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Enforcement Targeting and Data Division**

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Media Systems and Support Section, Data Systems and Information Management Branch, Enforcement Targeting and Data Division, Office of Compliance, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460

State Review Framework Update and Data Metrics

Lisa Lund and Mike Barrette
US EPA OECA
July 27, 2006

Status of Implementation

- 20 states under review or completed by the end of FY2006
- HQ focus on consistency in how regions conduct reviews; findings reached and recommendations made
- Element 13 proposal for credit from MA on the ERP program for dry cleaners approved; another proposal in from CO

Key Steps in the Review Process

1. **Announcement.** Region notifies state of pending review and requests supporting info (e.g., penalty policies, etc.).
2. **Preliminary Analysis.** Region pulls the data, analyzes it, and sends it to the state along with a list of facilities that will have a file review performed. *See next slide for examples.*
 - At this time, the state should be asked to note any discrepancies they see in the data (which should be discussed in the context of data quality improvements).
3. **On-Site Review/Meetings Conducted.**
4. **Draft Report** – with findings/action items submitted to OECA for review. *Regions are expected to discuss findings for all data metrics where a state is below a concern value.*
5. **Final Report**
6. **Completing Action Items & Tracking Them Through Completion.** *See Slides 8-13 for more detail*

Additional Review Process Activities

- ✓ OECA participation in at least one review per Region.
- ✓ OECA Review of Draft Reports
 - OECA has implemented a process for reviewing the draft reports and providing feedback and comments to the Regional reviewers in a 10 day time frame.
 - The purpose of this process is to ensure the quality of the reports and to ensure that all states are reviewed under the SRF in a consistent and fair manner. The review also checks to ensure that appropriate recommendations for improvement are identified by the Regional reviewers.
 - This review process is meant to build the capacity of the regional offices to conduct the review and ensure the quality and consistency of the SRF process.



Data Metrics Analysis

- ✓ The SRF project is designed to achieve a degree of consistency across states in regard to core compliance and enforcement programs.
- ✓ Data metrics are a common starting point for dialogue with states in regard to program performance.
 - The **data metrics** provide consistency across EPA Regions regarding how state activities are counted and evaluated during regional enforcement program reviews.
 - Use of data metrics under the SRF process assumes that states are accurately reporting their inspections, subsequent findings, and enforcement activities.
- ✓ The on-site file review portion of the SRF Review and the final evaluation and report should be informed by the data metric values.
- ✓ File review and subsequent dialogue may support the original data metric analysis, or may offer reasonable explanations for performance that did not appear to be sufficient based upon the data review only.

Development

- The **data metrics** are based upon extensive review, comment, and coordination between OECA and states (in conjunction with the ECOS Compliance Committee and the media associations) and EPA's regional offices.

Summary of Data Metric Categories

- Data metrics are organized around several compliance monitoring and enforcement activities:
 - **Inspections/evaluations** performed, including associated inspection frequency of facilities in a given universe
 - **Violations** or **significant violations** discovered and reported, including frequency that violations are found
 - **Enforcement actions** and **notices of violation** issued and **penalties** taken
 - **Completeness and accuracy** of data
- “Reserved” metrics provide regions and states with ability to construct custom analysis reflecting grant or other state/enforcement agreements (or actual inspection plans).

Tracking Results and Completing Action Items Arising from SRF Review

- SRF does not conclude with completion of the final Report.
- In most states, there will be action items that are necessary to correct isolated problems.
- These action items normally take some time to fix.
- The Regions and states need to work collaboratively to implement the critical program improvements identified in the final reports.
- To ensure that these items are not lost, OECA has developed an application to track these items through completion.

SRF Tracker

- ✔ Lotus Notes database to serve as an repository for reports
- ✔ Will help to track and manage recommendations
- ✔ Will track benefits provided to states



General Review Information

Region (Required)	Region 1	Regional Manager (Person responsible for overseeing all recommendations) (3-Leads max.)	Joel Blumstein; Mark Mahoney
State/Territory (Required)	Rhode Island	Federal FY Review Period (Year of Data Used) (Required)	2003
Local Agency (Optional)			

	Multi Media	CAA	CWA	RCRA
Attach Official Data Metrics Spreadsheet				
Attach First Draft Report (For OECA Review. Choose either MM or Single Media.)				
Date Report Entered into SRF Tracker by Region	16		OECA Comments Due Date (Entered by OECA)	16
Revised Draft Report (For Final Approval)				
Attach Final Report	 Full Report final 2 - 2005-03-21.wpd			



State Review Framework Tracker

[Click Here for Contacts & Help](#)

- All Recommendations
- Benefits
- All But Completed Recommendation
- Past Due Recommendations
- Recommendations by HQ Contact
- Recommendations by Year & State
- Recommendations by Media

(To view an entire report, click on the appropriate state and open attached report.)

on DCAPPS3/DC/USEPA/US

Add New State

Search in View 'Recommendations by Region and Year' Indexed ?

Search for Search [More](#)

State
▼ Region 1
▼ 2003
▼ Rhode Island 13
★ Verify inspection completeness: CAA: 06/30/2006: Completed: E2 Violations ID'ed Appropriately
★ Improve timeliness of HPV identification: CAA: 06/30/2006: Completed: E4 SNC Accuracy
★ Timeliness in addressing HPV violations: CAA: 06/30/2006: Completed: E6 Timely & Appropriate Actions
★ Data Accuracy: CAA: 06/30/2006: Completed: E11 Data Accurate
★ Improve TSD inspections: RCRA: 06/30/2006: Working: E2 Violations ID'ed Appropriately
★ Timeliness of RCRA case completion: RCRA: 06/30/2006: Working: E6 Timely & Appropriate Actions
★ BEN training: RCRA: 06/30/2005: Completed: E7 Penalty Calculations
★ Improve data accuracy in RCRAInfo: RCRA: 12/31/2005: Completed: E11 Data Accurate
★ Increase NPDES minor source inspections: CWA: 06/30/2006: Completed: E1 Insp Universe
★ Improve documentation of partial NPDES minor inspections: CWA: 06/30/2006: Working: E2 Violations ID'ed Appropriately
★ Long delays in issuing complex CWA cases: CWA: 06/30/2006: Completed: E6 Timely & Appropriate Actions
★ No authority to require economic benefit information: CWA: 06/30/2006: Working: E7 Penalty Calculations
★ Improve CWA penalty calculation and collection: CWA: 06/30/2006: Working: E8 Penalties Collected
▼ 2004
New Hampshire
▼ Region 10
▼ 2003
Alaska
▼ 2004

State Review Framework Tracker

[Click Here for Contacts & Help](#)

- All Recommendations
- Benefits**
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(To view an entire report, click on the appropriate state and open attached report.)

[Add New State](#)

Search in View 'Benefits by Region/State/Year' Indexed ?

Search for [Search](#) [More](#)

State
<ul style="list-style-type: none"> ▼ Region 4 <ul style="list-style-type: none"> ▼ 2003 <ul style="list-style-type: none"> South Carolina ▼ Region 5 <ul style="list-style-type: none"> ▼ 2003 <ul style="list-style-type: none"> Michigan ▼ Region 6 <ul style="list-style-type: none"> ▼ 2003 <ul style="list-style-type: none"> ▼ Oklahoma 5 <ul style="list-style-type: none"> Benefit CWA Other 05/09/2006 Benefit CWA Other 05/09/2006 Benefit CWA Other 05/09/2006, Benefit RCRA Other 05/09/2006 Benefit CAA Other 05/09/2006, Benefit CWA Other 05/09/2006, Benefit RCRA Other 05/09/2006 Benefit CAA Other 05/09/2006, Benefit CWA Other 05/09/2006, Benefit RCRA Other 05/09/2006 ▼ Region 7 <ul style="list-style-type: none"> ▼ 2004 <ul style="list-style-type: none"> ▼ Nebraska 1 <ul style="list-style-type: none"> Benefit CWA PPG 06/26/2006 ▼ Region 9 <ul style="list-style-type: none"> ▼ 2003 <ul style="list-style-type: none"> Arizona ▼ 2004

on DCAPPS3/DC/USEPA/US

Tracking Action Items Through Completion.

- ✓ This will assist EPA in closing out the recommendations made through the review, and will help OECA show the positive results accomplished through this project.
- ✓ States do not currently have access to the system because it is part of EPA's Intranet email suite of tools.
- ✓ EPA will be evaluating options for making this available to states when the software improves to the point web platforms can be used to share this information securely.
- ✓ If significant items are completed by the state, they should notify the Region.
- ✓ States should expect follow-up calls from the Regions to close down items that are included in this database as being "overdue."

Element 13

- June 20, 2006 approved credit for the MA ERP for dry cleaners
- Approval was for both recognition and resource flexibility credit
- Approval was based on the totality of their program:
 - Adequate core program
 - Traditional universe under adequate control
 - Strategic nature of their program leading to greater environmental protection
 - Use of outcome information to demonstrate results
 - Additional environmental gain from ERP

Element 13 Next Steps

- Revisit concept paper in light of experience
- Guidance on ERP programs
- Proposal from Colorado
 - ERP-like program
 - already completed State Review



Use of Data Metrics in State Evaluation

Data Metrics Types

- ✓ **Goal** – most of these data metrics align with goals or expected activities that are included in national guidance, policy, or regulation
- ✓ **Review Indicator** – data provided may point to additional regional review or inquiry
- ✓ **Informational-only** – provide a more complete picture of state activity
 - Data will be provided for these metrics when it exists in the national systems.
 - When data are not required to be reported to EPA, states may choose to provide alternate data; review of metrics that present non-required data is voluntary.
- ✓ **Data Quality** – focus on quality of data and timely data entry in order to ensure the review has a solid foundation
- ✓ **File Review Metrics** - based on data that are not in data bases and that are identified only through file reviews conducted at the on-site review. These metrics can in some instances help to verify data in the databases.

Access to Data Metrics

- ✓ OECA has developed online OTIS access to the CAA and CWA data metrics results for states and regions.
- ✓ For RCRA, states have been using spreadsheets provided by EPA prior to the Regional review.
- ✓ **The automated OTIS RCRA site is expected by the end of 2006. Steps are below...**
 - EPA is now incorporating RCRAInfo V3 into IDEA/OTIS.
 - Converting SRF select logic for data metrics from RCRAInfo V2 to V3 scheduled for mid-August (at that time, it will be possible for EPA to provide manual pulls using V.3).
 - Test OTIS SRF database planned for November.
 - Final OTIS SRF database planned for end of December.
- ✓ When the OTIS RCRA site is final, EPA strongly encourages states to use the site – particularly to monitor data quality and prepare for the review.
- ✓ **See next slides for example of site design.**



OTIS State Review Framework Metrics Search Page

[State Review Framework Web Site Training Announcements](#)

- OTIS Home
- Compliance Report / ID Search
- IDEA Web Query
CAA CWA RCRA
Multimedia
- Enviomapper for Compliance Analysis
- ICIS EZ Search
- OTIS Management Reports+
- State Review Framework Metrics
- Facility ID Tracker
- SDWA Search

The OTIS State Review Framework tool provides access to a standard set of data metrics evaluating state performance. This is a **beta** version of the tool. Please send comments and suggestions to kane.rebecca@epa.gov.

[Return to OTIS SRF Home Page](#)

[Known Data Problems](#)

OTIS State Review Framework Web Query

Parameters for Search

Statute: CAA CWA RCRA

Time Period (s): Review Period Ending FY04 Review Period Ending FY05 (Default) Review Period Ending FY06

Geographic Breakdown: Region Summary State Summary

Region:
 State Summary:

Submit Query

States will not get the "Regional-summary" choice.

OTIS State Review Framework Results

CAA Data for South Carolina (Review Period Ending: FY05)

Metric	Measure Type	Metric Type	National Goal	National Average	South Carolina (Metric=x/y)*	Count (x)	Universe (y)	Not Counted (y-x)
1. Degree to which state program has completed the universe of planned inspections/compliance evaluations (addressing core requirements and federal, state and regional priorities).								
A	CAA Major Full Compliance Evaluation (FCE) Coverage (2 FY)	State	100%	74.9%	97.1%	339	349	10
		Combined		75.8%	97.1%	339	349	10
	CMS Major Full Compliance Evaluation (FCE) Coverage (2 FY)	State	100%	78.0%	97.6%	329	337	8
		Combined		78.8%	97.6%	329	337	8
B	CAA Synthetic Minor 80% Sources (SM-80) FCE Coverage (4 FY)	State	≥ 80%	77.7%	98.1%	407	415	8
		Combined		78.0%	98.1%	407	415	8
C	CAA Synthetic Minor FCE and reported PCE Coverage (4 FY)	State			97.3%	469	482	13
		Combined			97.3%	469	482	13
	CMS Synthetic Minor FCE and	State			98.1%	407	415	8

OTIS State Review Framework Drill Down

Data for South Carolina CAA Metric 1A1: CAA Major Full Compliance Evaluation (FCE) Coverage (2 FY) - Count
 (Review Period Ending: FY05)

ID Number	Facility Name	Street Address	City Name	State	LCON	Class	CMSC	Evaluation Type	Air Programs	Evaluation Date
4500100005	MILLIKEN ABBEVILLE	601 BROOKS STREET	ABBEVILLE	SC	10	A	A	STATE CONDUCTED FCE/ON-SITE	0	09/30/2005
4500100013	FLEXIBLE TECHNOLOGIES INC	528 CARWELLYN ROAD	ABBEVILLE	SC	10	A	A	STATE CONDUCTED FCE/ON-SITE	0	09/21/2004
4500100013	FLEXIBLE TECHNOLOGIES INC	528 CARWELLYN ROAD	ABBEVILLE	SC	10	A	A	STATE CONDUCTED FCE/ON-SITE	0	09/30/2005
4500300001	AVONDALE MILLS STEVENS	MARSHALL STREET	GRANITEVILLE	SC	07	A	A	STATE CONDUCTED FCE/ON-SITE	0	09/21/2004
4500300001	AVONDALE MILLS STEVENS	MARSHALL STREET	GRANITEVILLE	SC	07	A	A	STATE CONDUCTED FCE/ON-SITE	0	09/30/2005
4500300003	KENTUCKY-TENNESSEE LANGLEY	385 HUBER CLAY ROAD	LANGLEY	SC	07	A	A	STATE CONDUCTED FCE/ON-SITE	0	09/21/2004
4500300005	AVONDALE MILLS SWINT	358 ASCAUGA LAKE ROAD	GRANITEVILLE	SC		A	A	STATE CONDUCTED FCE/ON-SITE	0	09/21/2004
4500300005	AVONDALE MILLS SWINT	358 ASCAUGA LAKE ROAD	GRANITEVILLE	SC		A	A	STATE CONDUCTED FCE/ON-SITE	0	09/30/2005
4500300006	AVONDALE MILLS TOWNSEND	418 ASCAUGA LAKE ROAD	GRANITEVILLE	SC		A	A	STATE CONDUCTED FCE/ON-SITE	0	09/21/2004
4500300006	AVONDALE MILLS TOWNSEND	418 ASCAUGA LAKE ROAD	GRANITEVILLE	SC		A	A	STATE CONDUCTED FCE/ON-SITE	0	09/30/2005

Model Data Analysis - Process

- Review of SRF metric data by the Region.
- Review of other relevant data (e.g. – state provided data, state web site data)
- Written “preliminary analysis” sent to state.
- State asked to indicate if any data results appear to be inaccurate (state should provide “alternative” numbers and source)
- State and Region discuss reasons for discrepancies and action items for fixing problems.
- Region develops file selection, in part based upon model data analysis.

Examples of Preliminary Regional “Analysis” of data

- ☞ Enforcement Taken without requisite HPV or compliance determination in some states.
 - Example, state concluded 20 formal actions at majors with a penalty. Of the 20 facilities, only 5 show an HPV status.
- ☞ Delay in reporting SNC until enforcement action is taken.
 - State waits to report HPV until enforcement action is taken. Example, state inspects on January 1, decides to take action because of serious violations on March 1, takes action on December 1, and reports the SNC into the database on December 1. SNC determination should have been reported soon after the March 1 determination.
- ☞ Not reporting violations (sub-program/pollutant compliance status).
 - Many states are simply not reporting violations. In some cases, these are HPVs that show no underlying violations. In other cases, non-HPV violations are not reported.
- ☞ Discrepancies between state web site and AFS.
 - State web site lists 50 CAA NOVs, and a sampling of AFS data determines that many of the 50 facilities have no violations or NOVs listed in national system.
- ☞ CMS frequency and/or regulatory universes are incomplete/inaccurate.
- ☞ Delay of FCE entry until end of fiscal year.

These are the key items for discussion during EPA/State meetings.



Discussion of
“Model Data Analysis” and
Review of Sample Data
(see separate handout)

CAA Review Sample Data Analysis

- Compliance Monitoring. The state's full compliance evaluation coverage is consistent with regional expectations and national goals and far exceeds national averages (Metric 1a-b).
- The state is not reporting any Title V self-certifications (the national goal is 100 percent) (Metric 1f).
- Low HPV Identification Rate. The state is well below $\frac{1}{2}$ of the national average for discovering HPVs (Metric 4a). A low percentage of the state's enforcement actions at majors received prior HPV designation (Metric 4d).
- Timely Addressing of HPVs. Timeliness to address HPV violations is significantly beyond national standards (Metric 6a).

CAA Review Sample Data Analysis

- Use of Penalties in Enforcement. Concluded actions at HPV facilities infrequently include penalties (as called for within the national HPV policy) (Metric 8b).
- Timely HPV Reporting. The data indicates HPVs are not reported in a timely manner (Metric 10a).
- Compliance Status Reporting. The state does not appear to be reporting many sub-program compliance status or pollutant-level violations (Metric 11a). For example, when an HPV is reported, there often is no indication of which CAA sub-program was violated and which pollutant(s) is in violation.

Data Analysis and File Selection

- ☞ The data analysis may point to areas that require additional file review.
- ☞ For example, EPA may request 30 files for the CAA portion of the SRF review.
 - The SRF file protocol was used to identify the number of randomly selected files (24).
 - Of the 24, 16 will be examined because the facility was inspected in the base review year, and 8 will be examined because an enforcement action was taken. Note that some of the files in the inspection list also had enforcement actions, which will also be reviewed.
 - An additional 6 files will be examined primarily to assess the state's HPV designation and reporting process that is discussed in the Preliminary Regional Analysis of the State's SRF Data Metrics.
- ☞ File review may contradict or confirm preliminary analysis.

Sample of some Key SRF project findings

- ✓ Good performance on most aspects of state programs is evident throughout reviews to date.
- ✓ Individual issues found include:
 - Failure to document inspection findings or follow chain of custody procedures.
 - Failure to report violations to database that are evident in inspection reports.
 - State has not adopted most recent EPA HPV/SNC or penalty policies.
 - State does not have written procedures for core enforcement practices.
 - No consideration of gravity or economic benefit in penalties.
 - Lack of administrative penalty authority causes frequent “misses” of timeliness standards.
 - Penalty mitigation undocumented, or unexplained.
 - Communication/coordination problems across state agencies.



For more information contact:

Lisa Lund
(202)564-2280
lund.lisa@epa.gov

Michael Barrette
(202)564-7019
barrette.michael@epa.gov