

12. Tracking

12.1 Hazardous Waste

The Hazardous Waste Program enters inspection data into the fees and taxes database and Resource Conservation and Recovery Act Information database - Enforcement Tracking System data is entered into those two tracking databases.

For underground storage tank inspections the inspector will fill out a data entry form and is entered into the tanks database. Underground storage tank enforcement action requests, or EARs, are entered into the tanks database and assigned to case managers by the Petroleum Storage Tank Enforcement Unit chief. Case managers subsequently track enforcement cases in the tanks database and enforcement tracking system. The case manager and inspector are responsible for ensuring correct and complete data in all applicable fields.

Handler Evaluation Logs

The inspector or case manager for a hazardous waste case completes a handler evaluation log to record inspection and enforcement information for data entry. An example located in [Appendix 5](#). Hazardous Waste Program staff enters the information into the Resource Conservation and Recovery Act Information national database. EPA Region VII, EPA Headquarters and Congress use Resource Conservation and Recovery Act Information as their primary source for information on hazardous waste activity, facility status and compliance in the state. They also use Resource Conservation and Recovery Act Information when evaluating our inspection and enforcement performance. The inspector or case manager completes handler evaluation log forms for all significant hazardous waste inspection and enforcement activities.

Handler evaluation log forms are not needed for resource recovery inspections because the data is for federal purposes. Handler evaluation log forms are required for:

- Environmental Assistance Visits.
- Compliance Evaluation Inspections.
- Reinspections.
- Closure Inspections.
- Sampling Inspections.
- Documenting various enforcement actions such as notices of violations, referrals to the Attorney General's Office, civil actions such as settlements and orders, final consent decrees, judicial orders and referrals to EPA.
- Anytime a facility returns to compliance after being notified of noncompliance.

Regional Office Handler Evaluation Log Instructions

The inspector will complete and submit a handler evaluation log form to the Hazardous Waste Program. The inspector must submit the form each time he/she conducts one of the activities listed above. For inspections that document Class I violations, the inspection should include the actual compliance dates on the handler evaluation log form for the inspection. For inspections with only Class II violations, the inspector will use the inspection date as the return to compliance date on the handler evaluation log form. Inspections that

have Class I, high priority or acute violations, inspectors should include actual compliance dates for those violations that were corrected during the inspection. If Class 1 violations are corrected with supporting documentation from the facility, inspectors should complete a follow-up handler evaluation log to close out each violation. The inspector will send a handler evaluation log to the Hazardous Waste Program with the notice of violation. The Hazardous Waste Program will complete the follow-up handler evaluation log forms for violations that are corrected after issuance of a notice of violation. Because a notice of violation triggers a referral to the Hazardous Waste Program, program case managers will complete follow-up handler evaluation logs.

Hazardous Waste Program Handler Evaluation Log Instructions

Department staff also document enforcement actions listed above. In each of these cases, the person who is currently responsible for the enforcement action completes a handler evaluation log form. The form will document the action taken and document a return to compliance when it occurs. Handlers that have at least one high priority violation or are recalcitrant or negligent in returning to compliance are designated in Resource Conservation Recovery Act information as significant non-compliers. Consequently, in addition to completing handler evaluation logs for notices of violation and letters of warning, the Compliance and Enforcement Section will need to complete the handler and evaluation sections on a separate handler evaluation log to indicate that a handler is a significant non-complier, when appropriate. As with other entries in Resource Conservation Recovery Act information, when the handler is no longer a significant non-complier, the person who is currently responsible for the case must complete the handler and evaluation sections on a separate handler evaluation log and enter "not a significant noncomplier" to indicate this change. When completing a handler evaluation log to show that a handler has returned to compliance, please use the same type code as used on the original handler evaluation log for the inspection. This will ensure the return to compliance is tied to the proper inspection. Complete handler evaluation log forms for subsequent enforcement actions using the Microsoft® Excel® version of the form.

Filling out the Handler Evaluation Log

The electronic handler evaluation log form has instructive flyouts to define fields. The inspector should call the Compliance and Enforcement Unit chief if questions arise on fields.

Fees and Taxes System

The fees and taxes system is a tracking database used by the Hazardous Waste Program to enter information regarding facility location and contacts, inspections, enforcement actions, financial assurance evaluations, waste generation, billings and payments. Hazardous Waste Program staff enters the inspection information from the handler evaluation log. Case managers enter enforcement-related data.

Enforcement Tracking System

Case managers fill out enforcement tracking system data sheets for all new cases assigned to them to track subsequent actions. Consult the data dictionary for guidance.

Data sheets must be completed as enforcement actions occur and provided to the appropriate support staff on the first of each month. The case manager is responsible for ensuring correct and complete data in all applicable fields.

12.2 Land Reclamation

Industrial Minerals

All administrative enforcement actions issued for this sector of mining are tracked in an internal, program specific database. Data entry is performed by the unit's support staff immediately upon issuance of the enforcement action. All aspects of the action are tracked in this system and are viewable by both program management and technical personnel. In addition, all enforcement actions are sent out of the program by certified mail to ensure that delivery to the responsible party has been accomplished successfully. The unit management performs periodic reviews of the enforcement database to ensure proper time frames are kept and abatement is made. Upon successful abatement of the violation or other enforcement action, the violation or other action is noted as resolved in the database and the case is closed with all paper files properly archived.

Duplicate entry of all enforcement related actions are also entered into the department's enforcement action tracking system whenever entry is made into the program's enforcement database.

Coal

All administrative enforcement actions issued for this sector of mining are tracked in an internal, program specific database. Data entry is performed by the support staff immediately upon issuance of the enforcement action. All aspects of the action are tracked in this system and are viewable by both program management and technical personnel. In addition, all enforcement actions are sent out of the program by certified mail to ensure that delivery to the responsible party has been accomplished successfully. The unit management performs periodic reviews of the enforcement database to ensure proper time frames are kept and abatement is made. Upon successful abatement of the violation or other enforcement action, the violation or other action is noted as resolved in the database and the case is closed with all paper files properly archived.

Duplicate entry of all enforcement related actions are also entered into the department's enforcement action tracking system whenever entry is made into the program's enforcement database.

Metallic Minerals

All administrative enforcement actions issued for this sector of mining are tracked in an internal, program specific database. Data entry is performed by the support staff immediately upon issuance of the enforcement action. All aspects of the action are tracked in this system and are viewable by both program management and technical personnel. In addition, all enforcement actions are sent out of the program by certified mail to ensure that delivery to the responsible party has been accomplished successfully. The unit management performs periodic reviews of the enforcement database to ensure proper time frames are kept and abatement is made. Upon successful abatement of the violation or other enforcement action, the violation or other action is noted as resolved in the database and the case is closed with all paper files properly archived.

Duplicate entry of all enforcement related actions are also entered into the department's enforcement action tracking system whenever entry is made into the program's enforcement database.

12.3 Solid Waste

All illegal disposal investigation reports, letters of warning, notices of violation, cease and desist orders, and inspection reports issued in the regional offices are entered into the Assistance, Compliance, and Enforcement, or ACE, Tracking System by regional office staff. Compliance and Enforcement Section staff, however enter data issued by the program.

Once a case is assigned to a case manager, it is entered into ACE. Case managers are required to keep the tracking system updated by entering information as the case progresses toward resolution. ACE can be routinely queried by both program and division staff. New, multimedia and recently resolved cases are reviewed and discussed monthly at the enforcement coordination committee meetings.

12.4 Water

The water quality information system is a complex information system consisting of 12 major components. A number of the water quality information system components have subcomponents. The system contains information regarding water quality and permitted facility compliance needs. The information supports basin plan production requirements and provides basic facility information, permit limits, conditions and compliance schedules, effluent data, inspection data, grants or loan information and enforcement data including compliance schedules generated through enforcement activities.

Compliance Tracking Activities

Both the water quality information system and discharge monitoring reports are systems that store information and can be used to track various compliance requirements of the regulated facilities. These compliance tracking capabilities include:

- Permit issuance and expiration dates.
- Land application facility letter of approval issuance or expiration dates.
- The results of inspections.
- The status of grant payments or grant projects schedules.
- Permit effluent limits whether they are interim or final limits.
- Effluent monitoring reports and records.
- The improvement or upgrading requirements of regulated facilities, which requirements are determined necessary in order to obtain water quality objectives.
- Enforcement information including the type of enforcement action initiated and the upcoming compliance schedule requirements and dates.

Through standard report generation activities, data in the water quality information system can be produced on a periodic basis to allow Water Protection Program and regional office staff to track the upcoming requirements of the regulated facilities. These requirements could be the need to reissue a permit or the need to conduct a surveillance activity regarding a facility's status of compliance with an abatement order schedule. Using the inspection tracking in the water quality information system, staff can identify such information as:

- When a notice of violation was issued.
- What type of general requirement was established for the facility owner.
- When the facility owner was directed to return to compliance, other specific response requirement by the facility owner.
- When a follow up surveillance visit or inspection is scheduled or is appropriate.

This component of the inspection tracking process serves as a "suspense" system for staff to use to assure that facilities in noncompliance return to compliance or are moved into the next level of enforcement activity on a timely basis.

Discharge monitoring reports are used to track and record the regulated facilities status of compliance with respect to the permitted self-monitoring requirement. The system allows the regional offices to maintain operational testing data or effluent data on a current basis and to respond to deficiencies in discharge monitoring reports shortly after the reports are received. The primary benefit of these reports is to determine whether or not a facility is in compliance with its permitted effluent limitations. A secondary purpose of these reports is to allow the regional offices to determine whether a report submitted is complete or whether no report was submitted for the required reporting. This information allows the regional office to respond to the noncompliance on a timely and appropriate basis and will result in the significant reduction of facility noncompliance.

Compliance Reports

The water quality information system produces four regular types of compliance reports. These reports are case status reports prepared on the same frequency as the Clean Water Commission meetings. The reports describe the status of cases being handled by the Attorney General's Office, the status of abatement orders, the status of abatement order appeals and Clean Water Commission orders, and the status of administrative actions, such as those actions taken in response to fish kills.

The Water Protection Program Compliance and Enforcement Section produces several compliance reports utilizing the water quality information system. These reports consist of quarterly reports of completed inspections of major facilities and grant funded minor municipal facilities, monthly reports of the general status of enforcement cases and annual enforcement report.

In addition to the above reports, all produced by the Compliance and Enforcement Section, two major reports are produced for EPA in accordance with Performance Partnership Grant requirements. These reports are derived from a variety of information sources including discharge monitoring report data and information from Regional Office and Water Protection Program files. The two reports are:

- The quarterly noncompliance report
- The annual noncompliance report.

One final report is produced by the water quality information system. It is used by staff in both the regional offices and the Water Protection Program. The monthly compliance milestones report is generated from data contained in the water quality information system. It is a report of upcoming compliance schedule requirements and compliance schedule requirements which have not been met in the past. This report serves two major purposes:

- As the major means of updating compliance schedule requirements in the water quality information system.
- As a reminder to water pollution and regional office staff of the compliance schedule requirements of facilities.

A report is produced from the water quality information system by the Water Protection Program indicating which discharge monitoring reports have not been submitted for the required reporting interval. In addition, reports will be produced indicating that the regulated facilities are not in compliance with required limits.

Follow Up Activities

The underlying concept for the compliance data system is to keep track of and to keep in contact with facilities in noncompliance and all facilities regulatory requirements. The reason for keeping track of these facilities is to assure that noncompliance is addressed through conference, conciliation and persuasion, the issuance of notices of violation or other enforcement action. The intention is that noncompliance should be tracked, kept before the attention of appropriate staff and resolved on a timely basis. Regional Office and Water Protection Program staff have the same responsibilities; which include the identification and resolution of noncompliance and the attainment and maintenance of the highest levels of compliance possible. The compliance data systems in place and being put in place in the respective offices are nothing more than electronic assistance to help staff better conduct their respective compliance activities.

12.A Forms

Telephone or Conference Record