



Department of Energy
Washington, DC

April 1, 2003

Rebecca Kane
Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Mail Code 2222A
1200 Pennsylvania Avenue NW
Washington, DC 20460.

*Re: 67 FR 70079, Notice of Availability of Enforcement and Compliance History Online
Web Site for 60-Day Comment Period*

Dear Ms. Kane:

On November 20, 2002, the U.S. Environmental Protection Agency (EPA) published a notice of availability of the Enforcement and Compliance History Online (ECHO) web site, with a request for comments. A subsequent notice (68 FR 4777, January 30, 2003) extended the comment period through March 31, 2003.

Department of Energy (DOE) representatives at headquarters and at multiple DOE facilities reviewed the ECHO website and provided comments. All DOE reviewers at field facilities expressed concern about the accuracy and completeness of the information about their facility on the ECHO website. As you requested in the request for comments, DOE sites will report specific data errors through the error correction process in ECHO.

The enclosed comments identify a number of specific concerns and suggestions for improving the ECHO website. The comments are organized to address the "Specific Questions for Consideration" posed in your request for comments.

If you have any questions, or need further clarification of our comments, please contact Sharon Brown of my staff (at 202-586-6377; sharon.brown@eh.doe.gov) or Steven Woodbury of my staff (at 202-586-4371; steven.woodbury@eh.doe.gov).

Sincerely,

A handwritten signature in black ink that reads "Andy Lawrence". The signature is written in a cursive, flowing style.

Andy Lawrence
Director
Office of Environmental Policy and Guidance

Enclosure

Environmental Compliance History Online (ECHO) Website

Specific Questions for Consideration

Department of Energy Responses and Comments

1. Does the site provide meaningful and useful information about the compliance and enforcement program?

The ECHO website can provide a useful tool to the public. However this usefulness is entirely dependent upon data accuracy, and DOE reviewers found that the online reports about their facilities contain inaccurate and incomplete information. (See also responses to Question 5.A.)

2. Is the site easy to navigate?

Most DOE reviewers found the site easy to navigate.

3. Does the help text adequately explain the data?

Comments by DOE reviewers were mixed. Some found the help text adequate. Others felt there are too many acronyms and too much technical jargon. The text is probably adequate for the environmental professionals who reviewed the site. The average citizen using the site would benefit from greater clarity.

4. What additional features, content, and/or modifications would improve the site?

A facility can be listed in Significant Non-Compliance (SNC) for submitting its monthly Discharge Monitoring Report (DMR) late. It is our understanding that the default setting in the Clean Water Act Permit Compliance System (PCS) is to list a facility as SNC if receipt of the report is not entered into the system by the due date. In the past, DOE sites which submitted their DMR on time have been listed as SCN for non-receipt of the report because receipt of the report had not been entered in the database in a timely manner. DOE urges that this default in the PCS be changed, so that facilities are not incorrectly listed as SNC solely because of delays in entering data into the system.

Under the “Inspection and Enforcement Summary Data” section, it would be more appropriate for the system to indicate “no data records returned” if there are no PCS inspection data available, instead of the current “never” under “Date of Last Inspection.”

When a facility has submitted an online data error report, we recommend that the online report generated for that facility flag the disputed data, and indicate to users that a data error report has been submitted and that the data are under review.

The categories for the compliance violations in the “Two Year Compliance Status” table are quite broad, and do not provide detailed information that would allow the user to evaluate the types or severity of the alleged violations. It would be helpful to have more detailed descriptions or links to the individual alleged violations.

Data records should go back more than two years, in order to provide a better picture of the history of compliance at a facility. Inspections at facilities to confirm compliance with certain environmental regulations may not take place as often as every two years.

Many DOE sites maintain public websites with extensive environmental monitoring, compliance, and cleanup information. We suggest that ECHO be modified to provide links from the detailed facility report to a facility website and to state regulatory agency websites, where these exist.

The usefulness of the ECHO site to the public would be enhanced by expanding the search functions to provide the ability to search by company or organization name (either a corporation, or a federal agency). Often, when seeking data for out of state facilities, the user may not know a facility's city and state, or zip code. Searches based solely on these two criteria also can generate larger search results for the user to review than if an option to search by company or organization name were available.

The “Formal Enforcement Actions” section should be modified to distinguish between monetary penalties paid and the amount spent on supplemental environmental projects. This distinction is provided in the “EPA Formal Enforcement Cases” section.

Most pages do not have navigation buttons for the ECHO web system. These would be useful for those times that you go down the wrong path and have to find your way back.

We recommend that you redesign your acronyms page (<http://www.epa.gov/echo/acronyms.html>) as a separate pop-up window. There are numerous acronyms and, for those that must remain, it would be very convenient if users did not have to leave the main page to hunt for the acronym page every time they came across an unfamiliar acronym, and then have to find their way back.

The method for reporting pH effluent violations should be revised. ECHO apparently calculates the relative magnitude of an effluent violation by taking the difference between the effluent and the measured value and dividing the effluent limit into this value, producing a percentage exceedance. A percentage exceedance of a pH limit is not very meaningful, since it does not reflect the logarithmic nature of pH values. (As an example, an effluent pH of 3, when the lower pH limit is 4, would be 25% below the limit; while an effluent pH of 9, when the upper pH limit is 8, would be 12.5% above the limit. Yet both violate the limit by the same number of Standard Units.) It would be

more appropriate to measure the exceedance in Standard Units, which would be consistent across the range of pH values. In addition, pH effluent limits are typically issued with both a minimum and maximum value, however ECHO does not show whether an upper or lower pH limit was violated.

5.A. For members of the regulated community: Were your facility reports accurate?

All the reviewers, across a variety of DOE facilities, stated that the ECHO reports for their facilities are not accurate. The reports are incomplete, and they contain errors. DOE facilities will provide facility-specific corrections to EPA through the online data correction process.

Two comments from DOE facilities reflect problems which may be more than site-specific.

- ECHO facility reports should reflect the effluent limits actually in effect. At one DOE facility, some measurements are flagged as violations when compared to the issued effluent limit. However, the effluent limit was appealed by the facility. While the appeal remains pending, the effluent limit is administratively stayed and the effluent limit reverts to the limit in place before the appealed limit was issued.
- One DOE facility is shown as being in violation for a RCRA inspection and associated Compliance Order despite the fact that the Compliance Order has been closed out with the regulatory agency. DOE urges EPA to ensure that the database is current, and that facilities are not reported in violation during subsequent quarters after the violation has been addressed.

ECHO does not provide a complete compliance record. For example, the database fails to note significant compliance information such as annual air and NPDES audits performed by a State regulatory agency for the EPA.

The database lists some large DOE sites under several listings (for different zip codes, different permits, different contractor names); these should be linked into a single listing.

5.B. For members of the regulated community: If you did need to submit an online error report, was the error reporting process easy to use?

DOE sites which reported errors in the past under the Sector Facility Indexing Project have had difficulty getting all the errors corrected. Reviewers did not report sufficient experience with the more recent ECHO online error reporting process to provide an assessment at this time.

Sites which have used the ECHO electronic error reporting process had several suggestions to improve its usability.

- While the process is (mechanically) easy to use, important information which would make it more user-friendly is not included in the instructions. Specifically, the process for designating that an old violation has been resolved is outlined in the FAQs instead of being included in the error reporting process instructions.
- Errors would be easier to report if the user could click on a record, click Report Error, and have a reference to the data be incorporated automatically into the email notification. Then the user would only need to describe the problem with the data – not try to reproduce and describe the specific data with the error.
- After reporting an error, one DOE site received an email follow-up request for information which they found difficult to understand, and difficult to know how to address. We suggest that if the error reporting system is going to request specific information from users, then it should give the user the ability to provide that information when the error report is created. The current error report form does ask for enough information to avoid common follow-up questions.