

January 16, 2018

## Data Quality Record for Strategic Measures

**Strategic Measure Text:** By September 30, 2022, reduce the average time from violation identification to correction

**Goal Number/Objective:** Goal 3: Rule of Law and Process/Objective 3.1: Compliance with the Law

**NPM lead:** Office of Enforcement and Compliance Assurance (OECA)

### 1a. Purpose of Strategic Measure:

The purpose of the measure is to reduce the time that a facility is in violation of an environmental standard. This measure will be assessed by tracking different segments of the violation identification to correction timeline, beginning with the average time to move from referral of a civil judicial case to the Department of Justice (DOJ) to settlement or filing of a complaint for that case, and then incorporating measures of timeliness for other segments of the compliance assurance timeline in the future (including the time from initiation of an informal enforcement response to correction of the related violation(s)). We are focusing first on the judicial case referral segment of the timeline because civil judicial referrals are one of EPA's most important enforcement tools, as well as EPA has some data for tracking this segment and an existing program for improving performance for referral timeliness. Through this measure, the Agency aims to reduce the amount of time from referral of an enforcement case to DOJ to settlement or filing of a complaint, and hence reduce the time to correction of the violation(s) alleged in the case. A negative trend (reduction in average time) will mean that the program is making progress in quickly returning violators to compliance.

### 1b. Performance Measure Term Definitions:

Violation identification: documented, identified noncompliance with environmental law.

Correction: documented determination of return to compliance with environmental law.

Civil judicial referral: A formal written request to DOJ to proceed with judicial enforcement relating to violation(s) referred by EPA for enforcement.

Consent Decree Lodging: Presentation of official settlement document to the court by the parties to a lawsuit that resolves the lawsuit and becomes an order of the court if signed by the presiding judge.

Filing of a Complaint: A complaint is filed with the appropriate Hearing Clerk (for administrative cases) or the appropriate District Court (for civil judicial cases).

**1c. Unit of Measure:** Average value in number of years.

### 2a. Data Source:

- Relevant information system: The Integrated Compliance Information System (ICIS)
- Entity that reports data to the system: Reported by OECA and EPA regions
- Frequency of reporting primary data: Data are due to be entered into ICIS within two weeks of the event (e.g., referral of case to DOJ, filing of complaint, lodging of consent decree).
- Reference to Quality Assurance Project Plan: OECA has an annual data certification process for quality assuring EPA's enforcement and compliance data. The certification process was established to ensure all reporting entities are aware of the reporting deadlines, receive the most up-to-date reporting instructions, and follow best data management practices to assure reporting completeness and accuracy. Civil enforcement case data is covered by the annual data certification process.

### 2b. Data needed for interpretation of (calculated) Performance Result:

- Baseline: 2.4 years. This is based on looking at the universe of referrals from FY 2010 to FY 2017.

- Reported on monthly
- Universe: Total number of EPA civil judicial enforcement cases with a complaint filed or a consent decree lodged.

**3. Methodology:**

Note: Decrease the average time for EPA’s civil judicial enforcement referrals to move to settlement or having a complaint filed.

Using a rolling three-month average to report monthly, for all the civil judicial referrals referred in 2013 or later that settled or had a complaint filed within a given three-month period, take the total time for those cases to move from referral to settlement or complaint filed, divided by the number of civil judicial referrals that settled or had a complaint filed within that same three-month period. Use the same methodology using a full year period for an annual calculation.

**4. Data Limitations/Qualifications:**

Relies on complete, timely and accurate reporting of enforcement case information to the ICIS FE&C data system by the EPA regions and OECA. Qualification: This measure will not include CERCLA, bankruptcy, collection, or access cases.

**5. Technical Contact:**

Daniel Holic/202-564-7117

**6. Certification Statement/Signature**

**I certify the information in this DQR is complete and accurate.**

DAA Signature

