

# Unified Program Violation Library

## Change Management Policy

This Unified Program Violation Library Change Management Policy establishes the process for **annually** proposing, revising and approving necessary changes to the content of the Unified Program Violation Library. Changes may be necessary as a result of new laws effective January 1<sup>st</sup> of the same year, to provide clarity of existing violation language, or to revise regulatory citations as appropriate. This policy will ensure timely notification of approved Unified Program Violation Library revisions to all affected parties, allowing for alignment of related efforts to update local reporting systems and inspection checklists for future use, while maintaining the accuracy of previous violations reported in the California Environmental Reporting System (CERS) with prior versions of the Unified Program Violation Library.

### The Unified Program Violation Library

- is a repository of standard and most common violation descriptions used manually and electronically by many different Unified Program Agencies. It does not contain each and every violation possible for enforcement of the Unified Program.
- **may be used** for citing violations found during business and/or facility inspections
- **must be used** when reporting violation data (compliance, monitoring and enforcement information) to CERS.

### Proposed Revisions

Proposed revisions to the Unified Program Violation Library will be considered changes to text relative to existing violations or entirely new proposed violation descriptions.

Each proposed revision to an ***existing violation description*** must include the following information:

- the seven-digit violation identification number
- the proposed revision – identify changes by striking out deleted text and underlining added text
- the relevant regulatory citation(s) supporting the proposed revision
- the reason or logic supporting the need for revision

A revised violation description will keep the same violation number in the Unified Program Violation Library. Once the revised violation description becomes active, the original violation description will obtain an “end date,” limiting its continued use to only be available for inspections that occurred on or before the “end date.” The revised violation description will be available for use with any inspection date occurring on or after the “begin date” of the revised violation.

Each proposed ***new violation description*** must include the following information:

- the proposed violation description
- the relevant regulatory citation(s) supporting the proposed new violation

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- the reason or logic supporting the need for the new violation

A new violation description will have a new violation number in the Unified Program Violation Library. New violation descriptions cannot be added between existing violation descriptions. A new violation description will be given a sequential violation number as it will follow the last violation description that exists for the relative program element category.

A “begin date” and “end date” will be assigned to the new violation number and it will be available for use with any inspection date occurring on or after the “begin date” of the violation.

### Violation Description, Numbering and Citation Guidelines for Revision

- **Numbering process for new violation descriptions:** New violation descriptions cannot be added between existing numbered violations descriptions. New violation descriptions will be added at the end of each section according to the relative program element topic.
- **The amount of violation descriptions shall be kept to a minimum for each violation.** In instances where a violation citation can address many different violation descriptions, a general violation description will be made available for use in the Unified Program Violation Library. Regulators can enter a note for the inspection receiving the violation via CERS to indicate the specifics of the violation that occurred.

### Types of Revision: Substantive vs. Non-Substantive

A **substantive revision** to the Unified Program Violation Library occurs when:

- a new violation is added
- the revised language of an existing regulation description changes the meaning or intent of the violation
- a regulatory citation changes
- a violation description is deleted
- a violation description is corrected as a result of a recognized error that could interrupt due legal process

A **non-substantive revision** to the Unified Program Violation Library occurs when:

- the revised language of an existing violation description does not affect the meaning or intent of the violation, ensuring past data attributed to the violation will not become inaccurate or misleading e.g. grammatical or style changes.

### Annual Review, Approval, Communication, Coordination and Implementation

Proposed Unified Program Violation Library revisions will be reviewed and collated annually by the Unified Program Violation Library Workgroup. The workgroup will be chaired by CalEPA and will include representatives from Unified Program Agencies and

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Unified Program regulatory state agencies. The review and approval process shall take place according to the timeline below, unless CalEPA determines extenuating circumstances exist, allowing for adjustment to increase time allocated for completion of each agreed upon task.

November	<p>CalEPA to query Cal OES, DTSC, OSFM and the State Water Board for representatives to lead the revisions of violations for each respective program element (send to managers and supervisors).</p> <p>CalEPA to query the CUPA Forum Board for representatives to participate in revision of violation descriptions for each program element.</p> <p>CalEPA to include Violation Library Workgroup efforts and recruitment as a CUPA Regional Meeting Agenda item, as well as suggested revisions to violation descriptions.</p> <p>Establish deadline for obtaining representatives.</p> <p>CalEPA schedules Violation Workgroup KickOff meeting with representatives for December.</p>
December - February	<p>CalEPA leads Violation Workgroup KickOff meeting.</p> <p>The workgroup will meet every two weeks to review the existing Unified Program Violation Library and any proposed regulations expected to be approved by the Office of Administrative Law, becoming effective January 1<sup>st</sup> of the next year.</p> <p>The workgroup will prepare proposed revisions to the Unified Program Violation Library.</p> <p>If necessary, the workgroup will establish subgroups to focus on specific areas of developing and revising proposed revisions of the Unified Program Violation Library.</p>
February - March	<p>The Unified Program state agencies will present proposed revisions to representing legal counsel for review and approval.</p> <p>CFB to update Data Services Vendors of proposed revisions and work plan.</p> <p>CFB will perform QA/QC review of proposed revisions.</p>

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By March 31 <sup>st</sup>	<p>Review and approval of all proposed revisions has been completed by the:</p> <ul style="list-style-type: none"> <li>• Unified Program Violation Library workgroup</li> <li>• ESC Co-Chairs</li> <li>• DSC Co-Chairs</li> <li>• State Agency legal</li> </ul>
April 1 <sup>st</sup>	<p>CalEPA provides the final version of the Unified Program Violation Library revisions to all CUPAs, Unified Program State Agencies, CUPA Forum Board and CalEPA IT Team as a MS Excel document in the following format:</p> <ul style="list-style-type: none"> <li>• A worksheet for each program element containing each revised violation description. Violation descriptions that are not revised will not be contained on the worksheet. If there are no revisions for the program element, the worksheet will reflect “no revisions” at the top.</li> <li>• Revisions will be depicted with “track changes” formatting. Added text will be underlined, deleted text will be in strikeout. Revisions may be made to descriptions, citations, “begin” and “end” dates, new violation descriptions or deleted violation descriptions.</li> </ul> <p>CFB provides the final version of the Unified Program Violation Library revisions to Data Services Vendors .</p>
April 1 <sup>st</sup> - June 30 <sup>th</sup>	<p>CalEPA enters revisions into CERS Testing environment.</p> <p>CalEPA perform QA/QC of Unified Program Violation Library in CERS Testing environment.</p> <p>Once QA/QC is complete, CERS IT Team enters revisions into CERS Training and Staging environments.</p> <p>CFB and CUPAs revise Inspection Checklists to parallel revisions of the Unified Program Violation Library.</p> <p>CUPAs, in consultation with data vendors, update local reporting data management systems to parallel revisions of the Unified Program Violation Library.</p>
July 1 <sup>st</sup>	<p>CalEPA program staff publishes the approved revised Unified Program Violation Library by:</p>

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	<ul style="list-style-type: none"><li>• incorporating the approved revisions in CERS</li><li>• sending notification of the revisions in the July edition of the Unified Program newsletter sent via the Unified Program Listserv</li></ul>
July 1 <sup>st</sup>	<p>Each UPA should begin to use the revised Unified Program Violation Library descriptions in the approved Unified Program Violation Library for reporting Compliance, Monitoring and Enforcement (CME) data into CERS during the third reporting quarter of the year (July 1<sup>st</sup> – September 30<sup>th</sup>).</p> <p>CME data for the third quarter of the year is due into CERS October 1<sup>st</sup>.</p> <p>If a UPA has not been able to update the local reporting data management system with the revised Violation Library, general violation descriptions and citations may be used via the local reporting data management system and CERS until such a time when the local reporting data management system is updated. Another option is for the UPA to directly input CME data into CERS.</p>