

Implementation of CERS2 Electronic Data Transfer (EDT) for Inspection, Enforcement, and Violation Data

Prepared by Cal/EPA Unified Program November 2010

Note: This document (and all of its recommendations) was adopted by the Unified Program Data Management Steering Committee on Nov.30, 2010.

Overview

This document provides implementation details of machine-to-machine, electronic data transfer (EDT) of inspection, enforcement, and violation data exchange functionality planned for Unified Program's California Environmental Reporting System (CERS). This functionality will allow local agencies to automate pushing this type of data into CERS2, and is planned for implementation around late 2011.

Under the [Title 27 Data Dictionary](#) (T27-DD) specification for inspection data, only a summary of violation information is defined (Fields #910-Number of Class I, #911-Number of Class II Violation, and #912-Number of Minor Violations), and the enforcement definition does not include any violation-related data fields. **Cal/EPA intends to support EDT of both inspection and enforcement data using the existing T27-DD specifications plus the minimal changes defined in this document.**

Additionally, Cal/EPA intends to support expanded EDT of inspection and enforcement data that includes detailed violation information for inspections and a listing of relevant violations and enforcements. This expanded version would address various mandates that are not yet fully expressed in Title 27 regulations. Cal/EPA intends to work toward incorporating all of these expanded elements and a number of corrections into a future regulatory update of the T27-DD.

To support EDT of violation data into CERS, this document also defines the **organizational structure** of a new Violation Dictionary that will include standard titles and descriptions of violations, the legal citations, and structured state violation identification numbers that are needed for expanded inspection/enforcement EDT. This Violation Dictionary is being built a work group of UPAAG's Enforcement Steering Committee (ESC) and the prior work performed by the ESC to develop statewide guidance for writing violations.

This document is organized into sections describing the necessary changes and other details required to implement each inspection/enforcement EDT scenario identified below using the existing Title 27 standards, as well as the expanded standards that include violation data.

1. Inspection-Only Data Exchange (Current T27-DD + minimal changes)
2. Enforcement-Only Data Exchange (Current T27-DD + minimal changes)
3. Inspection + Violation Data Exchange (Current T27-DD + minimal changes + violation detail expansion)
4. Enforcement + Violation Data Exchange (Current T27-DD + minimal changes + violation detail expansion)

The discussion of each EDT scenario is divided into the following sections:

- **Required Title 27 Changes:** These changes are required to support EDT.
- **Recommended Title 27 Changes:** These changes are strongly recommended by Cal/EPA to avoid data problems/discrepancies likely to involve future cleanup/resolution costs.
- **Additional System Required EDT Fields:** These fields will be required to facility EDT between regulator and CERS and would come out of the regulator’s local data system (and are not collected from facility owners/operators).

EDT Scenario 1: Inspection-Only Data Exchange

This EDT scenario involves EDT of inspection data **without** supplying violation details, as currently defined in T27-DD (see Appendix A, “Existing Inspection Definition in Title 27 Data Dictionary”). Cal/EPA has identified several required and strongly recommended changes needed for successful inspection EDT, which are described below and summarized in Appendix B (“Required/Recommended Changes to Inspection Definition”).

Required Changes to Title 27 Inspection Definition

1) Add CERS ID Field

This 8-digit numeric field is a system-generated unique identifier for each facility in CERS. This field will associate an inspection record with the correct CERS facility record. The *CERS ID* is completely independent from the local agency-assigned *Facility ID* (CC-JJJ-FFFFFF). The *Facility ID* will not be used in CERS for associated EDT data to a facility for a number of reasons, including:

- The middle three digits of the *Facility ID* (representing a regulator ID) can change if the facility is placed under the jurisdiction of a different CUPA due to either jurisdictional boundary changes or the creation/closing of a CUPA.
- In the future, regulators with large quantities of facilities may have problems with the six character limitation of the final set of characters in the *Facility ID*.

The *CERS ID*, on the other hand, will remain the same for a specific facility, regardless of jurisdiction changes or regulation of different programs by different agencies.

Recommended Changes to the Title 27 Inspection Definition

1) Move Enforcement-Related Fields from Inspection to Enforcement T27-DD Specification

The following T27-DD fields in the Inspection definition are more appropriate as enforcement details, should be removed from inspection definition and moved to the Enforcement definition. Red Tagging an underground storage tank is considered an enforcement action for the purposes of summary information and therefore the associated data belongs in enforcement.

- a. Field #913b (Red Tag Issued)
- b. Field #913c (Red Tag Number)
- c. Field #913d (Violations Causing Red Tag)
- d. Field #913e (Date Red Tag Affixed)
- e. Field #913f (Date Red Tag Removed)
- f. Field #914 (Type of Enforcement Action)

2) Remove Field #909 (Pct RTC 90)

The T27-DD definition for Field #909 is: “Percent (whole number) of routine inspections with Class I or Class II Violations that Returns to Compliance within 90 Days.” Because this field attempts to summarize Return To Compliance data for multiple inspections, it is not appropriate to include at the Inspection Detail level. Additionally, this information can be derived from the EDT.

3) Add Inspection Comment Field

Several smaller regulators have expressed interest in using CERS as their primary repository for managing their inspection/enforcement data. This additional field would help these agencies and would not impact other agencies..

Additional System-Required Fields for Inspection-Only EDT

1) Unique Inspection ID

This field is the locally generated identifier uniquely identifying an inspection in a regulator’s data systems. This field would be used to resolve any problems that may occur during inspection EDT.

EDT Scenario 2: Enforcement-Only Data Exchange

This EDT scenario involves EDT of enforcement data (**without** supplying violation listings) as defined in the current T27-DD (see Appendix D, “Existing Enforcement Definition in Title 27 Data Dictionary”). Cal/EPA has identified several required and strongly recommended changes needed for successful enforcement EDT, which are described below and summarized in Appendix E, “Required/Recommended Changes to Enforcement Definition.”

Required Changes to the Title 27 Enforcement Definition

1) Add CERS ID Field

See notes for this field under EDT Scenario 1 (“Inspection-Only Data Exchange”).

2) Include Enforcement-Related Fields from Existing Inspection Title 27 Definition

The following fields need to be moved from the T27-DD inspection specification into the enforcement specification as they are more appropriately reported as enforcement information.

- a. Field #913b (Red Tag Issued)
- b. Field #913c (Red Tag Number)
- c. Field #913d (Violations Causing Red Tag)
- d. Field #913e (Date Red Tag Affixed)
- e. Field #913f (Date Red Tag Removed)
- f. Field #914 (Type of Enforcement Action)

Recommended Changes to the Title 27 Enforcement Definition

1) Remove Field #921 (Significant Non-Complier)

The T27-DD definition for Field #921 is: “Only applies to RCRA hazardous waste facilities. SNC is defined under federal rules.” Because this data is not collected in California, this field can be removed from the Title 27 Inspection definition, and would not be included in enforcement EDT. Where Cal/EPA needs to provide this data to US EPA, this field’s value can be derived from a facility’s inspection records.

2) Enforcement Steering Committee to Review Field #914 (Type of Enforcement Action) and Field 916 (Type of Formal Enforcement Action)

Cal/EPA recommends the Enforcement Steering Committee (ESC) begin investigating the use/definitions of fields #914 and #916 to determine if they can be consolidated into a single field and/or if additional or different valid values need to be added to either field. Ideally any changes to either/both of these fields would be resolved by mid-2011 (or earlier).

3) Define Fields #919 (Final Fine or Penalty Assessed) and #920 (Supplemental Environmental Projects Value) as Numeric

These two monetary fields are defined as alpha-numeric (AN) fields in the current Title 27 specification. Cal/EPA strongly recommends both fields be redefined as numeric (N) fields to simplify EDT and assist in reporting.

4) Add Enforcement Comment Field

As mentioned in the “Inspection-Only Data Exchange” EDT scenario, smaller regulators have expressed interest in using CERS as their primary repository for managing their inspection/enforcement data. This additional field would help these agencies manage locally-collected inspection information.

Additional System-Required Fields for Enforcement Data Exchange

1) Unique Enforcement ID

This field is the locally generated identifier that uniquely identifies an enforcement for that regulator in their data systems. This field would be used to resolve any problems that may occur during enforcement EDT.

EDT Scenario 3: Inspection + Violation Data Exchange

This EDT scenario defines the expanded specification supporting local agencies to exchange inspection data plus the violations associated with that inspection.

Required Changes to the Title 27 Inspection/Violation Definition

This EDT scenario requires all of changes defined under EDT Scenario 1 (“Inspection-Only Data Exchange”).

Recommended Changes to the Title 27 Inspection/Violation Definition

This EDT scenario requires all of recommended changes defined under EDT Scenario 1 (“Inspection-Only Data Exchange”).

Additionally, because the current Title 27 specification does not include a defined structure for exchanging violation details for a single inspection, CERS2 would implement a new definition for violation detail data. The elements of this new definition are based on the US EPA data standard for exchanging violation data, and are shown below.

4. VIOLATION DETAIL INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
1a	CERS ID			N	8-digit number defining the facility in CERS2 associated with this violation.
1	Facility ID Number	2 AN county 3 AN jurisdiction 6 AN facility number	11	AN	Number to allow cross linking of data. County and jurisdiction number from tax code list. This number is assigned by the CUPA. This is the unique number which identifies the facility.
3	Business Name	Postal standard: 2 lines, 35 character	70	AN	Full legal name of business.
930	Violation ID		7	AN	4-digit or 7-digit number referencing a Violation ID in the Violation Dictionary. The Violation Dictionary defines the Program violated, the type of violation, and the Code/Regulations and Citation(s) violated (see Appendix F for details).
931	Violation Classification	1 = Class I 2 = Class 2 9 = Minor	1	AN	Defines the Violation Classification for this violation ('Class I', 'Class II', or 'Minor').
932	Violation Date	YYYYMMDD	8	D	Date the violation occurred.
933	Violation Return to Compliance Date	YYYYMMDD	8	D	Return-to-Compliance Date for this violation. (optional)
934	Violation Comment		300	AN	Additional details about this violation (for example, a UST Tank #, location within a facility, etc.)

To demonstrate how this data exchange format would be used to transfer violation detail data to CERS, a sample of data for a single violation of the APSA program's "Written Procedures and Inspection Records" requirements is provided below.

Sample Data Fields for a Specific Violation

Element	Sample Data	Notes
CERS ID	10350181	8-digit number referencing example 'Facility ABC' in CERS2.
Facility ID	"12-345-678901"	Local Agency Facility ID, included for consistency with other Title 27 specifications. Not used during data exchange for reasons under EDT Scenario 1.
Business Name	"Facility ABC"	Included for consistency with other T27-DD specifications. Not used during data exchange.
Violation ID	3110	References General Violation ID of 'Written Procedures and Inspection Records' for the APSA program, as defined in the example Violation Dictionary entry defined in Appendix F.
Violation Classification	2	Based on the proposed Title 27 specification for the Violation data exchange elements, 2 = 'Class II' Violation Class.
Violation Date	20101103	Consistent with other Title 27 date fields, format YYYYMMDD defines that this violation occurred on 11/03/2010.
Violation RTC Date	EMPTY	Left blank; this sample violation has no return-to-compliance date.
Violation Comment	EMPTY	Left blank; the regulator had no comments included with this violation

Implementation of a Violation Dictionary

To implement EDT of the new violation detail schema, CERS needs a violation type identifier supplied by regulators on a statewide basis. The *Violation ID* field described in the new violation detail schema will be based upon a new Violation Dictionary. The actual **contents** of the Violation Dictionary (i.e., violation listing) are being developed by the Enforcement Steering Committee (ESC), but the **structure** of the Violation Dictionary and the nature of violation type IDs it will contain (7 character alphanumeric) is defined in Appendix F, "Organizational Structure of Violation Dictionary,"

Additional System-Required Fields for Inspection/Violation Data Exchange

- 1) This EDT scenario requires all of system-required fields defined under EDT Scenario 1 ("Inspection-Only Data Exchange").
- 2) **Unique Violation ID**
This field would be a locally generated identifier that uniquely identifies a violation for that regulator in their data systems. This field would be used to resolve any problems that may occur during either inspection or enforcement EDT.

EDT Scenario 4: Enforcement + Violation List Data Exchange

This EDT scenario defines the expanded specification supporting local agencies to exchange enforcement data plus a list of the violations IDs associated with that enforcement. All violations associated with a particular enforcement must have been previously loaded into CERS via an inspection plus violations EDT scenario.

Required Changes to the Title 27 Enforcement/Violation Definition

This EDT scenario requires all of changes defined under EDT Scenario 2 (“Enforcement-Only Data Exchange”) AND EDT Scenario 3 (“Inspection + Violation Data Exchange”).

Recommended Changes to the Title 27 Enforcement/Violation Definition

This EDT scenario requires all of recommended changes defined under EDT Scenario 2 (“Enforcement-Only Data Exchange”) AND EDT Scenario 3 (“Inspection + Violation Data Exchange”).

Additional System-Required Fields for Enforcement/Violation Data Exchange

This EDT scenario requires all of system required fields defined under EDT Scenario 2 (“Enforcement-Only Data Exchange”) AND EDT Scenario 3 (“Inspection + Violation Data Exchange”).

Appendices

- Appendix A Existing Inspection Definition in Title 27 Data Dictionary**
- Appendix B Required/Recommended Changes to Inspection Definition**
- Appendix C Proposed Violation Definition**
- Appendix D Existing Enforcement Definition in Title 27 Data Dictionary**
- Appendix E Required/Recommended Changes to Enforcement Definition**
- Appendix F Organizational Structure of Violation Dictionary**

Appendix A – Existing Inspection Definition in Title 27 DD

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
1	Facility ID Number	2 AN county 3 AN jurisdiction 6 AN facility number	11	AN	Number to allow cross linking of data. County and jurisdiction number from tax code list. This number is assigned by the CUPA. This is the unique number which identifies the facility.
3	Business Name	Postal standard: 2 lines, 35 characters	70	AN	Full legal name of business.
905	Program Element	a = Hazardous Materials Release Response Plans (HMRRP) b = California Accidental Release Prevention (CalARP) c = Underground Storage Tank (UST) d = Spill Prevention Control and Countermeasures (SPCC) / Aboveground Storage Tank e = Hazardous Waste Generator f = Hazardous Waste RCRA Large Quantity Generator (RCRA LQG) (subset of Hazardous Waste Generator) g = Hazardous Waste Recycler h = Permit by Rule (PBR) i = Conditionally Authorized (CA) (only available if PBR is not used) j = Conditionally Exempt (CE) (only available if PBR and CA are not used) k = Household Hazardous Waste (HHW)	1	AN	Program elements inspected. Enter one program element only. For example, a facility inspected for compliance with UST, hazardous waste and hazardous materials storage regulations would have three records, one for each program element. Each record would have a unique set of violations, even though all inspections took place on the same date. For Tiered Permitting options enter the highest tier.
906	Inspection Date	YYYYMMDD	8	D	Date of completion of inspection.
907	Inspection Type	a = Routine b = Other	1	AN	Indicates if inspection is routine or other. A routine inspection is a regularly scheduled inspection to evaluate compliance. Does not include follow-up inspections. Other inspections include complaint investigations, closure, release investigations, tank installation and/or removal oversight, tank cleaning, and follow-up enforcement inspections, or other inspections that may be in addition to a regularly scheduled inspection. This includes verification inspections for owners/operators of aboveground storage tanks having to prepare a spill prevention control and countermeasure plan. It does not include regularly scheduled inspections, field or site visits whose principle purpose is informational or educational, pollution prevention education, or visits needed to verify administrative information or orient new owners or operators. A complaint inspection is a service request originating from any outside party, including the public, that initiates a site visit outside of the routine inspection cycle.
909	Pct RTC 90		3	N	Percent (whole number) of routine inspections with Class I or Class II Violations that Returns to Compliance within 90 Days.

Appendix A – Existing Inspection Definition in Title 27 DD

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
910	Number of Class I Violations		2	N	A Class I violation means a deviation that represents a significant threat to human health or safety or the environment because of the volume of the material, the relative hazardousness of the material, or the proximity of the population at risk. The deviation must be significant enough that it could result in releases of material to the environment, material failing to be delivered to an authorized facility, failure to detect releases of material, inadequate financial resources in the case of releases of material, or inadequate financial resources to pay for facility closure, perform emergency cleanup operations or other corrective actions. A Class I violation is also a deviation that is a chronic violation or committed by a recalcitrant violator. A Class I violation is typically one that is could be referred to the District Attorney or City Attorney for formal enforcement action. Sanctions are typically imposed for failure to correct the violation. Class I violations are defined in the Health and Safety Code (HSC) section 25110.8.5.
911	Number of Class II Violations		2	N	A Class II violation means a deviation that is not a Class I violation. This count includes violations which would be considered minor, but are knowing, willful, or intentional, or enable the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage. Do not include minor violations in this count. Class II violations are defined in 22 California Code of Regulations (CCR) 66260.10.
912	Number of Minor Violations		2	N	A minor violation means a deviation from any regulation, standard, requirement, or permit condition, that is not a Class I violation. Exclude from this count all violations where the violation is knowing, willful, or intentional, or enables the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage. These are counted as Class II violations. Also exclude any violation that is a chronic violation or that is committed by a recalcitrant violator, since these are counted as Class I violations.
913a	Significant Operational Compliance	a = with only release detection b = with only release prevention c = with both release detection and release prevention d = No Significant Operational Compliance	1	AN	Indicates if facility contains significant operational compliance criteria for release detection, release prevention, or both based on the inspection.
913b	Red Tag Issued	Y or N	1	AN	Indicates if a red tag was issued.
913c	Red Tag Number		5	AN	Identification Number of the Red Tag affixed at the facility. If the tag # is only four digits, insert a zero (0) before the first number: 0xxxx.
913d	Violations Causing Red Tag	1= violation threatening/causing liquid release. 2=violation impairing ability of UST system to detect a leak. 3=chronic violation or committed by recalcitrant violator.	1	AN	Reason for affixing the red tag. Must be a significant violation.
913e	Date Red Tag Affixed	YYYYMMDD	8	D	Date Red Tag affixed to the fill pipe.
913f	Date Red Tag	YYYYMMDD	8	D	Date Red Tag removed.

Appendix A – Existing Inspection Definition in Title 27 DD

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
	Removed				
914	Type of Enforcement Action	a = Notice of Violation (NOV) Only b = AEO - Local Ordinance c = AEO - UP d = Referral to State Attorney General e = Referral to District Attorney f = Referral to County Council or City Attorney g = Referral to US Attorney h = Referral to State Agency i = Referral to Federal Agency j = Referral to Other	1	AN	A notice of violation (NOV) is an informal enforcement action taken by a CUPA. A NOV is written documentation that informs a business of non-compliance and establishes a date by which the non-compliance is to be corrected. A CUPA takes formal enforcement action on non-compliant businesses by Initiating administrative enforcement orders and/or referring the case to the State Attorney General, District Attorney, County Council or City Attorney, US Attorney, State Agency, Federal Agency, or other. A formal enforcement action mandates return to compliance by imposing punitive and criminal penalties to businesses that fail to comply. If more than one enforcement action is taken, the type and date of each action should be recorded.
917	Date Returned to Compliance	YYYYMMDD	8	D	Date physical compliance was determined by the CUPA for all violations identified during the inspection. This may not be based on a site visit, but is the date compliance was verified. It may be based on correspondence received from the regulated business.
917a	Date a Referred Case Settled or Dropped	YYYYMMDD	8	D	Date a referred case is settled or dropped. No date means that the case is open.

Appendix B – Required/Recommended Changes in Inspection Definition

Required changes are in **bold**, recommended changes are *in italics*.

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
1a	CERS ID			N	8-digit numeric identifier assigned to the facility in CERS2. REQUIRED – NEW FIELD.
1	Facility ID Number	2 AN county 3 AN jurisdiction 6 AN facility number	11	AN	Number to allow cross linking of data. County and jurisdiction number from tax code list. This number is assigned by the CUPA. This is the unique number which identifies the facility.
3	Business Name	Postal standard: 2 lines, 35 characters	70	AN	Full legal name of business.
905	Program Element	a = Hazardous Materials Release Response Plans (HMRRP) b = California Accidental Release Prevention (CalARP) c = Underground Storage Tank (UST) d = Spill Prevention Control and Countermeasures (SPCC) / Aboveground Storage Tank e = Hazardous Waste Generator f = Hazardous Waste RCRA Large Quantity Generator (RCRA LQG) (subset of Hazardous Waste Generator) g = Hazardous Waste Recycler h = Permit by Rule (PBR) i = Conditionally Authorized (CA) (only available if PBR is not used) j = Conditionally Exempt (CE) (only available if PBR and CA are not used) k = Household Hazardous Waste (HHW)	1	AN	Program elements inspected. Enter one program element only. For example, a facility inspected for compliance with UST, hazardous waste and hazardous materials storage regulations would have three records, one for each program element. Each record would have a unique set of violations, even though all inspections took place on the same date. For Tiered Permitting options enter the highest tier.
906	Inspection Date	YYYYMMDD	8	D	Date of completion of inspection.
907	Inspection Type	a = Routine b = Other	1	AN	Indicates if inspection is routine or other. A routine inspection is a regularly scheduled inspection to evaluate compliance. Does not include follow-up inspections. Other inspections include complaint investigations, closure, release investigations, tank installation and/or removal oversight, tank cleaning, and follow-up enforcement inspections, or other inspections that may be in addition to a regularly scheduled inspection. This includes verification inspections for owners/operators of aboveground storage tanks having to prepare a spill prevention control and countermeasure plan. It does not include regularly scheduled inspections, field or site visits whose principle purpose is informational or educational, pollution prevention education, or visits needed to verify administrative information or orient new owners or operators. A complaint inspection is a service request originating from any outside party, including the public, that initiates a site visit outside of the routine inspection cycle.

Appendix B – Required/Recommended Changes in Inspection Definition

Required changes are in **bold**, recommended changes are *in italics*.

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
909	<i>Pct-RTC-90</i>		3	N	<i>Percent (whole number) of routine inspections with Class I or Class II Violations that Returns to Compliance within 90 Days.</i> RECOMMENDATION TO REMOVE THIS FIELD FROM TITLE 27 DEFINITION.
910	Number of Class I Violations		2	N	A Class I violation means a deviation that represents a significant threat to human health or safety or the environment because of the volume of the material, the relative hazardousness of the material, or the proximity of the population at risk. The deviation must be significant enough that it could result in releases of material to the environment, material failing to be delivered to an authorized facility, failure to detect releases of material, inadequate financial resources in the case of releases of material, or inadequate financial resources to pay for facility closure, perform emergency cleanup operations or other corrective actions. A Class I violation is also a deviation that is a chronic violation or committed by a recalcitrant violator. A Class I violation is typically one that is could be referred to the District Attorney or City Attorney for formal enforcement action. Sanctions are typically imposed for failure to correct the violation. Class I violations are defined in the Health and Safety Code (HSC) section 25110.8.5.
911	Number of Class II Violations		2	N	A Class II violation means a deviation that is not a Class I violation. This count includes violations which would be considered minor, but are knowing, willful, or intentional, or enable the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage. Do not include minor violations in this count. Class II violations are defined in 22 California Code of Regulations (CCR) 66260.10.
912	Number of Minor Violations		2	N	A minor violation means a deviation from any regulation, standard, requirement, or permit condition, that is not a Class I violation. Exclude from this count all violations where the violation is knowing, willful, or intentional, or enables the violator to benefit economically from noncompliance, either by reduced costs or competitive advantage. These are counted as Class II violations. Also exclude any violation that is a chronic violation or that is committed by a recalcitrant violator, since these are counted as Class I violations.
913a	Significant Operational Compliance	a = with only release detection b = with only release prevention c = with both release detection and release prevention d = No Significant Operational Compliance	1	AN	Indicates if facility contains significant operational compliance criteria for release detection, release prevention, or both based on the inspection.
<i>913b</i>	<i>Red-Tag-Issued</i>	<i>Y or N</i>	<i>1</i>	<i>AN</i>	<i>Indicates if a red-tag was issued.</i> RECOMMENDATION TO REMOVE; MOVE TO ENFORCEMENT TITLE 27 DEFINITION.

Appendix B – Required/Recommended Changes in Inspection Definition

Required changes are in **bold**, recommended changes are *in italics*.

2. INSPECTION INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
913c	Red Tag Number		5	AN	<p><i>Identification Number of the Red Tag affixed at the facility. If the tag # is only four digits, insert a zero (0) before the first number: 0xxxx.</i></p> <p>RECOMMENDATION TO REMOVE; MOVE TO ENFORCEMENT TITLE 27 DEFINITION.</p>
913d	Violations Causing Red Tag	<p><i>1= violation threatening/causing liquid release.</i></p> <p><i>2=violation impairing ability of UST system to detect a leak.</i></p> <p><i>3=chronic violation or committed by recalcitrant violator.</i></p>	4	AN	<p><i>Reason for affixing the red tag. Must be a significant violation.</i></p> <p>RECOMMENDATION TO REMOVE; MOVE TO ENFORCEMENT TITLE 27 DEFINITION.</p>
913e	Date Red Tag Affixed	YYYYMMDD	8	D	<p><i>Date Red Tag affixed to the fill pipe.</i></p> <p>RECOMMENDATION TO REMOVE; MOVE TO ENFORCEMENT TITLE 27 DEFINITION.</p>
913f	Date Red Tag Removed	YYYYMMDD	8	D	<p><i>Date Red Tag removed.</i></p> <p>RECOMMENDATION TO REMOVE; MOVE TO ENFORCEMENT TITLE 27 DEFINITION.</p>
914	Type of Enforcement Action	<p><i>a = Notice of Violation (NOV) Only</i></p> <p><i>b = AEO - Local Ordinance</i></p> <p><i>c = AEO - UP</i></p> <p><i>d = Referral to State Attorney General</i></p> <p><i>e = Referral to District Attorney</i></p> <p><i>f = Referral to County Council or City Attorney</i></p> <p><i>g = Referral to US Attorney</i></p> <p><i>h = Referral to State Agency</i></p> <p><i>i = Referral to Federal Agency</i></p> <p><i>j = Referral to Other</i></p>	4	AN	<p><i>A notice of violation (NOV) is an informal enforcement action taken by a CUPA. A NOV is written documentation that informs a business of non-compliance and establishes a date by which the non-compliance is to be corrected. A CUPA takes formal enforcement action on non-compliant businesses by Initiating administrative enforcement orders and/or referring the case to the State Attorney General, District Attorney, County Council or City Attorney, US Attorney, State Agency, Federal Agency, or other. A formal enforcement action mandates return to compliance by imposing punitive and criminal penalties to businesses that fail to comply. If more than one enforcement action is taken, the type and date of each action should be recorded.</i></p> <p>RECOMMENDATION TO REMOVE; MOVE TO ENFORCEMENT TITLE 27 DEFINITION.</p>
917	Date Returned to Compliance	YYYYMMDD	8	D	<p>Date physical compliance was determined by the CUPA for all violations identified during the inspection. This may not be based on a site visit, but is the date compliance was verified. It may be based on correspondence received from the regulated business.</p>
917a	Date a Referred Case Settled or Dropped	YYYYMMDD	8	D	<p>Date a referred case is settled or dropped. No date means that the case is open.</p>
929	Inspection Comments		300	AN	<p><i>Additional details about this Inspection.</i></p> <p>RECOMMENDATION TO ADD THIS FIELD.</p>

Appendix C – Proposed Violation Title 27 Definition

4. VIOLATION DETAIL INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
1a	CERS ID			N	8-digit number defining the facility in CERS2 associated with this Violation.
1	Facility ID Number	2 AN county 3 AN jurisdiction 6 AN facility number	11	AN	Number to allow cross linking of data. County and jurisdiction number from tax code list. This number is assigned by the CUPA. This is the unique number which identifies the facility.
3	Business Name	Postal standard: 2 lines, 35 character	70	AN	Full legal name of business.
930	Violation ID		7	AN	4-digit or 7-digit number referencing a Violation ID in the Violation Dictionary. The Violation Dictionary defines the Program violated, the type of violation, and the Code/Regulations and Citation(s) violated. (See Appendix F for details on the Organization Structure of the Violation Dictionary and for example Violation IDs.)
931	Violation Classification	1 = Class I 2 = Class 2 9 = Minor	1	AN	Defines the Violation Classification for this Violation ('Class I', 'Class II', or 'Minor').
932	Violation Date	YYYYMMDD	8	D	Date the violation occurred.
933	Violation Return to Compliance Date	YYYYMMDD	8	D	Return-to-Compliance Date for this violation. (optional)
934	Violation Comment		300	AN	Additional details about this violation (for example, a UST Tank #, location within a facility, etc.)

Appendix D – Existing Enforcement Definition in Title 27 DD

3. ENFORCEMENT INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
1	Facility ID Number	2 AN county 3 AN jurisdiction 6 AN facility number	11	AN	Number to allow cross linking of data. County and jurisdiction number from tax code list. This number is assigned by the CUPA. This is the unique number which identifies the facility.
3	Business Name	Postal standard: 2 lines, 35 characters	70	AN	Full legal name of business.
905	Program Element	a = Hazardous Materials Release Response Plans (HMRRP) b = California Accidental Release Prevention (CalARP) c = Underground Storage Tank (UST) d = Spill Prevention Control and Countermeasures (SPCC) / Aboveground Storage Tank e = Hazardous Waste Generator f = Hazardous Waste Large Quantity Generator (LQG) (subset of Hazardous Waste Generator) g = Hazardous Waste Recycler h = Permit by Rule (PBR) i = Conditionally Authorized (CA) (only available if PBR is not used) j = Conditionally Exempt (CE) (only available if PBR and CA are not used) k = Household Hazardous Waste (HHW) - Fixed	2	AN	Program elements inspected. Enter one program element only. For example, a facility inspected for compliance with UST, hazardous waste and hazardous materials storage regulations would have three records, one for each program element. Each record would have a unique set of violations, even though all inspections took place on the same date. For Tiered Permitting options enter the highest tier.
915	Date of Enforcement Action	YYYYMMDD	8	D	Date the enforcement action is taken. The date of enforcement action is the date the order is sent to the business, a final referral is made to the Attorney General, District Attorney or County Attorney, the complaint is filed with the court, or the date the administrative order is issued. If more than one enforcement action is taken, the type and date of each action should be recorded.
916	Type of Formal Enforcement Action	a = Administrative b = Civil c = Criminal d = Civil/Criminal	1	AN	Type of formal enforcement action.
918	Docket Number		13	AN	Number assigned by the court for civil and criminal actions.
919	Final Fine or Penalty Assessed		8	AN	Dollar amount of fine or penalty assessed. This is the final monetary penalty or fine assessed via court or administrative order, or the amount agreed upon in a formal legal settlement. It is based on the value of fines / penalties excluding costs. Round to nearest whole number. Do not use decimal places. Note the fine or penalty is by program element for each enforcement action at each facility, when available. Does not include Supplemental Environmental Projects (SEPs).
920	Supplemental Environmental Projects Value		8	AN	Dollar amount/value of SEPs.
921	Significant Non-Complier	Y or N	1	AN	Only applies to RCRA hazardous waste facilities. SNC is defined under federal rules.

Appendix E – Required/Recommended Changes in Enforcement Definition

Required changes are **in bold**, recommended changes are *in italics*.

3. ENFORCEMENT INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
1a	CERS ID			N	8-digit numeric identifier assigned to the facility in CERS2. REQUIRED – NEW FIELD.
1	Facility ID Number	2 AN county 3 AN jurisdiction 6 AN facility number	11	AN	Number to allow cross linking of data. County and jurisdiction number from tax code list. This number is assigned by the CUPA. This is the unique number which identifies the facility.
3	Business Name	Postal standard: 2 lines, 35 characters	70	AN	Full legal name of business.
905	Program Element	a = Hazardous Materials Release Response Plans (HMRRP) b = California Accidental Release Prevention (CalARP) c = Underground Storage Tank (UST) d = Spill Prevention Control and Countermeasures (SPCC) / Aboveground Storage Tank e = Hazardous Waste Generator f = Hazardous Waste Large Quantity Generator (LQG) (subset of Hazardous Waste Generator) g = Hazardous Waste Recycler h = Permit by Rule (PBR) i = Conditionally Authorized (CA) (only available if PBR is not used) j = Conditionally Exempt (CE) (only available if PBR and CA are not used) k = Household Hazardous Waste (HHW) - Fixed	2	AN	Program elements inspected. Enter one program element only. For example, a facility inspected for compliance with UST, hazardous waste and hazardous materials storage regulations would have three records, one for each program element. Each record would have a unique set of violations, even though all inspections took place on the same date. For Tiered Permitting options enter the highest tier.
913b	Red Tag Issued	Y or N	1	AN	Indicates if a red tag was issued. REQUIRED - MOVED FROM INSPECTION.
913c	Red Tag Number		5	AN	Identification Number of the Red Tag affixed at the facility. If the tag # is only four digits, insert a zero (0) before the first number: 0xxxx. REQUIRED - MOVED FROM INSPECTION.
913d	Violations Causing Red Tag	1= violation threatening/causing liquid release. 2=violation impairing ability of UST system to detect a leak. 3=chronic violation or committed by recalcitrant violator.	1	AN	Reason for affixing the red tag. Must be a significant violation. REQUIRED - MOVED FROM INSPECTION.
913e	Date Red Tag Affixed	YYYYMMDD	8	D	Date Red Tag affixed to the fill pipe. REQUIRED - MOVED FROM INSPECTION.
913f	Date Red Tag Removed	YYYYMMDD	8	D	Date Red Tag removed. REQUIRED - MOVED FROM INSPECTION.
914	Type of Enforcement Action	a = Notice of Violation (NOV) Only b = AEO - Local Ordinance c = AEO - UP d = Referral to State Attorney General	1	AN	A notice of violation (NOV) is an informal enforcement action taken by a CUPA. A NOV is written documentation that informs a business of non-compliance and establishes a date by which the non-compliance is to be corrected. A CUPA takes formal enforcement

Appendix E – Required/Recommended Changes in Enforcement Definition

Required changes are **in bold**, recommended changes are *in italics*.

3. ENFORCEMENT INFORMATION					
ID	ELEMENT	EDIT CRITERIA / CODES	LENGTH	TYPE	INFORMATION DESCRIPTION
		e = Referral to District Attorney f = Referral to County Council or City Attorney g = Referral to US Attorney h = Referral to State Agency i = Referral to Federal Agency j = Referral to Other			action on non-compliant businesses by Initiating administrative enforcement orders and/or referring the case to the State Attorney General, District Attorney, County Council or City Attorney, US Attorney, State Agency, Federal Agency, or other. A formal enforcement action mandates return to compliance by imposing punitive and criminal penalties to businesses that fail to comply. If more than one enforcement action is taken, the type and date of each action should be recorded. REQUIRED - MOVED FROM INSPECTION.
915	Date of Enforcement Action	YYYYMMDD	8	D	Date the enforcement action is taken. The date of enforcement action is the date the order is sent to the business, a final referral is made to the Attorney General, District Attorney or County Attorney, the complaint is filed with the court, or the date the administrative order is issued. If more than one enforcement action is taken, the type and date of each action should be recorded.
916	Type of Formal Enforcement Action	a = Administrative b = Civil c = Criminal d = Civil/Criminal	1	AN	Type of formal enforcement action.
918	Docket Number		13	AN	Number assigned by the court for civil and criminal actions.
919	Final Fine or Penalty Assessed		8	N	Dollar amount of fine or penalty assessed. This is the final monetary penalty or fine assessed via court or administrative order, or the amount agreed upon in a formal legal settlement. It is based on the value of fines / penalties excluding costs. Round to nearest whole number. Do not use decimal places. Note the fine or penalty is by program element for each enforcement action at each facility, when available. Does not include Supplemental Environmental Projects (SEPs). REQUIRED – DEFINE AS NUMERIC TYPE.
920	Supplemental Environmental Projects Value		8	N	Dollar amount/value of SEPs. REQUIRED – DEFINE AS NUMERIC TYPE.
921	<i>Significant Non-Complier</i>	<i>Y or N</i>	1	AN	<i>Only applies to RCRA hazardous waste facilities. SNC is defined under federal rules.</i> RECOMMENDATION TO REMOVE THIS FIELD FROM TITLE 27 DEFINITION.
925	Enforcement Comments		300	AN	Additional details about this Enforcement. RECOMMENDATION TO ADD THIS FIELD.

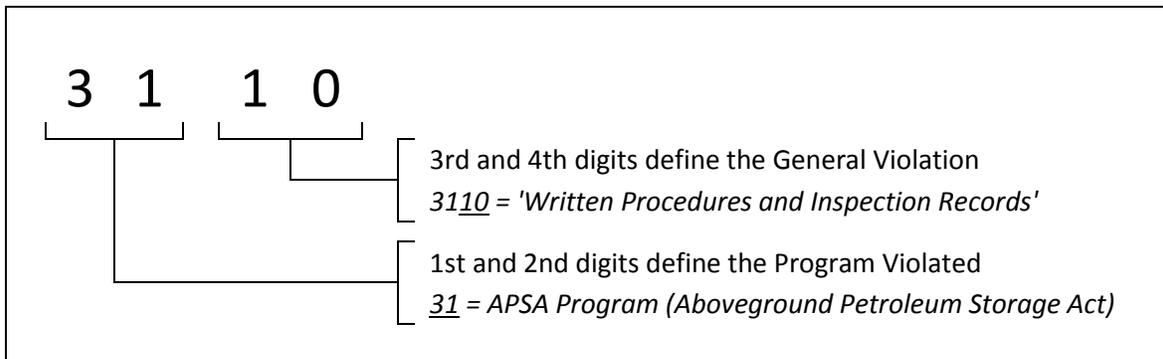
Appendix F – Organizational Structure of Violation Dictionary

This appendix defines the organizational structure of a proposed Violation Dictionary. Built upon prior work done by the Enforcement Steering Committee (ESC) of the Unified Program Administrative Advisory Group (UPAAG), this effort will develop a statewide method for CUPAs to standardize the exchange of violation details with CERS2.

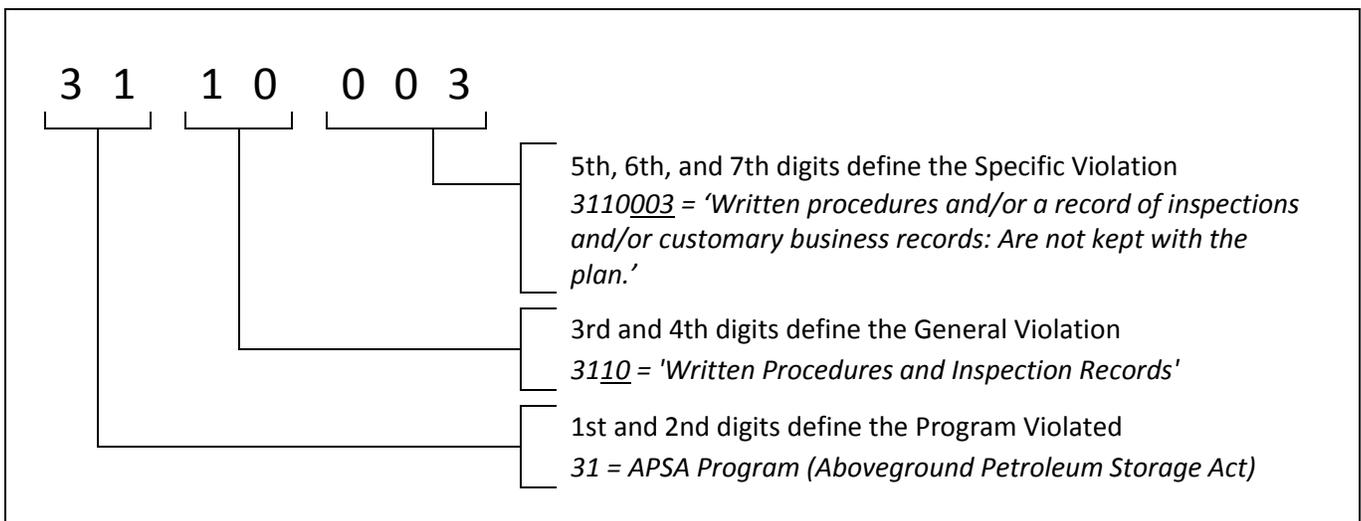
Similar to the structure followed by Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes, the Violation Dictionary's IDs would follow a pattern that allows easy identification of their hierarchy (Program Violated → General Violation → Specific Violation). This would develop a common set of General and Specific violation IDs, providing a basis against which to produce meaningful aggregate violation reports.

General Violation IDs would be referenced by a 4-digit number, and Specific Violation IDs would be referenced by a 7-digit number, each always beginning with a 2-digit Program Code. Like SIC/NAICS codes, this method provides flexibility for the Unified Program to add new General and Specific Violation Codes to the Violation Dictionary when needed, without changing the required format or affecting existing Violation IDs.

Sample 4-Digit General Violation ID (3110):



Sample 7-Digit Specific Violation ID (3110003):



To better demonstrate how the 4-digit and 7-digit Violation IDs will be defined, the following table lists an potential example subset of Violation IDs and Violation Descriptions for the “Written Procedures and Inspection Records” category for the Aboveground Petroleum Storage Act (APSA) Program:

Violation Type ID	Violation Description
31	Aboveground Petroleum Storage Act (APSA) Program
3110	Written Procedures and Inspection Records
3110001	Inspections and tests required by 40 CFR Part 112 are not conducted in accordance with written procedures developed for the facility
3110002	Written procedures and/or a record of inspections and/or customary business records: Are not signed by appropriate supervisor or inspector.
3110003	Written procedures and/or a record of inspections and/or customary business records: Are not kept with the plan.
3110004	Written procedures and/or a record of inspections and/or customary business records: Are not maintained for three years.
...	...

Program – As seen in the examples above, the first two digits of the Violation ID will always reference the Program for the Violation. For example, **31** represents the Aboveground Petroleum Storage Act (APSA) Program. *Please note – these two digits are only a building block for a General or Specific Violation ID. A valid Violation ID is always a 4-digit (General) or 7-digit (Specific) number.*

General Violation IDs – Including two digits after the program (creating a 4-digit number) references a General Violation. For example, **3110** references the ‘Written Procedures and Inspection Records’ General Violation ID for the APSA program. General Violations may encompass one or more broader legal citations.

Specific Violation IDs – Including an additional two digits after the General Violation ID (creating a 7-digit number) references a Specific Violation. For example, **3110003** references the specific violation - “Written procedures and/or a record of inspections and/or customary business records: Are not kept with the plan.” The hierarchical structure defines that this Specific Violation falls underneath the “Written Procedures and Inspection Records” General Violation, and is for the APSA program.

Each Violation will contain the following data elements in the Violation Dictionary:

- 1) Violation ID (4-digit code for General, or 7-digit code for Specific)
- 2) Violation Title
- 3) Violation Description
- 4) Citations (can contain one or more cited sections from one or more codes/regulations)
- 5) Creation Date
- 6) Last Update Date

UPAs electronically exchanging **violation detail** data with CERS will be **required** to associate each violation with a General or Specific *Violation ID*. For cases where an appropriate *Violation ID* cannot be found in the Violation

Dictionary, or for UPAs where mapping their violations to the Violation Dictionary options is not feasible, a "General" *Violation ID* will be included for each program.

Work is already underway to define the entries in the Violation Dictionary for each program, and the Enforcement Steering Committee will continue to work on further defining these violation IDs. All violation definitions will be loaded into the Violation Dictionary data repository that will be included in CERS2. All violation dictionary items will be available to any interested party via a web page and in electronic download formats as well.