

STATE REVIEW FRAMEWORK

Iowa

Clean Water Act Implementation in Federal Fiscal Year 2018

**U.S. Environmental Protection Agency
Region 7**

**Final Report
February 12, 2020**

I. Introduction

A. Overview of the State Review Framework

The State Review Framework (SRF) is a key mechanism for EPA oversight, providing a nationally consistent process for reviewing the performance of state delegated compliance and enforcement programs under three core federal statutes: Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. Through SRF, EPA periodically reviews such programs using a standardized set of metrics to evaluate their performance against performance standards laid out in federal statute, EPA regulations, policy, and guidance. When states do not achieve standards, the EPA will work with them to improve performance.

Established in 2004, the review was developed jointly by EPA and Environmental Council of the States (ECOS) in response to calls both inside and outside the agency for improved, more consistent oversight of state delegated programs. The goals of the review that were agreed upon at its formation remain relevant and unchanged today:

1. Ensure delegated and EPA-run programs meet federal policy and baseline performance standards
2. Promote fair and consistent enforcement necessary to protect human health and the environment
3. Promote equitable treatment and level interstate playing field for business
4. Provide transparency with publicly available data and reports

B. The Review Process

The review is conducted on a rolling five-year cycle such that all programs are reviewed approximately once every five years. The EPA evaluates programs on a one-year period of performance, typically the one-year prior to review, using a standard set of metrics to make findings on performance in five areas (elements) around which the report is organized: data, inspections, violations, enforcement, and penalties. Wherever program performance is found to deviate significantly from federal policy or standards, the EPA will issue recommendations for corrective action which are monitored by EPA until completed and program performance improves.

The SRF is currently in its 4th Round (FY2018-2022) of reviews, preceded by Round 3 (FY2012-2017), Round 2 (2008-2011), and Round 1 (FY2004-2007). Additional information and final reports can be found at the EPA website under [State Review Framework](#).

II. Navigating the Report

The final report contains the results and relevant information from the review including EPA and program contact information, metric values, performance findings and explanations, program responses, and EPA recommendations for corrective action where any significant deficiencies in performance were found.

A. Metrics

There are two general types of metrics used to assess program performance. The first are **data metrics**, which reflect verified inspection and enforcement data from the national data systems of each media, or statute. The second, and generally more significant, are **file metrics**, which are derived from the review of individual facility files in order to determine if the program is performing their compliance and enforcement responsibilities adequately.

Other information considered by EPA to make performance findings in addition to the metrics includes results from previous SRF reviews, data metrics from the years in-between reviews, multi-year metric trends.

B. Performance Findings

The EPA makes findings on performance in five program areas:

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

Though performance generally varies across a spectrum, for the purposes of conducting a standardized review, SRF categorizes performance into three findings levels:

Meets or Exceeds: No issues are found. Base standards of performance are met or exceeded.

Area for Attention: Minor issues are found. One or more metrics indicates performance issues related to quality, process, or policy. The implementing agency is considered able to correct the issue without additional EPA oversight.

Area for Improvement: Significant issues are found. One or more metrics indicates routine and/or widespread performance issues related to quality, process, or policy. A recommendation for corrective action is issued which contains specific actions and schedule for completion. The EPA monitors implementation until completion.

C. Recommendations for Corrective Action

Whenever the EPA makes a finding on performance of *Area for Improvement*, the EPA will include a recommendation for corrective action, or recommendation, in the report. The purpose of recommendations are to address significant performance issues and bring program performance back in line with federal policy and standards. All recommendations should include

specific actions and a schedule for completion, and their implementation is monitored by the EPA until completion.

III. Review Process Information

Clean Water Act (CWA)

Key dates:

- SRF Kickoff letter mailed to IDNR: April 5, 2019
- File selection list sent to IDNR: April 5, 2019
- Data Metric Analysis sent to IDNR: June 3, 2019
- Entrance interview conducted: June 4, 2019
- File review conducted: June 4-6, 2019
- Exit interview conducted: June 6, 2019
- Draft report sent to IDNR: November 20, 2019
- Final report issued: February 12, 2020

State and EPA key contacts for review:

- Kayla Lyon, IDNR, Director
- Ted Peterson, IDNR, Environmental Program Supervisor
- Seth Draper, EPA Region 7 Enforcement & Compliance Assurance Division (ECAD)
- Cynthia Sans, EPA Region 7 Enforcement & Compliance Assurance Division (ECAD)
- Stephen Pollard, EPA Region 7 Enforcement & Compliance Assurance Division (ECAD)
- Paul Marshall, EPA Region 7 Enforcement & Compliance Assurance Division (ECAD)
- Kevin Barthol, EPA Region 7 SRF Coordinator

Executive Summary

Areas of Strong Performance

The following are aspects of the program that, according to the review, are being implemented at a high level:

Clean Water Act (CWA)

- IDNR completeness of data entry of major and non-major discharge monitoring reports is above the national average and is meeting the national goal.
- Enforcement actions reviewed would return facility back into compliance.
- IDNR tracks and maintains nearly complete records of penalty actions.

Priority Issues to Address

The following are aspects of the program that, according to the review, are not meeting federal standards and should be prioritized for management attention:

Clean Water Act (CWA)

- IDNR did not enter any FY18 inspections into ICIS. IDNR's formal and informal enforcement actions are not accurate in the national database.
- IDNR did not enter any FY18 Single Event Violations (SEVs) into ICIS.
- IDNR did not meet its inspection goals for select CMS universes.
- Inspection reports did not contain comprehensive information to thoroughly document and determine compliance (Finding 2-3 and 3-1).
- Inspection reports do not consistently meet the 45-day deadline.

Clean Water Act Findings

CWA Element 1 - Data

Finding 1-1

Area for Attention

Summary:

IDNR completeness of data entry of major and non-major permit limits is below the national average and is not meeting the national goal.

Explanation:

EPA Enforcement Compliance History Online (ECHO) pulls data from EPA Integrated Compliance Information System (ICIS). Out of 1017 facilities that should have permit limit data entered, 155 facilities were missing permit limit data. EPA suggests that IDNR review the data and correct all missing data, such as, permit limits or any other missing Minimum Data Requirements (MDRs). IDNR should develop a methodology to ensure MDRs are entered into ICIS in the future and that the missing data in ICIS corrected.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
1b5 Completeness of data entry on major and non-major permit limits. [GOAL]	95%	90.6%	862	1017	84.8%

State Response:

Collaboration with EPA and Windsor Solutions is underway to correct the data transfer issues and ensure that all permit limits are represented correctly in ICIS. The ECHO eRule Readiness dashboard shows 210 facilities that do not have limits in ICIS and the 2019 SRF data metrics show 203 facilities that do not have limits in ICIS. These identified facilities are CAFO, MS4, and other permits that do not have effluent limitations. Efforts are being made to correctly transfer the permit data so ICIS is not expecting limits for these facilities.

State Action: Efforts are being made to correct the data transfer issues. The IDNR concurs with the recommendation that the IDNR can correct the issue without additional EPA oversight.

CWA Element 1 - Data

Finding 1-2

Meets or Exceeds Expectations

Summary:

IDNR completeness of data entry of major and non-major discharge monitoring reports is above the national average and is meeting the national goal.

Explanation:

IDNR data entry of discharge monitoring reports is above the national average and is meeting the national goal.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
1b6 Completeness of data entry on major and non-major discharge monitoring reports. [GOAL]	95%	93.3%	11468	12012	95.5%

State Response: None

CWA Element 1 - Data

Finding 1-3

Area for Improvement

Summary:

IDNR did not enter any FY18 inspections into ICIS. IDNR's formal and informal enforcement actions are not accurate in the national database.

Explanation:

EPA Enforcement Compliance History Online (ECHO) data pulls showed no inspections or SEVs were entered into ICIS in FY18. The IDNR directly reported enforcement actions to EPA for file selection. EPA compared the list submitted to the numbers reported in ECHO. ECHO data does not reflect the formal and informal actions taken by IDNR in FY18.

EPA Response to State comments: Due to timeframes and ongoing quarterly reporting, EPA amended the due date from June 1, 2020 to September 30, 2020 for this finding.

Relevant metrics:

2b Files reviewed where data are accurately reflected in the national data system [GOAL]	100%		0	43	0%

State Response:

The error in the data transfer that prevented inspection data from being entered into ICIS has been corrected. Although the 2018 data is not displayed in the data metrics in ECHO, the 2019 data indicates that 63 major and 307 non-major facilities with individual permits were inspected.

Single Event Violations (SEV) discovered during the inspection are documented by the field office inspectors as part of their inspection report. These are minor violations that are expected to be tracked by the regional office and final reports are completed, typically by a letter to the permittee. IDNR does track these minor violations in the agency Field Office Compliance Database. If the permittee fails to correct the minor violations in a timely manner, the regional field office will follow-up with the permittee and additional action, including formal enforcement action, will be considered.

Both the EPA and IDNR have had ongoing technical issues that contributed to the unsuccessful transfer of data, including informal and formal actions. IDNR is willing to continue the partnership with EPA (and Windsor Solutions) to find solutions to these data transfer issues.

State Action: IDNR will continue to meet regularly with EPA and Windsor Solutions to identify and remedy the breakdown in the federal/state data transfer pathway so that the minimum data requirements are met. IDNR concurs with the recommendation that the IDNR will report progress quarterly.

Recommendation:

Rec #	Due Date	Recommendation
1	09/30/2020	<p>IDNR should ensure that their compliance inspections, violations found (SEVs), and enforcement actions are accurately and timely entered into and reflected in the national database. Please respond to EPA with the following:</p> <ol style="list-style-type: none"> 1. Provide a written explanation for why the minimum data requirements are not being reported and an action plan to improve data quality 2. Report to EPA quarterly on the actions taken to address this finding; and, 3. If by September 30, 2020 EPA reviews IDNR data and finds that data entry is complete and accurate, this recommendation will be closed.

CWA Element 1 - Data

Finding 1-4

Area for Improvement

Summary:

IDNR did not enter any FY18 Single Event Violations (SEVs) into ICIS.

Explanation:

EPA Enforcement Compliance History Online (ECHO) data pulls showed no inspections or SEVs were entered into ICIS in FY18. The IDNR directly reported enforcement actions to EPA for file selection. EPA compared the list submitted to the numbers reported in ECHO. ECHO data does not reflect the formal and informal actions taken by IDNR in FY18.

EPA Response to State comments: Due to timeframes and ongoing quarterly reporting, EPA amended the due from June 1, 2020 to September 30, 2020 for this finding.

Relevant metrics:

7j1 Number of major and non-major facilities with single-event violations reported in the review year			0		0

State Response:

Due to data transfer errors in the past IDNR Leadership made the decision to discontinue entering SEVs to ICIS. Recently, significant progress has been made with successfully transferring state data to ICIS, and the IDNR Data Team will reevaluate the process of entering SEVs and determine if this action can now be completed without generating significant errors. State Action: The IDNR Data Team will reevaluate the process of entering SEVs and determine if this action can now be completed without generating significant errors. IDNR will continue to meet regularly with EPA and Windsor Solutions to identify and remedy the breakdown in the federal/state data transfer pathway so that the minimum data requirements are met. IDNR concurs with the recommendation that the IDNR will report progress quarterly.

State Action: The IDNR Data Team will reevaluate the process of entering SEVs and determine if this action can now be completed without generating significant errors. IDNR will continue to meet regularly with EPA and Windsor Solutions to identify and remedy the breakdown in the federal/state data transfer pathway so that the minimum data requirements are met. IDNR concurs with the recommendation that the IDNR will report progress quarterly.

Recommendation:

Rec #	Due Date	Recommendation
1	09/30/2020	<p>IDNR should ensure that the violations found (SEVs) are accurately and timely entered into and reflected in the national database. Please respond to EPA with the following:</p> <ol style="list-style-type: none"> 1. Provide a written explanation for why the minimum data requirements (MDRs) are not being reported and an action plan to improve data quality 2. Report to EPA quarterly on the actions taken to address this finding; and, 3. If by September 30, 2020 EPA reviews IDNR data and finds that data entry is complete and accurate for SEVs, this recommendation will be closed.

CWA Element 2 - Inspections

Finding 2-1

Meets or Exceeds Expectations

Summary:

IDNR met a majority of its CMS goals

Explanation:

The EPA compared the reported CMS end-of-year numbers from IDNR to annual commitments made at the beginning of the year in its CMS alternative plan. Based on the review, it was determined that the state met a majority of its inspection commitments, including inspections of major facilities, minor facilities with individual permits, and minor facilities with general permits.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
4a1 Number of pretreatment compliance inspections and audits at approved local pretreatment programs. [GOAL]	100% of commitments%		8	9	88.9%
4a7 Number of Phase I and II MS4 audits or inspections. [GOAL]	100% of commitments%		8	9	88.9%
4a9 Number of Phase I and Phase II construction stormwater inspections. [GOAL]	100% of commitments%		95	100	95%
5a1 Inspection coverage of NPDES majors. [GOAL]	100%	52.8%	59	63	93.7%
5b1 Inspections coverage of NPDES non-majors with individual permits [GOAL]	100%	22.6%	269	295	91.2%
5b2 Inspections coverage of NPDES non-majors with general permits [GOAL]	100%	5.6%	150	175	85.7%

State Response: None

CWA Element 2 - Inspections

Finding 2-2

Area for Improvement

Summary:

IDNR did not meet its inspection goals for select CMS universes.

Explanation:

The EPA compared the reported CMS end-of-year numbers from IDNR to annual commitments made at the beginning of the year in its CMS alternative plan. Based on the review, the state was found to have fallen short of meeting its commitments in four inspection categories.

The state's negotiated alternative plan goals fell short as shown below.

- 1.c.3 Onsite SIU Inspections
 - 2018 Goal = 50% of the universe
 - 2018 Results = 34% of the universe
- 2.c.1 MS4 Inspections
 - 2018 Goal = 20% of the universe
 - 2018 Results = 17% of the universe
- 2.c.2 Industrial Stormwater Sites*
 - 2018 Goal = 5% of the universe
 - 2018 Results = 4% of the universe
- 2.c.3 Construction Stormwater Sites*
 - 2018 Goal = 5% of the universe
 - 2018 Results = 3% of the universe

* The denominator in the relevant metrics section below represents a subset of the total universe.

EPA Response to State comments: EPA amended the recommendation language to remove the modification of the CMS goals, added state quarterly coordination with their field offices for progress updates, and amended the due date from June 1, 2020 to November 15, 2020 for this finding.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
4a10 Number of comprehensive inspections of large and medium concentrated animal feeding operations (CAFOs) [GOAL]	100% of commitments%		20	34	58.8%
4a2 Number of inspections at EPA or state Significant Industrial Users that are discharging to non-authorized POTWs. [GOAL]	100% of commitments%		52	84	61.9%
4a4 Number of CSO inspections. [GOAL]	100% of commitments%		0	2	0%
4a8 Number of industrial stormwater inspections. [GOAL]	100% of commitments%		55	75	73.3%

State Response:

The AFO Work Plan contributed to limited staffing resources in other program areas. Since completion of the AFO Work Plan in 2018 there is evidence of improvement. For example, in FFY19 all CMS inspection goals were met in this category, with the exception of SIUs and CAFOs. More emphasis will be placed on inspection coordination and more frequent updates on statewide inspection totals will be provided so that staff are aware of the progress. IDNR believes that the goals in the CMS are achievable without modifications.

State Action: Beginning January 2020, CMS Inspection Goal Progress will be a topic of discussion at least quarterly at relevant program (AFO, STW, WW) senior staff meetings and at field office supervisor's meeting.

Recommendation:

Rec #	Due Date	Recommendation
1	11/15/2020	<p>EPA recommends IDNR</p> <ol style="list-style-type: none"> 1. IDNR will coordinate quarterly with their field offices for progress updates. 2. Provide the annual FY21 CMS plan by June 1, 2020. 3. Provide EPA with the end-of-year CMS plan inspection numbers in accordance with the PPG deadlines. 4. If/when CMS plan inspection commitments are not met, provide a detailed explanation on why the CMS goal was missed.

CWA Element 2 - Inspections

Finding 2-3

Area for Improvement

Summary:

Inspection reports did not contain comprehensive information to thoroughly document and determine compliance.

Explanation:

The EPA reviewed 53 inspection reports. 26 inspection reports were missing photos and/or site diagrams. This information would have provided clarity to the narrative of the inspection. This is particularly true considering construction stormwater compliance depends on the operation and maintenance of stormwater BMPs installed. IDNR stated that the full file would likely have the photos taken during the inspection, however, inspection reports should stand on their own and either refer to supplemental information, like attachments, or be complete records.

EPA Response to State comments: EPA amended the recommendation language and removed the submitting of an inspection plan and quarterly progress discussions with EPA. The staff training referenced in the state comment was added.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
6a Inspection reports complete and sufficient to determine compliance at the facility. [GOAL]	100%		34	53	64.2%

State Response:

After further review, IDNR believes that for a portion of the inspection reports, the supporting information mentioned as missing was likely inadvertently not provided to EPA. These supporting documents were found with the reports in IDNR's record file, but not the electronic file provided to EPA for the purpose of the SRF. IDNR concurs that all inspection reports must be complete and should be reviewed as a standalone document for compliance determinations. If photos are taken during the inspection, it should be noted in the inspection report that photos are available and included in the report attachment(s).

State Action: Additional staff training will be provided at the 2020 Stormwater Program Meeting regarding photos, diagrams, attachments. In addition, there will be emphasis during peer review that the report must be reviewed as a standalone document for compliance determinations.

Recommendation:

Rec #	Due Date	Recommendation
1	09/30/2020	<p>IDNR should ensure inspection reports are complete and can be reviewed as a standalone document for compliance determinations. If photos are taken during the inspection, it should be noted in the inspection report that photos are available and included in the report attachment(s).</p> <ol style="list-style-type: none">1. IDNR will perform staff training at the 2020 Stormwater Program Meeting to emphasize inspection report completeness and compliance determinations.2. By the end of FY2020, EPA will review a selection of inspection reports to determine if they are complete with all necessary information. If it is found that the reports are complete, this recommendation will be closed.

CWA Element 2 - Inspections

Finding 2-4

Area for Improvement

Summary:

Inspection reports do not consistently meet the 45-day deadline.

Explanation:

EPA reviewed 53 inspection reports. The IDNR averaged 30 days for all 53, however, the percentage of inspection reports issued within in 45 days was only 66.7%.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
6b Timeliness of inspection report completion [GOAL]	100%		42	53	79.2%

State Response:

Efforts will be made to meet the 45-day timeline.

State Action: Make staff and supervisors aware of the expected timeframe. IDNR concurs with the recommendation that the IDNR will report progress quarterly.

Recommendation:

Rec #	Due Date	Recommendation
1	09/30/2020	<p>IDNR should ensure inspection reports are issued within 45 days.</p> <ol style="list-style-type: none"> 1. Submit a plan to EPA to address this finding by June 1, 2020. 2. Discuss quarterly with EPA on progress in implementing the plan. 3. By the end of FY2020, EPA will review a selection of inspection reports to determine if the 45-day timeline is being met. If it is found that the reports are being issued within that timeframe, this recommendation will be closed.

CWA Element 3 - Violations

Finding 3-1

Area for Improvement

Summary:

Missing data, as identified in finding 2-3, of evaluations of compliance unable to be replicated.

Explanation:

The EPA reviewed 53 inspection reports. However, 10 inspection reports were missing critical information that would help define the compliance status of the facility. These were inspections where photos would convey the status or condition of onsite BMPs, like construction stormwater, or when the narrative identifies operation and maintenance issues that would be better defined with photos. IDNR stated that the full file would likely have the photos taken during the inspection, however, inspection reports should stand on their own and either refer to supplemental information, like attachments, or be complete records.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
7e Accuracy of compliance determinations [GOAL]	100%		43	53	81.1%

State Response:

See finding 2-3/Inspections

State Action: See finding 2-3/Inspection

Recommendation:

Rec #	Due Date	Recommendation
1	09/30/2020	<p>IDNR should ensure inspection reports are complete and can be reviewed as a standalone document for compliance determinations. If photos are taken in the inspection, it should be noted in the inspection report that photos are available and included in the report attachment(s).</p> <ol style="list-style-type: none"> 1. Report to EPA quarterly on the actions taken to address this finding. 2. Submit a plan to EPA to address this finding by June 1, 2020.

CWA Element 4 - Enforcement**Finding 4-1**

Meets or Exceeds Expectations

Summary:

Enforcement actions reviewed would return facility back into compliance.

Explanation:

The EPA reviewed 18 enforcement actions. 17 of the 18 enforcement actions would return a facility into compliance.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
10b Enforcement responses reviewed that address violations in an appropriate manner [GOAL]	100%		16	17	94.1%
9a Percentage of enforcement responses that returned, or will return, a source in violation to compliance [GOAL]	100%		17	18	94.4%

State Response: None

CWA Element 5 - Penalties

Finding 5-1

Meets or Exceeds Expectations

Summary:

IDNR tracks and maintains nearly complete records of penalty actions.

Explanation:

EPA reviewed seven penalty actions. Nearly all of the records that must be maintained are kept by IDNR. The files contained a complete penalty calculation worksheet where gravity, economic benefit, initial and final penalty is documented.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
11a Penalty calculations reviewed that document and include gravity and economic benefit [GOAL]	100%		7	7	100%
12a Documentation of rationale for difference between initial penalty calculation and final penalty [GOAL]	100%		5	6	83.3%
12b Penalties collected [GOAL]	100%		7	7	100%

State Response: None

Appendix



IOWA DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS
LT. GOVERNOR ADAM GREGG
DIRECTOR KAYLA LYON

January 7, 2020

David Cozad, Director
Enforcement and Compliance Division
U.S. Environmental Protection Agency Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

Subject: NPDES State Review Framework FFY2018
Response to Findings

Dear Mr. Cozad:

Enclosed is the written response from Iowa Department of Natural Resources to the draft report received on November 20, 2019. The U.S. Environmental Protection Agency reviewed the IDNR's NPDES Compliance and Enforcement program using the State Review Framework on June 4 - 6, 2019. Although as a whole the IDNR's NPDES program meets or exceeds expectations, there were several findings identified during the review that prompted further evaluation. In accordance with your letter accompanying the report, this letter describes the actions the IDNR has taken or will take to improve Iowa's NPDES Compliance and Enforcement program in response to the performance findings contained in the EPA SRF draft report.

Several of the findings contained in the report have to do with the success rate of the data transfer between the state applications and ICIS. These data transfer impediments have been found to exist on both the state and federal side of the data pathway. Since April 2019 significant progress has been made in getting data to flow correctly to ICIS, which is then available to the public through ECHO. The recent success is a result of EPA, Windsor Solutions (EPA contractor), and IDNR staff meeting regularly and discussing the issues. IDNR is committed to this continued partnership with EPA in an effort to meet the minimum data reporting requirements.

We look forward to working with your office in utilizing the results of this evaluation to advance our shared objective of protection of public health and the environment in Iowa. If you have questions or would like additional information, please contact Ted Petersen at (515) 725-0274.

Sincerely,

Kayla Lyon
Director
Iowa Department of Natural Resources

Enclosures

Phone: 515-725-0268

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IDNR's Response to SRF Findings

CWA Element 1 - Data / Finding 1-1

Summary: IDNR completeness of data entry of major and non-major permit limits is below the national average and is not meeting the national goal.

State Response: *Collaboration with EPA and Windsor Solutions is underway to correct the data transfer issues and ensure that all permit limits are represented correctly in ICIS. The ECHO eRule Readiness dashboard shows 210 facilities that do not have limits in ICIS and the 2019 SRF data metrics show 203 facilities that do not have limits in ICIS. These identified facilities are CAFO, MS4, and other permits that do not have effluent limitations. Efforts are being made to correctly transfer the permit data so ICIS is not expecting limits for these facilities.*

State Action: *Efforts are being made to correct the data transfer issues. The IDNR concurs with the recommendation that the IDNR can correct the issue without additional EPA oversight.*

CWA Element 1- Data / Finding 1-3

Summary: IDNR did not enter any FY18 inspections into ICIS. IDNR's formal and informal enforcement actions are not accurate in the national database.

State Response: *The error in the data transfer that prevented inspection data from being entered into ICIS has been corrected. Although the 2018 data is not displayed in the data metrics in ECHO, the 2019 data indicates that 63 major and 307 non-major facilities with individual permits were inspected.*

Single Event Violations (SEV) discovered during the inspection are documented by the field office inspectors as part of their inspection report. These are minor violations that are expected to be tracked by the regional office and final reports are completed, typically by a letter to the permittee. IDNR does track these minor violations in the agency Field Office Compliance Database. If the permittee fails to correct the minor violations in a timely manner, the regional field office will follow-up with the permittee and additional action, including formal enforcement action, will be considered.

Both the EPA and IDNR have had ongoing technical issues that contributed to the unsuccessful transfer of data, including informal and formal actions. IDNR is willing to continue the partnership with EPA (and Windsor Solutions) to find solutions to these data transfer issues.

State Action: *IDNR will continue to meet regularly with EPA and Windsor Solutions to identify and remedy the breakdown in the federal/state data transfer pathway so that the minimum data requirements are met. IDNR concurs with the recommendation that the IDNR will report progress quarterly.*

CWA Element 1 - Data / Finding 1-4

Summary: IDNR did not enter any FY18 Single Event Violations (SEVs) into ICIS.

State Response: *Due to data transfer errors in the past IDNR Leadership made the decision to discontinue entering SEVs to ICIS. Recently, significant progress has been made with successfully transferring state data to ICIS, and the IDNR Data Team will reevaluate the process of entering SEVs and determine if this action can now be completed without generating significant errors.*

State Action: *The IDNR Data Team will reevaluate the process of entering SEVs and determine if this action can now be completed without generating significant errors. IDNR will continue to meet regularly with EPA and Windsor Solutions to identify and remedy the breakdown in the federal/state data transfer pathway so that the minimum data requirements are met. IDNR concurs with the recommendation that the IDNR will report progress quarterly.*

CWA Element 2 - Inspections / Finding 2-2

Summary: IDNR did not meet its inspection goals for select CMS universes.

State Response: *The AFO Work Plan contributed to limited staffing resources in other program areas. Since completion of the AFO Work Plan in 2018 there is evidence of improvement. For example, in FFY19 all CMS inspection goals were met in this category, with the exception of SIUs and CAFOs. More emphasis will be placed on inspection coordination and more frequent updates on statewide inspection totals will be provided so that staff are aware of the progress. IDNR believes that the goals in the CMS are achievable without modifications.*

State Action: *Beginning January 2020, CMS Inspection Goal Progress will be a topic of discussion at least quarterly at relevant program (AFO, STW, WW) senior staff meetings and at field office supervisor's meeting.*

CWA Element 2 - Inspections / Findings 2-3

Summary: Inspection reports did not contain comprehensive information to thoroughly document and determine compliance.

State Response: *After further review, IDNR believes that for a portion of the inspection reports, the supporting information mentioned as missing was likely inadvertently not provided to EPA. These supporting documents were found with the reports in IDNR's record file, but not the electronic file provided to EPA for the purpose of the SRF. IDNR concurs that all inspection reports must be complete and should be reviewed as a standalone document for compliance determinations. If photos are taken during the inspection, it should be noted in the inspection report that photos are available and included in the report attachment(s).*

State Action: *Additional staff training will be provided at the 2020 Stormwater Program Meeting regarding photos, diagrams, attachments. In addition, there will be emphasis during peer review that the report must be reviewed as a standalone document for compliance determinations.*

CWA Element 2 - Inspections / Findings 2-4

Summary: Inspection reports do not consistently meet the 45-day deadline.

State Response: *Efforts will be made to meet the 45-day timeline.*

State Action: *Make staff and supervisors aware of the expected timeline. IDNR concurs with the recommendation that the IDNR will report progress quarterly.*

CWA Element 3 - Violations / Finding 3-1

Summary: Missing data, as identified in finding 2-3, of evaluations of compliance unable to be replicated.

State Response: *See finding 2-3/Inspections*

State Action: *See finding 2-3/Inspection*