

# State Review Framework Training for ASTSWMO

**August 12, 2008**

# Purpose of Training

- This short training program covers four topics:
  1. The structure of SRF & process for round 2;
  2. State perspective on SRF;
  3. RCRA national policies of relevance to SRF;  
and
  4. The RCRA data metrics and file metrics for each SRF element.

# Origin of State Review Framework

- Congress, GAO, IG, public, expressed concerns regarding consistency of state enforcement and EPA oversight
- ECOS raised “level playing field” issue with EPA
- In response, ECOS and EPA jointly developed SRF

# Purpose of State Review Framework (SRF)

- To help achieve, through review and discussion:
  - 1) a consistent level of environmental protection across the country;
  - 2) a consistent level of activities in the states; and
  - 3) a consistent level of oversight by the EPA regions.

# Structure of an SRF Review

- A review conducted under SRF utilizes existing national program guidance to evaluate performance, or similar state policies (when in use and consistent with national policies).
- Three programs are reviewed: RCRA Subtitle C; CWA NPDES; and CAA Stationary Sources.
- The SRF review is focused on 12 required elements (or topic areas) and an optional thirteenth element.

# Structure (continued)

- The basic information reviewed includes:
  - existing national & optional state data
  - file reviews;
  - negotiated commitments;
  - management discussions with the state;
  - any other existing assessments relevant to the 13 SRF elements.

# Data Elements

## 1. **Data completeness**

Degree to which Minimum Data Requirements (MDRs) are complete.

## 2. **Data accuracy**

Degree to which MDRs are accurate (e.g. correct codes used, dates are correct, etc.)

## 3. **Timeliness of data entry**

Degree to which MDRs are complete.

# Inspection Coverage/Quality Elements

## **4. Completion of Commitments**

Degree to which all enforcement/compliance commitments in relevant agreements are met & any products or projects completed.

## **5. Inspection Coverage**

Degree to which state completed the universe of planned inspections/compliance evaluations (addressing core requirements & federal, state and regional priorities)

## **6. Quality of Inspection or Compliance Evaluation Reports**

Degree to which state completed the universe of planned inspections/compliance evaluations (addressing core requirements & federal, state and regional priorities)

# Identification of Violation and Enforcement Elements

## **7. Identification of Alleged Violations**

Degree to which compliance determinations are accurately made and promptly reported in the national database based upon compliance monitoring report observations & other compliance monitoring info.

## **8. Identification of SNC and HPV**

Degree to which state accurately identifies significant noncompliance/high priority violations and enters information into the national system in a timely manner.

## **9. Enforcement Actions Promote Return to Compliance**

Degree to which state enforcement actions include required corrective action (e.g. injunctive relief or other complying actions) that will return facilities to compliance in a specific time frame.

## **10. Timely and Appropriate Action**

Degree to which a state takes timely and appropriate enforcement actions in accordance with policy relating to specific media.

# Penalty Calculation and Assessment Elements

## **11. Penalty Calculation Method.**

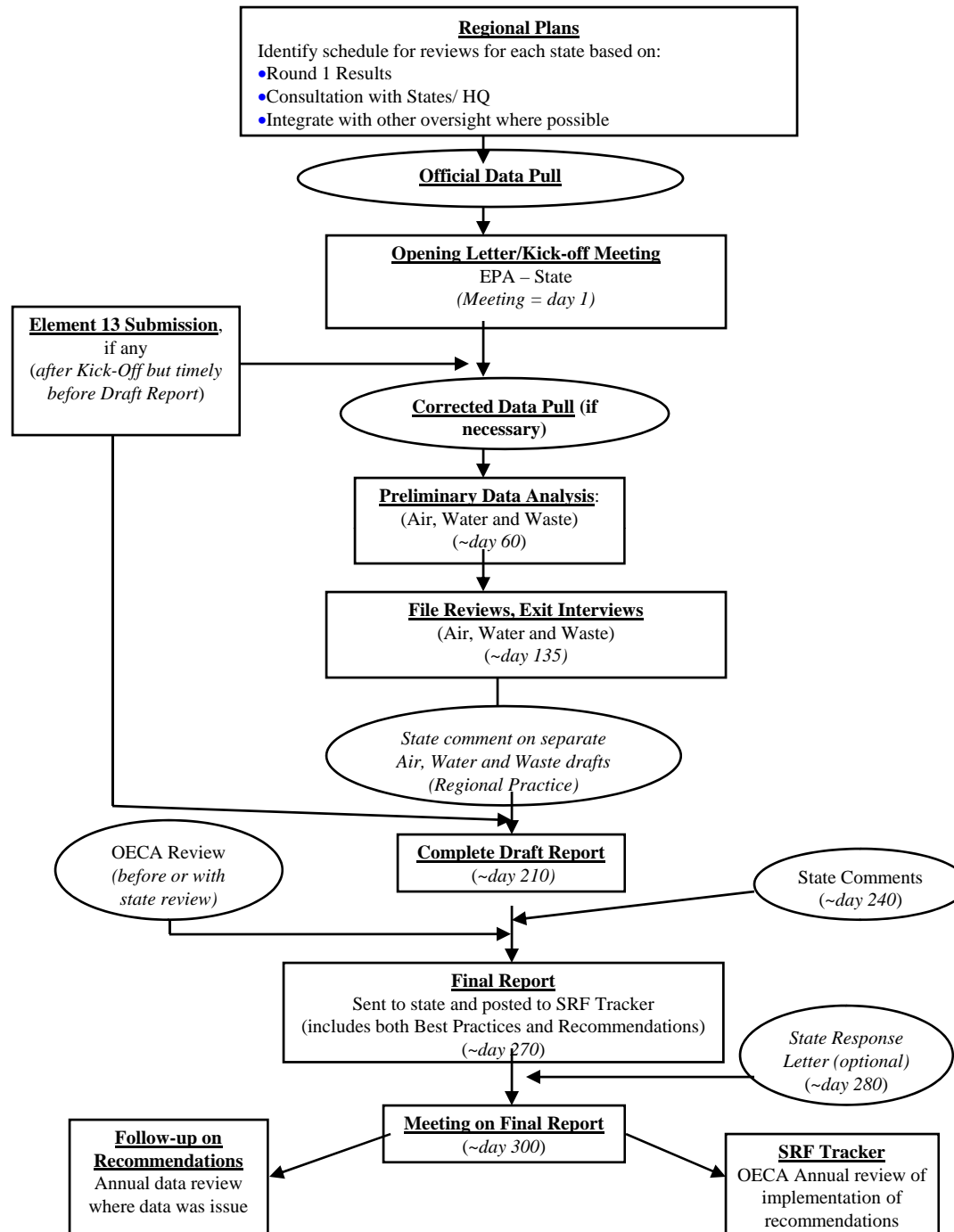
Degree to which state documents in its files that initial penalty calculation includes both gravity and economic benefit calculations, appropriately using BEN model or other method that produces results consistent with national policy.

## **12. Final Penalty Assessment and Collection.**

Degree to which differences between initial and final penalty are documented in the file along with a demonstration in the file that the final penalty was collected.

# Optional Element 13

13. Optional element can include compliance assistance, pollution prevention, innovation, self-disclosure programs, outcome measures, etc. to educate EPA about the scope of a state's program; or can be used to request recognition or resource flexibility credit when a state runs a satisfactory program.



# Progression of an SRF Review

An SRF review consists of the following basic steps:

1. Coordination throughout process
  - Including planning, initiating a review and ensuring effective communication with the state.
2. Start-up – Including kick-off letter/transmittal of official data set from OTIS, kick-off meeting and ensuring participants understand appropriate guidance.
  - Discuss and agree upon communication plan including process for review of draft and agreement on findings and recommendations.

# Progression of an SRF Review

## 3. States review data metrics

- States review data metrics and ensure there is agreement on the data. If not, the state provides corrections and if necessary, fixes data in the data system.

## 4. Preliminary Data Analysis and File Selection

- Conduct Preliminary Data Analysis
- Conduct File Selection – Selecting inspection and enforcement files for review according to SRF File Selection Guidance
- Send list of files to state in advance of on-site review

# Progression of an SRF Review

5. File reviews – Examining and analyzing state inspection and enforcement files within state office and with extensive communication with state staff.
  - Discussions with state staff, managers during review to get background, context , or clarification
  - Close-out meeting
  - Follow-up with state program, as necessary and according to communication plan, for further information and clarification
  
6. Drafting the report
  - Including sharing the draft media report with the state program, receiving a state response, and resolving issues according to the communication plan.

# Progression of an SRF Review

7. Developing an action plan to implement significant recommendations
8. Adding the report and recommendations to the SRF Tracker
9. Follow-up
  - Including review of state progress in implementing recommendations.

# FY08 Evaluation and Revision of SRF

- National Workgroup
  - EPA, States, ECOS, ASTSWMO, NACAA, ASWIPCA, Local Agencies
  - Subgroups: Metrics, Process and Reporting, Local Agencies, Differential Oversight
- Contractor Evaluation
  - Interviews with commissioners, state program experts (via Associations), EPA regions
  - Reviewed All Round 1 Reports

# Lessons from Round 1

- Use round 1 as a baseline for future reviews
- Focus on recommendation implementation
- Improve consistency
  - Ensure key process steps are followed
  - Standardize analysis and reports
- Increase communication and training

# Lessons from Round !

- Communicate expectations around national policies
- Four common issues:
  - Data entry and reporting
  - SNC/HPV identification
  - Timely enforcement
  - Penalties

# Lessons from Round 1

- Include Best Practices
- Align with other oversight where possible
- Do not use differential oversight to rank or grade states
- 3 year cycle is not enough

# Training

- Training at meetings of the state media associations
- General training for each region at the regional office
  - States within each region are invited to participate
- Senior management training and discussion at RA/DRA/OECA AA and State Commissioner level
- Focused training on specific parts of the SRF process where consistency is important
  - Training on the Preliminary Data Analysis is in early October
  - The File Review process;
  - Report writing and generation; and
  - Use of the SRF Tracker.

# Training

- Webinars will be made available to states that can not attend training
- Webinars will also be available throughout the 4 year cycle.
- Refreshers will be available on-line through NETI

# Implementation of Round 2

- Regional Plans:
  - Schedule for conducting reviews across the 4-year cycle
  - States were consulted in their development
- Kick-off letter initiating the first review
- Data pull for each media for first state completed and sent to the state for review to ensure accuracy
- PDA training in early October for regions
- All state reviews completed by the end of FY2012 (4 year cycle)