty assessed in an enforcement action must go to the Federal Treasury. Therefore, we cannot refer to SEPs as a "credit" toward the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				assessed penalty. The SEP is considered another mitigating factor that we take into account, similar to good faith efforts, etc., to arrive at a final penalty amount. The manner in which we finally define "SEP penalty credit" should be reviewed by OGC in light of the Miscellaneous Receipts Act. It was suggested within Region that perhaps we should refer to this data element as the amount in dollars allowed by the Agency to mitigate the penalty for performance of the SEP. Another alternative is to forego this data element altogether. The Final Monetary Penalty, SEP Cost, and Proposed Monetary Penalty should be sufficient data to record. If the "SEP Credit" is to be considered another mitigating factor, it should not necessarily be tracked separately in RCRAINFO, in that we do not record the penalty amount mitigated by good faith efforts to comply, history of non-compliance, and the other mitigating factors described in the RCRA Civil Penalty Policy. If this data element is deleted from the system, any appearance of conflict with the Miscellaneous Receipts Act is avoided. This comment applies to pages 177 through 179, and Tables 19.7 and 19.8. **Team Response:** The Team believes that the inclusion of the SEP penalty credit information is consistent with the SEP policy as currently written. It is our understanding that the SEP policy was reviewed by OGC before it was issued by EPA and that use of the terms as recommended in this PPI is consistent with the terminology of that policy. This is no change from the current practice.
Region	19	164	0	**Absolutely can not live with recommendation BECAUSE:** Can live with recommendation except for portion of deleting enforcements/ non-RCRA codes: Do not agree with deleting enforcements and non-RCRA codes. Implementors should be given the opportunity to record the enforcement codes to new codes prior to deletion or advised that these enforcement codes will be converted. These enforcement codes are a history of correspondence advising the facility of the status of their inspection. **Team Response:** The Team recognizes the importance of historical data. Appendix IX provides a detailed listing of all proposed changes, including all code deletions, impacted

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				by these recommendations. The DESIGN TEAM will work with each implementer to facilitate the efficient and accurate conversion of data and will provide a time frame for accomplishing this conversion and allow the implementers an opportunity to record the historical data before conversion occurs.
State	19	164	0	**Absolutely cannot live with recommendation BECAUSE:** State disagrees with an additional system for tracking legal proceedings. The way most states are organized, legal proceedings are not under the control of the persons responsible for complying with timeframes. Judges and not attorneys control the pace of legal proceedings. **Team Response:** The Team appreciates the State's feedback on the question about whether or not additional enforcement processes should be tracked in RCRAINFO and, based on all comments received, do not intend to add this to the tracking data in RCRAINFO. However, the Team does acknowledge that some items are worthy to track and have been identified as having value in the system. Accordingly, the Team has decided to retain its recommendations to track Enforcement Action Disposition Qualifiers, Cases Under Appeal, and additional milestones relating to Criminal proceedings.
State	19	164	0	We agree in principle, but know that we may need a lot of time to convert data. **Team Response:** The DESIGN TEAM will work with each implementer to ensure that adequate time is allowed to accomplish the conversion. Implementers may request additional time from the DESIGN TEAM, if necessary to facilitate the data conversion.
State	19	164	0	State can live with all recommendations, but we would like to be able to continue using several implementer defined Enforcement Type Codes that have been established for us. It's unclear whether we would be able to use them with this recommendation. **Team Response:** The Team agrees that some implementer-defined codes should remain. However, there are many that will need to be changed. After review of all implementer-defined codes, from a national perspective, the Team has proposed numerous code changes. These code changes are contained in Appendix IX. State should review the detailed

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				code specific listings in Appendix IX to determine what changes are being proposed for implementer-defined codes currently being used by State and to ensure that the proposed changes are appropriate. See Section A1 of PPI #19 for a description on how implementer-defined codes can be incorporated.
State	19	164	10	". . . RCRA program. . . ." Should be "RCRA, Subtitle C program". **Team Response:** Revision will be made.
State	19	164	19	"Also, some States have created new enforcement codes because there is a missing national code and/or the national codes are being improperly used." There is a part to the problem that needs further explanation. EPA set up the codes following the pattern of enforcement that they are required by law to use and that is the same as a number of states, but not all. In this State, for example, we do not have a grand jury process. This causes changes in criminal and civil procedure that your codes just do not follow. **Team Response:** The Team appreciates this insight and will revise to reflect this information.
State	19	164	all	There are many changes to current codes anticipated in the PPI. There are many States that are either current translator States or are in the process of designing systems to translate data to Federal Databases to eliminate duplicate data entry. Has there been any consideration for grant funding (100%) or other assistance to States in modifying their code for the translations? Has the impact on States that are current translators that may have to move to direct data entry been contemplated? This could be a significant resource issue for States. **Team Response:** We appreciate your concern and do not have any suggestions on how these concerns can be addressed.
State	19	165	34-35	The CME Enforcement Type Code List, Lu_Enforcement_Type, may need a new utility added in RCRAINFO's System Administration to assist transferring existing Enforcement Type data to other/new codes, similar to how staff codes can be transferred. **Team Response:** The Team will refer this specific

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				comment to the DESIGN TEAM for consideration.
Region	19	165	38-42	We are in favor of allowing individual implementers the option of grand-fathering existing historical data and not converting to new codes. As we understand the Team's recommendations, the grand-fathering of existing historical data is not currently an option available to implementers. We believe it should be. As long as the RCRAINFO lookup tables show all historic code values, active and inactive, there is really no reason to force all implementers to have their data converted. The look-up tables allow everyone to find the descriptions for historical data code where implementers may chose to leave data as is. Conversions are not always the best choice for certain data. If individual implementers feel grand-fathering some or all of these records is preferable to conversions, this should be an option for them. We do agree with the requirement that all future data entry by implementers needs to be done using the recommended nationally defined codes in this HMA PAA report. **Team Response:** The Team believes that it is in the best interest of the program to convert this data. It is anticipated that most data can be converted automatically and will require minimal manual data conversion. No data will be lost in this process.
State	19	165	45	"**The Team, therefore, urges each implementer to ensure that all data is entered promptly."** Just as important is to correct data promptly when errors are discovered and to update data that has been entered, i.e. RTC dates. **Team Response:** The Team agrees.
State	19	167	05	Some of the events being put int the Enforcement module may not technically be enforcement actions buy they are part of the enforcement process and there needs to be a place to record them. You don't have to think of the events as just being enforcement actions, but rather "steps" in the enforcement process. **Team Response:** The Team believes that inclusion of process events that are not truly enforcement actions places an unnecessary burden on the data system and is inconsistent with the purpose of RCRAINFO. Information requests,

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				however, although being removed from the enforcement module, will be able to be tracked in the evaluation module.
Region	19	167	06 - 35	Implementors should be given an opportunity to remove/recode Enforcement and Non-RCRA codes? (I.e., 101 (No violations found); 102 (Request for Info); 103 (no decision has been made) or these codes should be converted. **Team Response:** The Team agrees with the recommendation to allow a time period during which time each implementer can review the specific code change decisions made in the PPI for the specific state or region. Currently, Appendix IX contains a detailed listing of the proposed code changes being recommended for these PPI recommendations. Each implementer should carefully review these proposed changes to determine what the impact will be for their respective implementer-defined codes and to ensure the proposed conversion is appropriate.
State	19	167 & 169	20 & 23	You state that "conferences" is an example of currently used implementer-defined enforcement type codes which represent some sort of non-enforcement type activity. . ." Please clarify since there are enforcement actions such as pre-settlement conferences where you are told by a judge to meet in a room until you have a final agreement. This is an enforcement action. Granted there is a difference between the umbrella enforcement actions, such as, criminal indictment and ending with criminal conviction or acquittal (your codes on page 186) but the steps in between are important to document as enforcement actions because they show a continuation of activity. In the criminal realm, it can take a year+ to get on the docket and then an unknown time for a judges decision or if you go to jury trial to get on the docket and pick jury (or in some States the issue of grand jury). Subsequently, the statement (page 167, line 24), "Although each of these activities may be important activities either in gathering information or associated with deliberative process steps or milestones, each of these activity types, standing alone, are not enforcement type actions and entries coded under these descriptions and should be removed from this part of the RCRAINFO data system. . . ." will create a situation where the complete and necessary picture is not available. We agree that events that are part of the enforcement process such as meetings, phone

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				calls, discussions, should not be tracked because they are not a part of the mandated process. But more importantly we believe that collecting this data is important. Not to the degree it was before but the major required steps in the process. **Team Response:** Pre-settlement conferences are not enforcement actions but are a step in the enforcement process and would not be considered an enforcement milestone, therefore, should not be entered into RCRAINFO. The Team believes that inclusion of process events that are not truly enforcement actions places an unnecessary burden on the data system and is inconsistent with the purpose of RCRAINFO. Meetings/actions, etc., leading up to an enforcement milestone can be recorded as part of the specific State/Regional record and should not be in the national data base.
1 Region & 1 State	19	167 & 170	20 20 - 25	'Hearings, appeals, remands, drafts, ... meetings, conferences, review and approval ..., determinations ..., filings/mailings ..., samplings, receipt dates, case assignment dates, formal case reviews, extensions, motions filed,' and more are useful shared CM&E data if Implementors choose to share them. This PAA must find a way to accommodate them if it disallows them on enforcement rows. We recommend keeping them with Usage = '8', as discussed at Page 68. **Team Response:** The Team believes that inclusion of process events that are not truly enforcement actions places an unnecessary burden on the data system and is inconsistent with the purpose of RCRAINFO. Meetings/actions, etc., leading up to an enforcement milestone can be recorded as part of the specific State/Regional record and should not be in the national data base.
State	19	167	29-35	It may be important for RCRA Program staff to keep track of this information should CERCLA decide not to take enforcement action or just to let the public know what actions have been taken at a RCRA site. You would then know to look in the CERCLA database for more information on the site. **Team Response:** There is a CERCLA referral code.
HQ	19	167	34 -	Defer to OSRE (e.g., refer to OC Data Quality Strategy

Who	PPI	Page #	Line #	Comment/correction/modifications needed
			35	recommendations reflecting CERCLA program policy)
1 Region & 1 State	19	167	44	To ensure that users can 'easily distinguish federal facilities,' reports should show current federal status in the facility description and, in addition, if status differs at the time of events on the report, show federal facility status at the time of the event. To ensure that Implementor software can easily and accurately tell federal facility status at a given point in time, the national procedure should be published for Implementor use. As for Evaluation Coverage Areas (Page 67), selection should allow users to specify the date range in which a site should be a federal facility and also allow users to specify whether federal facility status should apply at the time of the event or at the time of the retrieval. If a pointer is inserted in each evaluation, violation, and enforcement row to point to the Hhandler2 row in effect at the time of their determination (as in our comments for page 67), it would also sere to speed retrieval of federal status. **Team Response:** Refer to the DESIGN TEAM.
State	19	168	04	Please change State's one 390 Enforcement Type, to a new 210, as if it was a discontinued 310, keeping all existing data and linked violations. Remove "Combination" (X90) Enforcement Type Codes 190 used 0 times, 290 used 0 times, 390 used 1 time, 490 used 0 times, 590 used 0 times, and 890 used 0 times in db by State, as of 7/23/03. **Team Response:** The comment will be referred to the DESIGN TEAM.
Region	19	168	04 - 10	Federal Facilities issued NOVs must respond to extensive Federal Facility reporting requirements (even though it is an informal enforcement). Often times a 190 informal enforcement action is issued to a Federal Facility so that the informal enforcement is not listed as a NOV. What enforcement code will be allowed for "warning letters" for Federal Facilities that are not considered informal enforcement (and thereby not cause undue hardship on Federal Facilities? **Team Response:** A 120, a written informal.
State	19	168	05	Case disposition status – suggest adding a status code

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				indicating successful completion by the enforcing agency; i.e., the penalty was paid in full and/or all required actions were completed. As proposed, only "unsuccessful" actions are noted with a code. For completeness, a code for "successful" completion of the case should exist, as should enforcements that are affirmed after being appealed. **Team Response:** Good comment and PA will be replaced by "AS" Action Satisfied.
State	19	168	12	Why not make this an enforcement step instead of having to add all new fields to the database? Call it case closed and then have a status code to further define what type of disposition it was, RTC, or dropped or whatever. **Team Response:** The Team feels this is the most efficient method to enter this data into the system.
State	19	168 & 196	12	There are Case Disposition Status Qualifiers on pages 168/169, but they are called Enforcement Action Disposition Qualifier Types on pages 196 and 313. **Team Response:** Good comment and will be changed to Enforcement Action Disposition Qualifier Types.
State	19	168	13 - 32	Agreed however a disposition date should also be included. See comments above on PPI#16 **Team Response:** Good comment and a box for Enforcement Action Disposition Qualifier Date will be added. The comment will be referred to the DESIGN TEAM to add a date to the qualifier.
State	19	168	34	Clarify when the use of 'case dispositions' are used. Could this be used for cases dismissed? Sometimes cases get dropped and reinstated. Would this be added as a new enforcement **Team Response:** This will be clarified. It can be used for cases dismissed and it would not be added as a new enforcement but would be the same.
1 Region & 1 State	19	168	34	The 'case dispositions' seem to be only for stopping a case. May we assume that not all enforcement actions in RCRAINFO get a 'case disposition'? If a case with multiple enforcement rows is stopped, do the earlier events ultimately get the same 'case disposition' as the final one? If not, which get a case disposition?

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				We are content with our current data management, in which stopped dispositions are entered as Implementor-defined events with date, staff, comments pertinent to the stopping. We would prefer that the events be nationally-defined. We can accept this PAA's proposal (to add a case disposition element to enforcement actions), if: - a date is added to track when the stop-disposition occurred. - this is implemented by changing the stopped enforcement's type to 'xxxxx, revoked' (for example, 'Referral to AG, returned'), rather than by a separate disposition element which users might overlook. Such dispositions will be rare, so casual users might miss them unless they are highlighted in enforcement type description. We have two additional design requests related to this issue: 1) Change the CME key structure so that data fields (like enforcement type) are not part of the database key. Instead, use system-generated keys that never need updating. Currently, Implementors must delete and re-add to change data elements that happen to be part of a key (date and type). If Translators cannot cope with this change, then RCRAINFO software should accept such changes and do the delete and re-add behind the screens for the user. 2) Track deletes in the CME module. Because deletes currently disappear without a trace, we cannot allow inspectors to delete any CME data, even their own. We cannot because we find that, from time to time, management asks us to research the possibility that an individual destroyed data. Since we cannot check a delete log, out only option is to restrict delete privileges to a very short list of EPA data managers (so that those asked to do the checking will be the only ones capable of deleting). Inspectors want to do their own deletes. We want to let them. **Team Response:** An Enforcement Action Disposition Date field has been added and this will be referred to the DESIGN TEAM. The Team also recommends that Appendix IX be consulted to determine which "events" will need to be addressed pursuant to this recommendation.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
1 Region & 1 State	19	169	02	Sometimes cases get dropped and reinstated. Currently, we key successive enforcement records to indicate this, each showing its date and staff. Would each starting and stopping be indicated by a new enforcement row? Dropped or withdrawn cases might restart without having a new action and so would have no new enforcement row to indicate restarting. Would we just remove the 'case disposition' from th last row and loose the fact that it had been withdrawn, dropped? Isn't it easier to just track the stopping events as we have so far, on their own enforcement row? **Team Response:** An Enforcement Action Disposition Date field has been added and this will be referred to the DESIGN TEAM. The Team also recommends that Appendix IX be consulted to determine which "events" will need to be addressed pursuant to this recommendation.
State	19	169	03 - 08	There seems to be little difference between these choices. State requests further clarification before determining can agree or live with. **Team Response:** The Team has reviewed the current definitions being proposed and has made some revisions for clarification purposes.
State	19	169	05	Comment/correction/modifications needed The word "abeyance" is used very differently in this definition than how we use it in State. Is there a better legal word? **Team Response:** Good comment. PA will be replaced by "AS", Action Satisfied.
State	19	169	10	Why create yet another indicator box with dates when another event or two can just be created in the already existing framework. **Team Response:** Appeal is not a new enforcement action but a step in the process of that respective enforcement action. Creating a new enforcement action would be an inaccurate and inappropriate characterization of an appeal.
State	19	169	10	Agree with recommendation for tracking appeals. However, the recommendation does not address how a case will be tracked if appealed to a higher authority. In State, formal enforcement actions can be appealed to the "Pollution Control Hearings Board", which was created by the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				legislature and whose members are appointed by the governor. However, this board's decision can be appealed to Superior Court. It is not clear how an appeal to Superior Court would be tracked. **Team Response:** Each decision would be a new enforcement action entered into the data base (which is how similar enforcement data is currently being recorded). Any appeal would be indicated on the specific enforcement action that was associated with it.
State	19	169	17 - 19	Can live with appealed case tracking, but State suggests adding some type of resolution fields so the end result is clear. **Team Response:** See revisions to enforcement action qualifiers.
State	19	169	23	All events that are part of the enforcement process should be tracked in the enforcement module. Why complicate things by creating a separate place to track them or forcing users to create mini systems outside of RCRAINFO to fully track their activities. **Team Response:** The Team believes the recommendation is the most efficient and effective way to accomplish tracking of these items.
Region	19	169	23	The codification and data entry changes proposed in this PPI need to be duplicated in ICIS too. Region will be downloading regionally owned enforcement data from ICIS to RCRAINFO as outlined in PPI #23. **Team Response:** Based on the comments received, we will not be tracking these activities. Regions may track these separately in ICIS if they so desire. PPI # 23 provides for a National downloading of all EPA RCRA enforcement actions from ICIS. Individual regions will not be able to perform downloads.
State	19	169 - 170	23 - 25	State agrees with the HMA Team that RCRAINFO is not the appropriate vehicle for tracking the "minutia" of enforcement cases. **Team Response:** No response needed.
State	19	169	32 - 35	State believes it is a waste of precious time and energy to feed horrendous amounts of information into a tracking

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				system for normal "enforcement case" activities. However, for those Implementers who wish to track this type of information, State agrees it should be tracked in the comment field and not as an "enforcement type." **Team Response:** No response needed.
State	19	170	01-25	If the comment sections that contain the hearings, trials and settlement conferences were pulled into reports and extracted to ECHO, OTIS and Envirofacts then I see no problem with removing this type of information. However, these actions are vital components of an enforcement action and should be tracked somewhere. **Team Response:** Based on the comments received we will not be recommending the tracking of these events in RCRAINFO. However, this information may be entered onto the comment field. Your comment will be referred to the DESIGN TEAM. Conversion of existing data/events to the comment field can be done per your direction by commenting on the proposed code changes listed in Appendix IX.
State	19	170	01-25	Question for National Review: Is it necessary to track enforcement process events such as settlement conferences, hearings, and trials? **We do not believe that these types of activities necessarily need to be tracked in a national data system. It is important to our State to track these items within our own database, however, how meaningful would this data be to other States or EPA?** **Team Response:** We agree.
State	19	170	03	Slight preference for including enforcement conferences etc. **Team Response:** Based on the responses received we will not be tracking this in RCRAINFO
State	19	170	03 - 25	Asking for comments – We consider that as part of a series of actions taken toward achieving a final enforcement document/decision. These are required steps in the process and allows for program management and assurance that all required steps are taken. In answer to the concern of unnecessarily recording informal contacts or meetings – we have never recorded the actions. Each action links to the evaluation/violation associated with it. It is much more efficient to track in the database that already contains the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				other elements linked to it than to create a new and separate database which would include duplicative data. **Team Response:** Based on the responses received we will not be tracking this in RCRAINFO.
Region	19	170	27 - 40	It appears that a Notice of Intent (NOI) could be used to address violation issues with federal facilities without issuing an informal enforcement. In addition an NOI could be used to designate that a facility has been notified that "no decision has been made" (taking care of this Region's 103s (No decision made) ***Request confirmation that an NOI will address this need.** **Team Response:** NOIs are preliminary written notices of intent to initiate an enforcement action and are not enforcement action types. There is no way to track "no decision has been made" and the Team, supported by National review consensus, does not feel that there is a need or it is appropriate to track this in RCRAINFO.
Region	19	170	33	Region agrees that NODs should be coded as 130s **Team Response:** No response needed.
Region	19	170	33	Region agrees that NOIs should be coded as 140s **Team Response:** No response needed.
State	19	171	28	Nothing here or in Figure 19-1. Visual Code Change Crosswalk - Enforcement Types on page 198 says that the existing dates for 210s and 310s will be combined into a new 210, retaining both dates, all comments, SEPs, penalties and violation links. If this won't be possible, combining these should be reconsidered, especially the historical data. Could a DQ Report to check for 210s without 310s, and vice versa, be used instead of combining 210/310s? This comment also applies to 320, 330, and 340. **Team Response:** The Team believes this combination is completely possible and envisions minimal problems in incorporating. The dates will be preserved as initial and final dates on the enforcement record.
State	19	171	28	Would prefer that we retain the option to code a 210 for a

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				draft consent order. This would give the State credit for the order, in the event that the other party did not sign the consent order. Also, multiple revisions are sometimes required, prior to the final consent order. **Team Response:** The Team questions the value of recording data relating to a "draft" document and believes that doing so is not an appropriate use of RCRAINFO.
State	19	171 - 175		Make sure the legal counsel reviews these recommendations. They may see these codes as meaning something other than how you interpret them. I'm not sure if a Judicial order is the same as a civil or judicial action. Conversions may be difficult since some codes can be associated with more than one in consolidated code. **Team Response:** All these code revisions were reviewed by legal counsel before being sent out for national review. Judicial orders are a type of civil/judicial action. Conversions are always expected to be a concern. However, the Team has reviewed all existing codes and has proposed changes (see Appendix IX) to reflect the recommendations. State should review those proposed changes to ensure accuracy of any conversions impacting its enforcement actions. Also, a member of the Team is an attorney and was able to provide some legal review throughout the development of these recommendations.
State	19	172	03	State disagrees that 210s and 310s are merged and qualifiers are added to show the progression of the cases. The system of 210s and 310s have been used for 20 years and all Implementers are accustomed to the system. If it ain't broke, don't fix it. **Team Response:** Unfortunately, there are numerous examples of improperly used enforcement codes in RCRAINFO. Many of these problems deal with incomplete use of the 200 and 300 series to properly reflect case progression. In fact, numerous instances show only a 200 series without a subsequent 300 series action while other entries show only a 300 series action with no previous 200 series action issued; both scenarios were settled with penalties paid, indicating that the cases were not withdrawn or otherwise resolved. As a result, the Team considered many options to ensure proper use but had difficulty finding one as effective as the proposed recommendation.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Combining the two series will simplify tracking progress of actions while improving accuracy.
1 Region & 1 State	19	172 & 173	03 & 15 - 23 32 - 40	We understand that the PAA is no longer considering combining 200/300 and 500/600 events. We agree that the proposal should be dropped. The combined 200/300 or 500/600 events are likely to be linked to different violations, since violations tend to come and go over time. Combining them introduces the confusion of linking these combo enforcement actions to violations that had not yet been seen at the time of one of the actions or were gone long before another action. Combining violations prevents our indicating staff for each, which is important shared info. **Team Response:** The Team has decided to stay with its recommendation to combine the 200 and 300 enforcement code series. Unfortunately, there are numerous examples of improperly used enforcement codes in RCRAINFO. Many of these problems deal with incomplete use of the 200 and 300 series to properly reflect case progression. In fact, numerous instances show only a 200 series without a subsequent 300 series action while other entries show only a 300 series action with no previous 200 series action issued; both scenarios were settled with penalties paid, indicating that the cases were not withdrawn or otherwise resolved. As a result, the Team considered many options to ensure proper use but had difficulty finding one as effective as the proposed recommendation. Combining the two series will simplify tracking progress of actions while improving accuracy. Note to DESIGN TEAM: when adding a final enforcement action, although the normal scenario will show all violation dates as preceding the date of the enforcement action, there are situations where the initial enforcement action date can be before the violation determined date, which will mean only the final action addressed the later violations.
Region	19	172	03	Region disagrees that 210s and 310s are merged and qualifiers are added to show the progression of the cases. The system of 210s and 310s have been used for 20 years and all Implementers are accustomed to the system. If it ain't broke, don't fix it.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: Unfortunately, there are numerous examples of improperly used enforcement codes in RCRAINFO. Many of these problems deal with incomplete use of the 200 and 300 series to properly reflect case progression. In fact, numerous instances show only a 200 series without a subsequent 300 series action while other entries show only a 300 series action with no previous 200 series action issued; both scenarios were settled with penalties paid, indicating that the cases were not withdrawn or otherwise resolved. As a result, the Team considered many options to ensure proper use but had difficulty finding one as effective as the proposed recommendation. Combining the two series will simplify tracking progress of actions while improving accuracy.
State	19	172	15 - 23	State believes that proper training on which codes to use would be easier than consolidating the 200 and 300 series and converting the old data to the new format. **Team Response:** The Team believes that there are enough problems and confusion with the use of these codes that revising the code system by combining the 200 and 300 series is the most effective way to improve the data.
State	19	172	15 - 23	For a number of years, State's "informal" enforcement actions have been lumped together so lumping the "formal" enforcement actions together now seems to be more of a battle over verbiage and style with little substance, but we can live with it. **Team Response:** No response needed.
Region	19	172	15 - 24	How will "bean counting" be accomplished by combining the two enforcements? Presently HQ counts a 210 as one bean and a 310 as another bean. Will each of these enforcements be counted separately? There are also exceptions to one or two enforcements being issued (i.e. State state). **Team Response:** It will still be possible to count both types of actions. The Team recognizes that some changes will be required to the way that data is pulled from RCRAINFO to accomplish the traditional bean counting exercises. However, all data currently being counted can still be obtained by revising how the data is pulled. The DESIGN TEAM will be responsible for addressing this issue.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	19	172	15	Combine 200 and 300 series – State welcomes this change as our enforcement process is not easily understood using the current system. **Team Response:** No response needed.
Region	19	172	25 - 38	How does this apply to RCRA? (Replaces 190 Warning Letters for Federal Facilities?) Clarification needed. **Team Response:** Field Citations are used by a number of States and one Region as a kind of expedited penalty enforcement action. It is therefore a type of formal enforcement action and will be tracked in the 200 series as a 250 code action. This has nothing to do with federal facility enforcement and does not replace warning letters for federal facilities.
Region	19	172	35	Region disagrees with the use of only a 250 for field citations since final resolution of a field citation can result in multiple outcomes. Region recommends that 350 be used for final resolution of a field citation. If the citation is dismissed, expired or never completed, Region suggests a 999 be linked to the violations addressed by the field citation to show this outcome. **Team Response:** The Team's proposed recommendations include the combination of the 200 and 300 series codes. A Field Citation is recorded as a 250 code action. Resolution of the action can be accomplished in a number of different ways, but in all cases, the date of the final resolution (usually including penalty payment and often including issuance of a document signed by both parties agreeing to the terms of the Field Citation) will be recorded in RCRAINFO using the expanded fields discussed in PPI # 19, Section A.10.
Region	19	173	32	Region disagrees with combining 500 and 600 series events. Region doesn't believe the benefits outweigh the changes in doing business required. **Team Response:** Unfortunately, there are numerous examples of improperly used enforcement codes in RCRAINFO. Many of these problems deal with incomplete use of the 500 and 600 series to properly reflect case progression. In fact, numerous instances show only a 500 series without a subsequent 600 series action while other entries show only a 600 series action with no previous 500

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				series action issued; both scenarios were settled with penalties paid, indicating that the cases were not withdrawn or otherwise resolved. As a result, the Team considered many options to ensure proper use but had difficulty finding one as effective as the proposed recommendation. Combining the two series will simplify tracking progress of actions while improving accuracy.
State	19	174	06-08	The text should state that existing data using 510 (Civil Action for Compliance), 530 (Civil Action for Compliance With Previously Issued Action), and 550 (Civil Action for Monetary Penalty) will be consolidated automatically during conversion. **Team Response:** The Team has addressed data conversions by describing them in Tables 19.1 and 19.2 and Figure 19.1 included at the end of PPI # 19. In addition, more detailed information concerning specific data conversions are contained in Appendix IX. Additional text language has also been added to clarify the intent to automatically convert data.
State	19	174	14 - 33	See comments for page 186, lines 8-11 **Team Response:** (addressed at above referenced comments for page 186)
State	19	176	10 - 18	"In addition to the currently listed Media Types, the following new Media Type codes should be added: EPA CERCLA State CERCLA-Type Programs RCRA Municipal Solid Waste RCRA Corrective Action TSCA (non-PCB) Other Regulatory Programs (to capture unusual referrals or referrals to programs in other agencies such as OSHA)" First off it is RCRA, Subtitle D, Municipal Solid Waste. Second, what about the States solid waste program. Are you going to put it with the RCRA solid waste (like you did with Clean Air Act and other air programs – which could mean state but should be more specific) or are you going to create a separate category for State solid waste (like you did for CERCLA type programs)? This follows for a lot of the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				other environmental media so we suggest that they you combine all regulatory agencies, such as: CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act program) – Federal or State Type Program RCRA, Subtitle D (municipal solid waste) – Federal or State Type Program However, a preferred option is instead of going to all of this coding effort and creating more and more codes, do you have to have a code for each media? What about having a general compliance/enforcement action referral code – the nice part being is that we could have one referral code for all referrals. And then writing in comments if necessary. **Team Response:** The recommendation has been modified to add "Federal or State Type program" to the definition of Subtitle D.
State	19	176	13	State supports the addition of a code to include state CERCLA like programs. **Team Response:** No response needed.
HQ	19	176	25	Changes should correlate with ICIS data fields for mapping purposes **Team Response:** They don't have to be exactly the same if they are in the cross walk. The comment is referred to the DESIGN TEAM.
State	19	176	32	The text should state that existing data using SEP codes will be consolidated automatically during conversion. **Team Response:** The text has been revised as per the comment where appropriate.
State	19	177	11 - 14	State suggests using OTH rather than a host of implementer defined codes for those SEPs that do not fall into the traditional categories. **Team Response:** After review of the SEP fields currently in use, the Team believes that there will be very few, if any, SEPs that will not fall under the new code groupings. But State implementer-defined codes will be allowed for

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				anything that does not fit the proposed groupings.
Region	19	179	37 - 39	How will a NOV with Stipulated Penalties be recorded in RCRAINFO with the changes? Stipulated penalties are assessed and it is a NOV - and they are considered a formal enforcement. In the past, Region has recorded NOVs with Stipulated Penalties as 214's (or 314's as applicable (for final enforcement) if there is a dispute. Will this be continued for NOVs with Stips? There is generally more than one enforcement action. **Team Response:** Stipulated penalties are not the same as assessed penalties. Therefore, an action that includes stipulated penalties gets recorded as the basic enforcement action type it is. Thus, a NOV with Stipulated Penalties is really just a NOV and gets recorded as such. As with any action that includes stipulated penalty provisions, if the respondent violates the terms and conditions of the order, a new enforcement action is issued invoking the stipulated penalty provisions of the previous action. That new action would then be recorded in RCRAINFO as a new formal penalty action in the 200 series.
State	19	180 185 186 187	01 - 17	It is important to track cases where the government is taken to court (sued) and the way you describe civil you could not create a code here. **Team Response:** The Team believes that the purpose of RCRAINFO is to track RCRA Subtitle C activities taken by the responsible agencies. In particular, the CM&E module is intended for the purpose of tracking enforcement activities initiated by the regulatory agencies against regulated facilities. RCRAINFO is not intended for the purpose of tracking suits initiated against the regulatory agencies by industry or environmental advocacy groups, etc. Accordingly, the Team will not create any codes to address this issue and suggests that an implementer wanting to track such activities should do so outside the RCRAINFO database.
State	19	181	06-08	A DQ Report is needed so current incorrectly linked “final” penalty data can be corrected and associated with the proper enforcement action types. **Team Response:** The Team will refer this comment to the DESIGN TEAM to address.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	19	183	0	A lot of the existing-nationally defined Enforcement Type Codes do have definitions. You just have to go back in documentation. When we moved to RCRAINFO a lot of the documentation was left behind. **Team Response:** Although there may have been many more definitions available to the user in pre-RCRAINFO systems, the fact remains that many of those have probably changed and most users of the system do not have access to them nor know about them. To address this deficiency, the Team believed that it was important to provide easily accessible and understandable definitions in a manner that facilitates ease of reference and improves accurate use of codes in RCRAINFO.
State	19	184		code 610 is missing **Team Response:** The revision will be made.
State	19	185	14	Unclear if this code meets tracking need of the PROPOSED enf. Action (i.e., draft order sent to facility for review), which is a major "bean" in Region IV. If definition is consistently agreed upon, then this will cover the event. **Team Response:** The Team believes that "draft" enforcement actions should not be tracked in RCRAINFO as they are not officially issued until they have been signed and issued in final form. A draft document is not an enforceable document. If a draft is not truly a draft but an initial filing, it should be recorded as a code 210 enforcement action.
State	19	185	15	At the conference call, you confirmed that "210" is the appropriate code for State Consent Orders, and that the lack of an initial date demonstrates that the document was never appealable. **Team Response:** You are correct.
State	19	185	19	250 Field Citation Enforcement Type Code could also indicate ticket. **Team Response:** The Team will revise the definition to reflect this comment.
State	19	186	02	Does 430 include State Attorney General, or should 410 be used with a state/S responsible agency? The Descriptions and Definitions of these should be improved. **Team Response:** The Agency would tell you. Referrals to

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				State Attorney General offices should be recorded as a 410 action. Code 430 should be used to capture all judicial referrals to levels lower than the Attorney General.
State	19	186	08 - 17	710 Referral to Criminal: A formal written request to another agency or unit of government to proceed with criminal enforcement. (Actually we have criminal investigators in our own agency/unit so this definition causes issues. Why assume you know what will happen, instead just say that a formal request (do not put written since that may not be the case) to proceed with criminal enforcement). 720 Criminal Indictment: A written notification advising a RCRA hazardous waste handler they have been charged with a criminal offense. (Do not put RCRA hazardous waste handler unless you want States to have to create their own (almost identical) codes when there is notification advising a hazardous waste handler they have been charged with a criminal offense under the State hazardous waste act/code.) 730 Criminal Conviction A court ruling which finds a RCRA hazardous waste handler guilty of a criminal offense. (It is important to distinguish the difference between a verdict/plea and a verdict/trial. Also, do not put RCRA hazardous waste handler unless you want States to have to create their own (almost identical) codes when there is a court ruling and hazardous waste handler is found guilty of a criminal offense under the State hazardous waste act/code). 740 Criminal Acquittal: A court ruling which finds a RCRA hazardous waste handler not guilty and has been set free from the charge of an offense by verdict, sentence, or other legal process. (Ditto as above on why you should not use the word RCRA). **Team Response:** The Team will revise the definitions to codes 710, 720, 730, and 740.
Region	19	189	16	What code is used for Referral to Criminal Program? ORP? **Team Response:** Referrals to Criminal Programs would be coded as a 710 action.....It is not clear what the term "ORP"

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				means.
State	19	192	03 - 14	These SEP definitions do not meet the standard SEP provided by State and allowed under the EPA Nexus. The definitions are limiting in nature, whereas the SEP policy is expanded in allowance. **Team Response:** The Team has tried to group SEP types to minimize the number of code types needed to reference SEP types. However, when appropriate, implementer-defined SEP codes may be created and used by an implementer when the recommended codes are inadequate.
State	19	194	0	In this state as in others a settlement amount may consist of the monetary penalty/fine, SEP and the DTSC costs. The total settlement amount is actually more significant to program evaluation because the other elements are so subject to negotiation that looking at the fine alone may not tell you anything about the case. For example, a well know solvent recycler negotiated an enforcement penalty down to $5000 . They wanted to pay our costs and not call it a penalty. this makes the company look better in the eyes of their customers. One may just as easily have another company with not as good lawyers settle the exact same violations for $5000 in penalties. Total settlement should not be a calculated field since there are many elements that can go into it. **Team Response:** The Team agrees that the final penalty normally includes more components than just the monetary payment. As per the recommendation, the Total Final Settlement includes the value of the monetary penalty paid along with the amount of cost from a SEP project that was allowed as an offset credit against payment of additional penalty. This amount will be automatically calculated by RCRAINFO as it is currently being done.
State	19	196	0	Should the Dropped or Permanent Abeyance, Enforcement Action Disposition Qualifier Type, include Bankruptcies and Out-of-Business, in it's definition? The Descriptions and Definitions of the new Enforcement Action Disposition Qualifiers could be improved, "Dismissed " could be "Dismissed by court ", "Returned" could be "Returned from referral ".

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: The Team believes that bankruptcies and out-of-business are reasons for closing out a case by one of the listed resolution terms, but they, themselves, are not the resolution. The definition of "Dismissed" includes the descriptive expression "dismissed by court." The definition of "Returned" will be revised to include the reference to "from referral."
Region	19	196	0	Table 19.9Region suggests that the reason qualifiers on page 196 be associated with the 999 Case Closed code. This table is applicable to cases that do not go to normal completion. **Team Response:** The 999 Case Closed code referenced in your comment is not a nationally defined field and the Team believes that use of the Enforcement Action Disposition Qualifier Type codes is a more accurate and effective means of addressing case closings.
Region	19	197	11	Appeal should have its own code such as 260, which would indicate that the order is still under litigation. This would allow for easy retrieval of active appeals in process. **Team Response:** Cases under appeal will be easily retrieved using the mechanism proposed in the Team's recommendation. The Team believes that by directly associating the appeal with the respective enforcement action, the data is more accurately captured in RCRAINFO without making a false representation that a new enforcement action has occurred when it, in fact, has not.
State	19	199	0	Existing 360, 370 codes are missing in crosswalk. **Team Response:** The requested revisions have been made.
State	19	201	0	Existing 890 code is missing in crosswalk. **Team Response:** The requested revisions have been made.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	20	202	0	Agree with recommendation
State	20	202	0	Can live with recommendation
States	20	202	0	Can live with recommendation
State	20	202	0	The WIN/INFORMED Team recommended that RCRAINFO be modified to collect additional data regarding supplemental environmental projects. These data elements include the Scheduled Completion Date, Actual Completion Date, and a new field called SEP Default Date. **State absolutely cannot live with this recommendation.** State believes that the level of detail in the RCRAINFO is too great regarding SEPs. Most SEPs are too individual in nature to lend to adequate tracking using a database. **Team Response:** The Team sympathizes with State's comment concerning the recommendation for additional detail for SEPs, however it is still the Team's consensus that the value of tracking the additional item to assure all items in the enforcement action have been adequately addressed, outweighs the additional amount of time involved for State to enter this additional data. Also, it is the Team's consensus that the additional SEP item provide adequate capability to allow for the adequate tracking of those SEPs that are considered to be 'too individual in nature'.
State	20	202	0	Can live with recommendation
State	20	202	0	Can live with recommendation
State	20	202	0	Agree with recommendation
State	20	202	0	Can live with recommendation
State	20	202	0	Question: For the SEP default date. What if there are several different types of SEPS and one is done, but the other isn't? **Team Response:** You would enter each one as a separate SEP using the actual completion date and the default date for each separate one.
State	20	202	0	Agree with recommendation
State	20	202	0	Agree with recommendation
State	20	202	0	Agree with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	20	202	0	Agree with recommendation
State	20	202	0	Agree with recommendation
State	20	202	0	Agree with recommendation
State	20	202	0	Can live with recommendation
State	20	202	0	**Absolutely can not live with recommendation** **BECAUSE:** SEPs can also have multiple milestones and the schedule should reflect multiple milestones. Without multiple milestones this will have limited use. **Team Response:** As stated in the PPI Other Options Considered #1, the Team believes the tracking of multiple milestone events is not necessary because providing the additional level of detail is not useful in communicating information between organizations and because any need to track individual milestone data is organization specific and should be tracked separately.
State	20	202	0	Can live with recommendation
HQ	20	202	0	Agree with recommendation
State	20	202	0	Agree with recommendation
State	20	202	0	Agree with recommendation
State	20	202	0	**Absolutely can not live with recommendation** **BECAUSE:** State has not experienced confusion over the Scheduled Date or Actual Date fields, but agrees that clarifying the meaning of these fields is a good idea. We are opposed to adding the SEP Default Date to current data systems. This would provide no benefit to State, but would require us to make changes to our compliance tracking system. We would also need to change our translation software to accommodate changes to the flat file specifications. **Team Response:** The Team sympathizes with OR but it is still the Teams consensus and the consensus of the National Reviewers that this recommendation should be implemented as presented.
Region	20	202	0	**Absolutely can not live with recommendation**

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				BECAUSE: SEPs can also have multiple milestones and the schedule should reflect multiple milestones. Without multiple milestones this will have limited use. **Team Response:** As stated in the PPI Other Options Considered #1, the Team believes the tracking of multiple milestone events is not necessary because providing the additional level of detail is not useful in communicating information between organizations and because any need to track individual milestone data is organization specific and should be tracked separately.
Region	20	202	0	I'm not sure the value of having this data in the system outweighs the effort of getting it and maintaining it in the system. Like any other condition of settlement documents, if this requirement is not met, a new violation would be identified in the system for that instance of noncompliance. Since we are not proposing to use the system to help track milestones coming due or overdue (including SEP-related milestones), I don't see the benefit of tracking completion of the SEP. **Team Response:** The main reason for tracking SEP default date is to assure all items of an enforcement action have been adequately addressed. Therefore, the Team feels there is a need to track this data item and a report will be provided that reports overdue SEPs. Unlike the current RCRAINFO, our recommendations will allow implementers to track milestones like this.
Region	20	202	0	Agree with recommendation
Region	20	202	0	Agree with recommendation
Region	20	202	0	Can live with recommendation
Region	20	202	0	Region agrees with the Team's recommendations, pending the outcome of PPI #19 as relates to the SEP Credit data element.
Region	20	202	0	Agree with recommendation
State	20	202	0	Can live with recommendation
State	20	202	0	Agree with recommendation
State	20	202	0	Can live with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	20	202	0	Agree with recommendation
State	20	202	0	Agree with recommendation
State	20	202	06 - 08	State does not completely agree a SEP default date field is necessary since the further actions that are taken can be reflected in the data system. **Team Response:** The current data elements for SEP do not provide a way to track when an SEP has not been fulfilled and therefore, does not properly indicate whether all items of an enforcement action have been adequately addressed.
State	20	202	31	'SEP Default Date' is confusing. 'SEP Not completed Date' is clearer. **Team Response:** Good clarity comment and will change to "SEP Defaulted Date".
State	20	203	0	Despite requiring changes to the national data system, this would be helpful for those few sites with ongoing problems.
State	20	204	15 - 32	This appears to be another attempt to track information that is not necessary to track, by co-joining it with other data. This is like the bank asking for each month's home improvements as you make the monthly house payment. You make the house payment and the bank assumes the house is still standing, until told otherwise. **Team Response:** The main reason for tracking SEP default date is to assure all items of an enforcement action have been adequately addressed and the Team has recognized this as a data need. Therefore, the Team feels there is a need to track this data item.
1 Region & 1 State	20	205	05	If site can default on a SEP, restart, and default again, would that be shown by rekeying the SEP every time site restarts so as to keep the original SEP and default history? **Team Response:** Yes.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	21	206	0	Agree with recommendation
State	21	206	0	Can live with recommendation
States	21	206	0	Can live with recommendation
State	21	206	0	Can live with recommendation
State	21	206	0	Can live with recommendation
State	21	206	0	Agree with recommendation
State	21	206	0	Can live with recommendation
State	21	206	0	Can live with recommendation
State	21	206	0	Agree with recommendation
State	21	206	0	Agree with recommendation
State	21	206	0	Can live with recommendation
State	21	206	0	Agree with recommendation
State	21	206	0	Agree with recommendation
State	21	206	0	Can live with recommendation
State	21	206	0	Agree with recommendation
State	21	206	0	Can live with recommendation ICIS/OTIS Enforcement Docket already does something like this. Re- OTIS Enforcement Docket at http://www.epa.gov/idea/otis/docket_idea_query.html Please note that OTIS Enforcement Docket reports do not yet query on ICIS data. **Team Response:** Yes, ICIS does currently provide this data. OTIS does query ICIS data.
HQ	21	206	0	Agree with recommendation
State	21	206	0	Agree with recommendation
State	21	206	0	Can live with recommendation
State	21	206	0	How common an occurrence is this that it requires revision of the database structure? Is it that egregious to link the enforcement to separate facilities? This has happened exactly once in this state since 1983.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: Yes, it is becoming more common as individual States and regional resources diminish.
State	21	206	0	**Absolutely can not live with recommendation BECAUSE:** State currently has no issues with tracking multiple enforcement actions and has no need for this modification. This modification would require us to make changes to our compliance tracking system. We would also need to change our translation software to accommodate changes to the flat file specifications. Furthermore, State requests that the acronym CA/FO no longer be used. CAFO has historically stood for Confined Animal Feeding Operation, and its use in a RCRA context is confusing. **Team Response:** We understand the confusion but the RCRA enforcement community has been using this term since the beginning of the program. The meaning of Animal Feeding Operations, is new within the last 10 years.
State	21	206	0	Is this necessary? Adds substantial complexity for minimal gain. Yet another good thing not to enter or track. **Team Response:** This change will provide the mechanism to tie together multi-site (state & region) consent agreements/final orders.
Region	21	206	0	Agree with recommendation
Region	21	206	0	I'm not sure I completely understand what is being proposed for this issue. Would each facility covered under the multi-site agreement have to be entered into the CA/FO table, and then again as a normal enforcement action would - if so, this seems like duplicative data entry. Would the enforcement action record be modified to permit the entry of the CA/FO case sequence number for every case, but only be required in those cases which are multi-site cases? How does this approach line up with how ICIS tracks these type of cases? **Team Response:** This will not cause duplicative data entry. You will be provided a link to the enforcement action table. No changes to the enforcement table.
Region	21	206	0	Agree with recommendation
Region	21	206	0	Can live with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	21	206	0	Agree with recommendation
Region	21	206	0	Region agrees with the Team's recommendations.
Region	21	206	0	Agree with recommendation
State	21	206	0	Can live with recommendation
State	21	206	0	Can live with recommendation
State	21	206	0	Agree with recommendation
State	21	206	0	Can live with recommendation
State	21	206	0	Agree with recommendation
State	21	207	0	How applicable is this situation? Especially since it will require structure and data entry changes to the system. **Team Response:** This change will provide the mechanism to tie together multi-site (state & region) consent agreements/final orders.
State	21	208	22	The translator load program must be modified to accept the seven new CA/FO data fields (CA/FO case sequence number (assigned sequentially by the computer), Respondent name, EPA ID number, Activity location, Docket number, Enforcement type, and Enforcement issue date) from implementers. Will it be this simple? Or will it require a completely new HD file? If it is just a matter of adding data fields then translators will still have a problem but no more so that they do now when linking to other agency data but would like you to verify this. **Team Response:** This would be a completely new file and is required (mandatory) for all multi-site CA/FOs.
1 Region & 1 State	21 ~~28~~	206	21	Would the same full enforcement action (penalties, SEPs, etc) be keyed for every site and then that repetition clarified by keying every site in CA/FO table? Or would the action be keyed once and - somehow - users would 'see' it for other sites **Team Response:** Enforcement actions would be entered as they are now, for every site, linking to the violations which it addressed. Then the site would be listed in the CA/FO table which would pull it all together.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	22	209	0	Agree with recommendation
State	22	209	0	Can live with recommendation
States	22	209	0	Can live with recommendation Most states do not plan to track these milestones in RCRAINFO **Team Response:** No response required.
State	22	209	0	The WIN/INFORMED Team recommends expanding the CM&E module of RCRAINFO to allow implementers to enter all requirements of a formal enforcement action. This data input will be optional for implementers. State does not agree with the concept of using the RCRAINFO data system as a "super tickler file." State believes that the burden of entering this data will substantially exceed any perceived benefits. Since State does not intend to implement any of the proposed aspects of PPI #22, State can live with this modification to RCRAINFO as long as it remains optional. **Team Response:** The Team has recommended that this function will be optional.
State	22	209	0	Agree with recommendation
State	22	209	0	Can live with recommendation
State	22	209	0	Can live with recommendation
State	22	209	0	Can live with recommendation
State	22	209	0	Agree with recommendation
State	22	209	0	Agree with recommendation
State	22	209	0	Agree with recommendation
State	22	209	0	**Absolutely can not live with recommendation BECAUSE:** Maine feels that there should also be the ability to track these requirements in Informal Enforcement Actions. **Team Response:** Any enforcement actions having technical requirements can be tracked. (Please refer to definition of formal vs. informal enforcement.)
MI	22	209	0	Can live with recommendation **As long as it remains**

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				optional. **Team Response:** The Team has recommended that this function will be optional.
State	22	209	0	Agree with recommendation
State	22	209	0	Agree with recommendation
State	22	209	0	Agree with recommendation
State	22	209	0	Agree with recommendation
HQ	22	209	0	Agree with recommendation
State	22	209	0	Agree with recommendation
State	22	209	0	Can live with recommendation
State	22	209	0	Based on the lack of feedback received from legal once enforcement becomes formal, this field will be largely blank. Now I never receive information about payments of penalties or SEPS. How will this change that? **Team Response:** This PPI will only allow the data base to track the information; it will not change a business practice within the implementing agency.
State	22	209	0	**Absolutely can not live with recommendation BECAUSE:** Tracking the compliance schedule of a formal enforcement action in RCRAINFO would not benefit State. The Team's assessment of the structure changes appears to be inaccurate. Since these new fields would have a one-to-many relationship to an enforcement action, simply adding the fields to existing tables would not be sufficient. A new table would have to be created. This means that a new flat file would have to be added to accommodate the translation. This modification would require us to make changes to our compliance tracking system. We would also need to change our translation software to accommodate the new flat file. **Team Response:** This is an optional use of the system. If you do not use this function, there will be no change to your system.
State	22	209	0	Adds substanial complexity for minimal gain. Where do we

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				get people to do this extra work? Another good thing not to track. **Team Response:** Tracking of this information is optional.
Region	22	209	0	**Absolutely can not live with recommendation BECAUSE:** This appears to add another layer of complexity to RCRAINFO and tracking milestones for SEPs, CAFOs and Corrective Action Orders, etc… The Order Conditions should be added as custom citations so that they will appear with the violation data. This would be far easier that creating a whole new table separate and apart from the violation table. **Team Response:** The orders are not additional violations and should not be interpreted as such by associating the requirements with violations. Order conditions relate directly to an enforcement action.
Region	22	209	0	While I don't think we would make much use of this capability, we have no objection to this change, provided that the data is not required to be entered. **Team Response:** The Team recommendation is that this data will be optional.
Region	22	209	0	Agree with recommendation
Region	22	209	0	Agree with recommendation
Region	22	209	0	Can live with recommendation
Region	22	209	0	Region agrees with the Team's recommendations.
Region	22	209	0	Agree with recommendation
State	22	209	0	Can live with recommendation State does not plan to track these milestones in RCRAINFO
State	22	209	0	Agree with recommendation
State	22	209	0	Can live with recommendation
State	22	209	0	Agree with recommendation
State	22	209	0	Can live with recommendation If data entry in these fields is not required, but optional. **Team Response:** The Team recommendation is that **this data will be optional**.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	22	209	28 - 29	Although State can live with the recommendation, it would appear to be duplicative of what State is already attempting to do at this time. The key word here is "implementers". Implementers tracking the CO or agreement are the ones that need the tracking (not the nation or EPA) and need to develop their own means of setting ticklers to fit their needs, not EPA's curiosity. **Team Response:** Some states do not have a system other than RCRAINFO for tracking information. This is an optional function for implementers.
Region	22	209	40-41	This data entry should be optional, not mandatory. **Team Response:** The Team has recommended that this data tracking should be optional. (See recommendation.)
State	22	210	0	Despite requiring s a structural change, this could be beneficial for tracking progress on enforcement issues. **Team Response:** No response required
State	22	210	02	State appreciates the optional nature of this PPI recommendation **Team Response:** No response required
State	22	210	09-14	What is a technical requirement number? Not clear as to what you mean. However I am very glad to see that is optional. **Team Response:** The Team was referring to the specific numerical or alphabetical designation given to a specific technical requirement within the order part of a document. Example: I., II., III., …; A., B., C., …

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	23	212	0	Agree with recommendation
State	23	212	0	Can live with recommendation
States	23	212	0	Can live with recommendation
State	23	212	0	Can live with recommendation
State	23	212	0	Agree with recommendation
State	23	212	0	Can live with recommendation
State	23	212	0	Can live with recommendation
State	23	212	0	Agree with recommendation
State	23	212	0	Agree with recommendation
State	23	212	0	Can live with recommendation
State	23	212	0	Does not impact states so do not feel that we should comment. If this will assist Regional staff and they agree then we agree.
State	23	212	0	Agree with recommendation
State	23	212	0	Agree with recommendation The Team must ensure that either information is downloaded from ICIS to RCRA Info and it provides a clear picture (or the information is supplemented to make the picture clear) or require that the Regions begin to input their information into RCRA Info (as the states are required to do regardless of other data systems) and translate to ICIS. **Team Response:** All required RCRAINFO enforcement fields will be downloaded from ICIS and will be complete in RCRAINFO. ICIS only contains EPA enforcement actions and not the entire inspection, violation and enforcement picture as RCRAINFO does. ICIS requires more detailed information about enforcement cases, much more information than is required or tracked in RCRAINFO. Therefore this, and the fact that ICIS is the "official database of record" for federal enforcement actions, is why we must download from ICIS the subset of enforcement information which is tracked in RCRAINFO.
State	23	212	0	Can live with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	23	212	0	N/A for states
State	23	212	0	Agree with recommendation
HQ	23	212	0	Agree with recommendation
HQ	23	212	0	Agree with recommendation
State	23	212	0	Agree with recommendation
State	23	212	0	**Absolutely can not live with recommendation BECAUSE:** Dubious utility since ICIS is apparently not used in this state for hazardous waste data. Suspect the downloading & population scenario is backwards. RCRA Info should be used to populate ICIS, not vice versa. **Team Response:** The issue states that ONLY EPA enforcement actions will be affected (no state enforcement actions are involved in this issue). ICIS can not be accessed (updated or read) by states at this time. As for the direction of the downloading, the data can not be uploaded from RCRAINFO as ICIS requires more detailed information about enforcement cases, much more information than is required or tracked in RCRAINFO. Therefore this, and the fact that ICIS is the "official database of record" for federal enforcement actions, is why we must download from ICIS the subset of enforcement information which is tracked in RCRAINFO.
State	23	212	0	Agree with recommendation
Region	23	212	0	ICIS data structure should be upgraded to reflect the changes being made here in RCRAINFO so that Inspection Conclusion Data should be a complete inspection record and could be uploaded directly into RCRAINFO without missing data elements. This should be the ultimate goal of single system data entry for federal enforcement information. **Team Response:** Once ALL RCRAINFO data (EPA and state data) is included in ICIS, either by a link, upload, or actually incorporated, ICIS will accommodate all RCRAINFO fields. But until that happens, the ICIS structure will not need to accommodate the changes we are making with this PAA. As of now, ICIS is only a replacement of the old DOCKET

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				data system, therefore it only contains EPA enforcement actions and not the entire inspection, violation and enforcement picture as RCRAINFO does. As far as "the ultimate goal of single system data entry" this is exactly what the ICIS concept of data warehousing is. But it must be done in phases and RCRA data is still a long ways off. But this recommendation is a step in helping with reducing the dual data entry.
Region	23	212	0	Can live with recommendation
Region	23	212	0	No comment.
Region	23	212	0	Agree with recommendation
Region	23	212	0	We appreciate the orientation toward eliminating dual data entry, which is a welcome streamlining measure, and we agree that this recommendation is an improvement. However, since inspectors (who are often also enforcement officers) would still be required to enter inspection information into RCRAINFO, we strongly encourage a more strategic approach to data entry in order to truly streamline the inspectors' and compliance officers' workloads. Specifically, we encourage HQ to either (1) move all inspection and enforcement data entry to ICIS or (2) maintain RCRAINFO as the inspection and enforcement database and upload RCRAINFO into ICIS. Inspectors and compliance officers are responsible for a large volume of data entry. They are already required to know and enter inspection and enforcement information into RCRAINFO. In order to best utilize their time and streamline the data entry process, we strongly encourage a policy of requiring knowledge of and data entry into a single database. Furthermore, if the HMA Analysis recommendation were to be implemented as presented, it must be done in a way that links ICIS enforcement data to the inspection and violation information housed in RCRAINFO, so that no additional data cleanup is needed. It is not apparent how this linkage could effectively be done across data systems. **Team Response:** We agree that inspectors are often the same individuals who enter inspection, violation, and

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				enforcement data into RCRAINFO but currently the only requirement to enter this data into another data system is for EPA enforcement data, not inspection and violation data. ICIS is only a replacement of the old DOCKET data system, therefore it only contains EPA enforcement actions and not the entire inspection, violation and enforcement picture as RCRAINFO does. ICIS requires more detailed information about enforcement cases, much more information than is required or tracked in RCRAINFO. Therefore this, and the fact that ICIS is the "official database of record" for federal enforcement actions, is why we must download from ICIS the subset of enforcement information which is tracked in RCRAINFO. As far as "a more strategic approach to data entry" this is exactly what the ICIS concept of data warehousing is. But it must be done in phases and RCRA data is still a long ways off. But this recommendation is a step in helping with reducing the dual data entry which is required now for federal enforcement actions. The data that is downloaded from ICIS would be complete information and would be linked to violations and inspections in RCRAINFO. This would create a complete picture, as currently tracked in RCRAINFO. No additional data cleanup is envisioned once the information is downloaded.
Region	23	212	0	Can live with recommendation
Region	23	212	0	Can live with recommendation
Region	23	212	0	We appreciate the orientation toward eliminating dual data entry, which is a welcome streamlining measure, and we agree that this recommendation is an improvement. However, since inspectors (who are often also enforcement officers) would still be required to enter inspection information into RCRAINFO, we strongly encourage a more strategic approach to data entry in order to truly streamline the inspectors' and compliance officers' workloads.

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				Specifically, we encourage HQ to either (1) move all inspection and enforcement data entry to ICIS or (2) maintain RCRAINFO as the inspection and enforcement database and upload RCRAINFO into ICIS. Inspectors and compliance officers are responsible for a large volume of data entry. They are already required to know and enter inspection and enforcement information into RCRAINFO. In order to best utilize their time and streamline the data entry process, we strongly encourage a policy of requiring knowledge of and data entry into a single database. Furthermore, if the HMA Analysis recommendation were to be implemented as presented, it must be done in a way that links ICIS enforcement data to the inspection and violation information housed in RCRAINFO, so that no additional data cleanup is needed. It is not apparent how this linkage could effectively be done across data systems. **Team Response:** We agree that inspectors are often the same individuals who enter inspection, violation, and enforcement data into RCRAINFO but currently the only requirement to enter this data into another data system is for EPA enforcement data, not inspection and violation data. ICIS is only a replacement of the old DOCKET data system, therefore it only contains EPA enforcement actions and not the entire inspection, violation and enforcement picture as RCRAINFO does. ICIS requires more detailed information about enforcement cases, much more information than is required or tracked in RCRAINFO. Therefore this, and the fact that ICIS is the "official database of record" for federal enforcement actions, is why we must download from ICIS the subset of enforcement information which is tracked in RCRAINFO. As far as "a more strategic approach to data entry" this is exactly what the ICIS concept of data warehousing is. But it must be done in phases and RCRA data is still a long ways off. But this recommendation is a step in helping with reducing the dual data entry which is required now for federal enforcement actions.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				The data that is downloaded from ICIS would be complete information and would be linked to violations and inspections in RCRAINFO. This would create a complete picture, as currently tracked in RCRAINFO. No additional data cleanup is envisioned once the information is downloaded.
Region	23	212	0	Agree with recommendation
Regions & 2 specific regions	23	212	0	We appreciate the orientation toward eliminating dual data entry, which is a welcome streamlining measure, and we agree that this recommendation is an improvement. However, since inspectors (who are often also enforcement officers) would still be required to enter inspection information into RCRAINFO, we strongly encourage a more strategic approach to data entry in order to truly streamline the inspectors' and compliance officers' workloads. Specifically, we encourage HQ to either (1) move all inspection and enforcement data entry to ICIS or (2) maintain RCRAINFO as the inspection and enforcement database and upload RCRAINFO into ICIS. Inspectors and compliance officers are responsible for a large volume of data entry. They are already required to know and enter inspection and enforcement information into RCRAINFO. In order to best utilize their time and streamline the data entry process, we strongly encourage a policy of requiring knowledge of and data entry into a single database. Furthermore, if the HMA Analysis recommendation were to be implemented as presented, it must be done in a way that links ICIS enforcement data to the inspection and violation information housed in RCRAINFO, so that no additional data cleanup is needed. It is not apparent how this linkage could effectively be done across data systems. **Team Response:** We agree that inspectors are often the same individuals who enter inspection, violation, and enforcement data into RCRAINFO but currently the only requirement to enter this data into another data system is for EPA enforcement data, not inspection and violation data. ICIS is only a replacement of the old DOCKET data system,

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				therefore it only contains EPA enforcement actions and not the entire inspection, violation and enforcement picture as RCRAINFO does. ICIS requires more detailed information about enforcement cases, much more information than is required or tracked in RCRAINFO. Therefore this, and the fact that ICIS is the "official database of record" for federal enforcement actions, is why we must download from ICIS the subset of enforcement information which is tracked in RCRAINFO. As far as "a more strategic approach to data entry" this is exactly what the ICIS concept of data warehousing is. But it must be done in phases and RCRA data is still a long ways off. But this recommendation is a step in helping with reducing the dual data entry which is required now for federal enforcement actions. The data that is downloaded from ICIS would be complete information and would be linked to violations and inspections in RCRAINFO. This would create a complete picture, as currently tracked in RCRAINFO. No additional data cleanup is envisioned once the information is downloaded.
State	23	212	0	Can live with recommendation
State	23	212	0	Agree with recommendation
State	23	212	0	Can live with recommendation
State	23	212	0	Agree with recommendation
State	23	212	0	Can live with recommendation
HQ	23	212	02	Support the program need to improve data quality between the two data systems and the recommendation that a translation program be implemented that will download the selected information from ICIS and populate these fields in RCRAINFO. **Team Response:** Thank you.
State	23	212	16-20	RCRA Info has always been defined as the "National" database where all enforcement data would reside for hazardous waste cases. It was quite a surprise to learn that

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				EPA headquarters enforcement staff were not entering data into RCRA Info, so there was no national database that could be relied upon for all State/Federal enforcement actions. **Team Response:** ICIS (the old DOCKET data system) has been the official database of record for all EPA enforcement actions (all media) since at least 1996. EPA has been entering federally conducted enforcement actions into both RCRAINFO and ICIS. These actions are entered into RCRAINFO in order to share with their state partners and into ICIS to get credit (counts towards end-of-year accomplishments).
State	23	212	23 - 42	Can live with downloading ICIS data into RCRAINFO as long as it doesn't overwrite any existing/necessary RCRAINFO fields. **Team Response:** The enforcement information which is downloaded from ICIS will not overwrite any existing/necessary RCRAINFO fields.
State	23	212	23	We ask that the translation from ICIS insert 'ICIS' or similar text into the 6-character User ID field the CME data it translates into RCRAINFO **Team Response:** Excellent idea! We will modify our recommendation to specify that "ICIS" be inserted in the User ID field for all records downloaded from ICIS. Regardless of whether or not the record originally came from ICIS, once it is modified in RCRAINFO, the User ID will be changed to be the ID of the person updating the record. (When changes occur in RCRAINFO, the Lasted Updated field will be changed, as they are currently being done for all RCRAINFO records.)
1 Region & 1 State	23	212	23	We ask that the translation from ICIS insert 'ICIS' or similar text into the 6-character User ID field the CME data it translates into RCRAINFO. If someone updates the RCRAINFO data, would that update be overwritten by the translation (i.e. does translation do changes and deletes or just adds where key is missing in RCRAINFO)? **Team Response:** Excellent idea! We will modify our recommendation to specify that "ICIS" be inserted in the User ID field for all records downloaded from ICIS.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Regardless of whether or not the record originally came from ICIS, once it is modified in RCRAINFO, the User ID will be changed to be the ID of the person updating the record. (When changes occur in RCRAINFO, the Lasted Updated field will be changed, as they are currently being done for all RCRAINFO records.)
State	23	212	23	Will there be any manner of distinguishing data that has been placed in RCRAINFO from another source, ICIS in this case? Is there any need to do so? **Team Response:** We are modifying our recommendation to specify that "ICIS" be inserted in the User ID field for all records downloaded from ICIS. As it is important to distinguish where the record came from.
Region	23	212	23-42	This is a great idea, but not sure how this will actually be accomplished. As a rule, the data is entered first in RCRAINFO and secondly in ICIS (not the other way around). We support the reduction of double data entry wherever possible. **Team Response:** ICIS requires more detailed information about enforcement cases, much more information than is required or tracked in RCRAINFO. Therefore this, and the fact that ICIS is the "official database of record" for federal enforcement actions, is why we must download from ICIS the subset of enforcement information which is tracked in RCRAINFO.
State	23	212	24	We support the reduction of doubled data entry wherever possible. **Team Response:** We do too!
State	23	212	30	When the data is added to RI, will the responsible agency field always be EPA, or should a new I responsible agency code be created? **Team Response:** The responsible agency will be "E" for EPA.
Region	23	212	31	Region sees problems with the violation data being downloaded since that information will already be contained in the inspection data from which the violations were created. It appears that there need to be a semi-automated tool to link existing violations in RCRAINFO to the newly imported enforcement actions from ICIS. This download

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				proposal is not a high priority since only ~20 formal enforcement actions are taken per year per Region. **Team Response:** The recommendation does not propose to download violation, or inspection information from ICIS - only federal enforcement data. The enforcement data that is downloaded from ICIS would be complete information and would be linked to violations and inspections in RCRAINFO. This would create a complete picture, as currently tracked in RCRAINFO.
State	23	213	08	Will the data added to RI be read-only, requiring all changes to be made in ICIS? If not, subsequent updates from ICIS of changed data may be problematic. **Team Response:** This downloaded federal enforcement data is not read-only. PPI write-up was modified to be clearer on this issue. EPA will be able to change their enforcement actions in RCRAINFO regardless of whether or not the record originally came from ICIS. This will not pose an issue, as it is currently happening by virtue of the dual data entry into the two systems. The two systems are not dependant on each other.
State	23	214	31	What prevents the release of read-only data? **Team Response:** This downloaded federal enforcement data is not read-only. PPI write-up was modified to be clearer on this issue.
1 Region & 1 State	23	214	31	What prevents the release of read-only data? **Team Response:** This downloaded federal enforcement data is not read-only. PPI write-up was modified to be clearer on this issue.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	24	215	0	I've reviewed PPI #24 with respect to corrective action orders and concur with one exception. With respect to recommendations 3 & 4 for CA orders, I would recommend that the order's issuance be reflected in BOTH modules as with recommendation 5. This is because within the scenarios of recommendation 3 & 4, the order serves dual purposes, (1) the resolution of violations and (2) the implementation of corrective action. **Team Response:** The Team believes that all enforcement actions that address violations are properly tracked in the CM&E Module. The scenario in item #5 is different in that it addresses unregulated SWMUs.
State	24	215	0	Agree with recommendation
State	24	215	0	Can live with recommendation
States	24	215	0	Agree with recommendation
State	24	215	0	Can live with recommendation
State	24	215	0	Agree with recommendation While the new definition for a corrective action evaluation is clarified in this PPI, it does not address the burden related to duplication of data entry forms and double data entry when the evaluation is part of a CEI or GME. There should be a method for capturing both evaluations on one form and one time data entry of the information. **Team Response:** The Team agrees that it would be nice if duplication of effort could be minimized. However, the Team believes that the incidence of duplicate entry is minimal and has elected not to address that issue in its recommendations.
State	24	215	0	Agree with recommendation
State	24	215	0	Can live with recommendation
State	24	215	0	Agree with recommendation
State	24	215	0	Agree with recommendation
State	24	215	0	Can live with recommendation
State	24	215	0	Can live with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	24	215	0	Agree with recommendation
State	24	215	0	Agree with recommendation
State	24	215	0	**Absolutely can not live with recommendation BECAUSE:** See comment below.
State	24	215	0	Agree with recommendation
State	24	215	0	Can live with recommendation
HQ	24	215	0	Can live with recommendation but defer to OSRE
HQ	24	215	0	Agree with recommendation
State	24	215	0	Agree with recommendation
State	24	215	0	Can live with recommendation
State	24	215	0	Can live with recommendation Anytime a codes is changed in RCRAINFO, translators must modify their flat file creation procedures to translate to the new code. State supports this change only the code remains CAO, or if the RCRAINFO Translation Loader is modified to convert the CAO code to CAC **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
Region	24	215	0	Agree with recommendation
Region	24	215	0	While I think I understand what is being proposed, and agree with it, some of the recommendations listed under Corrective Action Orders seem unclear to me. In general, actions that are strictly related to Corrective Action would be captured in the Corrective Action module, while actions related to enforcement (regulatory enforcement as well as enforcement of violations of Corrective Action requirements) would be captured in the CM&E module. However, items 4 and 5 (under Recommendations for Corrective Action) are not clear. It seems that number 4 addresses enforcement actions which address violations as well as include penalties and Corrective Action provisions. For number 5, I'm not sure what type of an "investigation" this refers to, if this means inspection, Corrective Action Compliance Evaluation, or something else. I think some minor rewrites of this section would help clarify it.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: The Team believes that all enforcement actions that address violations are properly tracked in the CM&E Module. The scenario in item #5 is different in that it addresses unregulated SWMUs.
Region	24	215	0	Agree with recommendation
Region	24	215	0	Can live with recommendation
Region	24	215	0	Agree with recommendation
Region	24	215	0	Region agrees with the Team's recommendations.
Region	24	215	0	Can live with recommendation
State	24	215	0	Agree with recommendation
State	24	215	0	Agree with recommendation
State	24	215	0	Agree with recommendation
State	24	215	0	Can live with recommendation
HQ	24	215	19	change "Investigation" to "Oversight" or "Evaluations" **Team Response:** Thank you, we have made this change.
HQ	24	215	22 - 24	Remove sentence beginning with "In other words...". **Team Response:** Thank you, we have made this change.
HQ	24	216	10	Recommendations: **General comment on recommendations 1, 3, 4, 5 for Corrective Action Orders** - we need information on all corrective action activities at a site. We request the development of some type of flag or link so that corrective activities in both modules can be identified for a facility. One suggestion is a "yes"or "no" flag for the following question: Does this order impose additional corrective action requirements? **Team Response:** The Team agrees and has added an indicator check box that may be checked when the enforcement order/action includes corrective action requirements.
State	24	216	11	**Corrective Action Investigations** -Distinguishing between "Oversight of Corrective Action activities" and "monitoring compliance with Corrective Action requirements" is not as simple as described. An example is given of RFI oversight being outside the scope of compliance monitoring.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				However, RFI activities are often included in permits and orders, such as including work plans for RFIs as an enforceable part of that permit. Thus, observing RFI activities is "monitoring compliance" with corrective action requirements, not just "oversight." Since the vast majority of visits to corrective action facilities are to observe corrective action activities required under permits or orders, these statements just lead to confusion about where to track a site visit to observe corrective action. Also, the PPI proposes that inspections made for "oversight of Corrective Action activities" should be entered into the Corrective Action Module. However, the Corrective Action Module documents the corrective action process under a particular authority. There is no current or proposed corrective action event code for such inspections and no clear guidance on where this event code would exist in the corrective action module. **Team Response:** The Team has revised the recommendation to further clarify the distinction between activities that belong in the CA Module versus the CM&E Module.
Region	24	216	11-20	This issue is still confusing. It appears that the majority of the time any violation of corrective actions measures is only to be entered into the CM&E modules?; except for remediation purposes? This issue needs additional clarification. **Team Response:** The Team has revised the recommendation to further clarify the distinction between activities that belong in the CA Module versus the CM&E Module.
State	24	216	17	**Corrective Action Compliance Evaluation (CAC) -** An on-site inspection to evaluate a site's compliance with the corrective action requirements of a permit or an order. When a CAC is conducted as part of another inspection type (CEI, GME, etc.), a separate entry for a CAC should be made in RCRAINFO for the CAC component. This is an interesting one – tracking these in the compliance section of RCRAINFO would be a problem because typically they can not be attached to violations as is typical

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				of enforcement actions, so are they always in compliance? If it is oversite and does not end up as part of a CEI or GME is it really an evaluation? We have not thought of them as "compliance" issues. Is tracking necessary in CME because you can document this in the Corrective action section? It is like double counting because we are assuming we are getting credit through the corrective action entry and we are all one happy family, right? There are times they become an enforcement issue, and then you would enter a violation code indicating a violation of an order and that is when the CME section of the database would take over. **Team Response:** The Team has revised the recommendation to further clarify the distinction between activities that belong in the CA Module versus the CM&E Module.
State	24	216	24	**Corrective Action Enforcement** - State supports the entry of corrective action orders related to enforcement actions into the CM&E Module, but does not support the tracking of corrective action activities required under such enforcement orders in the CM&E Module. Enforcement actions need to be tracked properly. Corrective action activities and requirements need to be tracked clearly. Agency management and the public need to be informed of the complete scope of corrective action activities. Duplicate tracking of such activities between different modules for the sake for documenting enforcement activity is confusing. To inform management and the public of enforcement actions related to corrective action, the CM&E Module should note the issuance of the enforcement action and then refer the viewer to the Corrective Action Module. This would still provide a clear "picture of how violations are addressed and facilitate the proper tracking of corrective action remediation versus actions in separate actions of the data system." **Team Response:** The Team believes that the CM&E Module should track all activities associated with compliance. This would include compliance with the regulations as well as terms and conditions of an order or permit issued under RCRA authority. The CM&E Module needs to be able to track compliance with terms and conditions of an order to show that the order has been

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				satisfied and the enforcement case can be closed.
Region	24	216	25	Multiple milestones should be available for corrective action order violations and order conditions. **Team Response:** The Team agrees and has recommended that technical requirements of an order be tracked with the capability of tracking multiple requirements (see PPI # 22).
HQ	24	216	27	add: "with a flag indicating corrective action requirements" **Team Response:** The Team has revised its recommendations by adding an indicator check box for identifying enforcement actions containing a corrective action component.
State	24	216	31 - 36	With respect to recommendations 3 & 4 for CA orders, AL would recommend that the order's issuance be reflected in BOTH modules as with recommendation 5. This is because within the scenarios of recommendation 3 & 4, the order serves dual purposes, (1) the resolution of violations and (2) the implementation of corrective action. **Team Response:** The Team believes that all enforcement actions which address violations are properly tracked in the CM&E Module. The scenario in item #5 is different in that it addresses unregulated SWMUs.
HQ	24	216	32	add: "with a flag indicating corrective action requirements" after "enforcement module" **Team Response:** The Team has revised its recommendations by adding an indicator check box for identifying enforcement actions containing a corrective action component.
HQ	24	216	36	add: "with a flag indicating corrective action requirements" after "enforcement order". **Team Response:** The Team has revised its recommendations by adding an indicator check box for identifying enforcement actions containing a corrective action component.
State	24	216	42	Duplicate entry and tracking of corrective action activities in separate modules is a poor use of time and public funds. Any benefits are countered by the confusion and extra work resulting from tracking corrective action activities in more than one module.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				As enforcement orders may be broad in scope and corrective action is intrinsically time consuming, questions will arise regarding the length of time to return to compliance. For example, an enforcement order requiring the completion of an RFI may legitimately take many years to complete, submit and have approved. **Team Response:** The Team agrees that duplicate tracking should be minimized and is hopeful that the recommendations presented in this PPI will help clarify what gets tracked where and thereby minimize improper and duplicative tracking. It is understood that some enforcement orders will result in long-term compliance requirements while others will not. Either way, terms and conditions need to be tracked to ensure satisfaction of the enforcement action requirements.
State	24	216	42-46	The Corrective action module has an area where you enter the authority under which CA has taken place(that includes enforcement actions). Perhaps you could use this authority to meet the needs of this PII. We have a Corrective Action Order that has since been incorporated into a permit. We entered the data into both the CA and CM&E modules. The moving of data from one place to another will be burdensome, confusing and labor intensive. Perhaps the PCA PAA can address this issue. **Team Response:** The Team believes that it is important to track all enforcement actions in the CM&E Module, including those with CA components. However, we realize that there is some overlap and coordination that occurs between the CM&E activities and the activities covered in the CA Module. We agree that the PCA PAA may be the best place to address how CM&E data gets incorporated into the CA Module.
State	24	216	44	The PPI leaves the method of data clean-up or conversion to the DESIGN TEAM, which is potentially a lot to the work. Implementation of this PPI could be a large workload for implementers, depending on the decisions of the DESIGN TEAM. For example, will the existing corrective action event codes and authorities also be used in the CM&E Module or will a new set of event codes and instruments be developed? Historical data clean-up could involve a great deal of effort

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				by State. It would be necessary to review archived files to determine if corrective action activities for a particular facility were issued to address non-compliance with corrective action requirements or not. If corrective action activities resulted from enforcement orders based on releases of solid and dangerous wastes and the resultant investigations of these releases, we recommend that these historic actions not be transferred to the CM&E module due to the level of work required to properly and accurately enter the data. **Team Response:** The Team did not feel it had enough expertise in dealing with the CA Module to make recommendations as to the data clean-up and conversions required as a result of this recommendation. It envisions that the CM&E Module should only contain true compliance monitoring evaluations and enforcement actions, responsive to those compliance monitoring activities/evaluations.
HQ	24	216	45 - 46	There needs to be more information on how the codes will be established, defined, and mapped (at the same level of specificity as violation and enforcement PPI #'s 14 and 19). How will reviewers know exactly what changes they're supporting without the details? **Team Response:** The Team believes that the changes recommended here are substantially different than the changes recommended in PPIs # 14 and 19. There is no new evaluation code (only a revision to the code and its definition). There is a clarification on what types of enforcement actions should be entered into the CM&E Module, but the codes are the same (subject, of course, to any changes recommended in PPI # 19). The main issue here is that there must be a linkage to a compliance monitoring evaluation and that the enforcement action must address violations, even though it may contain CA components.
State	24	217	0	Will provide clarity for Corrective Action situations despite requiring extensive data clean up.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	25	220	0	Agree with recommendation
State	25	220	0	Agree with recommendation
State	25	220	0	Agree with recommendation
State	25	220	0	Can live with recommendation
State	25	220	0	Agree with recommendation
State	25	220	0	Agree with recommendation
State	25	220	0	Can live with recommendation
State	25	220	0	Can live with recommendation
State	25	220	0	Agree with recommendation
State	25	220	0	Agree with recommendation **I read/concur that, as is now, generators that do not have RCRA IDs and have only state waste oil violations would not be tracked.** **Team Response:** The Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	220	0	Agree with recommendation
State	25	220	0	**Absolutely can not live with recommendation** **BECAUSE:** We totally agree that actions looking for hazardous waste issues taken at non-RCRA regulated sites should be tracked but assigning them an EPA ID# just so that they can be tracked is not the way. A facility in only required to notify and obtain a number if he is conducting a regulated activity that is defined in RCRA requiring notification. Some companies consider it an asset to be able to say that they have never carried on any activity that required them to notify. It would be inappropriate to assign one just for the purpose of record keeping in a database (we keep having this problem of the database trying to run the program). It would also be a bad precedent to set. Would there be a difference between a facility that requested number as required by rule and a regulator requested one just so they could count an inspection (rather tacky approach – just because the database has to have a number)? What if the company later notifies – would they get a new number or the one assigned to them by the regulator. The truth is out –

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				If it is not in RCRAINFO it may still exist!! **Team Response:** Unfortunately, having the ID number as the key is the way RCRAInfo was designed and RCRAInfo is not going to be redesigned any time in the near future.
State	25	220	0	Agree with recommendation
State	25	220	0	**Absolutely can not live with recommendation** **BECAUSE:** If a site has RCRA violations then it must be a RCRA site. In order for a facility to be out of compliance with a RCRA regulation they must first be subject to that regulation and thus they must be a RCRA site. **Team Response:** The Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	220	0	**Absolutely can not live with recommendation** **BECAUSE:** If this information could be tracked under the I source and the data pulled from there we would be willing to add non-regulated facilities to the database. You can not enter the site in the database as a notifier or a subsequent notifier (because it is not). The information is not from a BRS report. Therefore it can only be entered under the I source. Filling the database with sites that will receive the not a generator status code will confuse the program managers, the staff and the public. Even if the release to public box is not flagged, somehow these ID numbers get out and facilities mistakenly believe they have a valid EPA ID number. This has happened in our state and we had to initiate an enforcement action against a regulated generator because they never notified. They got that dummy number somehow and thought they had a valid ID number. It can be a major issue. **Team Response:** The Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	220	0	Agree with recommendation Excellent idea
State	25	220	0	Can live with recommendation
HQ	25	220	0	**Absolutely can not live with recommendation** **BECAUSE:** We can not agree with this recommendation until an alternative for tracking non- RCRA regulated

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				facilities is developed. In implementing EPA's Permit Evaders initiative, the Regions inspect hundreds of facilities. Many of these facilities are ultimately determined not to be subject to RCRA subtitle C. At this time, these facilities are not receiving ID numbers to enable them to be picked up in the national inspection tally from RCRAINFO. The decision to keep these facilities out of RCRAINFO (the sole source for RCRA inspection numbers) effectively diminishes RCRA inspection numbers (e.g., in FY 2002 Region 6 inspection count reduced from 102 to 55). In addition, it is important for regions to have a record of facilities that have been inspected before, even if those facilities are determined not to be facilities subject to RCRA subtitle C, so as not to spend resources inspecting them again. For example, EPA conducts inspections in the outer islands, Guam and Saipan, or on Tribal lands, where it is likely that an inspected facility may not be RCRA regulated. However, the facility may be regulated, so the Agency must inspect to determine the facility's status. There is no other effective way to track these inspections, and as a result, the historical record cannot be maintained. These facilities could be captured in a particular part of the database or be assigned "dummy" ID numbers that would distinguish them from RCRA facilities. These ID numbers should be maintained only by EPA and should not be shared with the facilities. **Team Response:** The Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	220	0	Agree with recommendation The recommendation is in line with how State currently tracks handlers.
State	25	220	0	Agree with recommendation
State	25	220	0	Can live with recommendation State currently translates non-RCRA regulated sites by assigning a state-only ID number. This ability must be maintained. **Team Response:** The recommendation has been changed and will allow this.
Region	25	220	0	Agree with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	25	220	0	The recommendation of the Team is to track all sites with RCRA violations and all sites that are subject to enforcement action under RCRA statutory authority. I suggest the recommendation be expanded to include tracking of any sites inspected under RCRA. Many of the recent national priorities include permit evaders, and as a result, the Regions and States use resources inspecting facilities which are not in the RCRA universe. Not being able to track that in the national data system results in not getting "credit" for work done, and makes us rely on historic knowledge (which tends to be limited) regarding where we have already been and where we have not (that is, are these facilities really not generators, or still in the universe of potential non-notifiers). **Team Response:** The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites with RCRA violations and all sites that are subject to enforcement action under RCRA statutory authority.
Region	25	220	0	Can live with recommendation
Region	25	220	0	General comment: we prefer having the ability to track all non-RCRA regulated sites regardless of whether or not there were RCRA violations observed or RCRA enforcement actions taken as described on page 222, lines 1-3. We believe the option to track all non-RCRA regulated sites, we currently have in RCRAINFO, needs to be retained. **Team Response:** The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites with RCRA violations and all sites that are subject to enforcement action under RCRA statutory authority.
Region	25	220	0	In implementing EPA's Permit Evaders initiative, the Regions inspect hundreds of facilities. Many of these facilities are ultimately determined not to be subject to RCRA subtitle C (non-RCRA). At this time, these non-

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				RCRA facilities are not receiving ID numbers to enable them to be picked up in the national inspection tally from RCRAINFO. The decision to keep non-RCRA facilities out of RCRAINFO (the sole source for RCRA inspection numbers) effectively diminishes RCRA inspection numbers (e.g., in FY 2002 Region 6 inspection count reduced from 102 to 55). In addition, it's important for regions to have a record of facilities that have been inspected before, even if those facilities are determined not to be RCRA facilities, so as not to spend resources inspecting them again. For example, EPA has conducted inspections in sectors , including several national sectors initiatives in past years, where there is a substantial likelihood that an inspected facility may not be RCRA regulated. However, the Agency may suspect that the facility could be regulated and doesn't know it's not until after the inspection is conducted. There is no other effective way to track these inspections, and as a result, the historical record cannot be maintained. **Team Response:** The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites where RCRA authority was used.
Region	25	220	0	Agree with recommendation
Region	25	220	0	**Absolutely can not live with recommendation BECAUSE:** Inspections at facilities that were thought to be RCRA but are in fact non-RCRA should be extracted so that the State or Region that did the inspection can be receive credit. **Team Response:** The Team believes that it would be beneficial to track all sites where RCRA authority was used.
Region	25	220	0	In implementing EPA's Permit Evaders initiative, the Regions inspect hundreds of facilities. Many of these facilities are ultimately determined not to be subject to RCRA subtitle C (non-RCRA). At this time, these non-RCRA facilities are not receiving ID numbers to enable them to be picked up in the national inspection tally from

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				RCRAINFO. The decision to keep non-RCRA facilities out of RCRAINFO (the sole source for RCRA inspection numbers) effectively diminishes RCRA inspection numbers. In addition, it's important for regions to have a record of facilities that have been inspected before, even if those facilities are determined not to be RCRA facilities, so as not to spend resources inspecting them again. We suggest that the ID numbers generated to track non-RCRA regulates sites be flagged in a manner that indicates these ID numbers are not valid numbers for waste generation and shipment purposes, and that they are for tracking purposes only. **Team Response:** The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites where RCRA authority was used.
Region	25	220	0	Can live with recommendation
Regions & 2 specific regions	25	220	0	In implementing EPA's Permit Evaders initiative, the Regions inspect hundreds of facilities. Many of these facilities are ultimately determined not to be subject to RCRA subtitle C (non-RCRA). At this time, these non-RCRA facilities are not receiving ID numbers to enable them to be picked up in the national inspection tally from RCRAINFO. The decision to keep non-RCRA facilities out of RCRAINFO (the sole source for RCRA inspection numbers) effectively diminishes RCRA inspection numbers (e.g., in FY 2002 Region 6 inspection count reduced from 102 to 55). In addition, it's important for regions to have a record of facilities that have been inspected before, even if those facilities are determined not to be RCRA facilities, so as not to spend resources inspecting them again. For example, EPA conducts inspections in the outer islands, Guam and Saipan, or on Tribal lands, where there is a substantial likelihood that an inspected facility may not be RCRA regulated. However, the Agency may suspect that the facility could be regulated and doesn't know it's not until

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				after the inspection is conducted. There is no other effective way to track these inspections, and as a result, the historical record cannot be maintained. These facilities could be captured in a particular part of the database or be assigned "dummy" ID numbers that would distinguish them from RCRA facilities. These ID numbers should be maintained only by EPA and should not be shared with the facilities. **Team Response:** The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	220	0	Agree with recommendation
State	25	220	0	Agree with recommendation
State	25	220	0	Agree with recommendation
State	25	220	0	Agree with recommendation
State	25	220	0	Can live with recommendation
State	25	220	0	General Comment: State prefers having the ability to track all non-RCRA regulated sites regardless of whether or not there were RCRA violations observed or RCRA enforcement actions taken as described on page 222, lines 1-3. We are currently using RCRAINFO to track an initiative involving the inspection of non-notifiers & sites previously not inspected. If we followed the UID/WAM PAA recommendation, we would not be able to track this work. State believes the option to track all non-RCRA regulated sites as we currently have in RCRAINFO, should be retained. **Team Response:** The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	220	0	Can live with recommendation
State	25	220	46	Disagree with requiring an ID# just so we can track it. How

Who	PPI	Page #	Line #	Comment/correction/modifications needed
		~~121~~		are we going to deal with old ID#s **Team Response:** The Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	221	0	Not tracking non-RCRA sites would ensure clean RCRA data. **Team Response:** The Team believes that it would be beneficial to track all sites where RCRA authority was used.
Region	25	221	34	Region issues 12 digit checksum-compliant XXN Numbers for all facilities that have been inspected and/or have RCRA C violations that are CESQGs or not required to manifest hazardous waste. Region has issued in the past 12 digit checksum-compliant XXU Numbers for all facilities that have been inspected and/or have RCRA C violations that also have an UST component to the inspection. Region issues 12 digit checksum-compliant XXS Numbers for all facilities that have been inspected and/or have RCRA C violations that also have a Solid Waste component to the inspection. Region issues 12 digit checksum-compliant XXO Numbers for all facilities that have been inspected and/or have RCRA C violations that also have a Used Oil component to the inspection. Region plans to be issuing Ship IDS in accordance with the guidance from the ship's registry number, which is known as the International Maritime Organization (IMO) number, as part of the EPA hazardous waste identification number. The IMO number is generally a five to seven digit number; zeros can be added before or after the number to reach the ten characters required for the EPA hazardous waste identification number. Using the IMO number will allow for coordination with the Coast Guard, as this is the number they use most often (see Elizabeth Cotsworth, Director OSW Memo dated 4/30/02 to Regional RCRA Senior Policy Managers).

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	221	35-38	The ability to track violations of state specific statutes and regulations is an important aspect of determining the state of hazardous waste management across the nation. State asks that the HMA Team consider expanding this recommendation to include related implementer specific statutes and regulations. Or clarifying that this is an option that implementers have authority beyond RCRA. **Team Response:** The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites where RCRA authority was used.
Region	25	221	35-47	Some states traditionally use State ID# for non-regulated facilities. However, in several instances, the facility is issued an enforcement order. This recommendation should be stressed to the States that they should issue an EPA ID# in order to receive credit for their enforcement related activities. **Team Response:** The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	221	36	Add comma after RCRA info **Team Response:** Thank you.
1 Region & 1 State	25	221	36	We recommend that the recommendation to the UID/WAM PAA be to allow Implementors to key shared data into RCRAINFO, including entering sites that are 'exempt from notifying' (i.e., having no RCRA regulated activities). Citing such sites for 'failure to determine' is petty and will confuse users and the public. Omitting such sites risks

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				having the State or Region redo the inspection. Also, if a State gives such an exempt site a RCRA ID in order to track it in a State system, that ID should be in RCRAINFO to ensure that future data for the site use that ID and are stored with the 'exempt' data. Guidance should tell Implementors that sites that are currently 'exempt from notifying' should have their extract flag set to 'no' unless the site has regulated activities history in Handler module or has data in some other module. **Team Response:** The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	221	45 - 47	Here is a large difference in the view by EPA and State. If a facility is not required to have an EPA ID #, State does not assign one to the facility. If State believes the facility is required to have an EPA ID #, one is assigned, whether notified or not. Most states do more work than is required for their program. If the state feels the need to track a case for "bean counting" purposes, then the state decides to assign an EPA ID # or not. **Team Response:** Thank you.
State	25	222	01 - 04	If the data system cannot stand the strain of tracking all sites, perhaps the system needs to be reviewed for the additional data need being suggested. **Team Response:** The current policy established by the Universe Identification/Waste Activity Monitoring (UID/WAM) Program Area Analysis (PAA) states that RCRA ID numbers can only be issued to RCRA-regulated sites. Therefore, the Team believes that it would be beneficial to track all sites where RCRA authority was used.
State	25	222	36	To allow implementers to identify sites "exempt from notifying requirements, having no RCRA regulated activities) is worthwhile. As a state, we assign the 3rd digit as X Tracking ID# to such sites, and the evaluations are tracked by the State and EPA in the database; so no site history regarding inspections is lost. **Team Response:** Thank you.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	26	225	0	Can live with recommendation
State	26	225	0	Agree with recommendation
State	26	225	0	Can live with recommendation
State	26	225	0	Can live with recommendation While the State can live with this recommendation it requests that States be allowed the opportunity to provide input on how the data is used and interpreted. **Team Response:** We agree that this should occur, but the reality is that it may not be practical in every situation.
State	26	225	0	Agree with recommendation
State	26	225	0	Can live with recommendation
State	26	225	0	Can live with recommendation
State	26	225	0	Agree with recommendation
State	26	225	0	Agree with recommendation
State	26	225	0	Can live with recommendation
State	26	225	0	Agree with recommendation
State	26	225	0	Agree with recommendation This recommendation should be revised to read that National information can be used universally. Any other information , shared, optional or organizational specific, can be used but the RCRA Info community should realize that because the information may not be complete that there will be a skewed picture. **Team Response:** Thank you, we have added this language.
State	26	225	0	**Absolutely can not live with recommendation** **BECAUSE:** Is Look, Don't Release the same as unchecking the Release to Public box in the handler module? Due to homeland security issues we don't release the location of all the missel silos to the public. We also don't release non-notifier information to the public, because most of them are not regulated.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: No the "Look-Don't-Use" is different than the Extract to public flag (extract_flag). We are not recommending any changes to the Extract to public flag.
State	26	225	0	Agree with recommendation
State	26	225	0	Can live with recommendation
HQ	26	225	0	Agree with recommendation
State	26	225	0	Can live with recommendation
State	26	225	0	Can live with recommendation
1 Region & 1 State	26	225 - 226	0	'Shared information' can simply be info used by more than one organization - not all Implementors need 'provide it if they collect it'. Put another way, we see two types of shared info: - optional, Implementor-defined or - required-if-good-data-exist, Nationally-defined. It may be useful to refer to the Usage codes (but "Shared National" seems not to be have a Usage code and Usage '5' and '6' seem not to fit into WIN): **Code Description Lookup Code Owner** 1 ("National") Nationally defined, Nationally required Routinely released HQ 2 ("National") Nationally defined, Nationally required Not routinely released HQ 3 ("Optional") Nationally defined, Not nationally required Routinely released US 4 ("Optional") Nationally defined, Not nationally required Not routinely released US 5 - ?? Implementer defined, Nationally required Routinely released State or Region 6 - ?? Implementer defined, Nationally required Not routinely released State or Region 7 ("Shared Implementor") Implementer defined, Not nationally required Routinely released State or Region 8 ("Shared Implementor") Implementer defined, Not nationally required Not routinely released State or Region

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: Implementers can continue to use the "usage field" to indicate that certain codes should not be used and this recommendation does not change that. This recommendation only allows the fields which were not in the old RCRIS Oversight database to be used by HQ.
Region	26	225	0	Agree with recommendation
Region	26	225	0	As I understand it, the proposal is that Headquarters be permitted to use any data defined as National Information, abandoning the concept of "Look, Don't Use". As I am not familiar with the history behind this concept, not do I know which data was subject to the "Look, Don't Use" approach (and likewise I'm unsure of what overlap there might be between the National Information and the "Look, Don't Use" data elements), it is difficult to assess what real impact this change might have on the States, and what additional data analysis capabilities this might give Headquarters. However, and without getting into the issue of which data should be National, Shared, or Optional Information, it seems logical that the National Information should be available for any use possible (staying within the confines of enforcement sensitive information, of course). I am sure, though, that there will be differences of opinion on which data should be National Information and which should not. **Team Response:** Thank you.
Region	26	225	0	Agree with recommendation
Region	26	225	0	Agree with recommendation
Region	26	225	0	Can live with recommendation
Region	26	225	0	Region agrees with the Team's recommendation.
Region	26	225	0	Agree with recommendation
State	26	225	0	Agree with recommendation
State	26	225	0	Agree with recommendation
State	26	225	0	Agree with recommendation
State	26	225	0	Can live with recommendation
State	26	225	14	The problem analysis describes the current situation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				regarding "Look, Don't use" and the data sharing in RCRAINFO. However, it doesn't show that there is a problem except that there is a more recent concept of data sharing. Specific examples of problems are not cited. Does maintaining "Look, Don't use" cause any problem other than not matching the standards? **Team Response:** Currently, there are activities which States are performing which HQ can not use. This is providing an incomplete and inaccurate representation of the RCRA program and what States are accomplishing.
State	26	226	0	"Look but don't use" should never have been included. **Team Response:** Thank you.
State	26	226	19	How can unique implementer values be designated as unavailable for release? The method of making specific data elements unavailable was not noticed while conducting this review. **Team Response:** Implementers can continue to use the "usage field" to indicate that certain codes should not be used and this recommendation does not change that. This recommendation only allows the fields which were not in the old RCRIS Oversight database to be used by HQ.
State	26	226	32	Is it possible that the "Look don't use field" could be used to indicate that the handler is currently inactive, and associated data may not be kept current by implementers and is subject to inaccuracy and confusion. If more elaborate recommendations by the Active - Inactive working group are not adopted, this could be a low cost solution. **Team Response:** Thank you, but the active/inactive workgroup is coming up with a more holistic approach to track this information need.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	27	228	0	Agree with recommendation
State	27	228	0	**Absolutely can not live with recommendation** **BECAUSE:** State questions whether review and approval of new codes would be timely enough to meet the needs of such a system. There is also some question as to why we would try and consolidate all these codes only to allow states to begin making new ones again. Not to mention the double-entry and re-training that would be required if a state entered their information under one code only to be told by the committee to use a different one. **Team Response:** With the procedures recommended we believe that review of the codes would be performed in a timely manner to meet the needs of the implementer community. We further believe that the process established would prevent the states and other implementers from duplicating established codes. A list of codes and there definitions are provided in RCRAINFO. If these codes are referenced and considered before establishing new codes it should avoid a duplicated effort.
State	27	228	0	Agree with recommendation
State	27	228	0	Agree with recommendation Please make clear that is process should be implemented through the Change Management Process. **Team Response:** Thank you, we have added this.
State	27	228	0	Can live with recommendation
State	27	228	0	Agree with recommendation
State	27	228	0	Agree with recommendation
State	27	228	0	**Absolutely can not live with recommendation** **BECAUSE:** National oversight committees historically have responded very slowly or not at all to states needs. When a state has a new and/or unique need that cannot be tracked accurately or at all in RCRAINFO users may end up creating a separate mini tracking system of their own. Or sometimes folks will misuse existing fields in the database in order to track their activities. Perhaps it would be more efficient to have regional oversight. When a state wants to add a code they check with their region who contacts other states in the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				region and other regions to see if they have a similar need. **Team Response:** Codes will be permitted in the system prior to approval by the panel. It is expected that the review panel will respond quickly. If this process were confined to a region, as you suggested and is currently done, we would continue to not have national consistency.
State	27	228	0	Agree with recommendation
State	27	228	0	Can live with recommendation
State	27	228	0	Agree with recommendation
State	27	228	0	Agree with recommendation – but we have had this type of system before and it died for a number of reasons. In fact some of the previous WIN/Informed nationally agreed upon changes have been reversed or not implemented. How are you going to set this up so that it doesn't have a short life? **Team Response:** This panel will consist of EPA and States which should ensure that this does not happen.
State	27	228	0	Agree with recommendation
State	27	228	0	Can live with recommendation Allows an HMA PAA Team to dictate to state codes usage **Team Response:** The panel will consist of both EPA and States employees.
State	27	228	0	Can live with recommendation
State	27	228	0	Agree with recommendation
State	27	228	0	Can live with recommendation State recommends all new codes and their definitions be included in a Dina-gram, when accepted by the national review panel. **Team Response:** We will forward this to the DESIGN TEAM for consideration but Dina Villari is expected to be a member of this panel. Also all codes are viewable to all users in RCRAINFO.
HQ	27	228	0	Agree with recommendation
State	27	228	0	Agree with recommendation
State	27	228	0	Can live with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	27	228	0	**Absolutely can not live with recommendation BECAUSE:** This recommendation could lead to the creation of new nationally defined codes, which would in turn cause translators to modify their flat-file creation procedures. Cleaning up implementer defined codes should be the responsibility of the implementers. **Team Response:** New code use is required only if/when applicable to your organization. We agree the cleaning- up of implementer codes is the responsibility of each implementer.
Region	27	228	0	Can live with recommendation
Region	27	228	0	No comment.
Region	27	228	0	Agree with recommendation
Region	27	228	0	Agree with recommendation
Region	27	228	0	Can live with recommendation
Region	27	228	0	Region agrees with the Team's recommendation.
Region	27	228	0	Agree with recommendation
State	27	228	0	Agree with recommendation
State	27	228	0	Agree with recommendation
State	27	228	0	Agree with recommendation
State	27	228	0	Can live with recommendation
State	27	228	0	Can live with recommendation
State	27	228	0	General Comment: State hopes that this recommendation would not become comparable to the establishment of some "data code police" who could place unnecessary restrictions on system users & make the database less useful, accurate, & flexible. **Team Response:** The codes will be reviewed after the implementers have entered them in the data system thus implementers would still have the flexibility and usefulness of the data base.
State	27	229	0	Evaluating implementer defined codes every two months could curb the wild use of codes that are provided without

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				guidance. **Team Response:** The panel will agree on a mutual time frame for reviewing new codes.
State	27	229	03	Why is the panel reviewing implementer-defined codes after they are already being used in RCRAINFO? Did the Team think it would be too time-consuming for an implementor to complete an application form and e-mail that to the panel members? Having to change data after it has been entered can potentially be more trouble than applying in advance. **Team Response:** The codes will be reviewed after the implementers have entered them in the data system. The Team wanted to provide implementers with flexibility of entering new codes as soon as they needed them without having to wait for the review panel. A utility can be provided which can easily change codes, if necessary and help ease any necessary code changes.
Region	27	229	03	Region believes that meeting 6x a year is a bit excessive. Granted there are 56 States, Commonwealths and Territories. However, there are not that many changes to the RCRA program on annual basis to justify 6 meetings a year. Semi-annual meetings and update bulletins could coincide with RCRAINFO system maintenance updates. **Team Response:** The panel will agree on a mutual time frame for reviewing new codes.
State	27	229	04	Suggest timeframe be extended to at least quarterly or possibly even 6 months. Two months seems too frequent. **Team Response:** The panel will agree on a mutual time frame for reviewing new codes.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	28	231	0	Agree with recommendation
State	28	231	0	Can live with recommendation
State	28	231	0	Can live with recommendation States were split on this issue. One state absolutely cannot live with the recommendation **Team Response:** No response needed.
State	28	231	0	The WIN/INFORMED Team recommends that Import and Export data for hazardous wastes be incorporated into the RCRAINFO data system. **State absolutely cannot live with this recommendation.** This recommendation is based on an assumption that this incorporation will not result in any additional expenditure of resources. We do not agree with this assumption. We are unclear as to how this conclusion could be reached. The Waste International Tracking System currently in use by the USEPA is based on information received from US Customs and from information submitted by the state programs. Because there are no unique fields on the current hazardous waste manifests that identify them as import or export manifests and the process for collecting the manifests is inconsistent from customs location to customs location the information currently being collected is inconsistent. The primary information available on the movement of these wastes is the information submitted on the required notifications. These notifications are not detailed and do not contain the same information as the information on a manifest. In addition the notifications are not in a standard predetermined format. Creating a useful and dependable tracking system utilizing inaccurate and incomplete data would not be prudent. In order for the tracking system to be effective significant modifications would have to be made. This would take additional personnel resource allocations. It is our understanding that the U.S. EPA is proposing changes to the Federal manifests that would facilitate identification of import and export manifests. However it is difficult to understand how this change would resolve this issue. Manifests are not tracked by U.S. EPA. They are tracked by each of the states using different tracking systems.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Requiring the states to submit data on import and export notices would definitely require additional resources. Organizing an effort to collect notification information from each of the EPA regional offices and the states would also take a significant effort. The limitations on the current tracking system would have to be corrected. We do not recommend placing import and export data into a National RCRA public database until resources are allocated to this effort and methods are developed **Team Response:** This PPI is only proposing to incorporate the current OECA HQ Import system (WITS) and the current OECA HQ Export system (HWES) into RCRAINFO. These two systems do not require any data entry by states or regions.
State	28	231	0	Can live with recommendation
State	28	231	0	Can live with recommendation
State	28	231	0	Agree with recommendation
State	28	231	0	Can live with recommendation
State	28	231	0	Agree with recommendation
State	28	231	0	Can live with recommendation
State	28	231	0	Agree with recommendation
State	28	231	0	Agree with recommendation
State	28	231	0	Agree with recommendation
State	28	231	0	Agree with recommendation
State	28	231	0	Can live with recommendation
State	28	231	0	Agree with recommendation
State	28	231	0	Agree with recommendation
HQ	28	231	0	Agree with recommendation
State	28	231	0	**Absolutely can not live with recommendation** **BECAUSE:** HQ needs to meet with the states that receive foreign waste ("Border States") and devise a better solution

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				that leverages the Annual/Biennial Report (BR) and/or manifest data that the states have. From what we know of OECA's HWES system, it barely tracks manifest-level information and is NOT a substitute for the higher-quality more detailed BR data. HWES does not contain sufficient information for a state who wants to use it along with BR data for analysis purposes. Border States may be currently collecting this information on their own because they need it to run their program. It may be less burdensome for state systems to be the vehicle for the import/export data collection, forwarding it to RCRAINFO. The framework is already in place but regulatory change would be required. Please table this recommendation for further analysis by a workgroup of interested states and HQ. In the spirit of WIN/Informed and reviewing all our data collection, please give this subject the closer look that it needs. **Team Response:** This PPI does not propose replacing BR data or does it discuss BR. This PPI is only proposing to incorporate the current OECA HQ Import system (WITS) and the current OECA HQ Export system (HWES) into RCRAINFO. These two systems do not require any data entry by states or regions.
State	28	231	0	Can live with recommendation
State	28	231	0	Agree with recommendation State supports this recommendation providing integration can occur with no workload imposed upon implementers. **Team Response:** This recommendation will require no workload for implementers.
Region	28	231	0	Agree with recommendation
Region	28	231	0	My only comment has to do with the availability of this data to the public. There may be some homeland security-related concerns with making this sort of data accessible. **Team Response:** Will be forwarded to the DESIGN TEAM.
Region	28	231	0	Agree with recommendation
Region	28	231	0	Can live with recommendation
Region	28	231	0	Agree with recommendation

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	28	231	0	Region agrees with the Team's recommendation.
Region	28	231	0	Agree with recommendation
State	28	231	0	Agree with recommendation
State	28	231	0	Can live with recommendation
State	28	231	0	Agree with recommendation
State	28	231	0	Agree with recommendation
State	28	231	0	Can live with recommendation
State	28	231	35	What is the source of the import data and how will it be integrated into RCRAINFO? Does this include Biennial Report data, such as amount of hazardous waste generated, waste codes, TSD facilities that managed the waste stream(s)? The Biennial Report currently does not require imported wastes be reported. **Team Response:** It will provide some of what was lost but not everything.
1 Region & 1 State	28	231	35	What Import data are being integrated into RCRAINFO? Will they include all BR-type data (like generation amount, waste codes, receiving TSD) so as to replace data we lost access to when BR stopped allowing Importers to report? We need these data. **Team Response:** It will provide some of what was lost but not everything.
Region	28	231	35	Region recommends that Country-based RCRA ID numbers be issued in RCRAINFO for out-of-country generators, TSDs and transporters (original intent of this was in early versions of BRS – CA-Canada, MX- Mexico, UK- United Kingdom, etc…). It appears that the "Notice of Intent" to import should be integrated into the Handler's IC format and the Regional actions can be processed as CM&E events. **Team Response:** The DESIGN TEAM will address this comment.
State	28	231	36	Comment/correction/modifications needed. As a border state, State strongly indorses the PAA Team's recommendation that import data be integrated into the national RCRA program information systems. In addition, the state encourages the implementation of the Universe

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Identification/Waste Activity Monitoring Program Area Analysis to integrate export data into national RCRA program information systems. This information will assist the state in targeting compliance and enforcement efforts, and further communication with our foreign counterparts. **Team Response:** The Team is in agreement.
State	28	231	43	Yes!!!!!! The Team further recommends that the recommendation of the Universe Identification/Waste Activity Monitoring Program Area Analysis (UID/WAM PAA) to integrated Export data into national RCRA program information systems should be implemented at the same time. **Team Response:** Thank you.
State	28	231	43	State welcomes the addition of waste export data to this PPI. As a border state, we expect that at least some, and possibly a great deal of regulated waste transits through State without our knowledge. State has been expending resources specifically to investigating waste transportation issues in the state, and looks forward to accessing this additional data. **Team Response:** Thank you.
State	28	232	0	Will provide a better grasp on imports/exports "cradle to grave" yet will require vast resources to accomplish; may muck up the system. **Team Response:** No response needed.
State	28	232	38	HWES is NOT of higher quality than BR data in states where imports and/or exports are tracked on reports. We are not familiar with WITS but it also is probably not at the same level of detail as the BR. **Team Response:** This will not be at the same level as BR data and is not intended to replace BR.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	Rpt	234	0	We do look for more error reports: for orphan violations. Also there is a need for CME reports to show the regulated universes, federal facility status, owners/operators and name in effect at the time when a CME evaluation or enforcement action occurred when they differ from current values. **Team Response:** We have made this recommendation and will pass this on to the DESIGN TEAM.
State	Rpt	234	0	Searching by State District would be useful for these reports. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
State	Rpt	234	0	The various reports will generate a great of manual data entry, i.e., inserting end date for inspections, linking SNY and SNN to violations **Team Response:** The "work" is a result of the PPI changes, not as a result of the reports.
1 Region & 1 State	Rpt	234	0	We have not time to do justice to these report suggestions. We do look for more error reports: for orphan violations and more. See our comment concerning page 67 (the need for CME reports to show the regulated universes, federal facility status, owners/operators and name in effect at the time when a CME evaluation or enforcement action occurred when they differ from current values. See our comments on 'Page 153 - Structure Change for calculated SNC flags'. **Team Response:** We have made this recommendation and will pass this on to the DESIGN TEAM.
Region	Rpt	234	0	General comment: We suggest the Team consider having all new reports proposed in this PAA developed within the RCRArep reports menu system. All users would then have a single point from which to pull reports they will be using. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
State	Rpt	234	0	General Comments: State would like to see more flexibility for states in being able to put together & format our own queries of the compliance data. We have never gotten SecuRemote to work in our office & the format/content of the reports put together by EPA or their contractor staff do

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				not adequately address our needs. We have been using a cumbersome work-around procedure for too long now. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
State	Rpt	234	06-07	Agree with this statement. State suggests that SEP information needs to be included/reflected in the current Comprehensive CM&E report. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
Region	Rpt	234	14	Region doesn't see using Commitment/Initiative Report **Team Response:** Thank you.
State	Rpt	234	14	QA/QC Commitment/Initiative Data— How would you be able to summarize this type of data & be able to definitively state that the work for a specific commitment or initiative has been accomplished unless you implement use of the type of table State described in our comment for PPI #1? At the beginning of the fiscal year, you need to establish numbers of expected outcomes before you can do any meaningful summarizing of actual outcomes. **Team Response:** This report would be used only by implementers who choose to enter their commitments/initiatives.
State	Rpt	234	15 – 17	"initiative" is mis-spelled as "imitative" **Team Response:** Thank you, we have made this change.
HQ	Rpt	234	2	Add the following summary information: There is a need for certain Ad Hoc Query interface capabilities to answer the commonly asked key questions. Two types of Ad Hoc Query mechanisms are proposed. The first is "key word query". It is proposed that this mechanism would function similar to an Internet based search engine, where key search terms provided, returning all records containing the term. The second interface is a more structured approach, termed "Facilitated RCRA Site Query". This interface is to analyze the criteria that are common within the key question (ie., who, what, when, where, how). The user may complete any number of the query elements in any combination providing a flexible query mechanism.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Standard Queries/ Reports, this mechanism includes those with complex table relationships and criteria, those that require data aggregation, or those needing custom results formation such as mailing labels. It is intended that the Ad Hoc Queries and the Standard Queries/Reports will answer the majority of the user key questions. However, information will be required that is not answerable through Ad Hoc or Standard Queries/Reports, necessitating the use of data access tools or custom SQL queries and views by technically knowledgeable users. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
State	Rpt	234	45 - 47	"Imitative" should be "initiative." **Team Response:** Thank you, we have made this change.
Region	Rpt	234	45-47	Typo - should be corrected to "initiative" in #15, #16 and #17. **Team Response:** Thank you, we have made this change.
State	Rpt	234-242		If the report option information is going to be directly transferred into RCRAINFO, the word "it's" should be corrected to read "its." **Team Response:** Thank you, we have made this change.
Region	Rpt	235	01	Region II requests that there be a semi-automated tool to select end date as the start date for user selectable orphans in this report. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
State	Rpt	235	01	Listing of All Evaluations With No End Date - This report would be totally unnecessary if the system can fill in the Evaluation End Date value with a default of the Evaluation Start Date value, as State described in our comment for PPI #3. **Team Response:** We have deleted this report based on changes to PPI # 3.
Region	Rpt	235	25	Region II disagrees with the use of SNY links to violations. **Team Response:** Will be considered as part of PPI # 5

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	Rpt	236	04	Region requests that there be an semi-automated tool to select a response date that equals the scheduled response date for user selectable orphans of this report. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
Region	Rpt	236	05	Typo/spacing - should be corrected to "that will" **Team Response:** Thank you, we have made this change.
State	Rpt	236	05	"thatwill" should be "that will" **Team Response:** Thank you, we have made this change.
Region	Rpt	236	06	Typo/spacing - should be corrected to "that do" **Team Response:** Thank you, we have made this change.
State	Rpt	236	06	"thatdo" should be "that do" **Team Response:** Thank you, we have made this change.
Region	Rpt	236	15	#3. Typo - should be corrected to "An actual date...." **Team Response:** Thank you, we have made this change.
State	Rpt	236	15	"A actual" should be "An actual" **Team Response:** Thank you, we have made this change.
Region	Rpt	236	39	Typo/spacing - should be corrected to "that will" **Team Response:** Thank you, we have made this change.
State	Rpt	236	39	"thatwill" should be "that will" **Team Response:** Thank you, we have made this change.
Region	Rpt	237	31	Typo/spacing - should be corrected to "that will"
State	Rpt	237	31	"thatwill" should be "that will" **Team Response:** Thank you, we have made this change.
State	Rpt	238	13	This report needs to accessible to inspectors to preclude data staff from being swamped with requests by inspectors usually on short notice. **Team Response:** This report is envisioned to be run by inspectors or any other user with no assistance from data staff.
Region	Rpt	238	14	Typo/spacing - should be corrected to "that will" **Team Response:** Thank you, we have made this change.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	Rpt	238	14	"thatwill" should be "that will" **Team Response:** Thank you, we have made this change.
State	Rpt	238	19 - 20	Where does RCRAINFO get the site name/epa id number from? If it's from the epa number database (I've forgotten the name of the database) the generator controls the name. I am concerned that as the public uses ECHO data more and more to make decisions, the holders of the EPA numbers will figure out that they can change the name of their company and " hide" under another name. **Team Response:** The EPA ID and name are taken from RCRAINFO's Handler module. They do not come from any other source.
State	Rpt	238	20	Please add a date range for evaluations, violations and enforcement issued dates. The date type could be for one of the three in a drop down box. **Team Response:** Thank you, we have made this change.
State	Rpt	238	32-37	Pre-Inspection Report: Notes should be included for evaluations, violations, and enforcements. Maybe any evaluations, violations, and enforcements older than five years shouldn't be listed. **Team Response:** Thank you, we have made this change.
State	Rpt	238	44	Please add the Comment field to the list of items included on the "Undetermined" report. When we don't have time to enter the violations, we enter the evaluation, checking Undetermined and entering a comment about the number of violations found. **Team Response:** Thank you, we have made this change.
Region	Rpt	238	44	Region requests that there be a semi-automated tool to select undetermined violations for user selectable orphans to be changed to no violations in this report. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
Region	Rpt	238	45	Typo/spacing - should be corrected to "that will" **Team Response:** Thank you, we have made this change.
State	Rpt	238	45	"thatwill" should be "that will" **Team Response:** Thank you, we have made this change.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	Rpt	239	25	Report should also indicate the evaluation date. This would enable inspectors and staff to search files for the original inspection that uncovered the violation. **Team Response:** Thank you, we have made this change.
State	Rpt	239	25	See our comment for PPI #15 and the issue with Scheduled RTC Date not being populated by us. It is not a required field. **Team Response:** Will be considered as part of PPI # 15.
Region	Rpt	239	25	Region requests that there be an semi-automated tool to select open RTC dates for user selectable orphans to be changed to 30 days + date of the violation determination in this report. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
Region	Rpt	239	27	Typo/spacing - should be corrected to "that are" **Team Response:** Thank you, we have made this change.
State	Rpt	239	27	"thatare" should be "that are" **Team Response:** Thank you, we have made this change.
State	Rpt	239	46	Add Enforcement Action Code **Team Response:** Thank you, we have made this change.
DE	Rpt	240	03	"Violation Agency" should just read "Agency". **Team Response:** Thank you, we have made this change.
Region	Rpt	240	08	Typo/spacing - should be corrected to "that will" **Team Response:** Thank you, we have made this change.
State	Rpt	240	08	"thatwill" should be "that will" **Team Response:** Thank you, we have made this change.
State	Rpt	240	20	Add Enforcement Action Code **Team Response:** Thank you, we have made this change.
Region	Rpt	240	34	Should be corrected to "(SEPs) <u>that are</u> coming due" **Team Response:** Thank you, we have made this change.
State	Rpt	240	34	Should be …" (SEPs) <u>that are</u> coming due"…. **Team Response:** Thank you, we have made this change.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	Rpt	241	14	Typo/spacing - should be corrected to "that will" **Team Response:** Thank you, we have made this change.
State	Rpt	241	14	"thatwill" should be "that will" **Team Response:** Thank you, we have made this change.
State	Rpt	241	17	Will this report also list SEP payments that are overdue? SEPs are currently tracked as penalties with scheduled compliance dates. **Team Response:** Thank you, we have recommended this new report.
State	Rpt	241	25 – 30	Shouldn't all the sites related to the CA/FO sequence number or respondent name be shown together? If there is a CA/FO for 10 sites in five states, they should all show on this report, right? Lines 25 – 30 seem to indicate that only a single site/ID # will be shown. **Team Response:** These are the headings for the fields which will have multiple values listed under each heading. So yes, all states would be listed.
State	Rpt	241 242	35 - 47 01-15	"Ompletion" in last line should be "completion." **Team Response:** Thank you, we have made this change.
State	Rpt	242	10	Add Enforcement Action Code **Team Response:** Thank you, we have made this change.
State	Rpt	242	17 - 43	"Cheduled" in line 26 should be "scheduled." **Team Response:** Thank you, we have made this change.
State	Rpt	242	38	Add Enforcement Action Code **Team Response:** Thank you, we have made this change.
Region	Rpt	XX	XX	All CM&E reports should be corrected to reflect the Universe of the facility at the time of the event occurred at the facility (inspection, enforcement action, violation, etc…) for counting purposes. The easiest way to accomplish this is to print the universe of the facility along with the event for each event reported. Universes change about 40% a year (according to Myra Galbreath, former Branch Chief of IMB, OSW). Therefore, counts of inspections for commitment purposes can be very skewed when a historical analysis is

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				performed. Therefore since historical data is being tracked in Handler of the status of facilities, this information should be utilized in our reports. **Team Response:** We have made this recommendation and will pass this on to the DESIGN TEAM.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	Imp	243	0	To provide implementing in phases seems logical, in order to do adequate data cleanup. **Team Response:** Thank you.
State	Imp	243	0	State recommends that the new codes to be created per this document actually be created as soon after the design is approved as possible, and before all changes are made to RI. Data can be entered using them and conversion of data using the old codes to them will be possible **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
1 Region & 1 State	Imp	243	0	Implementing in phases seems sensible, and allows Implementors time to pase their cleanup. Publishing the phases now is helpful. If the PAA chooses to release final drafts in phases, we'd be happy with that too. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
Region	Imp	243	0	We have a general comment concerning HMA Analysis recommendations that would require manual data conversion. This potentially large job is made more burdensome by the probable need to convert historic data. This kind of conversion can require significant time and resources to research and is likely to pose unanswerable questions. At a minimum, we recommend grand-fathering data which is older than five years - this is generally considered to be the statute of limitations - and should provide sufficient information for events in the (relatively) recent past. In some instances, where extensive amounts of manual conversion would be needed, a two or three year grand-fathering cut off date might be appropriate. *In some of the states with large universes and funding problems, where it may be a choice of re-entering old data or implementing the program, it may be necessary to have the new data elements be for new entries only.* **Team Response:** Please refer to each specific PPI for the discussion of conversion issues.
State	Imp	243	0	Because much of the data entry for CM&E module is done by inspectors rather than full time data staff, there will need to be very good training and help menus. We like Region 1's

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				idea of enhanced help in which the screen label for every data entry element serves as a hyperlink to Help specific to data entry of that element. Inspectors are not as patient as data folk with data systems that aren't user friendly. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
State	Imp	243	07 - 45	Agree with general overall plan for implementation. However, when will PPI # 14 be implemented? **Team Response:** Sorry, forgot to include PPI # 14. Thank you, we have made this correction and added it after PPI #3.
Region	Imp	243	07	Typo - should be corrected to "implemented" **Team Response:** Thank you, we have made this change.
State	Imp	243	07	Should be "implemented" not "immplemented" **Team Response:** Thank you, we have made this change.
State	Imp	243	09	We strongly support implementing the Pre-inspection report as soon as possible since it would be so useful to our staff. **Team Response:** We will pass this on to the DESIGN TEAM for consideration.
Region	Imp	243	18	Typo - should be corrected to "implemented" **Team Response:** Thank you, we have made this change.
State	Imp	243	18	Should be "implemented" not "immplemented" **Team Response:** Thank you, we have made this change.
HQ	Imp	243	2	Consider adding the following discussions to the implementation plan discussion: 1. Identify the need for performance based management system/review that is needed to monitor the achievements of the HMA recommendations, deviations from, and maintenance of these recommendations. 2. Identification of cost and schedule goals. The cost and schedule goals should include costs/schedule estimates for the implementation phases, summary of important components for each phase of the implementation, along with total costs/schedule estimates. 3. Performance goals. Summary list or description of

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				the measurable performance benefits expected from implementation of the recommendations. **Team Response:** The HMA PAA Team believes that these are aspects of the actual implementation, not the plan. We were suggesting a method for a possible phased in approach, not specifying the actual tasks of the DESIGN TEAM, therefore we do not believe it is necessary to insert the suggested language.
State	Imp	243	23	This will take a considerable amount of programming time. This PPI should be done as time permits and not hold up the version implementation of other PPIs. Dual data entry is not a huge burden and should not be a priority. I would move this one down to the bottom of implementation. **Team Response:** We agree that the Downloading of data from ICIS to RCRAINFO will take a considerable amount of time and agree with you that this should not holdup the implementation of any other PPI . We will pass this on to the DESIGN TEAM for consideration.
State	Imp	243	38	State would assume PPI # 14 would be implemented here. **Team Response:** You are correct. We have made this correction and added it after PPI #3.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	A I & II	248	all	Although we agree with most of the changes recommended, there are many changes to current codes anticipated in the PPI. There are many States that are either current translator States or are in the process of designing systems to translate data to Federal Databases to eliminate duplicate data entry. Has there been any consideration for grant funding (100%) or other assistance to States in modifying their code for the translations? Has the impact on States that are current translators that may have to move to direct data entry been contemplated? This could be a significant resource issue for States. **Team Response:** Sorry, this Team is not responsible for funding and can not influence funding issues.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	A III	251	16	Typo - should be corrected to "60 days after the evaluation start date. **Team Response:** Thank you, we have made this change.
State	A III	251	16	Should be …"60 days after the evaluation"…. **Team Response:** Thank you, we have made this change.
State	A III	252	07	"accompany" and "strictly" are spelled incorrectly. Activities conducted by a State involving oversight or observation of EPA activities or those activities where State staff accompany EPA staff strictly for training purposes. **Team Response:** Thank you, we have made this change.
Region	A III	252	16	Typos - should be corrected to ""where State staff accompany EPA staff strictly for training purposes". **Team Response:** Thank you, we have made this change.
State	A III	253	07	Default should be No. This causes the least amount of damage to data quality. **Team Response:** If the default is "No", then the screen edit will not be able to provide the data quality check. By having the default value "Yes", users are required to go to the select violation screen before saving. Because of screen edits, users are not able to save evaluations which have "Yes, violations were found" without linking the violations - thereby ensuring data quality.
Region	A III	257	01	"Hydrogeologist" is a single word, not two. "Hydrogeology" is a single, non-hyphenated word. **Team Response:** Thank you, we have made this change.
State	A III	257	01	"Hydrogeologist" is a single word, not two. Hydrogeology is a single, non-hyphenated word. **Team Response:** Thank you, we have made this change.
Region	A III	259	03	NRR definition should be revised to match the "FRR" definition on page 258, line 3. (i.e., Non Financial Record Reviews are conducted in the Agency office and not-on-site **Team Response:** The way the definition is worded, the Team believes that this is understood.
State	A III	259	03	Suggested to add "and not on-site" to the description to better match the FRR description.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Team Response: The way the definition is worded, the Team believes that this is understood.
Region	A III	259	04	"Hydrogeologist" is a single word, not two. **Team Response:** Thank you, we have made this change.
State	A III	259	04	"Hydrogeologist" is a single word, not two. **Team Response:** Thank you, we have made this change.
State	A III	259	06	Add language to the effect that although all violations applicable to the SNC determination have been resolved, other factors may cause the facility to remain a SNC, per PPI #5 (pg 45, lines 35 – 37). **Team Response:** Please see PPI #5 for the revised recommendation.
Region	A III	260	01	Line 1, 4th paragraph; Should be corrected to "a SNC" (vice an SNC) **Team Response:** Throughout the document "a" has been used in front of "SNC". The Team believes that this is the best article to use understanding that it is appropriate if one reads it as "a significant non-complier".
State	A III	260	01	Proposed changes paragraph 4, should be … ", a SNC"… **Team Response:** Throughout the document "a" has been used in front of "SNC". The Team believes that this is the best article to use understanding that it is appropriate if one reads it as "a significant non-complier".
State	A III	264	09	Make at least 15 or 20 characters long **Team Response:** Thank you for your suggestion, we have made the field 20 characters long.
Region	A III	264	10 20	Wood Treaters and _____? **Team Response:** Thank you, we have made this change.
State	A III	264	10, 20	"Wood Treaters and" ??? **Team Response:** Thank you, we have made this change.
Region	A III	265	06	Typo/spacing - should be corrected to "included" **Team Response:** Thank you, we have made this change.
State	A III	265	06	"conducincluded" should be "included" **Team Response:** Thank you, we have made this change.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	A III	265	14	Should be corrected to "noting the inspector performed RCRA 6002....." **Team Response:** Thank you, we have made this change.
State	A III	265	14	Should be … "inspector performed" … **Team Response:** Thank you, we have made this change.
State	A III	268	06	Default date should be blank. This causes the least amount of damage to data quality. **Team Response:** It is envisioned that you would only be on this screen if you were entering an Information Request, therefore, the Team believes it would not hurt data quality and would aid data entry to use today's date as the default.
State	A III	268	06	The Default Value should be 'None' for INFOMRATION_REQUEST_DATE note typo. **Team Response:** It is envisioned that you would only be on this screen if you were entering an Information Request. Therefore, the Team believes it would not hurt data quality and would aid data entry to use today's date as the default. Thank you, we have corrected the typo.
State	A III	269	03	Default date should be blank. This causes the least amount of damage to data quality. **Team Response:** It is envisioned that you would only be on this screen if you were entering an Information Request. Therefore, the Team believes it would not hurt data quality and would aid data entry to use today's date as the default.
State	A III	269	03	The Default Value should be 'None' for INFO_REQUEST_RECEIVED_DATE. **Team Response:** It is envisioned that you would only be on this screen if you were entering an Information Request. Therefore, the Team believes it would not hurt data quality and would aid data entry to use today's date as the default.
State	A III	277	09	No default value. This causes the least amount of damage to data quality. **Team Response:** It is envisioned that you would only be on this screen if you were entering an Information Request. Therefore, the Team believes it would not hurt data quality and would aid data entry to use today's date as the default.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	A III	280	01	Should be "Free form text box"…. **Team Response:** Thank you, we have made this change.
Region	A III	290	15	Compliance schedule date should have multiple entries to track multiple milestones in an order **Team Response:** Thank you.
Region	A III	292	11	Should proposed change be listed as **"National"** vs. "no change"? **Team Response:** Thank you, we have made this change.
State	A III	292	11	Proposed change should be to "National", rather than "No change". **Team Response:** Thank you, we have made this change.
State	A III	293	10	The new value was not added. I believe this is referring to Agency type = "T", state training/oversight **Team Response:** States do not have any oversight function in issuing enforcement actions. That is why "T' is missing here. EPA does have the ability to issue "oversight" enforcement actions, therefore the "X" value is here.
Region	A III	293	14-16	Is the Agency Type "T" missing in the chart? T = State training/oversight? **Team Response:** States do not have any oversight function in issuing enforcement actions. That is why "T' is missing here. EPA does have the ability to issue "oversight" enforcement actions, therefore the "X" value is here.
Region	A III	294	21	Should proposed change be corrected to **"Optional"** vs. "No Change?" **Team Response:** Thank you, we have made this change.
State	A III	294	21	Should be "shared" or "optional", not "No Change" **Team Response:** Thank you, we have made this change.
State	A III	295	09-10	These don't match those earlier in report, see p. 185. **Team Response:** Thank you, we have made this change.
State	A III	295 to 296	12 - 04	These don't match those earlier in report, see p. 185. "Initial" should be removed. **Team Response:** Thank you, we have made this change.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	A III	296	05	A new 250 Field Citation is missing. **Team Response:** Thank you, we have added it.
State	A III	296 297	07-10 1	All 300 Series codes were deleted earlier in report, see p. 185. **Team Response:** Thank you, we have made this change
State	A III	296 297	07-10 01-05	PPI #19 (pg 172, lines 15-16) states that the 200 and 300 enforcement series are to be combined into a single 200 series. This page retains event types 310 - 350. Corrections are necessary somewhere. **Team Response:** Thank you, we have made this change
State	A III	297 298	0	PPI #19 (pg 173, lines 32 - 33) states that the 500 and 600 enforcement series are to be combined into a single 500 series. This page retains event types 600 - 620. Corrections are necessary somewhere. **Team Response:** Thank you, we have made this change
State	A III	298	06-08	All 600 Series codes were deleted earlier in report, see p. 186. **Team Response:** Thank you, we have made this change
State	A III	299	09	The 870 code was not listed earlier in report, p. 187. **Team Response:** The Team determined that there was no need for the 870.
State	A III	309	01	All 300 and 600 Series codes were deleted earlier in report. **Team Response:** Thank you, we have made this change.
State	A III	309	01	Enforcement series types 300 and 500 are proposed to be deleted in PPI #19, pages 172 and 173. They should be removed from this list of proposed changes. **Team Response:** Thank you, we have made this change.
Region	A III	312	12	Typo - should be corrected to "specified", not specificed (2 times) **Team Response:** Thank you, we have made this change.
State	A III	312	12	Should be "specified" not "specificed" – two instances in this line. **Team Response:** Thank you, we have made this change.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	A III	314	17	Typo - "Stated"should not be capitalized (2 times) **Team Response:** Thank you, we have made this change.
State	A III	314	17	"Stated" does not need to be capitalized in either case. **Team Response:** Thank you, we have made this change.
State	A III	314-317		"Additional description of the payment." Inadvertently appears repeatedly in the Description row of the Current RCRAINFO column from pages 314-317. This should be "No Corresponding value". **Team Response:** Thank you.
Region	A III	315	10 21	Typo - "Stated should not be capitalized (2 times) **Team Response:** Thank you, we have made this change.
State	A III	315	10	"Stated" does not need to be capitalized **Team Response:** Thank you, we have made this change.
Region	A III	316	09 20	Typo - "Stated should not be capitalized (2 times) **Team Response:** Thank you, we have made this change.
State	A III	316	09	"Stated" does not need to be capitalized **Team Response:** Thank you, we have made this change.
State	A III	316	20	"Stated" does not need to be capitalized **Team Response:** Thank you, we have made this change.
Region	A III	317	12	Should proposed change be corrected to **"Optional"**, vs. "no"? **Team Response:** Thank you, we have made this change.
State	A III	317	12	The proposed change should be "Optional", not "No" **Team Response:** Thank you, we have made this change.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	A IV	327	16	In the last sentence, the word **"some"** should be deleted. **Team Response:** Thank you, we have made this change.
State	A IV	327	18	Last sentence , in parentheses, delete the word "some" **Team Response:** Thank you, we have made this change.
Region	A IV	330	10	Typo - should be corrected to "Web" based vs. wed-based **Team Response:** Thank you, we have made this change.
State	A IV	330	10	"Web" based… **Team Response:** Thank you, we have made this change.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	A VI	334	32	Capitalize "The agency strategy"…. **Team Response:** Thank you, we have made this change.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	A VII	336 - 344	0	Program Implementation needs should be given a higher priority than consistency and burden reduction. **Team Response:** The Team feels that burden reduction and consistency are just as important as program implementation needs since they relate to the amount of staff and program time needed to enter data into the RCRAINFO system. The deletion of the large number of codes and the combining of codes to improve consistency will greatly reduce the amount of time needed for data entry, and are therefore, just as important as the Program Implementation needs.
State	A VII	336 - 346	all	These analyses do not take into consideration the burdens for translator States to implement the changes incorporated into these recommendations. These could be significant burdens for States to implement single-handedly. There needs to be consideration and/or resource allocations to assist these translator States to keep them from having to switch to dual data entry. If grant funding is available, it should be distributed to the translator States as 100% funding with no matching State funds required. **Team Response:** Sorry, this Team does not control, nor can we make any recommendations for funding. But it is highly unlikely that there will be any funding.
State	A VII	337 340 341	06-08 01-03 06-09	The text in the data quality cell looks to have been cut and pasted, but the values were not adjusted. I don't believe that evaluations, violations, and enforcements each had 148 new codes proposed, 78 old codes consolidated into 47 new codes, and 14 code definition revisions. **Team Response:** Good comment. The code numbers have been adjusted.
Region	A VII	338	06-08	Typo - should be corrected to "different" vs. differnet **Team Response:** Good comment. This has been corrected.
State	A VII	338	08	Burden reduction cell – near the end, "different" should be "different" **Team Response:** Good comment. This has been corrected.
State	A VII	345	09	Should there be a "+" in front of "18" ? **Team Response:** Good comment. The change has been made.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	A IX	347	0	Please build a code conversion utility to assist implementer in changing these codes prior to implementing this global conversion. This functionality would be similar to the table conversion utility for the sub organization codes. **Team Response:** This suggestion is being referred to the DESIGN TEAM.
State	A IX	347	0	General Comment: State is in favor of allowing individual implementers the option of grand-fathering most of the existing historical codes for evaluations, violation coverage areas, & enforcement actions. We do not have the staff available to work on "post-conversion" activities such as linking/unlinking violations & manual correction of codes. **Team Response:** The Team disagrees with the concept of grand-fathering when conversions can be accomplished in a reasonable manner.
State	A IX	349-405	all	In any of the recommendations where the note "implementers will need to identify those entries requiring conversion" or "implementers will need to enter the data manually" there needs to be a decision made on how to change or grandfather the existing data without implementers having to go through the existing data and make manual changes. There needs to be some type of automatic conversion that does not require any manual scrutiny of the data that has already been entered into RCRA Info. In other words, we do not need to revisit data that was entered correctly into RCRA Info based upon the procedures available at the time of data entry. **Team Response:** The Team agrees that, in as much as is possible, existing data should be automatically converted and have tried to provide for that mechanism as much as is possible. In some cases, however, manual conversions may still be required, although it is anticipated that such instances will be minimal. Grand-fathering existing data, however, is a concept the Team disagrees with when a reasonable conversion can be accomplished to facilitate national consistency of the data.
Region	A IX	356-362	0	In Region we are in favor of allowing individual implementers the **option** of grand-fathering existing historical implementer defined evaluation data and not requiring mandatory conversion of these historic data

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				records to new codes. **Team Response:** The Team disagrees with the concept of grand-fathering when conversions can be accomplished in a reasonable manner.
State	A IX	357	01	CEJ Evaluation Type: Code deleted by State. **Team Response:** Thank you.
Region	A IX	363-368	0	In Region we are in favor of allowing individual implementers the **option** of grand-fathering existing historical evaluation data and not requiring the mandatory changes and/or deletions shown here for current OTH evaluations with reason codes. **Team Response:** The Team disagrees with the concept of grand-fathering when conversions can be accomplished in a reasonable manner.
State	A IX	382	01	OTH Evaluation Type w/Moved/Out of Business: We don't believe it's covered by new evaluation type code FCI with ISI focus area. We feel the Dropped or Permanent Abeyance, Enforcement Action Disposition Qualifier Type should be used in future. All current OTH Evaluation Types in db by State, which are 99 occurrences as of 7/21/03, will be converted, either automatically or manually. **Team Response:** The Team believes that since these evaluations were originally categorized as OTH, they did not qualify as one of the alternate evaluation types. Accordingly, converting them to an FCI code seems appropriate unless the evaluation now meets the definition of one of the newly established evaluation type codes. Assuming that FCI is correct, if State believes that their entries should not be further coded as an ISI focus area, they may manually code them as they see appropriate. However, based on this comment, the Team will recommend that the State codes be automatically converted to FCI without any reference to a specific FCI Focus Area code.
State	A IX	383	06	OTH Evaluation Type w/NOV Mailed: All current OTH Evaluation Types in db by State, which are 99 occurrences as of 7/21/03, will be converted, either automatically or manually. **Team Response:** Thank you. However, according to our information, there are no State entries coded OTH without a

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				Reason Code and with NOV Mailed notations in the Comment Field.
State	A IX	387	03	State has made use of the eval sequence number field combined with the OTH evaluation type to track single industry campaigns and initiatives, and specialized technical assistance visits. Evaluations of type OTH with a sequence number containing "NN" or "SS" or "TA" should be changed to CAV visits, rather than FCI. "NN" visits were new notifiers, "SS" were various Technical Assistance 'Sweeps', "TA" were other technical assistance visits. **Team Response:** The Team will pass your information along to the DESIGN TEAM for their use in developing appropriate data conversions.
Region	A IX	406-438	0	In Region we are in favor of allowing individual implementers the **option** of grand-fathering existing historical violation coverage area data and not requiring the mandatory changes and/or deletions shown here. Additionally, the exceptions on pages 414, 435, and 437; where Region is directed to make manual conversions, should also be optional. **Team Response:** The Team disagrees with the concept of grand-fathering when conversions can be accomplished in a reasonable manner. The specific exceptions referenced will be automatically converted if the implementer chooses to not make specific manual data conversions or otherwise direct the DESIGN TEAM on how the data should convert.
State	A IX	408	02	Violation Coverage Area DAR -State - TSD-ANNUAL REPORTING REQUIREMENTS. All data should be converted to 264E TSD- Manifest/Records/Reporting. Only used as Violation type 1 time in db by State. This is OK. **Team Response:** Thank you; change has been made.
State	A IX	415	01	Violation Coverage Area GAR -State - GENERATOR-ANNUAL REPORTING REQUIREMENTS. All data should be converted to 262D Generators- Records/Reporting. Used as Violation type 626 times in db, for 581 Handlers, by State. This is OK. **Team Response:** Thank you; change has been made.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
State	A IX	416	04	PLEASE CHANGE! All data should be converted to 261A because the actual citation is 40 CFR 261.5 for Violation Coverage Area GCE -State - GENERATOR-CESQG REQUIREMENTS. Used as Violation type 119 times in db, for 109 Handlers, by State. **Team Response:** Thank you; change has been made.
State	A IX	433	08	Violation Coverage Area TFI -State - TRANSPORTER FIELD INSPECTION. All data should be converted to 263A Transporters- General. Only used as Violation type 1 time in db by State. This is OK. **Team Response:** Thank you; change has been made.
State	A IX	433	10	Violation Coverage Area TLB -State - TRANSPORTER-LAND BAN REQUIREMENTS. All data should be converted to 263A Transporters- General. Only used as Violation type 1 time in db by EPA R2. **Team Response:** Thank you; change has been made.
Region	A IX	433	10	Change to 268A **Team Response:** Thank you; change has been made.
State	A IX	434	04	Violation Coverage Area TRI -State - TRANSPORTER ROAD INSPECTION. All data should be converted to 263B Transporters- Manifest and Recordkeeping. NOT used as Violation type in db by State. **Team Response:** Thank you; change has been made.
State	A IX	434	07	TWC - This indicates violations of the Texas Water Code (unauthorized discharges of pollutants prohibited) and could be coded as State Statute or Regulation XXS. **Team Response:** Thank you; change has been made.
State	A IX	434	09	UIC - This indicates violations of the Underground Injection Control statutes and regulations for disposal of hazardous waste in an Underground Injection Control well. It was TCEQ's understanding that there was going to be provisions for this type of violation coverage area, but, it does not appear to be in the final review document. There are federal statutes and rules that apply to these wells and the tanks and transporters have to comply with RCRA Subtitle C storage and transportation requirements. **Team Response:** From the explanation provided, it appears

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				that these are State regulations that would best be coded as XXS. Specific details can then be tracked by sorting on Citation.
State	A IX	445	SRS	This code has been used extensively in State and should not be deleleted. It can be replaced by XXS **Team Response:** Thank you; change has been made.
Region	A IX	450	10	Change to FR **Team Response:** Thank you; change has been made.
Region	A IX	451	08	Leave historical data intact **Team Response:** The Team believes it is important to convert all data to provide better consistency and accuracy in the data.
Region	A IX	452	07	Leave historical data intact **Team Response:** The Team believes it is important to convert all data to provide better consistency and accuracy in the data.
Region	A IX	453	08-10	Leave historical data intact **Team Response:** The Team believes it is important to convert all data to provide better consistency and accuracy in the data.
Region	A IX	456	02-05	Leave codes as is **Team Response:** Okay.
Region	A IX	457	01-05	Leave codes as is **Team Response:** Okay.
Region	A IX	458	07-08	Leave codes as is **Team Response:** Okay.
Region	A IX	459	01	Leave codes as is **Team Response:** Okay.
State	A IX	461	12	021 - Case Dismissal. The Data Conversion recommendation is that the implementer update the original enforcement action data by using new enforcement action disposition qualifier for Dismissal (DS), otherwise data will be deleted. This action needs to be implemented as part of an automatic data conversion and not require action by the

Who	PPI	Page #	Line #	Comment/correction/modifications needed
				implementer. This data must not be deleted, that would be inaccurate. **Team Response:** The Team agrees and the change has been made to ensure automatic conversion.
Region	A IX	461-486	0	In Region we are in favor of allowing individual implementers the **option** of grand-fathering existing historical implementer defined enforcement type records and not requiring the mandatory changes and/or deletions shown here. **Team Response:** The Team disagrees with the concept of grand-fathering when conversions can be accomplished in a reasonable manner.
State	A IX	467	02	ESC Ref to DO (District Office) is an indication that the case was not accepted and was sent back for further case development or informal action by a Regional Office. **Team Response:** This code will not be converted because it is a step in the enforcement process; not an enforcement type.
State	A IX	467	04	State-in-house -CAO is a corrective action order. **Team Response:** This is currently coded correctly as code 112 and we will leave it as is.
State	A IX	471	13	Ref to Enforcement Screen Comm is a step in the enforcement process not an enforcement "type". **Team Response:** This code will not be converted because it is a step in the enforcement process; not an enforcement type.
State	A IX	475	03	State uses enforcement code 311 for penalty only enforcement actions. Due to our state enforcement process, administrative orders and penalties are often separate enforcement actions with separate and distinct docket numbers. State asks that it's existing 311 enforcement actions be changed to 211 enforcement actions. This will facilitate our ability to distinguish, count and report on penalty enforcement actions. **Team Response:** Okay; changes have been made as per request.
State	A	481	09	Referral Back from AG - The Data Conversion

Who	PPI	Page #	Line #	Comment/correction/modifications needed
	IX			recommendation is that the implementers need to update original enforcement action data by using new enforcement action disposition qualifier for Returned (RT); otherwise, data will be deleted. This action needs to be implemented as part of an automatic data conversion and not require action by the implementer. This data must not be deleted, that would be inaccurate. **Team Response:** We agree and the change has been made to ensure automatic conversion.
State	A IX	482	12	The enforcement type 611 is used by State a single time (07/22/1992 at the US DOE Hanford Facility, WA7890008967. The enforcement comments state: "CONSENT DECREE ACCORDING TO NEGOTIATIONS IN THE TRI-PARTY AGREEMENT" **Team Response:** Okay and revisions have been made.
State	A IX	485	07	Enforcement Type 840: The Implementer is State. State doesn't use this anymore, we use the SNY date. Data was converted manually by State. Code was deleted by State. **Team Response:** Correction has been made.
Region	A IX	486	05	Leave code as is and add qualifiers for case withdrawal, case dismissed, statute of limitations expired, returned, revoked, permanent abeyance, dropped. **Team Response:** Code 999 will not be maintained. Team's recommendation to use Enforcement Action Qualifiers provides a more accurate accounting for this information without the confusion of tracking these type activities as "enforcement action types."
State	A IX	497	06	We did use Enforcement Type 999 - Case Closed (Bankruptcies, Out-of-Business, etc.). The use of Case Disposition Status Qualifiers: Dropped or Permanent Abeyance should be used in the future instead. 999 only used 1 time in db by State, as of 7/21/03. Data has and will be converted manually by State. We added info from this to the enforcement notes. Code will be deleted by State. **Team Response:** Revision not needed here as these are codes that were "not" currently being used in RCRAINFO and, accordingly, will be deleted. State references one instance when this code was previously used, but it has now been deleted by State and is no longer an issue.

Who	PPI	Page #	Line #	Comment/correction/modifications needed
Region	A IX	497	06	Leave code as is and add qualifiers for case withdrawal, case dismissed, statute of limitations expired, returned, revoked, permanent abeyance, dropped. **Team Response:** Revision not needed here as these are codes "not" currently being used in RCRAINFO and, accordingly, will be deleted.