



ICIS-AFS Requirements Webinar #3

December 20, 2012

Welcome & Agenda

- ▶ John Dombrowski, Director
Enforcement Targeting and Data Division, OECA/OC and
Chair, AFS Modernization Senior Management Steering Committee (Tier 2)

Agenda

- ▶ Welcome/Agenda Check
- ▶ Recap of second webinar on 12/12
- ▶ Topic Areas
 - Stack Test/Electronic Reporting Tool
 - Permits
 - General Approach of Alleged Violation and Enforcement Process
 - Alleged Violation Files & Pathway Action Linking
 - Enforcement Actions / Final Orders / Supplemental Environmental Projects
- ▶ Wrap-Up

Recap of Second Webinar on 12/12

- ▶ 12/12 Webinar Covered:
 - Overview of Compliance Monitoring
 - FCE/PCE, Investigation, and Information Requests
 - Compliance Monitoring Strategy (CMS)
 - Title V Annual Compliance Certifications
 - Stack Test/Electronic Reporting Tool - **Deferred to 12/20 webinar**
 - Permits – **Deferred to 12/20 webinar**

- ▶ Any additional thoughts or points to revisit from previous webinar?

Stack Tests (Report Section 3.2.3)



Overview of Stack Tests

- ▶ Stack tests are a subset of a PCE performed at facilities to ensure the facilities' compliance with regulatory requirements for emissions limits, or for capture or control efficiencies
- ▶ Delegated agencies are required to conduct stack tests when there are no other means for determining compliance with the emission limits

Summary of Proposed Changes from Legacy AFS

- ▶ Legacy AFS does not import electronic data from an external system
 - ICIS-AFS will have the ability to import available electronic stack test data from WebFire.
- ▶ In Legacy AFS, users provided a pollutant's test result with Pass, Fail, or Pending statuses
 - For ICIS-AFS, stack test status will be entered by ICIS-AFS users as Pass, Fail, Pending, Not Applicable (N/A), or Incomplete
- ▶ Legacy AFS does not calculate stack test percentage above/below limit
 - If the limit and actual data are available, ICIS-AFS will automatically calculate the percent value based on the allowable limit and actual number and indicate whether the actual number is above, below, or meets the allowable limit

Summary of Proposed Changes from Legacy AFS, cont.

- ▶ In legacy AFS, users were required to provide test results at the entire source-tested level regardless of whether they passed or failed
 - For ICIS-AFS, the system will only require users to enter failed parameter and pollutant test results
- ▶ In Legacy AFS, users cannot easily view a list of stack tests with “pending” test results
 - In ICIS-AFS, users will be able to view stack tests with “pending” and blank statuses immediately as data are saved into the system. They can be viewed through the search results screen or by creating a report.
 - A notification will be displayed upon subsequent logins to the user who originally entered the stack test’s pollutant test results data

Review of Major Comments

- ▶ Since electronic data may be imported from WebFire/ERT, facilities need to receive adequate training on using the ERT. Delegated agencies have questions on the ERT's data correction process and would like more information on the ERT's progress, design, and implementation plans
- ▶ Will ICIS-AFS update existing records or delete existing records and add a new record when stack test data are imported from WebFire? How will duplicate entries be prevented?
- ▶ Users would like an option to opt-out of using the ERT's imported data, specifically for stack test data
- ▶ Often the stack test reviewers are not the same as the AFS users so this makes data entry of stack tests burdensome
- ▶ Owner/Operator should be added to Stack Test Conducted By
- ▶ Having to list the "Purpose" of a stack test will be too much burden

Permits (Report Section 3.1.3)



Overview of Permits

- ▶ A permit is required for a source to begin operation; but it is **not** currently required that agencies report permit data to EPA
- ▶ There are two distinct categories of permits: Title V and Non-Title V
- ▶ Title V operating permits, mandated by the Title V amendment of the Clean Air Act, can be further classified into two types:
 - Part 70 – Issued by the state, local, and tribal permit authorities
 - Part 71 – Issued by EPA
- ▶ In the modernized system, basic permit functionality will be the same regardless of permit type

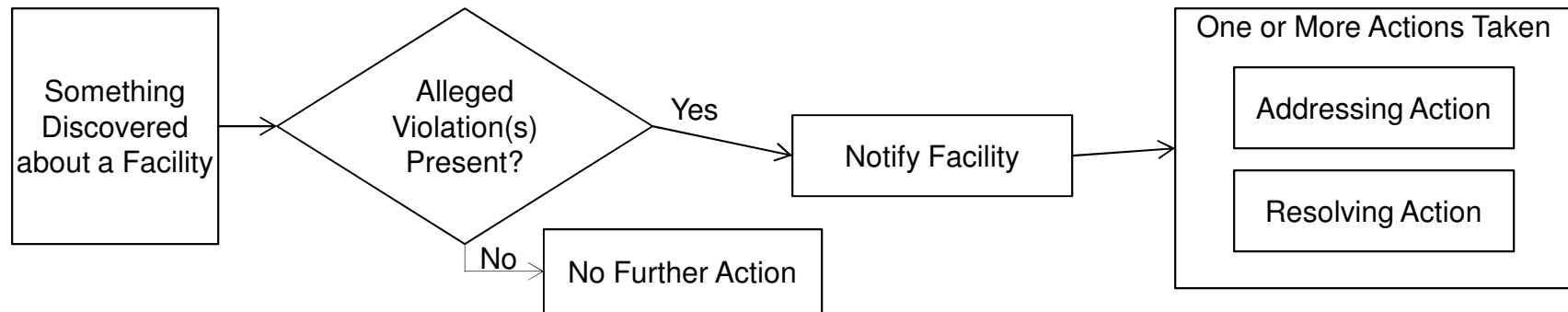
Summary of Proposed Changes from Legacy AFS

- ▶ Legacy AFS allowed users to enter permit events and their corresponding dates as independent data fields stored in the database
 - ICIS-AFS will allow users to pick permit events from a dropdown list and select the date from a calendar icon

Review of Major Comments

- ▶ Ensure that permits do not become required reporting
- ▶ Add the ability to track the issuance of multiple modifications to a permit

General Approach to Alleged Violation and Enforcement Process



- ▶ Agency becomes aware there are potential issues at a facility (e.g., via an evaluation, excess emissions report, TV ACC)
- ▶ Agency determines that one or more alleged violations are present
 - The agency compiles potential issues and evaluates
 - A decision is made that there are one or more alleged violations that should be pursued
- ▶ The facility is notified
 - Agency contacts the facility through formal or informal means (e.g., phone calls and letters, Notices of Violation) to inform them of the alleged violations; facility can respond, deny, etc.
- ▶ One or more actions are taken by Agency
 - Issues formal enforcement actions and/or takes other informal measures to address
 - Closes out formal enforcement actions and/or takes other measures to resolve
 - Decides the alleged violation(s) should no longer be pursued and performs a non-enforcement resolution such as issuing a closeout memo

Alleged Violation Files (AVFs) & Pathway Action Linking (Report Sections 3.4 & 2.2.2)



Overview of Alleged Violation Files & Pathway Action Linking

- ▶ Once an agency has determined there are one or more potential issues warranting further pursuit, they begin compiling the information. This collection of information is called the Alleged Violation File (AVF)

- ▶ The AVF will associate all of the actions that identified or confirmed the issues, any actions taken to notify the facility, and any addressing and resolving actions

- ▶ ICIS-AFS will be able to link activities for the same facility to each other to show relationships between these activities. One of the main uses of activity linking is in tracking AVF key milestones:
 - ❖ Discovery Action Type
 - ❖ Notification Action Type
 - ❖ Addressing Action Type
 - ❖ Resolving Action Type

Summary of Proposed Changes from Legacy AFS

- ▶ In Legacy AFS, the Day Zero Action was reported in order to utilize the ability to link characteristics of, and activities related to, a FRV/HPV
 - In ICIS-AFS, the Day Zero Action has been renamed to Alleged Violation File. The AVF will serve as the parent record of an alleged violation
 - The relevant air programs, air pollutants and status as a FRV/HPV will be attributes of the AVF
- ▶ In Legacy AFS, the compliance status was tracked at the air program pollutant level
 - In ICIS-AFS, the AVF will replace the requirement to track compliance scenarios at the air program pollutant level
 - Users will have to enter at least one violation type when establishing an AVF
 - The system will automatically generate a facility level violation indicator from underlying data - the violation type, facility classification and enforcement action data. The user will be able to manually override the generated indicator.
- ▶ Legacy AFS limits alleged violating pollutants and programs to those listed on the Facility record
 - ICIS-AFS will allow users to add any pollutant or program attribute to the AVF
 - Visual indicators will be used to highlight if the attribute is not on the Facility record

Summary of Proposed Changes from Legacy AFS, cont.

- ▶ In Legacy AFS, users were not able to override the Discovery Action assignment of linked activities
 - In ICIS-AFS, users will be able to reassign the Discovery Milestone, while allowing all linked activities to remain linked
- ▶ In Legacy AFS, users were required to know the identifying attributes of the activities they wanted to link
 - In ICIS-AFS, the addition of activity names and visual linking screens will help users to ensure they are finding and linking the correct activities

Review of Major Comments

Alleged Violation File

- ▶ Users expressed concern over how removal of Day Zero will affect tracking timeliness

Linkage of activities

- ▶ Users expressed concern about maintaining the data needed for linkage of activities to support High Priority Violation (HPV) pathways
- ▶ Users expressed concern that new definitions of violation types will lead to mandatory linking of activities for FRVs
- ▶ Often compliance and enforcement staff are in separate offices/locations, making linkage coordination challenging

Enforcement Actions (Report Section 3.3)



Overview of Enforcement Actions

- ▶ Enforcement Actions are used by Agencies to help return facilities to compliance if an alleged violation or other issue has been discovered
- ▶ There are two major types of Enforcement Actions: Informal and Formal
- ▶ There is a common set of functionality necessary to track informal and formal actions

Summary of Proposed Changes from Legacy AFS

- ▶ In Legacy AFS, each stage of an Enforcement Action was reported as a unique action and linked to other related data
 - In ICIS-AFS, all stages/milestones of an Enforcement Action will be attributes of the original Enforcement Action
- ▶ In Legacy AFS, a user could enter a penalty on any action, and it was assumed what stage in the penalty lifecycle that penalty reflected
 - In ICIS-AFS, the user will be able to enter penalties at all lifecycle stages (i.e., Proposed/Sought, Final/Assessed, Collected)
 - Final/Assessed will remain the mandatory penalty
- ▶ ICIS AFS shall allow the user to enter multiple Supplemental Environmental Projects (SEPs) per Final Order for a Formal Enforcement Action record

Review of Major Comments

- ▶ Multiple users requested the ability to add Supplemental Environmental Projects (SEPs) on the Enforcement Action record
- ▶ Users expressed concerns over the definition of the terms associated with enforcement actions. State/local definitions are often not the same as EPAs; and this leads to confusion

Discussion / Wrap-Up