STATE REVIEW FRAMEWORK

Clean Water Act, Clean Air Act, and Resource Conservation and Recovery Act Implementation in Federal Fiscal Year

U.S. Environmental Protection Agency

Select date

Executive Summary

*[**Please delete all italicized and bracketed sections of this report before submitting. Do not delete sections that are not italicized and bracketed.**]*

[The intended audience for this executive summary is state and EPA senior management. As such, it is important to highlight only those SRF findings that are most central to the state's performance, both positive and where improvements are needed. This summary should be no longer than 2-3 pages.

Describe each issue and the accompanying recommendation using bullets and a maximum of two to three sentences.]

Introduction

EPA ☐ enforcement staff conducted a State Review Framework (SRF) enforcement program oversight review of the *[insert name of state agency]*.

EPA bases SRF findings on data and file review metrics, and conversations with program management and staff. EPA will track recommended actions from the review in the SRF Tracker and publish reports and recommendations on EPA's ECHO web site.

Areas of Strong Performance

- *[Describe aspects of the program that, according to the SRF, the state is implementing at a high level. Describe each item using bullets and no more than 2-3 sentences. These items can be specific to a media program or cross across the lines of multiple media programs. Do not include more than three items.]*

Priority Issues to Address

The following are the top-priority issues affecting the state program's performance:

- *[Describe each issue and the accompanying recommendation using bullets and 2-3 sentences. Do not include more than three issues. These should be a subset of the media-specific issues below.]*

Most Significant CWA-NPDES Program Issues[1]

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[1] EPA's "National Strategy for Improving Oversight of State Enforcement Performance" identifies the following as significant recurrent issues: "Widespread and persistent data inaccuracy and incompleteness, which make it hard to identify when serious problems exist or to track state actions; routine failure of states to identify and report

- *[Describe each issue and the accompanying recommendation using bullets and 2-3 sentences. Do not include more than three issues.]*

Most Significant CAA Stationary Source Program Issues

- *[Describe each issue and the accompanying recommendation using bullets and 2-3 sentences. Do not include more than three issues.]*

Most Significant RCRA Subtitle C Program Issues

- *[Describe each issue and the accompanying recommendation using bullets and 2-3 sentences. Do not include more than three issues.]*

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significant noncompliance; routine failure of states to take timely or appropriate enforcement actions to return violating facilities to compliance, potentially allowing pollution to continue unabated; failure of states to take appropriate penalty actions, which results in ineffective deterrence for noncompliance and an unlevel playing field for companies that do comply; use of enforcement orders to circumvent standards or to extend permits without appropriate notice and comment; and failure to inspect and enforce in some regulated sectors."

Table of Contents

*[**Updating Table of Contents:** After finishing your report, right-click anywhere on the body of text above. Then, in the menu, click on Update Field. Next, select "Update entire table," then OK.*

DO NOT DELETE THE HEADERS OR SUBHEADERS IN THE BODY OF THE REPORT OR THE TABLE OF CONTENTS WILL NOT UPDATE PROPERLY.

Delete non-NPDES related content from report when using as a NPDES-only report.]

I. Background on the State Review Framework

The State Review Framework (SRF) is designed to ensure that EPA conducts nationally consistent oversight. It reviews the following local, state, and EPA compliance and enforcement programs:

- Clean Water Act National Pollutant Discharge Elimination System
- Clean Air Act Stationary Sources (Title V)
- Resource Conservation and Recovery Act Subtitle C

Reviews cover:

- **Data** — completeness, accuracy, and timeliness of data entry into national data systems

- **Inspections** — meeting inspection and coverage commitments, inspection report quality, and report timeliness

- **Violations** — identification of violations, determination of significant noncompliance (SNC) for the CWA and RCRA programs and high priority violators (HPV) for the CAA program, and accuracy of compliance determinations

- **Enforcement** — timeliness and appropriateness, returning facilities to compliance

- **Penalties** — calculation including gravity and economic benefit components, assessment, and collection

EPA conducts SRF reviews in three phases:

- Analyzing information from the national data systems in the form of data metrics
- Reviewing facility files and compiling file metrics
- Development of findings and recommendations

EPA builds consultation into the SRF to ensure that EPA and the state understand the causes of issues and agree, to the degree possible, on actions needed to address them. SRF reports capture the agreements developed during the review process in order to facilitate program improvements. EPA also uses the information in the reports to develop a better understanding of enforcement and compliance nationwide, and to identify issues that require a national response.

Reports provide factual information. They do not include determinations of overall program adequacy, nor are they used to compare or rank state programs.

Each state's programs are reviewed once every five years. The first round of SRF reviews began in FY 2004. The third round of reviews began in FY 2013 and will continue through FY 2017.

II. SRF Review Process

Review period: *[Insert fiscal year being reviewed.]*

Key dates:

State and EPA key contacts for review: *[Add names of key contacts here.]*

III. SRF Findings

Findings represent EPA's conclusions regarding state performance and are based on findings made during the data and/or file reviews and may also be informed by:

- Annual data metric reviews conducted since the state's last SRF review
- Follow-up conversations with state agency personnel
- Review of previous SRF reports, Memoranda of Agreement, or other data sources
- Additional information collected to determine an issue's severity and root causes

There are three categories of findings:

Meets or Exceeds Expectations: The SRF was established to define a base level or floor for enforcement program performance. This rating describes a situation where the base level is met and no performance deficiency is identified, or a state performs above national program expectations.

Area for State Attention: An activity, process, or policy that one or more SRF metrics show as a minor problem. Where appropriate, the state should correct the issue without additional EPA oversight. EPA may make recommendations to improve performance, but it will not monitor these recommendations for completion between SRF reviews. These areas are not highlighted as significant in an executive summary.

Area for State Improvement: An activity, process, or policy that one or more SRF metrics show as a significant problem that the agency is required to address. Recommendations should address root causes. These recommendations must have well-defined timelines and milestones for completion, and EPA will monitor them for completion between SRF reviews in the SRF Tracker.

Whenever a metric indicates a major performance issue, EPA will write up a finding of Area for State Improvement, regardless of other metric values pertaining to a particular element.

The relevant SRF metrics are listed within each finding. The following information is provided for each metric:

- **Metric ID Number and Description:** The metric's SRF identification number and a description of what the metric measures.
- **Natl Goal:** The national goal, if applicable, of the metric, or the CMS commitment that the state has made.
- **Natl Avg:** The national average across all states, territories, and the District of Columbia.
- **State N:** For metrics expressed as percentages, the numerator.
- **State D:** The denominator.
- **State % or #:** The percentage, or if the metric is expressed as a whole number, the count.

[Here is a sample findings table followed by instructions for completing the findings tables in the

template:

<table>
<tr><td colspan="2" style="background-color:#ffff99">CWA Element 4 — Enforcement</td></tr>
<tr><td>Finding 4-1</td><td>☐</td></tr>
<tr><td>Summary</td><td>SNC violations are not addressed in a timely or appropriate manner.</td></tr>
<tr><td>Explanation</td><td>For two of the eight SNC violations reviewed, the violations did receive appropriate follow-up action. However, in six instances, these violations received neither informal nor formal enforcement action.

The state does not have a formal policy in place for taking enforcement against SNC violators.

Metric 10a shows that the state was not consistently taking timely enforcement action. This can be traced to the failure to complete inspection reports in a timely manner.</td></tr>
</table>

Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	10a Major facilities with timely action	98%	-	1	8	13%
	10b Enforcement responses reviewed that address violations in an appropriate manner	100%	-	5	15	33%

<table>
<tr><td>State response</td><td>The state agrees that this is a problem and has agreed to work with EPA to resolve it.</td></tr>
<tr><td>Recommendation</td><td>1) The state will develop a Standard Operating Procedure (SOP) for taking enforcement action against SNC violators within 90 days of finalization of this report, and will send a copy to EPA for approval. 2) The state will immediately begin taking enforcement action against SNC violators in accordance with the SOP developed under item 1. 3) EPA will monitor performance via quarterly conference calls and annual SRF data metric analyses. EPA will close this recommendation after approving the state's SOP and observing three consecutive quarters of performance that meets national goals.</td></tr>
</table>

Step-by-step instructions for completing findings tables:

Step 1 — Numbering Findings:

- *For findings of Area for State Improvement, make one finding for all common problems identified under the most appropriate element that can have the same recommended action. For problems with different recommended actions, make a separate finding for each unique recommendation. This will simplify tracking.*

- *For findings of Meets or Exceeds Expectations and Area for State Attention, discuss all issues and metrics relevant to the element under the same finding.*

    o *For example, if Element 1 identified two major problems, some isolated issues, and some satisfactory areas of performance:*

        ▪ *Finding 1-1 would be a finding of Meets or Exceeds Expectations discussing all aspects of performance under Element 1 that meet or exceed expectations.*

        ▪ *Finding 1-2 would be a finding of Area for State Attention discussing the isolated performance issues under Element 1 that require state attention.*

        ▪ *Finding 1-3 would be a finding of Area for State Improvement discussing the two major deficiencies. (If they both have the same recommended action they can be covered in a single finding; otherwise create two.)*

- *For an element with two or more findings, it will be necessary to copy and paste additional copies of the element's findings table. (The report template only includes one findings table per element per media program.) Do this by creating a blank page after a finding, then copy and paste a findings table.*

- *Use the drop-down menu to choose the finding number.*

Step 2 — Finding Category: *Generally, findings should be no more than 1-2 pages.*

Use the drop-down menu to select whether the finding is Meets or Exceeds Expectations, Area for State Attention, or Area for State Improvement (definitions above). If EPA finds a serious performance problem, it should be considered an Area for State Improvement regardless of the strength of performance in other relevant metrics.

See the finding level descriptions above as well as the Plain Language Guides *for additional guidance in determining the appropriate level and explanation.*

Reviewers should base their findings primarily on data and file metrics from the review year. For marginal cases, EPA may want to use the annual data metric analyses conducted since the state's last review to analyze performance trends. See Conducting an Annual Data Metric Analysis *for guidance on conducting such an analysis.*

Step 3 — Summary: *This is a short summary — no more than a brief paragraph — of the*

specific issue or issues covered. Summaries in the SRF Tracker have a 200-character limit, which in most cases will fall in the range of 30-40 words. However, it may be necessary to exceed this limit in the report. Summaries that run longer than 200 characters in this report will need to be condensed when entered into the Tracker.

Step 4 — Explanation: *Provide a more detailed explanation of the finding. The explanation should be brief, and should:*

- *Describe the issue in more detail*
- *Justify the finding level made in Step 2*
- *Provide quantification using SRF metrics*
- *Explain the cause of any deficiencies, including unique circumstances in the state*
- *Reference relevant recommended actions from a previous round, along with the status of the actions*
- *If the action was closed, explain why the problem resurfaced*
- *If the finding is an Area for State Attention, you may include a recommended action at the end of this section, but it will not be tracked for completion in the SRF Tracker.*

Explanations have a limit of 700 characters in the SRF Tracker, which equates to roughly 100-130 words. It may be necessary to exceed this limit in the report. Explanations that exceed 700 characters will need to be condensed for entry into the Tracker.

Step 5 — Relevant Metrics: *Use the drop-down menus under the "Metric ID Number and Description" column to choose the applicable metrics. These menus are populated with all metrics that could have relevance to findings under each element. Select all metrics with direct relevance to the finding. Select one metric per row. If there are extra rows after selecting all relevant metrics under a particular finding, delete them by highlighting the extra rows, right clicking, then selecting "delete rows."*

Once the relevant metrics are selected, report the agency's values for the metrics as shown in the example above. Report national goals and averages when applicable.

Since metrics are no longer reported in the appendices, it is vital that all relevant metrics are accurately reported in this section.

Step 6 — State response: *This should include the state's written response to the finding from their review of the draft report. If there is no written response, EPA may include relevant information from discussions with the state (please identify the source of the information). If there is no state response, leave blank or include this statement: "No state response."*

State responses are limited to 700 characters in the SRF Tracker. States may exceed this in the report. Condense responses that run longer than 700 characters in this report when entering them into the Tracker.

Step 7 — Recommendation: *Complete this section for findings of Area for State Improvement. It should contain specific steps the agency being reviewed will take to address the causes of the*

issue, including:

- *Policy, guidance, or standard operating procedure where none exists*
- *Training as needed*
- *Taking action (e.g., entering data, making appropriate SNC determinations, taking timely and appropriate action)*
- *Any other steps needed to improve performance*
- *EPA follow-up to confirm improved performance*

Each of these actions should be assigned a due date (e.g. 90 days from finalization of report).

EPA should also include a mechanism for confirming that the issue has been resolved. This could include reviewing data, or reviewing a sample of inspection reports or enforcement actions. For the most significant issues, EPA will want to review this information for a longer period and see sustained improvement over several quarters before closing out the action item.

Some findings will require a series of recommendations, all of which should be included in this section. All recommendations for findings of Area for State Improvement must be reported in the SRF reports and entered into the SRF Tracker.

Recommendations have a limit of 400 characters in the SRF Tracker. It may be necessary to exceed this limit in the report. Recommendations exceeding 400 characters in this report will need to be condensed for entry into the Tracker.

Formatting tip for Microsoft Word 2007: If tables run together, separate by clicking in top row of table, then click Layout in top menu, then click Split Table.]

Clean Water Act Findings

<table>
<tr><td colspan="2" style="background-color:yellow">CWA Element 1 — Data</td></tr>
<tr><td>Finding
[ ]</td><td>[ ]</td></tr>
<tr><td>Summary</td><td></td></tr>
<tr><td>Explanation</td><td></td></tr>
<tr><td>Relevant metrics</td><td>

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #

</td></tr>
<tr><td>State response</td><td></td></tr>
<tr><td>Recommendation</td><td></td></tr>
</table>

CWA Element 2 — Inspections

Finding	
Summary	
Explanation	

Relevant metrics

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #

State response	
Recommendation	

CWA Element 3 — Violations					
Finding					
Summary					
Explanation					

Relevant metrics

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #

State response	
Recommendation	

CWA Element 4 — Enforcement

Finding	

Summary

Explanation

Relevant metrics

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #

State response

Recommendation

CWA Element 5 — Penalties	
Finding	
Summary	
Explanation	
Relevant metrics	<table><tr><td>**Metric ID Number and Description**</td><td>**Natl Goal**</td><td>**Natl Avg**</td><td>**State N**</td><td>**State D**</td><td>**State % or #**</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>
State response	
Recommendation	

Clean Air Act Findings

CAA Element 1 — Data	
Finding	[ ]
Summary	
Explanation	
Relevant metrics	
State response	
Recommendation	

For the Relevant metrics section:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #

CAA Element 2 — Inspections						
Finding						
Summary						
Explanation						
Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
State response						
Recommendation						

CAA Element 3 — Violations						
Finding						
Summary						
Explanation						
Relevant metrics	**Metric ID Number and Description**	**Natl Goal**	**Natl Avg**	**State N**	**State D**	**State % or #**
State response						
Recommendation						

CAA Element 4 — Enforcement	
Finding	
Summary	
Explanation	
Relevant metrics	

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #

State response	
Recommendation	

CAA Element 5 — Penalties					
Finding					
Summary					
Explanation					
Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
State response					
Recommendation					

Resource Conservation and Recovery Act Findings

RCRA Element 1 — Data	
Finding	
Summary	
Explanation	
Relevant metrics	(see table below)
State response	
Recommendation	

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #

RCRA Element 2 — Inspections

Finding	

Summary

Explanation

Relevant metrics

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #

State response

Recommendation

RCRA Element 3 — Violations

Finding	

Summary	

Explanation	

Relevant metrics

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #

State response	

Recommendation	

RCRA Element 4 — Enforcement						
Finding _[ ]_	_[ ]_					
Summary						
Explanation						
Relevant metrics	**Metric ID Number and Description**	**Natl Goal**	**Natl Avg**	**State N**	**State D**	**State % or #**
	_[ ]_					
	_[ ]_					
	_[ ]_					
State response						
Recommendation						

RCRA Element 5 — Penalties

Finding	
Summary	
Explanation	

Relevant metrics

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #

State response	
Recommendation	

Appendix

[This section is optional. Content with relevance to the SRF review that could not be covered in the above sections should be included here. Regions may also include file selection lists and metric tables at their discretion. Delete this page if it isn't used.]