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**Environmental Stewardship Program Compliance Check
M-001-OPP-P-XX-09-S-R1
Standard Operating Procedure**

Office: Office of Pollution Prevention and Technical Assistance

Branch: All Branches

Section: All Sections

Revised: Not applicable **Revision Cycle:** Annually

Effective date: August 14, 2009

Scope of operations

The Office of Water Quality (OWQ), Office of Air Quality (OAQ), Office of Land Quality (OLQ) and the Regional Offices (RO) receive requests from the Office of Pollution Prevention and Technical Assistance (OPPTA) for the purpose of gathering compliance history information for the Indiana Department of Environmental Management's (IDEM) Environmental Stewardship Program.

Scope of applicability

This standard operating procedure (SOP) shall apply solely to the systematic receipt, drafting, routing, and reporting of compliance and enforcement information for IDEM's Environmental Stewardship Program in the Office of Pollution Prevention and Technical Assistance. This standard operating procedure shall provide guidance and not be used in administrative or judicial enforcement proceedings.

Authorizing Signatures

I approve and authorize this standard operating procedure:

Rick Bossingham, Assistant Commissioner
Office of Pollution Prevention and Technical Assistance

Date

Daniel Murray, Assistant Commissioner
Office of Air Quality

Date

Bruno L. Pigott, Assistant Commissioner
Office of Water Quality

Date

Bruce H. Palin, Assistant Commissioner
Office of Land Quality

Date

David Joest, Assistant Commissioner
Office of Legal Counsel

Date

This standard operating procedure is consistent with Agency requirements.

Quality Assurance Program, Planning and Assessment
Indiana Department of Environmental Management

Date

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1.0 Overview “work-flow” flowchart



2.0 Definitions

- 2.1. “Administrative assistant (AA)” – A non-supervisory Agency staff who is responsible for assembling the compliance document into a usable form for the OPPTA.
- 2.2. “Air Compliance and Enforcement System (ACES)” – A computer database used by the Office of Air Quality to track the status of compliance activities.
- 2.3. “Agency” – The Indiana Department of Environmental Management (IDEM).
- 2.4. “Annual Environmental Stewardship Program (ESP) member update from inspectors” – Documentation provided to the ESP program manager from inspectors concerning compliance, complaint, inspection and enforcement results of the previous calendar year for ESP members.
- 2.5. “Applicant” – A regulated entity that has applied for membership in Indiana’s Environmental Stewardship Program.
- 2.6. “Applicant list” – The list of those facilities who have applied to become a member of Indiana’s Environmental Stewardship Program.
- 2.7. “Assistant Commissioner” – The Assistant Commissioner of the Office of Pollution Prevention and Technical Assistance, Office of Air Quality, Office of Land Quality, Office of Water Quality, or Office of Legal Counsel.
- 2.8. “Branch chief” – A second-level Agency supervisor responsible for managing section chiefs.
- 2.9. “Commissioner” – The Commissioner in the Indiana Department of Environmental Management.
- 2.10. “Computer Assisted Approval and Tracking System (CAATS)” – The permits database that allows users to track permit applications and permits.
- 2.11. “Compliance and Technical Assistance Program (CTAP)” – Program within the Office of Pollution Prevention and Technical Assistance providing confidential compliance and technical assistance to communities and businesses.
- 2.12. “Compliance check” – The process by which Office of Air Quality (OAQ), Office of Land Quality (OLQ), Office of Water Quality (OWQ) and Regional Offices (RO) Compliance Program branch chiefs, inspectors and compliance and enforcement staff research the compliance history of an applicant.

- 2.13. "Contracts administrator" – A non-supervisory Agency staff responsible for completing the Department of Workforce Development and Department of Revenue clearance checks on ESP applicants.
- 2.14. "Environmental Stewardship Program (ESP)" –The Environmental Stewardship Program is a voluntary environmental performance based leadership program to promote continuous environmental improvement in Indiana. Members are afforded recognition and regulatory incentives from the Indiana Department of Environmental Management.
- 2.15. "ESP application period" – The sixty (60) days twice per year in which OPPTA accepts applications to ESP.
- 2.16. "ESP Compliance History Report" – Documentation provided to the ESP program manager from branch chiefs, section chiefs, regional office staff, inspectors, compliance and enforcement staff, and local agencies concerning compliance, complaint, inspection and enforcement results of the previous five (5) calendar years, including dates of inspections, inspection results, details on violations and enforcement actions, and inspector's comments.
- 2.17. "ESP program manager" – A senior environmental manager 1 responsible for managing and maintaining the day-to-day operations for the Indiana Environmental Stewardship Program.
- 2.18. "Indiana Resource Conservation Recovery Act (RCRA) Activity Tracking System (IRATS)" – A tracking database used by OLQ to organize and store data related to inspection activities.
- 2.19. "Inspector" – Agency staff assigned to conduct regulatory compliance evaluations and investigations on behalf of the Agency.
- 2.20. "Litigation Hold List" – The internal Agency spreadsheet containing names of facilities with current litigation cases.
- 2.21. "Local agency" – An approved publicly owned treatment works (POTW) pretreatment program administered by a publicly owned treatment works that meets the criteria established in 327 IAC 5-19-3 and that has been approved by the regional administrator and commissioner in accordance with 327 IAC 5-19-5.
- 2.22. "Multimedia Enforcement Tracking System (METS)" – The database used by the enforcement section in each of the program areas to track informal and formal enforcement actions.
- 2.23. "Microsoft Excel" – The spreadsheet and office productivity software used by the State of Indiana.
- 2.24. "Microsoft Word" – The word processing and office productivity software used by the State of Indiana.
- 2.25. "Monthly enforcement referral check" – List of Indiana facilities currently in enforcement, which is cross-checked with the list of ESP members.
- 2.26. "Notice of violation" – Notification to a regulated entity of an administrative proceeding under IC 13-30-3-3 for violations of an Indiana environmental requirement.
- 2.27. "Office of Air Quality (OAQ)" – The division of IDEM that regulates air pollution.
- 2.28. "Office of Criminal Investigations (OCI)" – The Office of Criminal Investigations within the Office of Legal Counsel (OLC) in the Indiana Department of Environmental Management.
- 2.29. "Office of Land Quality (OLQ)" – The Office of Land Quality within the Indiana Department of Environmental Management.
- 2.30. "Office of Pollution Prevention and Technical Assistance (OPPTA)" – The Office of Pollution Prevention and Technical Assistance is a division of IDEM housing the Compliance and Technical Assistance Program (CTAP), the Pollution Prevention Branch (P2), the Source Reduction and Recycling Branch (SR&R), and the Community Environmental Health and Education Branch.

- 2.31. "Office of Water Quality (OWQ)" – The Office of Water Quality within the Indiana Department of Environmental Management.
- 2.32. "Regional administrator" – The U.S. Environmental Protection Agency Region 5 administrator.
- 2.33. "Regional Office" – An Agency office other than the Agency's offices located at Indiana Government Center Complex and on Shadeland Avenue in Indianapolis.
- 2.34. "Regional Office Compliance staff" – Agency staff that perform compliance (compliance inspections), enforcement, and emergency response activities identical to the Compliance and Response Branches in the Indianapolis offices that are permanently assigned to a Regional Office.
- 2.35. "Regional Office director" – A Regional Office director in the Indiana Department of Environmental Management.
- 2.36. "Regional Office director and deputy director" – Any person or persons employed as an Regional Office director or deputy director in any Regional Office in the Office of External Affairs.
- 2.37. "Regional Office Representative" – Agency staff from a Regional Office.
- 2.38. "Regulated entity" – An individual, partnership, co-partnership, firm, company, corporation, limited liability company, association, unincorporated association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, consolidated unit of government, political subdivision, state or local agency, contractor, consortium, joint venture, commercial entity, Federal, State or local government, or other legal entity (either public or private) and any legal successor, representative, agent or agency of that individual, corporation, business enterprise or legal entity.
- 2.39. "Respondent" – The recipient of a Notice of Violation.
- 2.40. "Section chief" – A first-level Agency supervisor responsible for managing non-supervisory Agency staff.
- 2.41. "Underground Storage Tank/ Leaking Underground Storage Tank/ Community Right to Know/ Emergency Response System (ULCERS) database" - A site management database maintained by staff of the Office of Land Quality to record and retrieve data related to the sites. In addition to the aforementioned program areas, ULCERS also includes the Voluntary Remediation Program (VRP), State Cleanup, Superfund, Excess Liability Fund (ELTF), UST Billing, Brownfields and Site Investigations.

3.0 Roles

- 3.1. The Environmental Stewardship Program (ESP) program manager shall:
 - A. Initiate ESP compliance check and compile results in coordination with the ESP Application Intake and Review SOP.
 - B. Implement and adhere to this Procedure as written.
- 3.2. The Office of Air Quality (OAQ) and Regional Office (RO) staff on the Compliance Check Listserv shall:
 - A. Distribute the ESP Compliance History Report request to their section chiefs, inspectors and enforcement staff, and ensure compliance and enforcement information is returned to the ESP program manager.
 - B. Implement and adhere to this procedure as written.
- 3.3. The Office of Water Quality (OWQ) staff on the Compliance Check Listserv shall:
 - A. Distribute the ESP Compliance History Report request to their section chiefs, inspectors, enforcement staff and local agencies, and ensure compliance information is returned to the ESP program manager.
 - B. Implement and adhere to this procedure as written.

- 3.4. Office of Land Quality (OLQ) staff on the Compliance Check Listserv shall:
 - A. Distribute the ESP Compliance History Report request to their branch chiefs, section chiefs, inspectors and enforcement staff, and ensure compliance information is returned to the ESP program manager.
 - B. Implement and adhere to this procedure as written.
- 3.5. Office of Criminal Investigations (OCI) staff on the Compliance Check Listserv shall:
 - A. Make an inquiry to the Regional Association Information Network for any criminal investigations involving an ESP applicant.
 - B. Implement and adhere to this procedure as written.
- 3.6. Agency staff on the ESP Weekly Application Listserv shall:
 - A. Distribute the list of ESP applicants to branch chiefs, section chief, staff, inspectors and local agencies informing recipients of new ESP applicants.
 - B. Implement and adhere to this procedure as written.
- 3.7. Training and experience requirements:
 - A. ESP program manager
 - 1. Agency priorities
 - 2. ESP program management and maintenance
 - 3. Implementation and adherence to this SOP as written
 - B. OAQ and RO Compliance Check Listserv
 - 1. Agency priorities
 - 2. Federal and State compliance and enforcement policies and procedures
 - C. OWQ Compliance Check Listserv
 - 1. Agency priorities
 - 2. Federal and State compliance and enforcement policies and procedures
 - D. OLQ Compliance Check Listserv
 - 1. Agency priorities
 - 2. Federal and State compliance and enforcement policies and procedure
 - E. OCI Compliance Check Listserv
 - 1. Agency priorities
 - 2. Federal and State criminal policies and procedure

4.0 Description of equipment, forms, or software to be used

Documents	
OAQ and RO Compliance Check Listserv	Recipients of the ESP Compliance History Report request for the Office of Air Quality and Regional Offices
OWQ Compliance Check Listserv	Recipients of the ESP Compliance History Report request for the Office of Water Quality
OLQ Compliance Check Listserv	Recipients of the ESP Compliance History Report request for the Office of Land Quality
OCI Compliance Check Listserv	Recipients of the ESP Compliance History Report request for the Office of Criminal Investigations
ESP Weekly Application Listserv Members	Recipients of the ESP Weekly Application email
ESP – OAQ & RO Compliance History Questionnaire	Questions OAQ and RO Compliance Check Listserv recipients must complete for the ESP Compliance Check History Report. Available Appendix 10.8.
ESP – OLQ Compliance History Questionnaire	Questions OLQ Compliance Check Listserv recipients must complete for the ESP Compliance Check History Report. Available in Appendix 10.7.
ESP – OWQ Compliance History Questionnaire	Questions OWQ Compliance Check Listserv recipients must complete for the ESP Compliance Check History Report. Available in Appendix 10.6.

ESP – OCI Compliance History Questionnaire	Questions OCI Compliance Check Listserv recipients must complete for the ESP Compliance Check History Report. Available in Appendix 10.9.
Software	
METS – Multimedia Enforcement Tracking System	Database used by enforcement staff to track enforcement cases
SDWIS – Safe Drinking Water Information System	Database used by Office of Water Quality to track compliance at public water systems
CAATS – Computer Assisted Approval and Tracking System	Database used by Office of Air Quality to track air permit development and issuance
ACES – Air Compliance and Enforcement System	Database used by Office of Air Quality to track compliance and inspections
IRATS – Indiana RCRA Activity Tracking System	Database used by OLQ to organize and store data related to inspection activities
ULCERS – Underground Leaking, Community Right-to-Know and Emergency Response System	Database maintained by OLQ Quality to record and retrieve data
Microsoft Excel	All staff
Microsoft Word	All staff

5.0 Procedure

5.1. During sixty (60) day ESP application intake period:

Person Responsible	Task or Process	Time Frame
ESP program manager	Send a weekly email during ESP application periods to the “ESP Weekly Application Listserv” with the business names and addresses of ESP applicants for purposes of deferring inspections. No weekly application email will be sent if zero applications are received during that time period. See listserv members at I:\P2\Stacey\ESP\Application\Application\Listserv members.	Weekly
ESP program manager	Send an email to the “ESP Weekly Application Listserv” at the conclusion of the ESP application period containing a final list of ESP applicants including business names and addresses.	First week of 90-day internal ESP application review period
ESP Weekly Application Listserv	<ul style="list-style-type: none"> Distribute the list of ESP applicants to branch chiefs, section chief, staff, inspectors, and local agencies informing recipients of new ESP applicants. Staff shall not perform routine inspections at an ESP applicant’s facility unless otherwise notified by the P2 branch chief until the conclusion of the ESP application intake and review period. If a complaint response, special initiative or compliance inspection is necessary, the compliance branch chiefs shall contact the OPPTA P2 branch chief to discuss necessity. 	Within two days of receiving email from ESP program manager

5.2. During ninety (90) day ESP internal application review period:

Person Responsible	Task or Process	Time Frame
ESP program manager	Email names and addresses of new ESP applicants to each listserv requesting completion of the “ESP Compliance History Report.” See each listserv at:\P2\Stacey\ESP\Application\Compliance\Compliance Check Listservs.	First week of 90-day internal ESP application review period
ESP program manager	Email names and addresses to OAQ Billing to check if all permit fees are paid.	First week of 90-day internal ESP application review period
OAQ & RO Compliance Check Listserv	<ul style="list-style-type: none"> Complete the ESP Compliance History Report using the OAQ and RO Compliance History Questionnaire available in Appendix 10.8. Internal emails, memos, and other documentation shall be considered deliberative and not-for-public-view per IC 5-14-3-4(b)(6). All other publicly available information shall be made available to the applicant. Coordinate the delivery of the ESP Compliance History Report to the ESP program manager 	Within two weeks of receiving email request from ESP program manager
OWQ Compliance Check Listserv	<ul style="list-style-type: none"> Complete the ESP Compliance History Report using the ESP – OWQ Compliance History Questionnaire available in Appendix 10.6. Internal emails, memos, and other documentation shall be considered deliberative and not-for-public-view per IC 5-14-3-4(b)(6). All other publicly available information shall be made available to the applicant. Coordinate the delivery of the ESP Compliance History Report from the inspectors and local agencies to the ESP Program Manager 	Within two weeks of receiving email request from ESP program manager
OLQ Compliance Check Listserv	<ul style="list-style-type: none"> Complete the ESP Compliance History Report using the ESP – OLQ Compliance History Questionnaire available in Appendix 10.7. Internal emails, memos, and other documentation shall be considered deliberative and not-for-public-view per IC 5-14-3-4(b)(6). All other publicly available information shall be made available to the applicant. Coordinate the delivery of the ESP Compliance History Report from the inspectors and local agencies to the ESP program manager 	Within two weeks of receiving email request from ESP program manager
OCI Compliance Check Listserv	<ul style="list-style-type: none"> Complete the ESP Compliance History Report using the ESP – OCI Compliance History Questionnaire available in Appendix 10.9. Internal emails, memos, and other documentation shall be considered deliberative and not-for-public-view per IC 5-14-3-4(b)(6), Freedom of Information Act, and any other state or federal law where applicable. All other publicly available information shall be made available to the applicant. Coordinate the delivery of the ESP Compliance History Report to the ESP program manager 	Within two weeks of receiving email request from ESP program manager
ESP program manager	<ul style="list-style-type: none"> Compile information received on the “ESP Compliance History Report” from each listserv into the “ESP Application Summary.” Refer to the ESP Application Intake and Review SOP Request additional compliance information or details as needed to complete the “ESP Application Summary” 	Within two days of receiving the “ESP Compliance History Report” from each listserv
ESP program manager	Send an email to the “ESP Weekly Application Listserv” at the conclusion of the ESP application intake and review period identifying new members.	End of 90-day ESP application internal review period

5.3. Throughout the year:

Person Responsible	Task or Process	Time Frame
ESP program manager	Cross-check the monthly enforcement referral list for ESP members	Monthly
OPPTA CTAP	Deliberative cross-check of the monthly enforcement referral list for ESP members	Monthly
ESP program manager	Request an annual ESP member update from OAQ, OWQ and OLQ compliance and enforcement area program branch chiefs and RO directors. Each recipient is requested to provide compliance, complaints, inspection and enforcement results of the previous calendar year for ESP members and send to ESP program manager.	Each January

6.0 Records Management

All program applications will be managed by the ESP program manager and stored within the Pollution Prevention Branch in a file cabinet according to the applicant’s name for at least three (3) years. Applicable compliance history report information will remain confidential and stored electronically. Electronic versions of the documents will be filed according to the application round and stored in the ESP program manager’s electronic files.

7.0 Quality Assurance / Quality Control

Information gathered to create the ESP Compliance History Report is reviewed against the criteria outlined in Section 5: Procedure. Future updates to this SOP document are reviewed by the Pollution Prevention branch chief, Assistant Commissioner of Pollution Prevention and Technical Assistance and quality assurance staff. Internal e-mails, memos and other documentation shall be considered deliberative and not-for-public-view per IC 5-14-3-4(b)(6). All other publicly available information shall be made available to the applicant.

8.0 References

- 8.1. Indiana Codes:
 - A. IC 13-30-3-3, Notice of Violation; Offer of Opportunity to Enter into Agreed Order; Failure to Enter into Agreed Order
 - B. IC 5-14-3-4(b)(6), Records Excepted from Disclosure Requirements; Names and Addresses; Time Limitations; Destruction of Records
- 8.2. Environmental Stewardship Program Application Intake and Review, July 17, 2007

9.0 History of Revisions

Not applicable, this is the first version of this SOP.

10.0 Appendices

- 10.1. OAQ and RO Compliance Check Listserv
- 10.2. OWQ Compliance Check Listserv
- 10.3. OLQ Compliance Check Listserv
- 10.4. OCI Compliance Check Listserv
- 10.5. ESP Weekly Application Listserv Members
- 10.6. ESP – OWQ Compliance History Questionnaire
- 10.7. ESP – OLQ Compliance History Questionnaire
- 10.8. ESP – OAQ and RO Compliance History Questionnaire
- 10.9. ESP – OCI Compliance History Questionnaire

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Appendix 10.1 OAQ & RO Compliance Check Listserv

Michael Aylesworth, Director, Northern Regional Office
Hala Kuss, Director, Northwest Regional Office
Phil Perry, Branch Chief, Office of Air Quality
Stacey Pfeffer, Branch Chief, Office of Pollution Prevention and Technical Assistance
Dan Stamatkin, Branch Chief, Office of Air Quality
Troy Woodruff, Director, Southwest Regional Office

Appendix 10.2 OWQ Compliance Check Listserv

Pat Carroll, Branch Chief Office of Water Quality
Debbie Dubenetzky, Branch Chief, Office of Water Quality
William Harkins, Jr., IFA
Paul Higginbotham, Branch Chief, Office of Water Quality
MaryLou Renshaw, Branch Chief, Office of Water Quality
James Robb, Section Chief, Office of Water Quality
Mark Stanifer, Section Chief, Office of Water Quality

Appendix 10.3 OLQ Compliance Check Listserv

Janet Smith, Administrative Assistant, Office of Land Quality

Appendix 10.4 OCI Compliance Check Listserv

Mary Ann Habeeb, Director, Office of Criminal Investigations

Appendix 10.5 ESP Weekly Application Listserv Members

Rick Bossingham, Assistant Commissioner, Office of Pollution Prevention and Technical Assistance
Pat Carroll, Branch Chief, Office of Water Quality
John Crawford, Section Chief, Office of Land Quality
Rosemary Cantwell, Section Chief, Office of Land Quality
Debbie Dubenetzky, Branch Chief, Office of Water Quality
William D. Harkins, Jr., IFA
Paul Higginbotham, Branch Chief, Office of Water Quality
Bruce Kizer, Branch Chief, Office of Land Quality
Tom Linson, Branch Chief, Office of Land Quality
David McIver, Technical Env. Specialist, Office of Pollution Prevention and Technical Assistance
Stacey Martindale, Sr. Environmental Manger, Office of Pollution Prevention and Technical Assistance
Daniel Murray, Assistant Commissioner, Office of Air Quality
Bruce Oertel, Branch Chief, Office of Land Quality
Phil Perry, Branch Chief, Office of Air Quality
Stacey Pfeffer, Branch Chief, Office of Pollution Prevention and Technical Assistance
Mike Pennington, Environmental Manager, OLQ
Shyamala Raman, Section Chief, Office of Land Quality
MaryLou Renshaw, Branch Chief, Office of Water Quality
James Robb, Section Chief, Office of Water Quality
Jerry Rud, Section Chief, Office of Land Quality
Jennifer Schick, Branch Chief, Office of Pollution Prevention and Technical Assistance
Karyl Schmidt, IDEM
Laura Seifert, Environmental Manager, Office of Pollution Prevention and Technical Assistance
Laura Steadham, Branch Chief, Office of Land Quality
Vic Windle, Section Chief, Office of Land Quality

Appendix 10.6 ESP – OWQ Compliance History Questionnaire

Wastewater:

1. Does the facility have a NPDES permit issued by IDEM?
 - If yes, permit #:
 - Current IDEM Wastewater Inspector:
2. Does the facility have a NPDES permit issued by Local pretreatment program?
 - If yes, permit #:
3. Is facility currently involved in an open IDEM NPDES or Local pretreatment enforcement case?
 - If yes for IDEM, provide IDEM Case Number:
4. Is facility the subject of any pending IDEM NPDES or Local pretreatment enforcement case?
 - If yes, please describe:
5. Does facility have a recent history (5 years) of IDEM or local enforcement referrals, enforcement cases, or compliance problems?
 - If yes, please describe:
6. Is any of this information deliberative? Please mark any information obtained from emails, memos, or documents considered deliberative.

Drinking Water:

1. Is the facility a Public Water System?
 - If yes, PWSID #
 - If no, STOP
2. Current IDEM Drinking Water Inspector:
3. Does the facility have a recent history (5years) of MCL violations, Monitoring and Reporting violations, Treatment Technique violations or enforcement referrals?
 - If yes, please describe:
4. Is facility involved in an open IDEM enforcement case?
 - If yes, provide IDEM Case Number:
5. Is facility the subject of any pending IDEM enforcement case?
 - If yes, please describe:
6. Is any of this information deliberative? Please mark any information obtained from emails, memos, or documents considered deliberative.

Appendix 10.7 ESP – OLQ Compliance History Questionnaire

1. Has your program been engaged with the facility in the past five years?
 - a. If yes, what is the history of engagement?
2. Is any of this information deliberative? Please mark any information obtained from emails, memos, or documents considered deliberative.

Appendix 10.8 ESP – OAQ & RO Compliance History Questionnaire

1. What are the recent (past five years) results regarding compliance, complaint, inspection results, and enforcement actions at this facility? Include dates of inspections, inspection results, details on violations, and inspector comments.
2. Is any of this information deliberative? Please mark any information obtained from emails, memos, or documents considered deliberative.

Appendix 10.9 ESP – OCI Compliance History Questionnaire

1. What are the recent (past five years) results regarding criminal investigations at this facility or its parent company, if applicable?
2. Is any of this information deliberative or not disclosable under any state or federal law? Please mark any information obtained from emails, memos, or documents considered deliberative or not disclosable under any state or federal law.