STATE REVIEW FRAMEWORK

Hawaii

Clean Air Act
Implementation in Federal Fiscal Year 2018

U.S. Environmental Protection Agency
Region 9

Final Report
June 10, 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 is 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 Air Act (CAA)

Review Year: FY 2018. File Review dates: June 25-28, 2019. Hawaii Department of Health (HDOH) Key Contact: Jill Stensrud, Manager of the Compliance and Enforcement Section; Lisa Young, Manager of the Monitoring and Analysis Section. EPA Reviewers: Janice Chan and Nathan Dancher.

Executive Summary

Introduction

Clean Air Act (CAA)

EPA conducted an SRF review of HDOH, whose jurisdiction covers the entire state of Hawaii. The file review covers FY 2018, though EPA reviewed several files back to FY 2015 in order to sufficiently make proper findings since the last SRF in 2015. EPA based its SRF findings on data/file review metrics and conversations with program management/staff at HDOH. EPA will track recommended actions from the review in the SRF Tracker and publish its report on the EPA Enforcement and Compliance History Online (ECHO) website.

Areas of Strong Performance

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

Clean Air Act

- HDOH evaluates Air Compliance Monitoring Strategy (CMS) sources on a more frequent basis than the minimum evaluation frequencies recommended in the CMS Policy.

- Since correcting its CMS source universe between major and minor sources from the last SRF for fiscal year 2014, HDOH now has an accurate CMS source universe.

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 Air Act

- Data Reporting/Timeliness: HDOH reporting of data into Integrated Compliance Information System-Air (ICIS-Air) is lacking. HDOH inconsistently entered in ICIS-Air: Full Compliance Evaluations (FCEs), Stack Test Reviews, Title V Certification Reviews, Notices of Violations (NOVs), and formal violations (NOVOs) and Federally Reportable Violations (FRVs).
- Timeliness of Appropriate Enforcement Actions: HDOH did not timely address HPVs with the appropriate enforcement action.
- Identification of HPVs: HDOH inaccurately identified non-HPVs as HPVs, and misreported violations as such into ICIS-Air. The last SRF for HDOH for FY 2014 found that HDOH had reported every violation from a major source as an HPV or FRV. These HPVs and FRVs have not been corrected in ICIS-Air. Additionally, HDOH had overcounted the number of covered major sources. This resulted in overcounting and overreporting the number of HPVs and FRVs. This has not been corrected in ICIS-Air.

Clean Air Act Findings

CAA Element 1 - Data

Finding 1-1
Area for Improvement

Summary:
The file review indicated that that there was nearly no information reported into ICIS-Air.

Explanation:
Metric 2b evaluates the completeness and accuracy of reported Minimum Data Requirements (MDRs) in ICIS-Air. The national goal is to accurately report 100% of data in ICIS-Air. We reviewed 25 files for data accuracy. We found that only two files (8%) in the reviewed files were accurately reported. Inaccuracies included missing activity data (e.g. FCEs, stack tests, and Title V Annual Compliance Certifications (ACCs)) and in some cases, incorrect facility names.

While information and activity data such as FCEs, stack tests, Title V ACCs were completed, they were not reported. HDOH has stated that they have begun to address this ongoing issue by utilizing a new records system called Clean Air Branch System (CAB System), developed by its contractors Windsor Solutions, Inc., that automatically transfers information into ICIS-Air. The new system allows staff to enter data and upload documents into it. This information directly populates into ICIS-Air, as CAB System is programmed to pull information needed for ICIS-Air in batches on a weekly basis.

Incorrect and missing data in ICIS-Air potentially hinders targeting efforts, and results in inaccurate and incomplete information being released to the public. For this reason, HDOH will transfer past data that has been collected in CAB System, into ICIS-Air.

Metric 3a2 measures whether HPV determinations are entered into ICIS-Air in a timely manner (within 60 days) in accordance with the FY 2018 ICIS-Air requirements. The data indicates that there were no HPVs reported in FY 2018. During interviews, HDOH staff and management explained that there were no HPVs found in FY 2018. In order to gather enough information for this metric, 11 files from FY 2015-2017 were also reviewed.

Metric 3b1 measures the timeliness for reporting compliance-related MDRs (FCEs and Reviews of Title V Annual ACCs). The data indicates that there were no compliance monitoring actions done. During interviews, HDOH staff and management explained that this information had not been entered into ICIS-Air before the data was frozen for this review. HDOH staff explained that they would like to work closely with an ICIS-Air Coordinator to address this going forward.

Metric 3b2 evaluates whether stack test dates and results are reported within 120 days of the stack test. The national goal for reporting results of stack tests is to report 100% of all stack tests within 120 days. The data indicates that there were no stack tests done. During interviews, HDOH staff and management explained that this information had not been entered into ICIS-Air before the

data was frozen for this review. However, during the file review, EPA found that HDOH had documented their review of stack test results in their new system (referred to below). Out of 21 files involving stack tests and reviews, four were reported into ICIS-Air, and 17 were not reported.

Metric 3b3 measures timeliness for reporting enforcement-related MDRs within 60 days of the action. HDOH did not report any enforcement actions into ICIS-Air. During interviews, HDOH staff and management explained that this information had not been entered into ICIS-Air before the data was frozen for this review.

HDOH identified the reason for not entering data into ICIS-Air as lack of resources, emergency responses (volcano eruption in The Big Island), and lack of coordination with EPA's ICIS-Air Coordinator. Since the ICIS-Air data has become frozen, HDOH has implemented CAB System that electronically enters data into its own database, and directly feeds data into ICIS-Air. This system can help with timely reporting data into ICIS-Air by streamlining the review process.

State Response:

Metric 2b – Accurate MDR data in ICIS-AIR
Metric 3b1 – Timely reporting of compliance monitoring
MDRs Metric 3b2 – Timely reporting of stack tests and results

- HDOH began weekly batch uploads via CAB System to ICIS-Air on October 30, 2018 to report MDRs FCEs, ACCs and stack tests.
- HDOH is currently inputting ICIS-Air data from 2014 to present into CAB System.

Metric 3a2 – Timely reporting of HPV determinations into ICIS-AIR

- HDOH respectfully requests clarification on the result of this metric. Specifically, how many of the 11 files from FY 2015 – 2017 were entered into ICIS-Air in a timely manner. We would also respectfully request the revision of Metric 3a2 in the Relevant metrics table to reflect the above revision

Metric 3b3 – Timely reporting of enforcement MDRs

- Attachment I and II are the spreadsheets that were provided to EPA in advance of the FY 2018 SRF, sans the typographical corrections in red, and yellow highlighted columns on the right side of the spreadsheets. According to the spreadsheets, twenty-six (26) enforcement actions were reported to ICIS-AIR, fifteen (15) of which were reported within sixty (60) days. The HDOH respectfully recommends revision of this section as well as the Relevant metrics table to reflect the additional information provided.
- HDOH began weekly batch uploads via CAB System to ICIS-Air on October 30, 2018.

Recommendation 1: HDOH staff responsible for HPV and FRV reporting will complete the Inspector WIKI training by June 30, 2020. However, HDOH requests that EPA revise the due date for the HPV and FRV training to provide for flexibility to account for any

delays such as travel restrictions due to COVID-19. HDOH recommends the following language to be consistent with Elements 3 and 4: "HDOH to take HPV and FRV training provided by Region 9 within 90 days of issuance of the final report or by an alternative date as agreed upon by HDOH and EPA."

Recommendation 3: In addition to monthly meetings, HDOH feels a hands-on training session on ICIS-Air reporting with the Region 9 ICIS-Air contact would be very beneficial to meeting EPA's goal of 100% data completeness and accuracy.

Recommendation 5: Attachments III, IV, and V are standard operating procedures (SOPs) that HDOH has developed for the reporting of MDR into ICIS-Air. HDOH began weekly batch uploads via CAB System to ICIS-Air on October 30, 2018 and is currently inputting ICIS-Air data from 2014 to present.

Recommendation 6: Attachment VI is a SOP that HDOH has developed for the reporting of stack test data into ICIS-Air. HDOH's SOP on how stack test reports are reviewed and processed is currently under review. Upon completion of the review, the SOP will be submitted to EPA by June 30, 2020 for their review and approval.

Recommendation:

Rec #	Due Date	Recommendation
1	6/30/2020	HDOH staff to complete Inspector WIKI training (go to http://inspector.epa.gov and click on the "self-register" line above the user name field) by June 30, 2020
2	9/30/2020	EPA to offer HPV and FRV training to HDOH by September 30, 2020.
3	6/30/2020	HDOH will begin to have quarterly meetings with Region 9 to discuss HPV and FRV requirements, data entry progress and challenges, and ongoing HDOH questions and issues.
4	9/30/2020	EPA Region 9 ICIS-Air Coordinator to offer a training on ICIS-Air reporting to HDOH by September 30, 2020.
5	3/1/2021	HDOH will develop a Standard Operating Procedure (SOP) on how to report the MDR data into ICIS-Air for EPA approval. 1. HDOH will submit the SOP to EPA by June 30, 2020. 2. The SOP will be reviewed by EPA and approved by July 31, 2020. 3. HDOH will implement the approve SOP by September 30, 2020. All previous data from 2014 to present will be entered into ICIS-Air, and all future data will comply with the SOP. 4. HDOH will perform an annual evaluation to determine efficiency and accuracy MDR data being entered into ICIS-Air through CY 2021 by March 1, 2021. 5. In CY 2020, EPA will monitor the progress
6	3/31/2021	1) HDOH will submit a plan to EPA for review and approval addressing: their receipt of stack testing reports, evaluation for accuracy and completeness, and entry into ICIS-Air by June 30, 2020. 2) EPA will review and approve the plan by July 31, 2020. 3) HDOH will implement the plan by September 30, 2020. 4) On March 31, 2021, EPA will randomly select ten stack test reports to review and determine accuracy of HDOH's compliance determination. If the review of these reports demonstrates HDOH is accurately assessing and reporting, this recommendation will be deemed completed by EPA.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
2b - Files reviewed where data are accurately reflected in the national data system [GOAL]	100%		2	25	8%
3a2 – Timely reporting of HPV determinations [GOAL]	100%		0	0	0%
3b1 – Timely reporting of compliance monitoring MDRs [GOAL]	100%		0	0	0%
3b2 – Timely reporting of stack test dates and results [GOAL]	100%		0	0	0%
3b3 – Timely reporting of enforcement MDRs [GOAL]	100%		0	0	0%

CAA Element 2 - Inspections

Finding 2-1
Area for Improvement

Summary:
While not reported, HDOH has conducted FCEs of the CMS source universe. Since the FCEs were not reported, this is an area for improvement.

Explanation:
This element evaluates whether the negotiated frequency for compliance evaluations is being met for each source. HDOH met the national goal for the relevant metrics. HDOH met the negotiated frequency for conducting FCEs of Title V Major Sources and Synthetic Minors 80% (SM80s). HDOH performs an FCE once every two years for major sources and every five years for SM80s. After the Round 3 review, HDOH made an effort to correct the CMS universe to properly identify SM80s. The CMS universe is now accurate.

EPA beli that the correction of Finding 1-1 will address Finding 2-1.

Note: 1) The 0% achievement rate noted in the table below does not reflect HDOH's actual FCE coverage. No FCEs were reported before the data was frozen for this review. A similar issue was found in the SRF for fiscal year 2014.

2) EPA requested HDOH to add accurate numbers to the Relevant Metrics Table to reflect state coverage when providing comments to the report.

State Response:

Metric 5a – FCE coverage: majors and mega-sites
Metric 5b – FCE coverage: SM-80s
Metric 5c – FCE coverage: minors and synthetic minors (non-SM 80s) that are part of CMS plan or alternative CMS Plan

State Response:

As requested, please see the below revised Relevant Metrics Table:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
5a FCE coverage: majors and mega-sites [GOAL]	100%	88.1%	33	44	75.0%
5b FCE coverage: SM-80s [GOAL]	100%	93.7%	16	18	88.9%
5c FCE coverage: minors and synthetic minors (non-SM 80s) that are part of CMS plan or alternative CMS Plan [GOAL]	100%	70.1%	N/A	N/A	N/A

Metric 5a and 5b were revised to incorporate the sources identified in the HDOH 2016 CMS plan. The CMS plan corrected the source universe.

Metric 5c was revised to reflect the current HDOH 2016 CMS plan which does not include minors and synthetic minors (non-SM 80s).

Recommendation 1: HDOH is currently inputting ICIS-Air data from 2014 to present into CAB System to be completed by June 30, 2020. In addition, HDOH began weekly batch uploads via CAB System to ICIS-Air on October 30, 2018.

Rec #	Due Date	Recommendation
1	3/31/2021	1. HDOH will enter FCEs from 2014 to present into ICIS-Air by June 30, 2020; and 2. At the end of 2020, EPA will randomly select FCE reports for review and evaluation for accuracy and compliance determination. If these FCE reports demonstrate completeness and timeliness, EPA will close this recommendation.

Recommendation:

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
5a FCE coverage: majors and mega-sites [GOAL]	100%	88.1	0	141	0%
5b FCE coverage: SM-80s [GOAL]	100%	93.7%	0	3	0%
5c FCE coverage: minors and synthetic minors (non-SM 80s) that are part of CMS plan or alternative CMS Plan [GOAL]	100%	70.1	0	2	0%

CAA Element 2 - Inspections

Finding 2-2
Area for Improvement

Summary:
HDOH completed the required reviews for each Title V ACC. However, HDOH did not enter the Title V ACCs into ICIS-Air, resulting in a 0% achievement rate in metrics.

Explanation:
This element evaluates whether the delegated agency has completed the required review for Title V ACC. Based on the files reviewed, HDOH completed the required reviews for each of the Title V ACC as part of annual FCEs for all facilities. However, HDOH did not report these into ICIS-Air. EPA believes that correction of Finding 1-1 will assist in addressing Finding 2-2.

State Response:

Metric 5e – Reviews of Title V annual compliance certifications completed

State Response:

Metric 5e is solely evaluating the review of Title V ACC and not the reporting to ICIS-Air, therefore, HDOH respectively requests the removal of the sentence in the Summary, "However, HDOH did not report any Title V ACCs into ICIS-Air, resulting in a 0% achievement rate in metrics." HDOH also respectfully requests the removal of the sentence in the Explanation, "However, HDOH did not report these into ICIS-Air." Finally, HDOH respectfully requests the below revision of the Relevant Metrics Table to reflect the above.

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
5e Reviews of Title V annual compliance certifications completed [GOAL]	100%	82.5%	33	44	75.0%

Metric 5e was also revised to incorporate the sources identified in the HDOH 2016 CMS plan. The CMS plan corrected the source universe.

Recommendation 1: HDOH is currently inputting ICIS-Air data from 2014 to present into CAB System to be completed by June 30, 2020.

Recommendation:

Rec #	Due Date	Recommendation
1	3/31/2021	• HDOH will enter all data into ICIS-Air from 2014 to present by June 30, 2020. • At the end of CY 2020, EPA will monitor and review ACC reporting to determine timeliness and completeness of the data. EPA will close this recommendation if HDOH meeting this requirement by March 31, 2021.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
5e Reviews of Title V annual compliance certifications completed [GOAL]	100%	82.5%	0	45	0%

CAA Element 2 - Inspections

Finding 2-3
Area for Attention

Summary:
HDOH compliance monitoring reports (CMRs) need to be improved. HDOH did not consistently cover relevant information, such as assessing process parameters and control equipment parameters, in the reviewed reports.

Explanation:
Six CMRs did not document all required FCE elements and three CMRs were incomplete and lacked enough detail to determine whether HDOH reviewed a facility's compliance accurately and comprehensively.

As in Round 3 findings, the HDOH's CMRs continue to be inconsistent and lack sufficient information to determine if the FCE was appropriately completed, as well as missing the important component of the photographs.

HDOH mentioned they were having staffing issues to conduct inspections and that during the review year, HDOH staff assisted with emergency operations due to a volcano eruption. We would recommend having a managment or peer review stage (if not already enacted) and add this as an agenda item as part of quarterly calls with Region 9 to help resolve the issues stated above.

State Response:

Metric 6a – Documentation of FCE elements
Metric 6b – Compliance monitoring reports (CMRs) or facility files reviewed that provide sufficient documentation to determine compliance of the facility

State Response:

- CMRs have been revised to include required FCE elements and are currently in use. Inspectors have received training to use the most recent revised report. The required FCE elements are also entered into CAB System which are uploaded to ICIS-Air on a weekly basis.
- HDOH staff have most recently completed the following EPA, Air Pollution Training Institute (APTI) classes:

  a. NACT 334 Permitting Practices and Principles, February 25 – 27, 2020;
  b. APTI 452 Principles & Practices of Air Pollution, September 10 – 12, 2019; and
  c. Basic/Advanced Inspector Training, July 31, 2018 thru August 2, 2018.

- HDOH currently implements peer as well as management reviews of CMRs. CAB System will incorporate these reviews in the CMR process.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
6a Documentation of FCE elements [GOAL]	100%	%	19	25	76%
6b Compliance monitoring reports (CMRs) or facility files reviewed that provide sufficient documentation to determine compliance of the facility [GOAL]	100%	%	22	25	88%

CAA Element 3 - Violations

Finding 3-1
Area for Attention

Summary:
HDOH misreported compliance determinations for FY 2015-2018 as FRVs/HPVs or did not report violations into ICIS-Air.

Explanation:
Metric 7a is designed to evaluate the overall accuracy of compliance determinations.

In 21 out of 25 files reviewed covering FY 2015-2018, HDOH provided an appropriate level of detail in inspection reports for an FCE. None of the inspection reports noted violations based on the FCE itself. The inspection reports for four files were incomplete and lacked enough information to determine if noncompliance was found.

Metric 8c focuses on the accurate identification of violations that are determined to be HPVs.

In 11 files that had reported HPVs or FRVs in ICIS-Air in FY 2015-2018, HDOH accurately made such determinations based on the facility's self-reporting and FCE inspection reports. HDOH addressed most of the FRVs informally in order to timely address identified issues. Enforcement actions had been found to take over one year, due to lack of resources to address them.

Note: EPA believes the recommendations under Findings 1-1 and 2-1 will assist in improving HDOH performance for metrics 7a and 8c. Although HDOH has a needs attention finding for the element, please be aware that HDOH is still required to accurately determine compliance and HPV determinations.

State Response:

Metric 7a – Accurate compliance determinations
Metric 8c – Accuracy of HPV determinations

State Response:

- HDOH requests that EPA revise the due date specified in the Note to provide for flexibility to account for any delays such as travel restrictions due to COVID-19. HDOH recommends the following language: "HDOH to take FRV and HPV training provided by Region 9 within 90 days of issuance of the final report or by an alternative date as agreed upon by HDOH and EPA (Recommendation in Element 4);."
- In addition to this training, HDOH feels a hands-on training session on ICIS-Air reporting with the Region 9 ICIS-Air contact would be very beneficial to meeting EPA's goal of 100% for accuracy of compliance and HPV determinations.
- CAB System was designed to determine whether violations are FRV and HPV based on information inputted.
- Attachment VII is a copy of HDOH's internal guidelines on permit inspections, complaint investigations, enforcement actions and scanning of documents. This internal guideline will be updated to incorporate current processes and EPA's recommendations.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
7a Accurate compliance determinations [GOAL]	100%	%	21	25	84%
8c Accuracy of HPV determinations [GOAL]	100%	%	11	11	100%

CAA Element 4 - Enforcement

Finding 4-1
Area for Improvement

Summary:
EPA review found that most of HDOH's enforcement actions of HPVs or FRVs did not address and resolve the issues in a timely manner.

Explanation:
Out of all the files reviewed,-EPA found eight case files containing NOVOs and NOVs (NOVOs considered formal enforcement actions with penalties and NOVs considered informal enforcement actions with no penalty) for various source categories. Due to a backlog and limited resources at HDOH, HDOH could not take action timely on all violations assessed. The backlog attributed a delay in case development, which caused HDOH to address some FRVs with non-penalty NOVs rather than NOVOs. Although the state chose to address some violations with NOVs with no penalty, the facilities were returned to compliance by the time of EPA's file review.

Metric 9a is designed to evaluate whether the agency takes formal enforcement actions that return facilities to compliance. In seven out of eight files reviewed (87.5%) HDOH issued a NOVO that had an order to return the facility to compliance. In the one file, HDOH issued an NOV, which precluded an order to return to compliance.

Metric 10a is designed to evaluate the extent to which the agency takes timely action to address HPVs. EPA reviewed files from FY 2014 through FY 2018 in order to understand how HDOH addressed HPVs. Out of four files reviewed, none of them demonstrated that HDOH timely addressed or had a case development/resolution in place for HPVs, as HDOH issued NOVOs for the HPVs exceeding 180 days from finding the violation. HDOH explained that lack of resources led to untimely enforcement action for HPVs.

Metric 10b is designed to evaluate the extent to which the agency takes appropriate enforcement responses for HPVs. Out of three files reviewed, HDOH improperly identified all three as HPVs.

Metric 14 is designed to evaluate the timeliness of case development and resolution involving HPVs according to the HPV Policy. The Policy measures HPVs that are not addressed, or otherwise have had a case completion within 180 days from the time of violation. According to the policy, the case development and resolution timeline is 180 days. Two out of three files reviewed met that requirement.

State Response:

Recommendation 1: HDOH requests that EPA revise the Due Date from March 31, 2020 to "within 90 days of issuance of the final report or by an alternative date as agreed upon by HDOH and EPA" consistent with the Note under finding 3-1. HDOH looks forward to FRV and HPV training with EPA, Region 9's, ICIS-Air coordinator. In addition to this training, HDOH feels a hands-on training session on ICIS-Air reporting with the Region 9 ICIS-Air contact would be very beneficial to meeting EPA's goal of 100% for timeliness of addressing HPVs, addressing or removing HPVs consistent with the HPV Policy, formal enforcement responses that include required corrective actions and HPV case development and resolution timeline.

Recommendation 2: Attachment VII is a copy of HDOH's internal guidelines on permit inspections, complaint investigations, enforcement actions and scanning of documents. This internal guideline will be updated to incorporate current processes and EPA's recommendations. Attachment V is a CAB System SOP for inputting data enforcement actions.

Recommendation 3: Upon EPAs approval of the SOP's, HDOH will conduct appropriate training with staff.

Recommendations:

Rec #	Due Date	Recommendation
1	9/30/2020	Region 9 or EPA will coordinate with HDOH on scheduling an FRV and HPV training for the HDOH staff by September 30, 2020.
2	1/30/2021	HDOH to develop an SOP on how to take enforcement actions when violations are found. 1. HDOH will submit the SOP for EPA's review and approval by June 30, 2020. 2. EPA will review and approve the SOP by July 31, 2020. 3. HDOH will train staff on approved SOP by September 30, 2020. 4. HDOH will update CAB with with all previous data from 2014 to present into ICIS-Air by December 1, 2020. 5. EPA will verify the HPV correction by reviewing the ICIS-Air data to see if the number of HPVs has been corrected by January 30, 2021.

Relevant metrics:

Metric ID Number and Description	Natl Goal	Natl Avg	State N	State D	State %
10a Timeliness of addressing HPVs or alternatively having a case development and resolution timeline in place	100%	%	0	4	0%
10b Percent of HPVs that have been addressed or removed consistent with the HPV Policy [GOAL]	100%	%	0	3	0%
9a Formal enforcement responses that include required corrective action that will return the facility to compliance in a specified time frame or the facility fixed the problem without a compliance schedule [GOAL]	100%	%	7	8	87.5%
14 HPV Case Development and Resolution Timeline (CD&RT) contains required policy elements	100%	%	2	3	66.7%

CAA Element 5 - Penalties

Finding 5-1
Meets or Exceeds Expectations

Summary:
HDOH's files included penalty calculations which documented gravity and economic benefit.

Explanation:

The File Review indicated that no cases in FY 2018 had been closed with a penalty. The review looked back to FY 2015-2018 to gather enough data to review this metric.

Metric 11a is designed to discuss the penalty calculations and whether gravity and economic benefit is documented in the case file. Each of the reviewed files included a detailed penalty calculation with an explanation of the economic benefit, gravity and a reason (if any) for a difference between the penalty calculated and amount settled for.

Metric 12a is designed to evaluate the extent to which the agency documents the rationale for the difference between the initial and final penalty. To improve timeliness and accuracy of what is entered into ICIS-AIR, HDOH has begun utilizing their new system to allow the inspector and/or case developer to upload the associated documents when closing the case.

Metric 12b is designed to evaluate whether there is documentation that the final penalty was collected. Out of five files reviewed, they each had the original copy of the certified mail slip which indicated the date of receipt of penalty payments from respondents.

State Response:

- HDOH appreciates EPA's review and findings that our effort to ensure complete and detailed documentation of penalties have been successful.
- HDOH penalties are calculated using templates related to the type of violation. This ensures that penalties are being consistently calculated and documented in the case file. These penalty calculation templates are updated as necessary to reflect changes such as inflation and economic benefit.

Relevant metrics:

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