



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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FEB 19 2016

REPLY TO THE ATTENTION OF:

Cathy Stepp, Secretary
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, Wisconsin 53707-7921

Dear Ms. Stepp:

The U.S. Environmental Protection Agency would like to thank you and your staff for participating in our pilot enforcement program review of the Clean Air Act Stationary Source program, Clean Water Act National Pollutant Discharge Elimination System program, and Resource Conservation and Recovery Act Subtitle C hazardous waste program. A key part of the pilot review was EPA and WDNR working cooperatively to identify important program implementation issues and actions to resolve them.

Please find enclosed the final enforcement review report, which contains an executive summary, as well as detailed findings and actions regarding Wisconsin Department of Natural Resources enforcement programs. We look forward to working with you in the future to ensure implementation of the action items.

If you have any questions, please contact me at 312-886-3000 or Alan Walts, Director, Office of Enforcement and Compliance Assistance, at 312-353-8894 or walts.alan@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Kaplan".

Robert A. Kaplan
Acting Regional Administrator

Enclosure

U.S. Environmental Protection Agency, Region 5
Wisconsin Department of Natural Resources

State Review Report

A. Purpose and Overview of this Report

EPA and the Environmental Council of States designed the State Review Framework (SRF) to consistently assess state enforcement of the Clean Water, Clean Air and Resource Conservation and Recovery Acts. Since 2004, EPA Region 5 has completed two SRF reviews in each of its six states. For WDNR's third review, EPA Region 5 and the WDNR piloted an approach that applies SRF data and indicators, but also considers the most current data available to EPA and WDNR programs. Based on this information, we focused our review on areas that present the greatest opportunities to improve program operations and strengthen public health and environmental protection, looking at WDNR's Clean Air Act (CAA), Clean Water Act (CWA), and Resource Conservation and Recovery Act (RCRA) enforcement and compliance assurance programs.¹ This focus supports collaborative action to quickly implement changes during the review period, in order to assure that these programs:

- Concentrate efforts on the most significant risks to health or the environment,
- Anticipate and address noncompliance trends with a variety of tools,
- Respond to and resolve violations quickly and appropriately,
- Achieve improved compliance rates, and
- Provide EPA and the public with accurate and complete information on WDNR enforcement activities, based on data entry into EPA systems of record.

EPA Region 5 and Wisconsin Department of Natural Resources (WDNR) share the goal of increasing benefits for public health and the environment through coordinated, timely and focused use of environmental enforcement and compliance assurance resources. In this pilot, we seek to advance this goal through an approach to state enforcement and compliance assurance program review that emphasizes partnership, collaboration and improved coordination of state and federal programs. We found during the pilot that our ability to achieve shared goals is strengthened by constructive, focused and ongoing communication that

¹ Relevant EPA policy considered in the review includes: for RCRA, the Hazardous Waste Civil Enforcement Response Policy (ERP), which sets forth response guidance for violations occurring pursuant to RCRA where the State or EPA intends to pursue civil action, and defines formal enforcement (<http://www2.epa.gov/enforcement/hazardous-waste-civil-enforcement-response-policy>); for CWA, the Enforcement Management System (<http://www2.epa.gov/enforcement/enforcement-management-system-national-pollutant-discharge-elimination-system-clean>); and for CAA, the 2014 EPA HPV Policy and the EPA/WDNR memorandum of understanding that defines criteria for high priority air pollution control violations and sets out timelines for addressing such violations.

explicitly recognizes differences in structure, policy approaches, resources, and legal authorities. This supports an “environmental enterprise” approach to implementing environmental protection programs, in which the ultimate measure of success is our joint ability to deliver results to the public while maintaining a level playing field for regulated facilities.

Each program review summarized below relies upon information compiled from file reviews, joint inspections, data evaluations and conversations between EPA Region 5 and WDNR staff and managers. This information was used to analyze performance and determine the best means to improve performance. It also helped to establish a clear, shared understanding of federal and state legal authorities; inspection, enforcement and compliance assurance processes; and factors used to make enforcement decisions. Throughout, our shared intent was to ensure effective implementation of RCRA, CWA and CAA programs, support public access to information, and more closely coordinate work and planning in order to maximize benefits to public health and the environment.

This report communicates findings and actions to the public, identifies commitments for the coming year, and sets the stage for more closely integrated annual planning and stronger ongoing coordination. EPA and WDNR will regularly review progress in meeting these commitments. As stated in our Environmental Performance Partnership Agreement (EnPPA) for federal fiscal years 2014-2016: “Both Region 5 and WDNR are responsible for ensuring that the recommendations made as a result of the review are carried out in a timely and effective manner. Certain actions may also be added, as appropriate, to the program work plans within this EnPPA.”

Section B provides an executive summary of the review. Section C describes WDNR's enforcement and compliance program. Section D and the Appendices document the review, its findings, and actions that have been or will be carried out.

B. Executive Summary of Review

This executive summary identifies the focus areas of program review, the main findings in each area, and the main actions completed or planned in each area. EPA selected the most important program areas for review based on information from past WDNR reviews and routine interaction between EPA Region 5 and WDNR. EPA also considered data metrics covering Fiscal Years 2011 and 2012 from EPA's Enforcement and Compliance Online (ECHO) database (Appendix C), in order to evaluate program performance against nationally-consistent indicators established under SRF.

Clean Air Act

Focus area: Accuracy of violation identification and the timeliness and appropriateness of enforcement response to high priority violations.

Findings: WDNR began a “Lean Six Sigma” review of its processes before the pilot, and has now implemented steps to improve timeliness. WDNR is accurately identifying high-priority

violations, but resulting actions were not always appropriate by EPA's definition. Notices of Violation for synthetic minor sources were not being reported to EPA's data system (AFS) due to a misunderstanding of reporting requirements.

Actions: Based on the most current available data, timeliness has significantly improved through WDNR's program improvement efforts. WDNR and EPA will continue holding monthly calls to discuss and agree upon appropriate responses to specific high-priority violations. WDNR's reporting is now consistent with EPA's data reporting requirements.

Clean Water Act

Focus area 1: Data entry for Single Event Violations, enforcement cases, and penalties

Findings: WDNR had not been consistently and accurately reporting key compliance and enforcement data to EPA's data system (ICIS-NPDES).

Actions: WDNR has taken immediate steps to enter required data into ICIS-NPDES. Region 5 and WDNR also made commitments to ensure data is complete and accurate in the future.

Focus area 2: Compliance and enforcement in the Concentrated Animal Feeding Operation (CAFO) program

Findings: WDNR did not consistently implement its CAFO program across the state in documenting and addressing noncompliance. Identified areas for improvement included: documentation of compliance/inspection activities and observations; documentation of compliance determinations within inspection documents; identification of violations as significant; and consistency of enforcement responses with state and federal guidance.

Actions: EPA and WDNR agreed on a number of specific measures to improve CAFO program performance. These include input of inspection data into ICIS-NPDES, development of a CAFO inspection SOP and checklist, training on inspection procedures/violation identification, and an update of WDNR's Runoff Enforcement Management Handbook. Further detail is in Appendix B of this report.

Resource Conservation and Recovery Act

Focus area: Identification of, and response to, Significant Non-Compliers (SNCs).

Findings: WDNR has been finding significant violations, but not always identifying them as SNCs in EPA data systems or internal paperwork. SNCs that were identified were not documented in the data systems in a timely manner. When SNCs were officially identified, WDNR did not always pursue penalties or other formal action as outlined in the RCRA ERP.

Actions: WDNR and EPA will also pursue an Expedited Settlement Agreement approach in which certain types of cases can be referred to Region 5 for quick action. WDNR and EPA have agreed to have regular conference calls to discuss and agree upon appropriate actions for specific identified SNCs, including referral to EPA for formal enforcement.

During our review, EPA also learned of notable program improvement work that WDNR had already initiated, and that contributes to progress in these focus areas. WDNR carried out a LEAN project to streamline the resolution of High Priority air pollution violations, and developed a SharePoint-based case management system that allows for "start to finish" electronic management of enforcement cases and data. These program improvements are

intended to further speed case development, evaluation and resolution as well as case file review and transmission of information to WI DOJ.

C. WDNR Enforcement and Compliance Programs

WDNR has a Central Office located in Madison with field offices located throughout Wisconsin. Field staff is responsible for conducting most compliance contacts, inspections and the initiation of informal and formal enforcement responses. Compliance orders and recommendations to refer cases to the Wisconsin Department of Justice (WI DOJ) are reviewed and approved by program, legal and administrative staff in the Central Office prior to issuance or referral to WI DOJ. The Central Office also develops compliance and enforcement policies, manages staff and maintains databases.

WDNR uses a Stepped Enforcement process to resolve violations. Stepped Enforcement is a series of incremental actions designed to resolve violations at the lowest level appropriate for the circumstances and to judiciously use governmental resources to achieve compliance. In WDNR's experience, the process often results in a timely return to compliance, thereby minimizing the potential for impacts to public health or the environment and allowing WDNR and WI DOJ resources to focus on violations having the most significant actual or potential impacts to public health and the environment. The WDNR Stepped Enforcement process and guidance on timelines and actions are more thoroughly described in WDNR's Environmental Enforcement Handbook (available online at <http://dnr.wi.gov/topic/EnvProtection/EEHandbook2-15-13.pdf>.)

WDNR has authority in the reviewed programs to enforce compliance with RCRA, CWA and CAA requirements by referring violations to WI DOJ if voluntary compliance is not obtained and/or penalties are warranted. Unlike EPA, WDNR does not have legal authority to take administrative actions that recover a penalty, except in its Drinking Water program.

D. Findings and Actions

This section identifies the findings from this review, and actions that have been taken or are planned in response to these findings.

Clean Air Act

Focus area: EPA and WDNR focused on the accuracy of violation identification and on the timeliness and appropriateness of enforcement response to high priority violations.

All CAA violations are important; but High Priority Violations (HPVs) warrant additional scrutiny to ensure that states and the EPA respond in an appropriate and timely manner and have access to shared resources if needed. The HPV policy provides a process to identify HPVs, which

generally need to be addressed within a certain number of days with appropriate enforcement actions (usually formal actions).

Review: The R5 Air and Radiation Division (ARD) reviewed data on WDNR compliance monitoring and enforcement activities reported to the Air Facility System (AFS) in FY13. WDNR’s HPV identification rate averaged between 2% and 3% of the universe of Title V major sources. (See Appendix C.1, CAA NOV and HPV data tables.) To better assure that violations are being identified and appropriately responded to, ARD randomly selected 29 full compliance evaluations (FCEs) for review: 24 Title V major facilities (four per regional office), and five synthetic minors at the 80% major threshold. ARD also reviewed 18 stack test reports (three per regional office). EPA provided its findings to WDNR for review and comment. Based on a meeting to discuss these findings held on June 12, 2014, the agencies agreed on the changes noted below.

Finding and Action Tables

CAA 1: Appropriate enforcement
<i>Finding:</i> WDNR is accurately identifying high priority violations; and the WDNR Air program considers the C&E MOU and the HPV policy in determining response to a violation. WDNR is also consulting with EPA on proper responses to HPVs. Consultation with EPA assures that the means used to resolve violations is appropriate in light of federal policy and case-specific factors.
<i>Action:</i> WDNR will continue to follow its Stepped Enforcement process and the revised HPV policy when HPVs are identified. Cases requiring discussion between WDNR and EPA regarding the appropriate outcome based on case-specific facts are being discussed during monthly EPA/WDNR conference calls to promote consistency in decision making and selection of the best option for the circumstances, which could be referral to Wisconsin Department of Justice, referral to EPA, or closure with no further enforcement action.
CAA 2: Timely enforcement
<i>Finding:</i> EPA had noted before this review began that WDNR was not always addressing violations through enforcement actions within the designated timeframe of the HPV policy; and had raised this to WDNR as part of the regular dialogue between programs. During this review, EPA found that WDNR has taken steps that improve the timeliness of actions to address violations.
<i>Action:</i> All WDNR cases will continue to be reported to EPA via spreadsheet on an ongoing basis and WDNR and EPA will continue to discuss enforcement cases on the monthly calls (including timeliness of response actions). This regular communication has been part of the EPA/WDNR MOU for some time and is also included in the Performance Partnership Agreement between EPA and WDNR to reaffirm this ongoing commitment. For cases with timeliness issues, EPA and WDNR determine which agency is best suited to take or maintain the lead, and what will be the best method of returning the source to compliance. Any

deficiencies identified in carrying out this action will be further discussed on the monthly conference calls.

CAA 3: Reporting Notices of Violation (NOVs) to EPA system of record

Finding: Due to misunderstanding of the reportable universe of facilities to AFS noted in the summary table of the national minimum data requirements (MDRs), some NOVs that WDNR issued to synthetic minor sources were not reported to AFS, making it appear to EPA and the public that enforcement in this area was not occurring at an adequate level. WDNR only reported major and SM80 facilities where an NOV was issued. The national MDRs for CAA stationary sources note the reportable universe of facilities to be reported to AFS includes: Major, SM and Part 61 NESHAP minor facilities, other facilities identified within the CMS plan, any facility with a formal enforcement action and any facility with an active HPV. If a minor source is included in the CMS plan (maybe included in alternative CMS plan), has a current enforcement action of less than 3 years old, or is listed as a discretionary HPV, it is considered reportable to AFS.

Action: WDNR has begun reporting all NOVs to ICIS-Air consistent with EPA's data reporting requirements. All of these are verified through the data reported by WDNR into ICIS-Air and analyzed by EPA. Any deficiencies identified in carrying out this action will be further discussed on the monthly conference calls. This should result in ICIS-Air reflecting the correct number of NOVs issued by WDNR. Any deficiencies identified in carrying out this action will be further discussed on the monthly conference calls.

CAA 4: Stack test reporting to EPA system of record

Finding: As noted above, EPA reviewed several stack test reports. The majority of these reports were reviewed by WDNR as required, and accurately reported as passing or failing to AFS. However, EPA discovered that 5 of the reports were reported as passing to AFS, when they had not yet been reviewed by WDNR to make this determination. Since AFS did not have an action type to record only the dates of the stack tests, WDNR reported them in this manner to note the stack test completions.

Action: The new national system, ICIS-Air, contains a pending result action type which WDNR will utilize to record stack test dates. After the stack tests are reviewed, WDNR will accurately report whether the tests passed or failed. This will be verified through the data reported by WDNR into ICIS-Air and analyzed by EPA. Any deficiencies identified in carrying out this action will be further discussed on the monthly conference calls.

CAA 5: Stack test compliance with permit conditions

Finding: For stack test reports reviewed, although WDNR stated facility tested in compliance, it did not indicate in the report at what capacity to ensure it was in accordance with the permit conditions. A number of stack tests were approved to be tested at the lower capacity when the permit condition required testing at 100% capacity.

Action: Language was added to the summary sheet to show that the permit was reviewed and that the facility is meeting the permit conditions for testing. If permit condition allows approval of testing at the lower capacity, then WDNR will note the approval and provide justification in the summary of the report. Any deficiencies identified in carrying out this action will be further discussed on the monthly conference calls.

CAA 6: Reporting date of Full Compliance Evaluation (FCE)

Finding: Incorrect FCE dates were reported to AFS. WDNR reported the date the inspection report was signed by the inspector and/or supervisor as the FCE date.

Action: WDNR agreed to report the date of the FCE as the date the inspector certifies after the review of all evaluations conducted to make a final compliance determination. All of these are verified through the data reported by WDNR into AFS subsequently migrated to ICIS-Air and analyzed by EPA. Any deficiencies identified in carrying out this action will be further discussed on the monthly conference calls.

CAA 7: Completeness of FCE reporting

Finding: Some FCE reports only included a cover page due to the facility being shut down at the time of inspection. Additional information should be included as part of the FCE report such as any reports reviewed, Title V annual compliance certification, facility notification of closing, etc. in the documentation for the summary.

Action: For future FCE reports, WDNR agreed to include additional information in the report when a facility has shut down. Any deficiencies identified in carrying out this action will be further discussed on the monthly conference calls.

CAA 8: Revisions to HPV policy

Finding: In August 2014, EPA issued a revised HPV policy. The policy changed HPV response timelines and requires additional case resolution discussions, with documentation of the discussions maintained by EPA. While this review was conducted based on the prior policy, the new policy's emphasis on additional ongoing discussions confirmed the value of a joint commitment that Region 5 and WDNR had already established through this pilot. However, certain program changes are still necessary to conform to the revised HPV policy.

Action: WDNR has revised their HPV form. WDNR and EPA Region 5 have updated the Air Compliance and Enforcement Memorandum of Understanding between EPA and WDNR.

Clean Water Act

Focus areas:

- (1) Data entry for Single Event Violations, enforcement cases, and penalties

Missing and inaccurate data affects EPA's ability to determine whether an enforcement program is effective. It also hinders the ability to provide the public a transparent and accurate account of violations and enforcement actions taken.

(2) Compliance and enforcement in the Concentrated Animal Feeding Operation (CAFO) program.

There has been growing citizen concern surrounding the environmental and health impacts of CAFOs throughout Wisconsin and specifically in the Green Bay area. As a result, EPA and WDNR selected CAFO inspection, compliance and enforcement activities as an area of focus to more efficiently manage our combined resources and increase the incentive to attain and maintain compliance with Clean Water Act requirements.

Review:

(1) Data entry for Single Event Violations, enforcement cases, and penalties

EPA and WDNR determined what data was missing from ICIS and why, and then identified a series of actions that would resolve the data issue. This included a comprehensive review of steps taken in an enforcement action and how data is reported for each step.

(b) Compliance and enforcement in the CAFO program

EPA reviewed 28 permitted case files, including all compliance and enforcement documentation, as well as citizen complaints from 2009 to present. Files were selected based on inspections and enforcement history. EPA also reviewed agreements between Land and Water Conservation Districts (LWCDs) and WDNR to oversee agricultural facilities, operations and practices.

EPA and WDNR also jointly inspected eight large CAFO facilities to evaluate WDNR’s program implementation and align processes to promote consistent implementation of NPDES requirements whether compliance and enforcement activities are conducted by EPA or WDNR. Six of these inspections were led by EPA, and two were led by WDNR. Inspections covered production areas and records review. Land application areas were not inspected. EPA also analyzed medium facilities, including information from previously-conducted inspections.

Finding and Action Tables

<p>CWA 1: Data entry to EPA system of record</p>
<p><i>Finding:</i> Analysis of recent data showed that not all of WDNR’s key performance data for enforcement actions and penalty assessments had been uploaded to EPA’s ICIS database. Therefore, information in ICIS was not representative of violations as identified and resolved by WDNR. (The CWA Data Analysis table below provides further detail on these findings.)</p>
<p><i>Action:</i> WDNR has now manually entered all enforcement actions and penalties since October 1, 2012 into ICIS. WDNR has also implemented batch uploads to ICIS for data related to the Major facility DMR entry rate. Two additional batch uploads (permit limits and SEVs) of data streams have been implemented as of the beginning of calendar year 2016. (The CWA Data Analysis table below provides further detail on completed and upcoming actions.)</p>

<p>CWA 2: Data entry to EPA system of record for Single Event Violations (SEVs)</p>
<p><i>Finding:</i> SEVs were not always coded using EPA standards or reported to ICIS. (The CWA Data Analysis table below provides further detail on the findings.)</p>
<p><i>Action:</i> In consultation with EPA, WDNR has developed an approach for addressing EPA’s finding. Based on an analysis of how violations and follow-up actions are recorded in SWAMP (WDNR’s internal tracking database) and ICIS, a list of SEVs has been incorporated into SWAMP. WDNR has also committed to program the batch upload to ICIS. EPA and WDNR jointly trained field staff on November 12, 2014 on the use of these SEVs. With a firm plan implemented for SEVs, EPA and WDNR are now discussing SNC determinations. EPA has shared SNC information with WDNR. Training on SNC determinations accompanied the SEV training done on November 12, 2014. Additional dialogue and planning will take place regarding SNC determinations as part of regular EPA/WDNR conference calls. (The CWA Data Analysis table below provides further detail on completed and upcoming actions.)</p>
<p>CWA 3: CAFO program – case files and inspections</p>
<p><i>Finding:</i> Various program improvement needs for WDNR’s CAFO program were identified through review of CAFO case files and of CAFO inspections. A detailed description of the findings is in Appendix B of this report.</p>
<p><i>Action:</i> Specific CAFO program actions are in Appendix A of this report.</p>
<p>CWA 4: CAFO program – WDNR/County work-sharing</p>
<p><i>Finding:</i> The WDNR/County work-sharing arrangement as described in Appendix B of this report does not ensure consistent, timely and appropriate actions in response to significant CAFO noncompliance. When AFOs overseen by the LWCDs are found to be in non-compliance with NR 151 Performance Standards, the process provides that the LWCD is to work with the facility to achieve compliance. However, a medium AFO that is discharging is considered a point source and defined by EPA and WDNR rules as a CAFO (see 40 CFR 122.23.) The approach that the LWCDs take in regards to medium AFOs that are discharging may bring medium CAFOs into compliance with Chapter NR 151 but not WDNR rules for CAFOS. If a medium AFO that is discharging is not identified as a medium CAFO, then WDNR may not be using formal enforcement in situations where EPA believes formal enforcement is the most appropriate response.</p>
<p><i>Action:</i> WDNR has initiated a discussion with County Leaders to develop a communications and training strategy to help ensure WDNR is aware of discharging facilities identified by the Counties and/or when facilities increase their population size. This strategy is designed to enhance WDNR’s ability to take timely and appropriate action in response to significant noncompliance, as well as ensure discharging facilities get a permit. WDNR will provide a draft of the communication and training plan by June 30, 2016 and a final by December 15, 2016. Training on the plan will occur at the March 2017 county statewide conference. EPA will monitor progress in this area.</p>

CWA 5: CAFO program – case files and inspections
<i>Finding:</i> Various program improvement needs for WDNR’s CAFO program were identified through review of CAFO case files and of CAFO inspections. A detailed description of the findings is in Appendix B of this report.
<i>Action:</i> Specific CAFO program actions are in Appendix B of this report.

CWA Data Analysis Table (Details for CWA 1 and CWA 2)

Category	Result	Findings	Actions
Informal Enforcement Actions	49 facilities with actions issued - (42 minors/7 majors).	Actions issued by WDNR, but not reported in ICIS.	Completed: WDNR entered relevant actions related to major facilities.
Formal Enforcement Actions	4 minor facilities with court orders issued.	Actions issued by WI DOJ, but not reported in ICIS.	Completed: WDNR entered relevant actions related to majors and minor facilities by October 31, 2014
Penalty Actions/Total Penalties Assessed	4 penalty actions (court orders) issued with penalties assessed – (4 minors, total \$388,418).	Actions issued by WI DOJ, but not reported in ICIS.	Completed: WDNR entered relevant penalty actions and penalty amount assessed based on watershed program by October 31, 2014.
SEVs Identified	54 SEVs identified at majors and 130 SEVs identified at minors.	WDNR system of recording violations is not relatable to EPA system. State is identifying violations in some instances; but not as SEVs.	Underway: WDNR has programmed its list of SEVs into its test database and fully deployed the production version in February 2015. The subsequent transfer of SEV data to ICIS is anticipated in February 2016. Inspectors were trained November 12, 2014.
SNC determinations	After a violation is identified, WDNR issues a notice of noncompliance or notice of violation. WDNR tracks violations and follow-up in its event tracker database using the following fields: Violations identified, significant violations follow-up, and minor violation follow-up.	WDNR does not make SNC determinations. ICIS makes automated determinations for DMR-reported data. Instead of manual SNC determinations, WDNR uses a stepped process which includes criteria WDNR considers in making decisions to escalate enforcement.	In progress: EPA shared SNC information with WDNR. Training on SEV and SNC determinations was completed in November 2014. Additional dialogue, planning and training are needed to develop and implement a systematic solution that includes that SEVs are identified as SNCs as appropriate. This will continue to be a focus in our quarterly calls.

Permit and Compliance schedule Violations	Permit schedule in WDNR's SWAMP system. System sends reminders to WDNR staff but does not identify violations.	These violations are not being entered to ICIS. State system did not allow field staff to enter these as violations.	WDNR has finalized and programmed into SWAMP the SEV code list to be used by field staff that will be electronically transferred from SWAMP to ICIS directly.
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Resource Conservation and Recovery Act

Focus area: Identification of and response to Significant Non-Compliers (SNCs).

All RCRA violations are important; but SNCs warrant additional scrutiny. This focus area was selected for review based on EPA's appraisal that WDNR has a SNC rate below the national average.

EPA's Hazardous Waste Civil Enforcement Response Policy (ERP) defines SNCs as violators that:

- have caused actual exposure or substantial likelihood of exposure to hazardous waste or hazardous waste constituents;
- are chronic or recalcitrant violators; or
- deviate substantially from the terms of a permit, order, agreement or from RCRA statutory or regulatory requirements.

According to the ERP, a SNC should be formally identified and then addressed through formal enforcement. This formal enforcement response should mandate compliance and/or initiate an administrative or civil action that results in an enforceable agreement or order and imposes sanctions (including a monetary penalty and, if warranted, other sanctions). This policy states that the implementing agency should issue a warning letter or other appropriate notification of violations to facilities in order to put those facilities on notice of the violations within 150 days of the inspection. If EPA or the State determine that a violating facility meets SNC criteria, the SNC determination should be entered into RCRAInfo at that time. WDNR's definition of formal enforcement is given above, in the cross-program review.

Review:

EPA retrieved information on WDNR compliance monitoring and enforcement activities reported for FYs 2008-2013 using RCRAInfo, OTIS/ECHO, EPA Region 5 Land and Chemicals Division (LCD) annual reports, and WDNR Self-Assessment Reports. WDNR also provided data from WDNR's Field Investigator Site Tracking System (FIST) to EPA on compliance evaluation inspections (CEIs) from FYs 2008 – 2013.

EPA Region 5 conducts annual mid-year file reviews based on a randomized selection of WDNR inspection and compliance activities. Typically, the files consist of approximately 50% compliance evaluation inspections conducted and 50% enforcement actions (Notices of

Noncompliance, Notices of Violations, and formal actions through Wisconsin DOJ). As part of the FY 2013 mid-year file review, EPA reviewed files for 22 WDNR CEIs. As part of the FY 2014 mid-year file review, EPA reviewed 25 WDNR CEIs. None of the files chosen for either FY 2013 or FY 2014 had been designated as an SNC.

EPA conducted a targeted review of RCRAInfo violation data for 132 Notices of Noncompliance (NON) and 19 NOV's that WDNR issued in FY 2013. EPA requested and reviewed copies of inspection reports, violation letters and facility responses for 11 of these 151 compliance actions which had not been designated as SNCs.

RCRA Finding and Action Tables

<p>RCRA 1: SNC identification</p> <p><i>Finding:</i> WDNR does find significant violations, but does not always identify them as SNCs through EPA data systems or internal paperwork. Some of those that were identified as SNCs were not entered in the RCRAInfo data system in a timely manner (before the data verification process and resulting data freeze dates).</p> <p><i>Action:</i> WDNR will enter SNCs in accordance with the timeframes established in the RCRA ERP. In FY 2015, WDNR began preliminary work on translating data from their state system to the exchange network for Compliance, Monitoring and Enforcement data. When WDNR becomes a direct RCRAInfo translator, this process should resolve this issue. Until that occurs, Region 5 will work with WDNR to ensure that all SNCs are entered into RCRAInfo using another method before the RCRAInfo data freeze occurs early in every annual year.</p>
<p>RCRA 2: Appropriate enforcement of SNCs</p> <p><i>Finding:</i> Where SNCs were being officially identified, WDNR has not always pursued formal action as provided in the RCRA ERP. In part, this is due to lack of administrative authority under state law to pursue penalties.</p> <p><i>Action:</i> Based on regular dialogue with EPA, WDNR and EPA will work in concert with WI DOJ to develop procedures and pilot an Expedited Settlement Agreement (ESA) program for certain RCRA violations that meet the ESA Policy, under which the cases will be referred to EPA Region 5 for quick resolution. EPA will look for the following from WDNR in a referral package: inspection report and notes from the inspection; Notice of Noncompliance letter or Notice of Violation letter; Facility response letter; and cover sheet for referral to Region 5. WDNR agrees that if facilities do not settle under the ESA Policy, EPA can proceed with formal enforcement. WDNR and EPA will hold monthly discussions to decide the appropriate outcome for potential SNC cases based on case-specific facts to promote consistency in decision making and selection of the best option for the circumstances, which could be referral to Wisconsin Department of Justice, referral to EPA, or closure with no further enforcement action. At the end of six months, WDNR and EPA will assess the need for monthly calls and decide if the call frequency can be made quarterly.</p> <p>Recognizing that EPA and WDNR currently have different approaches to making SNC determinations and taking enforcement actions, we expect that through frequent discussions</p>

focused on case-specific violations, the two agencies can reach a more consistent and appropriate approach to making SNC determinations and resolving violations. WDNR understands that EPA may not accept all matters referred to it by WDNR. Further, WDNR understands that EPA may not agree that a case referred to EPA by WDNR is ESA eligible.

RCRA 3: Data entry for SNCs

Finding: Based on the WDNR SNC Trend chart, it appears that WDNR has entered SNC date information into RCRAInfo after the data verification process and resulting data freeze dates.

Action: Starting in FY 2015, WDNR began preliminary work on translating data from their state system to the exchange network that ultimately transfers the data to RCRAInfo. When WDNR becomes a direct RCRAInfo translator, this process should resolve this issue. Until that occurs, Region 5 will work with WDNR to ensure that all SNCs are entered into RCRAInfo using another method before the RCRAInfo data freeze occurs early in every annual year.

RCRA 4: Identifying SNCs based on past violations

Finding: WDNR's Compliance Evaluation Worksheet (CEW) should include all past identical violations.

Action: By April 1, 2016, WDNR will revise their CEW, Section 3: Chronic or Recalcitrant Violators, to advise their inspectors that there is no timeframe for identical violations. The current worksheet excludes violations identified more than three years ago. The EPA Hazardous Waste Civil Enforcement Response Policy states on page 6, that identical (i.e. repeat) violation should be given considerable weight in identifying a facility as a SNC even if the inspections are more than three years apart.

Appendix A: CAFO Review Information

EPA reviewed files using metrics in five categories: Data, Compliance/Inspections, Violations, Enforcement, and Penalties. EPA found areas of concern in each category, including: documentation of compliance/inspection activities and observations, documentation of compliance determinations within inspection documents, identification of violations as SNC or Non-SNC, and consistent application of enforcement responses in alignment with the WDNR Manure Runoff Enforcement Handbook, effective date January 1, 2008 and the EPA's NPDES Enforcement Management System and related guidance. A consistent finding noted by the review was that even though WDNR may have responded to and resolved a violation, the facility file did not always document the return to compliance and some facilities did not maintain compliance. Work activities associated with agricultural operations are variable, mobile and often exposed to the elements, which highlights the need for operators to be diligent in their compliance efforts and for WDNR and EPA to promote broad compliance through effective use of our combined resources. EPA reviewers also found variability in the implementation of inspection/compliance activities between field offices which is being addressed to ensure consistent program implementation. EPA also noted that an enhanced citizen complaint tracking system would help broadly assess compliance concerns and provide additional data to help guide program implementation efforts. (See Appendix C.2, CWA CAFO File Review table for follow-up and resolutions.)

EPA found common noncompliance issues among 7 of the 8 large CAFO facilities that EPA inspected. At those facilities, issues were found in calf hutch areas, used bedding and feed stacking areas, and concrete feed pads where stormwater in contact with the area resulted in process wastewater runoff and a discharge. EPA also observed spilled or wind-blown digester solids in production areas, storm water channels, and waterways. Additionally, EPA observed under-sized and/or poorly designed controls leading to unpermitted discharges from Vegetated Treatment Areas (VTAs), silage bunkers, and concrete feed storage pads - and most current records were often not on-site, but kept with the facility's consultant or nutrient planner. EPA reviewed past inspections and found that in some cases, the problems EPA identified, such as; calf hutch areas, silage bunkers, concrete feed pads, and used bedding and feed stacking areas had been observed by WDNR in past inspections but WDNR did not observe or record a discharge at the time of its prior inspections and generally had recommended better housekeeping practices.

EPA found that WDNR reviews and approves nutrient management plans (NMPs), proposed waste storage systems, and assesses surface and groundwater impacts. NMP conditions for large CAFOs have measures in place to limit potential for land applied waste to runoff to surface waters and/or discharge to groundwater.

EPA found similar violations at medium AFO facilities. Three out of the four facilities EPA inspected were found to have discharges from man-made conveyances to waters of the US and thus identified by EPA as medium CAFO facilities. All four facilities had problems with process

wastewater containment. EPA also observed a lack of controls for process wastewater from silage bunkers, concrete feed pads, stacking areas, calf hutches, and open feedlots.

Wisconsin oversees small and medium operations through assistance from Wisconsin local government programs, generally the Land and Water Conservation Departments (LWCDs). In some cases, there is a memorandum of understanding (MOU) in place between the local government program and WDNR. The MOUs that EPA reviewed described how LWCDs implement WDNR’s Chapter NR 151 Runoff Management performance standards in its county or area of the state. The LWCD work includes onsite activities, inspections to determine compliance, issuing status reports, and follow-up work with the agricultural operations.

When an LWCD determines there is noncompliance with Chapter NR 151, it is to issue a status report that identifies corrective action and lists action steps to be taken. Noncompliant operations are then to be discussed and prioritized at an annual meeting with WDNR. For priority sites, a nonpoint source Notice of Noncompliance signed jointly by the LWCD and WDNR shall be issued. Non-priority cases are reviewed annually. If a landowner does not respond appropriately to a nonpoint source Notice of Noncompliance, the WDNR pursues its stepped enforcement process.

As noted above in Section C, WDNR’s Surface Water program does not have the authority to issue Orders that EPA recognizes as formal enforcement actions. WDNR issues Notices of Violation, holds Enforcement Conferences and refers the most significant violations to the WI DOJ to achieve court ordered compliance and penalties, all of which WDNR considers to be formal enforcement actions as described in its Environmental Enforcement Handbook.

The following tables detail specific findings and actions.

CWA CAFO File Review

Metric	Result	Findings	Actions
2b. Was data accurately reflected in the national data system?	Ten of 28 files showed accurate data reflection in ICIS, the national data system.	Further action is needed to reflect inspection activities in ICIS.	WDNR has begun to input inspection data for major and minor permits into ICIS.
6a. Did the report contain sufficient documentation to make a compliance determination?	Ten of 28 files contained sufficient documentation to make a compliance determination.	Process changes are needed to ensure sufficient documentation (e.g., pictures, narratives) is consistently included in the report.	

<p>6b. Were inspection reports completed within a prescribed timeframe?</p>	<p>Fifteen of 24 inspection reports were completed within the prescribed timeframe (30 days for a non-sampling inspection; 45 days for an inspection with sampling.)</p>	<p>Process changes are needed to ensure inspection reports are completed within established timeframes.</p>	<p>WDNR is developing a compliance activity SOP and an inspection checklist that will be implemented across all WDNR offices to ensure sufficient documentation is consistently included. A draft of the SOP has been shared with EPA and WDNR has begun pilot implementation.</p>
<p>7e) Did the inspection report lead to an accurate compliance determination?</p>	<p>Fifteen out of 25 inspection reports contained all the documentation necessary to support the compliance determination.</p>	<p>Process changes are needed to ensure inspection reports contain a compliance determination and the information necessary to support the determination.</p>	<p>Final documents are expected by July 2016.</p>
<p>8b) Were SEVs identified as SNC or Non-SNC?</p>	<p>Zero out of 20 violations led to a SNC determination.</p>	<p>WDNR is not fully documenting or reporting all SNC determinations.</p>	<p>WDNR and EPA provided training to WDNR staff on November 6, 2014. This training focused on inspection procedures and identification of violations/SNC. WDNR's Compliance SOP and Runoff Management Enforcement Handbook will provide additional guidance.</p>
<p>9a) Will the enforcement response return the source in violation to compliance?</p>	<p>Eleven of 20 files contained documentation to show the actions taken will/did return the source to compliance.</p>		<p>WDNR is updating its Runoff Enforcement Management Handbook. A draft of the updated Runoff handbook has been shared with EPA and WDNR has begun pilot implementation. A final document is expected by July 1, 2016. WDNR is exploring the potential for using enforcement citations for a more rapid enforcement response.</p>
<p>10b) Did the enforcement responses reviewed address violations in a timely and appropriate manner?</p>	<p>Fifteen of 20 enforcement responses documented the application of enforcement responses in a manner consistent with program guidance</p>	<p>Process changes are needed to ensure that documentation and enforcement responses are</p>	

11a) When calculating penalties, were gravity and economic benefit considered?	Zero of 1 penalty calculations documented consideration of gravity and economic benefit.	consistent with program guidance. N/A	
12a) Was there documentation explaining the rationale between the initial and final penalty amounts?	Not applicable: The only penalty reviewed had the same initial number as final.		
12b) Was there documentation that the penalty was collected?	Zero out of 1 penalty had documentation of collection.		

CAFO Inspections

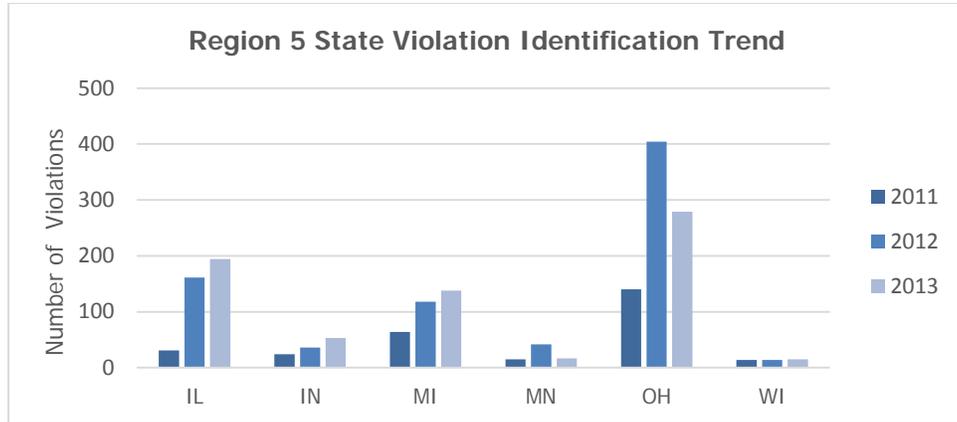
Category	Metric – WPDES Permit Requirement	Result	Findings	Next Steps
Manure Storage Area	Production Area Discharge Limitations, Manure and Process Wastewater Storage, Proper Operation and Maintenance 3.4.2.2.	8 out of 8 facilities inspected by EPA and/or WDNR had open Earthen Storage Structures.	2 out of the 8 facilities did not have freeboard markers and were not recording weekly checks of their earthen manure storage structures.	WDNR and EPA provided training to WDNR staff on November 6, 2014. This training focused on inspection procedures and identification of violations/SNC. WDNR has developed a CAFO Compliance Activity SOP. WDNR is developing a CAFO Inspection Checklist. Both documents will be implemented across all WDNR
Stacking Areas of Manure, bagged feed, used bedding and feed.	Non-Permanent Feed Storage Areas, Solid Manure Stacking	6 of the 8 facilities inspected by EPA and WDNR were stacking used bedding and/or feed during the inspection	5 of 6 facilities were found to be stacking used bedding and/or feed in unsuitable areas with the potential for runoff into a waterway.	
Feed Storage Areas	Manure and Process	8 out of the 8 facilities	7 out of 8 facilities had the	

	Wastewater Storage NR 243.14	had feed storage areas	potential for unauthorized discharges either from no containment, improperly designed, and/or improperly managed feed storage structures.	offices to ensure consistency. WDNR is transitioning from focusing on manure and process wastewater management and storage at the production site to placing additional emphasis on management of all waste streams that have potential to discharge including production area stormwater runoff, feed storage areas, calf hutch areas, and vegetated treatment areas.
Vegetated Treatment Areas	Production Area Discharge Limitations	6 out of the 8 facilities EPA inspected had VTAs.	4 out of the 6 facilities had unauthorized discharges from the VTA.	
CAFO Outdoor Vegetated Areas	CAFO Outdoor Vegetated Areas-regulated under WPDES Permit 243 regulations.	2 out of 8 facilities had CAFO Outdoor Vegetated Areas (pastures).	1 out of the 2 facilities had not complied with WPDES permit by allowing cows in the creek and denuded areas within the CAFO Outdoor Vegetated Areas.	
Digesters	Production Area Discharge Limitations, Manure and Process Wastewater Storage, Solid Manure Stacking.	3 out of 8 facilities had digesters.	3 out of 3 had problems with wind-blown digester solids in waterways and/or ditches.	
Feed Lot Areas	Production Area Discharge Limitations, Manure and Process Wastewater Storage	2 out of 8 facilities had feed lots.	2 out of the 2 had problems with inadequate or no containment for their feedlot runoff. This runoff had the potential to discharge to surface waters.	

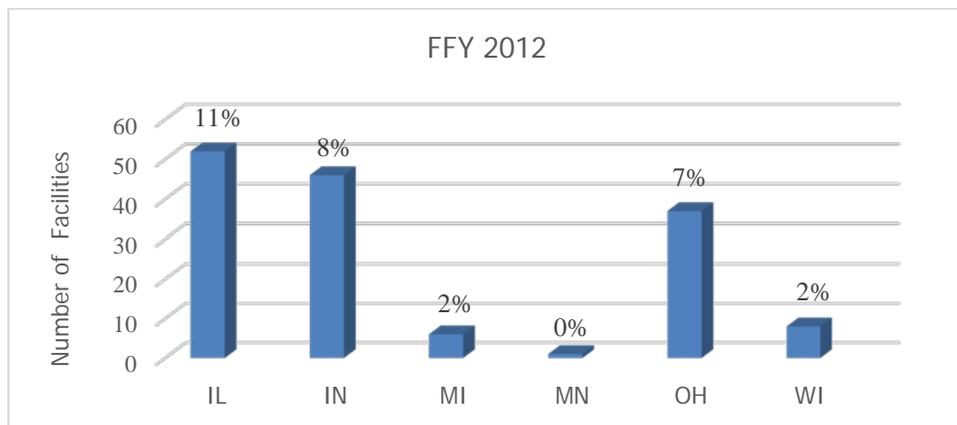
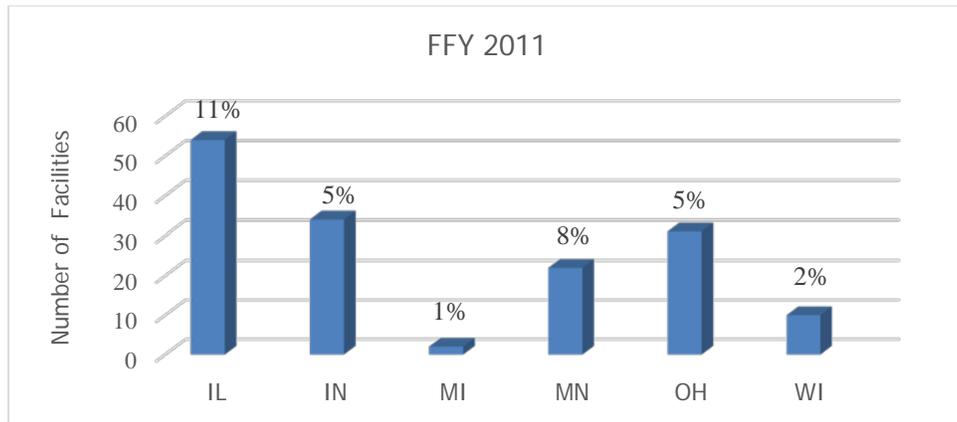
<p>Calf Hutch Areas</p>	<p>Production Area Discharge Limitations, Manure and Process Wastewater Storage.</p>	<p>3 out of the 8 facilities had calf hutch areas.</p>	<p>3 out of 3 had problems with runoff from calf hutch areas that had the potential to discharge to surface waters.</p>	
<p>Summary</p>	<p>Production Area Discharge Limitations.</p>	<p>8 total were inspected.</p>	<p>As noted above, EPA identified discharges to Waters of the US occurring due to production area runoff at 7 of the 8 facilities inspected.</p>	<p>EPA issued orders on consent to 5 facilities. EPA and WDNR are working with the other 2 to bring those facilities into compliance.</p>

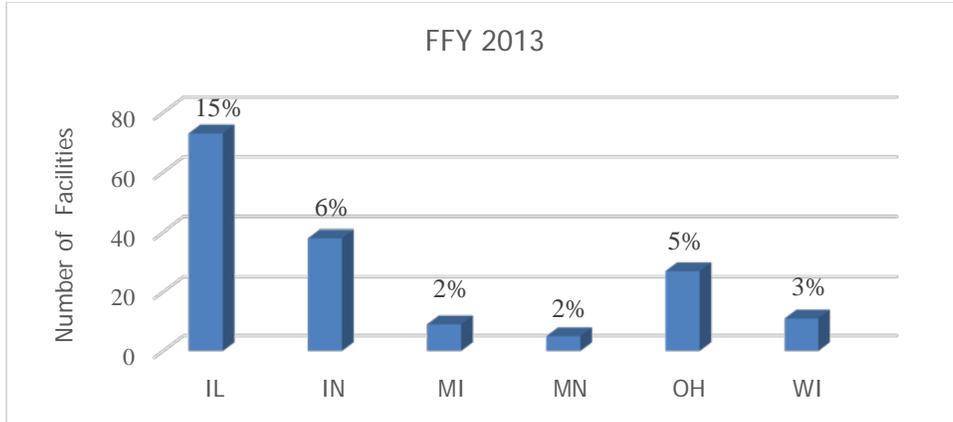
Appendix B: Data analyses

1. Clean Air Act review



CAA HPV Identification Percentage (based on Title V major universe)





2. RCRA review

- Based on a review of FIST data provided by WDNR (See Table 3 below):
 - The state conducted 1007 CEI inspections during fiscal years 2008 through 2013 at facilities managing hazardous waste, used oil, and universal waste, or an average of 168 CEIs per year.
 - During fiscal years 2008 through 2013, WDNR found violations 68.9% of the time as part of those 1007 CEIs.
 - During fiscal years 2008 through 2013, WDNR identified 18 SNCs.
 - The average SNC rate from FY 2008 through FY 2013 was 1.78% for 1007 CEIs. DNR calculates its SNC rate by dividing SNCs by CEI
- Based on a review of RCRAInfo data:
 - WDNR identified 18 SNCs from FY 2008 through FY 2013,
 - WDNR conducted 1157 CEIs and 793 Focused Compliance Inspections (FCI) from FY 2008 through FY 2013. (See note below on FCIs.)
 - The WDNR average SNC rate from FY 2008 through FY 2013 is 0.9% as calculated by EPA. EPA calculates the SNC rate by dividing SNCs by CEIs plus FCIs.
 - WDNR, as of the date of this document, did not identify any new SNCs in FY 2014 in RCRAInfo. The average WDNR SNC rate from FY 2008 through FY 2014 is 0.75%. (See Table 2 below for annual WDNR SNC rates.)
- Based on the FY 2013 mid-year review:
 - EPA identified 2 facilities (of 22 files) for which EPA believes a SNC determination could have been made.
- Based on the FY 2014 mid-year review:
 - EPA identified 2 facilities (of 25 files) for which EPA believes a SNC determination could have been made.
- Based on a June 18, 2014 case file review conducted for this pilot:
 - EPA identified 2 facilities (of 11 files) for which EPA believes a SNC determination could have been made. (Note that one of these files was a duplicate finding from the FY 2013 mid-year review.)

- EPA identified 5 additional facilities that, based on information available in the file, it would have treated as SNC had EPA pursued these violations. WDNR resolved the violations through its Stepped Enforcement process (described above). These resolutions did not recover penalties, and therefore did not meet EPA’s definition of formal enforcement.

[Note: An FCI is a focused compliance inspection. These include complaints, used oil inspections, universal waste inspections, etc. even when a facility CEI is conducted. Between 10/1/2008 and 9/30/2013, 488 facilities had one or more FCIs conducted for a total of 793 FCIs according to EPA RCRAInfo data. WDNR includes FCIs as part of the CEI when conducting a generator CEI. WDNR does not use FCIs in calculating SNC rates because in many cases the FCI is already part of the facility CEI.]

TABLE 1
WDNR RCRA SNC Numbers
SNC Entry into RCRAInfo by FY

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	Total SNCs
RCRAInfo/ RCRARep* <small>(as of 3/4/2014)</small>	4	4	5	3	1	1	18
OTIS/ECHO SRF Query	1	2	0	2	0	1	6*
R5 LCD EOY Report	3	2	2	0	1	1	9*
WDNR Self- Assessment	3	2	1	2	4	1	13*

* Based on EPA’s review of SNCs entered into RCRAInfo by WDNR, SNC dates were entered after the OTIS/ECHO “freeze” dates.

TABLE 2

**WDNR RCRA SNC Rate
FY 2008 through FY 2014**

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
WDNR SNC Rate	4/381 = 1.05%	4/361 = 1.1%	5/459 = 1.1%	3/255 = 1.2%	1/234 = 0.43%	1/234 = 0.38%	0/312 = 0.0%

SNC Query Rate is based on number of SNCs divided by the number of CEIs plus FCIs (Note data pulled from RCRAInfo on 12/22/2014). Average SNC Rate from FY 2008 through FY 2014 = 0.75%.

TABLE 3

**WDNR Data Summarizing CEIs conducted by WDNR
for Federal Fiscal Years 2008 – 2013**

- ✓ WDNR conducted **1007** CEI inspections averaging **168** CEIs per year.
- ✓ WDNR found violations **68.9%** of the time.

Activity Type	Activity Count	Violation Count
CEI LQG	354	1536
CEI VSQG	292	790
CEI SQG	130	549
CEI UNIVERSAL WASTE	72	125
CEI TSD	62	95
CEI USED OIL HANDLER	38	103
CEI LAND DISPOSAL	19	3
CEI 10 DAY HW TRANSFER	11	10
CEI PLANT CLOSING-WPRI	8	12
CEI PERM HHW/VSQG Collection	5	28
CEI TRANSPORTER	5	4
CEI HHW COLLECTION	4	16
CEI MULTI MEDIA SQG	2	8
CEI GLI LQG	2	3
CEI MULTI MEDIA LQG	2	23
CEI GLI SQG	1	1
Sum / total =	1007	3306

* Data provided by WDNR from FIST database, which is not an EPA-verified database

Appendix C: ECHO Data Metrics for Fiscal Years 2011 and 2012

WDNR RCRA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1a1	Number of operating TSDFs	Data Verification	State			14			
			EPA			14			
1a2	Number of active LQGs	Data Verification	State			520			
			EPA			520			
1a3	Number of active SQGs	Data Verification	State			1259			
			EPA			1259			
1a4	All other active sites	Data Verification	State			9566			
			EPA			9566			
1a5	Number of BR LQGs	Data Verification	State			363			
			EPA			363			
1b1	Number of sites inspected	Data Verification	State			162			
			EPA			27			
1b2	Number of inspections	Data Verification	State			223			
			EPA			27			
1c1	Number of sites with new violations during review year	Data Verification	State			90			
			EPA			14			
1c2	Number of sites in violation at any time during the review year regardless of determination date	Data Verification	State			137			
			EPA			69			

WDNR RCRA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1d1	Number of sites with informal enforcement actions	Data Verification	State			92			
			EPA			24			
1d2	Number of informal enforcement actions	Data Verification	State			93			
			EPA			24			
1e1	Number of sites with new SNC during year	Data Verification	State			3			
			EPA			2			
1e2	Number of sites in SNC regardless of determination date	Data Verification	State			12			
			EPA			6			
1f1	Number of sites with formal enforcement actions	Data Verification	State			3			
			EPA			4			
1f2	Number of formal enforcement actions	Data Verification	State			4			
			EPA			8			
1g	Total dollar amount of final penalties	Data Verification	State			\$430,000			
			EPA			\$341,637			

WDNR RCRA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1h	Number of final formal actions with penalty in last 1 FY	Data Verification	State			4			
			EPA			4			
2a	Long-standing secondary violators	Review Indicator	State			13			
			EPA			39			
5a	Two-year inspection coverage for operating TSDFs	Goal	State	100%	89.4%	71.4%	10	14	4
			Combined	100%	94.2%	78.6%	11	14	3
5b	Annual inspection coverage for LQGs	Goal	State	20%	22.6%	19.3%	70	363	293
			Combined	20%	24.7%	21.8%	79	363	284
5c	Five-year inspection coverage for LQGs	Goal	State	100%	62.9%	65.6%	238	363	125
			Combined	100%	67.6%	87.1%	316	363	47
5d	Five-year inspection coverage for active SQGs	Informational Only	State		11%	15.3%	193	1259	1066
			Combined		11.6%	16.6%	209	1259	1050
5e1	Five-year inspection coverage at other sites (CESQGs)	Informational Only	State			380			
			Combined			388			

WDNR RCRA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
5e2	Five-year inspection coverage at other sites (Transporters)	Informational Only	State			30			
			Combined			32			
5e3	Five-year inspection coverage at other sites (Non-notifiers)	Informational Only	State			38			
			Combined			38			
5e4	Five-year inspection coverage at other sites (not covered by metrics 5a-5e3)	Informational Only	State			296			
			Combined			267			
7b	Violations found during inspections	Review Indicator	State		32.5%	56.6%	90	159	69
			EPA		33.2%	51.9%	14	27	13
8a	SNC identification rate	Review Indicator	State		1.6%	1.3%	2	159	157
			EPA		2.6%	0%	0	27	27
8b	Timeliness of SNC determinations	Goal	State	100%	81.7%	0%	0	3	3
			EPA	100%	72.2%	0%	0	2	2
10a	Timely enforcement taken to address SNC	Review Indicator	State	80%	81.8%	0/0	0	0	0
			EPA	80%	33.3%	0%	0	4	4

WDNR CAA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1a1	Number of Active Major Facilities (Tier I)	Data Verification	State			441			
			EPA			441			
1a2	Number of Active Synthetic Minors (Tier I)	Data Verification	State			1162			
			EPA			1162			
1a3	Number of Active NESHAP Part 61 Minors (Tier I)	Data Verification	State			55			
			EPA			55			
1a4	Number of Active CMS Minors and Facilities with Unknown Classification (Not counted in metric 1a3) that are Federally-Reportable (Tier I)	Data Verification	State			4			
			EPA			0			
1a5	Number of Active HPV Minors and Facilities with Unknown Classification (Not counted in metrics 1a3 or 1a4) that are Federally-Reportable (Tier I)	Data Verification	State			0			
			EPA			0			

WDNR CAA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1a6	Number of Active Minors and Facilities with Unknown Classification Subject to a Formal Enforcement Action (Not counted in metrics 1a3, 1a4 or 1a5) that are Federally-Reportable (Tier II)	Data Verification	State			0			
			EPA			7			
1b1	Number of Active Federally-Reportable NSPS (40 C.F.R. Part 60) Facilities	Data Verification	State			530			
			EPA			531			
1b2	Number of Active Federally-Reportable NESHAP (40 C.F.R. Part 61) Facilities	Data Verification	State			305			
			EPA			305			
1b3	Number of Active Federally-Reportable MACT (40 C.F.R. Part 63) Facilities	Data Verification	State			339			
			EPA			339			

WDNR CAA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1b4	Number of Active Federally-Reportable Title V Facilities	Data Verification	State			429			
			EPA			429			
1c1	Number of Tier I Facilities with an FCE (Facility Count)	Data Verification	State			277			
			EPA			0			
1c2	Number of FCEs at Tier I Facilities (Activity Count)	Data Verification	State			277			
			EPA			0			
1c3	Number of Tier II Facilities with FCE (Facility Count)	Data Verification	State			0			
			EPA			0			
1c4	Number of FCEs at Tier II Facilities (Activity Count)	Data Verification	State			0			
			EPA			0			
1d1	Number of Tier I Facilities with Noncompliance Identified (Facility Count)	Data Verification	State			280			
			EPA			96			

WDNR CAA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1d2	Number of Tier II Facilities with Noncompliance Identified (Facility Count)	Data Verification	State			0			
			EPA			3			
1e1	Number of Informal Enforcement Actions Issued to Tier I Facilities (Activity Count)	Data Verification	State			17			
			EPA			6			
1e2	Number of Tier I Facilities Subject to an Informal Enforcement Action (Facility Count)	Data Verification	State			15			
			EPA			6			
1f1	Number of HPVs Identified (Activity Count)	Data Verification	State			9			
			EPA			2			
1f2	Number of Facilities with an HPV Identified (Facility Count)	Data Verification	State			9			
			EPA			2			

WDNR CAA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1g1	Number of Formal Enforcement Actions Issued to Tier I Facilities (Activity Count)	Data Verification	State			5			
			EPA			4			
1g2	Number of Tier I Facilities Subject to a Formal Enforcement Action (Facility Count)	Data Verification	State			5			
			EPA			4			
1g3	Number of Formal Enforcement Actions Issued to Tier II Facilities (Activity Count)	Data Verification	State			0			
			EPA			3			
1g4	Number of Tier II Facilities Subject to a Formal Enforcement Action (Facility Count)	Data Verification	State			0			
			EPA			3			
1h1	Total Amount of Assessed Penalties	Data Verification	State			\$1,350,000			
			EPA			\$137,500			

WDNR CAA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1h2	Number of Formal Enforcement Actions with an Assessed Penalty	Data Verification	State			4			
			EPA			1			
1i1	Number of Stack Tests with Passing Results	Data Verification	State			351			
			EPA			0			
1i2	Number of Stack Tests with Failing Results	Data Verification	State			27			
			EPA			0			
1i3	Number of Stack Tests with Pending Results	Data Verification	State			0			
			EPA			0			
1i4	Number of Stack Tests with No Results Reported	Data Verification	State			0			
			EPA			0			
1i5	Number of Stack Tests Observed & Reviewed	Data Verification	State			379			
			EPA			0			
1i6	Number of Stack Tests Reviewed Only	Data Verification	State			0			
			EPA			0			

WDNR CAA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1j	Number of Title V Annual Compliance Certifications Reviewed	Data Verification	State			391			
			EPA			0			
2a	Major Sources Missing CMS Source Category Code	Review Indicator	State			5			
			EPA			5			
3a1	Timely Entry of HPV Determinations	Review Indicator	State			6			
			EPA			1			
3a2	Untimely Entry of HPV Determinations	Goal	State	0		3			
			EPA	0		1			
3b1	Timely Reporting of Compliance Monitoring Minimum Data Requirements	Goal	State	100%	78.6%	56.1%	375	668	293
			EPA	100%	73.4%	0/0	0	0	0
3b2	Timely Reporting of Stack Test Minimum Data Requirements	Goal	State	100%	75.5%	73.1%	277	379	102
			EPA	100%	85.7%	0/0	0	0	0
3b3	Timely Reporting of Enforcement Minimum Data Requirements	Goal	State	100%	76.1%	68.2%	15	22	7
			EPA	100%	68.4%	100%	13	13	0

WDNR CAA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
5a	FCE Coverage Major	Goal	State	100%	90%	92.9%	223	240	17
			EPA	100%	49.1%	0/0	0	0	0
5b	FCE Coverage SM-80	Goal	State	100%	90.6%	83.3%	30	36	6
			EPA	100%	0%	0/0	0	0	0
5c	FCE Coverage Synthetic Minors (non SM-80)	Goal	State	100%	66.7%	0/0	0	0	0
			EPA	100%	0%	0/0	0	0	0
5d	FCE Coverage Minors	Goal	State	100%	11.7%	0/0	0	0	0
			EPA	100%	0%	0/0	0	0	0
5e	Review of Title V Annual Compliance Certifications Completed	Goal	State	100%	72.5%	87.4%	375	429	54
			EPA	100%	1%	0%	0	429	429
7b1	Alleged Violations Reported Per Informal Enforcement Actions (Tier I only)	Goal	State	100%	62.2%	100%	15	15	0
			EPA	100%	52.6%	50%	3	6	3
7b2	Alleged Violations Reported Per Failed Stack Tests	Review Indicator	State		54%	72.7%	8	11	3
			EPA		0%	0/0	0	0	0
7b3	Alleged Violations Reported Per HPV Identified	Goal	State	100%	69.6%	100%	8	8	0
			EPA	100%	40.6%	100%	2	2	0

WDNR CAA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
8a	HPV Discovery Rate Per Major Facility Universe	Review Indicator	State		3.9%	1.8%	8	441	433
			EPA		.4%	.5%	2	441	439
8b	HPV Reporting Indicator at Majors with Failed Stack Tests	Review Indicator	State		20.5%	0%	0	7	7
			EPA		0%	0/0	0	0	0
10a	HPV cases which meet the timeliness goal of the HPV Policy	Review Indicator	State		63.7%	36.4%	4	11	7
			EPA		48.6%	0%	0	1	1

WDNR CWA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1a1	Number of Active NPDES Majors with Individual Permits	Data Verification	State			130			
			EPA			0			
1a2	Number of Active NPDES Majors with General Permits	Data Verification	State			0			
			EPA			0			
1a3	Number of Active NPDES Non-Majors with Individual Permits	Data Verification	State			909			
			EPA			16			
1a4	Number of Active NPDES Non-Majors with General Permits	Data Verification	State			1			
			EPA			0			
1b1	Permit Limits Rate for Major Facilities	Goal	State	>= 95%	98.6%	100%	130	130	0
			EPA	>= 95%	98.8%	0/0	0	0	0
1b2	DMR Entry Rate for Major Facilities.	Goal	State	>= 95%	96.5%	94.3%	5338	5659	321
			EPA	>= 95%	98.4%	0/0	0	0	0
1b3	Number of Major Facilities with a Manual Override of RNC/SNC to a Compliant Status	Data Verification	State			2			
			EPA			0			

WDNR CWA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1c1	Permit Limits Rate for Non-Major Facilities	Informational only	State		66.1%	48.7%	443	909	466
			EPA		87.5%	100%	16	16	0
1c2	DMR Entry Rate for Non-Major Facilities.	Informational only	State		72.6%	0%	0	288	288
			EPA		87.2%	68.9%	155	225	70
1e1	Facilities with Informal Actions	Data Verification	State			14			
			EPA			6			
1e2	Total Number of Informal Actions at CWA NPDES Facilities	Data Verification	State			21			
			EPA			8			
1f1	Facilities with Formal Actions	Data Verification	State			0			
			EPA			5			
1f2	Total Number of Formal Actions at CWA NPDES Facilities	Data Verification	State			0			
			EPA			5			
1g1	Number of Enforcement Actions with Penalties	Data Verification	State			0			
			EPA			0			

WDNR CWA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1g2	Total Penalties Assessed	Data Verification	State			\$0			
			EPA			\$0			
2a1	Number of formal enforcement actions, taken against major facilities, with enforcement violation type codes entered.	Data Verification	State			0			
			EPA			0			
5a1	Inspection Coverage - NPDES Majors	Goal metric	State		54.4%	39.2%	51	130	79
			EPA		3.8%	0%	0	130	130
5b1	Inspection Coverage - NPDES Non-Majors	Goal metric	State		23.7%	15.7%	143	909	766
			EPA		.8%	0%	0	925	925
5b2	Inspection Coverage - NPDES Non-Majors with General Permits	Goal metric	State			0%	0	1	1
			EPA			100%	1	1	0
7a1	Number of Major Facilities with Single Event Violations	Data Verification	State			2			
			EPA			0			

WDNR CWA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
7a2	Number of Non-Major Facilities with Single Event Violations	Informational only	State			2			
			EPA			0			
7b1	Compliance schedule violations	Data Verification	State			0			
			EPA			0			
7c1	Permit schedule violations	Data Verification	State			98			
			EPA			5			
7d1	Major Facilities in Noncompliance	Review Indicator	State		71.2%	97.7%	127	130	3
			EPA		63%	0/0	0	0	0
7f1	Non-Major Facilities in Category 1 Noncompliance	Data Verification	State			62			
			EPA			14			
7g1	Non-Major Facilities in Category 2 Noncompliance	Data Verification	State			38			
			EPA			3			
7h1	Non-Major Facilities in Noncompliance	Informational only	State			10.9%	99	909	810
			EPA			100%	16	16	0

WDNR CWA FY11

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
8a1	Major Facilities in SNC	Review indicator metric	State			14			
			EPA			0			
8a2	Percent of Major Facilities in SNC	Review indicator metric	State		22.3%	10.8%	14	130	116
			EPA		29.4%	0/0	0	0	0
10a1	Major facilities with Timely Action as Appropriate	Goal metric	State			0%	0	4	4
			EPA				0	0	

WDNR RCRA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1a1	Number of operating TSDFs	Data Verification	State			12			
			EPA			12			
1a2	Number of active LQGs	Data Verification	State			529			
			EPA			529			
1a3	Number of active SQGs	Data Verification	State			1215			
			EPA			1215			
1a4	All other active sites	Data Verification	State			9713			
			EPA			9713			
1b1	Number of sites inspected	Data Verification	State			201			
			EPA			25			
1b2	Number of inspections	Data Verification	State			212			
			EPA			25			
1c1	Number of sites with new violations during review year	Data Verification	State			134			
			EPA			16			
1d2	Number of informal enforcement actions	Data Verification	State			128			
			EPA			24			
1e2	Number of sites in SNC regardless of determination date	Data Verification	State			8			
			EPA			6			

WDNR RCRA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1f2	Number of formal enforcement actions	Data Verification	State			6			
			EPA			3			
1g	Total dollar amount of final penalties	Data Verification	State			\$83,000			
			EPA			\$34,334			
1h	Number of final formal actions with penalty in last 1 FY	Data Verification	State			2			
			EPA			1			
2a	Long-standing secondary violators	Review Indicator	State			12			
			EPA			19			
5a	Two-year inspection coverage for operating TSDFs	Goal	State	100%	88.9%	91.7%	11	12	1
			Combined	100%	94.2%	91.7%	11	12	1
5b	Annual inspection coverage for LQGs	Goal	State	20%	21.7%	23.4%	85	363	278
			Combined	20%	23.7%	27%	98	363	265
5c	Five-year inspection coverage for LQGs	Goal	State	100%	64.2%	70.5%	256	363	107
			Combined	100%	69%	90.9%	330	363	33

WDNR RCRA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
5d	Five-year inspection coverage for active SQGs	Informational Only	State		10.9%	14.2%	173	1215	1042
			Combined		11.5%	15.4%	187	1215	1028
5e1	Five-year inspection coverage at other sites (CESQGs)	Informational Only	State			324			
			Combined			330			
5e2	Five-year inspection coverage at other sites (Transporters)	Informational Only	State			31			
			Combined			31			
5e3	Five-year inspection coverage at other sites (Non-notifiers)	Informational Only	State			36			
			Combined			36			
5e4	Five-year inspection coverage at other sites (not covered by metrics 5a-5e3)	Informational Only	State			278			
			Combined			253			
7b	Violations found during inspections	Review Indicator	State		35.9%	65.7%	130	198	68
			EPA		34%	64%	16	25	9
8a	SNC identification rate	Review Indicator	State		1.7%	0%	0	198	198
			EPA		2.2%	0%	0	25	25

WDNR RCRA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
8b	Timeliness of SNC determinations	Goal	State	100%	78.7%	0/0	0	0	0
			EPA	100%	49.2%	0%	0	3	3
10a	Timely enforcement taken to address SNC	Review Indicator	State	80%	83.2%	0%	0	3	3
			EPA	80%	22.2%	0%	0	1	1

WDNR CAA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1a1	Number of Active Major Facilities (Tier I)	Data Verification	State			451			
			EPA			451			
1a2	Number of Active Synthetic Minors (Tier I)	Data Verification	State			1133			
			EPA			1133			
1a3	Number of Active NESHAP Part 61 Minors (Tier I)	Data Verification	State			48			
			EPA			48			
1a4	Number of Active CMS Minors and Facilities with Unknown Classification (Not counted in metric 1a3) that are Federally-Reportable (Tier I)	Data Verification	State			2			
			EPA			0			

WDNR CAA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1a5	Number of Active HPV Minors and Facilities with Unknown Classification (Not counted in metrics 1a3 or 1a4) that are Federally-Reportable (Tier I)	Data Verification	State			0			
			EPA			0			
1b4	Number of Active Federally-Reportable Title V Facilities	Data Verification	State			427			
			EPA			427			
1c1	Number of Tier I Facilities with an FCE (Facility Count)	Data Verification	State			233			
			EPA			0			
1c2	Number of FCEs at Tier I Facilities (Activity Count)	Data Verification	State			233			
			EPA			0			
1d1	Number of Tier I Facilities with Noncompliance Identified (Facility Count)	Data Verification	State			256			
			EPA			101			

WDNR CAA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1e1	Number of Informal Enforcement Actions Issued to Tier I Facilities (Activity Count)	Data Verification	State			16			
			EPA			15			
1f1	Number of HPVs Identified (Activity Count)	Data Verification	State			9			
			EPA			3			
1f2	Number of Facilities with an HPV Identified (Facility Count)	Data Verification	State			7			
			EPA			3			
1g1	Number of Formal Enforcement Actions Issued to Tier I Facilities (Activity Count)	Data Verification	State			5			
			EPA			7			
1g3	Number of Formal Enforcement Actions Issued to Tier II Facilities (Activity Count)	Data Verification	State			0			
			EPA			2			
1h1	Total Amount of Assessed Penalties	Data Verification	State			\$892,000			
			EPA			\$983,000			

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Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1h2	Number of Formal Enforcement Actions with an Assessed Penalty	Data Verification	State			5			
			EPA			5			
1i1	Number of Stack Tests with Passing Results	Data Verification	State			295			
			EPA			0			
1i2	Number of Stack Tests with Failing Results	Data Verification	State			2			
			EPA			0			
1i3	Number of Stack Tests with Pending Results	Data Verification	State			0			
			EPA			0			
1i4	Number of Stack Tests with No Results Reported	Data Verification	State			0			
			EPA			0			
3a1	Timely Entry of HPV Determinations	Review Indicator	State			5			
			EPA			1			
3a2	Untimely Entry of HPV Determinations	Goal	State	0		4			
			EPA	0		2			

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Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
3b1	Timely Reporting of Compliance Monitoring Minimum Data Requirements	Goal	State	100%	80%	51.7%	332	642	310
			EPA	100%	81%	0%	0	1	1
3b2	Timely Reporting of Stack Test Minimum Data Requirements	Goal	State	100%	73.1%	70.4%	209	297	88
			EPA	100%	52.1%	0/0	0	0	0
3b3	Timely Reporting of Enforcement Minimum Data Requirements	Goal	State	100%	73.7%	81%	17	21	4
			EPA	100%	75%	100%	24	24	0
5a	FCE Coverage Major	Goal	State	100%	90.4%	95.8%	203	212	9
			EPA	100%	34.8%	0/0	0	0	0
5b	FCE Coverage SM-80	Goal	State	100%	93.4%	86.4%	19	22	3
			EPA	100%	0%	0/0	0	0	0
5c	FCE Coverage Synthetic Minors (non SM-80)	Goal	State	100%	53.8%	0/0	0	0	0
			EPA	100%	0%	0/0	0	0	0
5d	FCE Coverage Minors	Goal	State	100%	26.7%	0/0	0	0	0
			EPA	100%	0%	0/0	0	0	0
5e	Review of Title V Annual Compliance Certifications Completed	Goal	State	100%	81.8%	93.2%	398	427	29
			EPA	100%	1%	0%	0	427	427

WDNR CAA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
7b1	Alleged Violations Reported Per Informal Enforcement Actions (Tier I only)	Goal	State	100%	59.7%	86.7%	13	15	2
			EPA	100%	56.3%	71.4%	10	14	4
7b3	Alleged Violations Reported Per HPV Identified	Goal	State	100%	53.4%	100%	6	6	0
			EPA	100%	56.4%	100%	3	3	0
8a	HPV Discovery Rate Per Major Facility Universe	Review Indicator	State		4.3%	1.3%	6	451	445
			EPA		.3%	.7%	3	451	448
10a	HPV cases which meet the timeliness goal of the HPV Policy	Review Indicator	State		70.5%	0%	0	8	8
			EPA		31.1%	0%	0	2	2

WDNR CWA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1a1	Number of Active NPDES Majors with Individual Permits	Data Verification	State			129			
			EPA			0			
1a2	Number of Active NPDES Majors with General Permits	Data Verification	State			0			
			EPA			0			
1a3	Number of Active NPDES Non-Majors with Individual Permits	Data Verification	State			902			
			EPA			16			
1a4	Number of Active NPDES Non-Majors with General Permits	Data Verification	State			8			
			EPA			0			
1b1	Permit Limits Rate for Major Facilities	Goal	State	>= 95%	98.3%	100%	129	129	0
			EPA	>= 95%	99.1%	0/0	0	0	0
1b2	DMR Entry Rate for Major Facilities.	Goal	State	>= 95%	97.9%	99.6%	5509	5532	23
			EPA	>= 95%	99.2%	0/0	0	0	0
1b3	Number of Major Facilities with a Manual Override of RNC/SNC to a Compliant Status	Data Verification	State			116			
			EPA			0			

WDNR CWA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
1e2	Total Number of Informal Actions at CWA NPDES Facilities	Data Verification	State			2			
			EPA			0			
1f1	Facilities with Formal Actions	Data Verification	State			0			
			EPA			1			
1f2	Total Number of Formal Actions at CWA NPDES Facilities	Data Verification	State			0			
			EPA			1			
1g1	Number of Enforcement Actions with Penalties	Data Verification	State			0			
			EPA			0			
1g2	Total Penalties Assessed	Data Verification	State			\$0			
			EPA			\$0			
5a1	Inspection Coverage - NPDES Majors	Goal metric	State		57.6%	43.4%	56	129	73
			EPA		4.3%	.8%	1	129	128
5b1	Inspection Coverage - NPDES Non-Majors	Goal metric	State		25.6%	30.3%	273	902	629
			EPA		.8%	.1%	1	918	917

WDNR CWA FY12

Metric ID	Metric Name	Metric Type	Agency	National Goal	National Average	Wisconsin	Count	Universe	Not Counted
5b2	Inspection Coverage - NPDES Non-Majors with General Permits	Goal metric	State		5.9%	0%	0	8	8
			EPA		.2%	0%	0	8	8
7a1	Number of Major Facilities with Single Event Violations	Data Verification	State			1			
			EPA			0			
7d1	Major Facilities in Noncompliance	Review Indicator	State		60.3%	42.6%	55	129	74
			EPA		59.5%	0/0	0	0	0
7f1	Non-Major Facilities in Category 1 Noncompliance	Data Verification	State			63			
			EPA			11			
7g1	Non-Major Facilities in Category 2 Noncompliance	Data Verification	State			36			
			EPA			5			
8a2	Percent of Major Facilities in SNC	Review indicator metric	State		20.6%	3.1%	4	129	125
			EPA		30.1%	0/0	0	0	0
10a1	Major facilities with Timely Action as Appropriate	Goal metric	State		3.6%	0%	0	1	1
			EPA		3.8%	0/0	0	0	0