

ENFORCEMENT AND COMPLIANCE DATA STANDARD

Standard No.:EX000026.2

July 30, 2008

Approved on July 30, 2008 by the
Exchange Network Leadership Council
for use on the Environmental
Information Exchange Network

Approved on July 30, 2008 by the
Chief Information Officer of the
U. S. Environmental Protection Agency
for use within U.S. EPA

This consensus standard was developed in collaboration by State, Tribal, and U. S. EPA representatives under the guidance of the Exchange Network Leadership Council and its predecessor organization, the Environmental Data Standards Council.

Foreword

The Exchange Network Leadership Council (ENLC) is a partnership among US EPA, States and Tribal partners to develop and agree upon data standards for environmental information collection and exchange. The Council seeks to promote efficient sharing of environmental information between State, US EPA and Tribal partners through the development of data standards. More information about the ENLC is available at <http://www.exchangenetwork.net/>.

1.0 INTRODUCTION

Environmental information is a key tool in the effective management of our environmental resources and human health conditions. As a result, much effort goes into data acquisition, management, maintenance, exchange, and oversight. Greater access is the goal of many data consumers, and data managers. Providers invest significant resources meeting their requirements. In response, many data providers are improving access as they post usable copies of their environmental information on the web. These efforts are a vast improvement over previous conditions; however, there is a growing desire and need to both provide and receive data in a clearly defined and a uniform way. Data from multiple sources can then be aggregated and used without the inherent variations that exist between data sets across agencies.

1.1 Scope

This ENLC standard identifies and defines the major areas of enforcement and compliance information that could be used for the exchange of data among environmental agencies and other entities. The purpose of the standard is to provide a common lexicon, so that information about functionally similar activities and/or instruments can be stored.

1.2 Revision History

Date	Version	Description
April 22, 2002	1-85727:1	Initial adoption by the Environmental Data Standards Council
July 11, 2007	EX-00000:XX.2	Assignment of a new data standard number and format
February 08, 2008	EX-00000:XX.2.2	Change some permissible value lists to example value lists

1.3 References

This standard relies on other standards to make it complete and provide the necessary support. As such users should consider the Normative Standards (references) noted below, integral to the Enforcement and Compliance Data Standard. These include:

- Representation of Date and Time [EX000013.1] Data Standard
- Contact Information [EX000019.2] Data Standard

1.4 Terms and Definitions

For the purpose of this document, the following terms and definitions apply.

Term	Definition
Civil Penalty	A monetary sanction that the violator is required to pay the government because of a violation, but not including a stipulated penalty. The term includes penalties imposed through either an administrative or a civil judicial proceeding, but does <u>not</u> include fines, penalties, or monetary restitution imposed through a criminal enforcement proceeding.
Collection	A claim that the defendant/respondent pay a previously incurred debt or monetary obligation, such as an imposed penalty, which has gone unpaid beyond the due date.
Compliance Assistance	Compliance Assistance includes activities, tools, or Technical assistance that provides clear and consistent Information for helping the regulated community understand and meet its regulatory obligations, or helping other compliance assistance providers (including government agencies, contractors and grantees) to aid the regulated community in complying with environmental regulations. Although compliance assistance may also help the regulated communities find cost-effective ways to comply with regulations and improve environmental performance through the use of pollution prevention, environmental management practices, and innovative technologies, at least one objective of compliance assistance must be related to achieving or advancing regulatory compliance.
Compliance Schedule	An enforceable schedule, contained in a Final Order, for The implementation of specific injunctive relief activities, specifying milestones or deadlines for the completion thereof (including any interim milestones). The term, "Compliance Schedule," as used in the Enforcement/Compliance Data Standard, does not include a compliance schedule issued as part of an environmental permit.
Compliance Status	A determination of a regulated entity's compliance with Specific statutory or regulatory requirements.
Cost Recovery	A claim that the defendant/respondent reimburse the Government for costs incurred in connection with certain Activities, typically emergency or remedial response actions.
Enforcement Authority	The governmental entity that initiates an enforcement action.
Enforcement Status	The status of a regulatory authority's enforcement Response related to violations determined to exist with ' Respect to a regulated community.

Information Request	An enforceable request for information to a regulated entity or potentially regulated entity about a site, facility, or activity.
Injunctive Relief	An enforceable requirement obliging the defendant/respondent to take, or refrain from taking, certain specified actions. Examples include installation of pollution control equipment, performing a cleanup or corrective action, eliminating a volatile discharge, submitting reports, etc. Injunctive Relief does <u>not</u> include any requirement to perform Supplemental Environmental Projects (SEP). In the Enforcement and Compliance Data Standard, the term "Injunctive Relief" does <u>not include the obligation to make penalty or cost recovery payments. SEPs, penalties and cost recovery obligations are captured in separate data elements.</u>
Inspection	A visit to a facility or site for the purpose of gathering Information to determine compliance, including offsite observations.
Investigation	An extraordinarily detailed assessment of a facility's or facilities' compliance status.
Penalty	A monetary sanction for failure to comply with requirements, that the violator is required to pay to the government.
Reporting Authority	The governmental entity that provides data regarding its enforcement and compliance activities.
Responsible Authority	The government official with authority to issue a legal instrument such as a complaint, Final Order, or information request.
Search Warrant	A judicial instrument authorizing access to a facility or site by government personnel or their agents for the purpose of determining compliance and/or carrying out response activities; this category includes warrants and judicial orders in aid of access.
Settlement Agreement	An enforceable agreement between the parties to ensure compliance that is executed by both parties and approved by the tribunal or responsible authority.
Stipulated Penalty	A monetary sanction that the violator is required to pay to the government because of noncompliance with a Final Order and which is paid pursuant to the explicit terms of such Final Order.
Subpoena	A formal document issued to compel testimony and/or to produce documents.

Supplemental Environmental Project (SEP) An environmentally beneficial action or project, not otherwise required by law, agreed to be undertaken by the defendant/respondent, often in lieu of a portion of a penalty.

1.5 Implementation

Users are encouraged to use the XML registry housed on the Exchange Network Web site (<http://www.exchangenetwork.net>) to download schema components for the construction of XML schema flows. In addition, the Environmental Data Registry (<http://www.epa.gov/edr>) provides the data standard structure and attributes in a downloadable format that will facilitate database development activities.

1.6 Document Structure

The structure of this document is briefly described below:

- a. Section 2.0 Enforcement and Compliance Diagram, illustrates the principal data groupings contained within Enforcement and Compliance Data Standard.
- b. Section 3.0 Enforcement and Compliance Data Standards Table, provides information on the high and intermediate levels of Enforcement and Compliance data groupings, as well as their related data elements. Where applicable, for each level of this data standard, a definition, XML tag, note(s), example list of values and format are provided. The format column lists the required number of characters for the associated data element, where “A” specifies alphanumeric, “N” designates numeric, “G” is used for grouping and “D” for time and date elements.
- c. Data Element Numbering. For purposes of clarity and to enhance understanding of data standard hierarchy and relationships, each data group is numerically classified from the primary to the elemental level.
- d. Code and Identifier Metadata: Metadata, defined here as data about data or data elements, includes their descriptions and/or any needed context setting information required to identify the origin, conditions of use, interpretation, or understanding the information being exchanged or transferred. (Adapted from ISO/IEC 2382-17:1999 Information Technology Vocabulary—Part 17: Databases 17.06.05 metadata). Based on the business need, additional metadata may be required to sufficiently describe an identifier or a code. A note regarding this additional metadata is included in the notes column for identifier and code elements. Additional metadata for identifiers may include:

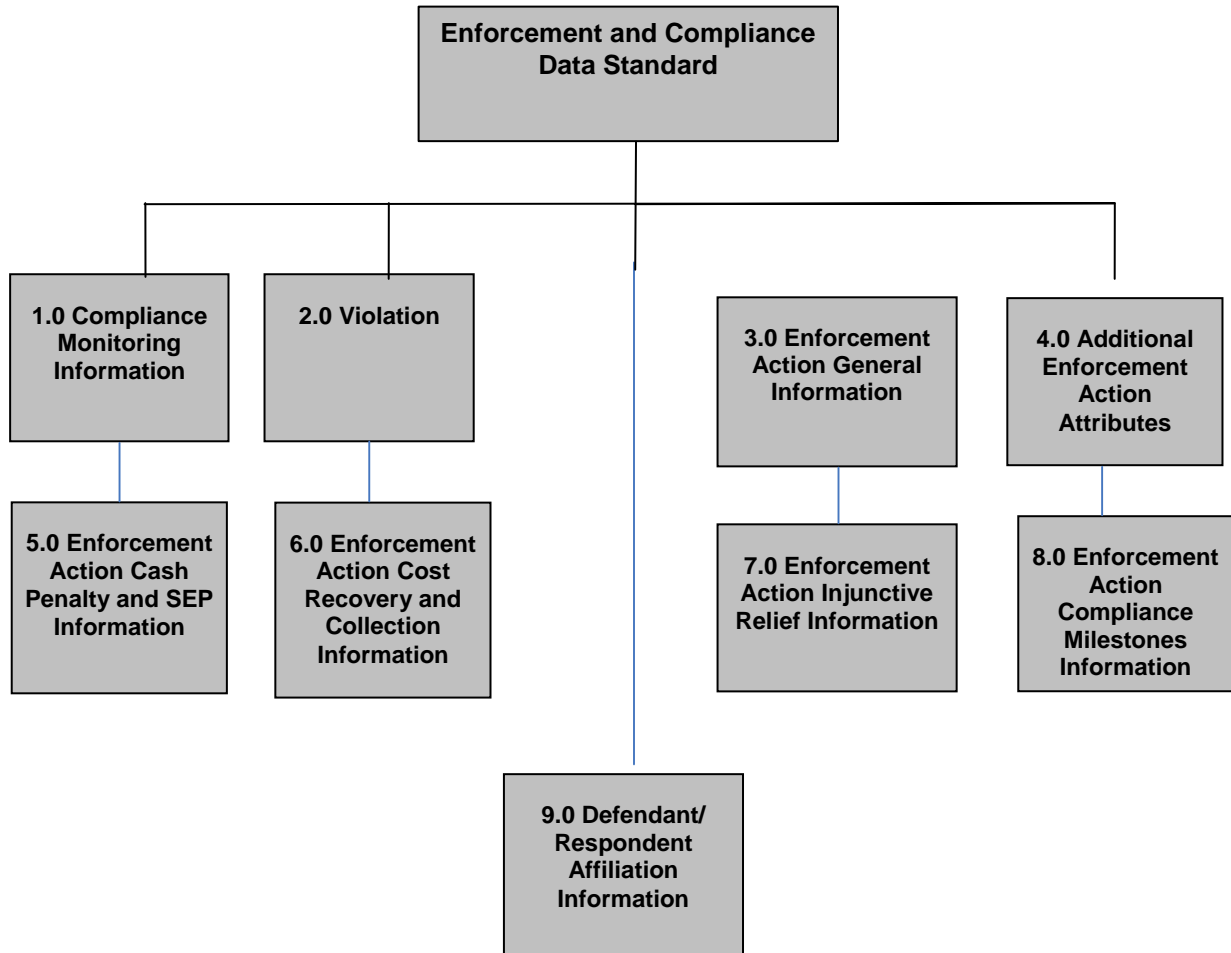
- Identifier Context, which identifies the source or data system that created or defined the identifier

Additional metadata for codes may include:

- Code List Identifier, which is a standardized reference to the context or source of the set of codes
 - Code List Version Identifier, which identifies the particular version of the set of codes.
 - Code List Version Agency Identifier, which identifies the agency responsible for maintaining the set of codes
 - Code List Name, which describes the corresponding name for which the code represents
- e. Appendix A, Enforcement and Compliance Data Structure Diagram illustrates the hierarchical classification of the Enforcement and Compliance data standard. This diagram enables business and technical users of this standard to quickly understand its general content and complexity.

2.0 ENFORCEMENT AND COMPLIANCE DIAGRAM

The figure below illustrates the major data groups associated with the Enforcement and Compliance Data Standard.



3.0 ENFORCEMENT AND COMPLIANCE DATA STANDARD TABLE

1.0 Compliance Monitoring Information

Definition: Information about the types of activities leading to or resulting in a determination of the compliance status of a regulated entity, facility, or group of facilities.

Relationships: One of more compliance monitoring actions can detect a violation

Each compliance monitoring action can detect one or more violations

A compliance monitoring action is taken with respect to a facility by a reporting agency.

A compliance monitoring action is associated with one or more statute/section pairs, which serve to describe the environmental program(s) or interest(s) being furthered through the action.

.Notes: None.

XML Tag: ComplianceMonitoringInformation

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
1.1 Compliance Monitoring Date	The calendar date that the compliance monitoring action was performed or conducted.	For actions such as inspections or investigations, use the date on which the action was completed. For actions such as written requests for information, use the date the request was signed by the Responsible Authority. Refer to the Representation of Date and Time [EX000013.1] Data Standard	D(8)	ComplianceMonitoringDate
1.2 Compliance Monitoring Identifier	The unique alphanumeric identifier that specifies a compliance monitoring action pertaining to a regulated facility or entity.	Note: Based on the business need, additional metadata may be required to sufficiently describe an identifier. This additional metadata is described in the Introduction section 1.6.d.	A(20)	ComplianceMonitoringIdentifier

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
1.3 Compliance Monitoring Agency Name	The name of the agency, department, or organization performing or conducting the compliance monitoring action		A(100)	ComplianceMonitoringAgencyName
1.4 Compliance Monitoring Agency Type	The type of agency performing or conducting the compliance monitoring action.	<p>Local agencies include intrastate regional agencies (i.e., those with jurisdiction extending across multiple local government boundaries).</p> <p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ U.S. EPA – United States Environmental Protection Agency. ❖ Other Federal – Another agency of the United States. ❖ State – State agency. ❖ Interstate – Interstate agency ❖ Local – Local agency. ❖ Tribal - Tribal government agency. 	A(13)	ComplianceMonitoringAgencyType

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
1.5 Compliance Monitoring Action Type	The type of compliance monitoring action taken by a regulated agency.	<p>Compliance monitoring action types should accomplish one or more of the following objectives:</p> <ul style="list-style-type: none"> - Determine the compliance status of a regulated entity with a law, rule, permit, enforcement order, compliance schedule or other legal requirement. - Obtain documentation to support a claim of noncompliance. - Inform the regulated entity of potential and actual noncompliance. - Provide information to the regulated entity on where and how to obtain compliance assistance. - Provide information to the regulated entity on how to conduct self-policing. <p>Activities that may be categorized as "Information Requests" include:</p>		

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
		<p>- Issuance of a subpoena for the production of documents or testimony.</p> <p>- A requirement that a facility conduct testing or sampling (e.g., a stack test).</p> <p>Activities that may be categorized as a "Compliance Inspection" include inspections pursuant to a search warrant or an order in aid of access, inspections at a regulator's office location, and offsite observations of a facility or site.</p> <p>Activities that may be categorized as an "Off-Site Review" include:</p> <p>- The review of the reports of facility-conducted testing or sampling tests submitted by the regulated entity.</p> <p>- Review of self-reported information from regulated entities, including information required to be submitted (e.g., Discharge Monitoring Report [DMR] or CAA Title V self-certifications) and voluntarily submitted information.</p> <p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ Information Request - An enforceable, written request for information to a regulated entity or potentially regulated entity or about a site, facility, or activity. ❖ Compliance Inspection - A visit to a facility or site for the purpose of gathering information to determine compliance including direct observations of facility operations. 	A(24)	ComplianceMonitoringActionType

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
		<ul style="list-style-type: none"> ❖ Compliance Investigation - An extraordinary, detailed assessment of a regulated entity's compliance status, which requires significantly more time to complete than a typical compliance inspection (i.e., several weeks, as compared with one or a few days). ❖ Offsite Record Review - A review of records, conducted at the government agency's offices, for the purpose of reviewing information to determine compliance of a regulated entity. 		

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
1.6 Compliance Inspection Type	The type of compliance inspection conducted.	<p>This data element issued only if the type of Compliance Monitoring Action taken was "Compliance Inspection"</p> <p>Inspection to determine the compliance of a facility or regulated entity with the terms of a previously-issued enforcement instrument would be included here.</p> <p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ Compliance Evaluation Inspection – An Inspection designed to determine compliance with legal requirements, which does not involve sampling. ❖ Compliance Sampling Inspection – An inspection designed a determine compliance with applicable statues and regulations, which involves collection of physical samples of air, water, waste, etc. ❖ Reconnaissance or Screening Inspection – An abbreviated, initial inspection designed to obtain a preliminary overview of a facility's compliance program and status. ❖ Case Development Inspection – An inspection designed to collect specific information to support an ongoing or planned enforcement action. 	A(38)	ComplianceInspectionType

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
1.7 Off Site Record Review Type	The type of off-site record review conducted.	<p>This data element is used only if the Compliance Monitoring Action taken was – “Off-Site Record Review.” The data element describes the way in which such records were acquired by the Compliance Monitoring Agency.</p> <p>Information requested by a regulatory agency would be categorized under the Compliance Monitoring Action “Information Request.”</p> <p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ Required – The regulated entity was legally required to submit the records. ❖ Self-Policing Submission – The records reviewed were self-reported information submitted by a regulated entity under EPA’s self-policing policies (I.e., EPA’s Audit Policy or Small Business Compliance Policy) or under State, Tribal, or Local analogs. ❖ Voluntary – The records were self-reported information submitted voluntarily by a regulated entity, but not pursuant to EPA’s self-policing policies or State, Tribal, or Local analogs. 	A(31)	OffSiteRecordReviewType

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
1.8 Compliance Monitoring Media Type	The environmental program(s) with respect to which the compliance monitoring action was taken.	<p>Select all applicable values. Any compliance monitoring action for which two or more environmental programs are selected represents a “multi-media” compliance monitoring action. Note that two or more distinct environmental programs may occur under a single statute; e.g., National Pollutant Discharge Elimination System (NPDES) and Wetlands under the federal Clean Water Act; or Public Water Supply and Underground Injection Control under the federal Safe Drinking Water Act.</p> <p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ Air Stationary Source ❖ Air Mobile Source ❖ Emergency and Community Right-to-Know ❖ Hazardous Waste (RCRA) ❖ National Pollutant Discharge Elimination System ❖ Ocean Dumping ❖ Solid Waste ❖ Pesticides ❖ Public Water Supply ❖ Superfund ❖ Toxic Substances ❖ Underground Injection Control ❖ Underground Storage Tanks ❖ Wetlands ❖ Other 	A(47)	ComplianceMonitoringMediaType

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
1.9 Citizen Complaint Indicator Code	The code that indicates whether a compliance monitoring action was performed in response to a citizen complaint or tip.	Includes tips or other information received from individuals, community groups, environmental groups, other facilities or regulated entities, etc. Permissible List of Values: ❖ Y – Yes ❖ N – NO	A(1)	CitizenComplaintIndicatorCode
1.10 Compliance Monitoring Action Reason	The reason for performing a compliance monitoring action.	"Core Program" includes, e.g., when the regulatory agency monitors all major sources on a routine basis; or a statute specifies the frequency of routine monitoring for certain facilities; or the agency selects some percentage of its monitoring based on random selection; etc. "Agency Priority" includes, e.g., monitoring actions taken with respect to target pollutants; or actions taken in specially targeted industries, geographic areas, communities, ecosystems, etc.	A(26)	ComplianceMonitoringActionReason

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
		<p>More than one of the Permissible Values may apply to a given Compliance Monitoring Action. For example, an inspection may be in support of an Agency priority, but also fulfill core program obligations. In that case, the reporting agency may choose how to characterize the Reason; ordinarily, in the example given, we would encourage selection of "Agency Priority" as providing a more specific rationale.</p> <p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ Core Program – The compliance monitoring action was performed as part of the Compliance Monitoring Agency's core programmatic activities. ❖ Agency Priority – The compliance monitoring action was performed in furtherance of a priority or initiative of the Compliance Monitoring Agency or a partner agency. 		

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
		<ul style="list-style-type: none"> ❖ Selected Monitoring Action – The Compliance Monitoring Agency selected the facility or regulated entity for compliance monitoring in response to a referral from another unit within the Compliance Monitoring Agency or another unit of government; in response to a citizen complaint or tip; or for another reason specific to the regulated entity or facility in question (e.g., monitoring compliance with a compliance schedule in a previously-issued enforcement instruments; or because there is probable cause to believe a violation exists). 		
1.11 Compliance Monitoring Action Priority Originator	The program that established the priority that prompted the compliance monitoring action.	If the Reason for Compliance Monitoring Action is “Priority,” identify the originator of the priority.	A(12)	ComplianceMonitoringActionPriorityOriginator

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
1.12 Compliance Monitoring Priority	The name of the priority that prompted the compliance monitoring action.	<p>If the Reason for Compliance Monitoring Action is "Priority," identify the priority by name.</p> <p>Example values will include priorities established by EPA at the National or EPA Regional level and priorities established by State, Local, and/or Tribal agencies.</p> <p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ Clean Water Act/Wet Weather – The national priority area Clean Water Act/Wet Weather that includes Combined Sewer Overflow (CSO) Policy, the Sanitary Sewer Overflow (SSO) Enforcement Management System, and the National Concentrated Animal Feeding Operations (CAFOs) Sector Strategy. ❖ Safe Drinking Water Act/Microbial Rules – The national priority area Safe Drinking Water Act/ Microbial Rules ❖ Clean Air Act/NSR/PSD – The national priority area Clean Air Act/New Source Review/Prevention of Significant Deterioration (NSR/PSD) ❖ Clean Air Act/Air Toxics – The national priority area Clean Air Act/Air Toxics 	A(53)	ComplianceMonitoringPriority

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
		<ul style="list-style-type: none"> ❖ Resource Conservation and Recovery Act/Permit Evaders – The national priority area Resource Conservation and Recovery Act/Permit Evaders. ❖ Petroleum Refining Sector – The national priority area Petroleum Refining Sector. 		
1.13 Compliance Monitoring Action Outcome	The results from a compliance monitoring action.	<p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ No Violation – No violation(s) detected. ❖ Immediately Corrected – Violation(s) detected and immediately corrected onsite. ❖ No Immediately Corrected – Violation(s) detected but not immediately corrected. ❖ Under Review – A determination on compliance status is pending further review, completion of an inspection report, etc. ❖ No Compliance Monitoring (Facility Shut Down) – The facility is no longer in operation. ❖ No Compliance Monitoring (Access Denied) – The owner/operator denied access to the facility. 	A(45)	ComplianceMonitoringActionOutcome

2.0 Violation

Definition: Noncompliance with one or more legally enforceable obligations by a regulated entity, as determined by a

responsible authority. Included in this category are violations of legally enforceable obligations under pre-existing Final Orders (e.g., violations of compliance schedules included in enforcement orders.)

Relationships: Each violation is affiliated with a compliance monitoring agency.

Each violation can be detected by one or more compliance monitoring actions.

Each violation can be associated with zero or one or more permits.

Each violation may lead to zero or one or more enforcement actions. (Not every violation results in an enforcement action. The same violation may be cited in several different, successive enforcement actions of progressively greater severity [e.g., a Notice of Violation followed by a Complaint and ultimately, a Final Order].)

Notes: None.

XML Tag: Violation

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
2.1 Violation Determined Date	The calendar date the Responsible Authority determines that a regulated entity is in violation of a legally enforceable obligation.	This may be the same as, or different than, the Compliance Monitoring Date Refer to the Representation of Date and Time [EX000013.1] Data Standard	D(8)	ViolationDeterminedDate
2.2 Violation Class Type	The type of violation that is the subject of the Violation Determined Date.	If reporting on a group of violations rather than an individual violation and <u>any</u> of the violations within the group are Significant or High Priority, select the permissible value "Significant or High Priority Violation."	A(38)	ViolationClassType
		Permissible Values: <ul style="list-style-type: none"> ❖ Significant or High Priority Violation – The violation meets applicable programmatic criteria for those terms, as set out by EPA. ❖ Other – The violation does not meet applicable programmatic criteria for "significant" or "high priority" violations. 		

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
2.3 Compliance Schedule Indicator Code	The code that indicates whether the regulated entity is currently on a legally enforceable compliance schedule (i.e., pursuant to a Final Order) for return to compliance with the obligation that is the subject of the Violation Determined Date.	If reporting on a group of violations rather than an individual violation and if <u>any</u> such violations are subject to a Compliance Schedule, select the permissible value "Yes." Permissible List of Values: ❖ Y – Yes ❖ N – No	A(1)	ComplianceScheduleIndicatorCode
2.4 Return to Compliance Schedule Date	The calendar date, specified in the Compliance Schedule (if any), on which the regulated entity is scheduled to return to compliance with respect to the legal obligation that is the subject of the Violation Determined Date.	If reporting on a group of violations rather than on an individual violation, then enter the latest date by which such violations are to be corrected. Refer to the Representation of Date and Time [EX000013.1] Data Standard	D(8)	ReturnComplianceScheduleDate
2.5 Return to Compliance Actual Date	The calendar date, determined by the Responsible Authority, on which the regulated entity actually returned to compliance with respect to the legal obligation that is the subject of the Violation Determined Date.	If reporting on a group of violation rather than on an individual violation, then enter the date on which all such violations are actually corrected. Refer to the Representation of Date and Time [EX000013.1] Data Standard	D(8)	ReturnComplianceActualDate

3.0 Enforcement Action General Information

Definition: Information about any kind of action taken to address noncompliance with environmental laws by a regulated entity: assess penalties for noncompliance; compel the recipient to perform or refrain from certain actions; recover costs; and/or collect money owed to the government under environmental laws.

Relationships: Each enforcement action is related to one or more specific determinations of noncompliance, or determinations of the need for response or corrective action.

Each enforcement action is related to zero or one or more permits through a violation.

Each enforcement action is related to one or more defendant(s) respondent(s).

Each enforcement action can be linked to zero or one or more violations. (Some enforcement actions are not based on alleged violations of law. Examples include many “imminent-and-substantial endangerment” actions, and other actions brought to compel the implementation of a response action, or to recover government costs.)

Each enforcement action has a single current enforcement status; but each action may have had a different status at other past times during the lifetime of that action.

Each enforcement action is taken with respect to zero, one or more facilities. (Though not common, it is possible to take an enforcement action against an entity that is not related to a specific regulated “facility.”)

Each enforcement action must have one or more defendant(s)/respondent(s).

Each enforcement action is associated with a statutory authority.

Notes:

XML Tag: EnforcementActionGeneralInformation

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
3. 1 Enforcement Action Date	The calendar date the enforcement action was issued or filed.	For actions, involving written documents, the Enforcement Action Date is the date on which the document was signed by the Responsible Authority, except for judicial actions it is the date the action was filed in or entered by the court. For an informal action based only on oral notification, it is the date the regulated entity actually received such notification. Refer to the Representation of Date and Time [EX000013.1] Data Standard	D(8)	Enforcement ActionDate

3.2 Enforcement Action Identifier	The unique alphanumeric identifier used in the applicable database to identify a specific enforcement action pertaining to a regulated entity or facility.		A(20)	Enforcement ActionIdentifier
3.3 Enforcement Action Name	The formal name of the enforcement action as shown on the caption of the legal instrument.	Example List of Values: ❖ U.S. v. XYZ Company ❖ State of --- v. XYZ Company ❖ In the Matter of XYZ Corp	A(200)	Enforcement ActionName

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
3.4 Enforcement Agency Name	The full name of the agency, department, or organization that submitted the enforcement action data to EPA.		A(100)	Enforcement AgencyName
3.5 Enforcement Agency Type	The type of agency that submitted the enforcement action data the EPA.	<p>Local agencies include intrastate regional agencies (i.e., those with jurisdiction extending across multiple local government boundaries).</p> <p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ US EPA – United States Environmental Protection Agency. ❖ Other Federal – Another agency of the United States. ❖ State – State agency. ❖ Interstate – Interstate agency. ❖ Local – Local agency. ❖ Tribal – Tribal government agency. 	A(13)	Enforcement AgencyType

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
3.6 Enforcement Agency Location	The U.S. Postal Service alphabetic code that represents the U.S. state and territory in which a state or local government enforcement agency operates.	If the Enforcement Agency Type is "State" or "Local," the enforcement agency should enter the two-letter postal code for the state or territory, in which it is located, even though its jurisdiction is not statewide. Permissible Values List: Use the two-letter U.S. Postal code for the state or territory. Refer to the Contact Information Data [EX000019.2] Data Standard	A(2)	EnforcementAgencyLocation
3.7 Federal Statute Violated	The federal statute(s) and sections alleged to have been violated.	For permissible values, use the Law/Section (Link to ICIS Law Section List): ICIS Law Section List.pdf	A9100)	FederalStatuteViolated
3.8 State Statute Violated	The state statute and section(s) alleged to have been violated.		A(100)	StateStatuteViolated
3.9 Tribal Statute Violated	The tribal statute(s), ordinance(s) or law(s) alleged to have been violated.		A(100)	TribalStatuteViolated
3.10 Local Statute Violated	The local statute(s), ordinances(s) or law(s) alleged to have been violated.		A(100)	LocalStatuteViolated
3.11 Citation	The citation(s) of the violations alleged.	Use regulatory citation, if applicable, otherwise use statutory citation. Use commonly accepted form of citation/	A(200)	Citation

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
3.12 Noncompliance or Corrective Action Description	The narrative text describing the noncompliance identified, or the response or corrective action required.		A(200)	NoncomplianceCorrectiveActionDescriptionText
3.13 Enforcement Action Type	The type of action taken by the regulatory agency.	<p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ Oral Notification of Violation – An oral notification to the regulated entity of violation(s) of applicable laws where no further action is contemplated assuming the entity achieves compliance in a timely manner. ❖ Letter to Regulated Entity – A written notification to the regulated entity of violation(s) of applicable laws, such as a warning letter, where no further action is contemplated assuming the entity timely achieves compliance. ❖ Letter to State/Tribe – A written notification to a delegated or authorized state, tribe or local government agency, about violation(s) of applicable laws by a regulated entity within the jurisdiction of the state or tribe. 	A(30)	EnforcementActionType

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
		<ul style="list-style-type: none"> ❖ Written Notice of Violation – A written notice sent to a regulated entity, initiating the enforcement process by informing the entity of violation(s) of applicable law, and requesting that the regulated entity take action to come into compliance, with the expectation of further follow-up action by the regulatory agency. ❖ Demand for Stipulated Penalties – A written demand that a regulated entity, which is subject to a previous Final Order, pay stipulated penalties specified therein for violation(s) of its terms. ❖ Judicial Referral – A formal written request to another agency or unit of government to proceed with judicial enforcement (e.g., criminal or civil judicial action) relating to the violation(s) in question. 		

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
		<ul style="list-style-type: none"> ❖ Field Citation – A legal instrument issued by an inspector in the field; it provides the Respondent a chance to certify a return to compliance, and pay a reduced penalty, without further discussion with the Regulatory Authority and without further litigation. ❖ Complaint/Proposed Order – A legal instrument that formally initiates a “two-step” legal procedure (in which the Respondent has the right to a specified further process such as a hearing or trial), the objective of which is to secure an independently enforceable Final Order. This type of Enforcement Action can be either administrative or judicial. ❖ Final Order – An administrative or judicial legal instrument that formally concludes an enforcement action, and which imposes on the recipient independently enforceable obligations. 		

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
		<ul style="list-style-type: none"> ❖ Voluntary Compliance Agreement – A consent agreement in which a regulated entity agrees to come into compliance, but which does not invoke the legal enforcement authority of the government (i.e., the agreement is enforceable only as contract). 		

4.0 Additional Enforcement Action Attributes

Definition: Attributes that provide additional descriptive information about Enforcement Action Types “Notice of Violation,” “Complaint/Proposed Order,” and/or “Final Order” *only*.

Relationships: Each Complaint/Proposed Order may be associated with one or more Enforcement Action “relief sought” types (Data Elements 5.1 – Cash Civil Penalty Amount Sought, 6.1 – Cost Recovery Amount Sought, 6.3 – Collection Amount Sought, and 7.1 – Injunctive Relief Sought Description).

XML Tag:

Each Final Order may be associated with one or more Final Order Relief Required types.

Notes: AdditionalEnforcementActionAttributes

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
4.1 Enforcement Action Forum	The legal forum in which the enforcement action is brought.	EXAMPLE VALUES <ul style="list-style-type: none"> ❖ Judicial – The action is brought in federal or state court. ❖ Administrative – the action is brought before an administrative body or tribunal; or the action is brought by an administrative agency and does not involve a separate tribunal (e.g., a warning letter or Notice of Violation (NOV)). 	A(14)	EnforcementActionForum
4.2 Enforcement Action Status	The current status of the enforcement action.	EXAMPLE VALUES <ul style="list-style-type: none"> ❖ Active – A Notice of Violation, Judicial Referral, or Complaint/Proposed Order has been initiated, but a Final Order has not yet been issued, nor has the Action been otherwise Concluded, Closed, Superseded, or Combined. 	A(25)	EnforcementActionStatus

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
		<ul style="list-style-type: none"> ❖ Concluded – The action has been concluded, but not yet closed. An enforcement action is concluded but not closed when a Notice of Violation or a Final Order has been issued, but all actions requested in such Notice or required in such Order have not yet been completed; and/or the termination date in the Final Order (if specified) has not yet passed; and the action has not been Superseded, Combined, Withdrawn, or Dismissed. ❖ Closed – All actions requested in a Notice of Violation, or required in a Final Order, have been completed by the recipient; or the termination date of the Final Order (if such a date specified) has passed; or the action has been Withdrawn or Dismissed, or the enforcement action has been superseded by, or combined into, another related enforcement action addressing the same violation. ❖ Stayed While Under Appeal – Where a Final Order has been appealed, and its effective date has been stayed pending the outcome of the appeal, this value should be used. 		

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
4.3 Enforcement Action Status Date	The calendar date of the most recent Enforcement Action Status determination.	Refer to the Representation of Date and Time [EX000013.1] Data Standard	D(8)	Enforcement ActionStatus Date
4.4 Enforcement Action Resolution Type	The mechanism by which the enforcement action is revealed.	<p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ Consent: A Final Order issued by the Responsible Authority, or the tribunal, with the comment of the parties. ❖ Adjudicated – A Final Order issued by the Responsible Authority, or the tribunal, after adjudication (motion practice, trial, hearing, etc.), where the matter has been contested by the Respondent. ❖ Unilaterally Issued – A Final Order issued by the Responsible Authority without the Respondent’s consent and without any proceedings such as a hearing or trial. ❖ Default- A Final Order issued by the Respondent Authority or the tribunal as a consequence of the Respondent’s failure to timely carry on with the subsequent procedural steps. 	A(19)	Enforcement ActionResolutionType

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
		<ul style="list-style-type: none"> ❖ Withdrawn – A Notice of Violation or a Complaint/Proposed Order that is withdrawn by the Responsible Authority. ❖ Dismissed – A Complaint/Proposed Order that is dismissed by the Responsible Authority or tribunal. ❖ Superseded or Combined – An enforcement action has been superseded by another related enforcement action (e.g., a Notice of Violation has been superseded by a Complaint/Proposed Order or a Final Order); or has been combined into another related enforcement action. 		

5.0 Enforcement Action Cash Penalty and Supplemental Environmental Project (SEP) Information

Definition: Additional information about

** Any cash civil penalty sought through, and/or required pursuant to, an Enforcement Action;

** Any stipulated penalty subsequently required to be paid as a consequence of noncompliance by the Defendant/Respondent with the terms of a Final Order; and ‘

** Any Supplemental Environmental Projects (SEP) required to be performed pursuant to a Final Order.

Relationships:

Notes:

XML Tag: EnforcementActionCashPenaltyandSupplementalEnvironmentalProject

Data Element Name	Data Element Definitions	Notes	Format	XML Tag
5.1 Cash Civil Penalty Amount Sought	The dollar amount of any proposed cash civil penalty set forth in a Compliance/Proposed Order.	<p>The amount <i>sought</i> is the amount initially proposed, requested or demanded by the agency that initiates an enforcement action that seeks a penalty. The amount <i>required</i> (see Data Element # 5.2 – Cash Penalty Amount Required) is the amount ultimately agreed to in a settlement, or imposed by the tribunal or other responsible authority.</p> <p>Does not include:</p> <ol style="list-style-type: none"> 1. **The value of Supplemental Environmental Projects (SEP) that may be included in a resolution of the enforcement actions; 2. **The value of any Stipulated Penalties that may be sought for noncompliance with a Final Order; or 3. **The value of any injunctive relief that may be required by a Final Order. 	N(15)	CashCivilPenaltyAmountSought
5.2 Cash Civil Penalty Amount Required	The dollar amount of any cash civil penalty, payment of which is required pursuant to a Final Order.	<p>The figure to be reported is the amount required to be paid, whether or not such penalty has been collected.</p> <p>Does <u>not</u> include:</p> <ol style="list-style-type: none"> 1. <u>**The value of any Stipulated Penalties that may be required for noncompliance with the Final Order;</u> 2. <u>**The value of any Supplemental Environmental Project (SEP) included in the Final Order; or</u> 3. <u>**The value of any injunctive relief required by the Final Order.</u> 	N(15)	CashCivilPenaltyAmountRequired

Data Element Name	Data Element Definitions	Notes	Format	XML Tag
5.3 Stipulated Penalty Amount Required	The dollar amount of any cash stipulated penalty, payment of which is required by the Enforcement Agency, pursuant to the terms of a pre-existing Final Order.	A Stipulated Penalty Amount Required figure should only be reported if the Enforcement Agency has made a demand for payment thereof (whether or not the amount has been collected); or the Defendant/Respondent has self-assessed and paid such Penalties. Stipulated penalties include suspended or contingent penalties, payment of which is required only in the event of subsequent noncompliance (after initial resolution of an enforcement action).	N(15)	StipulatedPenaltyAmountRequired
5.4 SEPs Description	The narrative text describing any Supplemental Environmental Projects required to be performed pursuant to a Final Order.		A (2000)	SupplementalEnvironmentalProjectsDescriptionText
5.5 SEPs Value	The dollar value of any Supplemental Environmental Projects (SEP) required to be performed pursuant to a Final Order.	This is the estimated full cost to the Defendant/Respondent of implementing any such SEPs.	N(15)	SupplementalEnvironmentalProjectsValue
5.6 SEPs Penalty Assessment Value	The portion of the Supplemental Environmental Projects (SEP) Value which is explicitly denominated as a civil penalty assessed in a Final Order.	EPA does not denominate any portion of the SEP Value as a civil penalty, so for EPA actions this value will be zero. However, other jurisdictions may denominate some portion of the Required SEP Value as a penalty. Thus, the SEPs Penalty Assessment Value may be any fraction of the SEPs Value from 0% to 100%, although it is usually substantially less than 100%.	N(15)	SupplementalEnvironmentalProjectsPenaltyAssessmentValue

Data Element Name	Data Element Definitions	Notes	Format	XML Tag
5.7 Total Civil Penalty Value	The total value of the civil penalty required by a Final Order.	The value is the sum of the Cash Civil Penalty Required Amount plus the Required SEPs Penalty Assessment Value. The Total Civil Penalty Value may be equal to or greater than the Cash Civil Penalty Required Value. (For EPA cases, it will be equal to the Cash Civil Penalty Required Value.)	N(15)	TotalCivilPenaltyValue

6.0 Enforcement Action Cost Recovery and Collection Information

Definition: Information about any cost recovery or collection sought through, and/or required pursuant to, an Enforcement Action.

Relationships:

Notes:

XML Tag: EnforcementActionCostRecoveryandCollectionInformation

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
6.1 Cost Recovery Amount Sought	The dollar amount of any cost recovery sought in a Complaint/Proposed Order.	If the enforcement action seeks reimbursement of future government costs, not yet expended, and the amount of such future costs can be reasonably accurately estimated, such amount may be included here.	N(15)	CostRecoveryAmountSought
6.2 Cost Recovery Amount Required	The dollar amount of any cost recovery required to be paid pursuant to a Final Order.	Report the amount required in the Final Order, whether or not it has been collected. If the Enforcement Action resolution includes an enforceable obligation for the Defendant/Respondent to reimburse future government costs, not yet expended (e.g., upon presentation of a bill), and the amount of such future costs can be reasonably and accurately estimated, such amount may be included here.	N(15)	CostRecoveryAmountRequired
6.3 Collection Amount Sought	The dollar amount of the prior debt sought to be collected through a Complaint/Proposed Order,		N(15)	CollectionAmountSought
6.4 Collection Amount Required	The dollar amount of any collection payment required in a Final Order or other mechanism used to resolve the collection Complaint/Proposed Order.	Report the amount required in the Final Order, whether or not it has been collected.	N(15)	CollectionAmountRequired

7.0 Enforcement Action Injunctive Relief Information

Definition: Information about any injunctive relief sought through, and/or required pursuant to, an Enforcement Action, but not including penalties, cost recovery, and Supplemental Environmental Project (SEP) obligations.

Penalties, cost recovery and SEPs, are addressed in separate categories.

The environmental benefits anticipated from such Injunctive Relief are covered in the Enforcement Action Compliance Milestones Information Data Group.

Relationships:

Notes:

XML Tag: EnforcementActionInjunctiveReliefInformation

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
7.1 Injunctive Relief Sought Description	Narrative description of the injunctive relief sought through a Complaint/Proposed Order.	Does not include penalties, cost recovery or Supplemental Environmental Project (SEP).	A (2000)	InjunctiveReliefSoughtDescription
7.2 Injunctive Relief Required Description	Narrative description of the injunctive relief required in a Final Order,	Does not include penalties, cost recovery, or Supplemental Environmental Project (SEP),	A (2000)	InjunctiveReliefRequiredDescription
7.3 Injunctive Relief Value	The estimated dollar cost to the Defendant/Respondent of carrying out all injunctive relief (not including penalties, cost recovery or Supplemental Environmental Projects) required pursuant to a Final Order,		N(15)	InjunctiveReliefValue

8.0 Enforcement Action Compliance Milestones Information

Definition: Information about the status of implementation, by Defendant/Respondent, of compliance actions required as milestones included in a Final Order or other enforcement action resolution, including Injunctive Relief. Supplemental Environmental Projects (SEP), Penalty or Cost Recovery payment required,

Relationships:

Notes:

XML Tag: EnforcementActionComplianceMilestonesInformation

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
8.1 Compliance Milestones Status	The status of implementation by a Defendant/Respondent, on a given date (the Compliance Milestones Determination Date), of any compliance milestone actions required to have been completed by the date, including injunctive relief, Supplemental Environmental Projects, and penalty and cost recovery payments required.	<p>EXAMPLE VALUES</p> <ul style="list-style-type: none"> ❖ Implemented by Due Date(s) – All required milestone actions, the deadlines for which are on or before the reporting date, were implemented by the specified deadline date(s), ❖ Implemented by Determination Date, but Later than Due Date(s) – One or more milestone actions were not implemented by the date(s) specified in the enforcement action resolution instrument, but such actions were completed before the most recent Compliance Milestones Status Determination Date, 	A(100)	ComplianceMilestonesStatus
8.2 Compliance Milestones Status Determination Date	The calendar date the Responsible Authority last determined a regulated entity's status of compliance with the milestone obligations in an enforcement action resolution instrument.	Refer to the Representation of Date and Time [EX000013.1] Data Standard	D(8)	ComplianceMilestonesStatusDeterminationDate

Data Element Name	Data Element Definitions	Notes	Format	XML Tag
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Data Element Name	Data Element Definitions	Notes	Format	XML Tag
8.3 Compliance Milestones Violation Response Indicator	The code that indicates whether the Enforcement Agency has taken action in response to a Compliance Milestones Implementation Violation.	Such response action may include a demand for stipulated penalties; further enforcement action seeking additional civil penalties; further action seeking to impose contempt sanctions; amendment or revision of the compliance schedule to set new milestone dates; etc. Permitted List of Values: ❖ Y - Yes ❖ N - No	A(1)	ComplianceMilestonesViolationResponseIndicator
8.4 Compliance Milestones Completed Date	The calendar date, determined by the Reporting Authority, on which all compliance milestone actions required in an enforcement action resolution have actually been completed, including all injunctive relief, SEPs, and all penalty or cost recovery payments required.	Refer to the Representation of Date and Time [EX000013.1] Data Standard	D(8)	ComplianceMilestonesCompletedDate

9.0 Defendant/Respondent Affiliation Information

Definition: Information on the affiliation of the defendant(s) or respondent(s) named in the enforcement action.

Relationships: Each enforcement is linked to one or more defendant/respondents and each defendant/respondent may be affiliated with one or more facilities that are the subject of the enforcement action. Additional information about each defendant/respondent (e.g., mailing address, DUNS Number, contact person, title, etc.) may be recorded as defined in the Facility Site Identification Data Standard, irrespective of whether or not the defendant/respondent is an owner or operator of a facility that is the subject of the enforcement action (e.g., where the defendant/respondent's only affiliation to the facility is as Generator or Transporter.)

Notes:

XML Tag: DefendantRespondentAffiliationInformation

Data Element Name	Data Element Definitions	Notes	Format	XML Tags
9.1 Affiliation of Defendant/Respondent to Facility	The name that describes the capacity or function that a defendant/respondent serves for a facility that is the subject of the enforcement action.	<p>The Defendant/Respondent may be related to the subject facility in more than one way; therefore, more than one permissible value may be selected. For example, an owner of a facility may also be an operator. Similarly, the generator of wastes may also be the owner or operator of the facility where the wastes were disposed.</p> <p>Note that a waste transporter may also be the owner or operator of the facility. If the violations alleged are with respect to that facility, the affiliation is as "Owner" and/or "Operator." If the violations alleged are with respect to the Defendant's activities as transporter to or from another facility, then the affiliation is "Transporter."</p> <p>EXAMPLE VALUES:</p> <ul style="list-style-type: none"> ❖ Owner – The defendant or respondent is the owner of the facility. ❖ Operator – The defendant or respondent is a generator of waste material found at the subject facility. ❖ Other- The defendant or respondent has an affiliation to the facility other than the owner, operator, generator, or transporter. 	A(11)	AffiliationDefendantRespondentFacility

Appendix A
Enforcement and Compliance Structure Diagram

