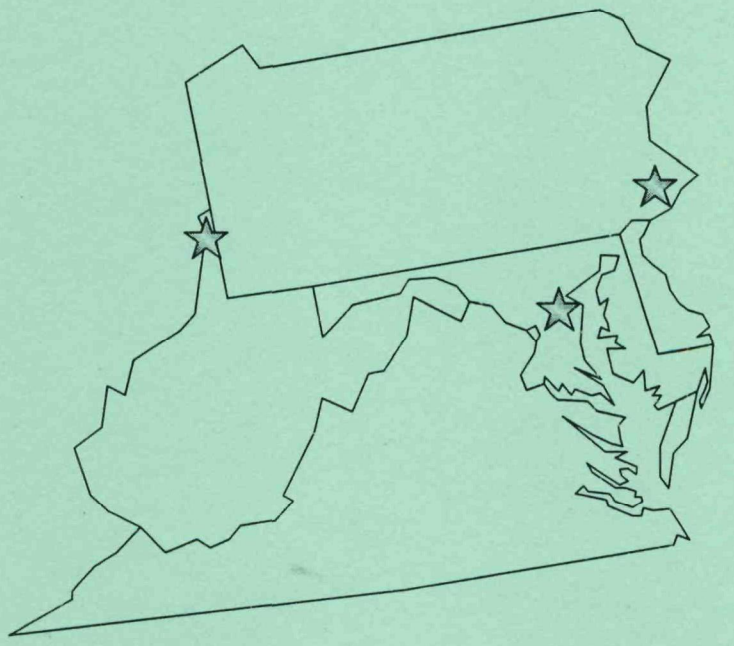
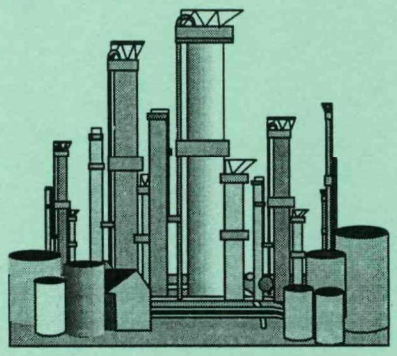
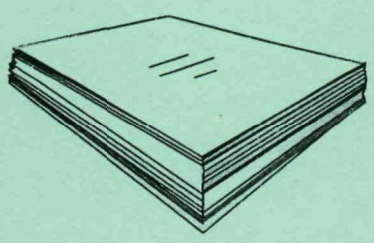
Fieldwork Operations and Needs In Region III







Strategic Planning and
Management Branch

March 2000

Fieldwork Operations

and Needs in

EPA, Region III

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Management Branch
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Highlights of the Fieldwork Findings

Region III Has No Vision for Fieldwork

- Region III has several competing visions of the purpose of fieldwork, each defined by the needs of a program.
- A new approach to inspections, focusing on process evaluations, is emerging and will have a significant impact on fieldwork needs. This new approach requires a different skill mix than traditional inspections.
- The States have taken the lead in enforcement and fieldwork. EPA provides a complementing or supporting role.

Region III Has No Central Planning for Fieldwork

- There is no centralized, Region-wide planning for fieldwork. Four different approaches to scheduling fieldwork are used by the programs.
- ESD has adopted a consolidated workplan with the programs to address past problems of scheduling fieldwork and sample analysis.
- The slow delivery of inspection lists to ESD makes it difficult for the inspectors plan and schedule fieldwork

Organizational and Physical Location of Field Staff May Change

- Most managers rely on their own staff to meet their fieldwork needs. About 150 program staff devote 75 FTE to fieldwork.
- ESD has 7 inspectors in Ft. Meade; 5 in Wheeling. 8 of the 12 inspectors will be eligible to retire by 2005.
- The ESD Inspectors are full-time field staff; program staff are not. None of the program field staff interviewed stated that they spent as much as half their time performing fieldwork.
- The ESD inspectors are the only EPA personnel in the Region who routinely take samples.
- Most program managers stated they were satisfied with the quality, quantity and timeliness of fieldwork they were receiving from ESD.

Communication and Feedback Are Reported to be Poor

- ESD inspectors feel the programs should provide more detailed objectives for inspections.
- ORC managers expressed concern that inspection reports and samples were "stale" when cases are prepared.
- Program staff, as the intermediaries between ESD and ORC, have a critical role in the communication issue.

Support for Fieldwork Varies Widely

- The ESD inspectors reported no issues with equipment or operational funds. Program staff had issues with operational funds.
- Most program field staff were unsure of programmatic training requirements for inspections. The ESD inspectors and APD Enforcement staff understood the requirements and had received the training.

Fieldwork Operations and Needs
in EPA, Region III

I. Introduction.

In August 1998, Region III's senior managers commissioned a comprehensive study of laboratory and fieldwork functions in the Region. The study was intended to determine what our needs are now and in the future for those functions to allow the Region to meet all agency programmatic requirements and Regional workload demands. The Region's deputy directors, who meet regularly as a team to propose solutions to resource issues and other management concerns, were asked to conduct the study. Robert Mitkus, Deputy Director of the Office of Communications and Government Relations (OCGR), was designated the lead deputy director for the study.

To facilitate work, the study was divided in two: one part for laboratory functions, the other for fieldwork. The study of laboratory functions was conducted on a Zero-Base Budget (ZBB) basis with staff support provided by the Strategic Planning and Management Branch (SPMB). Study findings were presented in March, 1999. Decisions based on the study's findings have been made and are being implemented in FY 2000.

The fieldwork portion of the study was developed and carried out by SPMB from May through December 1999. SPMB worked closely with Robert Mitkus, who was overall lead for both studies, and Elaine Wright, Deputy Director of the Air Protection Division (APD), who agreed to serve as co-lead for the fieldwork portion of the study. Each division also designated a senior staff person to serve as an advisor to the study.

The report presented here is the final report of the SPMB study of fieldwork. It is an interim phase of the whole effort, however, because senior management will make all final decisions using the analyses and materials provided here.

II. Methodology.

Fieldwork, particularly the performance and organizational location of staff who perform programmatic inspections of industrial facilities subject to EPA regulations, has been the subject of several previous studies in Region III dating back 20 years. Staff assigned to the present study have made a conscious effort to provide continuity with earlier studies. One tangible result is the definition of fieldwork in Table II-1 on page 2, which follows those used in the 1979 and 1986 studies.

Table II-1. Definition of "Fieldwork."

"Fieldwork" consists of activities performed out of the office for any type of fact-finding purpose, whether they include sample collection, other environmental data collection (e.g., ambient and special purpose monitoring), observations relative to facility operation and waste handling practices, identifying regulatory violations, overseeing site cleanup, or evidence gathering; etc. Fieldwork in this sense is generally carried out for four reasons: 1) to ensure that the Federal laws are complied with and to properly document instances where this is not the case; 2) to provide necessary oversight of the State's field-related policies, procedures and capabilities; 3) for cleanup of hazardous waste sites; and 4) to maintain a "presence" for the regulated community and to alert it that EPA is carrying out its regulatory responsibilities. Also included in "fieldwork" is the oversight of that portion of any contract which is let to perform field work.

Fieldwork includes all of the following EPA activities:

- *Statutory Inspections (e.g., RCRA, TSCA/FIFRA, UST);*
- *Compliance Inspections (all programs);*
- *Case Development (criminal and civil enforcement programs);*
- *Emergency Response (oil spills\EPCRA);*
- *Site Cleanup (CERCLA, RCRA);*
- *Ambient and Special Purpose Monitoring and Sampling (air and water programs);*
- *Environmental Assessments (NEPA); and*
- *Oversight of State Programs (all delegated programs).*

All activities conducted in the field are not considered fieldwork for purposes of this definition. In general, any field visit for the purpose of enabling a program person to better perform his/her job is not fieldwork. For example, site visits for permit writers to gain knowledge needed to write a good permit is not considered fieldwork. Visits so that a program person can become more familiar with a site in relation to an enforcement case or review of an environmental assessment are also not fieldwork. Some file reviews, such as those made to target inspections or for case development, are fieldwork. Others are not.

Coordination of the study was eased by the success of the collaboration between Robert Mitkus and the SPMB staff in the study of laboratory functions mentioned above. Work on preparations for the study began as soon as the results of the laboratory study were presented to senior management.

A workgroup was convened by Stanley L. Laskowski, Director, Environmental Services Division (ESD), and Samantha Fairchild, Director, Office of Enforcement, Compliance, and Environmental Justice (OECEJ) to discuss the scope of the study. SPMB prepared a project outline (Appendix A.) based on the meeting and further discussions with Robert Mitkus. Mr. Mitkus and SPMB briefed Deputy Regional Administrator Thomas Voltaggio on the approach. With Mr. Voltaggio's approval, Mr. Mitkus then presented the outline to senior managers.

The Goal of the study was:

- Define the program requirements under GPRA for "inspections" and insure the availability of competent and responsive "inspectors" to meet GPRA goals, Regional priorities and environmental emergencies.

The "Outcomes for Region III" were:

- Create and maintain a core of competent, ready, trained staff for field activities.

- Determine appropriate organizational locations and levels of inspector resources.

- Meet present and future GPRA requirements.

As mentioned in the Introduction, the Study Advisory Committee (Appendix B.), consisting of senior staff representatives from each division and office, was formed to provide a sounding board and source of information to SPMB during the study. The basic information-gathering device was to interview key managers in the programs who need fieldwork performed as part of their program operations; staff in ESD who specialize in fieldwork, and their managers; and program staff who perform fieldwork as a major portion of their jobs. Advisory committee members were key in identifying the staff who should be interviewed.

More than 70 Region III staff were interviewed in three different phases. In July and August of 1999, 40 managers who were identified by the advisory committee as those who used fieldwork in their programs were interviewed by SPMB staff. In September, 11 managers and staff from ESD who provide fieldwork and analytic support to other divisions were interviewed. Finally, in October, 23 Region III staff members from program divisions and offices who do fieldwork as part of their regular jobs were interviewed.

In the course of the study, SPMB staff also interviewed personnel involved in fieldwork in EPA Headquarters and the other nine Regions. ESD resources for fieldwork were analyzed

for the last eleven fiscal years (1989 through 1999) to identify trends and provide a link with the previous studies. Finally, study team members analyzed a customer service study of fieldwork prepared by ESD in 1999 and compared it with the findings of this study. No external parties in state and local government, or other federal agencies, were interviewed.

The study has been prepared to assist the Region's Senior Leadership as they make the basic decisions in the project outline. The major issues for management consideration that the study team discovered are presented in Section III. The study's findings, and a detailed analysis supporting the findings, are presented in Section IV. A summary of all data and information collected in the study is contained in Section V.

III. Issues for Management Resolution.

A. Introduction.

The study Outline included an overall goal for the study and a number of related products and outcomes. The purpose of the formal part of the study was to gather and present information to the Region's Senior Leadership Team that would allow them to make informed decisions and policies concerning the future needs of fieldwork in the Region.

The team's analysis of its data and findings, however, revealed that many of the key decisions involve choosing one of several alternatives. Therefore, key issues have been drafted to present the critical information in a way that the alternatives can be understood.

B. Key Issues.

1. Region III Has No Vision for Fieldwork.

Region III does not have a common "vision" or purpose for fieldwork. Instead, there are several competing visions, each defined by the fieldwork needs of a particular program. The absence of a common vision was important because one of the major outcomes of the study was to prepare the Region to meet "present and future GPRA requirements" for fieldwork. When the interviewees were asked about their future needs for fieldwork, some stated that the fieldwork needed in the future depended on the purpose of the fieldwork, which, in turn, depended on the objective, or "vision" for fieldwork. Further discussion revealed that, at the present, fieldwork needs define the vision, not the reverse.

There are three different approaches to fieldwork in the Region, each with a supporting vision. The problem is that the approaches compete with each other, instead of accommodating each other, and there is no existing agreement in the Region that allows them to coexist.

One approach is based on the assumption that the states are the primary enforcers of environmental regulations in Region III. In this view, inspections should be used to establish EPA's presence throughout the Region, not to develop enforcement actions. In this approach, inspections should be rotated on a schedule that will treat all industrial sectors; all programs; and all areas of the Region equally. Sources will come to understand that their primary regulators are state agencies, but that they are liable to random inspection by EPA regardless of their standing with the state. This should increase voluntary compliance, and, thus, attainment of standards, without significant expenditure of time in an adversarial process.

The second approach views inspections and inspectors as tools in a federal enforcement program. Facilities to be inspected should be selected from a list of known or suspected violators. Inspection results should be examined carefully to uncover all possible enforcement actions. The key variable is the mechanism used to select, or "target," the facilities to be inspected, since the actual techniques used by the inspectors are the same for each approach.

The third approach involves a new way of doing inspections. Historically, inspections were targeted based on source self-monitoring reports; state enforcement actions; citizen complaints; and past federal enforcement actions. In recent years, a new approach has been developed. It started with a national initiative to focus on key industrial sectors. In Region III, it has been refined into an approach that looks at the source as a whole to discover changes in operations that violate EPA permitting or regulatory requirements. Changes could be in processes or in the volume of fuel or raw material used. This approach has been implemented by the Stationary Source Enforcement Program in APD. It has been used to evaluate individual facilities and industrial sectors. Both the RCRA Enforcement Program in the Waste and Chemicals Management Division (WCMD) and the NPDES Permit Enforcement Program in the Water Protection Division (WPD) indicated that they plan to adopt the program during the next five years. All three programs emphasized regulating industrial facilities.

If the change from traditional inspections to process-based inspections occurs as predicted, all three programs also predict that the switch will result in a decrease in the number of inspections being performed in the Region; an increase in the resources needed for inspections; and a change in the skill mix needed for inspections. This is because the new type of inspection is resource intensive, compared to the traditional approach, and relies more heavily on engineers and scientists, instead of environmental technicians.

Two other programs that foresaw specific fieldwork changes over the next five years, defined their needs in traditional terms. The Total Maximum Daily Load (TMDL) program is facing a court-ordered deadline to prepare several hundred new standards by the end of 2004. The demand for ambient water quality data from the streams subject to the order exceeds the ability of the states and EPA in monitoring. The Safe Drinking Water Program will be responsible for direct implementation of eleven new drinking water regulations while the

states go through the delegation process. The program will need to do traditional inspections and take samples at facilities during that period which will last for several years.

2. Region III Has No Central Planning for Fieldwork.

At present, there is no Region-wide, centralized planning for fieldwork and no identifiable GPRA requirements for fieldwork. The lack of GPRA requirements for fieldwork is similar to the finding in the laboratory portion of the study. It reflects EPA's policy of preparing agency-wide planning and budget documents in general terms that make it impossible to identify activity at the Regional, State, or Tribal levels.

There is also no preferred, or common, approach to fieldwork planning on a program-by-program basis. Instead, four different approaches are used. Some programs include fieldwork commitments in the Memoranda of Agreement (MOAs) they negotiate with Headquarters. Some negotiate annual workplans with ESD. A third approach is to schedule fieldwork only on demand, or on an "as needed" basis. Finally, some programs schedule fieldwork with the states. The lack of a common approach may reflect the absence of a discussion of fieldwork in the agency's GPRA planning documents.

The lack of emphasis on planning was also reflected in the managers response to a question about their present fieldwork needs. They responded in terms of resources they have available for fieldwork, not the numbers of inspections they would like to have performed. When asked about changes over the next three-to-five years, they generally said fieldwork would remain the same, or increase slightly. Some specific changes were cited. One was the need for more experts to conduct process-based inspections. Another was that process-based inspections would reduce the number of inspections, but increase the time spent on inspections. A third was a need for more ambient monitoring data to support special initiatives such as the development of TMDLs. Increased inspections and sampling will also be needed for direct implementation of programs such as the 11 new drinking water regulations that Region III will have to implement until the states complete the delegation process.

The only existing planning effort that could be adopted as a vehicle for centralized planning for fieldwork at the Regional level is the Region's MOA with the Office of Enforcement and Compliance Assurance (OECA) for Goal 9. Most fieldwork is part of EPA's enforcement and compliance program and most fieldwork resources are allocated through Goal 9.

ESD has been working to improve the scheduling of fieldwork by developing better workplans with Regional programs. Until recently, programs had to enter two agreements with ESD for fieldwork. One with the Office of Environmental Programs (OEP) for inspections and one with the Office of Analytical Services and Quality Assurance (OASQA) for the analysis of samples. This resulted in situations in which samples arrived unexpectedly at the OASQA and could not be analyzed on schedule.

Starting in FY'99, OEP has been negotiating one ESD-wide workplan with each Regional program and then working with OASQA on scheduling samples and analyses. The new system has worked well internally in ESD. However, there are still problems. From ESD's point of view, the issue is inadequate advanced planning by the programs. Lists of facilities to be inspected are delivered late; addresses are out of date; basic information on the scope and purpose of the inspection is missing; sometimes, there is no notification that a sample is required; and OASQA is not given enough lead time to prepare to analyze samples. Program issues with ESD are late delivery of inspection reports and inadequate analytic capacity at OASQA which results in late delivery of sample analyses.

3. Organizational and Physical Location of Field Staff May Change.

Another outcome of the study was to determine the appropriate level of field staff needed by the Region and to determine the organizational location of field staff. Currently, the Region's organization is split into two very different patterns, both in the duties of field staff and their location in the Region. Most staff doing fieldwork, about 150 EPA staff who devote a total of 75 FTE to fieldwork and 11 SEEs who are full-time field staff, are employed by programs in Philadelphia. All of the program staff in Philadelphia have non-fieldwork duties as well as field responsibilities. Twelve inspectors are full-time field staff and work for ESD. Seven of those inspectors are assigned to Fort Meade, MD. The other five are located in the Wheeling, WV field office. There are also two full-time air program case developers who are former ESD inspectors who are housed in the Wheeling field office.

Organizational location of inspectors should have no bearing on an inspector's ability to conduct the traditional inspections discussed in the first issue. The targeting question also concerns the way traditional inspections are scheduled, not the way they are conducted.

The new approach to evaluating and investigating process changes at facilities requires different skills than those used for traditional inspections, according to the program managers who are using the new system. Specifically, there will be a need for more engineers and scientists. More of the work will be done in the office and less on site at facilities. These changes in skill mix and the setting for work are additional factors to consider in deciding whether to locate fieldwork personnel in program offices or traditional field units.

The issue is complicated by an anticipated change in the composition of ESD's inspector corps. Currently, four of the twelve ESD inspectors are eligible for retirement. By 2005, eight of the twelve will be eligible for retirement. The other four will be eligible to retire by 2010. The ESD managers and inspectors all pointed out that the implications of a potential 100% turnover in the inspector staff need to be considered carefully.

If the retirements occur, the change in field personnel would give Regional management a unique opportunity to consider:

- whether to continue to have a specialized corps of inspectors who are devoted to fieldwork on a full-time basis;

- whether inspectors should continue to be located in the Wheeling and Ft. Meade field offices; and

- whether ESD is the proper organization to house and manage the inspectors.

If Regional management decides to continue to have specialized inspectors, then management will also have to decide how to recruit and train inspectors during the transition. The ESD inspectors would like to participate in a transition program, but they feel that the best way to do that would be for the Region to hire new inspectors on a phased basis, so that training can go on before the retirements begin. The ESD inspectors feel that the benefits of having staff who specialize in inspections outweigh any negatives in terms of organizational and physical distance from program managers. Both ESD inspectors and program field staff noted that there were benefits to joint inspections where ESD inspectors accompanied program field staff on visits to facilities.

If Regional management decides not to continue to have specialized inspectors, one area of fieldwork that will require change is in sample-taking during inspections. At the present, the ESD inspectors take almost all samples at facilities. Fieldwork staff in three programs said that they had taken samples during FY'99, but two had only taken one sample each and the third had taken four. The CERCLA Removal and RCRA Enforcement programs said that they also use contractors to take samples. Several attorneys said that when enforcement cases go to trial in federal court, the Department of Justice will not introduce samples as evidence unless they have been taken and analyzed by EPA employees.

Another concern about sampling is the storage of equipment used to take samples. This ranges from chemicals used in sampling to heavy equipment such as cylinders of compressed gases and boats used in the field. Additional space will have to be leased, or current leases modified, to meet the special needs of the inspectors.

4. Communication and Feedback Are Reported to Be Poor.

Poor communication and lack of feedback were raised as significant problems by enforcement attorneys and ESD inspectors. The problem seems to reflect the fact that the ESD inspectors and the attorneys communicate with each other through the program offices. However, some program field staff also had communication problems. There are several aspects to this issue.

First, ESD inspectors said that they rarely get any feedback. They do not know if the inspection met the expectations of the program, or if a significant compliance action resulted. Part of this is due to the physical separation of program field staff in Philadelphia and ESD inspectors in Ft. Meade and Wheeling. There is little opportunity to meet and share information. On the other hand, some ESD inspectors feel that their location in the field, away from Philadelphia, has a benefit in that they can travel easily to sites that are a day's travel each way from Philadelphia. They also feel that they are perceived as "locals" by many of the workers they deal with, since they are not located in Philadelphia.

Second, poor communication also results in bad inspections. The ESD inspectors feel that they can conduct any type of inspection that is required, provided that they are properly briefed by the program. However, they say that the programs frequently do not provide complete information about the facilities to be inspected. The result is incomplete fieldwork. Both ESD and program staff reported that inspections were more thorough when ESD inspectors accompanied program staff on an inspection.

Third, some attorneys reported that they have problems with physical evidence in some enforcement cases. By the time an attorney is preparing a case for court, the physical evidence from the inspection is frequently considered out of date, or "stale," but inspectors are reluctant to reinspect a source on short notice. In most instances, the evidence of a violation resulted from a carefully planned inspection that included advance notice to the facility so that the permitted operation could be observed. Without sufficient advance notice and preparation, inspectors feel that violations may not be able to be documented.

Finally, staff in several programs reported that they received only negative feedback from attorneys. This included complaints that reports were late, or inadequate, that samples were missing, or stale, etc.

5. <u>Support for Fieldwork Varies Widely</u>.

There is a measurable difference between the level of support that exists for ESD inspectors and that for program staff who do fieldwork. ESD inspectors reported no issues or problems with travel money or equipment. On the other hand, program staff said that lack of travel money was a significant issue and some had limited operational funds. Part of the problem may reflect FY'99 budget issues.

Field staff in program offices are also not aware of all training requirements for fieldwork. There is confusion over whether all staff who need training have received it.

During the course of the interviews of programmatic field staff, several persons stated that they had not received any formal training, other than safety training, before going into the field. The study team contacted OECA staff in Headquarters and learned that all training requirements for fieldwork, including health and safety training, are contained in EPA Order

3500.1. The Order distinguishes between health and safety training; basic inspector training; and program-specific training. It requires all three kinds of training for all field staff before they are allowed to conduct inspections on their own and also requires that first level supervisors of field staff take the same training.

ESD inspectors were aware of the requirements of the Order and were current in their training. The only program staff interviewed who were familiar with the Order and said that they met all relevant requirements were those in APD.

Both program managers and program staff expressed concern that the recent retirement of the person who had been tracking the safety training status of field staff may result in some staff missing the annual refresher training in safety. The safety officer in the Office of Policy and Management has assumed this function and is taking steps to make sure that safety training is up to schedule for all field staff.

If Regional management keeps a significant part of its fieldwork effort in the programs, it will have to address the issue of guaranteeing support for field staff. It appears to be a matter of allocating resources and of coordinating activity to make sure that equipment is available and that training courses are taken. The issue of storing chemicals, gas cylinders, and other supplies used in inspections, for field staff who are not located in Wheeling or Ft. Meade must also be addressed.

IV. Findings and Analysis.

The study team considered a broad range of information. More than 70 Regional employees were interviewed, along with OECA managers in Headquarters and fieldwork contacts in other regions. Region III fieldwork studies dating from 1978 through a 1999 ESD study of customer satisfaction with inspections were reviewed. An analysis was made of ESD FTE allocations over the past eleven years. Several national publications, including EPA Order 3500.1 on training, were analyzed. A summary of these efforts, outlining the entire study, follows as Section V. The purpose of this Section is to present the findings and analysis that led to the issues listed above. The material in this Section is organized to parallel the topics in Section III.

A. Region III Has No Vision for Fieldwork.

1. Key Findings.

A.1 One barrier to cooperation on fieldwork is that there is no common agreement on the objective of fieldwork or the purpose of inspections. Some see inspections as a means to uncover violations and support high enforcement numbers. In this approach, inspections should be targeted to facilities that have a known history of non-compliance. The

contrasting point of view is that inspections should support compliance in general by making EPA's presence known throughout the Region.

A.2 The new, process-based, approach to screening facilities which has emerged in recent years may impact fieldwork in several ways, including changing the skill mix needed for inspections, the number of inspections performed, and the time spent on each inspection. Historically, facilities were targeted based on source self-monitoring reports; state enforcement actions; citizen complaints; and past federal enforcement actions. In recent years, a new approach has been developed. It started with a national initiative to focus on key industrial sectors. In Region III, it has been refined into an approach that looks at source records to determine changes in processes or in the volume of fuel or raw material used to find plants or sectors that have violated EPA permitting requirements or applicable emission regulations without violating emission rates. In the next five years, many Regional managers want to expand on the process-based investigation as the favored approach to fieldwork versus the traditional inspection. ESD managers agreed that there was merit to this approach.

A.3 The role of the states and state inspectors has changed over time. ESD and OECA managers feel that the state inspectors are now the experts and that EPA's field resources supplement them. EPA fieldwork should be used as a tool for state oversight, or to maintain a federal presence, with two exceptions. EPA should always be prepared to step in at a state's request, or if there are allegations that a state is ignoring a non-complying source.

2. Analysis.

There is a great deal of misinformation and confusion concerning this issue. Most managers understood their point of view and defended it, but few had a clear understanding of the other side. ESD managers felt that the new approach to inspections, which are more properly considered evaluations, or investigations, had merit. However, ESD would have to take a very different approach to fieldwork to support this effort.

The problem of not having a clear vision for fieldwork was raised by some of the ESD interviewees. One said that since the Region has not clearly defined whether or not inspections are conducted to find violations, maintain a federal presence, etc., fieldwork could not be scheduled and prioritized properly. Several inspectors could not identify common Regional objectives to inspections.

A philosophical factor is whether enforcement cases lead to compliance with regulations and attainment of standards faster than a compliance-oriented approach. Some feel that the adversarial relationship of a court case delays compliance.

Both the RCRA Enforcement and Air Enforcement program managers who were interviewed felt that the change to process-oriented inspections would increase their workload. (Air currently does the new style inspections, RCRA plans to adopt them in the future.) They

expect that the number of field inspections will decrease, but the amount of time required to conduct them will increase compared to FY'99. A new skill mix will also be required for process inspections. Existing staff will require new training. If and when new staff is hired, the skill mix is expected to change.

There are two key factors to consider. One is that, in the opinion of ESD and OECA managers, the states have a much better program than ever before. States are the dominant force in the field. EPA inspections are secondary. The states emerged as leaders about ten years ago, but EPA managers have been slow to recognize the change. The other factor is that the process oriented evaluation of sources requires much less fieldwork than previous enforcement initiatives. The focus is on violation of permitting requirements such as New Source Performance Standards, not on violation of emission limits or control equipment failures.

B. Region III Has No Central Planning for Fieldwork.

1. Key Findings.

B.1 There is no common approach to fieldwork planning in Region III. Some programs have fieldwork requirements included in the annual MOAs that they negotiate with Headquarters. Others plan fieldwork at the regional level, either internally in the Regional Office, or with the States. Finally, some programs do not plan fieldwork at all, but undertake it on an "as needed" basis.

B.2 ESD is taking steps to revise its scheduling of fieldwork. There were some problems cited with the ESD workplan process that has traditionally taken place. Until recently, ESD required two workplans for each program: one for inspections and one for analytic support. The new management team in ESD has instituted a "one-stop shopping" approach with one workplan, covering all ESD support to each program, being negotiated. Both ESD and the program managers reported that the new approach works much better than the old, although some program managers felt that more time was needed to make sure that the system really works.

B.3 In spite of ESD's new approach, some problems remain, especially the slow delivery of inspection lists to ESD. In FY'99, according to ESD managers, no program submitted their list until after the end of the first quarter. The last list (for RCRA inspections) was received in April. This has the result of making smooth scheduling and delivery of reports impossible. In one instance, 24 of 40 RCRA inspection reports were delivered on one day, instead of 10 each quarter. The program cited this as an instance of poor service by ESD, while ESD inspectors and managers cited this as an instance when the program's delay meant that ESD could not schedule work properly during the good weather. ESD inspectors also said that the inspection lists were not always complete, because special requests, such as sampling, were not always included in the information received from the programs and because, in some cases, the facility addresses were inadequate or out of date.

B.4 Headquarters has also been slow in providing targets for TSCA inspections which are performed by program staff. In FY'99, the list for inspections of PCB sources did not arrive until the end of the third quarter.

B.5 There are some issues with the way enforcement resources are allocated to the Region from Headquarters. Enforcement resources that used to be allocated through the program offices in Headquarters are now pooled and allocated by OECA. There is no longer any programmatic label to the resources, so the Regions are free to reallocate them as they see fit. This approach can cause problems. For example, when the CID staff assigned to the Region asked OECA for resources for analytic support, they were told that any resources available in Region III to allocate to the regional lab for sample analysis were included in the overall OECA allocation and should be part of the Region's annual internal resource allocation process. Since CID is part of Headquarters, this sends a very confusing message.

B.6 The Region's Enforcement MOA with OECA appears to be a ready-made vehicle for comprehensive fieldwork planning. In spite of the fact that there are some problems concerning the OECA MOA, it is the most comprehensive planning document for enforcement in the Region. Since most fieldwork supports enforcement and compliance activities, the MOA could be used as a vehicle for centralized fieldwork planning.

2. Analysis.

Planning is key to the study's mandate to determine the Region's fieldwork requirements under the Government Performance and Results Act (GPRA) and to make sure that future GPRA needs are met. Unfortunately, fieldwork represents activity at a level of detail that is frequently not included in national plans or Headquarters program guidance.

For example, the agency's Strategic Plan and Annual Performance Plan are both written to avoid making specific commitments by Regions, States, or tribes identifiable. Therefore, there are no official GPRA requirements for fieldwork. Some programs put inspection commitments in their MOAs, but, as was the case in the laboratory portion of the study, there is no overall list of requirements for the Region or for States implementing delegated programs in the Region.

The issues involving ESD workplans with the programs seem to be solving themselves. ESD management has made a conscious effort to improve service. The issues involving the lists of facilities to be inspected should be able to be solved through the relevant managers.

A more fundamental matter for management consideration is to decide if the Region needs to undertake centralized planning for fieldwork, or if using four separate approaches works just as well. The OECA MOA was mentioned as a possible vehicle for centralized planning. It is a possible vehicle, but not an ideal one, since fieldwork can appear in

any Headquarters MOA. This makes it difficult to use the OECA MOA as a vehicle for comprehensive fieldwork planning. However, the analysis of ESD resources in the study showed that the inspector resources came from enforcement (Goal 9). Therefore, it is the only MOA that could be used. It would have to be adapted to account for fieldwork resources that are allocated through Goals 1 and 2.

The study asked program managers to discuss present and future fieldwork needs. Based on the interviews, current needs are being met for the most part. Demand was expressed in FTE, or staff needs, not in numbers of inspections or number of sources to be inspected. Future needs were not always stated clearly.

The future needs that were clearly stated were in WPD. There is a need for more ambient monitoring and sampling in water to support writing of TMDLs to meet a court-ordered deadline (this would involve Goal 2 resources). There is also a need for field staff to support the direct implementation of 11 new Drinking Water regulations while the states are going through the delegation process (both Goals 2 and 9).

Other programs expressed uncertainty or complexity about future needs. For example, RCRA Enforcement and Stationary Source Enforcement (Air) noted that the change to process-oriented inspections is expected to result in fewer inspections but also in more resources being devoted to inspections.

Predictions about the future of the asbestos program were contradictory. Office of Regional Counsel (ORC) managers were told to expect more complex asbestos cases in the future. CID was told that asbestos cases would be dropped in favor of more complex cases in other media in the future. Program managers in WCMD had been told that big changes were coming in asbestos and concluded that this might mean that disinvestments were coming.

C. Organizational and Physical Location of Field Staff May Change.

1. Key Findings.

C.1 There is a significant difference in the total number of staff devoted to fieldwork. ESD has 12 persons devoted full-time to fieldwork. Seven are at Fort Meade, MD, and five at Wheeling, WV. Virtually all of their effort is devoted to inspections of industrial facilities. In spite of the existence of these units which specialize in fieldwork, most Regional managers, including those in ESD, who direct programs that require fieldwork, tend to rely on their own staff to do the fieldwork. Based on the interviews of managers, about 150 EPA staff devote a total of 75 EPA FTE to fieldwork. They are assisted by 11 SEE employees. Of that total, 10.75 EPA FTE are located in ESD in programs such as Wetlands and Estuaries.

C.2 Region III's ESD inspectors are full-time field staff. When they are not in the field, they are preparing for inspections, writing reports of past fieldwork, or taking

training courses to improve their expertise. By contrast, 12 of the 23 program inspectors interviewed said that fieldwork occupied no more than 15% of their time; nine said 15% to 30%; and only two said 30% to 45%. None felt that they spent more than half of their time in the field.

C.3 The ESD inspector corps has a unique position and role in the Region. The ESD inspectors have been working together as a group for 15 years with no new inspectors being hired. An issue raised by several interviewees is that four of the 12 are currently eligible for retirement and the others will be eligible in the next five to ten years. Eight of the twelve will be eligible for retirement by 2005 and the other four will be eligible by 2010. A great deal of expertise and institutional memory will be lost unless a strategy is developed to hire and train new inspectors while the existing ones are available to train them. On the other hand, if the retirements occur as predicted, the Region will have a unique opportunity to redefine fieldwork roles.

C.4 The ESD inspectors are the only EPA field personnel in the Region who routinely take samples during inspections. The issue of who will take samples if the ESD inspectors retire was considered particularly important, because many enforcement cases rely on samples being taken and analyzed by federal employees. Only a few program field staff reported that they took samples during FY'99. Two programs reported that they use contractors to take samples. Enforcement attorneys said that the Department of Justice wanted all samples used in court to be taken and analyzed by federal employees.

C.5 If another EPA organization takes the responsibility for sampling, it will also have to make arrangements to house the items used for sampling. Provisions will have to be made for the storage of chemicals and large items of equipment, boats and gas cylinders. There are also safety and security aspects to the storage question.

C.6 Most program managers reported that they were satisfied with the quality, quantity, and timeliness of the fieldwork that they received from ESD. There was a concern expressed by the CERCLA Removal program that the OASQA was not always able to accept a request to analyze a sample or that it did not always return reports as soon as they were needed. This is viewed as a resource issue by the lab director. When the lab is operating at capacity, it must use the contract lab program to analyze samples. This adds about a week to the turnaround time for a sample. Recent changes in the way EPA accounts for staff time and charges FTE to accounts have reduced the lab's ability to accept samples from some programs. There was an issue with RCRA Enforcement concerning the delivery of reports. This was discussed in the planning section, above.

2. Analysis.

The most revealing findings to the study team are that ESD's inspectors are but a small part of the total resources the Region devotes to fieldwork and that there are no significant complaints about the quality, quantity and timeliness of the fieldwork done by ESD's inspectors.

The projected turnover in ESD's inspector corps is also very significant. The actual organizational and physical location may not be significant.

The analysis of ESD resources made by the study team showed that, in the 1990's, ESD field resources were cut more sharply than other resources in the same Program Elements. Since the Program Elements were shared with program divisions and funded compliance and enforcement activity in general, it is impossible to determine whether ESD was made to bear an unfairly large part of the burden.

The potential retirement of ESD's inspectors was a point that they raised themselves. They feel that they have an expertise and understanding that will be lost unless they can help to train their replacements. The questions of whether the replacements work for ESD or the program divisions, or whether they are located in the field offices or in Philadelphia are not as important as the transfer of expertise.

All of those interviewed who expressed an opinion felt that the number of process-oriented inspections would increase during the next five years. WPD and ESD have discussed training ESD inspectors to do process inspections. ESD managers felt that the change from traditional inspections to process-based inspections would be good for the program.

On the other hand, the general feeling from the program managers was that the demand for traditional inspections would not decrease in the near future. This is a point in favor of keeping a core staff of full-time inspectors who can specialize in traditional fieldwork and follow changes in techniques, equipment, etc., regardless of where such a unit is located. However, there are not enough resources for ESD to maintain the current level of traditional inspections and shift inspectors to process-based inspections. Some accommodation will have to be made.

Part of the specialist role currently assigned to ESD is that of taking samples in the field as part of inspections. Most program staff interviewed do not take samples. Some take samples on occasion, but rely on ESD for the most part. Two programs (Superfund and RCRA) currently use contractors to take some of their samples. ORC managers mentioned that legal issues were often raised when samples were taken and analyzed by non-EPA staff. Frequently, such samples can not be admitted as evidence in federal court trials.

D. Communication and Feedback Are Reported to Be Poor.

1. Key Findings.

D.1 Communications and feedback are considered poor by field staff, especially those in ESD. The ESD inspectors feel that programs should provide more detailed information about the objectives of inspections when they are scheduled. This is especially true

if samples need to be collected or special equipment is required. Once the inspectors are in the field, it is too late to find out that a sample should have been taken or special equipment used.

D.2 There is a need for program managers and ORC to provide feedback to ESD inspectors in a timely manner, so they feel they are a part of a team and so they know what does and does not work in terms of the techniques they are using. ORC managers expressed a concern that fieldwork (inspection reports and samples) was "stale" when cases were prepared. ESD field staff felt that they never had an adequate sense of the priorities involved in inspections. The only program issue concerning communication was that of the late delivery of inspection reports from ESD which was discussed in the section on planning.

D.3 There is also a general feeling among program field staff that the feedback that is provided is negative and counterproductive from the field staff's point of view. Additionally, the wrong person may be given the feedback, so that changes are never made.

2. Analysis.

The critical role in the communications issue is that of the program staff who rely on ESD for fieldwork. Both inspectors and attorneys complained that communications were poor. Some of the issues, such as "stale" samples and no feedback on the utility of the inspections, clearly need better communication between the program staff, who are in the middle, and the attorneys and inspectors. In other cases, more direct interaction between attorneys and inspectors may be needed.

The ORC issue of "stale" samples is complex. According to field staff in ESD and the programs, it is very hard to duplicate the conditions under which a sample was taken. Therefore, field staff prefer not to retake samples to support an enforcement action for fear that the violation will not appear a second time.

The question of programs providing complete information on scheduled inspections was also discussed in the section on Planning, above. However, it is clear that the ESD inspectors feel that they are kept in the dark about the purpose of inspections and the equipment they will need in the field. ESD inspectors and managers stressed that they need to schedule fieldwork well in advance and that a late request, or the failure to specify that a sample will be needed, cannot be made up once the inspectors have gone into the field.

E. Support for Fieldwork Varies Widely.

1. Key Findings.

E.1 There are resource issues concerning support for field personnel. ESD inspectors raised no concerns involving equipment needs or operational funds, but field staff in several programs noted that travel dollars were inadequate and that operational funds

were limited in FY'99. If the ESD inspector functions were "reinvented" and transferred to other organizations, there would also be a question of how to handle the equipment currently held by the ESD inspectors.

E.2 Inspectors in several organizations said that they did not have sufficient training to do their jobs well. The actual degree of the problem varied greatly. EPA Order 3500.1, promulgated in 1988, sets training requirements for field personnel. Virtually all staff doing fieldwork have taken the 40 Hour Safety Training course which is part of the 3500.1 requirement. Again, almost all inspectors have received the basic training in how to do an inspection which is mandated by the Order. All ESD inspectors have received the basic programmatic training for each type of inspection that they perform for program offices. However, only the APD field staff among the program staff interviewed reported that they had met the program training requirements of 3500.1. Some program staff had started the training, but had learned their jobs through observation. In some programs, no formal training curricula have been established. The absence of training curricula is a national issue; only ten of 17 EPA programs have established formal 3500.1 protocols, although all were required to. A revision to 3500.1 is currently being prepared. It will tighten the requirement and set a mandatory requirement for all programs.

E.3 The role of Regional managers in fieldwork training is not clearly understood. Regional managers who supervise staff who do formal fieldwork under 3500.1 are responsible for making sure that their staff has been trained under 3500.1. First-line supervisors of persons doing fieldwork are also required to take the relevant training for their program. No formal count of how many first-line supervisors have taken the training was done as part of the study, but there was confusion and little awareness among the interviewees on these points. The issue of training needs to be emphasized. In particular, all affected staff need to be made aware of the relevant requirements that pertain to them.

E.4 The staff who reported that they had received the required training, those in ESD and APD, had their own issues with training. Specifically, both said that advanced programmatic training was lacking and ESD said that they had had trouble getting an adequate explanation of new regulations. On several occasions, a Region III staff expert in RCRA who sits on national regulation-writing work groups has been able to brief ESD inspectors on new RCRA regulations that he has helped draft. However, this person does not sit on all work groups.

2. Analysis.

The issue of providing adequate support for field staff in program offices should be a significant factor in management's consideration of the future organization of fieldwork. The ESD inspectors have the advantage of being in one unit. Equipment, travel and training needs can be managed for the group as a whole and support the primary mission of the group.

Program staff who do fieldwork as part of a larger job, do not have the advantage of having a specialized organization providing for them.

If the Region decides to eliminate a centralized corps of inspectors, there will be no group or person specializing in inspections. Based on the experiences of the program inspectors, there would still be a need for a coordination function or focal point for fieldwork. There would also be a need to consider how to handle the logistics and equipment associated with inspections. The field staff in Wheeling and Fort Meade have equipment ranging from cameras and sampling kits on up to boats and cylinders of compressed gases that have special storage needs.

Many of the training problems appear to represent national issues that arose in the early 1990's and that are being corrected by the revision to EPA Order 3500.1. A national workgroup has been preparing the revision. Region III has a representative on the group.

The current draft of the revised Order proposes a requirement that each RA and AA designate a staff member who would maintain a list of all field staff in their organization and track the training status of each to make sure that only qualified staff go into the field.

V. Summary of Information Sources.

A. Introduction.

Section V. includes a summary of all data collected for the study. It begins with the results of the interviews of the program managers who rely on fieldwork to fulfill their program commitments. The subsections that follow summarize the interviews of ESD managers and ESD inspectors; program field staff; staff from other Regions; and OECA managers in Headquarters.

The study team also reviewed ESD resource allocations, and ESD internal study and EPA Order 3500.1, TRAINING AND DEVELOPMENT FOR COMPLIANCE INSPECTORS/ FIELD INVESTIGATORS. Summaries of those analyses are also included.

Throughout this report, a common list of programs is used. It was developed by the study team in consultation with the Advisory Committee. The study team also reviewed the Program Manager interviews and the Region's functional statements to make sure that the list was comprehensive. The final list appears at the top of page 20.

Programs with Potential Fieldwork Needs:

WCMD Lead:
RCRA Corrective Actions
RCRA Enforcement (Hazardous Waste)
UST/LUST
RCRA Municipal Waste
EPCRA Enforcement
FIFRA
Asbestos (TSCA, AHERA, NESHAPS)
TSCA (PCB, Lead)

APD Lead:
CAA Enforcement (Titles I, III, IV, V, and VI)
Air Planning
Air Monitoring
Air Modeling
Radiation

WPD Lead:
NPDES Enforcement
SDWA Enforcement
Water Quality (Standards, Planning)
NPDES Permit Issuance
Non-Point Source (NPS) Pollution/CZARA
Total Maximum Daily Load (TMDL)
Ground Water Protection
Construction Grants and State Revolving Fund (SRF)

ESD Lead:
Ocean Monitoring
Water Monitoring - Streams, Lakes, Rivers
Wetlands
NEPA Compliance
Estuaries

OECEJ Lead:
Multi-Media Enforcement

HSCD Lead:
Oil Spill
EPCRA
CERCLA (Removal)
CERCLA (Remedial)

CID Lead:
Criminal Enforcement

B. Program Manager Interviews.

All program managers who were identified by the Advisory Committee as needing fieldwork were interviewed. The managers interviewed (40 in all) and the complete questionnaire are listed in the Appendices. The analysis of the interview results is organized according to the questions asked.

1. Types of Fieldwork Needed.

Program managers were asked two questions; one, define the fieldwork needs of each program and, two, identify the types of fieldwork needed at the present (i.e., FY'99). The results are contained in Table V-1. The responses are organized according to the activity types identified in the definition of fieldwork used for this study.

The table contains no entries for RCRA Municipal Waste, Air Modeling, Water Quality (Standards & Planning), NPS Pollution/CZARA, Ground Water Protection, Construction Grants SRF, and CERCLA (Remedial). For those programs, the program managers did not identify any type of fieldwork activity during the interview. The types of fieldwork activity are listed below along with the abbreviations used in the tables that follow:

1) Statutory Inspections (StatInsp)
2) Compliance Inspections (ComInsp)
3) Case Development (CaseDev)
4) Emergency Response (EmerRes)
5) Site Cleanups (SiteClnp)
6) Monitoring/Ambient Sampling (MonSmpl)
7) Environmental Assessments (EnvAsst)
8) State Oversight (StatOver)

Table V-1 lists the types of fieldwork needed across the top of each column, and the programs along the left hand side of each row. Using RCRA Corrective Action as an example, the types of fieldwork activities needed are: Compliance Inspections, Case Development, Site Cleanups, Monitoring/Ambient Sampling, Environmental Assessment, and State Oversight.

In addition to identifying fieldwork needs, the program managers were asked to identify the purpose of the fieldwork. The six choices for purpose were Monitoring, Quality Assurance, State Oversight, Compliance with Permit, Case Development, and Site Assessment or Cleanup. The results are contained in Table V-2. For each program, more than one fieldwork need can be attributed to a particular purpose of fieldwork.

Table V-1. Types of Fieldwork Needed.

PROGRAM	StatInsp	ComInsp	CaseDev	EmerRes	SiteClnp	MonSmpl	EnvAsst	StatOver
RCRA Corrective Action		✔	✔		✔	✔	✔	✔
RCRA Enforcement (Hazardous Waste)	✔	✔	✔			✔		✔
UST/LUST		✔	✔					✔
RCRA Municipal Waste								
EPCRA Enforcement	✔	✔	✔					
FIFRA	✔	✔				✔		✔
Asbestos (TSCA, AHERA, NESHAPS)	✔	✔	✔	✔				✔
TSCA (PCB, Lead)	✔	✔	✔			✔		✔
CAA Enforcement (Titles I, III, IV, V & VI)	✔	✔	✔	✔		✔		✔
Air Planning		✔				✔	✔	✔
Air Monitoring			✔	✔		✔	✔	✔
Air Modeling								
Radiation				✔	✔	✔		
NPDES Enforcement	✔	✔	✔			✔	✔	✔
SDWA Enforcement	✔	✔	✔	✔	✔	✔	✔	
Water Quality (Standards & Planning)								
NPDES Permit Issuance								✔

StatInsp = Statutory Inspections
ComInsp = Compliance Inspections
CaseDev = Case Development
EmerRes = Emergency Response
SiteClnp = Site Cleanup
MonSmpl = Monitoring and Sampling
EnvAsst = Env. Assessment
StatOver = State Oversight

Table V-1. Types of Fieldwork Needed, continued.

PROGRAM	StatInsp	ComInsp	CaseDev	EmerRes	SiteClnp	MonSmpl	EnvAsst	StatOver
Non-Point Source (NPS) Pollution/CZARA								
Total Maximum Daily Load (TMDL)						✔		
Ground Water Protection								
Construction Grants and SRF								
Ocean Monitoring			✔	✔		✔	✔	
Water Monitoring - Streams, Lakes, Rivers			✔	✔		✔	✔	✔
Wetlands		✔						
NEPA Compliance						✔	✔	
Estuaries						✔		
Multi-Media Enforcement	✔	✔	✔				✔	✔
Oil Spill	✔			✔				
EPCRA	✔	✔	✔					
CERCLA (Removal)	✔	✔	✔	✔	✔			
CERCLA (Remedial)								
Criminal Enforcement (CID)			✔					

StatInsp = Statutory Inspections
ComInsp = Compliance Inspections
CaseDev = Case Development
EmerRes = Emergency Response
SiteClnp = Site Cleanup
MonSmpl = Monitoring and Sampling
EnvAsst = Env. Assessment
StatOver = State Oversight

Table V-2. Purposes of Fieldwork.

PROGRAM	Monitoring	QA	State Oversight	Compliance Permit	Case Development	Site Assmnt/ Cleanup
RCRA Corrective Action	✔	✔	✔	✔	✔	✔
RCRA Enforcement (Hazardous Waste)			✔	✔	✔	
UST/LUST			✔	✔	✔	
RCRA Municipal Waste						
EPCRA Enforcement		✔			✔	
FIFRA			✔		✔	
Asbestos (TSCA, AHERA, NESHAPS)			✔	✔	✔	
TSCA (PCB, Lead)			✔	✔	✔	
CAA Enforcement (Titles I, III, IV, V & VI)	✔		✔	✔	✔	
Air Planning	✔	✔	✔			
Air Monitoring	✔	✔	✔			
Air Modeling						✔
Radiation	✔					✔
NPDES Enforcement				✔	✔	✔
SDWA Enforcement	✔	✔	✔	✔	✔	✔
Water Quality (Standards & Planning)						
NPDES Permit Issuance	✔	✔	✔	✔		✔
Non-Point Source (NPS) Pollution/CZARA						

Table V-2. Purposes of Fieldwork, continued.

PROGRAM	Monitoring	QA	State Oversight	Compliance Permit	Case Development	Site Assmnt/ Cleanup
Total Maximum Daily Load (TMDL)	✔		✔			
Ground Water Protection						
Construction Grants and SRF						
Ocean Monitoring	✔	✔	✔			
Water Monitoring - Streams, Lakes, Rivers	✔	✔	✔			
Wetlands				✔	✔	
NEPA Compliance						✔
Estuaries	✔					
Multi-Media Enforcement			✔	✔	✔	
Oil Spill						✔
EPCRA					✔	
CERCLA (Removal)	✔	✔		✔	✔	✔
CERCLA (Remedial)						
Criminal Enforcement (CID)		✔		✔	✔	

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2. Resources Available for Fieldwork.

Program managers were asked to identify the resources they use (or rely on) for fieldwork. The results are contained in Table V-3. The responses are organized according to the eight categories that were presented during the interview. The RCRA Municipal Waste, NPS Pollution/CZARA, Ground Water Protection, Construction Grants and SRF, and CERCLA (Remedial) programs did not perform fieldwork. The eight choices are:

1) Own Staff
2) Other Branch/Office in your Division
3) ESD
4) Other Region III Divisions
5) National EPA Organizations (NEIC, etc.)
6) Other Federal Agency (programmatic or IAG)
7) Contract (HQ or Regional)
8) State and Local Agencies (not delegated)

Table V-3 lists the means used to accomplish fieldwork across the top of each column and the programs along the left hand side of each row. Using RCRA Corrective Action as an example, the resources used for accomplishing fieldwork are: Own Staff, Other Branch/Office in your Division, Other Federal Agency (programmatic or IAG), Contract (HQ or Regional), and State and Local Agencies (not delegated).

Table V-4 lists the resources programs use to meet their fieldwork needs. The resources correspond to the providers cited in Table V-3. Own Staff has been subdivided into EPA staff and SEEs. The National EPA Organizations and Contract (HQ or Regional) categories have been subdivided to account for both contract dollars and FTE. Two categories (Other Branch or Office in your Division and Other Division in Region III) were not included because the respondents could not quantify the support they received from them. The figures in the ESD column represent the managers' estimates of the resources they provided to ESD to support their programs' fieldwork.

Table V-3. Resources Used to Accomplish Fieldwork.

PROGRAM	Own Staff	Other Branch/ Office in Div.	ESD	Other Region III Division	National EPA Orgs.	Other Federal Agency		Contract		State/ Local
						Program	IAG	HQ	Regional	
RCRA Corrective Action	✔	✔					✔		✔	
RCRA Enforcement (Hazardous Waste)	✔		✔	✔			✔	✔	✔	
UST/LUST	✔	✔	✔	✔						
RCRA Municipal Waste										
EPCRA Enforcement	✔		✔							
FIFRA	✔									✔
Asbestos (TSCA, AHERA, NESHAPS)	✔		✔	✔						✔
TSCA (PCB, Lead)	✔	✔	✔							
CAA Enforcement (Titles I, III, IV, V & VI)	✔			✔	✔					
Air Planning	✔	✔								
Air Monitoring	✔	✔	✔							✔
Air Modeling										
Radiation	✔									
NPDES Enforcement	✔		✔							
SDWA Enforcement	✔									
Water Quality (Standards & Planning)										
NPDES Permit Issuance	✔	✔	✔					✔	✔	

Table V-3. Resources Used to Accomplish Fieldwork, continued.

PROGRAM	Own Staff	Other Branch/ Office in Div.	ESD	Other Region III Division	National EPA Orgs.	Other Federal Agency		Contract		State/ Local
						Program	IAG	HQ	Regional	
Non-Point Source (NPS) Pollution/CZARA										
Total Maximum Daily Load (TMDL)			✔							
Ground Water Protection										
Construction Grants and SRF										
Ocean Monitoring	✔									
Water Monitoring - Streams, Lakes, Rivers	✔									
Wetlands	✔					✔				
NEPA Compliance	✔							✔	✔	
Estuaries					✔					
Multi-Media Enforcement	✔		✔		✔			✔		
Oil Spill	✔	✔								
EPCRA	✔								✔	
CERCLA (Removal)	✔	✔		✔	✔		✔		✔	✔
CERCLA (Remedial)										
Criminal Enforcement (CID)	✔	✔	✔		✔	✔				

Table V-4. Specific Fieldwork Resources Reported by Program.

PROGRAM	Own Staff		FTE given to ESD (Insp)	National EPA (FTE)	Contract (FTE)	National EPA ($$)	Other Fed IAG ($$)	Contract HQ ($$)	Contract Region ($$)	State & Local ($$)
	EPA (FTE)	SEE								
RCRA Corrective Action	8.5						433,863		893,223	
RCRA Enforcement (Hazardous Waste)	1.5		4.5				20,000	130,000	50,000	
UST/LUST	0.6									
RCRA Municipal Waste										
EPCRA Enforcement	0.2									
FIFRA	0.2									
Asbestos (TSCA, AHERA, NESHAPS)	1.5	1.1								
TSCA (PCB, Lead)	0.6	4.0	0.6							
CAA Enforcement (Titles I, III, IV, V & VI)	5.3	0.5								
Air Planning	0.2									
Air Monitoring	1.2		1.0							
Air Modeling										
Radiation	0.1									
NPDES Enforcement	12.6		6.0							
SDWA Enforcement	2.8	4.0	0.3							
Water Quality (Standards & Planning)										
NPDES Permit Issuance	1.8		0.5					15,000	15,000	

Table V-4. Specific Fieldwork Resources Reported by Program, continued.

PROGRAM	Own Staff		FTE given to ESD (Insp)	National EPA (FTE)	Contract (FTE)	National EPA ($$)	Other Fed IAG ($$)	Contract HQ ($$)	Contract Region ($$)	State & Local ($$)
	EPA (FTE)	SEE								
Non-Point Source (NPS) Pollution/CZARA										
Total Maximum Daily Load (TMDL)										
Ground Water Protection										
Construction Grants and SRF										
Ocean Monitoring	1.0									
Water Monitoring - Streams, Lakes, Rivers	1.3									
Wetlands	8.5									
NEPA Compliance	1.5									
Estuaries										
Multi-Media Enforcement	4.0									
Oil Spill	1.3	0.4								
EPCRA	0.1	0.5							100,000	
CERCLA (Removal)	16.8	0.5			40.0	10,000	300,000		5,200,000	4,500,000
CERCLA (Remedial)										
Criminal Enforcement (CID)	3.6			1.0						
Totals	74.9	10.9	12.9	1.0	40.0	10,000	753,863		6,258,223	4,500,000

3. Safety Training.

Program managers were asked if personnel performing the fieldwork had completed the required Occupational Health and Safety Training. The safety training requirements are established under EPA Order 3500.1, TRAINING AND DEVELOPMENT FOR COMPLIANCE INSPECTORS/FIELD INVESTIGATORS.

All program managers who supervised staff who did fieldwork said that their staff had received the relevant training. Program managers who used fieldwork provided by other offices in their divisions, or by ESD, where not always sure of the training status of the staff who did the fieldwork for them.

Program managers stated a concern that the recent retirement of the person who tracked the safety training status of field staff may result in some staff missing refresher training. The safety officer in the Office of Policy and Management has assumed this function and is taking steps to make sure that safety training is up to date for all field staff.

4. Projecting and Scheduling Fieldwork.

Program managers were asked how fieldwork is projected and scheduled. Fieldwork is projected and scheduled any one or more of four primary ways: MOAs with Headquarters, ESD workplans, on an as-needed basis, or with the states.

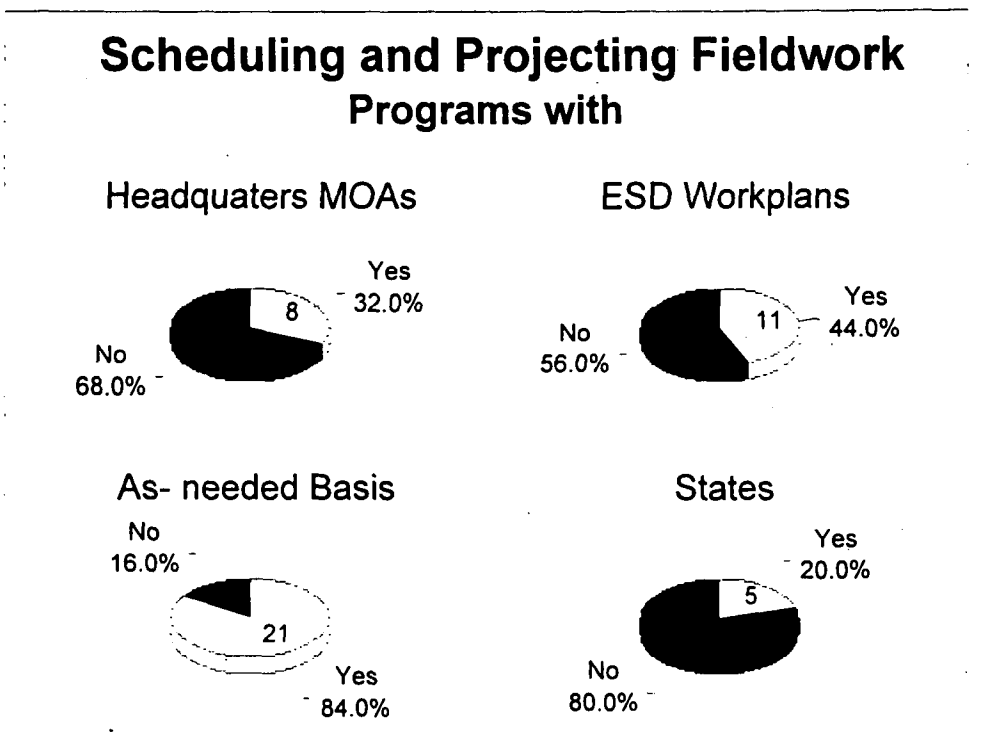
Programs that schedule MOAs with Headquarters do so on an annual basis. The MOAs are negotiated between the Regional and Headquarters program managers. Regional workplans are negotiated with ESD and are prepared on a semi-annual or annual basis. In past years, ESD required that programs negotiate separate workplans with OEP for inspections and OASQA for analysis of samples. Starting in FY'99, OEP is negotiating single ESD workplans with the programs. This approach was welcomed by the program managers.

EPCRA and CERCLA (Removal) do not schedule inspections. These programs contact ESD on an as-needed basis when they need to have inspections performed. There is no advance planning other than their past record of inspections. Case Development and Emergency Response fieldwork is almost always scheduled on an as-needed basis.

Finally, those programs that schedule the majority of fieldwork with the states do so on a quarterly or annual basis. The process is usually done through meetings between the Regional and State staff. FIFRA and Asbestos fall into this area.

Figure V-1 shows the breakdown of how fieldwork is scheduled.

Figure V-1.



Eight programs utilize Headquarters MOAs:

1. EPCRA Enforcement
2. TSCA (PCB, Lead)
3. CAA Enforcement (Titles I, III, IV, V & VI)
4. Air Planning
5. Multi-media Enforcement
6. Oil Spill
7. EPCRA
8. CERCLA (Removal)

Eleven programs utilize Regional workplans with ESD:

1. RCRA Corrective Action
2. RCRA Enforcement (Hazardous Waste)
3. UST/LUST
4. TSCA (PCB, Lead)
5. NPDES Enforcement
6. SDWA Enforcement
7. TMDL
8. Ocean Monitoring
9. Water Monitoring - Streams, Lakes, Rivers
10. Wetlands
11. Estuaries

Twenty-one programs project and schedule fieldwork on an as needed basis:

1. RCRA Corrective Action
2. RCRA Enforcement (Hazardous Waste)
3. UST/LUST
4. EPCRA Enforcement
5. Asbestos;
6. TSCA (PCB, Lead)
7. CAA Enforcement (Titles I, III, IV, V & VI)
8. Air Planning
9. Air Monitoring
10. Radiation
11. NPDES Enforcement
12. SDWA Enforcement
13. NPDES Permit Issuance
14. Ocean Monitoring
15. Water Monitoring - Streams, Lakes, Rivers
16. NEPA Compliance
17. Multi-media Enforcement
18. Oil Spill
19. EPCRA
20. CERCLA (Removal)
21. Criminal Enforcement

Three programs use the states to accomplish some types of fieldwork (this category was for programs not delegated to the states):

1. FIFRA
2. Asbestos
3. Air Monitoring

5. Quality, Quantity, and Timeliness of Fieldwork.

Program managers were asked if they were satisfied with the quality, quantity and timeliness of the fieldwork they were receiving. Most program managers reported that they were satisfied with fieldwork performed for them by ESD. All were satisfied with fieldwork provided by their own staffs.

Four managers, representing four programs, expressed dissatisfaction with the fieldwork that ESD was providing. The programs were RCRA Enforcement (Hazardous Waste), UST/LUST, Criminal Enforcement and CERCLA Removal. Several ORC managers also had problems with fieldwork, but they use fieldwork provided by other programs.

RCRA Enforcement and UST/LUST program managers were dissatisfied with the quality, quantity and timeliness of the fieldwork they were receiving from ESD. Specifically, inspection reports did not arrive from ESD in a timely manner. The managers cited an instance in which 24 of 40 inspection reports were delivered in one day rather than ten per quarter. In interviews with ESD, the inspectors and one OEP manager stated that the targeting lists for RCRA Enforcement and UST/LUST did not arrive until the second or third quarter of the fiscal year. The late arrival made it difficult to properly schedule inspections and provide inspection reports in a timely manner.

A CID manager expressed dissatisfaction with the lack of analytic capacity available to the program. OASQA stated this is because of the lack of non-Superfund FTE resources given to the lab and the limited flexibility caused by charging to the same budget Objective as the FTE allocation. Thus, OASQA must charge most analyses to Superfund. If CID has a sample that does not involve Superfund, OASQA may not have FTE available to analyze the sample.

The CERCLA Removal program's concern with timeliness of analytic support is also related to OASQA. When the lab is at capacity, samples are analyzed through the contract lab program. Use of the contract lab program delays the prompt delivery of reports. This is because OASQA must perform data validation of the sample (e.g., to ensure analysis was done according to the contract, etc.).

Several ORC managers also raised a timeliness issue. Fieldwork can go "stale" when cases are prepared because there is always a delay between the date the inspection was made and the date a case goes to court. In some cases, the delay can be several years long. The ESD field staff said that they preferred not to do new sampling when a case was being developed, because it was always possible that the new sampling would be done under different conditions and undermine the case by confusing the issue. A related concern, also from ESD field staff, was that programs are not always clear in asking for samples or in explaining what the purpose of an inspection is.

6. Fieldwork Needs in the Next Three to Five Years.

Program managers were asked to predict if their fieldwork needs would change in the next three to five years. Most programs saw a need for increased fieldwork in general or non-specific terms. Specific changes were noted by the TMDL, SDWA Enforcement, RCRA Corrective Action, RCRA Enforcement, and Asbestos programs.

The TMDL program has been expanding for several years and that trend is expected to continue because of consent decrees settling law suits. EPA and the states need to conduct special ambient monitoring studies to support TMDL preparation. If the states are not able to meet all the monitoring needs, EPA will have to provide the information. A major issue in the lawsuits are claims that the 303(d) lists do not reflect current data. Program managers for the Water Monitoring - Streams Lakes, and Rivers Program are currently hard-pressed to meet the needs of the TMDL program in light of declining resources.

The Safe Drinking Water Program is preparing to issue eleven new regulations. EPA will have to do significant fieldwork as these regulations are promulgated, implemented and delegated to the states. Because the states cannot implement the regulations until they are finalized, the SDWA Enforcement Branch will have to do all the fieldwork for each regulation until the process is completed.

The asbestos program is changing, but program managers are receiving mixed signals. First, ORC has been told that future asbestos cases will be more complex and require more fieldwork. Second, CID has been told to stop pursuing asbestos cases and instead Headquarters has advised them to take on larger, more complex cases. Third, TSCA program staff have been told to expect big changes in the asbestos program, but have interpreted this as a warning that cutbacks are coming. Fourth, program managers stated that because of the large amount of non-compliance in the AHERA program, resources should be increased or the program should be eliminated. It is unclear what is going to happen in the next three to five years. Program managers have heard about disinvestment of small programs like TSCA, PCB and asbestos. Fifth, the Senior Environmental Employees (SEEs) now hired as inspectors for the asbestos program are not permitted to enter the containment area at demolition sites. This is an occupational safety requirement imposed by a grant condition. As a result, SEEs are not able to testify to actual conditions observed.

Process-based inspections are expected to cause fieldwork increases in the RCRA Enforcement and CAA Enforcement programs. RCRA Enforcement (Hazardous Waste) program managers expect to move towards process based inspections which will look at the entire process of the facility. These inspections are more resource-intensive than traditional compliance inspections. CAA Enforcement (Titles I, III, IV, V, and VI) program managers expect to do more detailed work in the future. They expect to do fewer cases, but the cases will have greater impact. The CAA Enforcement staff will need knowledge in the manufacturing process, emissions, more complicated rules, etc., to handle the work. They are projecting that they will need to hire individuals with a science background to accomplish this technically oriented work. In addition, one program manager cited concern of the retirement of the ESD Inspectors.

One ORC manager expressed concern about the integrity of sample analysis. Citing an instance with the City of Philadelphia, the manager stated that, when a contract lab performs the sample analysis, there can be problems with the results as well as the chain-of-custody. While not currently an issue, there is a potential for future concerns as the states and local agencies begin to perform sample analysis.

Only one program, RCRA Corrective Action, expected decreases in their fieldwork needs. This is because the states will be responsible for the permits.

C. ESD Interviews.

1. Background.

The Study Team interviewed managers and staff from the Office of Environmental Programs (OEP) (located in Philadelphia, Ft. Meade and Wheeling) and managers from the Office of Analytical Services and Quality Assurance (OASQA) in Ft. Meade. The interviews covered six topics. The topics are types of fieldwork; planning; inspections, sampling and sample analysis; training; and the future of fieldwork.

2. Types of Fieldwork.

OEP managers were asked to identify the types of fieldwork for which they are responsible. The managers stated that the ESD inspectors performed every type of fieldwork (as defined in this study). When questioned specifically about case development, the OEP managers indicated that the ESD inspectors perform case development only sporadically. For case development, both civil and criminal actions, the ESD inspectors provided updated information and would also testify in criminal cases.

There are twelve inspectors in OEP (five in Wheeling and seven in Ft. Meade). Each inspector is trained in several programs. Table V-5 shows the number of inspectors trained in each program. Occasionally, contractors might accompany the Ft. Meade staff into the field, but this was at most five instances in FY '99. Also, the Region might use NEIC for specialized inspections at federal facilities.

3. Planning.

To plan and schedule fieldwork for the year, ESD negotiates a workplan with some programs. The programs, in turn, provide a list of facilities to be inspected. Although the workplans exist, OEP managers stated that high priority work, such as emergencies and time-sensitive inspections, can supersede the planned workload. In the past, programs would have to negotiate separate workplans with OEP and OASQA. In FY'99, ESD negotiated a consolidated workplan with each Division.

The inspectors did not feel the scheduling process was effective across all programs. The inspectors felt they were inspecting the same RCRA and UST/LUST facilities repeatedly. The inspectors, as well as one OEP manager, identified targeting lists provided by the RCRA Enforcement, TSCA, EPCRA, and UST/LUST programs as problematic. The inspectors stated that these lists did not arrive until the second or third quarter of the fiscal year. The inspectors stated that the lists contained limited and sometimes inaccurate information. The OEP managers and the inspectors felt that this made it difficult to schedule their work and to provide inspection reports in a timely fashion. For example, the RCRA Enforcement program

was late in submitting its targeting list, and then received twenty-four of its inspection reports in one day.

One OEP manager noted two opportunities to improve fieldwork planning. First, the OEP manager stated there was no Regional vision for inspections. That is to say, the Region has not clearly defined whether or not inspections are conducted to find violations or maintain a federal presence (to support this, several inspectors could not identify common objectives to inspections). The nature of inspections, the manager stated, was dependent upon the objectives. This vision needs to be defined before fieldwork can be properly prioritized and scheduled. Second, the OEP manager identified one method to improve targeting schemes. The OEP manager said State inspection reports could be used for targeting. Staff would review state inspection reports and then follow-up with the problematic sites immediately.

4. <u>Inspections, Sampling and Analysis of Samples</u>.

The OEP managers and the ESD inspectors disagreed on the value of program staff accompanying the inspectors. The OEP managers stated there was no additional value from program staff accompaniment. The ESD inspectors, however, stated there were significant differences. The inspectors state that if program staff accompany them on inspections, the ESD inspectors receive less questions about the resulting inspection report. OECEJ staff, the ESD inspectors noted, can direct them during the inspections. The ESD inspectors stated that when staff accompanied them for the Drinking Water inspections, they provided beneficial knowledge.

The inspectors stated that the frequency of sampling was dependent upon the program. For example, RCRA samples are collected only when there is a potential problem; NPDES is a non-sampling inspection. The inspectors reported that they collect samples on approximately 25% of their inspections. The samples are first sent to OASQA. If OASQA is unable to handle the samples, the Client Services Team procures a contract lab each time. Whether or not OASQA will analyze the sample is dependent upon the following factors. OASQA may be unable to handle another sample due to workload constraints or the lab may not have the technical capability to analyze the sample. If the samples are from the Wheeling inspectors, they are usually sent to the University of West Virginia because it is closer than Ft. Meade, Maryland. In Wheeling, there is also a biological group used for analytic support. The biological staff consists of two EPA FTE and two SEEs. The ESD inspectors located in Ft. Meade do not make use of the Wheeling Biological Support Group.

OASQA managers identified several reasons for delayed sample analysis. Arranging for and employing a contract lab is more time-intensive than sample analysis done at Ft. Meade. There may be internal difficulties such as instrument malfunctions. The quality of a sample can also impede progress; a bad sample could cause the data system to malfunction. A sample might not include the necessary information which OASQA must then obtain. If a scheduled sample does not arrive on time, then its allocation will be given to another sample and the sample analysis must be rescheduled. As the OASQA managers note, there is also a resource

issue. Several programs have shown an interest in increased sampling as well, but the lab is unable to accommodate them without additional FTE.

The OASQA managers identified difficulties with the Contract Lab program for non-Superfund programs. There is specific protocol for the Superfund program and contracting labs are familiar with it because it has been in place for some time. Using contract labs to analyze samples from non-Superfund programs is a comparatively new practice; the labs are not familiar with EPA procedures. Also, the same strict protocols are not in place for the non-Superfund programs.

5. Communication.

The inspectors felt that additional feedback was needed from the EPCRA, NPDES Enforcement, RCRA Enforcement programs. The ESD inspectors stated they would like feedback on the quality of their reports and the status of the cases but did not feel they were getting either. The ESD inspectors stated they would like to be told if their inspection reports require improvements.

Both the OEP and OASQA managers identified some improvements in communication, partially credited to the new consolidated workplan. As stated above, ESD now negotiates one workplan per Division, incorporating both OASQA and OEP. The ESD inspectors also noted improved communications because of it. Another communication difficulty is advanced notice for sampling. One manager noted that the lab would prefer 90 days advance notice before a sample arrives. To address this, the inspectors and the lab schedule sampling on a quarterly basis. OASQA has also signed an MOU with OEP in which they detail the necessary communication and coordination for samples.

6. Training.

Currently, all twelve ESD inspectors are trained in two or more programs. Table V-5 displays the programmatic training each ESD inspector has received. The location of each inspector is also provided.

Table V-5. ESD Inspector Training

Inspector	Location	Programs
Inspector #1	Ft. Meade	RCRA, UST/LUST, Asbestos
Inspector #2	Ft. Meade	RCRA, TSCA, EPCRA, NPDES, CWA
Inspector #3	Ft. Meade	RCRA, EPCRA, NPDES
Inspector #4	Ft. Meade	RCRA, UST/LUST, NPDES (Field Audit Inspections), SDWA, Superfund
Inspector #5	Ft. Meade	TSCA (PCBs), EPCRA, NPDES
Inspector #6	Ft. Meade	UST/LUST, NPDES, Asbestos
Inspector #7	Ft. Meade	RCRA, UST/LUST, TSCA, EPCRA, NPDES, SDWA, CWA
Inspector #8	Wheeling	RCRA, UST/LUST, NPDES
Inspector #9	Wheeling	UST/LUST, TSCA (PCBs), Ambient Air Monitoring
Inspector #10	Wheeling	EPCRA, NPDES
Inspector #11	Wheeling	TSCA (PCBs), EPCRA, NPDES
Inspector #12	Wheeling	NPDES, SDWA

The ESD inspectors and OEP managers raised an issue concerning training for new regulations. When new regulations are promulgated, it was felt that the inspectors should be given training on how the new regulations apply to the inspections. The inspectors felt that the training was basic when it should also be advanced and continuing. The inspectors mentioned that when training is provided on new regulations, it is incomplete because the training is provided by a contractor lacking the necessary expertise. The inspectors would prefer being trained by the EPA staff who wrote the regulation and met with the stakeholders. They feel that these individuals could provide detailed and specialized answers to their questions.

A related issue raised by the ESD inspectors and OEP managers involves synopses of new regulations. They stated that they were rarely given a clear synopsis of how to interpret new regulations. As an example, one ESD inspector cited the PCB "Mega Rule" promulgated several years ago. One RCRA staff member has written synopses for the ESD inspectors. However, this is not a regular occurrence and done only when the RCRA staff member participates on a regulatory development work group.

7. Future of Fieldwork.

The OEP managers and some of the ESD inspectors cited the possible retirement of ESD inspectors as a crucial issue. Eight of the twelve inspectors will be eligible to retire by 2005. Significant amounts of expertise and institutional knowledge will be lost at that point. The OEP managers and ESD inspectors felt that not enough was currently being done to address this problem. To prevent this loss of expertise and knowledge, the OEP managers and ESD inspectors would like to see new staff hired. The new staff members could be placed in a mentoring program with senior staff members.

A new development was the changing nature of inspections. Two managers cited a different method of inspections which provided for more collaboration between the programs, ESD and ORC. This new method would mean involving the inspectors in case development. The managers noted that, to implement such a new approach, training would have to be provided. While the nature of inspections will change, OEP managers stated that there will always be a need for sampling. Currently, ESD inspectors are the only EPA staff who take samples. Should program field staff begin to take more samples, storage of the necessary equipment will become an issue. This equipment could not be stored in the Regional office.

D. Program Field Staff Interviews.

1. Background.

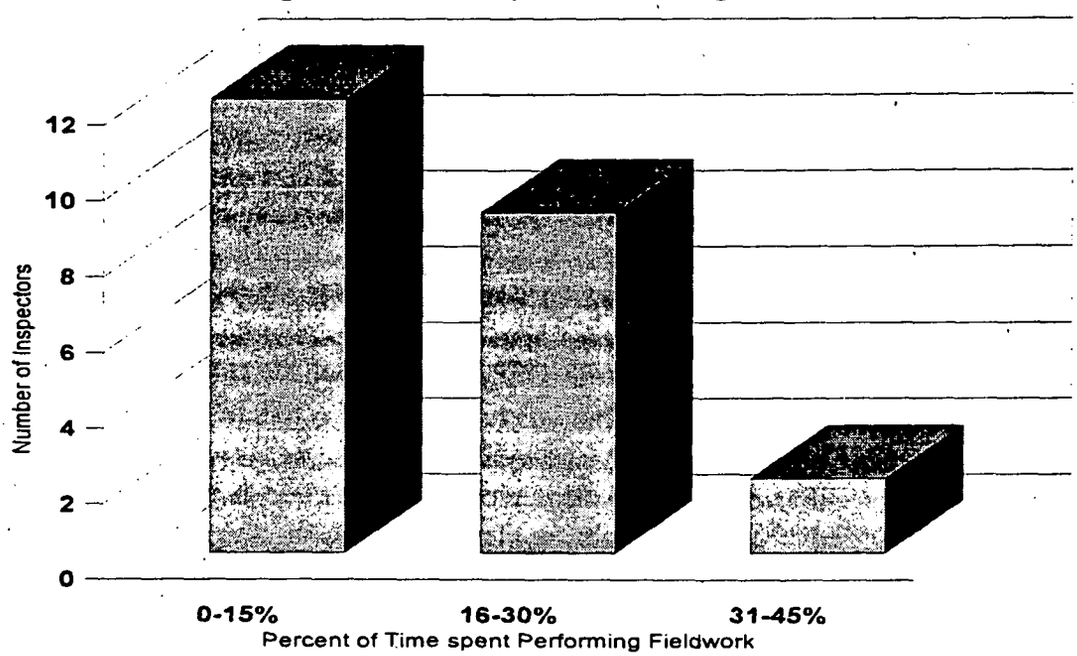
The Study Team interviewed staff in program offices who do fieldwork, primarily inspections, in addition to other duties. There were 23 staff members interviewed. The staff were identified by Advisory Committee members as being representative of the staff who do fieldwork. Field staff from the following programs were interviewed:

SDWA Enforcement
CAA Enforcement
TSCA (PCB, Lead)
Wetlands Enforcement
Emergency Response/Oil Spill
CERCLA (Removal)
Asbestos (NESHAPS)
NPDES Enforcement
EPCRA Enforcement
Water Monitoring
RCRA Enforcement
UST/LUST
FIFRA
Multi-media Enforcement

2. Types of Fieldwork.

The program field staff were asked to identify the types of fieldwork they perform. As with the first interviews with program managers, responses to the types of fieldwork and the purpose of the fieldwork mirrored each other. The program field staff predominantly performed compliance inspections and case development. Case development was the most cited purpose for fieldwork.

Figure V-2. Time Spent Performing Fieldwork



Program staff perform other duties in addition to the fieldwork mentioned above. Among the duties identified were the following: reviewing inspection reports (SDWA Enforcement, UST/LUST); administrative duties (all programs); state oversight for delegated programs (NPDES Enforcement; RCRA Enforcement); coordinating enforcement (EPCRA Enforcement); FOIAs (EPCRA Enforcement; FIFRA); grants management (NPDES Enforcement); compliance assistance (RCRA Enforcement); writing inspection reports (CERCLA Removal); managing lab contract (Asbestos); and managing data tracking (FIFRA).

The program staff also identified the percentage of time spent performing fieldwork. Figure V-2., below, lists the program field staff according to the percentage of time spent performing fieldwork (0-15% of time spent performing fieldwork; 15-30%; 30-45%, etc.). As stated, 23 program field staff members were interviewed. The Y-axis in Figure V-2. denotes the number of inspectors who fell into each category of time spent performing fieldwork. Again, these answers are not representative of the program, but only of the individuals interviewed.

The program staff were asked how they schedule fieldwork. The staff members get their assignments and schedules directly from their supervisors; they are usually not involved in negotiating MOAs with Headquarters.

Program field staff stated they were satisfied with how the fieldwork was scheduled, but there were exceptions. TSCA staff cited that Headquarters targeting lists do not arrive until very late in the year (April or May). This makes it difficult to effectively schedule fieldwork. The Confidential Business Information (CBI) provided by the sources serves as the

basis for the targeting lists. This information, however, is sent only to Headquarters. Therefore, Headquarters must provide the targeting lists.

For most programs, the field staff reported, ESD takes the samples. There were four exceptions to this. Program field staff from the RCRA Enforcement (Hazardous Waste) and CERCLA Removal programs stated they use contractors to collect samples. SDWA Enforcement staff members have collected samples infrequently but still continue to use ESD. Program field staff for the Asbestos program collect samples.

As the ESD inspectors noted, program field staff rarely accompany ESD inspectors. Program staff accompanied ESD inspectors for multi-media inspections (SDWA Enforcement, TSCA (PCBs), EPCRA Enforcement, Wetlands Enforcement, UST/LUST, Multi-Media Enforcement); to take samples (NPDES Enforcement, EPCRA Enforcement, RCRA Enforcement, Multi-Media Enforcement); or for large enforcement cases (TSCA and Asbestos). The ESD inspectors located in Ft. Meade were also used as part of a lake monitoring effort outside of their normal duties. EPCRA enforcement staff identified a difference when they are present on an inspection. EPCRA enforcement staff stated that they know when inspections will be used as evidence or require more work. Resource issues were a concern for several program staff members. TSCA, UST/LUST, FIFRA and Multi-media Enforcement all cited a lack of funds for travel as impeding their ability to perform fieldwork.

3. <u>Training</u>.

Program field staff raised concerns about protocols for technical training. The following program staff expressed concern over a lack of specific training for inspections (as opposed to on-the-job training): EPCRA Enforcement; TSCA; UST/LUST; RCRA Enforcement; FIFRA, and Asbestos. Of these programs, however, EPA Order 3500.1 mandates training protocols for TSCA, UST/LUST, RCRA Enforcement, FIFRA and Asbestos. The CAA enforcement staff were the one group of program inspectors interviewed who were familiar with EPA Order 3500.1 and who had completed the basic requirements of the Order.

The CAA Enforcement, Wetlands Enforcement and Multi-media Enforcement programs cited a lack of on-going technical training. Specifically, Headquarters formerly provided training for field staff, updating them on new areas. Much of this material has now been placed on the IntraNet for self-training purposes. One CAA Enforcement program field staff member cited training for Maximum Available Control Technology (MACT) as an example. The program staff for all three programs also expressed concerns over a lack of travel money to attend training not available on the IntraNet and some staff felt supervisors did not really make training a priority. In addition, the program staff stated their ability to attend training was restricted by workload.

4. **Communication with ORC.**

Program field staff for several programs cited communication with ORC as an issue. SDWA Enforcement (UIC), NPDES Enforcement, Oil Spill, CERCLA Removal and Asbestos (NESHAPS) stated that they received no feedback from ORC. FIFRA programs reported that they received positive feedback from ORC. RCRA Enforcement, UST/LUST and Multi-media Enforcement cited that the feedback was mostly negative. Multi-media Enforcement also stated that when they work with ORC before an inspection, the results are much more positive. The program field staff felt that ORC wants more samples than the staff can provide. However, field staff for the CAA Enforcement, EPCRA Enforcement, Wetlands and stated they received positive feedback from ORC.

E. Environmental Services Division Resource Analysis.

An analysis was conducted of ESD FTE allocations for FY'89 through FY'99. ESD allocations were presented by program element through FY'98. The allocation system was changed in FY'99 to align the resource allocation with the Agency's strategic plan in accordance with GPRA. The data for the total ESD allocations for FY'89 through FY'98 are contained in Table V-6. The first four program elements listed in the table represent the ESD inspectors located in the Ft. Meade and Wheeling offices. These FTE are solely utilized to support the specific program fieldwork requirements. All four inspector program elements declined significantly during the study period. ESD's allocation in Water Quality Enforcement declined 39%; Stationary Source Enforcement, 83%; Toxics Substance Enforcement, 81%; and Hazardous Waste Enforcement OECA, 37%.

The remaining program elements represent all other non-inspector ESD FTE. The following changes took place in non-inspector ESD FTE allocation from FY'89 to FY'98. Water Quality Monitoring was redesignated Watershed Protection in FY'92. Dredge & Fill was redesignated Wetlands Protection in FY'91. The UIC Program became part of Groundwater Protection in FY'92. PWSS Program Implementation was redesignated Drinking Water Implementation in FY'92. Environmental Education, Wastewater Management, Pollution Prevention, Wetlands Protection Enforcement, Federal Facilities Enforcement, and HS - Federal Facilities are program elements where ESD received FTE allocations in the last four years. ESD lost FTE allocations from Permit Issuance, Emergency Planning and Chesapeake Bay.

Table V-6. ESD FTE Allocation FY'89 Through FY'98.

PROGRAM ELEMENT		1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
Inspector FTE	Water Quality Enforcement	11.20	9.90	10.50	10.50	10.20	7.60	7.30	6.30	7.20	6.80
	Stationary Source Enforcement	5.20	4.10	4.70	5.00	3.10	3.10	2.00	1.30	1.00	0.90
	Toxic Substance Enforcement	3.20	3.00	3.20	3.20	3.10	3.10	1.50	0.90	0.50	0.60
	Hazardous Waste Enforcement	7.10	7.10	7.30	7.60	7.40	7.30	6.90	4.70	5.00	4.50
Inspector Sub-Total:		**26.70**	**24.10**	**25.70**	**26.30**	**23.80**	**21.10**	**17.70**	**13.20**	**13.70**	**12.80**
Non Inspector FTE	Air Quality Monitoring	7.90	7.90	8.30	8.80	8.40	8.10	9.00	8.50	8.40	8.00
	Planning, Evaluation & Analysis	3.50	3.90	4.30	4.30	4.00	4.10	4.00	4.20	2.30	2.60
	Ocean Disposal Permits	1.60	1.70	1.60	1.60	2.30	2.70	2.80	2.60	2.70	2.80
	Env Review &Coordination	9.80	10.80	9.60	9.60	8.90	8.40	7.70	7.00	6.40	7.50
	Coastal Env Management	5.00	5.20	7.20	9.50	7.70	5.30	3.60	3.00	3.10	2.60
	Water Quality Monitoring *to* Watershed Protection	12.40	11.30	11.60	-	-	-	-	-	-	-
		-	-	-	11.60	10.60	11.30	10.40	10.70	10.20	12.90
	Dredge & Fill *to* Wetlands Protection	8.60	9.70	-	-	-	-	-	-	-	-
		-	-	14.40	13.90	13.60	13.50	13.60	11.20	10.90	11.00
	UIC Program *to* Groundwater Protection	0.70	0.30	0.30	-	-	-	-	-	-	-
		-	-	-	0.30	0.30	0.30	0.40	0.30	0.30	1.10
	PWSS Prgm Implementation *to* Drinking Water Implementation	0.70	0.80	1.00	-	-	-	-	-	-	-
		-	-	-	1.10	1.20	1.20	1.30	1.00	1.10	1.30
	Environmental Education										1.00
	Wastewater Management								0.20	0.20	0.20
	Pollution Prevention								0.30	2.00	2.00
	Wetlands Protection Enforce								2.60	2.70	2.70
	Federal Facility Enforcement			1.80	2.50	2.40	2.40	2.30	3.00	2.80	2.80
	HS-Federal Facilities			1.10	2.10	2.00	2.10	2.00	0.60	0.90	0.70
	HS-Technical Enforcement	8.40	11.60	10.50	10.70	9.80	10.40	9.80	7.10	7.60	7.40
	HS-Spill & Site Response	14.50	16.00	15.90	15.70	14.60	15.30	21.90	23.40	23.00	23.90
	Permit Issuance	0.20	0.20	0.20	0.20	0.20	0.20	0.30			
	Emergency Planning	0.05	0.50	0.60	0.70	0.40					
	Chesapeake Bay	0.50									
Non Inspector Sub-Total:		**73.85**	**79.90**	**88.40**	**92.60**	**86.40**	**86.30**	**89.10**	**86.70**	**84.60**	**90.50**
ESD Total:		100.55	104.00	114.10	118.90	110.20	106.40	106.80	98.90	98.30	103.30

ESD resources also fluctuated between FY'97 and FY'99 because of Regional reorganizations. Part of the increase from FY'97 to FY'98 reflects the addition of environmental education, XL and CSI functions to ESD as part of the Internal Assessment reorganization. The decrease from FY'98 to FY'99 is mainly due to the transfer of functions and FTE to the Office of Reinvention. Figure V-3 shows the change in total ESD FTE for FY'89 through FY'99.

Figure V-3.
ESD FTE Allocation (Total)

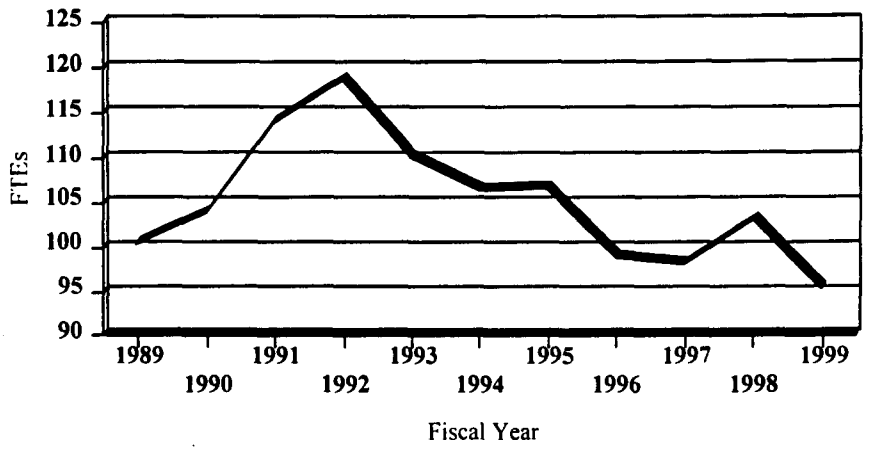
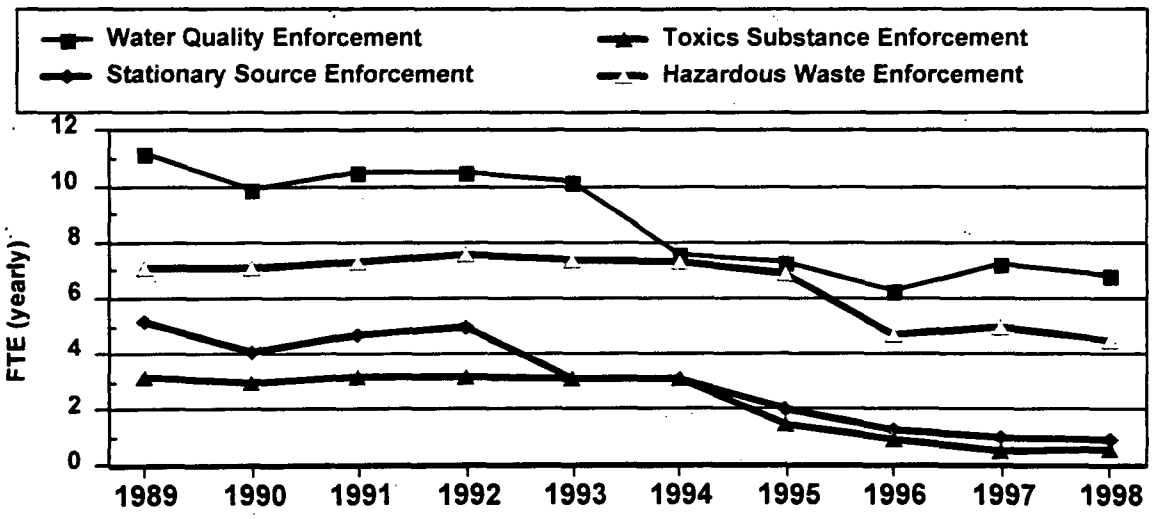


Figure V-4 shows only the ESD inspector program elements for FY'89 through FY'98. All of the ESD FTE for these program elements declined. Water Quality Enforcement dropped from 11.20 to 6.80 FTE, Stationary Source Enforcement dropped from 5.20 to 0.90 FTE, Toxics Substance Enforcement dropped from 3.20 to 0.60 FTE, and Hazardous Waste Enforcement dropped from 7.10 to 4.50 FTE over this ten year period.

Figure V-4. FTE Allocation for ESD Inspectors



The decline in ESD inspector resources in these specific four program elements was not mirrored by the other divisions that receive FTE allocations in these same program elements. Table V-7 has been prepared to show that ESD took a larger cut than all the other applicable organizations combined for FY'90 through FY'98. ESD's allocation in the four inspector program elements declined by 11.3 FTE, while the decline for all other applicable divisions was 6.1 FTE. ESD's share was 65% of the total loss.

A portion of the loss for ESD reflects the division's role as the organization with the largest concentration of inspectors. Another reason for the decline is the shift in some programs from ESD inspectors to program field staff.

Table V-7. ESD Inspector Resources FY'90 Through FY'98

FTE Resource	Overall Program Element Change from FY'90 to FY'98				
	Water Quality Enforcement	Stationary Source Enforcement	Toxics Substance Enforcement	Hazardous Waste Enforcement	Total for All Four Program Elements
ESD Inspector	-3.1	-3.2	-2.4	-2.6	-11.3
All Other Divisions	-1.2	5.5	-1.9	-8.5	-6.1
Region III Total	-4.3	2.3	-4.3	-11.1	-17.4

EPA's resource allocation system changed in FY'99 to implement the new budget system which was developed to implement the agency-wide strategic plan. Program elements were combined into larger, more general groupings under the Goal, Objective, SubObjective structure of the new system.

Table V-8 has been prepared to demonstrate how the resources moved from FY'98 to FY'99. The table includes all ESD resources. Inspector resources, marked with an asterisk, are cross-walked to Goal 9, Objectives 9.1 and 9.2. Although total ESD resources dropped during this period, inspector resources stayed about the same. The problem is that the broader groupings of resources makes it harder to make separate allocations to the functions that have been joined. The table is for information purposes, providing a general FTE crosswalk between the FY'98 Program Element Title and the FY'99 Program Results Code Titles in ESD.

Table V-8. Crosswalk of ESD FTE Allocation - FY'98 to FY'99.

1998 Program Element Title	FTE Crosswalk		1999 Program Results Code Titles
Air Quality Monitoring	8.00	5.40	NAAQS Ozone/PM (1.1)
		1.20	NAAQS CO/SO2/NO2/Lead (1.3)
		0.30	Air Toxics (1.2)
Groundwater Protection	1.10	1.20	Safe Drinking Water (2.1)
Drinking Water Implementation	1.30	0.00	Public's Ability to Red Exposure (7.2)
Pollution Prevention	2.00		
Ocean Disposal Permits	2.80	27.40	Conserve Nations Water (2.2)
Watershed Protection	12.90		
Wetlands Protection	11.00		
Coastal Env Management	2.60		
Wastewater Management	0.20	0.00	Reduce Loadings &Air Depos. (2.3)
HS-Federal Facilities	0.70	30.60	Human Health Risks (5.1)
HS-Technical Enforcement	7.40	0.30	Prevent Releases (5.2)
HS-Spill & Site Response	23.90		
Environmental Education	1.00	2.10	Educ., Outreach, Data Avail (7.1)
Planning, Evaluation & Analysis	2.60	0.70	Sector Based Env. Mgt.-Op (8.7)
Water Quality Enforcement*	6.80	13.50	Reduce Non-Compliance (9.1)
Stationary Source Enforcement*	0.90	12.60	Auditing, Self-Policing Policies (9.2)
Toxic Substance Enforcement*	0.60		
Hazardous Waste Enforcement*	4.50		
Wetlands Protection Enforcement	2.70		
Federal Facility Enforcement	2.80		
Environmental Review & Coordination	7.50		
Totals	103.3	95.30	

F. Other EPA Regions.

1. Background.

Representatives from each of the other nine EPA regional offices were interviewed as part of the study. The objectives for interviewing representatives from the other Regional Offices were to determine how fieldwork was organized; if managers were satisfied the allocation provided the best results; and if there was a formal mechanism to plan and schedule fieldwork. A total of 14 regional managers were interviewed. Each region had at least one representative, in some instances, a second person was contacted based on the recommendation of the initial contact.

2. Organization.

Seven Regions have field staff located either in a centralized unit or in the programs. Region I stated that field staff are located in an Environmental Services Division while field staff for Regions IV, V, VIII, IX and X are located in the programs. Region VI has a separate Enforcement Division.

Two Regions had field staff in both a centralized unit and in the programs. Region II has both an Environmental Services Division and an Enforcement Division. Region VII has field staff in both an Environmental Services Division and in the programs.

Satisfaction with the organization of field staff varied from Region to Region. No one type of organizational structure proved unanimously satisfactory.

G. Headquarters Input.

1. Interviews with OECA Managers.

Two managers in the Office of Enforcement and Compliance Assurance (OECA) were interviewed. The objectives for contacting Headquarters were to determine, if there were any national problems concerning fieldwork, what the Agency requirements are for inspectors, and if these requirements would change in the immediate future, and also to get an overall perspective of fieldwork in the Agency.

The two managers stated that the Agency has not used the latest technology available to it. Specifically, EPA is not using the Internet, databases, or new and improved sampling techniques currently available. These resources, one manager noted, should be available to the field inspectors.

The two managers also stated that the Agency's field inspector program is not evolving and one manager noted the State programs have evolved faster than EPA. The two managers reported that, within the next three-to-five years, the Agency will lose its institutional knowledge as inspectors retire. Both said Region III is particularly vulnerable. The managers recognized a need for additional training and the lack of communication between inspectors and the program staff. They identified the immediate need for the Agency to better define and restructure the inspector program or risk losing the program entirely. It was also mentioned that there might be new directions inspections will take in the future; both managers stated that Senior Management needed to invest more resources to explore these areas.

The managers stated that all field staff have to meet the requirements of EPA Order 3500.1. There is basic health and safety training required of all field staff, but the program specific training varies from program to program. Neither manager anticipated the training to

change, although they did mention that the current Order is being revised and the new Order should be out shortly.

2. National Training Requirements for Fieldwork.

In 1988, EPA established training requirements for all personnel who do fieldwork in EPA Order 3500.1, TRAINING AND DEVELOPMENT FOR COMPLIANCE INSPECTORS/FIELD INVESTIGATORS. The Order established training requirements for compliance inspectors, field investigators, contractors, and first-line supervisors of inspectors and investigators. The study team was made aware of the Order during the Headquarters interviews.

There were three types of training identified in the Order: Occupational Health and Safety Training; Basic Inspector Training; and Program-Specific Training. This last area, Program-Specific Training, was further divided into Program-Specific Minimum Curriculum; Program-Specific Specialized Curriculum; and multi-media or multi-program requirements.

The Order requires all EPA programs with fieldwork components to establish Program-Specific Training curricula. A report was published as a supplement to the Order which listed the programs then in existence which fell under the Order and outlines their curricula. They were Air-Stationary Sources; Air-Mobile Sources; Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); National Pollutant Discharge Elimination System (NPDES); Pesticides/Toxic Substances; Public Water Supply Supervision; Resource Conservation and Recovery Act (RCRA); Underground Injection Control (UIC); and Wetlands Protection.

The Order requires all EPA field personnel and their first-line supervisors to complete the health training, the basic inspector training and the program-specific minimum curriculum. EPA personnel included persons hired under grant programs such as the SEE Program. It requires that a person doing inspections under more than one program complete the minimum curriculum for each. It recommended that field personnel complete the specialized curriculum. It requires refresher training at least every three years.

Since EPA Order 3500.1 was released, new programs have come into existence. Seven new programs fall under the purview of EPA Order 3500.1 and need to be included. The programs are Asbestos (NESHAPS, AHERA), EPCRA, Food Quality Protection Act, Lead-based paint, Oil Pollution Act, Stratospheric Ozone, and UST. As a result, the Order is being rewritten, with a new guidance document, to make the requirements clearer and more self-executing. A copy of the draft Order, which is being prepared for Agency-wide review, was provided to the team. It incorporates all the requirements of the original Order and adds language to clarify some sections and address new concepts such as team leaders.

From a Regional perspective, one of the most important additions is the requirement that each Regional Administrator designate an official who will be responsible for implementing the Order in the Region by maintaining a list of persons covered by the Order and making sure that they have completed the relevant training. Region III currently does this for safety training but not for the other types of training covered by the Order.

H Comparison with the ESD Internal Study.

1. Background.

In July, 1999 ESD completed an internal study of fieldwork activities performed by the ESD inspectors and sample analysis performed by OASQA. No formal assessment of client satisfaction with ESD services had been undertaken for several years, and the study set out to survey the status of ESD service. What follows is a comparison of that internal study with this study conducted by SPMB.

2. Purpose and Scope.

The purpose of the internal study was to determine client satisfaction with the services provided by the ESD inspectors and OASQA and to also identify solutions. While not contrasting with the internal study, the fieldwork study does differ in purpose. The purpose of the fieldwork study was to determine the fieldwork needs, Regionally, both now and in the next three to five years and to assess the overall organization of Regional fieldwork personnel. The internal study examined the present service and possible solutions; future issues were not examined. Thus, the fieldwork study was both short and long-term in its objectives where the internal study was immediate.

Also, while the ESD inspectors and the lab are significant aspects of Regional fieldwork, they are by no means the entirety of it. The fieldwork study, concerned with the Regional needs, examined topics beyond the needs of ESD clients. For the purposes of the internal study, the clients were identified as only the enforcement and compliance programs in the WPD, WCMD, OECEJ, ORC, and CID. The personnel included program managers and program staff. The internal study also included interviews with OECA staff from Headquarters. The fieldwork study included all Regional offices as well as OECA staff from Headquarters and staff from other Regions.

3. Methodology.

The methodologies for both studies were similar, relying on interviews as the primary source of data. The studies' methodologies differed in several ways. The fieldwork study's interviewees consisted of, but was not limited to, the internal study interviewees. The fieldwork study also contains research on Executive Order 3500.1 and a resource analysis of

ESD. The internal study first consulted with inspectors before conducting interviews. The fieldwork study did not. These differences support the scope and purpose of each study.

4. Findings.

Despite differing purposes and scopes, the studies arrived at some similar findings. Both studies identified a need for ESD inspectors to better document (the internal study specifically noted additional photographs) the inspections. The fieldwork study and the ESD study noted a need for improved turnaround time for inspection reports; however, the fieldwork study noted that the ESD inspectors' ability to deliver timely reports was hampered by the delayed arrival of the targeting lists from the programs. Both studies also noted limited interaction between ESD and the programs and ORC. The two studies found that the ESD inspectors were unclear about the purposes of inspections, ESD managers and inspectors preferred a single workplan, and the ESD inspectors desired additional training for new regulations and emerging programs. The retirement eligibility of the ESD inspectors was a significant issue in both findings.

While there were no contradictions, there were differences in findings between the two studies. These differences can be attributed to the differing scopes and purposes of the studies. By focusing specifically on the inspectors and the lab, the ESD study delved into issues the fieldwork study did not. The internal study raised sampling as a significant issue. This included the ESD inspectors being unsure when sampling was necessary, a perceived insufficient lab capacity for unanticipated sampling, and no agreement between programs and ORC as to when samples were necessary. In the fieldwork study, sampling was one issue among many.

The internal study examined the consistency of services between the Wheeling and Ft. Meade offices. The internal study reported clients felt that while there were benefits in having two field offices (e.g., closer to inspection sites, savings in travel costs and time, knowledge of the geographic area, etc.), the field offices differed in work scheduling, procuring lab services, and variations in inspection procedures. The fieldwork study did not investigate differences between the two field offices.

The fieldwork study, with its Regional focus, went beyond the fieldwork performed by ESD. It noted that the physical location of field staff within the region is split between the programs and ESD. The internal study did not note this. The fieldwork study also found the program managers cited a shift in targeting facilities. The fieldwork study examined programmatic training requirements as defined by EPA Order 3500.1. Moreover, the fieldwork study examined the future fieldwork needs but the internal study did not. Finally, the fieldwork study noted that most programs were satisfied with the fieldwork they were receiving.

Fieldwork Study - List of Appendices

Appendix A. Project Outline

Appendix B. Study Advisory Committee

Appendix C. Interview Questions

Appendix D. Interviewees

Appendix E. Study Team Members

Appendix F. EPA Order 3500.1

Project Outline
Region III Fieldwork Study

GOAL for the REGION

- Define the program requirements under GPRA for "inspections" and insure the availability of competent and responsive "inspectors" to meet GPRA goals, Regional priorities and environmental emergencies.

OUTCOMES for REGION III

- Create and maintain a core of competent, ready, trained staff for field activities.
- Determine appropriate organizational locations and levels of inspector resources.
- Meet present and future GPRA requirements

PRODUCTS of the STUDY

- Develop a protocol for field work in Region III that allows all organizations to have their field work needs met without confusion over who should do the work or delay in getting it done.
- Define and establish the conditions that will allow the first Outcome (create and maintain a core of competent, ready, trained staff for field activities) to be achieved.
- Develop a recommendation for the location and level of inspector resources in each organization.

OBJECTIVES of the STUDY

- Inventory current field work, including criminal enforcement, ambient monitoring, compliance inspections, enforcement case development, emergency response, and any other regular field activity.
- Review current GPRA requirements, HQ MOAs, Region III RAPs and other Initiatives, etc., to define field work requirements.
- Define the core resource needs and organizational locations for each type of field work and develop a plan to meet resource needs.

METHODOLOGY

- Review the Agency Strategic Plan and Annual Activity Plan to inventory field work as identified in those documents.

- Survey regional managers through a brief questionnaire, with E-Mail, telephone follow-up, to see if the information derived from the Agency's plans is complete. Develop an inventory of needs not in the planning architecture.

- Interview managers and key staff in organizations with field work needs and responsibilities to determine if Region III can actually meet the demand for field work.

- Do a resource analysis of FTE, HQ and Regional contract dollars, and State and local grant dollars devoted to field work.

- Review past studies to establish benchmarks and trace historic trends in field work demand, staffing and organizational location.

- Define and evaluate the following criteria which have been suggested as being important for field work.

  - Cost effectiveness

  - "Hit rate"/Federal Presence

  - Health and Safety

  - QA/COC

  - Timeliness

  - Audits (Self/outside)

  - Integrity/behavior

  - Inspector/case developer

  - [How to] Measure success

  - Customer expectations

PROJECT TEAM

- Deputy Project, Bob Mitkus lead; Elaine Wright, co-lead.

  - Support from other deputies as needed and negotiated by Bob.

- Project Staffing from Strategic Planning and Management Branch

- Division Contacts

  - Carol Amend, ESD

- Others to be appointed by deputies through Bob Mitkus

- Include OED as much as possible

TIMELINE

- Complete Project Outline by May 17

- Brief Tom Voltaggio May 20

- Inform other Senior Managers through an announcement at a Monday morning staff meeting, probably May 24. Inform all employees through a LAN message from Tom Voltaggio

- Form and prepare Project Team from May 17 through June 10

- Project Team develops detailed methodology and holds meeting with divisional representatives from May 25 through June 17

- Data Collection, June 20 through July 30

- Initial draft preparation and review, August 2 to 27

- Follow-up, additional data collection, rewriting, August 30 to September 23

- Prepare final draft, September 27 to October 15

- Final draft to typing, October 18

- Final concurrence, October 25

- Final Report November 1, 1999

- Present at Monday morning meeting November 7 or 14

- Develop an implementation plan as a follow-up to the Monday meeting

Study Advisory Committee

Divisional Representatives:

Glenn Hanson
Air Protection Division

Carol Amend
Environmental Services Division

Karen Melvin
Hazardous Site Cleanup Division

Elizabeth Barnes
Office of Enforcement, Compliance and Environmental Justice

Cecil Rodrigues
Office of Regional Counsel

Jeffrey Pike
Waste and Chemicals Management Division

Francis Mulhern
Water Protection Division

Questionnaire
for
Program Managers

Fieldwork Questionnaire

Person Interviewed: _____ Date: ____

Interview Team: Interviewer: _____

Note-Taker: _____

Opening Statement:

The Strategic Planning and Management Branch is undertaking a study of fieldwork, at the request of senior management, to better define the Region's needs and to make sure that we can meet them. You have been identified as the manager of a program that uses fieldwork. We would like to ask you some questions about your fieldwork needs and the ways they are met.

Definition of Fieldwork:

Here is a copy of the definition of fieldwork that we are using. We will try to keep the discussion focused on fieldwork in this sense.

1. How do you define the fieldwork needs of your program?

2. What types of fieldwork do you need at the present (i.e., FY 2000)?

    a. Statutory Inspections

    b. Compliance Inspections

    c. Case Development

    d. Emergency Response

    e. Site Cleanups

    f. Monitoring and Ambient Sampling

    g. Environmental Assessments

    h. Oversight of State Programs

3. Who does the fieldwork for you? (Repeat for each type of fieldwork needed.)

    a. Own staff

    b. Other branch/office in your division

    c. ESD

    d. Other Region III division

    e. National EPA organization (NEIC, etc.)

    f. Other federal agency

        - as part of its programmatic functions

        - under IAG with EPA

    g. Contract

        - Work Assignment on HQ contract

        - Contract funded by Regional budget

    h. State and local agencies (not delegated programs)

4. Do the people doing the fieldwork for you have the appropriate safety training?

5. What is the purpose of the fieldwork?

    a. Monitoring

    b. Quality Assurance

    c. State Oversight

    d. Compliance with Permit

    e. Case Development

    f. Site Assessment or Cleanup

6. How do you project and schedule fieldwork? (Repeat for each type of fieldwork needed.)

7. Are you satisfied with the quality, quantity and timeliness of the fieldwork you are receiving?

8. What is your estimate of the fieldwork needs of your program in the next three to five years?

Definition of "Field Work:"

"Field work" consists of activities performed out of the office for any type of fact-finding purpose, whether they include sample collection, other environmental data collection (e.g., ambient and special purpose monitoring), observations relative to facility operation and waste handling practices, identifying regulatory violations, overseeing site cleanup, or evidence gathering; etc. Field work in this sense is generally carried out for four reasons: 1) to ensure that the Federal laws are complied with and to properly document instances where this is not the case; 2) to provide necessary oversight of the State's field-related policies, procedures and capabilities; 3) for cleanup of hazardous waste sites; and 4) to maintain a "presence" for the regulated community and to alert it that EPA is carrying out its regulatory responsibilities. Also included in "field work" is the oversight of that portion of any contract which is let to perform field work.

Field work includes all of the following EPA activities:

- Statutory Inspections (e.g., RCRA, TSCA/FIFRA, UST);
- Compliance Inspections (all programs);
- Case Development (criminal and civil enforcement programs);
- Emergency Response (oil spills\EPCRA);
- Site Cleanup (CERCLA, RCRA);
- Ambient and Special Purpose Monitoring and Sampling (air and water programs);
- Environmental Assessments (NEPA); and
- Oversight of State Programs (all delegated programs).

All activities conducted in the field are not considered field work for purposes of this definition. In general, any field visit for the purpose of enabling a program person to better perform his/her job is not field work. For example, site visits for permit writers to gain knowledge needed to write a good permit is not considered field work. Visits so that a program person can become more familiar with a site in relation to an enforcement case or review of an environmental assessment are also not field work. Some file reviews, such as those made to target inspections or for case development, are field work. Others are not.

Questionnaire
for
ESD Program Managers

FIELDWORK QUESTIONNAIRE FOR ESD STAFF

Person Interviewed: _____ Date: ____

Interview Team: Interviewer: _____

Note-Taker: _____

Opening Statement:

The Strategic Planning and Management Branch is undertaking a study of fieldwork, at the request of senior management, to better define the Region's needs and to make sure that we can meet them. We have interviewed about 45 managers in programs that use fieldwork. Many of them are customers of yours. Now we would like to ask you some questions about how you and your staff meet the fieldwork needs of your customers.

Definition of Fieldwork:

Here is a copy of the definition of fieldwork that we are using. We would like to focus our discussion today on the types of fieldwork that your organization engages in that are included in this definition.

1. Which types of fieldwork are you responsible for?

2. How do you schedule the fieldwork you do for the programs in the Region each year? Are there negotiated agreements? e.g., MOAs? How do you handle emergencies and other time-sensitive inspections?

3. Please identify the resources you devote to fieldwork (e.g., number of inspectors, and the number of programs each is trained to do).

   A. Do you use contractor support?

      - Work Assignment on Headquarters contract

      - Contract funded by Regional Budget

   B. Is the workload supported by the requesting office, or do you have to make trade-offs?

4. Where are the samples taken during inspections analyzed?

5. How do you communicate with the analytical staff at the lab (Office of Analytical Services and Quality Assurance)?

6. Do you use the biological group at Wheeling for analytical support?

7. Is there training that you feel is needed to allow the inspectors to do their jobs more effectively?

8. Is there anything you feel would help to bring about more efficient and effective inspections and reports?

9. How often do program staff accompany the inspectors? Are there significant differences in service, quality, etc., when program staff are present?

10. Do the inspectors do case development work? Do the programs provide set protocols for case development?

11. Do you feel that you have enough guidance and sampling/analytic support to prepare complete cases for ORC?

12. What kind of feedback do you receive from the program offices about the results of your work?

13. (For Gary & Leo) If you could prioritize and schedule fieldwork, would there be any difference from what is happening now?

14. What do you think the future needs for fieldwork will be?

A. (For Gary & Leo) Do you foresee any training/equipment needs to prepare for evolving areas of concern?

Questionnaire
for
ESD OASQA

FIELDWORK QUESTIONNAIRE FOR OASQA

Person Interviewed: _____ Date: ____

Interview Team: Interviewer: _____

Note-Taker: _____

Opening Statement:

The Strategic Planning and Management Branch is undertaking a study of fieldwork, at the request of senior management, to better define the Region's needs and to make sure that we can meet them. We have interviewed about 45 managers in programs that use fieldwork. We have also interviewed the ESD staff how schedule and supervise fieldwork. Many of those interviewed in both categories are customers of yours. Now we would like to ask you some questions about how you and your staff meet the analytic needs of your customers.

Definition of Fieldwork:

Here is a copy of the definition of fieldwork that we are using. Our discussion today will focus on the services you provide to the programs.

1. How do you project and schedule the analytical work you do for the Region each year? Are there negotiated agreements? e.g., MOAs. Is there a written process for scheduling fieldwork?

2. How do you communicate with the ESD field teams in Fort Meade, Philadelphia, and Wheeling and their Office Director in Philadelphia concerning the analysis of fieldwork samples?

3. Can you identify the circumstances or issues, either internal or external, which might cause delays in completing your analyses?

4. Are there any problems with the contract lab program? Is there a difference between your experience with Superfund and non-Superfund operations in the contract lab program?

5. Are you getting good quality samples?

A. Are there differences in quality depending on the source of the samples; i.e., ESD inspectors, program inspectors, etc?

B. Are their QA project plans for dealing with samples?

6. What is your estimate of analytic needs in support of fieldwork for the next 3-5 years?

7. Do you foresee any training/equipment needs to prepare for evolving areas of concern?

Questionnaire
for
ESD Inspectors

FIELDWORK QUESTIONNAIRE FOR ESD INSPECTORS

Person Interviewed:_____ Date:_____

Interview Team: Interviewer:_____

Note Taker: _____

Opening Statement:

The Strategic Planning and Management Branch is undertaking a study of fieldwork, at the request of senior management, to better define the Region's needs and to make sure that we can meet them. We have interviewed about 45 managers in programs that use fieldwork. We have also interviewed the ESD staff how schedule and supervise fieldwork. Many of those interviewed in both categories are customers of yours. Now we would like to ask you some questions about how you and your staff meet the analytic needs of your customers.

Definition of Fieldwork:

Here is a copy of the definition of fieldwork that we are using. Our discussion today will focus on the services you provide to the programs.

1) For which programs are you trained to conduct inspections?

2) Do you think the process for scheduling inspections across each program is effective in helping you plan your work? Should it be changed in any manner?

3) Do you think there is a general sense the Region is consistent across all programs in the objectives for inspections? (E.g., regulatory presence vs. finding violations)

4) Do you feel the training you have available is sufficient and timely to help you do your job?

5) In the course of your work how often are you asked to collect samples?

6) What kind of feedback do you receive from the program offices about the results of your work?

7) Do program staff ever accompany you on inspections? Are there significant differences when program staff are present?

Questionnaire
for
Program Inspectors

Fieldwork Personnel Questions

1) Which types of fieldwork do you perform?

A. For which program?

B. Are you trained in additional programs?

2) What other duties do you have besides performing fieldwork? How much of your time is spent performing them as opposed to fieldwork?

3) What is the purpose of the fieldwork?

a. Monitoring

b. Quality Assurance

c. State Oversight

d. Compliance with Permit

e. Case Development

f. Site Assessment or Cleanup

4) How do you schedule the fieldwork?

A. Do you think the process for scheduling fieldwork is effective in helping you plan your work?

B. Should it be changed in any manner?

5) Do you feel the training you have available is sufficient and timely to help you do your job?

6) In the course of your work how often are you asked to collect samples? Where to send the samples to be analyzed? Do you have any problems with quality assurance or timeliness?

7) What kind of feedback do you receive from ORC about the results of your work?

8) Do you or other staff in your program ever accompany the ESD inspectors?

A. Which circumstances would cause you to accompany the inspectors?

B. Are there significant differences when you or other program staff are present?

Questionnaire
for
Other EPA Regions

Name _____

Position Title _____

Region _____

Date _____

Introduction - Region 3 is doing a study of field work to better define the Region's future needs and to make sure that we will be able to meet them. To expand our study we felt that it was necessary to see how fieldwork is addressed in other Regions. With that in mind, I would like to ask you several questions.

Questions for other Regions

1. Within your region, where are your field work resources located?

2. Is your region satisfied with the organizational location of field work resources?

3. Is there a formal mechanism used to plan and schedule field work?

Questionnaire
for
Headquarters

Name _____

Position Title _____

Region _____

Date _____

Introduction - It was recommended by Stan Laskowski in Region 3 to talk to you about field work. Region 3 is doing a study of field work to better define the Region's future needs and to make sure that we will be able to meet them. Stan felt that you could give a national perspective of field work needs, etc. With that in mind, I would like to ask you several questions.

Questions for other Headquarters

1. What is your current position in headquarters?

2. What is your overall perspective of field work in the Agency?

3. Have you noticed any national problems concerning field work?

4. What are your requirements for field work inspectors at the National level?

5. Do you anticipate that these requirements will change in the next 3-5 years?

Appendix D

INTERVIEWEES*

Program Managers

Air Protection Division

Bernard Turlinski, Associate Division Director, Office of Enforcement and Permits Review
Christopher Pilla, Chief, Air Enforcement Branch
Marcia Spink, Associate Division Director, Office of Air Programs
David Arnold, Chief, Ozone and Mobile Sources Branch
Makeba Morris, Chief, Technical Assessment Branch
Robert Kramer, Chief, Energy, Radiation and Indoor Environment Branch

Chesapeake Bay Program

Richard Batiuk, Associate Director, Science Cluster

Environmental Services Division

Charles App, Acting Associate Division Director, Office of Ecological Assessment and Management
Richard Pepino, Associate Division Director, Office of Environmental Programs
Thomas Slenkamp, Deputy Associate Division Director, Office of Environmental Programs
Gary V. Bryant, Deputy Associate Division Director, Office of Environmental Programs
Leo Clark, Team Leader, Ft. Meade Inspectors, Office of Environmental Programs
Patricia Krantz, Associate Division Director, Office of Analytical Services and Quality Assurance
Cynthia Metzger, Deputy Associate Division Director, Office of Analytical Services and Quality Assurance

Hazardous Site Cleanup Division

Dennis Carney, Chief, Removal Branch
David Wright, Chief, Preparedness and Program Support Section
Charlie Kleeman, Chief, Removal Response Section
Karen Melvin, Chief, Removal Enforcement and Oil Section

*positions and titles as of July 1999

Office of Enforcement, Compliance and Environmental Justice

Samantha Fairchild, Director

Office of Environmental Data

Alvin Morris, Director

Office of Reinvention

Barbara D'Angelo, Director

Waste and Chemicals Management Division

Wayne Naylor, Chief, Technical Support Branch
John Humphries, Chief, State Programs Branch
Paul Gotthold, Chief, PA Operations Branch
Robert Greaves, Chief, General Operations Branch
James Webb, Associate Division Director for Enforcement
Harry Daw, Chief, RCRA Compliance and Enforcement Branch
Donald Lott, Chief, Pesticides/Asbestos Programs and Enforcement Branch
Aquanetta Dickens, Chief, Toxics Programs and Enforcement Branch

Water Protection Division

Joseph Piotrowski, Associate Division Director, Office of Watersheds
Evelyn MacKnight, Chief, PA/DE Branch
Robert Koroncai, Chief, VA/WV Branch
Patricia Gleason, Chief, MD/DC Branch
Victoria Binetti, Associate Division Director, Office of Municipal Assistance
Richard Rogers, Chief, Drinking Water Branch
David McGuigan, Associate Division Director, Office of Compliance and Enforcement
Kevin Magerr, Acting Chief, NPDES Branch
Karen Johnson, Chief, Safe Drinking Water Branch

Office of Regional Counsel

Martin Harrell, Senior Regional Criminal Enforcement Counsel
Joseph Donovan, Chief, Site Remediation Branch II
Robert Smolski, Chief, Air Branch
Stephen Field, Chief, Water and General Law Branch
Mary Coe, Chief, Waste and Chemical Law Branch
Neil Wise, Associate Regional Counsel, Office of Site Remediation

Criminal Investigations Division

James Thompson, Deputy Division Director

ESD Inspectors

Gerald Crutchley, Office of Environmental Programs
Marilyn Gower, Office of Environmental Programs
George Houghton, Office of Environmental Programs
Gerald Donovan, Office of Environmental Programs
Charles Hufnagle, Office of Environmental Programs

Program Inspectors

Water Protection Division

Roger Reinhart, Safe Drinking Water Branch
Robert Sanchez, NPDES Branch
Anthony Meadows, NPDES Branch
Robert Lange, Safe Drinking Water Branch

Air Protection Division

Richard Killian, Air Enforcement Branch
Angela McFadden, Air Enforcement Branch
James Hagedorn, Air Enforcement Branch

Waste and Chemicals Management Division

Charlene Creamer, Toxic Programs and Enforcement Branch
Craig Yussen, Toxic Programs and Enforcment Branch
Kenneth Cox, RCRA Compliance and Enforcement Branch
Michael Cramer, RCRA Compliance and Enforcement Branch
Andrew Clibanoff, RCRA Compliance and Enforcement Branch
Carmine DiSanzo, Pesticides/Asbestos Programs and Enforcement Branch
Richard Ponak, Pesticides/Asbestos Programs and Enforcement Branch
Todd Lutte, Pesticides/Asbestos Programs and Enforcement Branch

Environmental Services Division

Charles Kanetsky, Office of Ecological Assessment and Management
Jeffrey Lapp, Office of Ecological Assessment and Management

Hazardous Sites Cleanup Division

Michael Welsh, Removal Enforcement and Oil Section
Neeraj Sharma, Removal Enforcement and Oil Section
Glen Lapsley, Removal Enforcement and Oil Section

Office of Enforcement, Compliance and Environmental Justice

Paul Dressel, Environmental Engineer
Zelma Maldonado, Environmental Engineer
Garth Connor, Environmental Scientist

Other EPA Regions

Region 1:

Elizabeth Deabay, Unit Leader, Environmental Services Division
Carol Wood, Acting Deputy, Eco System Protection

Region 2:

Randy Braun for Dore La Posta, Acting Chief, Monitoring and Assessment Branch
Laura Livingston, Enforcement Coordinator, Division of Enforcement and Compliance Assistance
Patricia Sheridan, Acting Deputy Director, Division of Environmental Science and Assessment

Region 4:

William Cosgrove, Lead Regional Coordinator, Science and Eco System Support Division
Sherri Fields, Chief, Accountability Management Branch

Region 5:

George Schupp, Central Regional Laboratory Coordinator

Region 6:

Charles Gazda, Chief, Response and Prevention Branch
Michael Machaud, Chief, Surveillance Section in the Enforcement Division

Region 7:

Alan Wehmeyer, Regional Comptroller and former Director of ESD

Region 8:

Thomas Willingham, Chief of Field Inspections

Region 9:

Joanne Semones, Senior Associate of Enforcement in the Office of the DRA

Region 10:

Philip Wong, Manager, Office of Environmental Assessment Investigation and Engineering Unit

Headquarters

Office of Enforcement and Compliance Assurance

David Lyons, Chief, Energy and Transportation Branch
Kenneth Gigliello, Associate Director, Manufacturing, Energy and Transportation Division

Study Team Members

Project Leads:

Robert Mitkus, Deputy Director
Office of Communications and Government Relations

Elaine Wright, Deputy Director
Air Protection Division

Branch Chief:

Mary A. Sarno, Chief
Strategic Planning and Management Branch

Project Team:

Henry P. Brubaker
Program Analyst, Co-Team Leader

Jeffrey Boylan
Program Analyst, Co-Team Leader

Barbara L. Latsios
Program Analyst

Cindy Sobusiak
Program Analyst

Jada R. Goodwin
Management Analyst

Kevin Parker
Management Analyst

Michele Junker
Acting Management Assistant

Alicia Martinez
Secretary, Office Automation

Elizabeth Kamihira
Senior Environmental Employee

EPA ORDER

Classification No.: 3500.1

Approval Date: June 29, 1988

TRAINING AND DEVELOPMENT FOR COMPLIANCE INSPECTORS/FIELD INVESTIGATORS

1. PURPOSE. This Order establishes a consistent Agency-wide training and development program for employees leading environmental compliance inspections/field investigations.

2. APPLICABILITY. This Order applies to all Environmental Protection Agency (EPA) personnel who lead or oversee the conduct of compliance inspections/field investigations on a full- or part-time basis under any of EPA's statutes. This Order is advisory to State and local agencies.

3. POLICY. It is the policy of the Environmental Protection Agency to ensure that those who lead environmental compliance inspections/field investigations are properly trained to perform these functions in a legally and technically sound manner.

4. REFERENCES.

a. EPA 1440. Occupational Health and Safety Manual: Chapter 7, Occupational Health and Safety Training.

b. EPA Order 1440.2, Health and Safety Requirements for Employees Engaged in Field Activities.

c. EPA Order 1440.3, Respiratory Protection.

d. Agency-wide Program to Train, Develop and Recognize Compliance Inspectors/ Field Investigators: A Program Description, June, 1988.

5. DEFINITIONS.

a. Compliance Inspection/Field Investigation Function. The function includes leading, or overseeing State/local, contractor or other personnel conducting, any of the following activities for the purpose of establishing the

compliance status of facilities or sites with applicable laws, standards, regulations and permits and/or of supporting appropriate enforcement action (administrative, civil judicial or criminal), including:

(1) planning and carrying out inspections of pollution abatement equipment, relevant facility operations and maintenance practices, self-monitoring practices and records, and laboratory equipment;

(2) gathering and developing evidence, including but not limited to emission monitoring measurements, other analytical field procedures such as sampling and the associated quality assurance procedures, and in-depth engineering evaluations; and

(3) maintaining field logs, recording field observations photographically, analyzing sampling and emissions data, and preparing reports of observations along with any supporting documentation.

Any EPA employee performing these activities regardless of job title or program shall be considered a compliance inspector/field investigator for the purposes of this Order. The terms compliance inspector/field investigator will be used throughout this Order. This function does not include field activities or investigations for purposes such as research and development, which are unrelated to compliance monitoring or enforcement.

Not all individuals performing work as On-Scene Coordinators (OSCs) and Remedial Project Managers (RPMs) under the CERCLA program are covered by the definition of the compliance inspection/field investigation function. Additional program guidance will be developed to assist Regions in distinguishing these functions from other programmatic responsibilities.

b. New Compliance Inspector/Field Investigators. Including:

(1) Individuals newly employed by EPA subsequent to the issuance date of this Order regardless of previous training in and experience leading environmental compliance inspections/field investigations, or

(2) Individuals rehired by EPA or transferred within EPA, subsequent to the issuance date of this Order, with no previous training in and experience leading environmental compliance inspections/field investigations.

c. Experienced Compliance Inspectors/Field Investigators. Including: Individuals who were employed by EPA on the issuance date of this policy, and/or who have previous training in and experience leading environmental compliance inspections/field investigations in any one of EPA's compliance and enforcement programs.

d. First-line Supervisors of Inspectors. A first-line supervisor is the immediate supervisor of the day-to-day work of an individual who leads or oversees compliance inspections/field investigations. The first-line supervisor, who is responsible for the official performance appraisal, may be "new" or "experienced" as defined above in items 5(b) or 5(c).

e. Contract Inspectors and Others. This category includes contract personnel and employees of a grantee organization under the Senior Environmental Employment Program, performing compliance inspections/field investigations under EPA's statutes.

f. Leading an Inspection. Leading an inspection means independently conducting a compliance inspection/field investigation or directing an inspection/investigation with others as support staff.

g. Curriculum. Curriculum refers to defined content presented in a sequence of supervised self-study, formal on-the-job and/or classroom training:

(1) Supervised Self-Study. Self-study means any knowledge gained through independent, personal study, and overseen by a first-line supervisor or an experienced inspector/investigator.

(2) On-the-Job Training. On-the-job training (OJT) means structured training that relates principles or theories to work-related skills which are demonstrated and applied in the field environment during an actual compliance inspection/field investigation.

(3) Classroom/classes. This refers broadly to any form of instruction, flexible in format and size, to include seminars, workshops, lecture-type or video-assisted classes, or question-and-answer sessions following prior independent self-study, that fosters group interaction with an instructor or an experienced inspector.

h. Completing Required Training. Completion of required training means completing self-study, OJT and participation in classes covering the content described in applicable training curricula.

6. TRAINING PROGRAM. EPA's training program consists of three parts -- Occupational Health and Safety Curriculum, Basic Curriculum, and Program-Specific Curricula — as follows.

a. Occupational Health and Safety Curriculum. EPA Order 1440.2 establishes basic, intermediate, advanced and refresher requirements for occupational health and safety training for all EPA employees before engaging in any field activities. In addition, EPA compliance inspectors/field investigators must meet requirements, where these apply, of EPA Order 1440.3 for Respiratory Protection. A summary of the curriculum is found in Appendix B of Reference 4(d) above. Contractor personnel must meet training requirements of applicable regulations of the Occupational Safety and Health Administration (OSHA).

b. Basic Inspector Curriculum. This Curriculum establishes required training to provide a comprehensive overview of knowledge and skills needed for compliance inspections/field investigations under any EPA statute. It consists of a course, that integrates legal, technical and administrative subjects, with communication skills. It also includes the Occupational Health and Safety Curriculum cited in 6(a) above. The Basic Curriculum is summarized in Appendix C of Reference 4(d) above. Related Supplemental Training is recommended to further develop some of these skills, as summarized in Appendix F of Reference 4(d) above.

c. Program-Specific Curricula. The Program-Specific Minimum Curriculum for each major environmental program establishes required training in legal, programmatic and technical subjects. Any EPA compliance inspector conducting inspections in more than one program is required to have completed the relevant Program-Specific Minimum Curricula in each such program. Program-Specific Specialized Training is recommended to further develop inspection skills. Summaries of these curricula are available in Appendix D, of Reference 4(d) above. A summary of multi-media (multi-program)training recommendations is available in Appendix E of Reference 4(d) above.

d. Refresher Training.

(1) Occupational Health and Safety: EPA Orders 1440.2 and 1440.3 require refresher training annually.

(2) Basic and Program-Specific Minimum Curricula: Refresher training in both the Basic Curriculum and Program-Specific Minimum Curricula is strongly recommended, but at the discretion of the first-line supervisor. At a minimum, refresher training should occur every three years, or more frequently, depending on the needs of the individual, and changing emphases or needs in the compliance and enforcement program.

7. REQUIREMENTS AND EXCEPTIONS.

a. Before Any Field Activities. All compliance inspectors and first-line supervisors of inspectors are required to complete applicable occupational health and safety training before any field activities as defined in EPA Orders 1440.2 and 1440.3.

b. Before Leading Inspections/Investigations. All compliance inspectors/ field investigators must complete the Basic Curriculum and the Program-Specific Minimum Curriculum in the assigned program area(s) before leading an inspection. Experienced inspectors may be excepted from the Basic Curriculum, but new inspectors may not. There may be limited exceptions to program-specific requirements for new and experienced inspectors.

c. Within One Year When Supervising. The requirements to complete the Basic and Program-Specific Minimum Curricula apply to first-line supervisors of compliance inspectors. First-line supervisors shall meet these requirements within one year of appointment to the supervisory position, if they have not already done so. If the first-line supervisor directs inspectors/investigators in two or more programs, the supervisor may need additional time to complete all of the applicable Program-Specific Minimum Curricula, and should do so as soon as practicable. Experienced first-line supervisors may be excepted from the Basic Curriculum, but new ones may not. There may be limited exceptions to program-specific requirements for new and experienced first-line supervisors.

d. Procedures for Exceptions.

(1) Health and Safety Training. Any exceptions to the occupational health and safety training requirements must be in accordance with Paragraph 9(d), EPA Order 1440.2, or the provisions of 1440.3.

(2) Basic and Program-Specific Minimum Curricula. In the Regions, exceptions must be approved by the Regional Administrator. Delegation below this level may be made to the Deputy Regional Administrator or a cross-regional panel of managers established for this purpose, but excluding the immediate first- or second-line supervisor of the individual for whom the exception is being requested. For Program Offices with inspectors based in Headquarters, the Assistant Administrator shall approve exceptions for those inspectors. Delegation below this level may be made to the Deputy Assistant Administrator, or Office Director, or in the case of OECM, to the Director of the National Enforcement Investigations Center (NEIC). The first-line supervisor shall prepare a written request based upon guides for evaluating the previous knowledge, experience and/or training of the inspector, and shall submit this to the approving official, according to procedures adopted in the Region or Headquarters, whichever apply. A copy of the approved written request shall be placed in the employee's official personnel file along with other training records.

8. EFFECTIVE DATE.

a. Occupational Health and Safety Training. The requirements of EPA Orders 1440.2 and 1440.3 are in effect and will remain in effect.

b. Basic and Program-Specific Minimum Curricula. This Order is effective on the date of issuance; however, requirements are phased in as follows:

(1) New Inspectors. Beginning October 1, 1989, new inspectors shall not lead inspections unless they have completed the Basic Curriculum, and have completed, or have been formally excepted, from the Program-Specific Minimum Curricula.

(2) Experienced Inspectors. Beginning October 1, 1991, experienced inspectors shall not lead inspections unless they have completed or have been formally excepted from the Basic and Program-Specific Minimum Curricula.

(3) First-line Supervisors. Beginning October 1, 1989, all first-line supervisors shall meet the requirements of this Order or have been formally excepted within one year of appointment to the supervisory position, or as soon as practicable, for those with two or more programs.

(4) Contract Inspectors and Others. Training requirements for EPA contract inspectors shall be appropriately phased into future contracts or solicitations involving compliance inspection work. These requirements shall be incorporated into future assistance agreements awarded under the Senior Environmental Employment Program involving compliance inspections.

9. RESPONSIBILITIES. This section lists the primary responsibilities for implementing this Order. Appendix G of Reference 4(d) above contains a more detailed list of responsibilities.

a. Assistant Administrator for Enforcement and Compliance Monitoring (OECM). The Assistant Administrator for Enforcement and Compliance Monitoring is responsible for:

(1) Updating this Order, and overseeing and evaluating implementation of the overall program requirements every 3 years;

(2) Developing, updating and disseminating student manuals and instructor's guides for the Basic Curriculum to the Regions, coordinating the selection of and maintaining a list of instructors from the Regions and Headquarters; and

(3) Organizing a board of Senior Agency Managers from Headquarters and Regions, and inspectors/investigators to advise him/her in carrying out the responsibilities listed above.

b. Assistant Administrator for Administration and Resources Management. The Assistant Administrator for Administration and Resources Management is responsible for:

(1) Updating and providing sufficient materials for occupational health and safety training, or approving non-EPA courses to meet the requirements of EPA Orders 1440.2 and 1440.3, and reviewing program-specific health and safety training.

(2) Training and evaluating EPA personnel designated as instructors for delivering the Inspector Health and Safety Curriculum; and

(3) Coordinating and disseminating a timely schedule of classes of the Health and Safety, Basic, and Program-Specific Curricula, in consultation with OECM, Program Offices and the Regions.

c. Assistant Administrators. The Assistant Administrators are responsible for:

(1) Implementing the requirements of this Order and Agency program [Reference 4(d)] within their areas of jurisdiction, including periodically evaluating implementation;

(2) Developing, updating, and disseminating materials and schedules for classes under the Program-Specific Curricula, in consultation with Regions and States, and providing a plan by October 30, 1988, for implementing the Basic Curriculum for inspectors based in Headquarters;

(3) Establishing guides for first-line supervisors of inspectors to evaluate the training and development needs of compliance inspectors/field investigators and approving requests for exceptions;

(4) Determining who among those inspectors/investigators based in Headquarters are subject to this Order, and reviewing and approving exceptions to the training requirements requested for these personnel.

(5) Ensuring in future contracts and assistance agreements awarded under the Senior Environmental Employment Program involving compliance inspections that training is required by means of statements of work or other appropriate vehicles; and

(6) Establishing standing work groups including Regions, and States where appropriate, to help carry out these responsibilities and to improve the quality of the compliance monitoring function.

d. Regional Administrators. The Regional Administrators are responsible for:

(1) Implementing the requirements of this Order and Agency program [Reference 4(d)] within their areas of jurisdiction, including periodically evaluating implementation;

(2) Determining who in the Region is subject to this Order, and reviewing and approving any exceptions to the training requirements;

(3) Ensuring in future contracts involving compliance inspections that training is required by means of statements of work or other appropriate vehicles;

(4) Supporting in-house instruction for the Basic Curriculum, by working with OECM to identify Regional personnel to serve as classroom instructors and providing a Regional implementation plan by October 30, 1988; and

(5) Ensuring each program identifies States' inspector training needs annually through the State/EPA Enforcement Agreements process; assisting States in identifying ways to meet their training needs; and coordinating training opportunities.

e. Line Supervisors. Line supervisors in Program or Environmental Service Divisions, are responsible for:

(1) Ensuring quality compliance inspections/field investigations using performance standards, periodic appraisals, appropriate assignment to ensure development, and recognition of personnel engaged in the compliance monitoring function; and

(2) Identifying employees who require training, ensuring that employees comply with the requirements of this Order, preparing requests for exceptions, and maintaining records of actions.

f. Compliance Inspectors/Field Investigators. Compliance inspectors/field investigators are responsible for:

(1) Advising their supervisor about the history and extent of relevant training and experience, and assisting in the preparation of an Individual Development Plan to meet the requirements of this Order; and

(2) Applying and maintaining the knowledge, skills, and techniques acquired through training to ensure that inspections/investigations are accomplished in a technically and legally sound manner.

A. James Barnes
Deputy Administrator

AGENCY-WIDE PROGRAM TO TRAIN, DEVELOP AND RECOGNIZE COMPLIANCE INSPECTORS/FIELD INVESTIGATORS: A PROGRAM DESCRIPTION

June 1988

U.S. Environmental Protection Agency
Washington, D.C. 20460

DISCLAIMER STATEMENT

No language in EPA Order 3500.1 and/or this policy shall create any right in any person to use this Order as a basis for suit, or as a basis for defense, against EPA; it is intended as notice solely for internal personnel administration and its terms shall not inure to the benefit of any person who is not employed by EPA. Nothing in EPA Order 3500.1 nor this policy shall affect adversely admissibility of evidence offered by the United States in any proceeding, or the competency of witnesses called by the United States.

ACKNOWLEDGEMENTS

This Program Description was prepared for the Agency-wide Work Group on Inspector Training and Development by the Compliance Policy and Planning Branch, Office of Compliance Analysis and Program Operations, Office of Enforcement and Compliance Monitoring (OECM). The overall project manager and principal author was Rebecca A. Barclay. Appendices D-1 to D-9, Summaries of Program-Specific Curricula, were prepared by the Program Offices.

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EXECUTIVE SUMMARY

EPA's program to train, develop and recognize compliance inspectors and field investigators does the following:

o Focuses on Quality Inspections, not just "training for training's sake," by continuing to rely on the Performance Management System and the first-line supervisor's judgment in evaluating the field performance and the readiness of an inspector to lead an inspection. Development of criteria for quality inspection reports and Supervisors' Guides for assessing training needs and requesting exceptions are new tools provided for this purpose.

o Establishes Minimum Training Requirements Before Leading Inspections, in the form of a Basic Inspector Curriculum developed by OECM, and Program-Specific Minimum Curricula developed by the Program Offices, with Regions' and States' participation.

o Addresses a Broad Audience including EPA's new and experienced inspectors and first-line supervisors, along with EPA's contractors leading compliance inspections and field investigations for compliance and enforcement-related purposes.

o Maintains Flexibility in Implementation by phasing in requirements for new inspectors and all first-line supervisors on October 1, 1989, and for experienced inspectors on October 1, 1991. The Program also allows exceptions to requirements based on previous training and experience in most instances; however, new inspectors cannot be excepted from the Basic Curriculum.

o Assists State/Local Personnel, by encouraging States to adopt structured training programs for inspectors, sharing EPA developed training materials, assessing training needs during the State/EPA Enforcement Agreements Process, and offering to train State instructors.

o Ensures Ongoing, Consistent Delivery of Training, by using the EPA Institute model for the Basic Curriculum, continuing contractor or grant support in program-specific situations, and relying on a combination of these approaches to deliver health and safety training required by existing EPA Orders.

o Maintains Program Accountability, by assigning responsibilities for development, delivery, tracking and evaluation of training in Headquarters and the Regions, establishing standing work groups and incorporating evaluation throughout the program design.

o Builds Recognition into the Work by encouraging more feedback and acknowledgment of the inspector's contribution to enforcement actions and by encouraging AAs and RAs to reward excellence in compliance monitoring inspections/field investigations.

AGENCY-WIDE PROGRAM TO TRAIN, DEVELOP, AND RECOGNIZE COMPLIANCE INSPECTORS/FIELD INVESTIGATORS

I. INTRODUCTION

In June, 1988, the Administrator issued a policy, entitled, "Agency-wide Program to Train, Develop and Recognize Compliance Inspectors and Field Investigators." The primary goal of this program is to foster quality compliance inspections and field investigations as critical components of the Environmental Protection Agency's (EPA's) compliance monitoring and enforcement functions.* It is the continuing responsibility of the compliance inspector, or field investigator, and his/her first-line supervisor to focus on quality, not just quantity and timeliness in meeting the commitments for inspections and investigations. Managers and staff at all levels should support this emphasis throughout the Regions and Headquarters.

There are existing systems and responsibilities which EPA will continue to rely upon to ensure quality. Among these are development and provision of inspection guidance manuals, policies, and procedures; management systems including performance standards and performance appraisals; and decisions by the first-line supervisor on assignments and the readiness of personnel to represent the Agency in the field with the regulated commmunity. This document explains several new actions designed to reinforce the goal of quality in EPA's compliance monitoring programs and details the responsibilites of Agency managers and staff in carrying out these actions.

Highlights of these actions include:

- Using New Tools to Assess Inspectors/Investigators' Training needs;
- Reinforcing Quality in Inspection Reports;
- Establishing Formal Training Curricula and Requirements;

---

* Activities encompassed in the term compliance inspections/ field investigations are shown in "Definitions," Appendix A.

- Creating Standing Work Groups to Improve EPA's Compliance Inspection Programs; and

- Building Recognition into the Day-to-Day Work.

Taken together these key actions should help create the necessary conditions for high quality inspections, thereby strengthening the Agency's compliance and enforcement programs. The remainder of this document describes these and related actions in more detail.

II. DEVELOPING AND EVALUATING QUALITY IN INSPECTIONS AND INVESTIGATIONS

A first-line supervisor has very important responsibilities regarding employee development. The supervisor makes decisions on the individual's training needs, the best ways to meet those needs, if and when an individual is ready to lead an inspection, the annual performance rating, and when promotions are warranted. These activities are done cyclically and are very closely interrelated. To assist supervisors with these responsibilities, the following will occur.

A. Performance Evaluation

Training prerequisites alone do not ensure high quality performance in the field. Nor is completion of these the sole basis for a first-line supervisor to decide that an employee is ready to lead inspections. Personal qualities such as individual motivation and judgment are among the factors a supervisor considers. EPA's Performance Managment Systems provides the framework for assessing the individuals readiness for leading inspections/investigations and the quality of performance.

When evaluating the quality of performance of compliance inspectors/field investigators, first-line supervisors are strongly encouraged to use three primary methods with related performance standards:

- Review of inspection plans, files and reports against established criteria for quality: Criteria for evaluating the quality of inspection reports should be developed in conjunction with case development personnel and a system of periodic reviews should be established that offers clear and prompt feedback. Some programs and Regions already use this approach.

- Direct observation of the inspector's performance in the field: Because inspectors operate independently in the field, it is crucial for the supervisor to have direct knowledge of how the

individual is performing in the field as EPA's representative. Periodically observing and evaluating the inspector in the field can be a useful way of developing such knowledge.

o Self-evaluation: Self-evaluation is always an important component, so that the supervisor knows whether the inspector understands what is important about quality in performance and how the individual perceives his/her own accomplishments.

B. Assessing Training Needs

As part of this program, Program Offices and OECM are developing Supervisors' Guides to help supervisors assess previous training and experience against the established curricula. These guides will link the training curricula to the knowledge, skills and abilities (KSAs) that are related to the job. They offer a common framework for applying training requirements, annually reviewing training needs, preparing Individual Development Plans, and requesting exceptions from training requirements. These guides will be available during FY 1989.

Also Program Offices and OECM are encouraged to develop and test objective measures to assess what individuals have learned through the training program and to use this information in deciding future training needs. Such measures of progress could be self assessments built into training materials, mock inspections or other means of evaluating learning.

C. Standing Work Groups

Standing work groups are important to support and promote quality in all aspects of EPA's compliance inspection/monitoring programs. These groups provide opportunities for discussion among peers and can enhance the sense of professionalism among the Agency's very diverse group of compliance inspectors and investigators.

Program Offices will establish standing work groups composed of Headquarters, Regional and State compliance inspectors/ investigators and other compliance program staff to exchange ideas about work methods and strategies; to assist in design, development and review of training materials; and to develop better mechanisms for timely dissemination of information on policy and regulatory changes related to inspections/ investigations. Program Offices have already used such groups effectively in the development of the program-specific curricula that form a central component of the training program described below.

Related to this, the Program Offices should also establish mechanisms to keep inspectors/investigators abreast of

policy, regulatory, and procedural changes between training cycles (i.e. newsletter, procedures memoranda, inspection manual inserts).

Also, OECM will establish a board of Senior Agency Managers, inspectors and investigators from Headquarters and Regions to advise OECM in updating EPA Order 3500.1, overseeing and implementing this program, updating the Basic Curriculum, and developing other projects to improve the Agency's compliance monitoring programs.

III. TRAINING AND DEVELOPMENT

The primary goal of the EPA's national training program is to develop and maintain among EPA employees, the knowledge, skills and abilities needed for high quality compliance inspections on a consistent and continuing basis. EPA Order 3500.1 establishes formal curricula and minimum requirements for all EPA inspectors, first-line supervisors of inspectors, EPA contractors and others conducting inspections under EPA's statutes. The Order also establishes procedures for exceptions to the training requirements.

This is the first time the Agency has articulated a national, comprehensive approach to professional development of compliance inspectors. Program Offices and the Office of Enforcement and Compliance Monitoring (OECM) are responsible for developing and maintaining these training programs on a continuing basis. Both the Regional Offices and Headquarters Program Offices have important roles in delivering the training.

A. Training Curricula

The curricula consist of three required elements: Occupational Health and Safety, Basic, and Program-Specific Minimum Curricula. Appendices B, C, and D respectively describe each curriculum. Recommendations on multi-media (multi-program) training appear in Appendix E. Supplemental training to strengthen skills such as negotiations and appearing as an expert witness are also available, as described in Appendix F. For more information about each curriculum, contact the representative listed in each summary. Briefly these curricula are:

1. Occupational Health and Safety: EPA Orders 1440.2 and 1440.3 establish requirements for knowledge of hazard recognition, personal protective equipment, and general health and safety practices. The Occupational Health and Safety Staff (Office of Administration and Resources Management) is responsible for updating these Orders and the associated curricula. (See Appendix B.) Training required by these Orders is an essential component of the Basic Curriculum for inspectors.

2. Basic Inspector Curriculum: This Curriculum establishes required t_ ining to provide a comprehensive overview of knowledge and skills needed for compliance inspections/field investigations under any EPA statute. It consists of a course, that integrates legal, technical and administrative subjects, with communication skills. The goal of this training is to foster a common understanding of the role of the compliance inspector and EPA's general enforcement philosophy; the enforcement authorities and enforcement process under all the major environmental statutes; and to develop skills needed to gather information, collect evidence, and write objective reports of findings. OECM is responsible for developing and updating this course and overseeing implementation of the curriculum. Appendix C describes the curriculum in more detail. The curriculum also encompasses the training required by the Health and Safety Orders cited above.

3. Program-Specific Curricula: Each Program Office has defined a minimum curriculum of legal, programmatic, and technical subjects to prepare an inspector to lead specific types of inspections, recognize violations, and to properly obtain information/evidence. The curriculum must be completed prior to leading a inspection. Appendix D contains a brief summary of each Program Office's minimum curriculum. If an individual is leading inspections in more than one program area, s/he must complete the minimum curriculum for each program area before leading an inspection in that program.

Each Program Office has or will develop advanced or specialized curricula for particularly complex or difficult types of inspections, and will incorporate these into their training plans as they are developed and approved by training work groups. The proper mix of inspectors with specialized training is the decision of Regional management, depending on needs for specialized types of inspections and knowledge of control technologies or industries.[1] Any inspector seeking such specialized training should have previously completed the Basic and Program-Specific Minimum Curricula.

4. Multi-Media (Multi-Program) Training

The goal of multi-media (multi-program) training is to develop a flexible work force capable of responding to changing program priorities and to enable more efficient use of travel time and money. Regions are encouraged to support

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[1]Throughout this document, wherever Regional Administrator or Regional Management appears, the same authories or responsibilities apply to any Assistant Administrator with Headquarters-based compliance inspectors/field investigators, for example, in the Air Mobile Sources Program.

multi-media (multi-program) training where the relationship between the requirements of two or more programs or the location of the facilities makes it cost-effective to do so. Appendix E recommends areas for future development of multi-media (multi-program) inspections and associated training.

5. Supplemental Training

To supplement the required Basic Curriculum, EPA inspection personnel are encouraged to take other training courses designed to strengthen specific skills associated with the compliance and enforcement process, such as administrative hearings/trials, negotiations skills, appearing as an expert witness, and criminal enforcement techniques. See Appendix F for additional information and whom to contact.

6. Refresher-Training

The purpose of refresher training for inspectors and their first-line supervisors is to reinforce basic knowledge and skills and to keep current the specific technical, legal and programmatic knowledge and skill needed for high quality inspections/investigations. Refresher training in occupational health and safety is required annually under EPA Orders 1440.2 and 1440.3.

Refresher training in both the Basic and Program-Specific Minimum Curricula is strongly recommended every three years at a minimum. The first-line supervisor will determine the frequency of such training based on the needs of the individual, and changing emphases or needs in the Compliance Program. This means that training is ongoing, rather than a one-time occurrence. Program Offices may specify refresher training more frequently for some or all parts of their curricula.

B. Applicability

This section elaborates on EPA-Order 3500.1, Section 2 so that staff and managers implementing this training program for compliance inspectors/field investigators have a broader understanding of its applicability to EPA personnel, contractors and others performing inspections under EPA's statutes, and to State and local personnel.

1. EPA Compliance Inspector/Field Investigators, and First-Line Supervisors.

The requirements of this program apply to all EPA compliance inspectors/field investigators and the first-line supervisors of individuals who lead or oversee compliance inspections/field investigatons. While program requirements apply to both "new"

and "experienced" personnel as defined in the Order, there are some distinctions in training requirements and exceptions to them. Regional Administrators and those Assistant Administrators with inspectors based in Headquarters and are responsible for determining which personnel fall in the categories of "new" and "experienced," and which requirements and/or exceptions apply. Although not required, anyone participating or assisting in compliance inspections/field investigations is strongly encouraged to complete the Basic and Program-Specific Curricula.

Not all individuals performing work as On Scene Coordinators (OSCS) and Remedial Project Managers (RPMS) under the CERCLA program are covered by the definition of the compliance inspection/field investigation function. OSWER will develop additional program guidance to assist Regions in distinguishing these functions from other programmatic responsibilities.

2. <u>EPA Contract Personnel and Others</u>

In order to be effective representatives of EPA and carry out Agency policies and procedures, EPA contract personnel, consultants, and other personnel performing compliance inspections/field investigations under EPA's statutes must fulfill the requirements of the Basic and Program-Specific Minimum Curricula prior to leading any inspections. Program Offices and Regions are responsible for assuring that under future contracts and assistance agreements awarded under the Senior Environmental Employment Program involving compliance inspections, training is required by means of statements of work and/or other appropriate vehicles.

3. <u>State/Local Personnel</u>

Because State and local personnel perform more than 80% of all environmental compliance inspections nationally under delegated or approved programs, it is essential for EPA to work with the State and local agencies to help assure that their personnel too receive ample training and development. Although this program does not require State/local agencies to train compliance inspectors/field investigators, it does encourage these agencies to adopt structured approaches to train their personnel, recognizing State-specific concerns and the value of alternate instructional methods, and to use EPA-developed training materials where appropriate.

EPA recognizes that States' training needs differ from EPA's needs in areas such as program requirements and regulations, but there are common areas of need, for example in technical field methods and investigative techniques. In many instances, States are the repository of expertise that EPA needs

to tap as well. EPA's training program recognizes the importance of this mutual relationship in design and implementation of inspector training (See discussion in Section III. F).

C. Requirements and Exceptions

The Basic and Program-Specific Minimum Curricula establish a core set of subjects and field experience that must be completed by each inspector. Regions are encouraged to tailor training materials to suit local needs, while still being consistent with the national program. This means that Regions may add to the course content but coverage of the essential content is required. Completion of any of the training required under this program means completing self-study, OJT and/or participation in classes covering the content of the curriculum.

Training requirements are oriented around key stages in the process of employee development as follows:

1. Prerequisites to Field Activities

EPA Order 1440.2 established basic health and safety training requirements that apply to all of EPA's compliance inspectors/field investigators and their first line supervisors, and that are prerequisites to any activities in the field. The training requirements of EPA Order 1440.3 may also apply.

2. Prerequisites to Leading Inspections

EPA Order 3500.1 establishes minimum training requirements under the Basic and Program-Specific Minimum Curricula for all of EPA's compliance inspectors/field investigators that constitute prerequisites to leading or overseeing inspections/ investigations performed by States/local personnel, EPA contractors or others conducting inspections under EPA's statutes.

3. Within One Year When Supervising

EPA Order 3500.1 establishes minimum training requirements under the Basic and Program-Specific Minimum Curricula for all first-line supervisors of personnel who lead or oversee compliance inspections that should be completed within one year of appointment to the supervisory position. If the first-line supervisor directs inspectors/investigators in two or more programs, the supervisor may need additional time to complete all of the applicable Program-Specific Minimum Curricula, and should do so as soon as practicable.

4. Procedure for Exceptions

Paragraph 9 (d), EPA Order 1440.2 and EPA Order 1440.3 provide procedures that should be followed to seek exceptions to health and safety training requirements. Paragraph 8 (c), EPA Order 3500.1 establishes the procedure for obtaining exceptions to requirements to complete the Basic and Program-Specific Minimum Curricula. In the Regions, the responsibility for approving exceptions rests with the Regional Administrator. Delegation below this level may be made to the Deputy Regional Administrator or a panel of managers, excluding the immediate first or second-line supervisors of the individual for whom an exception is being requested.

For those Program Offices with inspectors based in Headquarters, the authority to approve requests for exceptions for these individuals rests with the Assistant Administrator. Delegation below this level may be made to the Deputy Assistant Administrator, the Office Director, or in the case of OECM, to the Director of NEIC. In no case does the AA approve requests for exceptions made for personnel based in the Regions.

5. Exceptions to Requirements for Completing Basic and Program-Specific Minimum Curricula

Regional Administrators or Assistant Administrators, or their delegatees, are responsible for determining whether each inspector or first-line supervisor is "new" or "experienced" as defined in EPA Order 3500.1.

The following chart (FIGURE 1) shows what options exist for new and experienced inspectors/investigators and first-line supervisors of inspectors to receive exceptions to these requirements. These exceptions must be based on an evaluation of each inspector's or supervisor's previous training and experience as compared to the required curricula. The Supervisors' Guides discussed in Section II. B are the primary tool for performing this assessment.

For the Basic Curriculum, the policy of no exceptions for new personnel is important because this training is the common foundation on which the Program-Specific Minimum Curricula builds. Exceptions for some experienced employees may be appropriate. Nonetheless, experienced inspectors are strongly encouraged to take the Basic Curriculum even if excepted from it because it is useful as refresher training and allows them to share experiences with new inspectors.

For Program-Specific Curricula, a limited number of exceptions are possible for both new and experienced employees, based on previous training and experience. Supervisor's Guides will provide criteria for such exceptions.

FIGURE 1. SUMMARY OF POLICY ON EXCEPTIONS TO TRAINING REQUIREMENTS

	BASIC CURRICULUM	PROGRAM-SPECIFIC MINIMUM CURRICULUM
NEW INSPECTORS/ INVESTIGATORS AND 1ST-LINE SUPERVISORS	No Exceptions Possible	Limited Number of Exceptions Possible
EXPERIENCED INSPECTORS/ INVESTIGATORS AND 1ST-LINE SUPERVISORS	Limited Number of Exceptions Possible	Limited Number of Exceptions Possible

D. Implementation of the Training Program

In implementing the training program, the primary goal is to develop and deliver, on a consistent and timely basis, the necessary instructional materials and course offerings required under the Basic and Program-Specific Minimum Curricula. This section discusses key principles, responsibilities and the timetable for developing and delivering this training program to EPA personnel and assisting State/local personnel. Appendix G contains a detailed list of functions and responsibilities needed to make this program a success.

1. Design and Development of Training

Development of training involves the key functions of defining the content, selecting the instruction method(s) and developing the associated training materials. Design and development of the Basic and Program-Specific Curricula and the associated training materials are primarily functions of Headquarters. The AA, Office of Administration and Resources Management (OARM) is responsible for the Health and Safety Curriculum, the AA, Office of Enforcement and Compliance

Monitoring, for the Basic Curriculum, and the AA's, Program Offices, for the Program-Specific Curricula. Key principles for design and development are shown in Table 1. following.

Table 1.

KEY PRINCIPLES FOR DESIGN AND DEVELOPMENT OF TRAINING
1. Active participation by the Regions/States in annual assessment of training needs, and in development and evaluation of training materials and methods.
2. Instructional value of training materials and methods is apparent; inspection manuals are not sufficient.
3. Evaluation of training (including objective measures or tools for self-evaluation, pre-and post-training) is built into the materials and methods, and results are used by Program Offices and OECM to develop or revise training.
4. Training methods and materials are selected and designed to maximize their replicability and to minimize delivery costs to a wide audience including State and local personnel, EPA contractors and others.

2. Delivery of Training

This section describes the general aproach to delivery of the Basic Curriculum and the Program-Specific Curricula to EPA personnel. Delivery means who receives what training, where and how. Key principles appear in Table 2 following.

a. Balancing Flexibility with Effectiveness

Effective training depends on the instruction methods used to convey the knowledge or techniques to be learned. OECM and the Program Offices have identified the preferred method(s) of instruction for their curricula, and have or will develop materials accordingly. When classroom instruction is the preferred approach, a continuing concern has been the availability of classes. To accommodate this concern, EPA Order 3500.1 and the Program Description do the following:

(1) Broadly define classroom instruction to include seminars, workshops, lecture-type or video-assisted classes, or question-and-answer sessions following prior independent self-study, i.e. any approach that fosters group interaction with an instructor or an experienced inspector.

(2) For the Basic Curriculum, the preferred approach is classroom instruction broadly defined as noted above, because of the benefits to be derived such as team-building within the Region and interaction between more experienced and less experienced inspectors. Reliance on in-house instructors to implement this approach, under the EPA Institute, is the preferred approach; however, contractor support may be considered.

(3) Program-Specific Curricula, in deference to different State approaches which rely more heavily on OJT, sometimes leave the instructional method optional while expressing a preference for classroom experience. Program Offices will work to provide training materials in flexible formats to accommodate these differences.

b. Regional responsibilities include:

(1) The Regional Administrator is responsible for planning and organizing delivery of the Basic Curriculum in the Region, relying on in-house instructors for any classroom training. The Region should submit a written plan for this to OECM by October 30, 1988. (See Appendix G for a more detailed list of responsibilities.)

(2) For supervised self-study, the first-line supervisor is responsible for ensuring that each inspector has the necessary materials, and for on-the-job training, that necessary field assignments under the supervision of an experienced inspector are given.

(3) Regions must absorb the costs of course materials, course attendance, travel for training of instructors or attendance at courses in another Region, and in rare instances, at Headquarters.

c. Headquarters responsibilities include:

(1) For the Basic Curriculum, OECM is responsible for working with Regions, the EPA Institute (OARM) and Program Offices with inspectors based in Headquarters, to assure consistent and continuing delivery. OECM will maintain a list of trained instructors from both Headquarters and other Regions who will be available to supplement Regional instructors. Each AA with inspectors based in Headquarters is responsible for planning delivery of the Basic Curriculum a[illegible] should submit a written

plan for thi- to OECM by October 30, 1988 (may coordinate among Program Offices or the Region.)

(2) For Program-Specific Curricula, the Program Offices are responsible for assuring delivery occurs on a continuing basis by a) assigning responsibilities for training delivery to specific managers and staff, b) providing training contracts for delivery and support, and/or c) providing grants to university training centers or other nonprofit organizations to deliver training, as appropriate.

Table 2.

KEY PRINCIPLES FOR DELIVERY OF TRAINING
1. To the greatest extent possible when using classroom training, rely on in-house instructors for delivery of the Basic Curriculum in the Regions and Headquarters. When using on-the-job training, rely on in-house experienced inspectors as trainers.
2. For Program-Specific Curricula, continue to rely on contractors or grants to non-profit organizations to deliver training on an ongoing basis.
3. Coordinate and communicate training schedules early between Program Offices and the Regions, and between the Regions by using up to date electronic systems.

E. Implementation Timetable

1. Phasing of Training Requirements

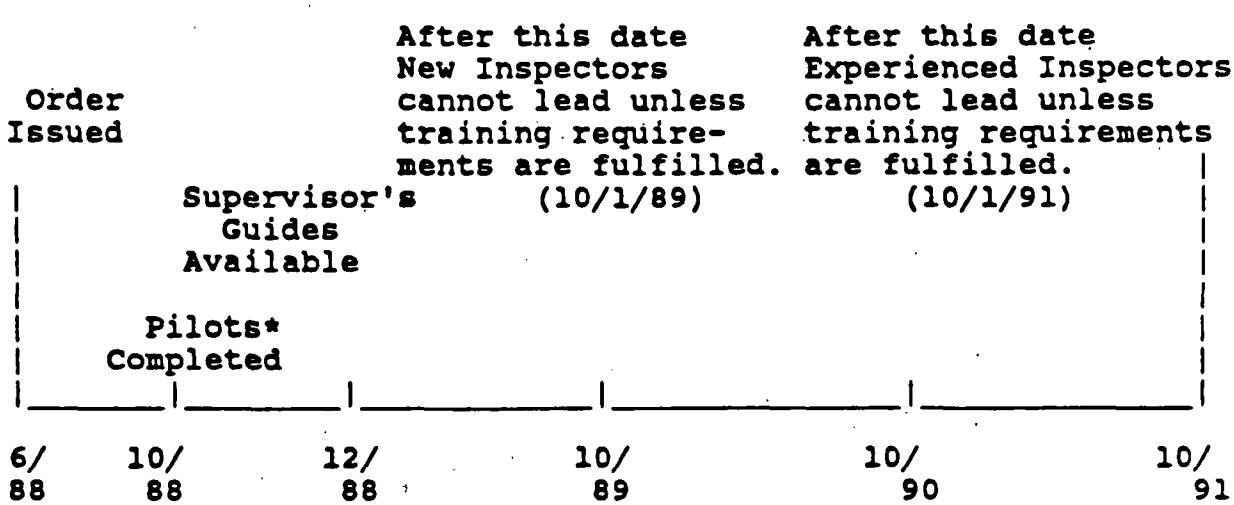
Although EPA Order 3500.1 is effective on the date of issuance, the Program Offices and Regions need time to complete materials, organize delivery of training, set up any administrative systems, identify who needs to be trained, and evaluate qualifications for exceptions. Recognizing these steps will take time, the Order should be fully implemented for new inspectors by October 1, 1989, and for experienced inspectors by October 1, 1991, as shown in

Figure 2. After these dates, neither new nor experienced inspectors may lead inspections unless they have completed required training or have been excepted from the requirements.

Beginning October 1, 1989, first-line supervisors, must complete training requirements within one year of appointment to the supervisory position. Those supervisors who direct inspectors/investigators in two or more programs may need additional time to complete all of the applicable program-specific minimum curricula and should do so a soon as practicable.

EPA Order 3500.1 states that a "new" inspector is any inspector hired or transferred subsequent to the issuance date of the Order. In the interim between the issuance date (June 1988) and full implementation (October 1, 1989), these employees are still subject to the requirements and exceptions applicable to "new" inspectors. Even though they are gaining experience, they do not convert to the "experienced" inspector category; and they may not be excepted from the Basic Curriculum.

FIGURE 2. PHASING IMPLEMENTATION OF TRAINING REQUIRED BEFORE LEADING AN INSPECTION



CALENDAR YEAR

*Pilots of the Basic Inspector Curriculum and Inspector Health & Safety Module.

2. Availability of Training Materials

Not all the training materials for Program-Specific Minimum Curricula will be available with sufficient time before requirements must be met. This should not delay the implementation of the training requirements. Each Program Office will identify what materials are available in the interim. Program and Regional managers should use these existing materials to cover the subject matter of the Program-Specific Minimum Curricula.

When the preferred, new training materials or guides for OJT become available under the Program-Specific Minimum Curricula, compliance inspectors/field investigators shall have one year thereafter to complete the training associated with the material or be excepted, if eligible.

F. Delivery to State and Local Agency Personnel

State and local personnel are a substantial part of the audience for inspector training, because they conduct the vast majority of compliance inspections in support of Federal environmental statutes through delegation or authorization. Although EPA Order 3500.1 does not establish requirements for any of these personnel, EPA will share training materials (and training of State instructors where appropriate) and encourages State and local agencies to adopt structured approaches to train compliance inspectors/field investigators. EPA encourages participation by State and local personnel in available EPA course offerings, development and use of better structured on-the-job training, and the use of self-study materials with apparent instructional value.

To promote training of State and local agency personnel, Regions, Program Offices will:

- Encourage adoption of structured State/local inspector training programs through information sharing and participation in EPA's own curriculum design, and promote cooperative State ventures in cost-efficient training, such as that offered under the Northeast Hazardous Waste Project.

- Assess States' training needs annually through the State/EPA Enforcement Agreements process, and during mid-year reviews identify priorities for training.

- Establish the means to routinely communicate about course offerings by Program Offices and their training contractors to State and local personnel.

- Offer to train State instructors in how to use training materials developed by EPA, who can then train other State/local employees on site.

- Identify individuals with expertise within EPA and within State and local agencies to tap as trainers.

This approach allows State and local agencies wide latitude to devise training programs appropriate to their own circumstances while drawing on relevant training materials available from Regions, Program Offices and OECM.

III. RECOGNITION FOR EXCELLENCE

Achieving better recognition of the crucial role that EPA's compliance inspectors/field investigators play as the front line of the enforcement programs is another important aspect of the inspector training and development program. Further steps to enhance recognition include building recognition into the work, supporting professional development and enhancing public recognition.

A. Building Recognition into the Work

Striving to increase recognition in the day-to-day interactions between inspectors/investigators and enforcement personnel and to better use EPA's existing awards system are important as outlined below:

1. Routinely following through to recognize the inspector's work in support of the enforcement response using letters of commendation and appreciation where appropriate, at all levels of Regional and Headquarters management.

2. Working with the EPA Institute to organize an annual meeting or other forum to recognize the in-house instructors for the Basic or Program-Specific Curricula.

3. Strongly encouraging AA or RA recognition of the compliance monitoring function, using the existing merit and honor awards system. OECM will work with the AAs or RAs to issue joint awards for excellence in the compliance monitoring function.

4. OECM, with its Advisory Committee, will identify opportunities for using existing awards to recognize compliance inspectors/field investigators for such activities as:

(a) Outstanding contribution to a major case by means of high quality inspection/investigation, report and overall technical support given to a case;
(b) Introducing new field techniques or methods; and
(c) Improved means of reporting compliance status.

B. Supporting Professional Development and Recognition

EPA endorses membership by inspectors/investigators in societies and associations which have objectives appropriate to the inspector acquiring and maintaining knowledge, skills or professional standing of importance to the mission of the Agency. Inspectors are encouraged to 1) assume leadership roles in job-related professional societies and associations, 2) support publications which deal with fields of knowledge important to the Agency's mission, and 3) participate in professional society meetings.[2] Program Offices and Regions are encouraged to support these activities with travel funds as appropriate.

C. Enhancing Public Recognition

Program Offices, Regional Administrators and OECM are encouraged to publicize compliance monitoring and inspection functions and excellent performance of those functions through existing and new publications such as the EPA Management News and the EPA Journal.

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[2]Thomas, Lee M. Memorandum entitled, "Policy on Participation in Professional Societies and Associations." USEPA. November 26, 1986.

APPENDICES A - G

June 1988

U.S. Environmental Protection Agency

Washington, D.C. 20460

SUMMARY OF APPENDICES

A. DEFINITION

B. SUMMARY OF HEALTH AND SAFETY TRAINING ORDERS

C. SUMMARY OF BASIC INSPECTOR CURRICULUM

D. SUMMARIES OF PROGRAM-SPECIFIC CURRICULA

E. SUMMARY OF RECOMMENDED MULTI-MEDIA (MULTI-PROGRAM) TRAINING

F. SUPPLEMENTAL TRAINING

G. ACCOUNTABILITY

APPENDIX A

DEFINITIONS

The definitions in this appendix are quoted from EPA Order 3500.1, "Training and Development for Compliance Inspectors/Field Investigators," issued June 1988. The numbering and lettering is identical to the Order.

5. DEFINITIONS.

a. Compliance Inspection/Field Investigation Function The function includes leading, or overseeing State/local, contractor or other personnel conducting, any of the following activities for the purpose of establishing the compliance status of facilities or sites with applicable laws, standards, regulations and permits and/or of supporting appropriate enforcement action (administrative, civil judicial or criminal), including:

(1) planning and carrying out inspections of pollution abatement equipment, relevant facility operations and maintenance practices, self-monitoring practices and records, and laboratory equipment;

(2) gathering and developing evidence, including but not limited to emission monitoring measurements, other analytical field procedures such as sampling and the associated quality assurance procedures, and in depth engineering evaluations; and

(3) maintaining field logs, recording field observations photographically, analyzing sampling and emissions data, and preparing reports of observations along with any supporting documentation.

Any EPA employee performing these activities regardless of job title shall be considered a compliance inspector/field investigator for the purposes of this Order. The terms compliance inspector/field investigator will be used throughout this Order. This function does not include field activities or investigations for purposes such as research and development which are unrelated to compliance monitoring or enforcement.

Not all individuals performing work as On-Scene Coordinators (OSCs) and Remedial Project Managers (RPMs) under the CERCLA program are covered by the definition of the compliance inspection/field investigation function. Additional program guidance will be developed to assist Regions in distinguishing these functions from other programmatic responsibilities.

b. New Compliance Inspector/Field Investigators. Including:

(1) Individuals newly employed by EPA subsequent to the issuance date of this Order regardless of previous training in and experience leading environmental compliance inspections/field investigations, or

(2) Individuals rehired by EPA or transferred within EPA, subsequent to the issuance date of this Order, with no previous training in and experience leading environmental compliance inspections/field investigations.

c. Experienced Compliance Inspectors/Field Investigators. Including: Individuals who were employed by EPA on the issuance date of this policy, and/or who have previous training in and experience leading environmental compliance inspections/field investigations in any one of EPA's compliance and enforcement programs.

d. First-line Supervisors of Inspectors. A first-line supervisor is the immediate supervisor of the day to day work of the inspector/investigator who leads or oversees compliance inspections/ field investigations. The first line supervisor,who is responsible for the official performance appraisal, may be"new" or "experienced" as defined above in items 5(b) or 5(c).

e. Contract Inspectors and Others. This category includes contract personnel and employees of a grantee organization under the Senior Environmental Employment Program performing compliance inspections/field investigations under EPA's statutes.

f. Leading an Inspection. Leading an inspection means independently conducting a compliance inspection/field investigation or directing an inspection/investigation with others as support staff.

g. Curriculum. Curriculum refers to defined content presented in a sequence of supervised self study, formal on the job and/or classroom training:

(1) Supervised Self-Study. Self study means any knowledge gained through independent, personal study, and overseen by a first line supervisor or an experienced inspector/investigator.

(2) On-the-Job Training. On the job training (OJT) means structured training that relates principles or theories to work related skills which are demonstrated and applied in the field environment during an actual compliance inspection/ field investigation.

(3) Classroom/classes. This refers broadly to any form of instruction, flexible in format and size, to include seminars, workshops, lecture-type or video-assisted classes, or question and answer sessions following prior independent self study, i.e., any approach that fosters group interaction with an instructor or an experienced inspector.

h. Completing Required Training. Completion of required training means completing self-study, OJT and participation in classes covering the content described in applicable training curricula.

APPENDIX B

SUMMARY OF EPA ORDERS ON HEALTH AND SAFETY TRAINING OF FIELD EMPLOYEES

A. SUMMARY OF EPA ORDERS 1440.2 AND 1440.3

EPA compliance inspectors and field investigators continue to be subject to the training and other requirements of EPA Order 1440.2 - Health and Safety for Employees Engaged in Field Activities, and EPA Order 1440.3 - Respiratory Protection.

Pertinent portions of these Orders are summarized below. For more complete information, refer to the Orders themselves and/or contact the Occupational Health and Safety Designees in the Reporting Unit (Headquarters or Regional Office) or the Director, Occupational Health and Safety, Office of Administration, U.S. Environmental Protection Agency, PM-273, Washington, D.C. 20460 (FTS 8-382-3640).

1. EPA Order 1440.2 - Health and Safety for Employees in Field Activities (July 12, 1981)

a. Policy: Employees may not engage in routine field activities until they have been trained and certified to a level commensurate with the degree of anticipated hazards.

b. Training Requirements for Certification:

Basic level:	24 hours classroom training followed by three days of supervised field experience. Classroom subjects include employees rights and responsibilities; nature of anticipated hazards; emergency help and self-rescue; vehicles - mandatory rules and regulations; safe use of field equipment; use, handling, storage, transportation of hazardous materials; personal protective equipment/clothing, use and care; safe sampling techniques.
Intermediate level:	8 hours additional classroom training followed by three days of supervised field experience. Classroom subjects include site surveillance and safety plan development; use and decontamination of totally enclosed personal protective clothing and equipment; use of field test equipment for radioactivity, explosivity.
Advanced level:	8 hours additional classroom training followed by three days of supervised experience. Required for employees who manage field activities at sites involving hazardous materials. Classroom subjects include management of restricted and safe zones; rules for handling the press and VIPs; and safe use of specialized sampling equipment.

Refresher — At all levels, a minimum of 8 hours refresher classroom instruction is required annually.

c. Exceptions to Training Requirements: The Director of Occupational Health and Safety can certify an employee based on an evaluation of previous training, education, and experience. Recommendations for this type of certification are made by the Occupational Health and Safety Designee at the employee's Reporting Unit.

2. EPA Order 1440.3 - Respiratory Protection (July 24, 1981)

a. Policy: EPA shall provide certified respiratory protective devices, and employees shall use these devices whenever necessary to protect their health due to the nature of the working environment.

b. Training Requirements: A minimum of six hours of initial training and two to four hours refresher training annually is to be provided to employees using respiratory equipment. The training can be part of occupational safety and health training for other reasons, and can count as credit for both programs. Training topics include instruction in the nature of hazards; explanation of the need for respirators; selecting the proper respirator for the particular purpose; capabilities and limitations of the device; instruction and training in actual use, including fit and seal testing.

B. TRAINING MATERIALS AND SOURCES

1. Non-EPA Training

There are many health and safety courses available from public and private sources. The Occupational Health and Safety Staff (OHSS, in Headquarters will review and approve the content of such courses to meet the requirements of 1440.2 and 1440.3.

2. EPA-Developed Training

EPA has also developed health and safety training courses for all employees who engage in field activities. For more information, contact the person or organization listed below each course, or consult the Regional Health and Safety Manager to determine which course is suitable and satisfies applicable training requirements under 1440.2 or 1440.3

a. OHSS-Developed Courses

(1) Basic Field Activities Safety Training (HazTrain)
(2) Safety and Health in EPA Field Activities (Steere & Associates, Inc.)

(3) Health and Safety Training for Compliance Inspectors (Developed by OECM. Available FY 89)

Contact:

Regional Health and Safety Manager

or

Cherie demello-Zieschang
Occuptional Health and Safety Staff
Office of Administration
U.S. Environmental Protection Agency
401 M Street, S.W. (PM-273)
Washington, D.C. 20460
FTS: 8/382-3650
Commercial: 202/382-3650

b. Office of Emergency and Remedial Response (OERR) Developed Courses

(1) Hazardous Materials Incident Response Operations (Course #165.5)
(2) Personnel Protection Safety Training (Course #165.2)

Contact:

Superfund Training Regional Contact
or
Registrar, OERR Training Program or
Thomas C. Sell, Training Coordinate or
Jerome Joyce, Training Officer

U.S. Environmental Protection Agency
26 West St. Clair Street
Cincinnati, OH 45268
FTS: 8/684-7537
Commercial: 513/569-7537

APPENDIX C

SUMMARY OF BASIC INSPECTOR CURRICULUM

Basic Inspector Curriculum

The Basic Inspector Curriculum encompasses five subject areas needed for safe and effective conduct of compliance monitoring inspections in all EPA program areas. Health and safety, one of these key subjects, is covered separately in Appendix B preceding.

A. Basic Training Course

The basic training course, covering the fundamentals of environmental compliance monitoring inspections, integrates key concepts and procedures from four subject areas and presents these through a combination of classroom and self-study methods. In addition, the curriculum explains EPA's enforcement philosophy, the role of inspectors and compliance monitoring in the administration and enforcement of environmental laws, and the partnership between EPA and the States in assuring compliance, particularly what is involved in oversight inspections with States.

Legal Authorities Requirements	Includes overview of EPA's major environmental statutes and enforcement authorities, the administrative and judicial enforcement processes, collecting and documenting evidence for enforcement proceedings, authority and requirements for lawful entry.
Technical Skills and Procedures	Includes types of inspections, inspection site selection, and pre-inspection planning and preparation, recognizing and documenting violations, sample collection and handling, and overview of protocol and procedures for oversight inspections.
Communications	Includes gaining entry, inspector as educator, interviewing techniques, negotiations, and preparation of inspection reports.
Administrative Procedures	Includes pay administration, timekeeping, leave, travel, and procurement.

B. Health and Safety Training

The Basic Inspector Curriculum encompasses training required in health and safety procedures and respiratory protection under EPA Orders 1440.2 and 1440.3, respectively. They describe levels of required training depending on the type of field work to be performed.

C. TRAINING MATERIALS AND SOURCES

1. Basic Training Course (OECM)

The course is designed in modular units that can be presented either over a several-day sequence of time or in individual units by in-house, experienced compliance and enforcement staff.

Contact: Donna Fletcher
Compliance Policy and Planning Branch
Office of Enforcement and
Compliance Monitoring
U.S. Environmental Protection Agency
401 M Street, S.W. (LE-133)
Washington, D.C. 20460.
FTS 8-382-7550; E-mail code EPA 2281.

2. CERCLA Basic Training (OSWER)

The Office of Solid Waste and Emergency Response is developing a tailored basic course for On Scene Coordinators and Remedial Project Managers which will be available in FY 1989.

Contact: Division Director
CERCLA Enforcement Division
Office of Waste Programs Enforcement
401 M Street, S.W. (WH-527)
Washington, D.C. 20460
FTS 8-382-4810; E-mail code EPA 5240

3. Health and Safety Training

Appendix B describes EPA-developed courses and materials that are available to satisfy the health and safety training requirements.

Contact: Regional Occupational Health and Safety Manager

APPENDIX D

SUMMARIES OF PROGRAM-SPECIFIC TRAINING CURRICULA

Program-Specific Minimum Curricula

The Program-Specific Curriculum for each major environmental program prepares inspectors/investigators to lead specific types of inspections/investigations and to obtain information and evidence in a technically and legally sound manner. The minimum curricula can be implemented quickly and will undergo periodic changes based on course evaluations and needs assessments.

Although some specialized curricula are available, Program Offices will be developing materials over the next few years. The need for specialized training will be determined by the first-line supervisor in consultation with the employee. In general, any inspector seeking such training should have completed the Basic and Program-Specific Minimum Curricula or their equivalent before taking specialized training.

Summaries of the curricula for the following programs are found in Appendix D:

D-1. Air-Stationary Sources

D-2. Air-Mobile Sources

D-3. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

D-4. National Pollutant Discharge Elimination System (NPDES)

D-5. Pesticides/Toxic Substances

D-6. Public Water Supply Supervision

D-7. Resource Conservation and Recovery Act (RCRA)

D-8. Underground Injection Control (UIC)

D-9. Wetlands Protection

APPENDIX D-1

AIR STATIONARY SOURCE INSPECTOR TRAINING PLAN

EXECUTIVE SUMMARY

Objectives and Scope of Inspector Training Program

The Air Stationary Source Inspector Training Program establishes a multi-level training curriculum for Agency personnel engaged in stationary source compliance inspections. A description of the training curriculum is presented in the Inspector Training Plan (ITP). The two major objectives of the program are: 1) to ensure that every inspector gains the ability to conduct a Level II inspection within six-to-eighteen months of the initiation of training and 2) that experienced personnel have the opportunity to take advanced courses in their area of specialization to upgrade their skills and continue their professional development.

The ITP focuses mainly on entry level training for new or inexperienced inspectors to ensure a minimum level of expertise. The training curriculum graphically depicted in Figure 1 shows a progressive sequence of core courses, self-study and on-the-job field training (OJFT) designed to provide the essential technical skills and procedural knowledge needed to conduct routine inspections of all but the most complex source categories.

The training program is structured around three levels of training. The first training level, referred to as generic-basic, provides basic inspection knowledge and skills common to any Agency inspection function. The second training level, termed program-minimum, provides those program-specific knowledge and skills needed to conduct meaningful inspections of a wide range of regulated air pollution source categories. The third level of training consists of advanced specialized technical training for more experienced inspectors to enable them to perform highly complex inspections and compliance evaluations in certain source-specific inspections areas. Although the current training plan emphasizes entry level training (basic and program-minimum), the plan will be expanded in the next phase to include more program-specialized training and various training paths for attaining more advanced inspection skills needed to perform Level III and IV inspections and special engineering knowledge needed to work more proficiently in certain types of sources.

Training Sequence and Completion Time

The training sequence for the generic-basic and program-minimum level courses is designed to be completed in six to eighteen months. The exact completion time depends on the amount of the time that the new inspector spends on training activities

and the educational background and prior relevant experience of the inspector. The chart shown in Figure 2 illustrates the approximate training time required for new employees without prior field experience. The chart assumes completion of the prescribed basic courses within nine months and the program-minimum courses within eighteen months. Many elements of the generic-basic training and the program-minimum training occur simultaneously as was shown on the time-line in Figure 1. However, EPA Health and Safety rules require that certain safety courses must be completed before the inspector can perform any field work other than supervised participation in field training demonstrations.

The training curriculum described in the ITP and outlined in Figure 1 consists of at least 11 major training modules and is estimated to require a total of 325 to 350 hours of course work to complete. This is approximately 15 percent of the inspector's available work time over an 18 month period. Compressing the training schedule into a six month period, an option shown in the training plan, will increase the percent time in-training to more than 50 percent when averaged over the shorter time period. EPA field supervisors, as a whole, strongly favor the accelerated training option and are inclined to have new inspectors spend the maximum time possible in training during their first few months to prepare them to perform independent inspections and begin contributing to the inspection workload at the earliest date.

Evaluating Training Needs and Developing Individual Training Plans

The training program includes provisions for waiver of certain program-minimum courses if the supervisor determines the inspector already has the specific technical knowledge or skills based on the employee's formal education and/or prior field experience. A Supervisor's Training Evaluation Guide is being prepared to assist supervisors in assessing the individual inspector's training needs. After completing the generic-basic portion of the curriculum which must be taken by all inspectors without exception, each trainee would be evaluated to determine any strengths, weaknesses or other critical gaps in the inspector's education or experience background in order to prepare an individual employee training plan. A supervisor's decision to waive any of the prescribed program-minimum training courses must be reviewed at a higher management level.

Training Delivery Methods

The training approach presented in the ITP advocates three basic methods of training: 1) classroom courses, 2) formal on-the-job field training, and 3) monitored self-study. A mix of each type of training should be used depending on the most cost-

effective training delivery method for a specific subject area. Some factors possibly affecting selection of the training delivery method and source of training can be readily anticipated. First, other than during the initial start-up of the training program, only small groups of inspectors will need to take a given course at a time. Second, classroom courses must be given frequently in order to move new inspectors rapidly through the program. Also, Agency travel budgets will likely not allow for extensive travel to training courses held outside the program operation area.

These factors strongly suggest that each Region should develop good in-house training capability if the long-term inspector training program is to operate efficiently and cost-effectively. Therefore, instructor training will be included in the training program and development of in-house training capability will be encouraged.

Implementation of the Training Program

Many of the core training courses described in the ITP are not available at this time. Existing air training courses and specialty compliance training workshops cover many of the topics included in the proposed program-minimum curriculum and can be used on an interim basis to implement the training program. However, the training materials were generally developed for other purposes and are not necessarily geared towards entry level inspectors. In addition, the materials are not sufficiently integrated with the other proposed training courses to offer a thorough, well structured training experience or streamlined enough to allow for completion of the training sequence in an optimum timeframe.

Therefore, included as an integral part of the ITP is a multi-year training development effort that will provide the training curriculum envisioned in the plan. The 3 to 4 year phased development schedule described in the ITP will permit work to begin immediately on the training areas of highest need and gradually fill-in and upgrade course modules as resources become available. A summary of the training development projects appears in Table 1.

Extending Training to State/Local Agencies

The Agency inspector training and development program initiative is basically intended to apply to EPA compliance inspectors. However, it is recognized that State and local personnel conduct the vast majority of compliance inspections nationally under delegated or approved State programs and that they require comparable training to perform their inspection duties.

The State and local control program officials consulted during development of the Air Stationary Source Inspector Training Plan expressed interest in adapting EPA's inspector training courses for their own training purposes. Therefore, in the design and development of the Air Stationary source Inspector Training Program every effort will be made to develop training materials that will have the widest possible application to all agency inspection programs. States will be welcome to use all relevant training materials and to participate whenever possible in training opportunities arranged by the Regional Offices.

To assure that the training program is fully responsible to the training needs at both the Federal and State/local program level and to have the widest outreach and benefit to all control agency inspection personnel, a Training Advisory Group has been established to provide input throughout the planning and implementation of the program. Experienced compliance program staff from EPA Regional Offices and State/local agencies have been asked to serve as representatives. Their input is reflected in the present plan.

Responsibility for Inspector Training

The Air Stationary Source Inspector Training Program cannot be successful unless it has the assistance and support of all the various air program offices involved in the planning, direction and the daily operation of the Agency's air compliance inspection activities. Responsibility for several of the more important elements of the training program is discussed in the ITP.

The Regional Program Supervisors have ultimate responsibility for assuring that inspector staff are properly trained and equipped to perform their inspection duties. The first-line supervisors, in particular, will play a critical role in actively working with each inspector to identify training needs, prepare individual training plans and monitor the training.

The ITP emphasizes the field training portion of the curriculum as much as the classwork. The Regional Offices will have the responsibility for developing a structured on-the-job field training (OJFT) program and selecting and training OJFT instructors. Although various training delivery options are available it appears the most practical approach for the Regions is to develop a cadre of qualified in-house instructors for presenting all of the basic generic and many of the program-minimum courses. The Regional Offices will also need to designate persons to serve as focal points and coordinators for implementing the program.

The Stationary Source Compliance Division (SSCD) will serve as the lead office for planning and coordinating the national air inspector training effort. The Manpower and Technical Information Branch of the Air Quality Management Division (Air Pollution Training Institute) will provide logistic support and assist SSCD in the program planning and development. These functions will include developing and updating the program specific training curriculum, providing sufficient training materials to do the training, conducting surveys of training needs, coordinating the Air Training Advisory Group,, and developing longrange training plans and supporting budget requests.

Most of the generic-basic training courses will be developed by the Office of Enforcement and Compliance Monitoring (OECM). OECM will provide instructor guides and up-to-date training manuals and other instructional materials needed to carry out the basic training. OCEM also has agreed to coordinate and oversee a 3-year Agency-wide evaluation of inspector training with the help of the media programs.

Annual Assessment of Training Needs

The Stationary Source Compliance Program curriculum may undergo changes fairly rapidly since it is a dynamic, technically complex program that deals with a wide variety of emission control regulations and regulated sources categories. To be responsible to new and emerging compliance inspection demands, provisions are included in the ITP for developing new courses and for periodic revision and updating of existing courses. This will be accomplished through annual training needs surveys and assessments, review of the training modules each year to correct and replace out-of-date material, coordination with the program offices on new control programs and regulations, and contact with other EPA training groups and outside organizations.

Additional Information

For additional information contact: Division Director. Stationary Source Compliance Division, Office of Air Quaility Planning and Standards. 401 M Street, S.W., (EN-341) Washington, D.C. 20460. FTS 8-382-2807.

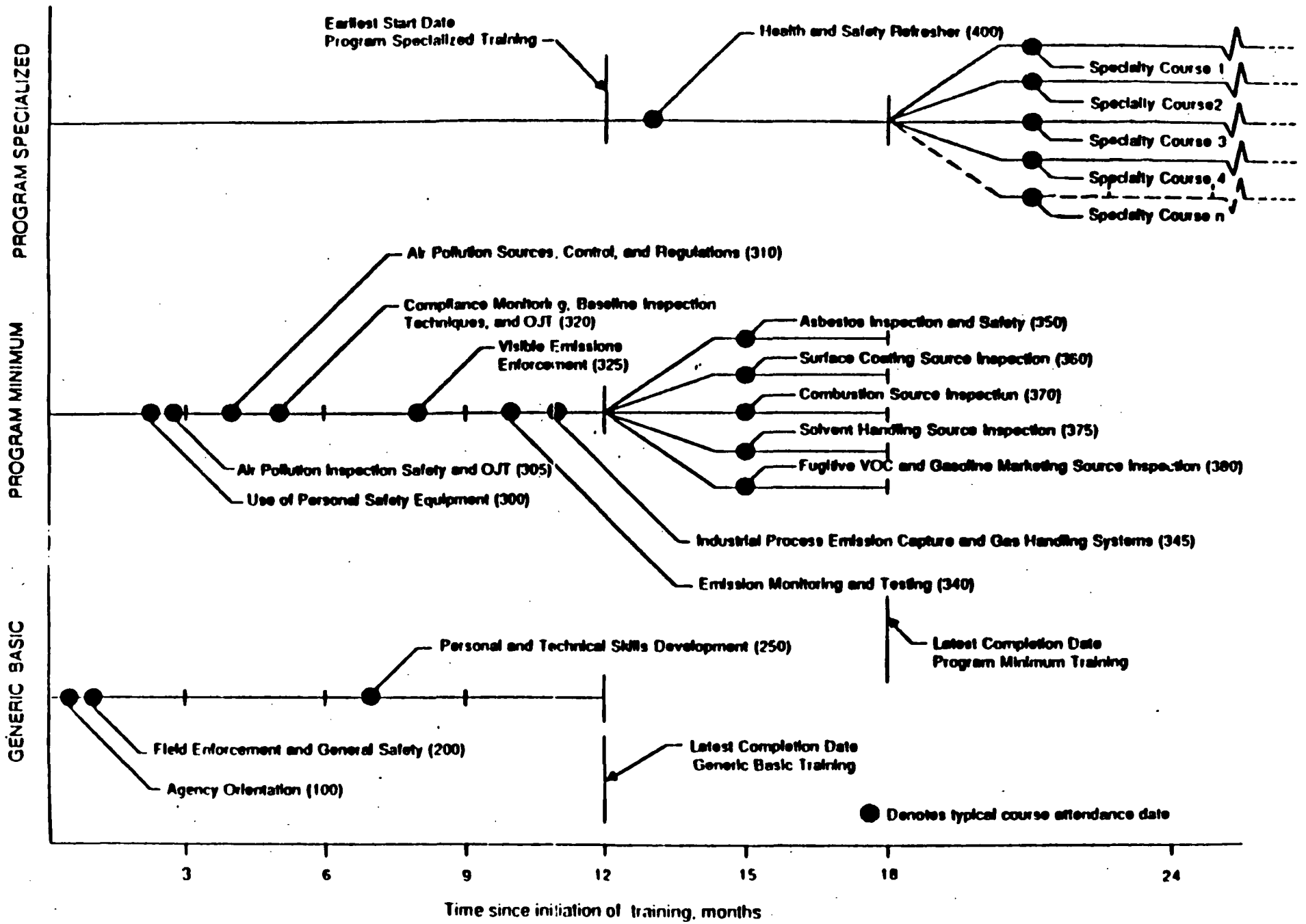

Figure 1. Recommended Training Sequence for New Employees

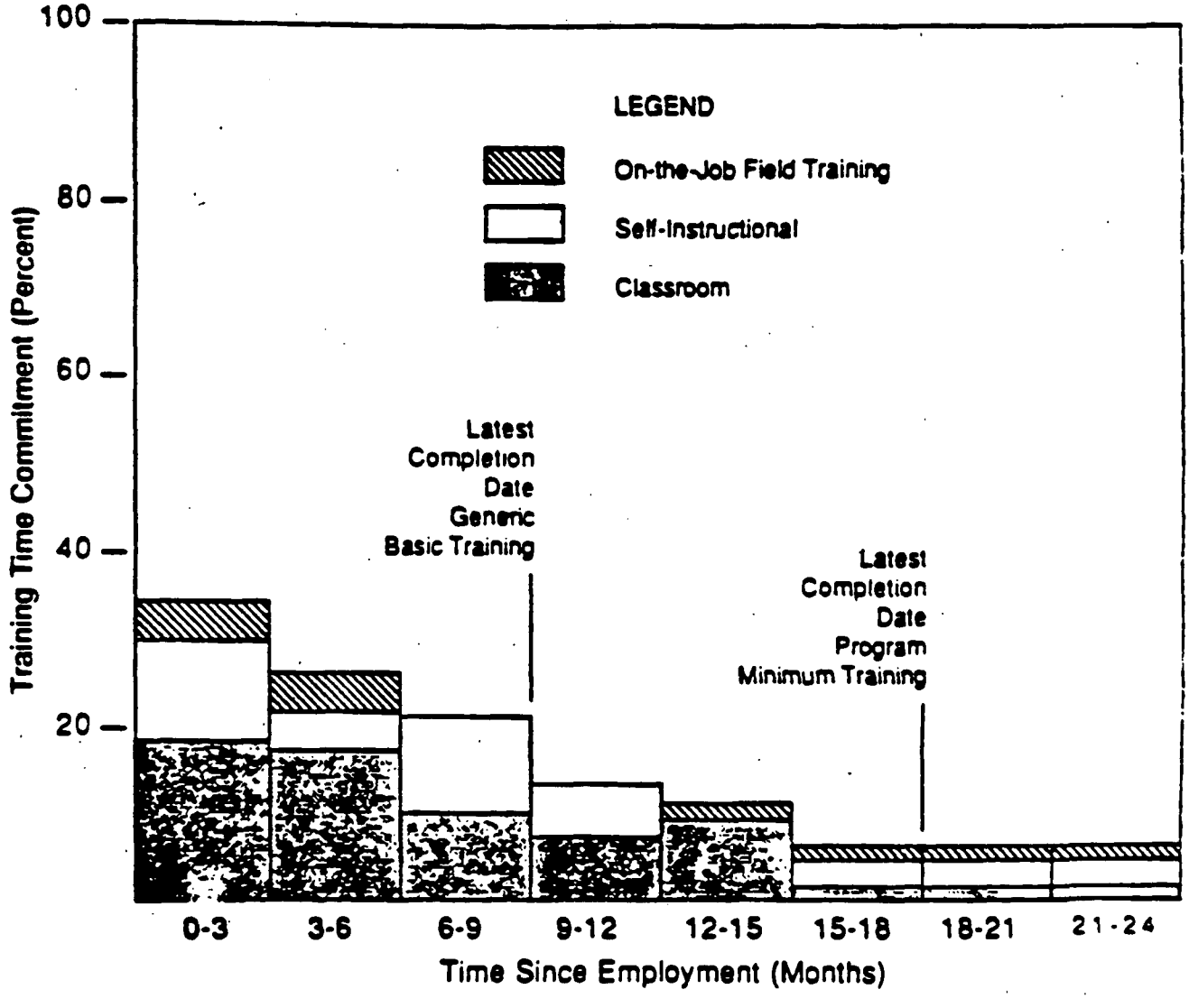

Figure 2. Training Time Requirements for New Employees without Prior Field Experience

Table 1.

Training Development Projects

First Phase (Current fiscal year through 1989):

Agency/Air Programs Orientation Course

Basic/Program-minimum Safety Course Series

Asbestos Inspection Safety Procedures

VOC Surface Coating Industry Training Package

VOC Fugitive Source Inspection

VE/Opacity Enforcement Instructors Training Package

Combustion Source Compliance Evaluation

Environmental Statistics Review Course

Second Phase (FY 1989-1990):

Solvent Cleaning and Solvent Storage/Handling Facilities Insp.

Air Pollution Sources, Control and Regulations

Process Emission Capture and Gas Handling Systems

Emission Monitoring and Testing

VOC Inspection Safety Procedures

Third Phase (FY 1991-92):

Modifications to Program-minimum Courses

NESHAPS Organic Emission Standards and Air Toxics Source Inspection/Evaluation Procedures

Class B VOC Source Compliance Monitoring and Evaluation Tech.

Solid and Liquid Waste Incinerators Inspection and Performance Evaluation

Source Permit Drafting Techniques to Support Inspection Program Activities

APPENDIX D-2

SUMMARY OF AIR - MOBILE SOURCE
INSPECTOR TRAINING PROGRAM DESCRIPTION

A. SUMMARY

The Air-Mobile Source Inspector Training Program establishes a core program of self-study, coursework, and on-the-job training (OJT). The Program training is intended for agency and non-agency inspectors, the latter consisting of contractor, state and local personnel who perform inspections as official representatives of the Agency. The purpose of the training is to develop a knowledgeable and effective field investigative staff who understand the goals of the mobile source enforcement program, the investigative techniques and data necessary to develop solid enforcement cases, and the program's underlying policies.

This summary describes a series of basic skills that should be acquired and relevant training/methodology oriented to the type of inspections, i.e., Level I, II, or III conducted by the Program. The training that is basic to all levels of inspections is shown first, followed by skills and training that are unique to the different levels of inspection. There is no established time frame for delivery; training is done on an as needed basis.

Figure 1 below shows the plan in summary fashion. To obtain a copy of the complete "Office of Mobile Sources Program Specific Inspection Training" contact: Richard Ackerman, Field Operations and Support Division, Office of Mobile Sources (EN-397F), USEPA, 401 M Street, S.W. Washington, D.C. 20460. FTS 8-382-2643.

FIGURE 1

General Training for All Levels

Basic Skills	Training/Methodology
Knowledge of EPA mission and general Clean Air issues	Self-study
Knowledge of applicable regulatory requirements and statutory provisions	Self-study, classroom (Colorado State Univ. and/or Univ of MI course)
Ability to recognize violations of applicable provisions	Classroom (EPA lecture), OJT-24 hours

Ability to collect, organize and present investigative materials apropriately to support enforcement action	Classroom (EPA lecture)
Knowledge of criminal investigative skills and techniques (limited to most senior EPA field personnel)	Classroom (Glynco, GA)

Training for Levels I and II

Basic Skills	Training/Methodology
Knowledge of sampling techniques and field testing and chain of custody procedures	Classroom (EPA lecture), OJT-40 hours
Understanding of investivative techniques, inspection protocols, and interaction with regulated parties and the public	OJT-40 hours, Classroom EPA lecture)

Training for Level II

Knowledge of Mobile Source technology and emissions effects	Self-study, classroom (Colorado State Univ. and/or Univ. of MI course)

Training for Level III

Knowledge of refinery and importer records and audit techniques for lead phase-down investigation and case development.	OJT-120 hours, self-study (contractor prepared manual)

B. TRAINING MATERIALS AND THEIR SOURCES

The following materials are part of the Air-Mobile Source Inspector Training Program.

1. Self-Study Materials

- o Documents and publications on EPA mission, major clean air issues, the federal motor vehicle emission control program, and motor vehicle emission control technology and emissions effects.

- Applicable regulatory and statutory provisions.
- Textbook from University of Michigan's course "Combustion Engine Emissions."
- Emission Controls Handbook from Colorado State University training.
- General outline and flow chart for Level III audits.

2. Classroom Training

- University of Michigan 40 hour course entitled "Combustion Engine Emissions." Deals with the theory of motor vehicle emissions and the related control technology. Presented once a year in Ann Arbor, Michigan and on occasion presented to EPA employees in Washington, D.C.
- Criminal investigators training offered at the Federal Law Enforcement Training Center in Glynco, Georgia.
- Colorado State University course entitled "Tampering Detection Course." This is a 24 hour training session presented by CSU staff and covering basic emission control technology, identification of vehicle tampering, and associated inspection techniques.
- EPA lectures on inspection protocols, public interaction, evidence gathering, and presentation of investigation results; and on basic orientation for non-EPA inspectors.
- Training sessions offered when available by auto manufacturers regarding new technology.

APPENDIX D-3

SUMMARY OF CERCLA INSPECTOR TRAINING

[TO BE DEVELOPED]

The Program-Specific Minimum Curriculum for On-Scene Coordinators (OSCs) and Remedial Project Managers (RPMs) who lead compliance inspections/field investigations under CERCLA is currently under development. When completed the program-specific materials will cover the subject matter in the Basic Inspector Curriculum as well as CERCLA-specific requirements.

As noted under Section 5.a. of EPA Order 3500.1, OSWER will provide additional program guidance to identify those OSCs and RPMs within the CERCLA program who are performing work covered by this Order. For additional information contact: Division Director, CERCLA Enforcement Division, Office of Waste Programs Enforcement, Office of Solid Waste and Emergency Response, 401 M Street, S.W., (WH-527), Washington, DC 20460, FTS 8-382-4810; E-Mail EPA 5240.

APPENDIX D-4

SUMMARY OF NPDES INSPECTOR TRAINING PROGRAM DESCRIPTION

A. SUMMARY

The NPDES Training Program establishes a core program, of coursework, self instruction and on-the-job training (OJT) for those individuals who carry out NPDES compliance/enforcement activities for EPA. This summry describes a sequence for new inspectors, and for expansion of skills later on. After completion of Basic Training and Introductory NPDES training, self-instruction and OJT, the inspector should be able to conduct the compliance evaluation inspection and the sampling inspection. The goal is for each new inspector to complete this sequence within six to nine months on the job. Job skills can then be expanded through more study and instruction into areas such as performance audit, pretreatment,and diagnostic inspections.

The figure below shows the plan in summary fashion. In order to get a copy of the complete NPDES Training Program Description, contact: Director, Enforcement Division, Office of Water Enforcement and Permits, HQ (EN-338), USEPA, 401 M Street, SW, Washington, D.C. 20460. FTS 8-475-8488.

NPDES Training Plan

General Orientation

Courses/Workshops	Self Instruction /OJT
Program-Minimum	
Basic Inspector Curriculum NPDES Introductory Coursework (Manuals available by 4/88)	CWA and Regulations Violation Recognition Sampling Techniques Manuals for Introduction to Compliance Inspections Flow Measurement Manual OJT= 2 inspections each for compliance evaluation and compliance sampling inspections
Skills Expansion	
Pretreatment Inspection Workshop Diagnostic Inspection Workshop	Pretreatment Guidance Pretreatment Compliance Inspection and Audit Manual Inspector's Guide for Evaluating Municipal Wastewater Treatment Plants

Toxics Sampling	OJT-Biomonitoring, toxics sampling and pretreatment inspections (to be developed)
(To be developed)	

Specialized Skills

Offshore Drilling Rig Inspections
(to be developed)
Criminal Investigations (FLETC, Glynco, GA)

B. TRAINING MATERIALS AND THEIR SOURCES

The following materials for the new inspector should be available from the inspector's first-line supervisor or the addresses footnoted below.

o General Orientation Package
- Organization chart
- Clean Water Act and regulations
- NPDES Inspection Strategies and Guidance such as the Clean Water Act Compliance/Enforcement Compendium
- Sample NPDES inspection reports
- Description of HQ/Regional/State relationships
- NPDES Compliance Inspection Manual

o Introduction to NPDES Inspections (Available 4/88)
- NPDES Compliance Monitoring Inspector Training Modules [1]
  -- Overview (draft)
  -- Legal Issues (draft)
  -- Sampling (draft)
  -- Laboratory Analysis (under development)
  -- Biomonitoring (under development)

	Order #	
- Field Manuals for Self Instruction and OJT	NTIS	IRC[2]
-- NPDES Compliance Inspection Manual	PB85115897	068U
-- NPDES Flow Measurement Manual	PB82131178/AS	050U

o Skills Expansion Coursework
- Pretreatment Inspections[1]
  -- Pretreatment Compliance Monitoring and Enforcement Guidance (July 1986)
  -- Pretreatment Compliance Inspection and Audit Manual for Approval Authorities (July 1986)

- Diagnostic Inspections — IRC[2]
  -- Inspectors Guide for Evaluation of Municipal Wastewater Treatment Plants, EPA/430/9-79-010 (April 1979) — 021U

C. MAILING ADDRESSES:

[1] Office of Water Enforcement and Permits, Enforcement Division (EN-338) USEPA, 401 M Street, SW., Washington, D.C. 20460

[2] U.S. Department of Commerce
National Technical Information Service (NTIS)
5285 Port Royal Road
Springfield, VA 22161
(703) 487-4650

Instructional Resources Center (IRC)
Ohio State University
1200 Chambers Road, Room 310
Columbus, OH 43212
(614) 292-6717

APPENDIX D-5

SUMMARY OF TOXIC SUBSTANCES/PESTICIDES PROGRAM TRAINING

A. SUMMARY

This training plan describes the required core and specialized training for TSCA/FIFRA inspectors. It describes both the basic requirements for new (i.e., either new to the inspection function or new to OPTS) inspectors and specialized courses which are required only for personnel who will be conducting inspections in particular program areas (e.g., GLP inspections, asbestos inspections, etc.). Both designated new and experienced inspectors will take the specialized training.

After completing the TSCA/FIFRA overview and basic TSCA inspection procedures (both within the first two months on the job) and the OECM Basic Curriculum (within the first six months), OPTS inspectors will be ready for a series of OJT and program sub-speciality training and activities.

In order to get a copy of the complete description of the TSCA/FIFRA training program, please contact Mike Wood, Chief, Compliance Branch, Office of Compliance Monitoring, USEPA, 401 M Street, SW, (EN-342), Washington, D.C. 20460, Rm E-715, FTS 8-382-7835.

The schematic below shows the plan in summmary fashion.

TSCA/FIFRA INSPECTOR TRAINING

I. Program-Minimum

	Training	Method of Instruction	Timing
1.	TSCA/FIFRA intro/ orientation (required unless has equivalent training)	mostly self-study	80 hrs. within first two months on job
2.	Basic TSCA/FIFRA Inspection Procedures (required)	mostly self-study (some lecture)	10 hrs. within first two months on job
3.	OECM Basic Curriculum (required or equivalent)	coursework or equivalent	up to 80 hrs. (depending on individual) within first six months on job

Training	Method of Instruction	Timing
4. OJT Office Preparation to prepare inspector for field work (required)	supervised OJT	20-60 hrs. (depending on individual) prior to first field inspection
5. OJT Field Experience (recommended)	3-6 supervised OJT inspections as a junior inspector	8-32 hrs. per inspection within first six months on job

Training	Method of Instruction	Timing
6. OJT Inspections (recommended)	solo inspection at 5-10 facilities (Supervisor evaluates inspection report)	8-45 hrs. per inspection after completion of 1,2,3
7. TSCA/FIFRA Case Preparation Procedures (recommended)	classroom (lecture), case studies	estimated 24 hrs. (taken as offered)

II. Specialized Training

Section-specific detailed training (required for designated inspectors)	Seminars, Workshops, and individually-designed training sessions	2-32 hrs. depending on the section-specific training (after completion of 1 and 2)

TSCA

Testing (s4); PMN (s5); PCB's (s6); Reporting (s8); Imports/Exports (s12/13); Asbestos; SARA Title III (s313)

FIFRA

GLP; Cancellation/Suspension; Recalls/SSURO; Establishment Inspections; Use Investigations; Exp. Use Permit; Imports; Reporting [including s6(a)(2)]

B. TRAINING MATERIALS AND THEIR SOURCES

The following materials should be available from the inspector's first line supervisor:

I. Program-Minumum

1. FSCS/FIFRA statutues and 40 CFR regulations; TSCA Manual; FIFRA Inspection Manual; TSCA and FIFRA Policy Compendiums

2. FIFRA and TSCA Inspections Manuals

3. Five OECM Basic Curriculum Modules

4. Computerized Data Bases; Regional Inspection Report; Company Files

5. TSCA and FIFRA Inspection Manuals; Inspection Forms; Site Safety and Sampling Plans (as necessary)

APPENDIX D-6

PUBLIC WATER SYSTEM SUPERVISION PROGRAM SPECIFIC INSPECTOR TRAINING

I. INTRODUCTION AND PURPOSE

The purpose of the PWSS training program is to take a structured approach to the training of PWSS inspectors (those who conduct or oversee compliance and enforcement activities in the field) in order to strengthen the effectiveness of their activities. While the program is specifically applicable to EPA inspectors, it may be of interest to States who conduct the vast majority of PWSS inspections. As a national program it establishes a core of essential training which may be supplemented as needed.

II. DESCRIPTION OF TRAINING COMPONENTS

The purpose of a training plan is to ensure opportunity of every inspector to acquire and refine the skills and knowledge needed to perform effectively. To that end, a set of experiences should be made available, over time, including; formal course work, self instruction and on the job training.

All inspectors for the PWSS program should be able to conduct PWSS inspections including sanitary surveys and enforcement case development inspections. In addition, EPA personnel should be able to provide assistance to State inspectors.

Basic Inspector Training and Sanitary Survey training, self-instruction and on-the-job training are currently planned or available for EPA inspectors. In addition, supplemental training will also need to be developed as new requirements under the SDWA come into effect.

III. SUGGESTED SEQUENCING

The sequence of training should be decided by the supervisor in conjunction with the inspector after considering the inspector's level of experience and the unique needs of the Region. The sequencing will also be determined by the availability of courses and the scheduling of inspections. In general, the suggested sequence for all inspectors is as follows: Orientation, Basic Inspector Curriculum, Sanitary Survey Course, self study, computer based training and on-the-job experience. For experienced inspector, training needs should be decided in consultation with the first-line supervisor using Supervisor's Guide to determine if exceptions for training are appropriate. However, it may be desirable to attend the Basic Inspector Training Curriculum and/or Sanitary Survey Course so that EPA inspectors have a common understanding with States. Basic skills

and knowledge which all inspectors will be expected to acquire, and the associated training experiences, are detailed as Attachment A.

IV. TRAINING MATERIALS AND THEIR SOURCES

The following kinds of materials for new inspectors should be available from the inspector's first-line supervisor.

- General Orientation
  - Organization chart
  - SDWA and regulations
  - PWSS Compliance Strategy
  - Description of HQ/Regional/State relationships
  - Applicable guidance and policy documents
- Sanitary Survey Course
  - Sanitary Survey Manual (small systems)
  - Training modules (large systems - to be developed)
- Program Management Training
  - (to be developed)
- Skills Expansion
  - (to be developed)

ATTACHMENT A

UIC Program-Specific Minimum and Specialized Training

SKILLS AND ASSOCIATED TRAINING

Basic Skill/Knowledge Needed	Associated Training Experience
o Knowledge of EPA enforcement philosophy and strategies	o Basic Inspector Training
o Ability to complete enforcement fact gathering, with understanding of ethics, right of entry and inspector conduct	o Basic Inspector Training
o Understanding of health and safety requirements	o Health and Safety Training
o Understanding of the mission authority of the UIC program, and enforcement strategies	o Orientation (self study)
o Knowledge of basic UIC technical processes, causes of noncompliance, ways to improve operations in large and small systems	o Inspection Manual (self-study) Inspection Manual Training (TBD) Seminars[1]
o A working knowledge of violation recognition, sampling procedures and laboratory analysis	o OJT Special courses[1]
o A working knowledge off applicable State programs and procedures and ability to provide constructive oversight	o Program Management Training (OJT/self study)[1]
o Knowledge of field conditions and procedures	o Formal Field Training(TBD)[1]

[1]specialized training as needed

APPENDIX D-7

SUMMARY OF RCRA INSPECTOR TRAINING

A. SUMMARY

The RCRA Training Program establishes the minimum knowledge, skills and abilities necessary for those individuals to carry out lead RCRA inspections, while providing flexibility in training delivery methods. The program states that courses, supervised independent study and on-the-job training should all be used depending on availability, resources and the needs of the inspector. This summary describes the program for inspectors.

The training curriculum outlined below must be completed before the inspector conducts lead inspections (some exceptions may be allowed based on the supervisor's judgment and only if the actions do not jeopardize possible enforcement actions or human safety.) After the training, the supervisor will make a determination as to whether the inspector is sufficiently prepared to perform as a lead inspector. Contact: RCRA Enforcement Division Director, Office of Waste Programs Enforcement, Headquarters (WH-527), USEPA, 401 M Street, SW, Washington D.C. 20460; FTS 382-4808.

The figure below shows the plan in summary.

RCRA Training Plan

Coursework	Supervised Independent Self-Study/OJT (delivery method optional)
1. General Orientation	
2. Health and Safety	
3. RCRA Regulatory Framework (courses available)	
4. RCRA Inspections (courses available)	RCRA Inspections OJT: minimum of 30 hours and 4 facility types

B. TRAINING MATERIALS

The following materials for the inspector are suggested:

1. General Orientation

   - RCRA Orientation Manual
   - Understanding the Small Quantity Generators (SQG) Hazardous Waste Rules

- The Resource Conservation and Recovery Act
- Videos (e.g., CERCLA's RCRA Overview)
- State developed materials covering related topics

2. Health and Safety

   - materials to be developed

3. RCRA Regulatory Framework

   - 40 CFR hazardous waste regulations
   - RCRA statute
   - HSWA statute

4. RCRA Inspections

   - Inspection Manuals:

     RCRA
     State Oversight
     Compliance Monitoring Evaluation
     Land Disposal Restrictions
     Technical Case Development
     Hazardous Waste Tanks
     Operations and Maintenance
     Lab Audit

   - Effluent Guidelines
   - Equipment Manufacturer Operating Manuals
   - 40 CFR Hazardous Waste Regulations
   - SW-846
   - Groundwater Monitoring Technical Enforcement Guidance Document
   - Groundwater Monitoring Compliance Order Guide

APPENDIX D-8
SUMMARY

UNDERGROUND INJECTION CONTROL PROGRAM SPECIFIC INSPECTOR TRAINING

I. INTRODUCTION AND PURPOSE

The purpose of this UIC training program is to take a structured approach to the training of UIC inspectors (those who conduct or oversee compliance and enforcement activities in the field) to strengthen the effectiveness of their activities. While the program is specifically applicable to EPA inspectors, it may be of interest to States who conduct inspection in primacy programs. As a national program it establishes a core of essential training which may be supplemented as needed.

II. DESCRIPTION OF RECOMMENDED TRAINING COMPONENTS

The purpose of a training plan is to ensure opportunity for every inspector to acquire and refine the skills and knowledge needed to perform effectively. To that end, a set of experiences should be made available over time including formal course work, self instruction and on the job training.

Inspectors for the UIC program should be able to conduct required field and monitoring activities and enforcement related activities. EPA personnel, in addition, should be able to provide oversight and assistance to State and contractor inspectors.

Basic Inspector Training and UIC technical training, self-instruction and on-the-job training are currently planned or available for EPA inspectors. In addition, supplemental training will also be needed to be developed to address new program areas and enforcement needs.

III. SUGGESTED SEQUENCING

The sequence of training should be decided by the supervisor in conjunction with the inspector, and after considering the inspector's level of experience and the unique needs of the Region. The sequencing should take advantage of the availability of courses and the scheduling of inspections. In general, the suggested sequence for all inspectors is as follows: Orientation, Basic Inspector Curriculum, self study, technical courses and on-the-job experience and training. For experienced inspectors, training needs should be decided in consultation with the first-line supervisor using the Supervisor's Guide to determine if exceptions for training are appropriate. However, it may be desirable to attend the Basic Inspector Training Curriculum and/or structured field training so that EPA inspectors have a common understanding with States and remain

and knowledge which all inspectors will be expected to acquire, and the associated training experiences, are detailed as Attachment A.

IV. TRAINING MATERIALS AND THEIR SOURCES

The following kinds of materials for new inspectors should be available from the inspector's first-line supervisor.

- General Orientation
  - Organization chart
  - SDWA and regulations
  - PWSS Compliance Strategy
  - Description of HQ/Regional/State relationships
  - Applicable guidance and policy documents
- Sanitary Survey Course
  - Sanitary Survey Manual (small systems)
  - Training modules (large systems - to be developed)
- Program Management Training
  - (to be developed)
- Skills Expansion
  - (to be developed)

ATTACHMENT A

UIC Program-Specific Minimum and Specialized Training

SKILLS AND ASSOCIATED TRAINING

Basic Skill/Knowledge Needed	Associated Training Experience
o Knowledge of EPA enforcement philosophy and strategies	o Basic Inspector Training
o Ability to complete enforcement fact gathering, with understanding of ethics, right of entry and inspector conduct	o Basic Inspector Training
o Understanding of health and safety requirements	o Health and Safety Training
o Understanding of the mission authority of the UIC program, and enforcement strategies	o Orientation (self study)
o Knowledge of basic UIC technical processes, causes of noncompliance, ways to improve operations in large and small systems	o Inspection Manual (self-study) Inspection Manual Training (TBD) Seminars[1]
o A working knowledge of violation recognition, sampling procedures and laboratory analysis	o OJT Special courses[1]
o A working knowledge off applicable State programs and procedures and ability to provide constructive oversight	o Program Management Training (OJT/self study)[1]
o Knowledge of field conditions and procedures	o Formal Field Training(TBD)[1]

[1]specialized training as needed

APPENDIX D-9

SUMMARY OF WETLANDS PROTECTION INSPECTOR TRAINING

[TO BE DEVELOPED]

The Office of Wetlands Protection is developing a Program-Specific Minimum Curriculum for inspections/investigations under the wetlands protection program of the Clean Water Act, Section 404. OWP anticipates that the training materials and course will be available during FY 1989.

For additional information, contact: Hazel Groman, Enforcement Coordinator, Office of Wetlands Protection, Regulatory Activities Division, 401 M Street, S.W., (A-104F), Washington, D.C. 20460, FTS 8-475-8798.

APPENDIX E

SUMMARY OF RECOMMENDED MULTI-MEDIA (MULTI-PROGRAM) TRAINING

Multi-Media (Multi-Program) Training is designed to foster knowledge and skill in two or more compliance programs. This training may occur for different compliance programs under one environmental statute or under different statutes. Preparation of this kind may be desirable, depending on the resources and needs of each Regional Office. Having inspectors with cross program training and experience would enable more efficient use of travel time and money by allowing coordination of inspections in a given geographical area. Also cross training builds a flexible work force which can respond to changing needs and changing resource levels. Decisions on the appropriate mix and level of cross program training are at the discretion of Regional Management.

A. Multi-Media (Multi-Program Inspection Screening Course (Level 1)

This one-day course is designed to prepare compliance inspectors/field investigators to recognize and report on obvious, key indicators of possible non-compliance in all environmental program areas relevant to a particular facility or site. The objective is to broaden the awareness of cross-program and cross-media concerns, thus enabling the inspector/field investigator to be a more effective representative of EPA as a whole. (This training would go beyond the overview of all enforcement programs in the Basic Curriculum.) Identification of non-compliance problems could result subsequently in a full inspection(s) for one or more environmental programs at the facility. The course would be most useful to employees who already have experience with compliance inspections/field investigations, and/or who spend a substantial portion of their time e.g., 20% or more performing compliance inspections/field investigations. OECM will work with the Programs and Regions to develop this training course in FY 1989.

B. Multi-Media (Multi-Program) Inspection Training (Level 2)

This level of training means completing the required Program-Specific Minimum Curricula (and specialized training, if appropriate) in two or more Compliance Programs so that the individual compliance inspector/field investigator is fully prepared to lead inspections in two or more programs at a facility(ies). Regions are encouraged to support this level of training where the relationship between the requirements of two or more programs or the location of facilities makes it cost-effective to do so.

C. Multi-Media (Multi-Program) Team Inspection Training (Level 3)

Depending or Regional Office needs and resources, a multi-media (program) inspection which addresses all relevant program requirements operative for a single facility may be desirable. To support the development of compliance inspectors/ field investigators to lead such multi-media inspections carried out by a team, the following training is recommended. In addition to completion of the 1) Basic Curriculum, 2) Program Specific Curricula in two or more Compliance Programs and 3) significant experience in leading inspections in more than one program, specialized training in directing the activities of a team inspecting a facility is appropriate. Such training would develop organizational and supervisory skills and an ability to grasp and convey cross-program issues and interrelationships. The National Enforcement Investigations Center (NEIC) has provided multi-media training. Any request for such training should be sent to Robert Harp, NEIC, Building 53, Box 25227, Denver Federal Center, Denver, CO, 80225; [FTS 8-776-5100; Commercial 303-236-5100.]

Each Region is encouraged to develop and train at least one team leader for multi-media, team inspections/investigations, and to decide where such inspections would have significant benefits for deterring non-compliance.

APPENDIX F

SUPPLEMENTAL TRAINING

1. Administrative Hearings/Trials: EPA Institute*

One-day course designed for technical and legal personnel involved in administrative case preparation and presentation. Covers types of administrative hearings, steps in the hearing process, prehearing conferences, preparation of evidence and witnesses, appeals.

2. Expert Witness: EPA Institute*

One-day course designed for EPA personnel who need an understanding of the legal process and/or who may serve as an expert witness. Covers the legal system, anatomy of a lawsuit, what to expect of depositions and of direct and cross examinations at a trial.

3. Negotiation Skills: EPA Institute*

Two-day course designed for enforcement personnel. Covers basic negotiation concepts, planning for negotiations, tactics for expediting negotiations, EPA position on issues commonly found in settlement negotiations.

4. Criminal Investigations: Federal Law Enforcement Training Center (FLETC)

The Federal Law Enforcement Training Center (FLETC) in Brunswick, Georgia, offers criminal investigation training to EPA technical personnel on an infrequent basis. In late FY '88 or early FY '89, FLETC will present eight days of classroom instruction on recognizing and responding to criminal violations of environmental laws. The course will cover subjects such as developing sources of information, interviewing techniques, search and seizure issues, and collection and protection of evidence. Also to be covered are functions and services of the Office of Criminal Investigations and laboratory and other services of EPA's National Enforcement Investigation Center (NEIC) and the Environmental Photographic Interpretation Center. Classroom instruction will be augmented by crime scene and courtroom practical exercises. Class size is limited to 24. For additional information, contact Phillip Andrew in Brunswick, Georgia, at FTS 8-230-2726.

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* EPA Institute

For more information about individual courses (faculty, dates, locations) or about the Institute, contact: Director, EPA Institute, Office of Administration, 401 M Street, S.W., (PM-224), Washington, D.C. 20460, FTS 8-382-2594, E-mail EPA3880).

5. <u>Automated Information Systems for Compliance Inspectors/ Field Investigators</u>: National Enforcement Investigations Center (NEIC)

NEIC will develop a one-day course for inspectors and investigators to provide familiarity with the full range of ADP support available to EPA and State personnel. The course will cover EPA's Major National Program Compliance and Enforcement systems as well as supplemental sources from both the private and public sector. For more information contact Robert Harp, NEIC, Box 25227, Denver Federal Center, Denver CO. [FTS 8-776-5100; Commercial 303-236-5100]

APPENDIX G

ACCOUNTABILITY FOR INSPECTOR TRAINING

Ensuring that training occurs requires an effective system of accountability within Headquarters and the Regions. Without this, training for compliance inspectors/field investigators may continue in a haphazard rather than a consistent, continuing way. This appendix contains a more detailed list of the functions that need to be performed by different organizations to effectively implement this program.

A. Headquarters' Responsibilities

1. AA for OECM. The AA for Enforcement and Compliance Monitoring (OECM) or his/her designee is responsible for the following:

   a. Updating EPA Order 3500.1, overseeing and evaluating implementation of the overall program requirements and reporting to the Administrator and Assistant Administrators;
   b. Coordinating a major evaluation of program implementation in three years with the assistance of the Office of Policy, Planning and Evaluation (OPPE);
   c. Developing, updating and disseminating student manuals and instructors' guides for the Basic Curriculum to Regions and Headquarters;
   d. Coordinating selection of instructors for the Basic Curriculum, and maintaining a national list of instructors from Regions and Headquarters;
   e. Developing guides for first-line supervisors to use in evaluating individual training needs and requesting exceptions when applying the requirements of EPA Order 3500.1 with respect to the Basic Curriculum;
   f. Organizing a board of Senior Agency Managers and inspectors/investigators from Headquarters and Regions, to advise him/her in carrying out these responsibilities;
   g. Working with RAs and AAs to jointly recognize excellence in compliance monitoring inspections/investigations; and
   h. Assigning functions needed within OECM for implementation of these responsibilities and incorporating them into the performance standards of responsible individuals.

2. AA for OARM. The AA for Administration and Resources Management or his/her designee is responsible for the following:

   a. Updating and providing sufficient materials for occupational health and safety training, or approving non-EPA courses to meet the requirements of EPA Orders

1440.2 and 1440.3, and reviewing program-specific health and safety training;

b. Working with OECM and the EPA Institute to coordinate selection of instructors for Inspector Health and Safety Curriculum and maintaining a national list; (OHSS)

c. Training EPA instructors in effective teaching methods for the Basic Curriculum; (EPA Institute)

d. Working with Regions and Programs to evaluate instructors' performance and provide useful feedback; (EPA Institute)

e. Coordinating and disseminating a timely schedule of classes for the Health and Safety, Basic and Program-Specific Curricula, in consultation with OECM, Program offices and the Regions using the E-Train Information System; (PMD) and

f. Assigning functions needed within OARM for implementation and incorporating them into the performance standards of responsible individuals.

3. <u>AAs for Media Programs:</u> Each Assistant Administrator or his/her designee is responsible for the following:

a. Developing, updating and disseminating materials and schedules for classes under the Program-Specific Curriculum(a), including advanced or specialized training, in consultation with Regions and States;

b. Conducting surveys of Regions' and States' needs, and periodic reviews of the entire Program-Specific Minimum and Specialized Curricula;

c. Ensuring in future contracts and assistance agreements awarded under the Senior Environmental Employment Program, involving compliance inspections that training is required by means of statements of work or other appropriate vehicles;

d. Developing guides for first-line supervisors to use in evaluating individual training needs and in requesting exceptions when applying the requirements of this Order with respect to the Program-Specific Minimum Curricula;

e. Assisting Regions by providing training delivery contracts, or grants to university training centers or other non-profit organizations for training delivery where useful and effective;

f. For those programs with Headquarters-based inspectors, or for OECM and NEIC, identifying who is subject to EPA Order 3500.1 approving requests for exceptions for these personnel, planning for delivery of the Basic Curriculum and submitting a plan for this to OECM by <u>October 30, 1988</u>, and incorporating training requirements into position descriptions and performance standards;

g. Establishing standing work groups including Regions, and States where appropriate, to help carry out these responsibilities and to improve the quality of the compliance monitoring function; and
h. Assigning functions needed within the Media Program Offices to implement this Order and incorporating them into appropriate performance standards, such as the general management standard.

B. Regions' Responsibilities*

1. RA. Each Regional Administrator is responsible for the following:

a. Establishing an internal system, assigning functions for implementation of the Basic Curriculum, and submitting a plan that explains this operation to OECM by October 30, 1988;
b. Determining who is subject to this Order and maintaining records of those individuals and their training accomplishments and/or exceptions;
c. Designating the DRA or a cross-Regional panel to review and approve any exceptions to the requirements of this policy;
d. Supporting in-house instruction for the Basic Curriculum by working with OECM to identify Regional personnel to serve as classroom instructors and keeping a current roster of trained instructors;
e. Scheduling the Basic Curriculum annually and communicating it to OECM, OARM and other Regions;
f. Incorporating training requirements into position descriptions and performance standards;
g. Ensuring in future contracts involving compliance inspections that training is required by means of statements of work or other appropriate vehicles;
h. Maintaining a sufficient supply of training materials for Basic and Program-Specific Minimum Curricula in the Region;
i. Ensuring each Regional program identifies States' inspector training needs annually through the State/EPA Enforcement Agreements process;
j. Assisting States in identifying ways to meet their training needs and coordinating training opportunities; and
k. Assigning functions needed within the Region to implement EPA Order 3500.1 and incorporating them into appropriate performance standards.

*These responsibilities apply to any AA having compliance inspectors/investigators based in Headquarters such as the AA for Air and Radiation for Mobile Sources Enforcement.

2. Line Supervisors. Line supervisors, in Program or Environmental Services Divisions, are responsible for the following:

a. Ensuring quality compliance inspections/field investigations using performance standards, periodic appraisal, appropriate assignments to ensure development, and recognition of personnel engaged in the compliance monitoring function;
b. Working with each assigned compliance inspector to identify training needs and to incorporate these into an Individual Development Plan (IDP);
c. Preparing written requests for exceptions to EPA Order 3500.1 and securing these in accordance with procedures established in the Region or in Headquarters;
d. Providing self-instruction materials and structured on-the-job training experiences, and assuring that assignments meet the requirements of this training program;
e. Designating OJT instructors and preparing them for this assignment;
f. Reviewing progress and maintaining records of individuals subject to EPA Order 3500.1 including their accomplishments and/or exceptions;
g. Incorporating training requirements into position descriptions and performance standards of responsible individuals;
h. Completing required training; and
i. Evaluating the effectiveness of training materials and methods.

3. Compliance Inspectors/Field Investigators. Compliance Inspectors/Field Investigators are responsible for the following:

a. Advising their supervisor about the history, and extent of relevant training and experience, and assisting in the preparation of an Individual Development Plan (IDP) to meet the requirements of EPA Order 3500.1;
b. Assisting in locating training courses to meet the objectives of EPA Order 3500.1;
c. Evaluating the effectiveness of training materials and methods;
d. If selected as an OJT instructor, planning and preparing for this assignment; and
e. Applying and maintaining the knowledge, skills and techniques acquired through training to ensure that inspections/investigations are accomplished in a technically and legally sound manner.