

Regional Plan for Region 8's Implementation of the State Review Framework (SRF), Uniform Enforcement Oversight System (UEOS) and Other Oversight Activities for the CWA NPDES, CAA Stationary Sources, RCRA Subtitle C, and Public Water System Supervision (PWSS) Enforcement Programs through FY 2012

Overview

The nature and scope of oversight activities and documentation of program assessments and reviews for state RCRA Subtitle C, NPDES, CAA Stationary Source, and Public Water System Supervision (PWSS) enforcement programs is dependent upon performance as documented during the previous year and, therefore, may vary from year to year. This differential oversight will range from minimum or baseline oversight for strong programs to SRF or UEOS program assessments every other year for those programs with ongoing significant problems. Each year, the results of activities and assessments/reviews that have occurred during the year will be documented by ECEJ in an end-of-year (EOY) report, State Review Framework (SRF) report, or, for the Public Water System Supervision (PWSS) enforcement program, a Uniform Enforcement Oversight System (UEOS) report. States will have an opportunity to review and comment on EOY reports and SRF/UEOS reports. Planned oversight activities for each year will be documented in a State Oversight Plan and provided to states. The following table provides some examples of how the level and frequency of various oversight activities are impacted by program performance.

Examples of Differential Oversight as a Function of Program Performance

Oversight Activity	Good Performance	Poor Performance
Frequency of SRF/UEOS review.	Once every four years	Once every two years
Number of files reviewed during EOY review.	10 or less.	15 or less.
Areas for improvement tracked (as detailed, primarily, in SRF Tracker).	Few or none.	More.
Data Metrics review.	Limited review.	Targeted, more in depth review.
Frequency of routine, periodic program communications.	Quarterly to semi-annually.	Monthly to quarterly.

Program Assessment Using the OECA/ECOS SRF and UEOS

Once every two to four years, state RCRA Subtitle C, NPDES, and CAA Stationary Source enforcement program performance will be evaluated using the OECA/ECOS SRF and associated guidance. Likewise, PWSS enforcement program performance will continue to be evaluated using the UEOS and, like the SRF reviews, the frequency of reviews will once every two to four years.

Program performance as determined by the most recent SRF or UEOS review will impact the frequency of program assessments using SRF or UEOS. The use of performance in determining review frequency is described in more detail below. Other factors impacting the schedule for SRF reviews for Round 2 (through FY 2012) include the need to spread the workload out over the four year cycle, the size of the state programs, and travel considerations. The schedule for the SRF reviews for Round 2 is attached. Each state's next PWSS enforcement program review using UEOS is planned for FY 2012.

The SRF is based on Region 8's UEOS and was developed jointly by the EPA Office of Enforcement and Compliance Assurance (OECA), all ten EPA Regions, the Environmental Council of States (ECOS) Compliance Committee and state representatives from each of the ten EPA regions. The SRF was developed as a tool to assess state enforcement and compliance assurance program performance and to provide a mechanism for EPA regions, working collaboratively with their states, to ensure that states meet agreed upon performance levels. Additional information regarding the SRF can be found at: <http://www.epa-otis.gov/otis/stateframework.html>

Like the Round 1 SRF reviews, the Round 2 reviews will include reviews of all three programs in a state at the same time. This will minimize the burden on the states, the Region, and OECA by maximizing the efficiency of the review process (e.g. cross-program kick-off and close out meetings, cross-program process communications, report review, etc.) and will result in a more timely cross-program summary of findings.

Annual Program Review

Oversight activities occurring during years in which SRF or UEOS reviews are not planned will range from a minimum or baseline level of oversight to a more enhanced level of oversight (including targeted oversight activities) as described in the table below. Should annual oversight activities demonstrate that program performance has either significantly improved or declined since the last annual review, then the planned oversight for the next year will be adjusted accordingly.

For PWSS, Region 8 also conducts annual on-site (audit) visits with each state to review the effectiveness of the state enforcement programs, as resources allow. These visits are conducted between November and February, and some of the information gathered is used for the UEOS evaluation. Region 8 staff review the files of specific public water systems and evaluate how the state has responded to violations and the accuracy of data contained in state and federal databases. A report documenting the findings of the visit is issued to the state. As a part of the review, Region 8 identifies corrective actions that the state should implement to improve its enforcement program, and such actions may be incorporated into the PPA along with UEOS findings.

Program Performance and Differential Oversight

Performance Status	Resultant Oversight
Program standards are met (may have small problems in some areas) for all programs.	SRF every four years (UEOS for PWSS program). Minimum / baseline oversight activities during “off” years.
Program standards are generally met, however, some areas for improvement have been identified for some programs.	SRF every three or four years (UEOS for PWSS program). Baseline plus targeted oversight activities during “off” years.
For any program, program standards are generally not met, or, there are significant deficiencies in key areas.	SRF every other year. Baseline plus targeted oversight activities during “off” years. Additional escalating actions if progress is not made to correct problem areas.

Baseline oversight activities to occur every year *will* include:

- Review and documentation (through ECEJ End of Year Report) of progress towards meeting grant commitments,
- Routine communications and information sharing with state (to discuss, for example, HPVs, SNC, QNCR, etc.). For example, the frequency of periodic conference calls with the state may range from quarterly to semi-annually.
- Watch List review and follow-up,
- Limited Data Metrics review (focusing on significant changes in performance and on areas of concern from previous reviews),
- Limited after-the-fact review of state enforcement, inspection, and related files. These reviews may occur either on-site (in the state's offices) or off-site (at EPA's offices). The number of facility files to be reviewed for each program will be no more than ten. The process used for the selection of files to be reviewed will be consistent with the SRF file selection protocol (i.e. random and representative).
- Follow-up on open action items/recommendations from previous reviews (including those identified in the SRF Tracker).
- Other oversight activities required by national program guidance (e.g. oversight inspections, etc.).

Targeted oversight activities *may* also include (in addition to baseline activities):

- Targeted program improvement plans to be incorporated into PPAs.
- More frequent communications and information sharing with state. For example, the frequency range for periodic conference calls with the state may be increased to monthly.
- Increased number of oversight inspections.
- If data problems identified, targeted, more in depth data metrics review.
- Additional, targeted, after-the-fact and real time review of state files. The number of facility files to be reviewed after-the-fact for each program may increase to no more than 15. These files will include files targeted for review to focus on problem areas identified in addition to the random and representative files selected. Additionally, a number of targeted, real-time file reviews may also be conducted.

Documentation of Oversight Activities

End of Year Reports will be completed annually for all programs. For those years in which SRF reports (or UEOS for PWSS) are completed, they will serve the purpose of the EOY report. EOY reviews and documentation through the EOY Reports may utilize applicable portions of the SRF or UEOS guidance (*e.g.* review metrics), as appropriate. At a minimum, End of Year reports will incorporate the results of the minimum/baseline activities described above and the scope will address the following review areas: 1) inspections, 2) enforcement activity, 3) annual agreements, and 4) data management.

Specific oversight activities planned and actions planned to address any areas for improvement will be described in the final SRF or UEOS report, the State Oversight Plan, and incorporated by reference into the next PPA, as appropriate.

Review Schedule

While oversight and program review and assessment activities occur throughout the year, formal documentation of results doesn't begin until after data are available for the year under review and state EOY reports have been received. This is generally the middle of January following the year under review.

Draft documentation of annual program assessments/review will be completed by the end of April of the year after fiscal year reviewed. This is to allow findings and any corrective actions to be incorporated into the PPA negotiation process for the following fiscal year. The SRF guidance includes a comprehensive process for developing the report which includes many opportunities for findings to be discussed with states and for states to review and comment on draft reports prior to finalization. Final SRF reports will be completed by the end of the fiscal year following the fiscal year reviewed.

EOY reports documenting oversight activities and review results (for years in which an SRF/UEOS assessment is not conducted) will be finalized by the end of April following the fiscal year under review. Below is a summary of the state planning and oversight cycles and the schedule for the Round 2 SRF reviews.

Summary Region 8 State Planning and Oversight Cycles for Enforcement

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| May 1 | <ul style="list-style-type: none">• Draft SRF report (if applicable) provided to state for review.• Final UEOS report (if applicable) provided to state.• If no SRF (or UEOS for PWSS), final EPA End of Year report provided to state.• PPA Guidance for next fiscal year provided to states.• State Oversight Plans for next fiscal year provided to states. |
| May - August | <ul style="list-style-type: none">• State Director's Meeting and State Visits (kick-off planning for next FY including plans for oversight). |
| Sep 30 | <ul style="list-style-type: none">• SRF report (if applicable) is finalized and provided to state.• PPAs in place. |
| Dec 31 | <ul style="list-style-type: none">• State End of Year Reports received from states |
| January 21
(approx) | <ul style="list-style-type: none">• Data for prior fiscal year available in OTIS and SRF Data Metric Reports.• Begin SRF review (if applicable). |

Schedule for Round 2 SRF Reviews

This schedule is based on several considerations including program performance as determined by the FY 07 SRF review, the need to spread the workload out over the four year cycle, the size of the state programs, and travel considerations. Significant changes in program performance observed throughout cycle may result in change to review schedule. Specifically, program performance was considered as follows:

- States with one or more programs that don't meet standards or in which significant deficiencies are identified are reviewed first.
- States in which all three programs reviewed have areas of improvement/Tracker items identified are generally reviewed prior to states in which one or more programs do not have areas of improvement/Tracker items identified.
- States with more total areas of improvement/Tracker items identified are generally reviewed prior to states with fewer areas of improvement/Tracker items.
- Other considerations include the need to spread the workload out over the four year cycle, the size of the state programs, and travel considerations.

Schedule for SRF Round 2

FY 2007
Round 1 SRF review completed in all six states and in all 3 programs (18 programs overall)

FY 2008
No SRF reviews. Scope of annual review (i.e. baseline/targeted oversight) for all states/programs is dependent upon performance as determined during the Round 1 SRF review completed in FY 2007 and was described in the final SRF reports.

FY 2009	
State A	Round 2 SRF Review for all 3 programs
State B	Round 2 SRF Review for all 3 programs
Scope of annual review (i.e. baseline/targeted oversight) for other states/programs will be dependent upon performance determined in previous FY and described in the State Oversight Plan for each state.	

FY 2010	
State C	Round 2 SRF Review for all 3 programs
State D	Round 2 SRF Review for all 3 programs
Scope of annual review (i.e. baseline/targeted oversight) for other states/programs will be dependent upon performance determined in previous FY and described in the State Oversight Plan for each state.	

FY 2011	
State E	Round 2 SRF Review for all 3 programs
Scope of annual review (i.e. baseline/targeted oversight) for other states/programs will be dependent upon performance determined in previous FY and described in the State Oversight Plan for each state.	

FY 2012	
State F	Round 2 SRF Review for all 3 programs
Scope of annual review (i.e. baseline/targeted oversight) for other states/programs will be dependent upon performance determined in previous FY and described in the State Oversight Plan for each state.	