



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

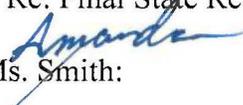
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

MAR 26 2015

Ref: 8ENF-PJ

Ms. Amanda Smith
Director, State of Utah Department of Environmental Quality
195 North 1950 West
P.O. Box 144810
Salt Lake City, UT 84114-4810

Re: Final State Review Framework (SRF) Evaluation Results for Fiscal Year 2013


Dear Ms. Smith:

Enclosed you will find the final SRF report summarizing evaluation of Utah's Clean Air Act Stationary Source, Resource Conservation and Recovery Act Subtitle C, and National Pollutant Discharge Elimination System enforcement programs for federal Fiscal Year 2013. This Environmental Protection Agency (EPA) Region 8 report incorporates comments received from both the Utah Department of Environmental Quality and the EPA's Office of Compliance. We look forward to working with your office in utilizing the results of this evaluation to advance our shared objective of protection of public health and the environment in Utah.

If you have any questions regarding the SRF evaluation or the SRF in general, please contact me or have your staff contact Ms. Kaye Mathews at (303) 312-6889. Program-specific questions may be directed to the EPA program contacts identified in the report.

Sincerely,



Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

Enclosure

cc: Sent via Electronic Mail
Mr. John Kennington, UPDES Engineering
Mr. Jeff Studenka, UPDES IES
Mr. Harold Burge, Major Source Compliance
Mr. Don Verbica, Hazardous Waste
Mr. Shawn McGrath, Regional Administrator, EPA, R8
Ms. Deb Thomas, Deputy Regional Administrator, EPA, R8



Printed on Recycled Paper

STATE REVIEW FRAMEWORK

Utah

Clean Water Act, Clean Air Act, and Resource Conservation and Recovery Act Implementation in Federal Fiscal Year 2013

**U.S. Environmental Protection Agency
Region 8, Denver**

**Final Report
February 24, 2015**

Executive Summary

Introduction

EPA Region 8 enforcement staff conducted a State Review Framework (SRF) enforcement program oversight review of the Utah Department of Environmental Quality (UDEQ).

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

Areas of Strong Performance

CWA

- Many data elements had 100 percent data entry rates. Permit limit and discharge monitoring report (DMR) data entry rates for majors were above national goals and averages. All reviewed majors that should have been identified as in significant noncompliance (SNC) were identified as such in a timely manner.
- The state met or exceeded all of its inspection commitment numbers in each NPDES inspection type. This is an area where the state routinely does well from year-to-year.
- The state had collected 100 percent of penalties due from FY 2013 enforcement actions as of the date of the EPA's file review. The invoice process used by the state appeared to be very efficient.

CAA

- All formal enforcement responses included required corrective actions that have returned each facility to compliance within a specified time frame.
- The state had collected 100 percent of penalties due from FY 2013 enforcement actions as of the date of the EPA's file review. By using early settlement agreements, the state is able to settle cases in an expeditious manner.
- EPA reviewed seven compliance determinations and found that the state identified the HPV status appropriately in all instances.

RCRA

- There were no RCRA Subtitle C Program issues specifically identified.

Priority Issues to Address

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

CWA

- Only nine of 102 construction stormwater inspections were full compliance evaluations (FCEs) of construction stormwater sites, and these nine inspections were the only inspections conducted during active construction. All other stormwater construction inspections were to verify the site had been stabilized after the site terminated the permit, but none of the site's records were reviewed.
- The state's draft enforcement management system (EMS) is not always followed with respect to enforcement responses and time frames listed in the draft EMS. In addition, the draft EMS does not address enforcement for sanitary sewer overflows, spills, CAFOs, construction stormwater, industrial stormwater, or MS4s.
- Penalty calculations did not fully account for gravity and economic benefit. In some cases, gravity or economic benefit was calculated without documenting the basis for the calculation, other penalties were calculated without following Utah's penalty calculation rule, and other penalties did not include any economic benefit.

CAA

- Only two of 24 compliance monitoring reports had all the information required by the EPA Compliance Monitoring Strategy (CMS). The mailing address of the facilities and whether compliance assistance was offered were missing from most reports. However, these missing elements do not affect the ability to determine compliance of a facility.
- Four of 24 files reviewed had minimum data requirements that were not included in the detailed facility report. This resulted in an 83.3 percent rate of minimum data requirements being included in AFS.

RCRA

- There were no priority RCRA Subtitle C Program issues specifically identified.

Most Significant CWA-NPDES Program Issues¹

- Enforcement data flow processes and data entry procedures resulted in incorrect and incomplete data entry and significantly delayed violation resolution. Ten of the 15 files reviewed with data issues were a result of incorrect or incomplete enforcement data being entered into the database. This appeared to be a result of the process used by Utah enforcement staff to give the information to the Utah data entry person, which may not occur for two to three years after the initial notice of violation/compliance order is issued.
- Some notices of violation/compliance orders did not address all of the violations surrounding an enforcement action. Because facilities were not made aware of all violations as part of some enforcement actions they will not fully return to compliance.
- Enforcement for stormwater was minimal. There was only one stormwater enforcement case, which was for construction stormwater. The state did not enforce on a construction stormwater site that was unpermitted for a period of time, and the state could not provide an estimate of the last time it took an industrial stormwater enforcement action.

Most Significant CAA Stationary Source Program Issues

- Only two of 24 compliance monitoring reports had all the information required by the EPA Compliance Monitoring Strategy. The mailing address of the facilities and whether compliance assistance was offered were missing from most reports. These issues were discussed with the state and sections addressing these items should be included in future reports.
- Four of 24 files reviewed had minimum data requirements that were not included in the detailed facility report. Three instances were due to the lack of stack test results being entered into AFS. All stack test results should be entered into AFS.

Most Significant RCRA Subtitle C Program Issues

- There were no significant RCRA Subtitle C Program issues identified.

¹ EPA's "National Strategy for Improving Oversight of State Enforcement Performance" identifies the following as significant recurrent issues: "Widespread and persistent data inaccuracy and incompleteness, which make it hard to identify when serious problems exist or to track state actions; routine failure of states to identify and report significant noncompliance; routine failure of states to take timely or appropriate enforcement actions to return violating facilities to compliance, potentially allowing pollution to continue unabated; failure of states to take appropriate penalty actions, which results in ineffective deterrence for noncompliance and an unlevel playing field for companies that do comply; use of enforcement orders to circumvent standards or to extend permits without appropriate notice and comment; and failure to inspect and enforce in some regulated sectors."

Table of Contents

I. Background on the State Review Framework	2
II. SRF Review Process.....	3
III. SRF Findings	4
Clean Water Act Findings.....	5
Clean Air Act Findings	29
Resource Conservation and Recovery Act Findings.....	37
Appendix.....	44

I. Background on the State Review Framework

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

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

Reviews cover:

- **Data** — completeness, accuracy, and timeliness of data entry into national data systems
- **Inspections** — meeting inspection and coverage commitments, inspection report quality, and report timeliness
- **Violations** — identification of violations, determination of significant noncompliance (SNC) for the CWA and RCRA programs and high priority violators (HPV) for the CAA program, and accuracy of compliance determinations
- **Enforcement** — timeliness and appropriateness, returning facilities to compliance
- **Penalties** — calculation including gravity and economic benefit components, assessment, and collection

EPA conducts SRF reviews in three phases:

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

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

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

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

II. SRF Review Process

Review period: FY 2013

Key dates:

SRF Kick Off Letter (Appendix)	March 28, 2014
CWA NPDES File Review	June 23-27, 2014
CAA File Review	June 16-20, 2014
RCRA File Review	May 12-16, 2014

State and EPA key contacts for review:

**U.S. Environmental Protection Agency Region 8
Office of Enforcement, Compliance and Environmental Justice
1595 Wynkoop St.
Denver, CO 80202**

SRF Coordinator

Kaye Mathews, Policy and Env Justice Unit (303) 312-6889 mathews.kaye@epa.gov

CWA

Stephanie DeJong, NPDES Enforcement Unit (303) 312-6362 dejong.stephanie@epa.gov
Natasha Davis, NPDES Enforcement Unit (303) 312-6225 davis.natasha@epa.gov

CAA

Sherrie Kinard, Air Enforcement Unit (303) 312-6613 kinard.sherrie@epa.gov

RCRA

David Duster, RCRA Enforcement Unit (303) 312-6665 duster.david@epa.gov

Utah Department of Environmental Quality (UDEQ)

**195 North 1950 West
P.O. Box 144810
Salt Lake City, UT 84114-4810**

SRF State Contact

Amanda Smith, UDEQ Director (801) 536-4404 amandasmith@utah.gov

CWA

John Kennington, UPDES Engineering (801) 536-4380 jkennington@utah.gov
Jeff Studenka, UPDES IES (801) 536-4395 jstudenka@utah.gov

CAA

Harold Burge, Major Source Compliance (801) 536-4129 hburge@utah.gov

RCRA

Don Verbica, Hazardous Waste (801) 536-0206 dverbica@utah.gov

III. SRF Findings

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

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

There are three categories of findings:

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

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

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

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

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

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

Clean Water Act Findings

CWA Element 1 — Data						
Finding 1-1	Meets or Exceeds Expectations					
Summary	Permit limit and DMR data entry rates for majors were above national goals and averages.					
Explanation	Utah has entered 100 percent of permit limits for majors. This exceeds both the national goal of 95 percent and the national average of 98.4 percent. Utah has a DMR entry rate for majors of 99.6 percent. This exceeds both the national goal of 95 percent and the national average of 97.1 percent.					
Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	1b1 Permit limit rate for major facilities	95%	98.4%	38	38	100%
	1b2 DMR entry rate for major facilities	95%	97.1%	1021	1025	99.6%
State response	Utah agrees with EPA findings.					
Recommendation	N/A					

CWA Element 1 — Data

Finding 1-2	Area for State Attention																	
Summary	Typos in the database resulted in minor data errors, and one construction stormwater inspection was entered timely.																	
Explanation	<p>Sixteen of 31 files reviewed had complete data. Five of the 15 files with data issues were a result of typos or other data mistakes or omissions. These included incorrect latitude and longitude, failing to enter latitude and longitude, a facility address listed at the city hall address rather than the facility, failing to ensure that a facility with both a process wastewater permit number and industrial stormwater permit number have both numbers entered, and making sure DMR due dates match those in the permit. In addition, one construction stormwater inspection reviewed was not in the frozen data indicating it was not entered timely, although it was found in the database at the time of the file review. These data issues are easily corrected.</p> <p>Utah stated it strives to enter all data accurately and timely and thanked the EPA for finding some typos that needed correction. Three of the typo errors were immediately corrected, and the remaining two will be corrected during a future permit renewal.</p> <p>Ten of the 15 files reviewed with data issues were a result of incorrect or incomplete enforcement data being entered into the database. Of the 10 facilities with incorrect or incomplete enforcement data, six were minors where EPA guidance does not require this data to be entered. The EPA appreciates that Utah enters data for minors that is beyond the minimum data requirements.</p>																	
Relevant metrics	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>2b Files reviewed where data are accurately reflected in the national data system</td> <td>95%</td> <td></td> <td>16</td> <td>31</td> <td>51.6%</td> </tr> </tbody> </table>						Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	2b Files reviewed where data are accurately reflected in the national data system	95%		16	31	51.6%
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #													
2b Files reviewed where data are accurately reflected in the national data system	95%		16	31	51.6%													
State response	Any typos or other simple data entry mistakes that were pointed out by EPA were quickly and easily corrected within the database. As stated above, Utah strives to enter all data accurately and timely, but as humans we are not perfect. Regarding the timely entry of enforcement related data, Utah has already implemented as of 9-1-2014 an internal process for the ICIS data stewards to enter this data upon issuance by the state to the regulated facility rather than wait until after the case is closed out as was being done previously.																	

Recommendation	N/A
-----------------------	-----

CWA Element 1 — Data

Finding 1-3	Area for State Improvement																	
Summary	Enforcement data flow processes and data entry procedures resulted in incorrect and incomplete data entry and significantly delayed violation resolution.																	
Explanation	<p>Sixteen of 31 files reviewed had complete data. Ten of the 15 files reviewed with data issues were a result of incorrect or incomplete enforcement data being entered into the database. Of the 10 facilities with incorrect or incomplete enforcement data, four were majors. These were the only for majors with enforcement reviewed. The incorrect or incomplete enforce data appeared to be a result of a delayed process used by Utah enforcement staff to give the information to the Utah data entry personnel. For example, NOV/COs are not provided for data entry until penalties are collected and environmental projects are complete. If there are penalties, they may be collected two or three years after the NOV/CO is issued. In addition, penalties were entered into the database as administrative orders, and the data entry personnel is trying to work around the database limitations to enter penalty information and resolve violations. Since the file review, EPA data management personnel have worked with Utah data management personnel to review enforcement data procedures to prevent the need for these work-around procedures. Violations could be resolved by entering the NOV/CO much sooner.</p> <p>Utah has agreed to the recommendation below.</p>																	
Relevant metrics	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>2b Files reviewed where data are accurately reflected in the national data system</td> <td>95%</td> <td></td> <td>16</td> <td>31</td> <td>51.6%</td> </tr> </tbody> </table>						Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	2b Files reviewed where data are accurately reflected in the national data system	95%		16	31	51.6%
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #													
2b Files reviewed where data are accurately reflected in the national data system	95%		16	31	51.6%													
State response	<p>The EPA recommendation has already been implemented. Any typos or other simple data entry mistakes that were pointed out by EPA were quickly and easily corrected within the database. As stated previously, Utah strives to enter all data accurately and timely, but as humans we are not perfect. Regarding the timely entry of enforcement related data, Utah has already implemented as of 9-1-2014 an internal process for the ICIS data stewards to enter this data upon issuance by the state to the regulated facility rather than wait until after the case is closed out as was being done previously.</p>																	

Recommendation

- 1) By September 1, 2014, Utah will commit to start entering NOV/CO information into ICIS within 30 days upon issuance instead of waiting until the NOV/CO is resolved. This will be Utah's SOP. This will be incorporated in the updated draft EMS provided to the EPA by September 30, 2015.
-

CWA Element 2 — Inspections

Finding 2-1

Meets or Exceeds Expectations

Summary

Inspection commitment numbers were met or exceeded.

Explanation

According to the End of Year Report provided to the EPA and ECHO, Utah completed 11 pretreatment compliance inspections or audits. This is beyond the 10 committed to in the PPA. Utah reported during the SRF process that it inspected one of four known significant industrial users. There was no commitment in the PPA.

Utah does not have any combined sewers. In lieu of committing to conducting sanitary sewer overflow inspections, Utah committed in the PPA to start its Utah Sewer Management Program, a program to permit the operation of all public sanitary collection systems to encourage better management of those systems. Utah has completed this commitment.

According to ECHO, Utah completed three MS4 audits or inspections, one of which was a full Phase I MS4 audit. Utah committed to conduct one Phase I MS4 audit as a joint inspection with the EPA, which was completed.

According to the End of Year Report provided to the EPA and ECHO, Utah completed 62 industrial stormwater inspections. This is beyond the 60 committed to in the PPA.

According to the End of Year Report provided to the EPA and ECHO, Utah completed 16 CAFO inspections. This is beyond the 14 committed to in the PPA.

According to the End of Year Report provided to the EPA, Utah completed 16 of 16 majors committed to in the PPA. According to ECHO, Utah conducted 22 inspections at majors. This number listed in metric 5a1 is higher than 16, because some pretreatment audits were counted as major inspections by ECHO, even though they were correctly identified in the database as pretreatment.

There is no differentiation between non-majors with individual and general permits in Utah's annual commitment. Including municipal and industrial facilities, Utah committed to conducting a total of 54 minors inspections, and 54 were reported on the End of Year Report to EPA. Therefore, Utah met 100 percent of its commitment. According to ECHO, 39 inspections of non-majors with individual permits were conducted. This number of inspections counted in metric 5b1 incorrectly counts inspections such as

MS4s, which were correctly identified in the database as an MS4 inspection and should be counted in metric 4a7. According to ECHO, 53 inspections of non-majors with general permits were conducted. The number in metric 5b2 incorrectly counts inspections such as stormwater construction, which was correctly identified in the database as stormwater construction and should be counted in metric 4a9.

Utah enters all of its inspections into the database, which is not required. Utah is exceeding inspection data entry expectations.

Note: The data associated with the metrics listed below are based on data provided by the state and verified by the EPA in ICIS. Some of the data provided by ECHO for these metrics were inaccurate, as discussed above.

Relevant metrics	Metric ID Number and Description					
	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	4a1 Pretreatment compliance inspections and audits	100% of commitment		11	10	>100%
	4a2 Significant Industrial User inspections for SIUs discharging to non-authorized POTWs	100% of commitment		1	0	N/A
	4a4 Major CSO inspections	100% of commitment		0	0	N/A
	4a5 SSO inspections	100% of commitment		0	0	N/A
	4a7 Phase I & II MS4 audits or inspections	100% of commitment		3	3	100%
	4a8 Industrial stormwater inspections	100% of commitment		62	60	>100%
	4a10 Medium and large NPDES CAFO inspections	100% of commitment		16	14	>100%
	5a1 Inspection coverage of NPDES majors	100% of commitment	53.1%	22	38	57.9%
	5b1 Inspection coverage of NPDES non-majors with individual permits	100% of commitment	25.2%	39	128	30.5%
	5b2 Inspection coverage of NPDES non-majors with general permits	100% of commitment	6.8%	53	1484	3.6%
State response	Utah agrees with the EPA SRF findings.					
Recommendation	N/A					

CWA Element 2 — Inspections

Finding 2-2	Area for State Improvement					
Summary	Utah conducted 102 construction stormwater inspections, and only nine were full compliance evaluations.					
Explanation	<p>The EPA selected two random construction stormwater inspections of 102 to review. Both of these inspections were notice of termination (NOT) inspections where the inspection consisted of evaluating whether the site had been properly stabilized to terminate permit coverage. There was no review by Utah of whether the site had an adequate SWPPP, conducted self-inspections, maintained records, etc. The EPA added a file review of a full construction stormwater compliance evaluation, and the inspector did not evaluate the SWPPP. Following subsequent discussions with Utah, the EPA found that only a small number of the 102 construction inspections were full compliance evaluations and the majority were NOT inspections. Only nine compliance evaluations were conducted at construction stormwater sites in FY 2013. While NOT inspections have value in assessing compliance after the construction project is complete, the vast majority of environmental impacts occur while construction is occurring. Utah only evaluated 0.34 percent of its construction stormwater universe during active construction.</p> <p>The EPA’s 2007 Compliance Monitoring Strategy discusses the EPA’s construction stormwater inspection expectations. It states, “Storm water inspections are designed to ensure that regulated facilities have a NPDES permit for storm water discharge and a Storm Water Pollution Prevention Plan (SWPPP) and are following the specifications in each. During the inspection, the inspector reviews the permit and the SWPPP and determines whether the SWPPP meets the requirements set forth in the permit. The inspector also reviews records, such as self-inspection reports, to verify that the facility is complying with its permit and the SWPPP and walks the site to verify that the SWPPP is accurate and BMPs are in place and functioning properly.”</p> <p>Utah has instructed stormwater construction inspectors to conduct compliance evaluations for at least 50 percent of future stormwater construction inspections.</p>					
Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	4a9 Phase I and II stormwater construction inspections	100% of commitment		102	96	>100%

State response	The EPA recommendation has already been implemented. Effective 10-1-2014, Utah has implemented a change to have 50% of all construction stormwater inspections be full compliance evaluations performed at active sites. With no previous benchmark or guidance from EPA on this metric, Utah had mostly performed NOT inspections as a way to meet inspection number commitments with the limited state resources as available.
Recommendation	1) In the FY 2015 Inspection Plan, Utah will commit to conducting a full compliance evaluation inspection for at least 50 percent of the construction stormwater inspections.

CWA Element 2 — Inspections

Finding 2-3

Area for State Improvement

Summary

Several inspection reports were not complete.

Explanation

Sixteen of 30 inspection reports reviewed were complete. Six of the 14 incomplete inspections were pretreatment inspections, where the information that would be on an EPA NPDES Compliance Inspection Report (Form 3560) was not in the inspection report. Both of the CAFO reports reviewed did not include the photos in the photo section of the report, even though the report stated photos were taken. Three of the incomplete inspections were a result of an employee retiring without completing reports. The EPA reviewed three construction stormwater files. The only non-notice of termination stormwater construction inspection reviewed did not complete the evaluation of the Stormwater Pollution Prevention Plan (SWPPP) submitted to Utah after the on-site inspection was conducted. Two incomplete reports were for CEIs and were due to typo or omission types of errors. Some of the inspection report completeness issues are recurring from the FY 2009 review (CAFOs and construction stormwater), but the state has improved in completeness for reconnaissance inspections. Pretreatment issues were not identified in the FY 2009 review.

Utah indicated the missing information for pretreatment reports is gathered and input into ICIS, but it has not been included in the report sent to the facility.

Utah agreed photos would be useful to include in the file. Utah stated the two CAFO reports in question were the only reports out of approximately 20 that did not include photos. During the write up of one of the CAFO reports, the photos collected during the inspection were accidentally deleted before they could be downloaded. Regarding the other CAFO report, the inspector did collect photos on site but chose not to include them in the report.

Regarding the inspection reports not completed by a retiring employee, this was due to a personnel issue beyond the control Utah management. The issue is not continuing.

For the CEI typos and omissions, Utah stated the inspectors will endeavor to include all correct information in the future.

Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
		6a Inspection reports complete and sufficient to determine compliance at the facility	100%		16	30
State response	<p>As stated above, there are varying extenuating circumstances for most if not all of the EPA SRF inspection reports completeness findings included herewith.</p> <p>Regarding the pretreatment (PT) reports and as discussed with EPA during the SRF, Utah does already include this information within the full PT report, which includes attachments. However, Utah has modified the PT reporting template as recommended by EPA and has provided that to EPA as of 12-22-2014 to address Recommendation #1 below.</p> <p>Regarding the CAFO reports, Utah agrees that photos are useful to include in the file and strives to do so wherever possible. Utah stated that the two CAFO reports in question were the only reports out of approximately 20 that did not include photos. During the write up of one of the CAFO reports, the photos collected during the inspection were accidentally deleted before they could be downloaded. Regarding the other CAFO report, the inspector did collect photos on site but chose not to include them in the report as they were not particularly relevant to the findings. However, to further address this EPA SRF finding, Utah has directed the CAFO inspector to be sure to include all photos in all subsequent reports beginning July 1, 2014. This has been accomplished previously and this will be the extent of Utah's SOP regarding this matter to address EPA's Recommendation #2 below.</p> <p>Regarding EPA Recommendation #3 below, Utah does not feel it necessary to proceed in this way, but will support EPA upon request of randomly selected inspection reports.</p>					
Recommendation	<ol style="list-style-type: none"> 1) By January 1, 2015, Utah will add the entry and exit times and permit effective dates to the pretreatment report templates. A copy of the templates will be provided to the EPA by this date. 2) Utah instructed the CAFO inspector to include photos in all inspection reports on July 1, 2014. The CAFO inspector has agreed. By April 1, 2015, Utah will provide the EPA a copy of a CAFO inspection template that will include a section for all photos. . 3) The EPA will periodically request to review randomly selected inspection reports for inspections conducted in FY 2015. If these 					

periodic reviews indicate sufficient improvement in inspection report completeness, this recommendation will be considered complete. If the recommendation cannot be considered complete, the EPA will continue these reviews until improvement is achieved.

CWA Element 2 — Inspections

Finding 2-4	Area for State Improvement																	
Summary	Inspection reports were not completed in a timely manner.																	
Explanation	<p>Inspection reports were completed in an average of 115 days. This includes three reports never drafted by an employee who retired; the number of days for completion used in the average for these three reports was calculated based on the time between the inspection and the time the EPA reviewed the file. If these three reports are removed from the calculation, the average time for completing inspection reports was 77 days. Only 11 of the 30 reports (36.7 percent) were completed in 45 days. Utah’s draft Environmental Management System (EMS) states inspection reports will be completed in 30 days. Five of the reports were completed in 30 days. The EPA’s EMS states that inspection reports will be completed within 30 days for inspection report for a non-sampling inspection and 45 days for inspections involving sampling. None of the five inspections completed between 30 and 45 days included sampling.</p> <p>Since October 1, 2013, Utah has been tracking all inspection reports for timeliness, as this metric is part of employees' annual performance plans and goals. The 30-day target goal is an internal Utah exceptional performance metric and was not intended to supersede the EPA's 45-day goal. Although Utah’s draft EMS does state 30-days for inspection reports, this was intended to be for Utah’s own internal performance tracking and not for the EPA's review. Utah is working on a the draft EMS to make that distinction and also provide appropriate metrics for pretreatment and MS4 reports, which take more time than typical reconnaissance inspections and CEIs. Utah also indicated that time and resource constraints of staff added to the delay in completing some inspection reports.</p> <p>The FY 2009 review found that 21 of 28 were completed in a timely manner.</p> <p>Regarding the inspection reports not completed by a retiring employee, this was due to a personnel issue beyond the control Utah management. The issue is not continuing.</p>																	
Relevant metrics	<table border="1"> <thead> <tr> <th data-bbox="477 1644 1024 1724">Metric ID Number and Description</th> <th data-bbox="1024 1644 1089 1724">Natl Goal</th> <th data-bbox="1089 1644 1203 1724">Natl Avg</th> <th data-bbox="1203 1644 1268 1724">State N</th> <th data-bbox="1268 1644 1333 1724">State D</th> <th data-bbox="1333 1644 1458 1724">State % or #</th> </tr> </thead> <tbody> <tr> <td data-bbox="477 1724 1024 1816">6b Inspection reports completed within prescribed timeframe</td> <td data-bbox="1024 1724 1089 1816">100%</td> <td data-bbox="1089 1724 1203 1816"></td> <td data-bbox="1203 1724 1268 1816">5</td> <td data-bbox="1268 1724 1333 1816">30</td> <td data-bbox="1333 1724 1458 1816">16.7%</td> </tr> </tbody> </table>	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	6b Inspection reports completed within prescribed timeframe	100%		5	30	16.7%					
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #													
6b Inspection reports completed within prescribed timeframe	100%		5	30	16.7%													

<p>State response</p>	<p>As stated above, Utah’s draft EMS was never finalized, as comments from EPA were never received. Therefore the draft EMS was considered more guidance than policy until finalized. Since this audit finding, EPA and Utah have agreed to finalize the EMS in 2015. The 30-day metric was to be used for internal employee performance only and not subject to EPA review as a benchmark. This will be modified as such in the revised EMS along with more appropriate timeliness criteria for more extensive type inspections, such as pretreatment and MS4 audits as appropriate.</p> <p>For these reasons, Utah does agree with this metric as provided by EPA, as we strive to achieve the 45-day inspection timeliness metric, but due to resource constraints and other unforeseen circumstances, it is not always possible to do so. The modified EMS will address these issues, but as EPA can attest from their own timeliness issues of EPA-lead inspection and audits, it is very difficult to complete all inspection reports within 45 days from the inspection activity, and thus the States should not be held to a similar standard across all programs.</p> <p>Utah believes the correct metric to be 49.8 days. If the six pretreatment and one MS4 audit reports are excluded from the calculation, because they require a higher level of effort and take longer than 45 days, as well as the 3 outliers from a retiring employee whom had no intention of ever completing his reports, that leaves 20 reports and 996 days total, for an average of 49.8 days.</p> <p>However, to better address this metric, Utah has agreed to the EPA recommendations below as presented and has already seen a significant improvement in all programs since implementing a tracking system in FY13.</p>
<p>Recommendation</p>	<ol style="list-style-type: none"> 1) Provide the EPA a report by August 1, 2015 indicating the number of inspections conducted between October 1, 2015 and June 30, 2015 and the number of days to complete each report. If this report indicates sufficient improvement in inspection report timeliness, this recommendation will be considered complete. If the recommendation cannot be considered complete, Utah will then provide these reports by November 30, January 31, April 30 and July 31 covering the previous calendar quarter until improvement is achieved. 2) Provide the EPA an updated draft EMS by September 30, 2015 that updates time frames for inspection report completion.

CWA Element 3 — Violations

Finding 3-1	Meets or Exceeds Expectations					
Summary	SNC was identified in a timely manner.					
Explanation	All majors that should have been identified as in SNC were identified as such in a timely manner.					
Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	8c Percentage of SEVs identified as SNC reported timely at major facilities	100%		2	2	100%
State response	Utah agrees with EPA SRF findings.					
Recommendation	N/A					

CWA Element 3 — Violations

Finding 3-2	Area for State Attention					
Summary	Most single event violations (SEVs) were accurate, but SEVs were not entered for violations the inspector failed to identify in one file.					
Explanation	<p>There was only one file where the SEV was not entered for a major. All other SEVs entered for majors were correctly identified as SNC or non-SNC. Because the violations at Central Davis Sewer District for an E. coli effluent violation and failure to report were not identified by the inspector, no SEV was identified. The SEV would not have resulted in SNC.</p> <p>The Utah inspector will endeavor to include all compliance information in future reports.</p> <p>An SEV was entered for one major. According to ECHO, 20 of 38 majors were in noncompliance, which 52.6 percent. This is below the national average of 63.1 percent.</p>					
Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	7a1 Number of major facilities with single event violations			1		
	7d1 Major facilities in noncompliance		63.1%	20	38	52.6%
	8b Single-event violations accurately identified as SNC or non-SNC	100%		5	6	83.3%
State response	As stated above, Utah will endeavor to include all compliance information in all future reports, as this lone example was an oversight by the inspector that would have resulted in neither SNC, nor a change in Utah’s compliance assistance, regardless.					
Recommendation	N/A					

CWA Element 3 — Violations

Finding 3-3	Area for State Improvement																							
Summary	Violations were not identified by inspectors and included in reports, although records attached to the report showed violations. The failure of a retiring employee to complete inspection reports lead to a failure to make compliance determinations for three inspections.																							
Explanation	<p>Twenty-two inspection files had reports that led to an accurate compliance determination, and eight did not. Three of the files without an accurate compliance determination were a result of an employee retiring and not drafting a report and making a compliance determination. It is unknown if there were violations for these three inspections. The inspection records for two compliance evaluation inspection (CEI) files contained documentation that sampling requirements were not met, but these violations were not identified in the report. The inspection records for another CEI contained documentation that there was an E. coli violation that was not reported to the state, but this was not identified in the report. One of the stormwater construction files included documentation that the permittee was unpermitted for a time, but this was not identified in the report as a violation. It was also noted that in 184 total industrial and construction stormwater inspections, no violations were found. This may be partly be due to the fact that only nine of the 102 construction stormwater inspections were compliance evaluation inspections and the others were notice of termination inspections; the one construction stormwater compliance evaluation report reviewed did not evaluate the SWPPP.</p> <p>Utah stated it does have and use forms for facility data review, but any examples from the EPA would be appreciated as Utah continually strives to improve its process. The EPA provided example data review forms.</p> <p>Utah stated it currently has an internal management review process for inspection reports, but it does not have a peer review process as discussed with the EPA.</p>																							
Relevant metrics	<table border="1"> <thead> <tr> <th data-bbox="483 1612 1006 1686">Metric ID Number and Description</th> <th data-bbox="1023 1612 1096 1686">Natl Goal</th> <th data-bbox="1104 1612 1193 1686">Natl Avg</th> <th data-bbox="1201 1612 1274 1686">State N</th> <th data-bbox="1282 1612 1356 1686">State D</th> <th data-bbox="1364 1612 1437 1686">State % or #</th> </tr> </thead> <tbody> <tr> <td data-bbox="483 1696 1006 1770">7e Inspection reports reviewed that led to an accurate compliance determination</td> <td data-bbox="1023 1696 1096 1770">100%</td> <td data-bbox="1104 1696 1193 1770"></td> <td data-bbox="1201 1696 1274 1770">22</td> <td data-bbox="1282 1696 1356 1770">30</td> <td data-bbox="1364 1696 1437 1770">73.3%</td> </tr> <tr> <td data-bbox="483 1780 1006 1850">4a8 Industrial stormwater inspections</td> <td data-bbox="1023 1780 1096 1850">100% of</td> <td data-bbox="1104 1780 1193 1850"></td> <td data-bbox="1201 1780 1274 1850">62</td> <td data-bbox="1282 1780 1356 1850">60</td> <td data-bbox="1364 1780 1437 1850">>100%</td> </tr> </tbody> </table>	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	7e Inspection reports reviewed that led to an accurate compliance determination	100%		22	30	73.3%	4a8 Industrial stormwater inspections	100% of		62	60	>100%					
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #																			
7e Inspection reports reviewed that led to an accurate compliance determination	100%		22	30	73.3%																			
4a8 Industrial stormwater inspections	100% of		62	60	>100%																			

	comm itment			
4a9 Phase I and II stormwater construction inspections	100% of comm itment	102	96	>100%

State response As stated previously, sometimes extenuating circumstances inhibit more accurate metrics. In this case, the outgoing retiring employee that did not complete any inspection reports was an inhibitor towards achieving a more representative metric. Remove the three inspections in this case and the corresponding relevant metric increases from 73.3% to 81.5%. Therefore, Utah does not agree with Relevant Metric 7e above and does not agree with the corresponding recommendation #1 below. However, in an effort to better address this metric, Utah does agree to EPA Recommendation #2 below as presented. Regarding EPA Recommendation #1 below, Utah will evaluate by June 1, 2015, the need to do so and implement any new processes thereafter.

- Recommendation**
- 1) By July 1, 2015, Utah will evaluate the need to have peer review of inspection reports to ensure a complete evaluation of data to determine compliance. Any peer review would be in addition to the current practice of management review. By this date, Utah will submit a summary of this review and its findings to the EPA that includes a list of any additional practices necessary to ensure a complete evaluation of data to determine compliance.
 - 2) The EPA will periodically request to review randomly selected inspection reports for inspection conducted in FY 2015. If these periodic reviews indicate sufficient improvement in violation identification, this recommendation will be considered complete. If the recommendation cannot be considered complete, the EPA will continue these reviews until improvement is achieved.

CWA Element 4 — Enforcement

Finding 4-1	Area for State Improvement
Summary	Not all enforcement brought facilities back into compliance. The state’s draft Enforcement Management System (EMS) is not always followed with respect to enforcement responses and time frames listed in the draft EMS.
Explanation	<p>Nine of the 13 enforcement actions reviewed returned facilities to compliance. Four of the enforcement actions failed to address all of the violations. In another enforcement action, none of the violations were enforced upon, as listed in Utah’s draft EMS. It is unclear whether or not the violations that were not enforced upon were identified by Utah. If the violator is unaware they are violating, the enforcement action will not fully bring them back into compliance.</p> <p>Although Utah’s EMS is still in draft, this was the document used to determine timely and appropriate compliance since Utah uses this document rather than the EPA’s EMS.</p> <p>Nine of the 13 files reviewed that did or should have resulted in enforcement appropriately addressed violations. There were four files where Utah’s draft EMS called for various enforcement actions within various time frames. For two of the files, there was no enforcement when enforcement was called for in the Utah’s draft EMS (Moab’s effluent violations and Orem’s late DMRs). Both of these are majors who were in SNC. For one file, one of the enforcement actions did not meet the time frames listed in the draft EMS and another enforcement action called for by the Utah’s draft EMS was not taken (Weir Specialty Pumps). For two files, the enforcement actions did not meet the time frames listed in the draft EMS (Western Energy Operating and Crandall Canyon Mine).</p> <p>In addition to the five files where the draft EMS was not followed, Utah’s draft EMS does not address enforcement for SSOs and spills, which are areas where Utah consistently does take enforcement. The draft EMS does not address any enforcement for CAFOs, construction stormwater, industrial stormwater, or MS4s. In general, enforcement of stormwater appeared to be very limited. The only stormwater enforcement actions was for a construction stormwater site. The state did not enforce on a construction stormwater site that was unpermitted for a period of time. In addition, the state could not provide an estimate of the last time it took an industrial stormwater enforcement action.</p> <p>Utah agreed in discussions with the EPA that the stormwater program has been in existence a fairly lengthy amount of time, operators should be</p>

aware of requirements, and that more enforcement would likely lead to more compliance.

Utah recently completed an internal workgroup to address spills and enforcement. The workgroup recommendations are currently being considered by the Director of Utah’s Division of Water Quality.

Utah has requested timely review of an updated EMS by the EPA.

Utah is interested in implementing an expedited settlement offer (ESO) process and requested an example from the EPA, which was provided. Utah would need to complete an internal rule changes and other legal reviews to implement an ESO process.

Relevant metrics

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
9a Percentage of enforcement responses that return or will return source in violation to compliance	100%		9	13	69.2%
10a1 Major facilities with timely action as appropriate	98%		0	2	0%
10b Enforcement responses reviewed that address violations in an appropriate manner	100%		9	15	60.0%

State response

As stated previously, Utah’s draft EMS was never finalized, as comments from EPA were never received. Therefore the draft EMS was considered more guidance than policy until finalized. Since this audit finding, EPA and Utah have agreed to finalize the EMS in 2015, which will be modified as recommended below, along with more appropriate timeliness criteria for more extensive type inspections, such as pretreatment and MS4 audits as appropriate.

To clarify EPA’s explanation information above, Utah did take an enforcement action against an industrial stormwater permitted facility on December 13, 2012, which was formally resolved through a settlement agreement and penalty payment as completed and closed out in 2013.

To better address this Finding, Utah agrees to the EPA Recommendations as presented below.

Recommendation

- 1) Provide the EPA an updated draft EMS by September 30, 2015 that adds responses for stormwater (industrial, construction, MS4s), CAFOs, and SSOs/spills. The EMS will also include an internal enforcement review process that will ensure all violations are identified and addressed as appropriate to help ensure a full return to compliance.
 - 2) Once the draft EMS is finalized, including EPA comments, Utah will provide an internal training session for all UPDES staff with an expectation that staff to follow the EMS on all enforcement proceedings. Utah will notify the EPA when the training has been completed.
 - 3) Utah will begin developing an ESO process in FY15 and provide an update of the progress by September 30, 2015. Future commitments for progress towards developing an ESO process will be included in future Performance Partnership Agreements between the EPA and Utah.
-

CWA Element 5 — Penalties

Finding 5-1	Meets or Exceeds Expectations					
Summary	All penalties were collected.					
Explanation	All penalties reviewed that were due at the time of EPA's file reviews had been collected.					
Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	12b Penalties collected	100%		7	7	100%
State response	Utah agrees with EPA SRF findings.					
Recommendation	N/A					

CWA Element 5 — Penalties

Finding 5-2	Area for State Attention																	
Summary	One penalty was reduced without a written justification.																	
Explanation	<p>Only two cases reviewed had a reduction in the penalty. One had well documented reasons for reducing the penalty. Another case was referred to the state's attorney general's (AG's) office. The penalty was reduced without documentation, although Utah could explain the rationale for reducing the penalty. The penalty was not reduced in the other seven penalty cases reviewed. Therefore, six of seven cases (85.7 percent) had justification for the final penalty amount, and this is listed as an area for state attention.</p> <p>Utah stated that since the last SRF review in 2010, Utah strives to document the rationale for any differences between initial penalty calculations and final penalty amounts, as evident in the EPA's review of the one case mentioned in its findings. Regarding the second case mentioned in EPA's findings, this was the first time that Utah engaged its AG's office for a stormwater case and it was the first time the AG personnel had gone through this process. There was a bit of a learning curve for both of us. During the current SRF review, the EPA and AG personnel met to discuss the penalty differences. Emails were provided to document much of the missing information, which have since been included in the file.</p>																	
Relevant metrics	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>12a Documentation of the difference between initial and final penalty and rationale</td> <td>100%</td> <td></td> <td>1</td> <td>2</td> <td>50%</td> </tr> </tbody> </table>						Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	12a Documentation of the difference between initial and final penalty and rationale	100%		1	2	50%
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #													
12a Documentation of the difference between initial and final penalty and rationale	100%		1	2	50%													
State response	Utah agrees with the EPA Explanation above, therefore, no recommendation or follow up action is required to address this metric.																	
Recommendation	N/A																	

CWA Element 5 — Penalties

Finding 5-3	Area for State Improvement												
Summary	Penalty calculations did not fully account for gravity and economic benefit, and they did not include cost recovery as required by Utah’s penalty rule.												
Explanation	<p>None of the seven penalty calculations reviewed fully included gravity and economic benefit. In some cases, this was because gravity categories and/or reduction factors or economic benefit values were chosen without information to determine if they were appropriate. While Utah personnel were generally able to recall why certain factors were selected, this was not documented. In other cases, the economic benefit was not calculated even though the state's penalty rule includes economic benefit. In other cases, the state's penalty policy was not followed to calculate penalties. This was sometimes due to the state wanting to issue a lower penalty due to a perceived inability of the violator to pay. Utah’s penalty policy provides a process for evaluating an inability to pay, which was not implemented.</p> <p>DWQ does have and use a penalty calculation justification template that includes both gravity and economic benefit categories, as both categories are discussed and considered for all enforcement actions. Although the template did not previously have provisions for recovering costs, as that was not always possible until recent state legislation that now allows us to do so as of July 1, 2014.</p>												
Relevant metrics	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>11a Penalty calculations reviewed that consider and include gravity and economic benefit</td> <td>100%</td> <td></td> <td>0</td> <td>7</td> <td>0%</td> </tr> </tbody> </table>	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	11a Penalty calculations reviewed that consider and include gravity and economic benefit	100%		0	7	0%
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #								
11a Penalty calculations reviewed that consider and include gravity and economic benefit	100%		0	7	0%								
State response	To better address this metric, Utah agrees to the EPA Recommendation as presented below.												
Recommendation	<p>1) By March 31, 2015, provide the EPA an updated penalty justification template that will ensure Utah’s penalty calculation rule is followed and the penalty is fully justified. The EPA offers free one-on-one training on EPA penalty policies and software models. In addition, free online training on economic benefit calculations using the EPA’s BEN software and other economic modeling relevant to penalty calculations is available at http://www.epa.gov/compliance/training/neti/courses.html under the On Demand e-Learning Courses tab.</p>												

Clean Air Act Findings

CAA Element 1 — Data	
Finding 1-1	Area for State Attention
Summary	Data entered into the national AFS Compliance database needs attention.
Explanation	<p>A comparison of information in the 25 source files reviewed to the data from the AFS database revealed some deficiencies in data entry of the Minimum Data Requirements. Of particular note, stack test results were not entered in AFS for three facilities. In addition, annual reports were not entered for one facility. There was one facility that did not show up in ECHO, however, the facility was flagged in AFS as having a violation. This is why the data metrics below shows a denominator of 24 versus 25.</p> <p>Per the CAA CMS, states should fully report compliance monitoring/enforcement activities and outcomes in ICIS-Air. Additionally, the CAA National Stack Testing Guidance states that the date and results (Pass/Fail/Pending) of all stack tests should be entered in the national air data system (AIRS/AFS, or its successor), and the High Priority Violations (HPV) status adjusted as appropriate.</p> <p>Only five of eight FCE's were reported to be completed at SM-80 sites, resulting in 62.5 percent of the commitment completed. Additionally, only one of two minor facilities that are part of the CMS plan show that a FCE was completed.</p> <p>Regarding entry of stack test information, the EPA recommends the following guideline for entering the information:</p> <p><i>Enter Stack Test Date, Stack Test Report Date, Test Results, and Pollutant Tested</i> for all performance tests conducted for purposes of determining and demonstrating compliance with all federally-enforceable permit conditions for major and synthetic minor facilities in which a promulgated EPA Reference Method is used excluding tests related to Continuous Emission Monitoring system certification, state-only requirements, acid rain program, visible emission tests, and any voluntary testing performed by facility. This database entry activity should begin immediately and progress will be monitored using the Enforcement and Compliance History Online (ECHO).</p>

	<p>The HPV criteria found in the HPV policy should be carefully considered when identifying HPV sources.</p> <p>Regarding annual reports, the EPA recommends a review and entry of the compliance status of the annual reports be entered into AFS on a timely basis.</p>																																																																								
Relevant metrics	<table border="1"> <thead> <tr> <th data-bbox="483 506 992 579">Metric ID Number and Description</th> <th data-bbox="1000 506 1065 579">Natl Goal</th> <th data-bbox="1073 506 1162 579">Natl Avg</th> <th data-bbox="1170 506 1211 579">State N</th> <th data-bbox="1219 506 1260 579">State D</th> <th data-bbox="1268 506 1406 579">State % or #</th> </tr> </thead> <tbody> <tr> <td data-bbox="483 590 992 621">2b Accurate MDR data in AFS</td> <td data-bbox="1000 590 1065 621">100%</td> <td data-bbox="1073 590 1162 621"></td> <td data-bbox="1170 590 1211 621">20</td> <td data-bbox="1219 590 1260 621">24</td> <td data-bbox="1268 590 1406 621">83.3%</td> </tr> <tr> <td data-bbox="483 632 992 663">3a2 Untimely entry of HPV determinations</td> <td data-bbox="1000 632 1065 663"></td> <td data-bbox="1073 632 1162 663"></td> <td data-bbox="1170 632 1211 663">0</td> <td data-bbox="1219 632 1260 663"></td> <td data-bbox="1268 632 1406 663"></td> </tr> <tr> <td data-bbox="483 674 992 747">3b1 Timely reporting of compliance monitoring MDRs</td> <td data-bbox="1000 674 1065 747">100%</td> <td data-bbox="1073 674 1162 747">80.9%</td> <td data-bbox="1170 674 1211 747">179</td> <td data-bbox="1219 674 1260 747">218</td> <td data-bbox="1268 674 1406 747">82.1%</td> </tr> <tr> <td data-bbox="483 758 992 789">3b3 Timely reporting of enforcement MDRs</td> <td data-bbox="1000 758 1065 789">100%</td> <td data-bbox="1073 758 1162 789">68.7%</td> <td data-bbox="1170 758 1211 789">21</td> <td data-bbox="1219 758 1260 789">21</td> <td data-bbox="1268 758 1406 789">100%</td> </tr> <tr> <td data-bbox="483 800 992 831">5a FCE coverage: majors and mega-sites</td> <td data-bbox="1000 800 1065 831">100%</td> <td data-bbox="1073 800 1162 831">88.5%</td> <td data-bbox="1170 800 1211 831">76</td> <td data-bbox="1219 800 1260 831">84</td> <td data-bbox="1268 800 1406 831">90.5%</td> </tr> <tr> <td data-bbox="483 842 992 873">5b FCE coverage: SM-80s</td> <td data-bbox="1000 842 1065 873">100%</td> <td data-bbox="1073 842 1162 873">93.3%</td> <td data-bbox="1170 842 1211 873">5</td> <td data-bbox="1219 842 1260 873">8</td> <td data-bbox="1268 842 1406 873">62.5%</td> </tr> <tr> <td data-bbox="483 884 992 957">5c FCE coverage: synthetic minors (non-SM 80s) that are part of CMS plan</td> <td data-bbox="1000 884 1065 957">100%</td> <td data-bbox="1073 884 1162 957">44.4%</td> <td data-bbox="1170 884 1211 957">0/0</td> <td data-bbox="1219 884 1260 957"></td> <td data-bbox="1268 884 1406 957"></td> </tr> <tr> <td data-bbox="483 968 992 1041">5d FCE coverage: minor facilities that are part of CMS plan</td> <td data-bbox="1000 968 1065 1041">100%</td> <td data-bbox="1073 968 1162 1041">60.0%</td> <td data-bbox="1170 968 1211 1041">1</td> <td data-bbox="1219 968 1260 1041">2</td> <td data-bbox="1268 968 1406 1041">50.0%</td> </tr> <tr> <td data-bbox="483 1052 992 1125">5e Review of Title V annual compliance certifications</td> <td data-bbox="1000 1052 1065 1125">100%</td> <td data-bbox="1073 1052 1162 1125">81.3%</td> <td data-bbox="1170 1052 1211 1125">60</td> <td data-bbox="1219 1052 1260 1125">72</td> <td data-bbox="1268 1052 1406 1125">83.3%</td> </tr> <tr> <td data-bbox="483 1136 992 1167">7b1 Violations reported per informal actions</td> <td data-bbox="1000 1136 1065 1167">100%</td> <td data-bbox="1073 1136 1162 1167">59.5%</td> <td data-bbox="1170 1136 1211 1167">0</td> <td data-bbox="1219 1136 1260 1167">0</td> <td data-bbox="1268 1136 1406 1167">0/0</td> </tr> <tr> <td data-bbox="483 1178 992 1209">7b3 Violations reported per HPV identified</td> <td data-bbox="1000 1178 1065 1209">100%</td> <td data-bbox="1073 1178 1162 1209">57.5%</td> <td data-bbox="1170 1178 1211 1209">0</td> <td data-bbox="1219 1178 1260 1209">0</td> <td data-bbox="1268 1178 1406 1209">0/0</td> </tr> </tbody> </table>	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	2b Accurate MDR data in AFS	100%		20	24	83.3%	3a2 Untimely entry of HPV determinations			0			3b1 Timely reporting of compliance monitoring MDRs	100%	80.9%	179	218	82.1%	3b3 Timely reporting of enforcement MDRs	100%	68.7%	21	21	100%	5a FCE coverage: majors and mega-sites	100%	88.5%	76	84	90.5%	5b FCE coverage: SM-80s	100%	93.3%	5	8	62.5%	5c FCE coverage: synthetic minors (non-SM 80s) that are part of CMS plan	100%	44.4%	0/0			5d FCE coverage: minor facilities that are part of CMS plan	100%	60.0%	1	2	50.0%	5e Review of Title V annual compliance certifications	100%	81.3%	60	72	83.3%	7b1 Violations reported per informal actions	100%	59.5%	0	0	0/0	7b3 Violations reported per HPV identified	100%	57.5%	0	0	0/0
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #																																																																				
2b Accurate MDR data in AFS	100%		20	24	83.3%																																																																				
3a2 Untimely entry of HPV determinations			0																																																																						
3b1 Timely reporting of compliance monitoring MDRs	100%	80.9%	179	218	82.1%																																																																				
3b3 Timely reporting of enforcement MDRs	100%	68.7%	21	21	100%																																																																				
5a FCE coverage: majors and mega-sites	100%	88.5%	76	84	90.5%																																																																				
5b FCE coverage: SM-80s	100%	93.3%	5	8	62.5%																																																																				
5c FCE coverage: synthetic minors (non-SM 80s) that are part of CMS plan	100%	44.4%	0/0																																																																						
5d FCE coverage: minor facilities that are part of CMS plan	100%	60.0%	1	2	50.0%																																																																				
5e Review of Title V annual compliance certifications	100%	81.3%	60	72	83.3%																																																																				
7b1 Violations reported per informal actions	100%	59.5%	0	0	0/0																																																																				
7b3 Violations reported per HPV identified	100%	57.5%	0	0	0/0																																																																				
State response	<p>These items, including inspections of all 8 SM-80 sources and all minor sources were entered into AFS throughout the year. However, as indicated many times in the past to EPA Region 8, there are some data loss issues between AFS, ECHO and OTIS. We are now unable to access AFS. We are unable to enter any stack test results into ICIS-AIR. ICIS will only accept emission values of whole numbers and the drop down list for the emission units contains no applicable units for stack testing. This has been reported to Region 8 multiple times.</p>																																																																								
Recommendation	N/A																																																																								

CAA Element 2 — Inspections

Finding 2-1	Area for State Improvement																														
Summary	Compliance monitoring reports (CMRs) are generally complete and accurate with three exceptions.																														
Explanation	<p>Five of the eight SM-80 inspections were completed, equating to a 62.5% completion rate. This was less than the goal of 100% and the national average of 93.3%</p> <p>An area or state attention is the review of Title V annual compliance certifications, with 60 of 72 certifications entered. UDAQ was above the national average, however, the national goal is 100%.</p> <p>Two minor source facility FCEs were included as part of the CMS plan. Only one of these minor source FCEs were entered.</p> <p>CMRs were generally found to comprehensively document a facility’s compliance status. The CMRs are deficient in the following two areas: the state should ensure each report lists the mailing address of the facility and list whether compliance assistance was given to the source. While these areas do not affect the ability to determine the compliance status of a facility, these are minimum data requirements for CMRs.</p> <p>In one instance, there were no parametric readings taken by the inspector while onsite to demonstrate compliance with the parametric limitations required by the permit. Making an assessment of control device and process operating conditions is an element of the compliance monitoring strategy. By not assessing all control devices and process operating conditions, the FCE is incomplete and an accurate assessment of compliance cannot be made.</p>																														
Relevant metrics	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>5b FCE coverage: SM-80s</td> <td>100%</td> <td>93.3%</td> <td>5</td> <td>8</td> <td>62.5%</td> </tr> <tr> <td>5e Review of Title V annual compliance certifications</td> <td>100%</td> <td>81.3%</td> <td>60</td> <td>72</td> <td>83.3%</td> </tr> <tr> <td>5d FCE coverage: minor facilities that are part of CMS plan</td> <td>100%</td> <td>60.0%</td> <td>1</td> <td>2</td> <td>50.0%</td> </tr> <tr> <td>6a Documentation of FCE elements</td> <td>100%</td> <td></td> <td>22</td> <td>24</td> <td>91.7%</td> </tr> </tbody> </table>	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	5b FCE coverage: SM-80s	100%	93.3%	5	8	62.5%	5e Review of Title V annual compliance certifications	100%	81.3%	60	72	83.3%	5d FCE coverage: minor facilities that are part of CMS plan	100%	60.0%	1	2	50.0%	6a Documentation of FCE elements	100%		22	24	91.7%
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #																										
5b FCE coverage: SM-80s	100%	93.3%	5	8	62.5%																										
5e Review of Title V annual compliance certifications	100%	81.3%	60	72	83.3%																										
5d FCE coverage: minor facilities that are part of CMS plan	100%	60.0%	1	2	50.0%																										
6a Documentation of FCE elements	100%		22	24	91.7%																										

	6b Compliance monitoring reports reviewed that provide sufficient documentation to determine facility compliance	100%	2	24	8.3%
State response	All FCE's were performed on all facilities in the CMS. All Title V annual certification reviews were performed. This data was entered into AFS throughout the year. It is unknown why this information does not show up in ECHO or OTIS.				
Recommendation	<p>Completion of all SM-80 FCEs and minor facilities that are part of the CMS plan, and a review of all Title V annual compliance certifications should be conducted each year.</p> <p>The EPA recommends sections be added to the CMRs that include the facility mailing address and whether compliance assistance has been offered or provided.</p> <p>In addition, assessments of control devices should be made by comparing parametric readings while onsite to required parameters.</p> <p>These additions to the CMRs and FCEs should be implemented immediately following the review of this SRF report. The EPA will verify these additions are implemented by randomly selecting and reviewing two CMRs completed following the review of this SRF report. The EPA will contact UDAQ and request these reports for review during the next end of year review.</p>				

CAA Element 2 — Inspections

Finding 2-2	Meets or Exceeds Expectations																							
Summary	FCE coverage at major and mega-sites and non-SM 80 synthetic minor facilities.																							
Explanation	<p>FCE coverage at major and mega-sites was at 90.5%. This is above the national average and close to the national goal.</p> <p>There were no non-SM 80 synthetic minor facilities as part of the CMS plan.</p>																							
Relevant metrics	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>5a FCE coverage: majors and mega-sites</td> <td>100%</td> <td>88.5%</td> <td>76</td> <td>84</td> <td>90.5%</td> </tr> <tr> <td>5c FCE coverage: synthetic minors (non-SM 80s) that are part of CMS plan</td> <td>100%</td> <td>44.4%</td> <td>0/0</td> <td></td> <td></td> </tr> </tbody> </table>						Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	5a FCE coverage: majors and mega-sites	100%	88.5%	76	84	90.5%	5c FCE coverage: synthetic minors (non-SM 80s) that are part of CMS plan	100%	44.4%	0/0		
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #																			
5a FCE coverage: majors and mega-sites	100%	88.5%	76	84	90.5%																			
5c FCE coverage: synthetic minors (non-SM 80s) that are part of CMS plan	100%	44.4%	0/0																					
State response	As reported in AIRS, 100% of the facilities identified in the CMS were inspected.																							
Recommendation	N/A																							

CAA Element 3 — Violations

Finding 3-1	Meets or Exceeds Expectations					
Summary	The EPA found the accuracy of high priority violator (HPV) determinations from inspections to be 100 percent, with a national goal of 100 percent.					
Explanation	The HPV criteria should be carefully considered when identifying HPV sources.					
Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	7a Accuracy of compliance determinations	100%		25	25	100%
	8c Accuracy of HPV determinations	100%		7	7	100%
State response	State response incorporated.					
Recommendation	N/A					

CAA Element 4 — Enforcement

Finding 4-1	Meets or Exceeds Expectations																	
Summary	Formal enforcement settlements were determined to have appropriate corrective action and were settled in a timely manner.																	
Explanation	<p>The EPA found the enforcement actions reviewed to have effective corrective actions returning the source to compliance within an acceptable amount time.</p> <p>The state keeps on file all notice of violations, settlement agreements, consent decrees, court termination orders, and closure letters which document the enforcement response, injunctive relief, timeliness, and penalty collected.</p>																	
Relevant metrics	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>9a Formal enforcement responses that include required corrective action that will return the facility to compliance in a specified timeframe</td> <td>100%</td> <td></td> <td>8</td> <td>8</td> <td>100%</td> </tr> </tbody> </table>						Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	9a Formal enforcement responses that include required corrective action that will return the facility to compliance in a specified timeframe	100%		8	8	100%
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #													
9a Formal enforcement responses that include required corrective action that will return the facility to compliance in a specified timeframe	100%		8	8	100%													
State response	Incorporated state response.																	
Recommendation	N/A																	

CAA Element 5 — Penalties

Finding 5-1	Meets or Exceeds Expectations						
Summary	All metrics related to penalties scored 100 percent.						
Explanation	<p>The EPA found that the penalty calculations considered gravity and economic benefit. If the economic benefit is less than \$5,000 it is not collected.</p> <p>The differences between the penalty calculations and the final penalty are documented in the files onsite at the Utah State Offices.</p> <p>All penalties have been collected for the 2013 inspection year.</p>						
Relevant metrics	Metric ID Number and Description		Natl Goal	Natl Avg	State N	State D	State % or #
	11a Penalty calculations include gravity and economic benefit		100%		8	8	100%
	12a Documentation on difference between initial and final penalty		100%		8	8	100%
	12b Penalties collected		100%		8	8	100%
State response	No state response.						
Recommendation	N/A						

Resource Conservation and Recovery Act Findings

RCRA Element 1 — Data							
Finding 1-1	Meets or Exceeds Expectations						
Summary	Minimum data entry requirements appear to be complete.						
Explanation	Relevant information appears to be entered accurately into RCRAInfo. There were only two instances where enforcement data were not entered accurately (Ultradent and Henries Dry Cleaner). In these instances, the inspection dates were not entered correctly. All other data appeared to be entered accurately.						
Relevant metrics	Metric ID Number and Description		Natl Goal	Natl Avg	State N	State D	State % or #
	2b Complete and accurate entry of mandatory data		100%		27	29	93.1%
State response	Both Ultradent and Henries Dry Cleaner have had the inspection dates corrected in RCRAInfo to reflect the correct dates of the inspections.						
Recommendation	N/A						

RCRA Element 2 — Inspections

Finding 2-1	Meets or Exceeds Expectations
Summary	UDEQ exceeded national averages for inspection coverage of large quantity generators and TSDFs. Inspection reports are sufficient to determine compliance and completed within appropriate time frames.
Explanation	<p>UDEQ inspected 40 percent of their large quantity generator universe in 2013 greatly exceeding the national average and is consistently 20 percent for the previous years. All TSDF were inspected within a two-year time frame. UDEQ inspects all LQGs every five years, but due to changes in the LQG universe, this is not reflected in the data metrics presented in 5c. The five year average is affected by the changing universe, therefore EPA considers this metric met. Since FY 2011 the number of LQG notifiers increased by 62 percent (112 vs. 70). The five-year coverage for UDEQ is 83 percent, exceeding the national average. The number of LQGs in Utah increases significantly due to “big box” stores such as Kmart and Target notifying its stores as LQGs because of P-listed waste such as nicotine patches and gum. There are no LQG facilities that have not been inspected within the last five years assuming they have remained in LQG status during the entire five year period. The five year coverage of SQGs is 49 percent greatly exceeding the national average of 11 percent.</p> <p>In 2009, EPA requested UDEQ to perform more Small Quantity Generator and Conditionally Exempt Small Quantity Generator inspections. During the last five years, UDEQ has inspected many more small quantity generators (SQGs) than the national five year average (49% vs. 11%). During FY 2013, over half of all inspections were conducted at SQGs and CESQG facilities and five percent of the facilities were found to be inactive. Inspection at these smaller facilities may not yield the same rate of violations as those at other larger and more complicated RCRA management facilities. This does not discount, however, the importance of having a vigorous regulatory presence at these smaller facilities.</p> <p>During the file review, thirty one inspection reports were reviewed. The reports documented compliance evaluation inspections conducted at facilities with a wide-range of waste streams and waste management processes and procedures. In each case the report appropriately documented waste determinations, points of waste generation and material handling. Inspection reports for complicated waste management facilities such as Clean Harbors- Aragonite. Clean Harbors – Grassy Mountain, Tooele, Tooele South and Hill Air Force was very detailed</p>

	with reports averaging 40-50 pages. Reports documenting used oil violation were sufficiently detailed to support ongoing enforcement actions.					
Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	5a Two-year inspection coverage of operating TSDFs	100%	87.6%	14	14	100%
	5b Annual inspection coverage of LQGs	20%	21%	46	112	41.1%
	5c Five-year inspection coverage of LQGs	100%	66%	93	112	83%
	6a Inspection reports complete and sufficient to determine compliance	100%		28	28	100%
	6b Timeliness of inspection report completion	100%		27	28	96%
State response	No state response.					
Recommendation	N/A					

RCRA Element 3 — Violations

Finding 3-1	Meets or Exceeds Expectations					
Summary	UDEQ makes accurate, timely and appropriate compliance determinations.					
Explanation	<p>All of the inspection reports reviewed during file review led to accurate compliance determination. None of the files reviewed contain information on untimely or inaccurately identified significant noncompliance violation in the thirty one inspection reports reviewed.</p> <p>The inspection reports appeared to sufficiently detail to facility compliance with hazardous waste management requirements and comprehensive to ensure that all aspects of RCRA compliance were evaluated. There were no indications that identified potential violations were not pursued in the enforcement process.</p> <p>The rate of violations identified during inspections is lower than the national average. During FY 2013, UDEQ inspected 19 “big box” retail stores at Kmart and Target. These stores recently notified UDEQ as large quantity generators. All of these stores generate only one or two “P” listed waste streams that trigger their generator status as a LQG. Both of these outlets are nationally run and were found to be in general compliance. The SRF ECHO data base did not list three facilities where violations were identified according to RCRAInfo: Energy Solutions; (inspection date 9/16/13, determination date 1/15/14); Clean Harbors Grassy Mountain: (inspection date 9/26/2013, determination date 12/11/13); and Clean Harbors Aragonite (inspection date 9/3/13, determination date 2/17/14). This increases the violation/inspection percentage by 23 percent to 13.4 percent.</p>					
Relevant metrics	Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #
	2a Long-standing secondary violators	N/A				5
	7a Accurate compliance determinations	100%		28	28	100%
	7b Violations found during inspections		34.8%	13	119	10.9%
	8a SNC identification rate		1.7%	0	119	0
	8b Timeliness of SNC determinations	100%	77.8%	0	0	0
	8c Appropriate SNC determinations	100%		5	5	100%
State response	No state response.					

Recommendation	N/A
-----------------------	-----

RCRA Element 4 — Enforcement

Finding 4-1	Meets or Exceeds Expectations						
Summary	UDEQ took appropriate enforcement actions to address identified violations.						
Explanation	<p>UDEQ took enforcement actions against Pacific West LLC (6/10/2013), Western Petroleum (7/2/2013) and Ceramatec (1/17/2013), classified as secondary violation (SV) facilities that resulted in bringing the facilities into compliance. Each of the actions specified compliance schedules as required and contained facility “return to compliance” documentation. All of the enforcement actions reviewed during the file review appeared to be appropriate to address the violations. Formal actions were taken when appropriate that included penalties per EPA RCRA Civil Enforcement Response Policy dated 2003. Minor infractions were dealt with informal actions as appropriate under EPA ERP, where the facilities waste management practices were monitored to ensure return to compliance.</p>						
Relevant metrics	Metric ID Number and Description		Natl Goal	Natl Avg	State N	State D	State % or #
	9a Enforcement that returns violators to compliance		100%		13	13	100%
	10a Timely enforcement taken to address SNC		80%	77.3%	0	0	N/A
	10b Appropriate enforcement taken to address violations		100%		13	13	100%
State response	No state response.						
Recommendation	N/A						

RCRA Element 5 — Penalties

Finding 5-1	Area for State Attention																													
Summary	<p>UDEQ has collected all issued penalty amounts. UDEQ follows the EPA RCRA Civil Penalty Policy (2003). UDEQ documents its penalty calculations using the format presented in EPA’s penalty policy. UDEQ considers whether there is an economic benefit, calculates the benefit when it occurs and includes this amount when applicable. For proper documentation, UDEQ should provide a description as to why no economic benefit is sought in a case with penalties.</p>																													
Explanation	<p>EPA penalty policy indicates that state recordkeeping should include documentation of the penalty sought, including calculation of economic benefit where appropriate. UDEQ DSHW includes economic benefit in its calculations when applicable. This is also mandated in their internal penalty policy. Economic benefit is calculated using the EPA BEN model. The Division follows the format for documentation of its penalties provided in EPA RCRA penalty policy guidance. The Division does not provide rationale, however, in its recordkeeping to document the rationale for concluding that economic benefit from a violation had not occurred from a violation. Although this type of documentation is not specified in EPA guidance, it would help support the Division’s determination. In order to clarify UDEQ’s recordkeeping, it is recommended that UDEQ documents its rationale for not including economic benefit because it is not applicable. UDEQ DSHW has agreed to follow this approach.</p>																													
Relevant metrics	<table border="1"> <thead> <tr> <th>Metric ID Number and Description</th> <th>Natl Goal</th> <th>Natl Avg</th> <th>State N</th> <th>State D</th> <th>State % or #</th> </tr> </thead> <tbody> <tr> <td>11a Penalty calculations include gravity and economic benefit</td> <td>100%</td> <td></td> <td>0</td> <td>5</td> <td>0%</td> </tr> <tr> <td>12a Documentation on difference between initial and final penalty</td> <td>100%</td> <td></td> <td>3</td> <td>3</td> <td>100%</td> </tr> <tr> <td>12b Penalties collected</td> <td>100%</td> <td></td> <td>5</td> <td>5</td> <td>100%</td> </tr> </tbody> </table>						Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #	11a Penalty calculations include gravity and economic benefit	100%		0	5	0%	12a Documentation on difference between initial and final penalty	100%		3	3	100%	12b Penalties collected	100%		5	5	100%
Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State % or #																									
11a Penalty calculations include gravity and economic benefit	100%		0	5	0%																									
12a Documentation on difference between initial and final penalty	100%		3	3	100%																									
12b Penalties collected	100%		5	5	100%																									
State response	No state response.																													
Recommendation	N/A																													

Appendix



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8ENF-PJ

MAR 28 2014

Amanda Smith, Executive Director
Department of Environmental Quality
195 North 1950 West
P.O. Box 144810
Salt Lake City, Utah 84114-4810

Dear Ms. Smith:

The U.S. Environmental Protection Agency (EPA) Region 8 will be conducting a State Review Framework (SRF) review of the Utah Department of Environmental Quality (UDEQ) Resource Conservation and Recovery Act (RCRA) Subtitle C, Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) and Clean Air Act (CAA) Stationary Source enforcement programs in 2014. We will review inspection and enforcement activity from Federal Fiscal Year 2013.

An integral part of the review process is the visit to your state agency office. Through this visit, EPA can have face-to-face discussions with enforcement staff and review their respective files to better understand the overall enforcement program. State visits for these reviews will include:

- Discussions between Region 8 and UDEQ program managers and staff.
- Examination of data in EPA and UDEQ data systems.
- Review of selected UDEQ inspection and enforcement files and policies.

Following our visit to your office, EPA will summarize findings and recommendations in a draft report. Your management and staff will be provided with an opportunity to review and comment on the draft report, and the state's comments will be captured in the findings section of the SRF report. Final SRF reports are posted on EPA's Web site:

<http://www.epa.gov/oecaerth/state/srf/index.html>. EPA expects to complete the UDEQ review, including the final report, by December 31, 2014. We intend to assist UDEQ in meeting both federal standards and goals agreed to in UDEQ's Performance Partnership Agreement. Region 8 and UDEQ are partners in carrying out the review. If any areas for improvement are identified, we will work with you to address them in the most constructive manner possible.

Region 8 has established a cross-program team of managers and senior staff to implement the UDEQ review. Kaye Mathews, SRF Coordinator, (303) 312-6889, will be your primary point of contact at Region 8 and will coordinate overall logistics for EPA. I am Region 8's senior manager with overall responsibility for the review. We request that you also identify a primary contact person for EPA to work with and provide that name to Ms. Mathews. The Region 8 program leads on the review team are:

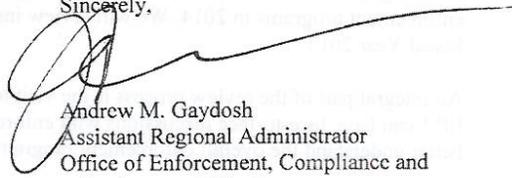
- | | | | |
|-------------------|-------|----------------|--|
| • David Duster | RCRA | (303) 312-6665 | duster.david@epa.gov |
| • Stephanie Gieck | NPDES | (303) 312-6362 | gieck.stephanie@epa.gov |
| • Scott Patefield | CAA | (303) 312-6248 | patefield.scott@epa.gov |

Region 8 program leads will contact UDEQ enforcement managers and staff, if they have not already done so, to schedule a meeting to discuss expectations, procedures, and scheduling for the review.

EPA will send its analysis of the SRF data metrics and list of selected facility files at a later date. General SRF review planning and logistics steps can be found in the enclosure. Other documents used to evaluate the state's programs can be found on EPA's ECHO website at <https://echo.epa.gov/>.

If you have any questions, please don't hesitate to contact me or have your staff contact Kaye Mathews at (303) 312-6889 about this review process. We look forward to working with you on this project.

Sincerely,



Andrew M. Gaydosh
 Assistant Regional Administrator
 Office of Enforcement, Compliance and
 Environmental Justice

Enclosure

cc: By E-mail

- Shaun McGrath, EPA-R8, RA
- Howard Cantor, EPA-R8, DRA
- Elizabeth Walsh, HQ SRF Liaison, Office of Compliance, OECA
- Eddie Sierra, EPA-R8, DARA, ECEJ
- Kim Opekar, EPA-R8, Director, ENF-PJ
- Corbin Darling, EPA-R8, Unit Director, ENF-PEJ
- Kaye Mathews, EPA-R8, SRF Coordinator
- Art Palomares, EPA-R8, Director, ENF-W
- Gwen Campbell, EPA-R8, Unit Director, ENF-W-NP
- Cindy Reynolds, EPA-R8, Director, ENF-AT
- Kelcey Land, EPA-R8, Director, ENF-RC
- Aaron Urdiales, EPA-R8, ENF-RC

Enclosure

SRF Review Planning & Logistics

As EPA begins this review process, UDEQ can expect the following:

- EPA will contact UDEQ enforcement managers and staff to schedule a meeting or conference call to discuss expectations, procedures, and scheduling for the review if this has not already occurred.
- EPA will provide UDEQ with a list of reviewers and ask for preliminary information that is readily available such as descriptions of agency and program structures, agency enforcement policies, staffing numbers and other organizational information.
- EPA will send UDEQ a list of data metrics and conduct a data metric analysis.
- EPA will send UDEQ a list of requested files for review at least two weeks in advance of onsite file reviews.
- EPA will set up a call with UDEQ to verify the files in EPA's requested file list will be available; where the files will be located; and to confirm review dates, arrival times and logistics.
- EPA will conduct an entrance conference upon arrival for the review at the UDEQ offices and an exit meeting prior to departure for UDEQ managers and staff.
- EPA will draft a report of its review findings, share the draft report with UDEQ and request comments.
- Once the report is final, EPA will add the report and any recommendations in the report to the SRF Tracker.
- Once the report is final, EPA will consult with the state and add agreed-upon action items in the report to the Action Item database.
- EPA will initiate follow-up discussions periodically with UDEQ to see if progress is being made on the report recommendations.