

# **AFS MODERNIZATION WORKGROUP**

## **SUMMARY REPORT: DECEMBER 2004-JULY 2007**

FINAL REPORT OF 7/24/2007



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## EXECUTIVE SUMMARY

**Background:** The AFS Modernization Workgroup was created during the 2004 National AFS Workshop in Portland, OR where sixteen individuals from different state and local agencies volunteered to work with EPA on the mechanics of modernization. A Charter for the group was created (see Appendix 1) and meetings started in December 2004. The workgroup met approximately 37 times, producing minutes with recommendations for the modernization process. The workgroup produced a point paper for the Air Enforcement Managers in December 2005 (see Appendix 2) requesting clarification and guidance on a number of discussion points, to include air program and air program pollutant relationships. The workgroup provided presentations at the National AFS Workshops in 2005 and 2006 (see Appendices 2 and 5), and also provided a paper outlining issues to the AFS Compliance Managers concerning Title V Annual Compliance Certification Issues in April, 2006 (see Appendix 5). This report comprises the multitude of recommendations and requirements discussed by the workgroup. It is estimated that the entire effort undertaken by the workgroup from September 2004 to the present is approximately 740 hours.

### **Recommendations:**

1. Compliance Status be automated, through use of existing actions. This automation will require the addition of a pollutant record with each violation, and the ability to return the violation to compliance after appropriate action. This ability is thought to negate a large burden of air program pollutant maintenance.
2. Applicable air programs are maintained separate and distinct from pollutants. A default pollutant compliance status would be "in compliance". When a violation is noted via the reporting of appropriate actions, the user would report both the appropriate compliance status and the pollutant(s) involved.
3. Clarified streamlined Compliance Status Values: Recommended values could include:
  - In Compliance
  - Unknown-User Supplied
  - Unknown-Automatically Generated by CMS fields
  - In Violation
  - Compliance Monitoring--Tracking Violation, In compliance with physical requirements.
4. Ability to generate Start and Stop Dates for violation tracking in all cases of violation (through use of reported actions).
5. Ability to add an Investigation/Enforcement Case Tracking Number for violations (to take the place of High Priority Violator (HPV) Key Action numbers and to assist with tracking non-HPV violations) or have the a system-generated key.
6. Ability to indicate violation or meeting a compliance schedule for compliance status in High Priority Violator (HPV) cases when addressed.

7. Compile all State or EPA Title V Annual Compliance Certification (ACC) actions in one transaction (Due Date, Received, Reviewed). **NOTE: No burden increase is expected for this change.**
8. The Workgroup's efforts document the output received at the 2006 AFS Workshop, which resulted in the listing the top needs of the air stationary source enforcement and compliance programs, plus the needs for system administration. These needs have been documented for use in future modernization efforts and business case analyses. AFS Top Needs can be found in Appendix 5.
9. New Minimum Data Requirements (MDRs) Fields: Overall reporting burden for these data fields is limited to sources with violations and are expected to be minimal and **even less than the current reporting burden for maintaining air program pollutants**. The added information is:
  - Pollutants involved in a violation on the action record (to replace air program pollutant reporting)
  - A violation/return to compliance indicator on an action record through a results code or other reporting already provided.

**Discontinued Fields:**

1. Air Program reported on action records, with the exception of stack tests and enforcement actions.
2. Air Program and Air Program Pollutant relationships
3. **Air Program Pollutant Compliance Status, as this value would be generated from reported actions. This feature is expected to significantly reduce reporting burden.**
4. Attainment/Nonattainment Indicators: Should be preloaded according to location and no longer considered a reportable field. AFS should coordinate population of these fields with the Federal Registry System (FRS) and/or the Office of Air Quality Planning and Standards (OAQPS), but allow for manual population.

**Recommended Optional Data Fields:**

1. Latitude/Longitude fields: Provide optional data entry fields, but should be preloaded. AFS should coordinate population of these fields with the Federal Registry System (FRS).
2. Multiple Contact Names, addresses, email addresses.
3. Permit links (URLs to an approved permit document).
4. Owner/Operating Name and Address.
5. Provide the following optional fields for Air Program tracking:
  - Air Program Applicability Date (can default to permit issuance date)
  - Air Program Shutdown Date
  - Air Program Subpart Applicability Date
  - Air Program Subpart Shutdown Date
  - State/Local Agency Regulations.
6. Permit Emission Limits.
7. Historic CMS category and frequency records.
8. **Physical Violation Start and End Date fields** on the action level which would update a physical compliance status field on the plant level.
9. Violation Definition—reason for violation.

10. Expansion of penalty fields to include draft, assessed, collected, stipulated, and final penalties (optional data with the exception of assessed penalties).
11. Permit Number for Annual Compliance Certification (ACC) records.
12. Year of Review for ACC records via a date range.
13. Continuous and Intermittent Compliance Status for ACC Records.
14. Recommended fields for Title V Permit data are:
  - o Permit Number
  - o Date Issued
  - o Date Expires
  - o Date Annual Compliance Certifications Due
  - o Date of Major Modifications
  - o Comment fields for General Operating Conditions.

**Issues Identified by the Workgroup Requiring EPA Action:**

- ❖ Several members of the workgroup are very concerned about the differences in “Return to Compliance” between the Clean Water Act (CWA), Resource Conservation Recovery Act (RCRA), and the Clean Air Act (CAA) programs. When a source is identified as a High Priority Violator in the Air Program (or any violation), the source is considered to be in violation until resolution. This status is effectively an enforcement case status. In both the RCRA and CWA programs, a source with a pending “Significant Violation” or “SNC” can be listed in compliance when the violation ceases (physical compliance). Compliance status in RCRA and CWA Programs are not tied into the enforcement action tracking as in the Air Program. EPA members of the workgroup indicated that the Air Program is different than the other programs and cannot be compared in the same way. It is requested that EPA look into the differences between the communities. The issues involved with this compliance status difference were outlined in Appendix 3, AFS Modernization Presentations.
- ❖ EPA should decide if AFS classifications should be expanded to include “SM 80” as a valid value.
- ❖ Complete clarification of enforcement action definitions used in AFS is necessary.
- ❖ **Consider and approve streamlined Compliance Status indicators.**
- ❖ Guidance is needed for instances where multiple TV ACCs are received in a year. Multiple certifications can be submitted from new owners, instances of late submittals, or resubmitted due to previous rejection.
- ❖ If EPA wants information on continuous and intermittent compliance status in TV ACC reporting, guidance and direction is needed.

Point of Contact for this report: Betsy Metcalf, (202) 564-5962

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Workgroup Signatures:

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Betsy Metcalf, EPA HQ, Chair

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Rob Lischinsky, EPA HQ, Air Compliance

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Ron Rutherford, EPA HQ, Air Enforcement

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Arnie Leriche, EPA HQ, Public Access

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Lisa Holscher, EPA Region 5

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Laurie Kral, EPA Region 10

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Stephen Ours, State Member  
Delaware Department of Natural Resources  
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Pat Rayne, State Member  
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Denise Prunier, State Member  
New York State Department of Environmental  
Conservation

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William Baumann, State Member  
Wisconsin Department of Natural Resources

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Martha Makhholm, State Member  
Wisconsin Department of Natural Resources

Ms. Cote does not want to sign the document, as it recommends additional data requirements for reporting of violations.

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Deborah Parrish, Local Agency Member  
Memphis/Shelby County Health Department

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Chris Cote, Local Agency Member  
Ventura County Air Pollution Control District

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Ken Mangelsdorf, Local Agency Member  
South Coast Air Quality Management District

## WORKGROUP PROCESS

The AFS Modernization Workgroup was first created during the 2004 National AFS Workshop in Portland, OR, where sixteen individuals from different state and local agencies volunteered to work with EPA on the mechanics of modernization. A Charter for the group was compiled in September 2004 with the following goals (see Appendix 1):

- ❖ Establish an agreed upon set of relationships among CAA compliance and enforcement program activities, information needed to support these activities, and the technology(ies) required to support the activities.
- ❖ Define the flow of data from its source into an information system.
- ❖ Establish a method for measuring and enhancing the quality and usefulness of the needed information.
- ❖ Improve data quality, accessibility and usability for all stake-holders.
- ❖ Ensure that outputs from this workgroup's effort coordinate with the ICIS phase 3 project that seeks to incorporate AFS into ICIS.

The workgroup was culled down to equal members from EPA and from state/local agencies.

Workgroup members as of December 2006 were:

Name	Agency
Betsy Metcalf	EPA Member and Chair, EPA HQ
Lisa Holscher	EPA Member, Region 5
Laurie Kral	EPA Member, Region 10
Rob Lischinsky	EPA Member, Air Compliance
Ron Rutherford	EPA Member, Air Enforcement
Arnie Leriche	EPA Member, IDEA/OTIS/ECHO
Pat Rayne	State Member, Idaho
Denise Prunier and Bob Waterfall	State Members, New York
Stephen Ours	State Member, Delaware
William Baumann and Martha Makhholm	State Member, Wisconsin
Chris Cote	Local Member, Ventura County, CA
Deborah Parrish	Local Member, Memphis, TN
Ken Mangelsdorf	Local Member, South Coast Air Quality Management District, CA

Original members of the Workgroup included Jake Duplessie of Idaho as the State/Local Agency Co-Chair and David Finlayson of New York. Jake Duplessie of Idaho left the group and was not replaced, however, Pat Rayne continued working with group. Later in the process new members from the State of California were brought in: Ken Mangelsdorf from the South Coast Air Quality Management District (Los Angeles), CA. Debbie Goodwin left the OECA office shortly after the formation of the group, and Betsy Metcalf took on the responsibilities of Workgroup Facilitator and Chair.

The group was kept to a size that was considered manageable and equitable, and the state and local volunteers not selected for the workgroup were asked to function as consultants for review of workgroup efforts.

Meetings started in December 2004. The workgroup met approximately 33 times, producing minutes with recommendations for the modernization process. The workgroup produced a point paper for the Air Enforcement Managers in December 2005 (see Appendix 3) requesting clarification and guidance on a number of discussion points that included air program and air program pollutant relationships. The workgroup provided presentations at the National AFS Workshops in 2005 and 2006 (see Appendices 2 and 5), and also provided a paper outlining issues to the AFS Compliance Managers concerning Title V Annual Compliance Certification Issues in April, 2006 (see Appendix 4). This report comprises the multitude of recommendations and requirements discussed by the workgroup. It is estimated that the entire effort undertaken by the workgroup from September 2004 to the present is approximately 740 hours.

The Workgroup used the Charter and the Needs Analysis of 2002 as a base for discussion. The Needs Analysis compiled the programmatic needs of the Clean Air Act compliance and enforcement programs, listed all requirements gathered from EPA HQ, Region, and State and Local Agencies. This report indicated that no new data was needed, rather a change of technology and resolution of issues causing problems for AFS users since its inception in 1990: Elimination of the air program/air program pollutant relationship, and improvement to the compliance status reporting process in AFS. The workgroup assumed that all needs from the analysis were current and all workgroup products would build upon those recommendations.

Also used for base and recommendation for suggested fields were the EPA Data Standards, a set of sharable standards compiled via a collaborative effort with the Environmental Data Standards Council (EDSC). These data standards can be found at:

[http://iaspub.epa.gov/edr/epastd\\$.startup#1](http://iaspub.epa.gov/edr/epastd$.startup#1)

The AFS Business Rules were used as the basis for current reporting policy. Also studied was the compliance/enforcement reporting process in the Permit Compliance System (PCS) and the Resource Conservation Recovery Act (RCRA) RCRAInfo system. These systems were reviewed to identify like processes and possible inspiration for improvement of data flow.

Workgroup assumptions for programmatic need were gleaned from either the Needs Analysis, Data Standards, AFS Business Rules, or existing EPA Policy. The Workgroup started discussion around reporting issues resulting in under-reporting and poor data quality. The Workgroup identified recommendations and suggested additional data elements that would provide more value to the data collected without adding additional burden to users.

ABOUT THIS DOCUMENT: Workgroup recommendations and requirements are organized into the following sections:

- Workgroup Outputs
- Facility Information
- Air Programs and Air Program Pollutants



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- Compliance Status
- Compliance Monitoring Strategy
- Compliance Monitoring Activities
- Enforcement Actions
- High Priority Violations
- Title V Annual Compliance Certifications
- Title V Permit Data
- Portable Sources

The Workgroup Outputs section identifies the documents and presentations completed by the workgroup. The following sections identify the assumptions used by the Workgroup, its recommendations, and any additional data fields identified for modernization of AFS.

Appendices include:

- Appendix 1: Workgroup Charter
- Appendix 2: Presentation 2005
- Appendix 3: Point Paper
- Appendix 4: Title V Issues
- Appendix 5: Presentation 2006
- Appendix 6: Definitions of Acronyms and Terms Used in this Document

## WORKGROUP OUTPUTS

The Workgroup's task of reviewing existing documentation and outstanding AFS issues was at first daunting. The sheer volume of information for review and years of dissatisfaction with the performance of the system required the group to formulate a plan for review of subjects. The Workgroup would review the system by the following areas:

- Compliance Status Reporting
- Title V Reporting Issues
- High Priority Violator Issues
- Other EPA Media Systems
- AFS Files: Facility, Air Program, Air Program Pollutants, Enforcement Actions, Compliance Monitoring Strategy, Compliance Monitoring Activities, Portable Sources, Continuous Emission Monitoring (CEM) Data

The first area selected for review was Compliance Status. Workgroup members compiled several ideas for the automation of the compliance status. These ideas were taken to the AFS Community for discussion in July 2005 at the AFS 2005 National Workshop in Pittsburgh, PA. Presentations for the national workshop are found in **Appendix 2**.

The AFS Community was well in favor of automating the reporting of compliance status in any way possible, as long as overall burden is not increased. The Community also indicated that the air program/air program pollutant reporting structure was outdated and needed to go. This prompted the Workgroup to begin work on a paper to EPA managers asking for the discontinuation of the reporting relationship in a modernized AFS, with requests to allow tracking compliance by physical compliance with the regulations instead of the enforcement process where noncompliance is assumed until violation resolution. This point paper can be found in **Appendix 3**. The Workgroup was advised that the reporting relationship could be discontinued, compliance status by pollutant was still necessary, fields to track physical compliance were approved but the air program definition of compliance was still to track a violation through the enforcement process.

The Workgroup continued its review of the AFS and moved on to issues surrounding Title V tracking. Recommendations were compiled for the tracking of Title V permit and Annual Compliance Certifications (ACCs). These recommendations can be found in **Appendix 4**.

The Workgroup continued work reviewing the remaining structure of AFS, compiling recommendations. As the 2006 national workshop approached, the recommendations made by the Workgroup were consolidated into Discussion Guides for the AFS Community. These guides were compiled to facilitate discussion in identifying the top ten needs of the program during modernization. The guides consolidated key Workgroup and Needs Analysis recommendations and directed the community to isolate their top ten requirements. These requirements would be used as key for upcoming modernization requirements and design work. The discussion sessions were distributed between three topics: Enforcement Tracking, Compliance Monitoring Tracking, and Facility Information. The Discussion Guides can be found in **Appendix 5**.

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Results from the three groups were surprisingly similar:

Enforcement Tracking Discussion Group Top Ten Results: [Note: This group came up with more than 10 requirements, and all are listed here.]

- 1 TRACK SUPPLEMENTAL ENFORCEMENT PROJECTS (SEPs)
- 2 TRACK PHYSICAL COMPLIANCE
- 3 START/END DATES OF VIOLATIONS
- 4 IDENTIFY SOURCE OF VIOLATION
- 5 LINK ACTIVITIES
- 6 PROVIDE AN ENFORCEMENT HISTORY
- 7 POLLUTANT IDENTIFICATION PER VIOLATION
- 8 LINK COMPLIANCE STATUS TO VIOLATION
- 9 PENALTY TRACKING—ALL TYPES
- 10 CHARACTERIZE NONCOMPLIANCE (EMISSIONS VIOLATION, REPORTING VIOLATION, ETC.)
- 11 DO NOT LUMP HPVS INTO ONE PER MONTH
- 12 TRACK NON-HPV VIOLATIONS
- 13 TRACK REGULATION CITATION FOR VIOLATIONS
- 14 TRACK PLANNED ACTIONS
- 15 TRACK INJUNCTIVE RELIEF
- 16 TRACK “APPROPRIATENESS” OF ADDRESSING ACTIONS

Compliance Monitoring Tracking Discussion Group Top Nine Results:

- 1 EXISTING COMPLIANCE MONITORING MDRs SHOULD BE MAINTAINED.
- 2 COMPANY/OWNER NAME AND OWNERSHIP HISTORY
- 3 START/END DATE OF VIOLATIONS
- 4 LINK COMPLIANCE ACTIVITIES TO HPV TRACKING
- 5 LINK COMPLIANCE STATUS TO VIOLATIONS/VIOLATORS
- 6 IDENTIFY TYPE/CATEGORY OF VIOLATIONS
- 7 LINK COMPLIANCE ACTIVITIES TO POLLUTANTS
- 8 IDENTIFY BASIS FOR DETERMINING VIOLATIONS
- 9 IDENTIFY/TRACK REGULATORY PROVISIONS AND PERMIT REGULATIONS

Functionality Discussion Group Top Eight Results:

- 1 MODERN QUERY TOOLS AND REPORTING
- 2 INCORPORATING XML FOR IMPORT AND EXPORT
- 3 UPDATE UNIVERSAL INTERFACE OR REPLACE WITH/INCLUDE BATCH UPLOAD CAPABILITIES
- 4 ABILITY TO TRACK HISTORICAL OWNERSHIP AND NAME CHANGES
- 5 ABILITY TO TRACK RECEIVE AND EXPORT TRANSACTION HISTORY
- 6 ABILITY TO MAINTAIN LINKAGES TO STATES SYSTEMS WITH STATE IDS AND REGULATIONS NUMBERS.

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- 7 ONLINE DOCUMENTATION, TRAINING AND HELP
- 8 LINKS TO OTHER DATABASES SUCH AS NEI, TRI, FRS

## FACILITY INFORMATION

### ASSUMPTIONS GIVEN TO THE WORKGROUP:

- All fields would need to comply with the EPA Data Standards.
- FRS IDs would be present in the data.
- Current MDRs are not expected to change with the exception of expansion of fields to meet EPA Data Standards:
  - Plant Name
  - Street Address
  - City, State, ZIP
  - Standard Industrial Code (SIC) –or
  - North American Industrial Code System (NAICS) Code
  - Governmental Facility Code
  - Tribal Identifiers (new field to be populated by EPA)

### RECOMMENDATIONS:

The Workgroup thought that a modernized AFS could provide the user with more background information on a facility without increasing any of the MDRs.

- Latitude/Longitude fields should be made available for optional reporting, or can be loaded in AFS via a linkage with the Federal Registry System (FRS), the Office of Air Quality Planning and Standards (OAQPS) or other acceptable data sources.
- Multiple Contact Names with phone and email address fields should be provided (optional reporting).
- Space should be provided for a reporting agency to provide a link to a permit (optional reporting).
- State/Local Agency system ID references should be maintained.
- Local Control Region should be mandatory for Local Agencies.
- Space for Owner/Operating Name and Address should be available (optional reporting).

### ADDITIONAL RECOMMENDED **OPTIONAL** FIELDS FOR AFS:

- Latitude/Longitude fields
- Multiple Contact Names, addresses, email addresses
- Permit URLs/links
- Owner/Operating Name and address.

## AIR PROGRAMS AND AIR PROGRAM POLLUTANTS

### ASSUMPTIONS GIVEN TO THE WORKGROUP:

- Air Programs are required to track applicable Clean Air Act initiatives.
- Compliance Status by pollutant is required.
- MDRs for Air Programs would remain: applicable Air Program Code(s), Operating Status. MDRs for Air Program Pollutants would remain: Classification, Attainment, Compliance Status.
- The workgroup compiled a briefing paper for the Air Enforcement Managers for review and approval concerning the relationship between air program and air program pollutants and the reporting requirements of compliance status (physical compliance versus compliance plus enforcement tracking). The Managers provided the following approvals on December 14, 2005:
  - AFS Compliance Status should be generated by actions.
  - AFS can provide fields for physical compliance start and stop dates as optional data.
  - AFS needs to provide a compliance status by pollutant.
  - Compliance Status is defined as physical compliance plus enforcement case tracking, as outlined in the HPV policy.
  - Discontinue the reporting relationship between air program and air program pollutants.

### RECOMMENDATIONS:

- The relationship between Air Programs and Air Program Pollutants should be discontinued in a modernized AFS.
- Applicable air programs should be maintained in a table in a modernized AFS, with the ability to track when a program is first applicable and also shut down as optional reporting.
- Attainment/Nonattainment fields should be automatically populated and not required as a reportable field.
- Subpart fields should also have the ability to track applicability date and shutdown as optional fields.
- Air Programs should not be mandatory for all action records (although a pollutant should be required if a violation is reported). It is recommended that air programs in action records be reported for stack tests and enforcement actions.
- Air Program fields should have the ability to track State/Local Agency regulation references (optional data).
- Air Program Pollutant Compliance Status would be populated via action records.
- Air Program Pollutants would be discontinued, replaced by a plant level table of applicable pollutants with class and populated compliance status and attainment.
- Pollutant threshold records should be provided as optional data.

The Workgroup was very concerned that the awkward reporting situation where individual Air Program Pollutants are tracked by Air Program be discontinued. None of the State/Local Agency workgroup members track information in this way. Any workgroup discussions concerning the Air Program and Air Program Pollutants would be dependent on EPA's decision to eliminate the

relationships between these two fields. The Workgroup prepared a briefing paper for the Air Enforcement Managers requesting that the reporting relationships be discontinued in a modernized AFS (See Appendix 3). During the Air Enforcement Managers Meeting of December 2005, the decision was made that a modernized AFS not require the structured reporting of all applicable air program pollutants. The modernized system will be allowed to identify all applicable air programs, and all applicable pollutants in a separate table. Additionally, individual air program pollutant compliance status would need to be maintained, as it would be reported through action activity with violating pollutants reported in the actions.

ADDITIONAL RECOMMENDED **OPTIONAL** FIELDS FOR AFS:

- Air Program Applicability Date
- Air Program Shutdown Date
- Air Program Subpart Applicability Date
- Air Program Subpart Shutdown Date
- State/Local Agency Regulations
- Pollutant emission limits.

DISCONTINUED DATA REPORTING:

- **Air Program Pollutants with all pollutant data maintained at a source level.**

## COMPLIANCE STATUS

### ASSUMPTIONS GIVEN TO THE WORKGROUP:

- A Compliance Status for each source is required, shall be reported at the plant level of AFS, and shall be maintained by POLLUTANT. Current MDRs include an air program pollutant compliance status which is “bubbled up” to the plant level of AFS.
- Noncompliance is tracked in AFS not by physical occurrence of the violation (emission/violation start and stop) but tracked by the duration of the enforcement process. The Air program uses the definition of compliance taken from the HPV guidance of 1999: *“In Compliance means all Federal and State administrative and judicial action against the source is complete and the source has been confirmed to be complying with the CAA. This term, as it is used in the HPV Policy, refers to a source being in compliance with all aspects of CAA requirements, not simply their emission limit.”* For example: a source is found to have violated its schedule of reporting of Title V Annual Compliance Certifications and is defined as a High Priority Violator (HPV). A Day Zero is set, an action pathway established in AFS with an HPV flag assigned, and the compliance status value set to “violation”. The source is considered to be in violation (or meeting a compliance schedule) until the enforcement action is resolved.
- Start and Stop Dates of a violation are not included in the Minimum Data Requirement (MDR) data set. If modernization calls for the collection of this data, it is to be considered optional data until an Information Collection Request (ICR) validates the requirement for the information.
- The workgroup compiled a briefing paper (see Appendix 3) for the Air Enforcement Managers for review and approval concerning the relationship between air program and air program pollutants and the reporting requirements of compliance status (physical compliance versus enforcement case tracking). The Managers provided the following approvals on December 14, 2005:
  - AFS Compliance Status should be generated by actions.
  - AFS can provide fields for physical compliance start and stop dates as optional data. This data should be shared with the Enforcement Compliance History Online (ECHO) in order to be viewed by the general public.
  - AFS needs to provide a compliance status by pollutant.
  - Compliance Status definition comes from the 1999 HPV Policy, applicable to instances regardless of HPV status.
  - Discontinue the reporting relationship between air program and air program pollutants.

### RECOMMENDATIONS:

From the very first meetings in December 2004, Compliance Status issues have surfaced. Current practices in AFS require tracking at the Air Program Pollutant level. Each pollutant can be associated with multiple air programs, and can have multiple compliance statuses. These statuses all “bubble-up” to the Plant Level of AFS where a default compliance status is created. For each situation of noncompliance, the compliance status fields of AFS must be updated. Compliance status within AFS is usually inaccurate and not maintained in many agencies. Many agencies do not maintain records on



individual pollutant compliance, and some don't maintain a compliance status at all. Records exist in AFS but are not maintained.

The workgroup immediately set to work putting together ideas for the automation of the status. These ideas were presented to the AFS Community at the AFS 2005 National Workshop in Pittsburgh, PA by members David Finlayson (NY), Chris Cote (Ventura County, CA), and Stephen Ours (DE). These suggestions for "stacking" compliance status and generation of automated status are found in Appendix 2.

This topic, by far, has generated more discussion than any other undertaken by the workgroup. The workgroup recommends that Compliance Status fields in AFS:

- Should be streamlined to the following values:
  - In Compliance
  - Unknown-User Supplied
  - Unknown-Automatically Generated by CMS fields
  - In Violation
  - Compliance Monitoring-Tracking Violation, In compliance with physical requirements
- Should automatically be triggered by a noncompliance situation from defined minimally reportable National Action Types;
- Should automatically revert to compliance when a violation situation has ended;
- Should define the pollutant involved in the violation situation;
- Have the ability to track physical compliance as well as enforcement program compliance (as optional data);
- Have the ability to track violations from multiple situations at once. For example: A source may be listed with an automatic unknown compliance status because an FCE has not been completed within its targeted frequency, but also may be listed in violation due to an HPV pathway. For example: A compliance status summary in a modernized system could provide the following information:

<b>XYZ REFINERY</b>		<b>DEFAULT COMPLIANCE STATUS: IN VIOLATION</b>	
ACTION	DATE OF STATUS	POLLUTANT	STATUS
HPV PATHWAY	2006/10/15	SO2	IN VIOL
STACK TEST	2006/10/15	SO2	IN VIOL
FCE	2007/01/26		UNKNOWN-GEN

- Provide the flexibility of override of automated values.
- Noncompliance episodes should be defined by start and stop date, pollutant(s) involved, and where feasible, reason for violation. Start and stop dates may be defined by action (such as a stop date can be defined by the HPV Resolution Date). Start and stop dates can be defined by the Date Achieved field of the reporting action and the information provided in a results code field.
- Be generated from information currently reported by Results Codes. Current results codes identify basic concepts: Compliance, violation, unknown status. Reported results can be a draw-down table of compliance status values. Violation status can be designed into the reporting on this and other compliance monitoring/enforcement actions.

- Historic compliance status needs to reflect the worst case scenario of the month/quarter represented instead of the present day practice of capturing the compliance status on the first Friday of each month for the previous month. [Note: AFS is currently evaluating the effort needed to update the current version of AFS to provide this information.]
- Compliance monitoring activities such as FCEs, PCEs, Stack Tests, Title V Annual Compliance Certifications (ACCs) and Investigations are usually the means of discovery of violation. AFS should have tracking capabilities to start a noncompliance episode and track it from discovery to resolution.
- Title V ACCs will only generate noncompliance if the certification is received late or is incomplete. The status generated would be "Ongoing Paperwork, Recordkeeping, or Reporting Violations". Other violations that may be reported by the certification will require follow-up evaluation or investigation by the receiving agency, and as such, noncompliance will be reported via other compliance monitoring activities, such as PCEs.
- A modernized AFS should create a Compliance Status record that "bubbles up" worst-case scenario compliance values and provides the user with the activity that defines the violation.

The Workgroup is most concerned with adding any reporting burden for users. Automatic generation of compliance status will require more information in the action record such as a violation indicator, date fields for violation start and stop date, pollutants involved with the action, and an action to return to compliance. Many AFS users report a Results Code on reported actions, and this information is used to indicate violation in some action types. Addition of a violation indicator is not considered to be a burden addition, as the results code currently reported by the majority of AFS users can be used for this indicator. Adding dates of noncompliance stop to non-HPV transactions will add burden, as well as ensuring each pollutant involved with the activity is listed.

Setting up an automated compliance status will require the user to create a relationship between these records, in and of itself an added burden to the user. It is anticipated that this added burden will be offset by the reduction of time required to maintain air program pollutant compliance records. An example of violation tracking could resemble this:

#### Violation Tracking in a Modernized AFS

1. An FCE identifies an emissions violation at a source. The FCE is entered into AFS with a results code indicating violation.
2. Once a violation results code is entered into the system, the user is required to provide a pollutant and can provide a start date and definition of the violation, or use the Date Achieved field of the action record to document the start date. If an agency keeps an enforcement case number, it can be maintained here. NOTE: Relationships can be maintained by an action transaction number generated by the system or a provided enforcement case number.
3. AFS triggers a noncompliance record for the plant, recording a violation and its origin to a history record.
4. If the violation is identified as a HPV, HPV tracking will be able to track compliance status throughout the process until resolution. If the violation does not become an HPV, the user will have to submit an additional action to indicate when compliance has been achieved. This action will have to have some sort of relationship with the originating action, by a transaction number

or enforcement case number. Alternatively, the user could enter the action which first identifies the violation and indicate a “stop date” to close the violation.

State members of the workgroup are concerned about the differences in “Return to Compliance” between the CWA, RCRA, and the CAA. When a source is identified as a High Priority Violator in the Air Program, that source is considered to be in violation until resolution. In both the RCRA and CWA programs, a source with a pending “Significant Violation” or “SNC” can be listed in compliance when the violation ceases, and compliance status is not tied into the enforcement action tracking as in the Air Program. EPA members of the group indicated that the requirements of the Air Program differ from the other media and cannot be compared as like programs. The following table identifies the differences in compliance status by program system:

<b>Violation Activity</b>	<b>CAA (AFS)</b>	<b>CWA (ICIS or NPDES)</b>	<b>RCRA (RCRAInfo)</b>
<b>Violation Discovery</b>	Violation	Violation	Violation
<b>Addressing Action</b>	Violation or Meeting Schedule	Compliance	Violation or Compliance
<b>Resolving Action</b>	Compliance	Compliance	Compliance

EPA should be sensitive to this perceived inequity in the Air Program, especially because the data from all three media programs is provided to the general public in one database—the Enforcement Compliance History Online system (ECHO). Although the enforcement process between each media is basically the same, the amount of time a source with an air violation remains in a noncompliant state can be much longer than in the hazardous waste or water programs.

**ADDITIONAL RECOMMENDED FIELDS FOR AFS:**

- Clarified streamlined Compliance Status Values
- Start and Stop Dates for violation tracking
- Optional Investigation/Enforcement Case Tracking Number
- Violation Definition—reason for violation (optional data)
- Optional Physical Violation Start and End Date fields

## COMPLIANCE MONITORING STRATEGY (CMS)

### ASSUMPTIONS GIVEN TO THE WORKGROUP:

- No changes to the CMS Policy are foreseen other than the clarifications that have already been distributed:
  - Fiscal Year vs. Calendar Year generation of the automatic unknown compliance status.
  - 2005 Information Collection Request (ICR) reporting within 60 days of the activity.
  - Generation of automatic unknown compliance status is delay for 60 days past the end of the fiscal year to provide adequate reporting time.
  - New “Pending” code provided for stack test results to insure timely reporting.
  - Negotiated PCEs taking the place of FCEs are considered a reportable data element.
  - PCEs that serve as the Discovery Date in an HPV pathway are considered a reportable data element.
  - MDRs consist of: CMS Category, CMS Frequency. AFS provides the ability to track what year within a five-year span an evaluation will be held and what type (on- or off-site) evaluation will be completed (optional data).
  - The system should continue to generate an unknown compliance status if a source has not been evaluated during its negotiated frequency. The system also maintains a record of when a source enters into the CMS.

### RECOMMENDATIONS:

The CMS Policy requires that agencies prioritize their evaluation strategies based on universe size. Agencies are required to categorize their universe of sources between Class A, Mega Sources, and Synthetic Minor Sources emitting at 80% of the major threshold. A category of “Other” has also been established to allow negotiation of evaluation of sources other than major or synthetic minor sources. The Workgroup indicated that issues arise over clashes between the CMS Category and source classification. It is also observed that EPA evaluations are interchanging analysis of “SM 80” (synthetic minor sources emitting at 80% of a pollutant’s major threshold) with major, or historically Class A sources (reference State and Federal FCE Coverage at Major and SM Sources-annual OC reporting). The workgroup recommends:

- EPA decides if AFS classifications should be expanded to include “SM 80” as a value.
- EPA retrievals and analysis be consistent with the use of CMS categories in analysis.
- Users should be able to update CMS categories as source classification changes.

### ADDITIONAL RECOMMENDED FIELDS FOR AFS:

- System-generated historic records of CMS values.

## COMPLIANCE MONITORING ACTIVITIES

NOTE: Compliance Monitoring Activities are those actions defined as pre-enforcement activities designed to monitor source performance and adherence with the Clean Air Act. In AFS, these activities are defined as:

- Full Compliance Evaluations (FCEs)
- Partial Compliance Evaluations (PCEs)
- Stack (Performance) Tests
- Investigations and
- Title V Annual Compliance Certifications (ACCs).

These activities constitute the basic oversight of an agency at an air stationary source.

### ASSUMPTIONS GIVEN TO THE WORKGROUP:

- MDRs for Compliance Monitoring activities is expected to include PCE reporting and Stack Test pollutant in the modernized AFS. No other additions to MDRs are expected.

### RECOMMENDATIONS:

- Compliance Monitoring activities should have the ability to generate a Compliance Status.
- Compliance Status should be generated from information currently provided by the Results Code field.
- Users should have a menu of Compliance Monitoring activities to choose from. Browse features of the system should provide pull-down menus of historic activity for review.
- Air Programs should not be mandatory for reporting in these actions (with the exception of Stack Tests). Optional fields should be available for specifying air program codes for Investigations and PCEs.
- Stack Test records should provide a field for indicating what stack was tested (optional data).
- Stack Test records should provide the ability to list all tested pollutants within one record, negating the current practice of reporting the stack test multiple times for each pollutant. Additionally, a separate compliance status results code should be available for each pollutant.
- These records should contain a field providing an investigation or enforcement case number (optional reporting).
- Current action fields should be continued with the exception of penalty fields for these actions.
- Agencies should have the flexibility of defining a new compliance monitoring activity as identified.

### ADDITIONAL RECOMMENDED FIELDS FOR AFS:

- Optional Investigation/Enforcement Case Number
- Multiple pollutant records available when reporting stack tests.

## ENFORCEMENT ACTIONS

### ASSUMPTIONS GIVEN TO THE WORKGROUP:

- Currently reportable are all administrative orders, consent decrees, civil or criminal referrals, civil or criminal actions, and any formal enforcement action. Assessed cash penalties are to be reported. No new MDRs are considered at this time.
- All enforcement actions are required to be reported to AFS regardless of HPV significance.

### RECOMMENDATIONS:

Discussions concerning reporting of enforcement activity in AFS centered mainly on the lack of consistency across the Regions in reporting actions. AFS enforcement data defines what was done and when, but does not define what the violation was. Penalty data and hybrid Notices of Violation appeared to be the biggest challenges faced by agencies when reporting enforcement activity.

Penalty data is relegated to assessed cash penalty in the current AFS. MDRs require the reporting of any formal enforcement action, however, many agencies are combining Notices of Violation with proposed penalties resulting in a hybrid administrative order action that was not used when AFS was designed in 1990. All participating state/local agency members noted that a version of this type of enforcement action was used in their agency. Review of data showed numerous Notice of Violation actions across the country with reported penalties. This issue was referred to the Air Enforcement Division for action. Resulting from this identified issue, the AFS Business Rules were amended to address the issue, and an announcement was made at the National AFS Workshop in Pittsburgh, PA in July 2005:

**“A notice of violation (NOV) sent by EPA or the State/Local Agency informing a source that a violation by the authority granted by Section 113 of the Clean Air Act as amended in 1990, or similar State authority for a violation of the Clean Air Act has occurred. An NOV is considered an informal enforcement action. No penalty is applied to a Notice of Violation. **If an agency has a Stipulated Penalty Demand Letter, or an NOV with a proposed penalty, then both the NOV and the Administrative Order with Penalty action types should be reported.**”--AFS Business Rules, Section C6**

Penalty data is another reporting issue in AFS. MDRs require the reporting of an enforcement action, but only assessed cash penalties are reportable to AFS. Many actions are reported at the time an agency director signs the document. Many times a penalty is mitigated or stipulated as a future penalty in the case of noncompliance. There are no MDRs for the collection of stipulated penalties, nor the reporting of mitigated penalties. The data in AFS should reflect assessed cash penalties and should not reflect Supplemental Environmental Projects (SEPs) or any other injunctive relief. The workgroup thought that fields for other types of penalties should be present in a new modernized system as optional data.

Also discussed was the tracking of activities and violations that are currently not reported to AFS due to the fact that sources are not major, do not meet the HPV requirements or violate state/local

agency requirements only. These issues indicate that the current guidance available for the reporting of enforcement activity is not clear and convincing for AFS users. The AFS program will be undergoing a complete review of enforcement action definitions with recommendations for changes/improvements to be presented to the Air Enforcement Managers for review and approval during FY07.

Workgroup recommendations are:

- Clarification of enforcement action definitions.
- Expansion of penalty fields to include draft, assessed, collected, stipulated, and final penalties (optional data with the exception of assessed penalties).
- Provide a field to define the violation (optional data).

ADDITIONAL RECOMMENDED FIELDS FOR AFS:

- Expansion of penalty fields to include draft, assessed, collected, stipulated, and final penalties (optional data with the exception of assessed penalties).
- Violation definition (optional data).

## HIGH PRIORITY VIOLATIONS (HPVs)

### ASSUMPTIONS GIVEN TO THE WORKGROUP:

- No changes in the MDRs for HPVs are expected.
- HPV MDRs include: Date of Discovery and Discovery Action Type, Day Zero, Violating Pollutants, Violation Type Code, Addressing Action, Resolution Action and action linking in AFS.

### RECOMMENDATIONS:

The workgroup would like to see a streamlined approach to managing HPV pathways. AFS maintains a relationship between records using action linkage, it is thought that an enforcement case number could simplify the tracking especially for users reporting via a batch method.

Workgroup members want to see a modernized AFS produce the compliance status from the HPV pathway records:

Unaddressed: In Violation

Addressed: Tracking Violation, in Compliance with Physical Requirements OR In Violation

Resolved: Returned to Compliance

Workgroup discussions indicated that a pathway in AFS should be not resolved until addressed, thus pointing out a weakness in the HPV logic where a pathway can bypass addressing with the linkage of a resolution action. Since this discussion the AFS logic has been updated to disallow the addition of resolution actions until an addressing action has been added.

#### Additional Workgroup recommendations:

- Ability to use an enforcement case number instead of using the AFS Action Number as key action (optional).
- Automated compliance status generation from HPV records.
- No resolution without addressing actions (completed May 2006).

### ADDITIONAL RECOMMENDED FIELDS FOR AFS:

- Optional User Supplied HPV Case Number (investigation/enforcement case tracking).
- Ability to indicate violation or meeting a compliance schedule (physical compliance) for compliance status when addressed.



## TITLE V ANNUAL COMPLIANCE CERTIFICATIONS (ACCs)

### ASSUMPTIONS GIVEN TO THE WORKGROUP:

- Permit Program Data Elements (PPDEs) are optional data in AFS. Title V Universe size cannot be validated by use of these fields.
- There is little to no official guidance on the population of the results code field for ACCs, which reflects the compliance status of the certification.

### RECOMMENDATIONS:

Due to the fact that little to no guidance exists for the data entry of the ACCs in AFS, the workgroup recommends that policy for evaluating status on continuous or intermittent compliance status be generated. As ACCs cover a 12-month period of compliance, group consensus was that historic compliance from the certification should not change overall plant compliance. Noncompliance from the Title V ACC action should be limited to reporting noncompliance with the reporting process only (for example late or incomplete submissions), not for generating noncompliance based on other noncompliance reasons. A certification may include a violation that has already been reported or addressed in previously reported compliance monitoring or enforcement actions, or a certification may report a violation that is previously unknown to the agency. In either case, additional investigation or evaluation will be completed by the receiving agency concerning the noncompliance, resulting in a more accurate compliance determination via an appropriate compliance monitoring activity. The workgroup surmised that too much detail would be needed to generate a compliance value from the reported status from the certification, resulting in additional burden and user confusion.

A summary of the workgroup's findings are:

- EPA needs to create guidance for users on the reporting of Title V ACC data. Specific issues for reporting include the population of the results code field for ACCs to reflect compliance status, how revisions or resubmissions of ACCs should be handled, reporting of ANNUAL versus SEMI-ANNUAL reports, and how multiple reviews completed in one year should be handled.
- If EPA would like information on continuous and intermittent compliance data from the ACC in this action, clear guidance should be provided.
- If recommendations for the automation of Compliance Status are undertaken, then the ACC action would result in a change to overall plant compliance status where a late or incomplete certification was submitted. The user currently provides a Results Code of "In Compliance", "In Violation", or "Unknown Compliance". It is recommended that these results be limited to:
  - In Compliance
  - In Compliance with Reported Deviations
  - In Violation
  - Unknown-User Supplied

It is recommended that the results for "In Violation" be limited to late or incomplete submissions. See Appendix 6 for definitions of late or incomplete submissions.

- Deviations are currently reported in the RDE8 field. This field either reflects the number of deviations reported, or a Yes/No indicator that deviations are present. As per the information provided in 40 CFR Parts 70 and 71 of Friday, June 27, 2003 (Part 70.6), deviations are reported

as part of Intermittent compliance. Unless EPA makes the designation of continuous or intermittent compliance a mandatory field, continued reporting of deviations does not add any value to the data and should be discontinued.

- The Permit Number should be provided in the action record to delineate what permit was reviewed, as optional information. Many states are reporting multiple Title V permits per source.
- The ACC should contain the identification of the year of review, as either a four-digit year or a date range as optional information.
- Current requirements have the Due Date and Received Date, and Review Date coming from different actions in AFS. It is recommended that all of these dates be consolidated into one transaction in a modernized AFS for State or EPA reporting. The ACC record should contain the following fields:
  - Date Due
  - Date Received
  - Date Review
  - Review Compliance (see above for values)
  - Year or Date Range of Review (optional data)
  - Permit Number (optional data)
  - Continuous and Intermittent Compliance Status check boxes (optional data)
  - Comments
- Browsing the modernized system should provide the user with a pull-down menu of available ACCs to review.

ADDITIONAL RECOMMENDED FIELDS FOR AFS:

- Structure Change: All State or EPA MDR requirements in one transaction (Due Date, Received, Reviewed).
- Optional Data: Permit Number
- Optional Data: Year of Review (date range or calendar year)
- Optional Data: Continuous and Intermittent Compliance Status indicator.

DISCONTINUED DATA REPORTING:

- Deviation Reporting.

## TITLE V PERMIT DATA

### ASSUMPTIONS GIVEN TO THE WORKGROUP:

Permit Program Data Elements (PPDEs) are optional data in AFS. Title V Universe size cannot be validated by use of these fields.

### RECOMMENDATIONS:

The Workgroup members confirmed the use of this data (especially Permit Issued) in validation of the Title V Operating Permit universe, but recognize the reporting burden for those agencies not currently reporting the data. It was recommended that a modernized AFS contain fields for reporting this data if desired.

### ADDITIONAL RECOMMENDED **OPTIONAL** FIELDS FOR AFS:

- Permit Number
- Date Issued
- Date Expires
- Date Annual Compliance Certifications Due
- Date of Major Modifications
- Comment fields for General Operating Conditions
- Option field to enter a URL for permit file review.

## **APPENDIX 1—WORKGROUP CHARTER**

### **CHARTER FOR AFS MODERNIZATION DESIGN PROCESS**

**September 2004**

#### **OVERALL VISION**

To expedite the modernization of the Air Facility System (AFS) into ICIS in order to facilitate reporting and using air stationary source compliance and enforcement information for EPA, States and Locals who either directly use or submit batch data to AFS.

#### **MODERNIZATION WORKGROUP MISSION**

EPA and the State/Local air compliance and enforcement programs will: assemble the known documented information needs of the CAA stationary source compliance and enforcement program; confirm/modify/refine those needs and document design requirements to address those needs.

#### **Goals**

- Establish an agreed upon set of relationships among CAA compliance and enforcement program activities, information needed to support these activities, and the technology(ies) required to support the activities.
- Define the data source and the flow of data from its source into an information system.
- Establish a method for measuring and enhancing the quality and usefulness of the needed information.
- Improve data quality, accessibility and usability for all stake-holders.
- Ensure that outputs from this workgroups' effort advance the ICIS phase 3 project that seeks to incorporate AFS into ICIS.

#### **OPERATING PRINCIPLES**

**PARTNERSHIP:** Consistent with this Charter, EPA and the States/Locals will work together to establish goals, specific methodologies, roles and responsibilities, outputs/deliverables and schedules for this project.

**CHARTER:** The overall partnership agreement (see item above) for conducting the project is delineated in this Charter. The details will be articulated in a separate work plan created by the workgroup.

**MINIMUM DATA REQUIREMENTS:** States/Locals and EPA will accept the minimum data requirements set forth in the AFS ICR. EPA and the States/Locals also agree to attempt to reach agreement on the basic characteristics for non-required data elements, to facilitate sharing of non-required information among States/Locals and between States/Locals and EPA.

**DATA STANDARDS/DEFINITIONS:** The States/Locals and EPA agree that program and information system definitions must be consistent to promote integration and utility of data. The definitions used in substantive program activities should be standardized and developed directly by program personnel during this project. State/EPA data standards will be adhered to.

**ACCOUNTABILITY/OWNERSHIP/INFORMATION SHARING:** To ensure high quality data, EPA and the States/Locals agree to identify the owner and the users of any data to be collected, and the specific communication and data flow for such data.

**FOCUS ON ENVIRONMENTAL MEASURES:** The States/Locals and EPA recognize the need to move towards environmental measures of program progress, and will incorporate such measures to the greatest degree possible.

**ACCESS:** Clean Air Act compliance and enforcement information must be readily available for use by EPA and States/Locals. Therefore, EPA and the States/Locals agree that access and ease of use should be improved for all stakeholders, including both direct users and those that upload their data from local data systems to AFS.

**IMPLEMENTABILITY:** EPA and the States/Locals will evaluate any technology considered for a national air compliance and enforcement program information system against a set of criteria that reflects user requirements for collecting, integrating and disseminating information. Where the States/Locals or EPA have the capabilities and resources to investigate a proposed new method of collecting and managing information, they should take on that role and provide feedback on the results.

**INTEGRATION WITH OTHER SYSTEMS:** The States/Locals and EPA agree that air compliance and enforcement information should be able to be integrated with other (EPA and non-EPA) information systems to support inter-disciplinary environmental information needs.

**BURDEN REDUCTION:** The States/Locals and EPA will, whenever possible, reduce reporting and record-keeping burdens on those who must provide air compliance and enforcement information.

**FLEXIBILITY/STABILITY BALANCE:** Air compliance and enforcement information technologies will need to be flexible to accommodate the range of technology and information requirements of the air compliance and enforcement program stakeholders: EPA, States/Locals, tribes, industry, community groups, and the public at large. However, EPA and the States/Locals will balance the need for flexibility against the need to provide a reasonable level of stability in an information system.

**COMMON METHODOLOGY:** EPA and the States/Locals will decide on a common glossary of terms to be used throughout this project for ease of understanding.

## **DESCRIPTION OF PROJECT**

### **PROJECT PLANNING**

The Modernization Workgroup project plan and schedule will be jointly determined at the outset. EPA and the States/Locals commit to meeting the agreed upon schedule, and to provide the necessary resources.

### **STRUCTURE**

The Modernization Workgroup will be directed by a team composed of representatives from the States/Locals, and EPA (headquarters and regions). EPA and the States/Locals will each appoint a co-chair. Co-chairs will be responsible for coordination, administrative functions, and organizing sessions/conference calls.

### **DECISION MAKING**

The States/Locals and EPA will strive to reach agreement to the maximum extent possible, and commit to resolving all issues, no matter how difficult, by consensus. Absent an agreed-upon consensus, the States/Locals and EPA will apply a "can you live with it" approach to any unresolved issues. EPA and the States/Locals agree to support and implement any final decision reached either by consensus.

## APPENDIX 2—AFS MODERNIZATION PRESENTATIONS at AFS 2005

AFS National Workshop, July 12-14, 2005, Pittsburg, PA

# AFS Modernization Workgroup

AFS 2005 Workshop = Pittsburgh  
July 14, 2005

David Finlayson NYS\_DEC  
[djfinlay@cw.dec.state.ny.us](mailto:djfinlay@cw.dec.state.ny.us)

## AFS Modernization Workgroup

EPA:

- Region 5: Lisa Holscher
- Region 10: Laurie Kral
- Compliance: Rob Lischinsky
- Database Administration: Betsy Metcalf
- Facilitator: Debbie Goodwin

States:

- Idaho: Jake Duplessie
- New York: David Finlayson
- Wisconsin: Bill Baumann
- Delaware: Stephen Ours

Locals:

- Memphis, TN: Deborah Parrish,
- Ventura County, CA: Chris Cote

### **AFS MODERNIZATION WORKGROUP MISSION**

- Assemble the known documented information needs of the CAA stationary source compliance and enforcement program;
- Confirm/modify/refine those needs and
- Document design requirements that address those needs.

### **Getting Started**

First conference call was held mid-December 2004.

Established the members of the workgroup and methods

Using monthly conference calls as main tool for meeting and discussing the issues and options



### **Integrated Compliance Information System (ICIS)**

**2002: Phase I:** EPA integrated core federal enforcement and compliance data from EPA regions and headquarters:

- Replaced the Enforcement Docket as the system of record for Federal Enforcement Actions
- Compliance Assistance Activity Tracking
- Inspection Conclusion Data Sheet
- Interface with Facility Registry System (FRS)
- Compliance Activity Tracking

**2006: Phase II:** PCS - Expand core enforcement and compliance data to support Clean Water Act (CWA) programmatic needs.

**2007+: Phase III:** ICIS integrate enforcement and compliance data systems for other environmental media (e.g., CAA, toxics, pesticides and waste).

## **We are not starting from scratch**

- **Minimum Data Requirements**
- **Air Compliance and Enforcement Information System Needs Analysis Report**  
Prepared for OECA by Perrin Quarles Associates, Inc. December 2002  
<http://www.4cleanair.org/members/committee/enforce/Compliance-Needs.pdf>
- **Years of input from annual AFS Workshops**
- **National Metrics currently in use**

### **Short list? of items needing attention**

- **Compliance Status Tracking:** Not workable at current Air Program Pollutant level in database
- **Air Program and Air Program Pollutants tracking:** Unmanageable in its current structure
- **Interface with other data bases:** emission inventory data, operating permit data, stack test info, etc.
- **Include Needs Analysis of 2002 items**
- **Easier Interface:** Web based - easily accessible.
- **Streamline HPV Reporting**
- **Burden:** don't increase the burden
- **Translation:** XML schema is needed
- **Tracking Settlement Agreements** not mapped to an air program but mandated by a state order?
- **Attainment Status:** Should be an automated field based on geography

## **Progress?**

Wrestling with Compliance  
Status Tracking

## **ALTERNATIVES FOR REPORTING COMPLIANCE STATUS IN AFS**

- Automatically Generated from Actions
- Track Physical Compliance as well as Enforcement Compliance Statuses
- "Stackable" Compliance Status
- Expansion of existing compliance values
- Track Enforcement History rather than Compliance Status
- Use the HPV tracking process to control Compliance Status
- Some combination of above

## **Automatically Generated from Actions**

- Actions reported would automatically generate a compliance status.
- A start and stop date period would be necessary for any violations.
- Categories of actions would be identified for violation status generation.
- Status would be generated using action type, results, pollutant and possibly a reference to a compliance status type.

### **Physical Compliance and Enforcement Tracking Compliance Statuses**

- Dissatisfaction with the current definition of compliance indicates some desire to differentiate physical compliance of a plant and ongoing enforcement tracking.
- Include dates a plant was actually physically in violation

### **Stackable Compliance Status**

- This option combines generated compliance status from actions and provides a history of activity versus one compliance status value.
- “Stackable” is defined as the ability to “stack” compliance status codes, so that a facility could have two statuses simultaneously.

## Sample Screen of Stackable Compliance

Status	Discovery or Start	Violation Status	Source	Related Activities
Compl	8/12/2004	N/A	FCE	
Unknown	3/8/2004	8/12/2004	CMS Frequency exceeded w/o FCE	
HPV -Ongoing Enforcement Tracking	10/20/2003	4/30/2004	Resolving Action	Administrative Order, HPV Day Zero
HPV-Emission Violation	5/10/2003	10/20/2003	HPV Day Zero	NOV

## Expansion of Existing Compliance Values

- There are currently 18 different compliance status values for users to choose. This option would provide for the expansion of values with guidance on use.
- This option would include the introduction of physical compliance.
- This option would depend upon the compliance status reported in actions or some other structure other than the current air program pollutant record.

### **Enforcement History versus a Compliance Status**

- This option would provide a synopsis of activity (very similar to the Stackable option) and would not generate a value at all.
- This option, although popular with state and local agencies, does not provide ECHO with summary level data.

### **Compliance Based on FCEs**

- This option would automatically generate compliance status by action.
- This option would also incorporate HPV activity and allow for manual override of automatic generation.
- A violation noted in an FCE evaluation will have a documented start date. Ungeneration would occur with the addition of a compliance action added.
- The system would also provide the user with a history of actions between scheduled FCEs.

<b>Sample View of Compliance Status by FCE:</b>					
<b>Full Compliance Evaluations</b>					
Date	Violations?	Start	Stop	Pollutants	Status
04/05/2003	Y	04/05/2003		PT	Emission Violation
03/23/2001	N				
<b>HPV Determination: NONE</b>					
<b>Manual Override of Automatic Generation:</b>					
Date:		Reason:		Status:	
<b>Action History:</b>					
Date	Description	Results	Pollutant	Penalty	
08/12/2003	Stack Test	Failed	PT		
07/02/2003	NOV				

## What is next

- Complete work on compliance status tracking alternatives for presentation to EPA Management for their input
- Move forward on to the next topics

**“Physical Compliance Status”  
VS.  
“Enforcement Status”**

2005 AFS Workshop  
Presentation by:  
Stephen S. Ours  
State of Delaware

**Current “Compliance Status”**

“..all Federal and State administrative and judicial action against the source is complete and the source has been confirmed to be complying with the CAA. This term, as it is used in the HPV Policy, refers to a source being in compliance with all aspects of CAA requirements, not simply their emission limit.”

-excerpt from the HPV Policy



## Current "Compliance Status"

Our current version of "compliance status" really consists of two parts:

- Physical Compliance Status – i.e. Is the facility currently in compliance or not?
- Enforcement Status – Is there any enforcement pending due to an ongoing or previous violation?

## In other words...

A facility is considered to be currently "in violation" if they either:

- have an ongoing violation, OR
- they committed a violation previously for which an enforcement case is pending.

## Is this really fair?

As it works now, if a facility commits a violation which requires enforcement action, the Company has no way to return to compliance until the enforcing agency gets around to issuing an addressing action. Therefore, if the facility is in a locale with an agency with a slow enforcement process, they remain in violation longer than if they are in a locale with an agency with a faster process – whether they are cooperative in resolving the case or not!

## The effect...

The public sees our compliance status data.

When the public sees that a facility is "in violation" for long periods of time, this tarnishes the Company's public image. This is fair and appropriate if the length of time in violation is standardized nationwide for identical violations

**BUT...**

## The effect...cont'd

Enforcement processes and speeds vary from State to State and from Locality to Locality throughout the Country.

We are in effect punishing facilities more for the same violation if they are in a state/locality with a slow enforcement process.

## Thus, the need for two Compliance Status types...

- "Physical Compliance Status"

and

- "Enforcement Status"

## Physical Compliance Status

The AFS Modernization Workgroup has discussed the need for an indicator to show whether the facility is physically in compliance with all applicable requirements at any given time. An exact definition has not yet been developed, but it would likely involve specifying the difference between:

- Ongoing Paperwork/Procedural violations
- Ongoing Emission Violations

## Enforcement Status

- The Enforcement Status would specify that an enforcement action is pending and where it is in the process (i.e. unaddressed, addressed, or resolved).
- It could potentially be limited to "HPV Status" OR
- It could be an indicator of any pending enforcement, HPV or non-HPV.

## Summary

Many members of the AFS Workgroup believe that separating the concepts of "physical compliance status" and "enforcement status" would be beneficial and lead to more consistency in how we treat facilities nationwide.

Any Questions?

???

# Compliance Status Proposal

2005 AFS Workshop  
Presentation by:  
Stephen S. Ours  
State of Delaware

## Summary

This proposal would allow us to track physical compliance status with the use of actions only. It would make "physical compliance status" a separate concept from "enforcement compliance status".

It would involve adding a second page of data entry to the violation "date of discovery" actions required by the new ICR – conceptually similar to the second page associated with day zero action types currently in AFS.

## Advantages

- This would eliminate the necessity of updating the compliance status on the air program pollutant level.
- It would allow for accurate tracking of physical compliance status on a day to day basis.
- It would separate physical compliance status tracking from enforcement status.
- No new action types would be required.
- It could (probably) be implemented in the current data system.

## Disadvantages

- This proposal would require entry of 3 or 4 new data elements:
  - Violation Start Date
  - Violation End Date
  - Pollutant(s) associated with violation would need to be entered on action level
  - Y/N field to indicate whether an action is a violation discovery action (this may not be necessary)
- Enforcement status tracking would be limited to HPV status unless non-HPV enforcement linking is used.

## Optional Additional Fields

- We could add a field to indicate whether the physical violation is an emissions violation or a paperwork/procedural violation.
- We could add a field to indicate if a compliance schedule has been established.

## How would "Enforcement Status" be Tracked?

- In order to completely eliminate the need to update compliance statuses on the air program pollutant level, enforcement status would have to be tracked based on action linking.
- We already link HPVs, so an HPV status is already available (i.e. In Compliance, In Violation-Unaddressed HPV, In Violation-Unresolved HPV). This might suffice. HOWEVER...



### How would "Enforcement Status" be Tracked? (continued)

- If an overall enforcement status is necessary, to include non-HPV enforcement, non-HPVs would have to be linked in the same way HPVs are using the currently optional non-HPV linking pathway.
- Currently, this is inconsistently tracked throughout the Country – perhaps it is not necessary.

Any Questions?

???

# **Compliance Status & Related Issues**

2005 AFS Workshop  
Presentation by:  
Chris Cote

**Ventura County APCD**

	<h2>Automating Compliance status</h2>
	<ul style="list-style-type: none"><li>- Address "Issues" raised by AFS users<ul style="list-style-type: none"><li>■ Automate Compliance Status</li><li>■ Show enforcement history</li><li>■ Differentiate between periods of<ul style="list-style-type: none"><li>- physical compliance and</li><li>- enforcement action</li></ul></li><li>■ Make the system easier to use - Wish List</li></ul></li></ul>

	<h2>How can we do this?</h2>
	<ul style="list-style-type: none"><li>- Automate Compliance Status using result codes</li><li>- We propose the following:<ul style="list-style-type: none"><li>■ Add 3 Action Types</li><li>■ Add 1 Data Field</li><li>■ Add/modify results codes – as needed</li></ul></li></ul>

	<h2>New Action Types</h2>
	<ul style="list-style-type: none"><li>- Added Date of Discovery –required by ICR</li><li>- Added Violation Start/End dates which allows you to :<ul style="list-style-type: none"><li>■ Track periods of Physical Compliance</li><li>■ Differentiate between periods of violation and enforcement/legal action</li><li>■ Captures short-term violations that cease before they are discovered</li><li>■ Shows a more complete compliance status (Recommendation: Implement, but leave Start/End as optional)</li></ul></li></ul>

	<h2>New Field - "Federally Reportable" (1 character field)</h2>
	<ul style="list-style-type: none"><li>- Use on Date of Discovery and/or Day Zero</li><li>- This allows you to:<ul style="list-style-type: none"><li>■ Separate Federally Reportable from Non-Federally Reportable (gives states the option to track state-only actions)</li><li>■ Separate HPV actions from non-HPV actions (allows compliance status to reflect major vs. minor violations)</li></ul></li><li>- Option: use the RDE-8 (R181) field in AFS (currently used on cert review actions but could be modified)</li></ul>

	<p><b>Action Types at Work</b> (Sequence of a violation)</p>
	<ul style="list-style-type: none"> <li>- Violation Start Date (emission/procedural violation starts)</li> <li>- Date of Discovery (when/how you found the violation)</li> <li>- Day Zero (when the agency decides/takes enforcement action)</li> <li>- Addressing Action</li> <li>- Violation End Date (violation ceases)</li> <li>- Resolving Action (violation has ceased and enforcement actions complete)</li> </ul>

	<p><b>Emission vs. Procedural Violations?</b> Use New Results Codes</p>
	<p>Violation Start Date</p> <ul style="list-style-type: none"> <li>- Emissions violation only</li> <li>- Procedural violation only</li> <li>- Emissions and procedural violations</li> </ul> <p>Violation End Date</p> <ul style="list-style-type: none"> <li>- Violation ceased – physical compliance – Generic</li> <li>- Verified end date             <ul style="list-style-type: none"> <li>■ Cert Review</li> <li>■ FCE</li> <li>■ PCE – Generic (Record Review, EER's, etc.)</li> <li>■ Stack Test</li> <li>■ Investigation</li> </ul> </li> </ul>

<h2>Date of Discovery</h2> <p>Results show how the violation was found</p>
<p>Use Results to Show How the violation was found</p> <ul style="list-style-type: none"> <li>- Date of Discovery           <ul style="list-style-type: none"> <li>■ Cert Review</li> <li>■ FCE</li> <li>■ PCE – Generic (Record Review, EER's, etc.)</li> <li>■ Stack Test</li> <li>■ Investigation</li> </ul> </li> <li>- Optional:           <ul style="list-style-type: none"> <li>■ CEM Report</li> <li>■ Other?</li> </ul> </li> </ul>

<h2>Example #1</h2> <p>March 1, 2004, failed stack test – not observed          April 10, 2004, stack test reviewed - discover violation          April 25, 2004, stack retest - observed to pass</p>																																					
<table border="1"> <thead> <tr> <th rowspan="2">Action Type</th> <th rowspan="2">Date</th> <th rowspan="2">Results</th> <th colspan="2">Compliance Status</th> </tr> <tr> <th>Physical</th> <th>Enforcement</th> </tr> </thead> <tbody> <tr> <td>Violation Start</td> <td>3-1-2004</td> <td>Emission violation</td> <td>Emission violation</td> <td>Unknown</td> </tr> <tr> <td>Discovery</td> <td>4-10-2004</td> <td>Stack Test Review</td> <td>" "</td> <td>In review</td> </tr> <tr> <td>Day Zero</td> <td>4-10-2004</td> <td>In Violation</td> <td>" "</td> <td>In review</td> </tr> <tr> <td>Violation End</td> <td>4-25-2004</td> <td>Violation ceased</td> <td>Violation ceased +</td> <td>Enf action pending</td> </tr> <tr> <td>Addressed</td> <td>4-30-2004</td> <td>In Violation</td> <td>" "</td> <td>Enf action pending</td> </tr> <tr> <td>Resolved</td> <td>5-15-2004</td> <td>In Compliance</td> <td>In Compliance</td> <td>In Compliance</td> </tr> </tbody> </table>	Action Type	Date	Results	Compliance Status		Physical	Enforcement	Violation Start	3-1-2004	Emission violation	Emission violation	Unknown	Discovery	4-10-2004	Stack Test Review	" "	In review	Day Zero	4-10-2004	In Violation	" "	In review	Violation End	4-25-2004	Violation ceased	Violation ceased +	Enf action pending	Addressed	4-30-2004	In Violation	" "	Enf action pending	Resolved	5-15-2004	In Compliance	In Compliance	In Compliance
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Resolved	5-15-2004	In Compliance	In Compliance	In Compliance																																	

<h2 style="text-align: center;">Example #2</h2> <p style="text-align: center;">March 1, 2004, failed stack test – not observed by agency                  March 2, 2004, passed retest – (two-day emission violation)                  April 10, 2004, stack retest report reviewed – discover the violation</p>																																									
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<h2 style="text-align: center;">Flow Chart to Determine Compliance Status</h2>	
<p>The compliance status is a combination of</p> <ul style="list-style-type: none"> <li>■ violation start or end date, and</li> <li>■ the most recent result code in the HPV pathway (or non-HPV pathway, if there is one)</li> </ul> <ol style="list-style-type: none"> <li>1) Look for unresolved violations                         <ul style="list-style-type: none"> <li>■ If none go to the most recent action (i.e. in compliance by stack test)</li> <li>■ If there is an HPV</li> </ul> </li> <li>2) Look for a violation end date                         <ul style="list-style-type: none"> <li>■ Use the end result + the last HPV result</li> </ul> </li> <li>3) Look for a violation start date                         <ul style="list-style-type: none"> <li>■ Use the start result + the last HPV result</li> </ul> </li> </ol>	

	<h2>In Summary</h2>
	<p><b>AFS Needs to be easier to use</b> <b>Automating Compliance Status is a place to start</b> <b>Adding Start/End dates allows us to:</b></p> <ul style="list-style-type: none"><li>- Show enforcement history</li><li>- Differentiate between physical compliance and enforcement action</li></ul> <p><b>Adding the Federally Reportable field</b></p> <ul style="list-style-type: none"><li>- Gives states the option to track state-only actions</li><li>- Separate HPV versus Non-HPV</li></ul> <p><b>Idea is flexible, people can use it or continue with manual updates</b></p> <p><b>End Result: more reliable data</b></p>



## APPENDIX 3—BRIEFING PAPER FOR THE AIR ENFORCEMENT MANAGERS

### AFS MODERNIZATION: A Point Paper for the Air Enforcement Managers

December 1, 2005

#### **Background:** AFS Modernization Goals and the AFS Modernization Workgroup

For each year since FY2000, users of the Air Facility System (AFS) have been briefed on the intended modernization of the system. Current air compliance and enforcement data is housed in a mainframe system placed into production in 1990 (and even then not a state of the art system). Although not obsolete, AFS is written in a code not commonly used and presents a challenge to users and programmers. It's not considered a user-friendly program, and requires a long lead time for use.

The AFS Information Collection request (ICR) of July 2005 limited new data requirements as many agencies requested a moratorium on new data requirements until AFS is modernized. OECA's plan for AFS is for integration into ICIS Phase 3. Current planning documents show the modernization of AFS delayed until FY2007, with completion in FY2010. With scheduled budget cuts there are all indications that this schedule will slip again. This slippage is very frustrating to AFS users, and also the air compliance and enforcement programs, as programs are progressing but the data system is not.

During FY2004, when users of the AFS were once again briefed on the intended modernization of the system, volunteers were requested to participate in a workgroup dedicated to reviewing the current data procedures in AFS and recommending areas of improvement. Interest was high with twenty individuals signing up to participate. All efforts were made to create a small, efficient workgroup, with an equal group of EPA and state/local members. Additionally, it was thought appropriate and useful that state/local members should represent all user needs: Large, Medium and Small states; local agencies, direct entry and batch users. The following became permanent members of the workgroup:

EPA HQ: Rob Lischinsky, CAMPD, Compliance Program Ownership

Arnie Leriche, IUTB, EPA Data Analysis

Betsy Metcalf, AFS System Administrator and Chairperson

We are currently missing a representative from Air Enforcement

EPA Regions: Lisa Holscher, Region 5

Laurie Kral, Region 10

States/Locals: Stephen Ours, Delaware, representing a small batch user state

David Finlayson, NY, representing a large, batch user state using the Universal Interface

Bill Baumann, WI, representing large batch states with customized conversion programs

Pat Rayne, ID, representing medium direct states

Chris Cote, Ventura County, CA, representing small direct local

agencies  
Deborah Parrish, Memphis, TN, representing small direct local  
agencies

The workgroup has met approximately 20 times via teleconference, studying current data flow, desired data flow, flow of data in other media data systems, and discussions concerning known data issues with possible solutions. The workgroup has briefed the data community at the 2005 AFS National Workshop. Many of the solutions suggested by the workgroup will require the approval of the air compliance/enforcement managers, as they contain components that are not currently part of the reporting scheme.

### **Data Issues to be Addressed before Modernization**

As a basis for its work, the workgroup had the previously completed AFS Needs Analysis completed in 2002, EPA data standards and air compliance/enforcement policies. As an initial step, the workgroup narrowed its scope to address the following issues that have programmatic implications and need to be resolved ahead of design of data relationships and data flow:

- Compliance Status
- Air Program Codes and Air Program Pollutants Reporting Structure
- Business Rules Updates
- Reporting Burden

**Compliance Status:** Currently compliance status is defined by pollutant and maintained in AFS on an Air Program Pollutant Record. The Air program uses the definition of compliance taken from the HPV guidance of 1999: *"In Compliance means all Federal and State administrative and judicial action against the source is complete and the source has been confirmed to be complying with the CAA. This term, as it is used in the HPV Policy, refers to a source being in compliance with all aspects of CAA requirements, not simply their emission limit."* This definition is used to preclude a source with pending enforcement actions (albeit in physical compliance) to be displayed to the public with the same compliance status as a source without any violations whatsoever. A source should not be deemed in compliance until all enforcement activity is ended and the source has taken all steps necessary to fulfill its legal obligations. Compliance status is not automatically generated, except in the case of the lack of evaluation between negotiated Compliance Monitoring Strategy (CMS) frequencies (AKA the Automatic Unknown Compliance Status). The Compliance Status from AFS is used in an algorithm combining High Priority Violator (HPV) status with reporting compliance via the Enforcement and Compliance History Online (ECHO) application to the general public. Many of the reported ECHO air data errors concern compliance status. Compliance Status is also used by other programs for determining environmental stewardship and responsible management (Performance Track and other compliance programs).

Compliance Status in AFS is not known to be accurate, with inconsistent usage among agencies. Many agencies within the air community do not agree that a source should be shown as a violator until resolution of any and all pending enforcement activity. For example, many agencies report

noncompliance only on HPV cases,<sup>1</sup> or list the facility as noncompliant only when the physical violation is occurring rather than throughout the entire enforcement process. Additionally, the following reasons for the inaccuracy are:

- *Very cumbersome to maintain:* Status is maintained on the pollutant record. One plant may have hundreds of pollutants, as they are reported by air program. Changing from noncompliance to compliance would require that each pollutant record be reviewed for correctness. For example: a refinery may have 9 air programs, but over 100 air program pollutants. The VOC air program pollutant may be applicable to more than one air program: SIP, NSPS, NSR, PSD, and Title V air programs. VOC would be listed in AFS multiple times (VOC for SIP in compliance, VOC for NSPS in violation, VOC for NSR in compliance, etc.). Any change to the VOC compliance status would require a review of each instance within air programs.
- *Historic Compliance Status is not accurately captured:* Currently AFS captures a monthly value on the first Friday of each month. This value is defined as the previous month's historic value, regardless if values changed during the month. For example, a source could reflect noncompliance during most of the month of October 2005. A change of the status to compliance on November 3, 2005 would result in the October 2005 monthly historic value to read "in compliance", as the monthly value is captured during the first weekend of the following month. Additionally, AFS is capable of maintaining only a two-year rolling window of compliance history.
- *Data entry confusing:* There are 18 values<sup>2</sup> of compliance status to choose from in the AFS Data Dictionary. These values are not documented with guidance for use, as historic records on the formulation do not exist. We are finding that each Region has set default values, with very little consistency nationwide. AFS Business Rules could be expanded to include proper definitions and value usage via a workgroup effort. It is estimated that a workgroup would need at least 9 months to provide a report.
- *No dates are available to define length of violation:* Although HPV Day Zeros and Resolution Dates may be able to define the time during which an agency is proceeding through an enforcement process, there are no start or stop dates in AFS to define a period of noncompliance. The RCRA program has its start of noncompliance date and also the Return to Compliance (RTC) date with each violation. The Water program has the ability to track noncompliance and return to compliance via the submission of Discharge Monitoring Reports (DMRs). The Air program has no data fields to indicate start and stop of a violation. An

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<sup>1</sup> The exact number of agencies reporting compliance status at HPV cases only is not known, however, comments received during the ICR comment period from state and local agencies, participants at the 2005 AFS National Workshop and several agencies participating on the Modernization Workgroup indicated that this was common practice.

<sup>2</sup> Compliance Status values:

In Compliance: C: In Compliance with Procedural Requirements; 4: In Compliance--Certification; 3: In Compliance—Inspection; M: In Compliance—CEMS; 2: In Compliance—Source Test; 8: No Applicable State Regulation; 9: In Compliance—Shut Down; P: Present, See Other Program(s)

On Schedule: 5: Meeting Compliance Schedule

Unknown Compliance: Y: Unknown with Regard to Both Emissions and Procedural Compliance; 0: Unknown Compliance Status; A: Unknown with Regard to Procedural Compliance; 7: In Violation—Unknown with Regard to Schedule; U: Unknown by Evaluation Calculation (Generated Value)

Out of Compliance: B: In Violation with Regard to Both Emissions and Procedural Compliance; 1: In Violation—No Schedule; 6: In Violation—Not Meeting Schedule; W: In Violation with Regard to Procedural Compliance

enhancement to AFS to add these fields has been discussed in the past. However, the continued inability to provide for such data fields in AFS is attributed to a lack of funding for system upgrades.

- *No distinction between physical or paperwork violations, or the tracking of enforcement cases:* The Air program tracks noncompliance based on the status of pending enforcement and final resolution (see above definition of "In Compliance"). Neither the RCRA nor Water program track compliance in this way, as the addressing action is sufficient for use in the return to compliance. Additionally, the RCRA program will allow for a SNC violator with an active case to be shown in compliance if the source is in 'physical compliance'. In many Air HPV cases, the period from date discovered to the addressing action plus the period from the date addressed to resolution may be many years (270 days per the T&A policy plus injunctive relief, penalty payment plans, etc.) and AFS will reflect the source in violation until resolution. Many state/local agencies object to tracking compliance in such a way as sources with multiple HPV pathways appear to be in a constant state of violation. Therefore, many agencies often choose to not abide by the EPA guidance.

#### **Possible Approaches for Tracking Compliance Status:**

The workgroup has been studying the way compliance status is maintained in other systems--both state/local systems and other media. The following approaches have been compiled by the workgroup and are being put forward for consideration by the Air Enforcement Managers:

- 1. Automatically Generated from Actions:** Identify actions that can generate compliance status, providing the information necessary to generate compliance values such as pollutant, pass/fail, start and end date of violation.

Pros: Very popular with AFS Users, reduces burden by negating an air program pollutant record entry. Will summarize compliance determinations on one screen.

Cons: Difficulties exist for defining when the violation ends. Although burden will be substantially reduced, some agencies may not be able to immediately provide the information necessary to generate compliance.

Conceptual Differences from Current Procedure: All actions would have to be reviewed for thorough definitions of what constitutes violation. This option could incorporate physical compliance tracking with Violation Start and End Date, requiring a new compliance status to accurately track after physical compliance is reached and until case tracking ends.

- 2. Track Physical Compliance as well as Enforcement Compliance:** Generating compliance status from actions, but also adding a stop and end date of physical compliance to each violation episode. This option does not provide a change to current compliance definitions, but adds the ability to document start and end dates for physical compliance, while providing information on the enforcement action tracking

Pros: Very popular with AFS users, regardless of added data elements. Is seen as a way to placate sources currently in physical compliance, yet still involved with enforcement activities.

Cons: Not all agencies will support the reporting of the new fields (start and end dates). Many agencies will only want to report physical compliance end dates. This could confuse users of the data seeing physical compliance end dates and enforcement compliance dates.

Conceptual Differences with Current Procedure: Requires a new compliance status to accurately track after physical compliance is reached and until case tracking ends.

**3. Stackable Compliance Status:** Very similar to Option 1, but can provide a status for each type of air compliance/enforcement activity. For example: compliance values can be generated by stack test results, full compliance evaluations, Title V Annual Compliance Certifications, or enforcement actions. A source may demonstrate compliance on its latest Title V Annual Compliance Certification, but a recent FCE may show a violation.

Pros: Provides more detailed compliance information.

Cons: Can get complicated, the program requires a summary status and this version could have a situation with contrary status values.

Conceptual Differences from Current Procedure: Categories for “stacking” will have to be defined. Thorough definitions for violation on actions are needed. This option will incorporate physical compliance tracking with Violation Start and End Date, requiring a new compliance status to accurately track after physical compliance is reached until case tracking ends.

**4. Expand Existing Compliance Status Values:** This option would require that a process or procedure for the use of each status be documented.

Pros: Would clarify the use of the compliance status codes and possibly increase the accurate use of the codes.

Cons: Would still require use of the basic 18 compliance status codes. Many agencies believe having so many values is cumbersome, confusing, and contributes to inaccuracy.

Conceptual Differences from Current Procedure: None, could be incorporated into other options.

**5. Automatic Generation using HPV Records for Compliance Tracking:** This option would use the existing HPV pathways to generate compliance. A violation discovered and with its Day Zero would generate a noncompliance value, the addressing action would generate another value, a resolution action would bring the source back to compliance. HPV pathways would need to have the violating pollutant(s) reported.

Pros: Saves burden from air program pollutant tracking. Could be implemented in today’s AFS.

Cons: When previously presented as an option to the Air Enforcement Managers, it was considered too costly an enhancement to AFS. Additionally, there are many more sources in violation that do not reach the level of HPV. This option would not track any of those cases and is not considered a viable option from OECA’s standpoint..

Conceptual Differences from Current Procedure: Would capture compliance status on HPV cases only.

6. **Track Enforcement History rather than track a Compliance Status:** This option would discontinue the generation of a compliance status and indicate whether a source has had enforcement action within a certain timeframe. History can be indicated by a simple Yes/No flag.

Pros: Popular with some agencies in that a compliance determination does not have to be made. Currently, compliance status is so inaccurately reported that such an approach is considered an improvement. Additionally, this approach reflects the fact that the Air Program does not have the same quality and quantity of compliance data (e.g. DMR data in the Water Program) on which to base a compliance assessment.

Cons: Not consistent with other media tracking within EPA. Will not provide a summary compliance status, and therefore not a viable option from OECA's standpoint.

Conceptual Differences from Current Procedure: Will not provide a default compliance status to the public.

As suggested above, all of the possible approaches have positive as well as negative aspects. We do find that the generation of compliance status could be most improved by automatic generation from reported actions, and the tracking physical compliance should be incorporated into our air data flow. We are requesting your input on the approaches identified within this paper.

**Preliminary Discussions for other Issues:**

Compliance Status has been one of the most difficult and contentious issues discussed in the air community in the last several years. Therefore, it is no surprise that this issue has dominated to date the workgroup's activities. We think it has been very useful to initially spend the majority of time on this issue. Resolution of our compliance status issues will take us a long way to improving the air data and preparing for modernization and design. However, we have had preliminary discussion on other issues.

**Air Program Codes and Air Program Pollutants:** As identified in the AFS Needs Analysis, this reporting is too complicated in its current form and provides little value for the time and resource investment expended. The workgroup preliminary recommendations include listing the applicable air programs and pollutants in separate tables and discontinuing the relationship in future systems. To summarize: Applicable air programs would be identified in a drop-down listing, and pollutants emitted would be listed without reference to air program. Noncompliance information would still require an identified pollutant.

**Business Rules Updates:** Documentation of current procedures was undertaken during FY2003, with a series of dialogues between Regional Offices and state/local agencies. The outcome of those dialogues was published as the "AFS Business Rules", designed to be a compendium of information for users of AFS. The AFS Business Rules are updated annually, with changes introduced through the AFS Change Configuration Board (CCB). The workgroup recommends any change of reporting procedures should be

preceded by the release of Business Rules updates. It is anticipated that significant changes in reporting will require the release of an Information Collection Request (ICR) to document the additional burden.

### **Questions: What Questions Do We Answer With Our Data?**

Before we proceed with modernization, it is important to remind ourselves of the reasons for reporting/collecting the air compliance/enforcement data. To carry out our responsibility to manage and oversee the air program, we must have a working knowledge of the following basic information:

- Compliance activities undertaken at a source during a specified timeframe.
- The sources in a specified geographic region.
- The number of major sources in a specified geographic region.
- Industrial makeup of a specified geographic region.
- The major sources operating within a nonattainment area.
- Sources in violation of the CAA.
- Sources emitting a specified pollutant.
- Applicable subparts at a source.
- Enforcement actions taken against a specified source/industry.
- Activity undertaken to oversee/enforce the CAA by a delegated agency.
- Penalties assessed in an enforcement action.
- Monitoring requirements at a specified source.
- High Priority Violators: Violation types, pollutants, activities to address and resolve.

In addition, there are other CAA activities that are not currently maintained in our data flow. When we modernize, should these be included in our data flow?

- Continuous Emissions Monitoring data
- Title V Permit issuance
- Permit Requirements
- Applicable processes
- Minor source identification
- Emission Inventory Access
- Others?

### **Next Steps: Recommendations and Resolutions**

The workgroup plans to continue its review of the AFS structure to recommend improvements for the design phase of modernization, and requests the input of the Air Program and the Air Enforcement Managers on the following points:

- Compliance Status: Feedback concerning approaches put forward in this paper for improving the compliance status data, to include preferred methods and required data for program oversight.
- The improvement of reporting Air Programs and Air Program Pollutants.
- Business Rules updates: Any requests for processing updates.

## FINAL REPORT OF 7/24/2007

- Review of basic requirements for data. Are we covering what you need to manage the program?
- Identification of any new data for the modernized system.



## **APPENDIX 4--TITLE V ISSUES**

### **TITLE V ANNUAL COMPLIANCE CERTIFICATION ISSUES**

#### **IDENTIFIED BY THE AFS MODERNIZATION WORKGROUP**

April 27, 2006

The following issues concerning the reporting of Title V Annual Compliance Certifications in a modernized AFS were identified by the AFS Modernization Workgroup. These issues should be reviewed and addressed before finalizing a design of a modernized system. Additionally, it is requested that the AFS Compliance Managers provide guidance to ensure national consistency when addressing these issues.

Members:

Chris Cote, Ventura County, CA

Deborah Parrish, Memphis, TN

Stephen Ours, Delaware

Pat Rayne, ID

Martha Makhholm, WI

Bill Baumann, WI

Denise Prunier, NY

Bob Waterfall, NY

Lisa Holscher, EPA Region 5

Laurie Kral, EPA Region 10

Rob Lischinsky, EPA HQ

Arnie Leriche, EPA HQ

Betsy Metcalf, EPA HQ

#### **UNIVERSE ISSUES**

Recommend the incorporation of some type of permit issuance records. Permit Program Data Elements (PPDEs) are owned by the Office of Air and Radiation. Although the requirement to report these fields has officially never been rescinded, OAR is not using them for management of the program. Several regions have required the PPDEs are part of a Regional Minimum Data Requirements (MDRs), but these fields are not counted among the National MDRs. Lack of a sufficient basis for Title V Permit issuance has resulted in an inaccurate universe count and the inability of the compliance/enforcement program to electronically generate data

(expected annual certifications). Fields needed could include: date permit issued, date permit expires, date of major modification.

### POLICY ISSUES

- Compliance Status: Some agencies change the overall source compliance status on a source reporting violation in their review, others do not. Group consensus is that historic compliance from the certification should NOT change overall plant compliance. **The group recommends that only newly reported violations should affect overall plant compliance status. Additionally, guidance is needed to indicate how the results code field on the TV Annual Compliance Certification should be populated.**
- Multiple Reviews in a Year: R3 does not allow multiple annual certification reviews to be entered during a fiscal year. There are many sources across the nation with multiple TV permits to a facility, and these sources are reporting multiple reviews. **Guidance is necessary to standardize this practice across the country.**
- Continuous and intermittent compliance is not effectively captured in the data. The group assumes that the deviation field in AFS was designed to capture this information. **Recommend improvement of tracking this information in a modernized AFS, with clear guidance on deviation tracking.**
- Semi-Annual vs Annual Action Types: There appears to be an issue with keeping the reporting of semi-annual and annual reports separate from each other in AFS. **Provide guidance to clarify reporting.**
- Results Codes should be expanded in order to include valuable information about the review. The current results codes in AFS do not differentiate between paperwork or process violations. Actual emission problems should be identified. Chris Cote from Ventura County provided an idea for different codes to be used in identifying violation types:

Action Type		Result	Definition
Cert Review	Current	MC	Cert Report Complete – No cause for enforcement action (Compliance all year) (no HPV)
	New MV Result	M1	Cert Report is late/incomplete – Requires enforcement action now (<60 days old) (HPV)
	New MV Result	M2	Cert Report is late/incomplete Not yet overdue enough to be an automatic HPV (may be HPV at some point)
	New MV Result	M3	Cert Review is Complete – Reports a violation – Enforcement action already taken (no HPV based on this review)
	Current MV	M4	Cert Review is Complete – Reveals a new violation *(1) – see note below Requires enforcement action now (HPV) (1) Actual Violation has ceased
	New MV Result	M5	Cert Review is Complete – Reveals a new violation *(2) see note below Requires enforcement action now (HPV) (2) Actual Violation is on-going and current

DATA REPORTING ISSUES

- It is recommended that the permit number is provided in each review record.
- The TV Cert actions should contain the identification of the year of review. This field could be a four-digit year or a date range. Guidance on data entry should identify the Federal Fiscal Year of the review.
- Revisions or resubmissions of a TV cert should not be reentered into AFS in order to avoid double-counting.
- Current requirements have the Due Date, Received Date, and Review Date coming from different agencies, very difficult to match up in AFS. These fields should be together on one screen in a modernized AFS.
- Provide a record for capturing what the source indicates is their continuous or intermittent compliance status as well as the permitting authority’s determination of compliance.
- Summing the number of cert reviews in a given year is not a good indicator of total certifications. Multiple certifications could be added in one year due to time delays in submittal, selling of companies, incomplete and then resubmitted certs, the significant

modification of a permit, or even multiple permits per source. Analysis should keep these things in mind.

- Not all TV permits are awarded to major sources. Many SM sources receive permits and this information should be considered when analyzing data.

NOTE: Any recommendations for additional data are to be interpreted as additional OPTIONAL data. No increases to the Minimum Data Requirements are suggested.

## APPENDIX 5—AFS MODERNIZATION PRESENTATION AT AFS 2006

AFS 2006 National Workshop, July 24-28, 2006, Arlington, VA

### AFS MODERNIZATION ENFORCEMENT TRACKING DISCUSSION

**PURPOSE:** This session is to discuss the general types of needs for the air enforcement program. A Needs Analysis for AFS modernization was completed in 2002. Since then, the modernization project has been delayed due to budget and resource shortfalls.

Please discuss the needs of the program, comparing current Minimum Data Requirements (MDRs), needs as outlined in the Needs Analysis, and what is needed to run a successful program. Needs/Priorities can be an activity that improves the data exchange process, activities that are different from the current procedures, or can be a recommendation to discontinue certain reporting. Please try to prioritize the TOP TEN needs/priorities for your general topic and be prepared to discuss your input during a general session.

**Current Enforcement MDRS:** Sufficient? Expansion Needed? Opportunity to streamline?

- Notices of Violation: Informal Enforcement Action. No penalties.
- Formal Enforcement actions and Assessed Cash Penalties (includes Administrative Orders, Consent Orders, Agreements, etc.)
- Civil Referrals
- Civil Actions (Settlements, Decrees, Complaints Filed)
- Criminal Actions (Complaints Filed)
- High Priority Violation (HPV) Actions: Discovery Date, Day Zero, Addressing Actions, Resolving Actions, Lead Changes, Withdrawn Cases, Violation Type Codes and Pollutants

**Definitions of Current Enforcement Actions:** Are these sufficient? Do our definitions need to be updated or redefined?

### AFS Modernization Workshop Recommendations:

- Ability to report specific violations:
  - Late Reporting of TV Annual certifications
  - Emission Exceedance (Permit exceedance)
  - Leak Detection and Repair Violations
  - Recordkeeping Violations
- Emission Reductions—do State/Local agencies document these types of reductions with their enforcement actions?
- Expansion of current reporting
  - Demand Letter/Stipulated Penalties
  - Consent Decree Tracking
  - Other Types of Penalties
- Should activities that trigger a formal enforcement action become reportable?
  - Continuous Emissions Monitoring data
  - HPV emission exceedances
  - Stack Test Pollutant
- Guidance for Mutually Exclusive (30-Day rollup) HPVs
- Expanded Guidance

- Notices of Violations—Clarifications
- Penalty Reporting
- HPV Guidance/Workbook update

**NEEDS ANALYSIS HIGH PRIORITIES FOR ENFORCEMENT:**

- Support tracking of Non-HPV violations
- Ability to track regulatory citation underlying the violation
- Start and End Date of each violation
- Link compliance Status to specific violation
- Identify the source of the violation—FCE, complaint, etc.
- Ability to link activities
- Need pollutant identification on all violations
- Need access of enforcement history for at least 5 years
- Generation of compliance status from underlying data
- Provide additional penalty tracking fields—at least proposed, assessed and collected penalty information
- Provide the capability to track SEP information
- Provide shared access among EPA, States, and affected industry to consent order data.
- Provide the capability to store and track planned activities.
- Ability to identify and track “appropriateness” of addressing actions (an analysis field for State and/or Regional use)

**Other needs?**

**AFS MODERNIZATION—TOP TEN NEEDS/PRIORITIES FOR ENFORCEMENT TRACKING**

- 1 TRACK SEPs
  - 2 TRACK PHYSICAL COMPLIANCE
  - 3 START/END DATES OF VIOLATIONS
  - 4 IDENTIFY SOURCE OF VIOLATION
  - 5 LINK ACTIVITIES
  - 6 PROVIDE AN ENFORCEMENT HISTORY
  - 7 POLLUTANT IDENTIFICATION PER VIOLATION
  - 8 LINK COMPLIANCE STATUS TO VIOLATION
  - 9 PENALTY TRACKING—ALL TYPES
  - 10 CHARACTERIZE NONCOMPLIANCE (EMISSIONS VIOLATION, REPORTING VIOLATION, ETC.)
  - 11 DO NOT LUMP HPVS INTO ONE PER MONTH
  - 12 TRACK NON-HPV VIOLATIONS
  - 13 TRACK REGULATION CITATION FOR VIOLATIONS
  - 14 TRACK PLANNED ACTIONS
  - 15 TRACK INJUNCTIVE RELIEF
  - 16 TRACK “APPROPRIATENESS” OF ADDRESSING ACTIONS
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## **AFS MODERNIZATION COMPLIANCE MONITORING TRACKING DISCUSSION**

**PURPOSE:** This session is to discuss the general types of needs for the air compliance monitoring program. A Needs Analysis for AFS modernization was completed in 2002. Since then, the modernization project has been delayed due to budget and resource shortfalls. Please discuss the needs of the program, comparing current Minimum Data Requirements (MDRs), needs as outlined in the Needs Analysis, and what is needed to run a successful program. Needs/Priorities can be an activity that improves the data exchange process, activities that are different from the current procedures, or can be a recommendation to discontinue certain reporting. Please try to prioritize the TOP TEN needs/priorities for your general topic and be prepared to discuss your input during a general session.

**Current Compliance Monitoring MDRs:** Sufficient? More information needed? Recommendations for cuts?

- Full Compliance Evaluations
- Partial Compliance Evaluations IF discovery action for a High Priority Violator (HPV)
- Stack Tests
- Investigations
- Title V Annual Compliance Certifications: Due/Received Dates, Review Dates, Compliance Status, Deviations
- Notices of Violation
- Classification (Air Program/Pollutant level)
- Compliance Status' ( Air Program/Pollutant levels)
- Attainment Designations (Air Program/Pollutant level)

**Definitions of Current Compliance Monitoring Actions:** Are these sufficient? Do our definitions need to be updated or redefined?

### **AFS Modernization Workgroup Recommendations:**

- More guidance for Title V reporting in reporting continuous and intermittent compliance status (currently reflected with deviation information)
- Guidance on Area MACT sources
- Incorporate permit issuance records into MDRs as optional fields
- Optional fields for CEM and expanded stack test data

### **NEEDS ANALYSIS TOP PRIORITY NEEDS FOR COMPLIANCE MONITORING:**

- Start and End Date for all violations
- Provide the ability to link specific compliance activities to High Priority Violator (HPV) pathways.
- Ability to link compliance status to specific violations
- Ability to identify the basis for determining the violation (example: FCE, PCE)
- Ability to identify regulatory provisions
- Ability to identify the type or category of violation (emissions vs. procedural)
- Ability to link compliance activities to specific pollutants
- Provide the capability to track operating status for each regulatory subpart (MACT, NESHAP, NSPS)
- Ability to store and track planned activities.
- Ability to flag specific facilities as commitments for FCEs in a specific year
- Ability to track FCEs and PCEs, and ability to link specific PCEs to FCEs

- Provide the capability to link to electronic copies of state-submitted plans.
- Ability to track compliance assistance activities
- Ability to categorize compliance assistance activities
- Ability to store and track program documents
- Ability to link to document storage systems at either a State, Local, Regional or HQ level.
- Contain additional fields to encourage users to access and record the emissions reductions resulting from all types of compliance and enforcement activities, so that environmental impacts can be more easily identified.
- Provide the capability to store and track program documents (permits, reports, FCE reports, stack tests, TV Annual Certifications, etc.)
- Provide the capability to link directly to document storage systems

**AFS MODERNIZATION—TOP TEN NEEDS/PRIORITIES FOR COMPLIANCE MONITORING TRACKING**

- 1 EXISTING COMPLIANCE MONITORING MDRs SHOULD BE MAINTAINED.
- 2 COMPANY/OWNER NAME AND OWNERSHIP HISTORY
- 3 START/END DATE OF VIOLATIONS
- 4 LINK COMPLIANCE ACTIVITIES TO HPV TRACKING
- 5 LINK COMPLIANCE STATUS TO VIOLATIONS/VIOLATORS
- 6 IDENTIFY TYPE/CATEGORY OF VIOLATIONS
- 7 LINK COMPLIANCE ACTIVITIES TO POLLUTANTS
- 8 IDENTIFY BASIS FOR DETERMINING VIOLATIONS
- 9 IDENTIFY/TRACK REGULATORY PROVISIONS AND PERMIT REGULATIONS

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## **AFS MODERNIZATION FUNCTIONALITY TRACKING DISCUSSION**

**PURPOSE:** This session is to discuss the general types of needs for the functionality of a new system. A Needs Analysis for AFS modernization was completed in 2002. Since then, the modernization project has been delayed due to budget and resource shortfalls. Please discuss the needs of the program, comparing current Minimum Data Requirements (MDRs), needs as outlined in the Needs Analysis, and what is needed to run a successful program. Needs/Priorities can be an activity that improves the data exchange process, activities that are different from the current procedures, or can be a recommendation to discontinue certain reporting. Please try to prioritize the TOP TEN needs/priorities for your general topic and be prepared to discuss your input during a general session.

### **AFS Modernization Workgroup Recommendations:**

- Put all Title V Annual Compliance Certification information in one screen.
- Automated generation of Compliance Status based on underlying activity—bubble up to one screen.
- Track applicable Air Programs separately from applicable pollutants.

### **NEEDS ANALYSIS TOP PRIORITY NEEDS FOR FUNCTIONALITY:**

- Technical architecture must allow shared, secure, and appropriate access
- Must support multiple levels of security
- Must support data entry (adds, deletes, modifications)
- Must be flexible in design to accommodate growth
- Should meet agency standards for system architecture.
- Web-based interface
- Contain drop down lists
- Intuitive screen design
- Provide access to data definitions and policy information
- Incorporate EPA data standards
- Provide scroll capability through lists of actions or facilities
- Provide modern query tools
- Desktop access
- Routine report and query output immediately available to users
- Report ad hoc query capabilities must include Boolean logic
- Report query and standard reports must include “drill-down” capability
- Report queries and output must allow the user to export data to other standard applications (such as Excel) to facilitate further data analyses
- Report queries must allow the user to save output in standard document format such as .rtf, PDF. And txt.
- Must contain an export capability to allow for the data exchange
- Allow users to share, store, and retrieve other report criteria for ad hoc or user-defined report queries.
- Must incorporate XML files
- Data conversion procedures and file formats must incorporate quality assurance checks
- Data conversion procedures must address the need to maintain the viability of submission processes and converters currently in use (the Universal Interface)
- Data conversion procedures must be flexible enough to incorporate non-EPA data standards for optional reporting.

- Must contain error correction reporting capability
- Must link to other EPA data systems
- Must contain access to adequate geographic information to support geographic analysis (linkage for lat/longs)
- Provide the capability to add new facilities
- Provide functionality which facilitates and tracks data correction requests from the general public
- Provides secure, safe, public access for requests submitted under FOIA.
- Provide access to census or other demographic and economic data, particularly to support targeting and environmental justice initiatives.
- If EPA's Central Data Exchange is used as a portal for data submission, the system must contain the tools and requirements for interface.
- Design and implement quality assurance reports and tools.
- Design and implement specific edit criteria and standards in data entry functionality
- Maintain the two-tiered approach to action codes (National vs. Regional codes—perhaps drop-down menus can do away with much of the codes)
- Ability to identify all pollutants emitted, and identify violations by pollutant
- Ability to identify all facilities by a State identifier or registration number
- Ability to import or link directly to nonattainment data maintained by the Office of Air Quality Planning and Standards (OAQPS)
- Provide the capability to store data for minor sources
- Provide the capability to track inventory and program applicability data that can be easily correlated to the preparation of an Information Collection Request (ICR)
- Provide the ability to track all information relating to tribal lands
- Provide the ability to store and access facility name changes over time
- Ability to track ownership and change in ownership
- Maintain current linkages in state systems to sources
- Ability to identify all Federally owned and/or operated facilities.
- Provide the capability to store and track program documents
- Provide the capability to link directly to document storage systems
- Provide additional fields to track emission reductions resulting from compliance and enforcement activities.
- Provide links to enforcement and compliance data for other media
- Provide a link to the National Emissions Inventory data and available risk analysis data.

**AFS MODERNIZATION—TOP TEN NEEDS/PRIORITIES FOR FUNCTIONALITY:**

- 1 MODERN QUERY TOOLS AND REPORTING
  - 2 INCORPORATING XML FOR IMPORT AND EXPORT
  - 3 UPDATE UNIVERSAL INTERFACE OR REPLACE WITH/INCLUDE  
BATCH UPLOAD CAPABILITIES
  - 4 ABILITY TO TRACK HISTORICAL OWNERSHIP AND NAME CHANGES
  - 5 ABILITY TO TRACK RECEIVE AND EXPORT TRANSACTION HISTORY
  - 6 ABILITY TO MAINTAIN KINKAGES TO STATES SYSTEMS WITH STATE IDS AND  
REGULATIONS NUMBERS.
  - 7 ONLINE DOCUMENTATION, TRAINING AND HELP
  - 8 LINKS TO OTHER DATABASES SUCH AS NEI, TRI, FRS
  - 9
  - 10
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## APPENDIX 6—DEFINITIONS OF ACRONYMS AND TERMS USED IN THIS DOCUMENT

A: Class A refers to a major source or source emitting over the major threshold for a pollutant.

ACC: Title V Annual Compliance Certification

AFS: Air Facility System

CAA: Clean Air Act

Compliance Status: The definition of compliance taken from the HPV guidance of 1999: *"In Compliance means all Federal and State administrative and judicial action against the source is complete and the source has been confirmed to be complying with the CAA. This term, as it is used in the HPV Policy, refers to a source being in compliance with all aspects of CAA requirements, not simply their emission limit."* A source is considered to be in violation (or meeting a compliance schedule) until all enforcement action is resolved.

CMS: Compliance Monitoring Strategy, Policy of 2001

CWA: Clean Water Act

ECHO: The Enforcement and Compliance History Online, a public website of Compliance/Enforcement data. The database can be found at:  
<http://www.epa-echo.gov/echo/index.html>

Facility: A facility in AFS is defined as an air stationary source. The facility is identified by a public or commercial name site name which includes all contiguous buildings and equipment within a fence line surrounding the facility, and a unique five-digit number (PCDS) within a county to identify the source.

FCE: A Full Compliance Evaluation (FCE) is a comprehensive evaluation of the compliance status of a facility. It addresses all regulated pollutants at all regulated emissions units. Furthermore, it addresses the current compliance status of each emission unit, as well as the facility's continuing ability to maintain compliance at each emission unit. See the CMS Policy of 2001.

FRS: Federal Registry System (FRS) is a centrally managed EPA database that identifies facilities, sites or places subject to environmental regulations or of environmental interest. FRS creates high-quality, accurate, and authoritative facility identification records through rigorous verification and management procedures that incorporate information from program national systems, state master facility records, data collected from EPA's Central Data Exchange registrations and data management personnel. The FRS provides Internet access to a single integrated source of comprehensive (air, water, and waste) environmental information about facilities, sites or places. The database can be found at:  
<http://www.epa.gov/frs/>

HPV: High Priority Violator, as defined in the HPV Policy of 1999.

ICR: Information Collection Request

Incomplete Submission: ACC received by a permitting agency that is missing pertinent data: signatures, compliance determinations, methods of how compliance was determined, etc.

Late Submission: Timeframe defined by each permitting agency whereby the submission of the ACC is late.

MDRs: Minimum Data Requirements for the AFS, as outlined in the AFS ICR.

OECA: Office of Enforcement and Compliance Assurance

OAQPS: Office of Air Quality Planning and Standards

PCE: A Partial Compliance Evaluation (PCE) is a documented compliance assessment focusing on a subset of required pollutants, regulatory requirements, or emission units at a given facility. A PCE should be more comprehensive than a cursory review of individual reports. It may be conducted solely for the purpose of evaluating a specific aspect of a facility, or combined over the course of a year (or up to three years at mega-sites) to satisfy the requirements of a Full Compliance Evaluation. See the CMS Policy of 2001.

Physical Compliance: The current status of the facility with regard to applicable requirements such as those contained in source permits and applicable regulations and statutes. This status does not reflect the status of pending enforcement proceedings.

PPDE: Permit Program Data Elements are minimally reportable fields defined by the Title V program.

RCRA: Resource Conservation Recovery Act

SM: Synthetic Minor—a source that has the potential to emit one or more pollutants at levels greater than major source thresholds except that emissions are limited below those levels by federally enforceable operating or other restrictions contained in a source permit.

TV: Title V, Part 70 and 71