



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

May 6, 2003

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Ensuring Integrity of Reported Enforcement and Compliance Data

FROM: John Peter Suarez /s/

TO: Regional Administrators  
Deputy Regional Administrators

At the March 11-12, 2003 Senior Managers Meeting, we highlighted the need for better quality control in entering and retrieving our compliance and enforcement data. This is essential if the data are to be used as an effective tool in managing the national and regional enforcement and compliance program. When the data in our systems are not accurate we do a great disservice to our program. Inaccuracy leads to misrepresentation of our accomplishments and an inability to explain our results to multiple audiences. I have designated Better Use of Data as a major management priority for our program, so accuracy and accountability are more essential than ever. The purpose of this memorandum is to identify the steps that we all need to take to ensure the integrity of the enforcement and compliance data and increase the use of this information as a management tool.

**Significant Enforcement Data Entry Problems**

During the preparation and compilation of FY 2002 end-of-year data, OECA encountered several difficulties. Many of the same type of problems are encountered every reporting cycle; however, a factor unique to FY 2002 was a new database, the Integrated Compliance Information System (ICIS).

*Data entry delay* – OECA calls for data to be reported at mid-year and end-of-year. Most information is entered into the databases shortly before or even after these deadlines instead of being entered as activities occur. This causes a backlog of data to be entered and an increased likelihood of error.

*Misunderstanding how to enter data* – Recognizing that a new data system had been implemented at the end of the third quarter, OECA held weekly conference calls with the Regions during October to assist with data entry and reporting issues in ICIS. In addition, OECA’s Data Systems Modernization Team held (and continues to hold) monthly ICIS conference calls to discuss general system issues. Unfortunately, despite specifically discussing nuances of entering administrative penalty order complaints, multiple orders were incorrectly entered.

*Data not being entered* – In a pattern repeated from prior years, after OECA sends out final reports, the Regions realized cases, often with significant outcomes, are not included. For FY 2002, OECA has become aware of at least \$8.3M of penalties and \$1.5M in SEPs that were not entered into ICIS nor included in the reported end-of-year results. In addition, an analysis of CERCLIS/WasteLAN vs. ICIS data revealed that the Superfund program in one Region apparently misunderstood that initiation and conclusion information for CERCLA cases are required to be entered in ICIS.

*Data inaccuracies* – In FY 2002, OECA trained every Region on how to calculate estimated pollutant reductions from enforcement settlements. Despite this effort, one Region reported an estimated 1.5 billion pounds of nitrogen reduced from one case that was corrected to 15 million pounds before public release.

*Credit negotiations* – Resource intensive negotiations have historically occurred between OECA and the Regions at the end of the fiscal year to determine the number of credits multi-facility and multi-program cases should receive. One Region originally asked for 240 extra credits for what appeared to be two referrals - approximately 75% of the referrals nationally. Another Region referred a case to DOJ associated with approximately 300 facilities and requested only two extra credits. Also, one Region entered a single case in ICIS four times, once for each statute despite the fact that ICIS is capable of linking multiple statutes to one case. Another Region entered a judicial referral 25 times, to account for multiple facilities, in anticipation of different settlement terms for each facility. During the credit negotiations, OECA requested all Regions and HQ to delete multiple case entries in ICIS. Unfortunately, one region did not correct its errors as it should have and OECA did not double check to see that the correction had been made. The result is that 20 erroneous referral credits were included.

## **New Procedures to Address Problems**

I will expect Regions and OECA, on an ongoing basis, to review and ensure timely and correct information is included in ICIS, CERCLIS/WasteLAN, and the other systems that record compliance and enforcement information. It is especially important that at the end of the year we ensure that the public account of our accomplishments receives the appropriate degree of scrutiny before public release. The following procedures are being instituted to address the problems

outlined above and ensure accuracy of the data reported for the enforcement and compliance program in the future. These procedures will apply to all Regions and OECA offices that conduct compliance and enforcement activity.

*OECA and the Regions will be held accountable for immediately complying with the following procedures:*

- a. Regions and Headquarters Offices will Report Data in ICIS in a Timely Manner  
All enforcement data from all statutes, including CERCLA, are to be entered in ICIS within two weeks after an enforcement activity occurs (e.g., upon the issuance of an order, signing of a referral, filing of a final order etc.). All data for Superfund Enforcement, GPRA and Program reporting purposes, should also be entered into CERCLIS/WasteLan as noted in the Superfund Program Implementation Manual.
- b. Senior Managers will Certify Completeness and Accuracy of Mid-year and End-of-year Data  
The Information Utilization and Targeting Branch will prepare reports which will be shared with the Regions and ORE prior to finalizing mid-year and end-of-year official reports. The Regional Administrator or Deputy Regional Administrator and ORE's Office Director or Deputy Office Director (for HQ-lead cases) will certify to my office that their enforcement and compliance output and outcome data have been reviewed by management and that it is correct as entered in ICIS. In addition, the RA or DRA will certify to my office that the Superfund enforcement data in CERCLIS/WasteLAN that is tracked for GPRA and program reporting purposes have been reviewed by Regional management and is correct.

*To ensure accountability OECA will immediately institute the following:*

- c. OECA will Conduct Quarterly Reviews of Enforcement Data  
OECA will conduct quarterly reviews of the accuracy of ICIS and CERCLIS Waste/LAN data on key performance indicators. The quarterly review will include ICIS data such as: judicial referrals, ACOs, APOCs, injunctive relief, SEPs including dollar value, and settled cases reporting pollutant reductions. OECA will also work more closely with the Department of Justice to confirm key judicial case data tracked by both Agencies. In CERCLIS/WasteLAN, the RA Start data as reported will be reviewed. The results of these reviews will be discussed with each Region and ORE shortly after each quarter. Any data elements that appear inappropriate or inaccurate will be brought to the attention of the Regional Enforcement Division Director or Coordinator and Headquarters Program Enforcement Division Director with the expectation that the problem will be resolved by the following quarter. OECA reviewed FY 2003 first quarter data for quality control and shared comments with the Regions and ORE.
- d. ICIS Reports will be Available to Regions

All Regional and Headquarters users of ICIS have the capability to create standardized National Reports that display key categories of current information in the system and to build customized ad hoc reports. On April 1, 2003, a set of Senior Manager reports were made available to the Regions and Headquarters allowing key managers to view charts and tables of how the Region is progressing in the current year in several key areas. These areas include: APO Complaints, Referrals to DOJ, Judicial Settlements, Penalty Totals, Injunctive Relief Totals, Percent of Settled Cases with a SEP, and Percent of Settled Cases with Environmental Benefits. Additional reports will be identified and developed over time. The information will be automatically updated in the managers' "ICIS Inbox" each month. The detailed case data used to generate these charts and tables is available to all ICIS users in either the standardized National Reports or Ad Hoc Report feature.

## **Next Steps**

1. End-of-Year Extra Credit Negotiations  
Beginning this year, I have decided to discontinue the extra credit negotiation process for case initiations. Instead, EPA will report the actual number of enforcement actions. We also will recognize the number of multi-program and multi-facility cases. Additional information on the revised case counting process will follow soon.
2. Enhancements to ICIS will Continue  
Since ICIS was implemented in June 2002, the system has been enhanced multiple times. These new releases have addressed over 500 issues and suggestions that have been raised by the Regions and Headquarters, many to enhance the ease of using the new system. The ICIS Change Control Board (CCB), made up of Regional and HQ representatives, has been formed to review and prioritize the list of enhancements requested by the users (currently approx. 178 items). The prioritized list of enhancements will be addressed in the coming year. An Enhancement Request Form has also been created to standardize and facilitate submissions of requested changes from ICIS users to the CCB.
3. ICIS Data Integrity Guidance  
OECA will issue further guidance for the data integrity procedures. This will include outlining historic data entry procedures that are still applicable and proposing new ones for conducting data entry in ICIS for HQ and the Regions. The guidance will also address timely data entry, consistency of data entry, QA/QC procedures, and address common administrative issues of entering data, and outline the procedures for certifying mid-year and end-of-year data. A draft guidance is expected to be reviewed by HQ and Regional ICIS contacts in May. The final guidance will be available to all users before commencement of the end-of-year process for FY 2003.

I look forward to working together to ensure our success in using information to manage our program effectively and to accurately present our achievements. If you have any

questions about these procedures, please contact me or have your managers contact David Hindin, Acting Director, Enforcement Planning, Targeting and Data Division at (202) 564-1300.

cc: Regional Counsels

Regional Media Division Directors, Regions 3, 5, 7, 9, and 10

Regional Enforcement Division Directors, Regions 1, 2, 4, 6, and 8

Regional Enforcement Coordinators

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