

## **Standard Data Elements for Enforcement/Compliance**

The Environmental Data Standards Council (EDSC) chartered the Enforcement and Compliance Data Standard Action Team to identify and define the major areas of enforcement and compliance information, and to develop a data standard that could be used for the exchange of data among environmental agencies and other entities. The purpose of the standard is to provide a common vocabulary or lexicon, so that information about functionally similar activities and/or instruments can be shared. The proposed standard focuses on core information common across most program areas. The standard is not intended to constrain what information an agency chooses to collect, nor does it constitute a reporting requirement. It merely defines a standardized way to organize and exchange key information *if agencies choose to exchange that information*. The State/EPA data standard was approved by the EDSC on April 26, 2002 and by the Agency on January 31, 2003.

The Enforcement/Compliance Data Standard, as presented below, contains the enforcement/compliance data element matrix and commonly used enforcement and compliance terminology. The data elements are grouped by defined subject areas. Each data element is represented by a name, definition, format (maximum length and data type), and where applicable, permitted values. The Notes column is used to record explanatory text relating to the definition and use of the data element.

Just as environmental business areas are interrelated, the Enforcement/Compliance data standard is related to other data standards. For example, the Facility Identification Data Standard, which specifies how a facility is to be uniquely identified, will be linked to the Enforcement/Compliance Data Standard. The standard defines specific interrelationships with other standards and between subject areas within the standard.

<b>Enforcement/Compliance Data Elements</b>				
<b>Data Element Name</b>	<b>Data Element Definition</b>	<b>Notes</b>	<b>Format</b>	
<p><b>Compliance Monitoring Information</b></p> <p><i>Definition:</i> Information about the types of activities leading to or resulting in a determination of the compliance status of a regulated entity, facility, or group of facilities.</p> <p>Site inspections in connection with response programs, such as Superfund, are also covered under this heading, where compliance monitoring (e.g., with the terms of an earlier enforcement order or agreement) is among the purposes for such inspections.</p> <p><i>Relationships:</i> One or more compliance monitoring actions can detect a violation. Each compliance monitoring action can detect one or more violations. Each compliance monitoring action can produce a compliance determination. A compliance monitoring action is taken with respect to a facility by a reporting agency. A compliance monitoring action is associated with one or more statute/section pairs, which serve to describe the environmental program(s) or interest(s) being furthered through the action.</p>				
1	Compliance Monitoring Date	The calendar date that the compliance monitoring action was performed or conducted.	For actions such as inspections or investigations, use the date on which the action was completed. For actions such as written requests for information, use the date the request was signed by the Responsible Authority.	D(8) YYYYMMDD
2	Compliance Monitoring Identifier	The unique alphanumeric identifier that specifies a compliance monitoring action pertaining to a regulated facility or entity.		A(20)
3	Compliance Monitoring Agency Name	The name of the agency, department, or organization performing or conducting the compliance monitoring action.		A(100)
4	Compliance Monitoring Agency Type	The type of agency performing or conducting the compliance monitoring action.  <i>Permissible Values:</i> U.S. EPA - United States Environmental Protection Agency.  Other Federal - Another agency	Local agencies include intra-state regional agencies (i.e., those with jurisdiction extending across multiple local government boundaries).	A(40)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		<p>of the United States.</p> <p>State - State agency.</p> <p>Interstate - Interstate agency.</p> <p>Local - Local agency.</p> <p>Tribal - Tribal government agency.</p>		
5	Compliance Monitoring Action Type	<p>The type of compliance monitoring action taken by a regulatory agency.</p> <p><i>Permissible Values:</i></p> <p>Information Request - An enforceable, written request for information to a regulated entity or potentially regulated entity or about a site, facility, or activity.</p> <p>Compliance Inspection - A visit to a facility or site for the purpose of gathering information to determine compliance including direct observations of facility operations.</p> <p>Compliance Investigation - An extraordinary, detailed assessment of a regulated entity's compliance status, which requires significantly more time to complete than a typical compliance inspection (<i>i.e.</i>, several weeks, as compared with one or a few days).</p> <p>Offsite Record Review - A review of records, conducted at the government agency's offices, for the purpose of reviewing information to determine compliance of a regulated entity.</p>	<p>Compliance monitoring action types should accomplish one or more of the following objectives:</p> <p>C Determine the compliance status of a regulated entity with a law, rule, permit, enforcement order, compliance schedule or other legal requirement.</p> <p>C Obtain documentation to support a claim of noncompliance.</p> <p>C Inform the regulated entity of potential and actual noncompliance.</p> <p>C Provide information to the regulated entity on where and how to obtain compliance assistance.</p> <p>C Provide information to the regulated entity on how to conduct self-policing.</p> <p>Activities that may be categorized as "Information Requests" include:</p> <p>C Issuance of a subpoena for the production of documents or testimony.</p> <p>C A requirement that a facility conduct testing or sampling (e.g., a stack test).</p> <p>Activities that may be categorized as a "Compliance</p>	A(24)

Enforcement/Compliance Data Elements				
Data Element Name	Data Element Definition	Notes	Format	
		<p>Inspection” include inspections pursuant to a search warrant or an order in aid of access, inspections at a regulatee’s office location, and offsite observations of a facility or site.</p> <p>Activities that may be categorized as an “Off-Site Review” include:</p> <p>C The review of the reports of facility-conducted testing or sampling tests submitted by the regulated entity.</p> <p>C Review of self-reported information from regulated entities, including information required to be submitted (e.g., Discharge Monitoring Report [DMR] or CAA Title V self-certifications) and voluntarily submitted information.</p>		
6	Compliance Inspection Type	<p>The type of compliance inspection conducted.</p> <p><i>Permissible Values:</i>            Compliance Evaluation Inspection - An inspection designed to determine compliance with legal requirements, which does not involve sampling.</p> <p>Compliance Sampling Inspection - An inspection designed to determine compliance with applicable statutes and regulations, which involves collection of physical samples of air, water, waste, etc.</p>	<p>This data element is used only if the type of Compliance Monitoring Action taken was “Compliance Inspection.”</p> <p>Inspections to determine the compliance of a facility or regulated entity with the terms of a previously-issued enforcement instrument would be included here.</p>	A(38)

Enforcement/Compliance Data Elements				
Data Element Name	Data Element Definition	Notes	Format	
		<p>Reconnaissance or Screening Inspection - An abbreviated, initial inspection designed to obtain a preliminary overview of a facility's compliance program and status.</p> <p>Case Development Inspection - An inspection designed to collect specific information to support an ongoing or planned enforcement action.</p>		
7	Off-Site Record Review Type	<p>The type of off-site record review conducted.</p> <p><i>Permissible Values:</i>            Required - The regulated entity was legally required to submit the records.</p> <p>Self-Policing Policy Submission - The records reviewed were self-reported information submitted by a regulated entity under EPA's self-policing policies (i.e., EPA's Audit Policy or Small Business Compliance Policy) or under State, Tribal, or Local analogs.</p> <p>Voluntary - The records were self-reported information submitted voluntarily by a regulated entity, but not pursuant to EPA's self-policing policies or State, Tribal, or Local analogs.</p>	<p>This data element is used only if the Compliance Monitoring Action taken was "Off-Site Record Review." The data element describes the way in which such records were acquired by the Compliance Monitoring Agency.</p> <p>Information requested by a regulatory agency would be categorized under the Compliance Monitoring Action "Information Request."</p>	A(31)
8	Compliance Monitoring Media Type	<p>The environmental program(s) with respect to which the compliance monitoring action was taken.</p> <p><i>Permissible Values:</i>            Air Stationary Source            Air Mobile Source            Emergency and Community</p>	<p>Select all applicable values. Any compliance monitoring action for which two or more environmental programs are selected represents a "multi-media" compliance monitoring action. Note that two or more distinct environmental programs may</p>	A(47)

Enforcement/Compliance Data Elements				
Data Element Name	Data Element Definition	Notes	Format	
	Right-to-Know Hazardous Waste (RCRA) National Pollutant Discharge Elimination System Ocean Dumping Solid Waste Pesticides Public Water Supply Superfund Toxic Substances Underground Injection Control Underground Storage Tanks Wetlands Other	occur under a single statute; <i>e.g.</i> , National Pollutant Discharge Elimination System (NPDES) and Wetlands under the federal Clean Water Act; or Public Water Supply and Underground Injection Control under the federal Safe Drinking Water Act.		
9	Citizen Complaint Indicator Code  <i>Permissible Values:</i> Y - Yes N - No	The code that indicates whether a compliance monitoring action was performed in response to a citizen complaint or tip.  <i>Permissible Values:</i> Y - Yes N - No	Includes tips or other information received from individuals, community groups, environmental groups, other facilities or regulated entities, etc.  A(1)	
10	Compliance Monitoring Action Reason	The reason for performing a compliance monitoring action.  <i>Permissible Values:</i> Core Program - The compliance monitoring action was performed as part of the Compliance Monitoring Agency's core programmatic activities.  Agency Priority - The compliance monitoring action was performed in furtherance of a priority or initiative of the Compliance Monitoring Agency or a partner agency.  Selected Monitoring Action - The Compliance Monitoring Agency selected the facility or regulated entity for compliance monitoring in response to a referral from another unit within the Compliance	"Core Program" includes, <i>e.g.</i> , when the regulatory agency monitors all major sources on a routine basis; or a statute specifies the frequency of routine monitoring for certain facilities; or the agency selects some percentage of its monitoring based on random selection; etc.  "Agency Priority" includes, <i>e.g.</i> , monitoring actions taken with respect to targeted pollutants; or actions taken in specially targeted industries, geographic areas, communities, ecosystems, etc.  More than one of the Permissible Values may apply to a given Compliance Monitoring Action. For	A(26)

Enforcement/Compliance Data Elements			
Data Element Name	Data Element Definition	Notes	Format
		Monitoring Agency or another unit of government; in response to a citizen complaint or tip; or for another reason specific to the regulated entity or facility in question (e.g., monitoring compliance with a compliance schedule in a previously-issued enforcement instrument; or because there is probable cause to believe a violation exists).	example, an inspection may be in support of an Agency priority, but also fulfill core program obligations. In that case, the reporting agency may choose how to characterize the Reason; ordinarily, in the example given, we would encourage selection of "Agency Priority" as providing a more specific rationale.
11	Compliance Monitoring Action Priority Originator	<p>The program that established the priority that prompted the compliance monitoring action.</p> <p><i>Permissible Values:</i>  EPA National - The compliance monitoring action furthers a priority established by the Office of Enforcement and Compliance Assurance in EPA Headquarters.</p> <p>EPA Regional - The compliance monitoring action furthers a priority established by an EPA Region.</p> <p>State - The compliance monitoring action furthers a priority established by a State.</p> <p>Tribal - The compliance monitoring action furthers a priority established by a Tribe.</p> <p>Local - The compliance monitoring action furthers a priority established by a local government.</p>	<p>If the Reason for Compliance Monitoring Action is "Priority," identify the originator of the priority.</p> <p>A(30)</p>
12	Compliance Monitoring Priority	<p>The name of the priority that prompted the compliance monitoring action.</p> <p><i>Permissible Values:</i>  Clean Water Act/Wet Weather -</p>	<p>If the Reason for Compliance Monitoring Action is "Priority," identify the priority by name.</p> <p>Permissible values will</p> <p>A(53)</p>

Enforcement/Compliance Data Elements			
Data Element Name	Data Element Definition	Notes	Format
	<p>The national priority area Clean Water Act/Wet Weather that includes Combined Sewer Overflow (CSO) Policy, the Sanitary Sewer Overflow (SSO) Enforcement Management System, and the National Concentrated Animal Feeding Operations (CAFOs) Sector Strategy.</p> <p>Safe Drinking Water Act/Microbial Rules - The national priority area Safe Drinking Water Act/Microbial Rules.</p> <p>Clean Air Act/NSR/PSD - The national priority area Clean Air Act/New Source Review/Prevention Of Significant Deterioration (NSR/PSD).</p> <p>Clean Air Act/Air Toxics - The national priority area Clean Air Act/Air Toxics.</p> <p>Resource Conservation and Recovery Act/Permit Evaders - The national priority area Resource Conservation and Recovery Act/Permit Evaders.</p> <p>Petroleum Refining Sector - The national priority area Petroleum Refining Sector.</p>	include priorities established by EPA at the National or EPA Regional level and priorities established by State, Local, and/or Tribal agencies.	
13	Compliance Monitoring Action Outcome	<p>The results from a compliance monitoring action.</p> <p><i>Permissible Values:</i> No Violation - No violation(s) detected.</p> <p>Immediately Corrected - Violation(s) detected and immediately corrected onsite.</p>	A(45)

Enforcement/Compliance Data Elements			
Data Element Name	Data Element Definition	Notes	Format
	<p>Not Immediately Corrected - Violation(s) detected but not immediately corrected.</p> <p>Under Review - A determination on compliance status is pending further review, completion of an inspection report, etc.</p> <p>No Compliance Monitoring (Facility Shut Down) - The facility is no longer in operation.</p> <p>No Compliance Monitoring (Access Denied) - The owner/operator denied access to the facility.</p>		
<p><b>Violation</b>  <i>Definition:</i>                      Noncompliance with one or more legally enforceable obligations by a regulated entity, as determined by a responsible authority. Included in this category are violations of legally enforceable obligations under pre-existing Final Orders (e.g., violations of compliance schedules included in enforcement orders).</p> <p>Status as a “potentially responsible party” may give rise to liability to perform a remedial or corrective action. By itself, such liability is not a “violation.” However, if the obligation to perform such corrective action is included in an enforceable Final Order, and the party fails to perform, that failure would represent a violation which can be described using the data elements in this category. (Of course, if the specific obligation to perform a corrective action is explicitly set out in a statute or rule, and the party fails to perform its duties under such a law, that too would represent a violation.)</p> <p>It is desirable that the data in this category be provided for each separate or individual violation identified through a Compliance Monitoring Action. However, if the Compliance Monitoring Agency providing these data does not maintain information about each violation individually, then the data in this category may be provided with reference to a group of violations identified at the same time with respect to the same regulated entity.</p> <p><i>Relationships:</i>                      Each violation is affiliated with a compliance monitoring agency.                      Each violation can be detected by one or more compliance monitoring actions.                      Each violation can be associated with zero or one or more permits.                      Each violation may lead to zero or one or more enforcement actions. (Not every violation results in an enforcement action. The same violation may be cited in several different, successive enforcement actions of progressively greater severity [e.g., a Notice of Violation followed by a Complaint and, ultimately, a Final Order].)</p>			

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
14	Violation Determined Date	The calendar date the Responsible Authority determines that a regulated entity is in violation of a legally enforceable obligation.	This may be the same as, or different than, the Compliance Monitoring Date.	D(8) YYYYMMDD
15	Violation Class Type	The type of violation that is the subject of the Violation Determined Date.  <i>Permissible Values:</i> Significant or High Priority Violation - The violation meets applicable programmatic criteria for those terms, as set out by EPA.  Other - The violation does not meet applicable programmatic criteria for "significant" or "high priority" violations.	If reporting on a group of violations rather than an individual violation and <u>any</u> of the violations within the group are Significant or High Priority, select the permissible value "Significant or High Priority Violation."	A(38)
16	Compliance Schedule Indicator Code	The code that indicates whether the regulated entity is currently on a legally enforceable compliance schedule (i.e., pursuant to a Final Order) for return to compliance with the obligation that is the subject of the Violation Determined Date.  <i>Permissible Values:</i> Y - Yes N - No	If reporting on a group of violations rather than an individual violation and if <u>any</u> such violations are subject to a Compliance Schedule, select the permissible value "Yes."	A(1)
17	Return to Compliance Scheduled Date	The calendar date, specified in the Compliance Schedule (if any), on which the regulated entity is scheduled to return to compliance with respect to the legal obligation that is the subject of the Violation Determined Date.	If reporting on a group of violations rather than on an individual violation, then enter the latest date by which such violations are to be corrected.	D(8) YYYYMMDD

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
18	Return to Compliance Actual Date	The calendar date, determined by the Responsible Authority, on which the regulated entity actually returned to compliance with respect to the legal obligation that is the subject of the Violation Determined Date.	If reporting on a group of violations rather than on an individual violation, then enter the date on which all such violations are actually corrected.	D(8) YYYYMMDD
<p><b>Enforcement Action General Information</b></p> <p><i>Definition:</i> Information about any kind of action taken to address noncompliance with environmental laws by a regulated entity; assess penalties for noncompliance; compel the recipient to perform or refrain from certain actions; recover costs; and/or collect money owed to the government under environmental laws.</p> <p><i>Relationships:</i> Each enforcement action is related to one or more specific determinations of noncompliance, or determinations of the need for response or corrective action. Each enforcement action is related to zero or one or more permits through a violation. Each enforcement action is related to one or more defendant(s)/respondent(s). Each enforcement action can be linked to zero or one or more violations. (Some enforcement actions are not based on alleged violations of law. Examples include many “imminent-and-substantial endangerment” actions, and other actions brought to compel the implementation of a response action, or to recover government costs.) Each enforcement action has a single current enforcement status; but each such action may have had a different status at other past times during the lifetime of that action. Each enforcement action is taken with respect to zero, one or more facilities. (Though not common, it is possible to take an enforcement action against an entity that is not related to a specific regulated “facility.”) Each enforcement action must have one or more defendant(s)/respondent(s). Each enforcement action is associated with a statutory authority.</p>				
19	Enforcement Action Date	The calendar date the enforcement action was issued or filed.	For actions involving written documents, the Enforcement Action Date is the date on which the document was signed by the Responsible Authority, except for judicial actions it is the date the action was filed in or entered by the court. For an informal action based only on oral notification, it is the date the regulated entity actually received such notification.	D(8) YYYYMMDD
20	Enforcement Action Identifier	The unique alphanumeric identifier used in the applicable database to identify a specific enforcement action pertaining to a regulated entity or facility.		A(20)
21	Enforcement	The formal name of the	For example, “ <i>U.S. v. XYZ</i> ”	A(200)

<b>Enforcement/Compliance Data Elements</b>			
<b>Data Element Name</b>	<b>Data Element Definition</b>	<b>Notes</b>	<b>Format</b>
	Action Name	enforcement action as shown on the caption of the legal instrument.	<i>Company</i> "; or "State of --- v. XYZ Company"; or "In the Matter of XYZ Corp."
22	Enforcement Agency Name	The full name of the agency, department, or organization that submitted the enforcement action data to EPA.	A(100)
23	Enforcement Agency Type	The type of agency that submitted the enforcement action data to EPA.  <i>Permissible Values:</i> U.S. EPA - United States Environmental Protection Agency.  Other Federal - Another agency of the United States.  State - State agency.  Interstate - Interstate agency.  Local- Local agency.  Tribal - Tribal government agency.	Local agencies include intra-state regional agencies (i.e., those with jurisdiction extending across multiple local government boundaries).  A(13)
24	Enforcement Agency Location	The U.S. Postal Service alphabetic code that represents the U.S. state or territory in which a state or local government enforcement agency operates.  <i>Permissible Values:</i> Use the two-letter U.S. Postal code for the state or territory.	If the Enforcement Agency Type is "State" or "Local," the enforcement agency should enter the two-letter postal code for the state or territory, in which it is located, even though its jurisdiction is not statewide.  A(2)
25	Federal Statute Violated	The federal statute(s) and sections alleged to have been violated.	For permissible values, use the Law/Section List from the Civil Enforcement Docket System (DOCKET).  A(100)
26	State Statute Violated	The state statute and section(s) alleged to have been violated.	A(100)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
27	Tribal Statute Violated	The tribal statute(s), ordinance(s) or law(s) alleged to have been violated.		A(100)
28	Local Statute Violated	The local statute(s), ordinance(s) or law(s) alleged to have been violated.		A(100)
29	Citation	The citation(s) of the violations alleged.	Use regulatory citation, if applicable, otherwise use statutory citation. Use commonly accepted form of citation.	A(200)
30	Noncompliance or Corrective Action Description	The narrative text describing the noncompliance identified, or the response or corrective action required.		A(2000)
31	Enforcement Action Type	<p>The type of action taken by a regulatory agency.</p> <p><i>Permissible Values:</i>            Oral Notification of Violation - An oral notification to the regulated entity of violation(s) of applicable laws where no further action is contemplated assuming the entity achieves compliance in a timely manner.</p> <p>Letter to Regulated Entity - A written notification to the regulated entity of violation(s) of applicable laws, such as a warning letter, where no further action is contemplated assuming the entity timely achieves compliance.</p> <p>Letter to State/Tribe - A written notification to a delegated or authorized state, tribe or local government agency, about violation(s) of applicable laws by a regulated entity within the jurisdiction of the state or tribe.</p> <p>Written Notice of Violation - A written notice sent to a</p>	<p>Enforcement action types are taken to accomplish one or more of the following objectives:</p> <p>C To inform a regulated entity that the agency has determined the entity to be in noncompliance; and to advise the entity what should be done to correct it, and/or by what date such corrective action should be taken.</p> <p>C To secure an enforceable order requiring the recipient to perform, or refrain from, certain specified activities.</p> <p>C To secure an enforceable order requiring the recipient to pay a civil penalty.</p> <p>C To secure an enforceable order requiring the recipient to reimburse the government for costs incurred.</p> <p>C To secure an enforceable order requiring the recipient to pay a</p>	A(30)

Enforcement/Compliance Data Elements			
Data Element Name	Data Element Definition	Notes	Format
	<p>regulated entity, initiating the enforcement process by informing the entity of violation(s) of applicable law, and requesting that the regulated entity take action to come into compliance, with the expectation of further follow-up action by the regulatory agency.</p> <p>Demand for Stipulated Penalties - A written demand that a regulated entity, which is subject to a previous Final Order, pay stipulated penalties specified therein for violation(s) of its terms.</p> <p>Judicial Referral - A formal written request to another agency or unit of government to proceed with judicial enforcement (<i>e.g.</i>, criminal or civil judicial action) relating to the violation(s) in question.</p> <p>Field Citation - A legal instrument issued by an inspector in the field; it provides the Respondent a chance to certify a return to compliance, and pay a reduced penalty, without further discussion with the Regulatory Authority and without further litigation.</p> <p>Complaint/Proposed Order - A legal instrument that formally initiates a “two-step” legal procedure (in which the Respondent has the right to a specified further process such as a hearing or trial), the objective of which is to secure an independently enforceable Final Order. This type of Enforcement Action can be</p>	<p>previously incurred debt or monetary obligation to the government, such as a previously imposed penalty, which is unpaid and overdue.</p> <p>Final Order obligations may include one or more of the above requirements.</p> <p>The term “Final Order” includes administrative and judicial orders, whether on consent or otherwise; and also includes any instrument that serves to resolve Respondent’s potential liability and is legally enforceable, even if it is not an “order” (<i>e.g.</i>, some federal Comprehensive Environmental Response, Compensation and Liability Act [CERCLA] cost recovery or <i>de minimis</i> settlement agreements).</p>	

Enforcement/Compliance Data Elements			
Data Element Name	Data Element Definition	Notes	Format
	<p>either administrative or judicial.</p> <p>Final Order - An administrative or judicial legal instrument that formally concludes an enforcement action, and which imposes on the recipient independently enforceable obligations.</p> <p>Voluntary Compliance Agreement - A consent agreement in which a regulated entity agrees to come into compliance, but which does not invoke the legal enforcement authority of the government (i.e., the agreement is enforceable only as a contract).</p>		
<p><b>Additional Enforcement Action Attributes</b></p> <p><i>Definition:</i> Attributes that provide additional descriptive information about Enforcement Action Types “Notice of Violation,” “Complaint/Proposed Order,” and/or “Final Order” <i>only</i>.</p> <p><i>Relationships:</i> Each Complaint/Proposed Order may be associated with one or more Enforcement Action “relief sought” types (Data Elements #36 - Cash Civil Penalty Amount Sought, #43 - Cost Recovery Amount Sought, #45 - Collection Amount Sought, and #47 - Injunctive Relief Sought Description). Each Final Order may be associated with one or more Final Order Relief Required types.</p>			
32	Enforcement Action Forum	<p>The legal forum in which the enforcement action is brought.</p> <p><i>Permissible Values:</i> Judicial - The action is brought in federal or state court.</p> <p>Administrative - The action is brought before an administrative body or tribunal; or the action is brought by an administrative agency and does not involve a separate tribunal (e.g., a warning letter or Notice of Violation (NOV)).</p>	A(14)
33	Enforcement Action Status	<p>The current status of the enforcement action.</p> <p><i>Permissible Values:</i></p>	A(25)

<b>Enforcement/Compliance Data Elements</b>				
<b>Data Element Name</b>		<b>Data Element Definition</b>	<b>Notes</b>	<b>Format</b>
		<p>Active - A Notice of Violation, Judicial Referral, or Complaint/ Proposed Order has been initiated, but a Final Order has not yet been issued, nor has the Action been otherwise Concluded, Closed, Superseded, or Combined.</p> <p>Concluded - The action has been concluded, but not yet closed. An enforcement action is concluded but not closed when a Notice of Violation or a Final Order has been issued, but all actions requested in such Notice or required in such Order have not yet been completed; and/or the termination date in the Final Order (if specified) has not yet passed; and the action has not been Superseded, Combined, Withdrawn, or Dismissed.</p> <p>Closed - All actions requested in a Notice of Violation, or required in a Final Order, have been completed by the recipient; or the termination date of the Final Order (if such a date is specified) has passed; or the action has been Withdrawn or Dismissed; or the enforcement action has been superseded by, or combined into, another related enforcement action addressing the same violations.</p> <p>Stayed While Under Appeal - Where a Final Order has been appealed, and its effective date has been stayed pending the outcome of the appeal, this value should be used.</p>		

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
34	Enforcement Action Status Date	The calendar date of the most recent Enforcement Action Status determination.		D(8) YYYYMMDD
35	Enforcement Action Resolution Type	<p>The mechanism by which the enforcement action is resolved.</p> <p><i>Permissible Values:</i></p> <p>Consent - A Final Order issued by the Responsible Authority, or the tribunal, with the consent of the parties.</p> <p>Adjudicated - A Final Order issued by the Responsible Authority, or the tribunal, after adjudication (motion practice, trial, hearing, etc.), where the matter has been contested by the Respondent.</p> <p>Unilaterally Issued - A Final Order issued by the Responsible Authority without the Respondent's consent and without any proceedings such as a hearing or trial.</p> <p>Default - A Final Order issued by the Responsible Authority or the tribunal as a consequence of the Respondent's failure to timely respond to the Complaint/Proposed Order or the Respondent's failure to timely carry on with the subsequent procedural steps.</p> <p>Withdrawn - A Notice of Violation or a Complaint/Proposed Order that is withdrawn by the Responsible Authority.</p> <p>Dismissed - A Complaint/Proposed Order that is dismissed by the Responsible Authority or tribunal.</p>		A(19)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		Superseded or Combined - An enforcement action has been superseded by another related enforcement action ( <i>e.g.</i> , a Notice of Violation has been superseded by a Complaint/Proposed Order or a Final Order); or has been combined into another related enforcement action.	When an enforcement action is Superseded or Combined, that original action has no further independent existence, although the violations or obligations identified therein are being addressed through another enforcement action.	
<b>Enforcement Action Cash Penalty and Supplemental Environmental Project (SEP) Information</b> <i>Definition:</i> Additional information about C Any cash civil penalty sought through, and/or required pursuant to, an Enforcement Action; C Any stipulated penalty subsequently required to be paid as a consequence of noncompliance by the Defendant/Respondent with the terms of a Final Order; and C Any Supplemental Environmental Projects (SEP) required to be performed pursuant to a Final Order.				
36	Cash Civil Penalty Amount Sought	The dollar amount of any proposed cash civil penalty set forth in a Complaint/Proposed Order.	The amount <i>sought</i> is the amount initially proposed, requested or demanded by the agency that initiates an enforcement action that seeks a penalty. The amount <i>required</i> (see Data Element #37 - Cash Civil Penalty Amount Required) is the amount ultimately agreed to in a settlement, or imposed by a tribunal or other responsible authority.  Does <u>not</u> include: C The value of Supplemental Environmental Projects (SEP) that may be included in a resolution of the enforcement action; C The value of any Stipulated Penalties that may be sought for noncompliance with a Final Order; or C The value of any injunctive relief that may be required by a Final Order.	N(15)
37	Cash Civil Penalty	The dollar amount of any cash	The figure to be reported is	N(15)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
	Amount Required	civil penalty, payment of which is required pursuant to a Final Order.	<p>the amount required to be paid, whether or not such penalty has been collected.</p> <p>Does <u>not</u> include:</p> <p>C The value of any Stipulated Penalties that may be required for noncompliance with a Final Order;</p> <p>C The value of any Supplemental Environmental (SEP) included in the Final Order; or</p> <p>C The value of any injunctive relief required by the Final Order.</p>	
38	Stipulated Penalty Amount Required	The dollar amount of any cash stipulated penalty, payment of which is required by the Enforcement Agency, pursuant to the terms of a pre-existing Final Order.	A Stipulated Penalty Amount Required figure should only be reported if the Enforcement Agency has made a demand for payment thereof (whether or not the amount has been collected); or the Defendant/ Respondent has self-assessed and paid such Penalties. Stipulated penalties include suspended or contingent penalties, payment of which is required only in the event of subsequent noncompliance (after initial resolution of an enforcement action).	N(15)
39	SEPs Description	The narrative text describing any Supplemental Environmental Projects required to be performed pursuant to a Final Order.		A(2000)
40	SEPs Value	The dollar value of any Supplemental Environmental Projects (SEP) required to be performed pursuant to a Final Order.	This is the estimated full cost to the Defendant/Respondent of implementing any such SEPs.	N(15)

<b>Enforcement/Compliance Data Elements</b>				
<b>Data Element Name</b>		<b>Data Element Definition</b>	<b>Notes</b>	<b>Format</b>
41	SEPs Penalty Assessment Value	That portion of the Supplemental Environmental Projects (SEP) Value which is explicitly denominated as a civil penalty assessed in a Final Order.	EPA does not denominate any portion of the SEP Value as a civil penalty, so for EPA actions this value will be zero. However, other jurisdictions may denominate some portion of the Required SEP Value as a penalty. Thus, the SEPs Penalty Assessment Value may be any fraction of the SEPs Value from 0% to 100%, although it is usually substantially less than 100%.	N(15)
42	Total Civil Penalty Value	The total value of the civil penalty required by a Final Order.	This value is the sum of the Cash Civil Penalty Required Amount plus the Required SEPs Penalty Assessment Value. The Total Civil Penalty Value may be equal to or greater than the Cash Civil Penalty Required Value. (For EPA cases, it will be equal to the Cash Civil Penalty Required Value.)	N(15)
<b>Enforcement Action Cost Recovery and Collection Information</b>				
<i>Definition:</i> Information about any cost recovery or collection sought through, and/or required pursuant to, an Enforcement Action.				
43	Cost Recovery Amount Sought	The dollar amount of any cost recovery sought in a Complaint/Proposed Order.	If the enforcement action seeks reimbursement of future government costs, not yet expended, and the amount of such future costs can be reasonably accurately estimated, such amount may be included here.	N(15)

<b>Enforcement/Compliance Data Elements</b>				
<b>Data Element Name</b>		<b>Data Element Definition</b>	<b>Notes</b>	<b>Format</b>
44	Cost Recovery Amount Required	The dollar amount of any cost recovery required to be paid pursuant to a Final Order.	Report the amount required in the Final Order, whether or not it has been collected. If the Enforcement Action resolution includes an enforceable obligation for the Defendant/Respondent to reimburse future government costs, not yet expended (e.g., upon presentation of a bill), and the amount of such future costs can be reasonably and accurately estimated, such amount may be included here.	N(15)
45	Collection Amount Sought	The dollar amount of the prior debt sought to be collected through a Complaint/Proposed Order.		N(15)
46	Collection Amount Required	The dollar amount of any collection payment required in a Final Order or other mechanism used to resolve the collection Complaint/Proposed Order.	Report the amount required in the Final Order, whether or not it has been collected.	N(15)
<p><b>Enforcement Action Injunctive Relief Information</b></p> <p><i>Definition:</i>            Information about any injunctive relief sought through, and/or required pursuant to, an Enforcement Action, but not including penalties, cost recovery, and Supplemental Environmental Project (SEP) obligations. Penalties, cost recovery and SEPs, are addressed in separate categories. The environmental benefits anticipated from such Injunctive Relief are covered in the Enforcement Action Compliance Milestones Information Data Group.</p>				
47	Injunctive Relief Sought Description	Narrative description of the injunctive relief sought through a Complaint/Proposed Order.	Does not include penalties, cost recovery or Supplemental Environmental Projects (SEP).	A(2000)
48	Injunctive Relief Required Description	Narrative description of the injunctive relief required in a Final Order.	Does not include penalties, cost recovery, or Supplemental Environmental Projects (SEP).	A(2000)

<b>Enforcement/Compliance Data Elements</b>				
<b>Data Element Name</b>		<b>Data Element Definition</b>	<b>Notes</b>	<b>Format</b>
49	Injunctive Relief Value	The estimated dollar cost to the Defendant/Respondent of carrying out all injunctive relief (not including penalties, cost recovery or Supplemental Environmental Projects) required pursuant to a Final Order.		N(15)
<p><b>Enforcement Action Compliance Milestones Information</b></p> <p><i>Definition:</i> Information about the status of implementation, by Defendant/Respondent, of compliance actions required as milestones included in a Final Order or other enforcement action resolution, including Injunctive Relief, Supplemental Environmental Projects (SEP), and Penalty or Cost Recovery payments required.</p>				
50	Compliance Milestones Status	<p>The status of implementation by a Defendant/Respondent, on a given date (the Compliance Milestones Determination Date), of any compliance milestone actions required to have been completed by that date, including injunctive relief, Supplemental Environmental Projects, and penalty and cost recovery payments required.</p> <p><i>Permissible Values:</i></p> <p>Implemented by Due Date(s) - All required milestone actions, the deadlines for which are on or before the reporting date, were implemented by the specified deadline date(s).</p> <p>Implemented by Determination Date, but Later than Due Date(s) - One or more milestone actions were not implemented by the date(s) specified in the enforcement action resolution instrument, but such actions were completed before the most recent Compliance Milestones Status Determination Date.</p> <p>Not Implemented by Due</p>		A(100)

<b>Enforcement/Compliance Data Elements</b>				
<b>Data Element Name</b>		<b>Data Element Definition</b>	<b>Notes</b>	<b>Format</b>
		Date(s) or Determination Date - One or more milestone actions were not implemented by the date(s) specified in the enforcement instrument, and such actions were not completed as of the time of the most recent Compliance Milestones Status Determination Date.		
51	Compliance Milestones Status Determination Date	The calendar date the Responsible Authority last determined a regulated entity's status of compliance with the milestone obligations in an enforcement action resolution instrument.		D(8) YYYYMMDD
52	Compliance Milestones Violation Response Indicator	The code that indicates whether the Enforcement Agency has taken action in response to a Compliance Milestones Implementation Violation.  <i>Permissible Values:</i> Y - Yes N - No	Such response action may include a demand for stipulated penalties; further enforcement action seeking additional civil penalties; further action seeking to impose contempt sanctions; amendment or revision of the compliance schedule to set new milestone dates; etc.	A(1)
53	Compliance Milestones Completed Date	The calendar date, determined by the Reporting Authority, on which all compliance milestone actions required in an enforcement action resolution have actually been completed, including all injunctive relief, SEPs, and all penalty or cost recovery payments required.		D(8) YYYYMMDD
<p><b>Defendant/Respondent Affiliation Information</b></p> <p><i>Definition:</i> Information on the affiliation of the defendant(s) or respondent(s) named in the enforcement action.</p> <p><i>Relationships:</i> Each enforcement action is linked to one or more defendants/respondents and each defendant/respondent may be affiliated with one or more facilities that are the subject of the enforcement action. Additional information about each defendant/respondent (<i>e.g.</i>, mailing address, DUNS Number, contact person, title, etc.) may be recorded as defined in the Facility Identification Data Standard, irrespective of whether or not the defendant/respondent is an owner or operator of a facility that is the subject of the enforcement action (<i>e.g.</i>, where the defendant/respondent's only affiliation to the facility is as Generator or Transporter).</p>				

Enforcement/Compliance Data Elements				
Data Element Name	Data Element Definition	Notes	Format	
54	Affiliation of Defendant/Respondent to Facility	<p>The name that describes the capacity or function that a defendant/respondent serves for a facility that is the subject of the enforcement action.</p> <p><i>Permissible Values:</i></p> <p>Owner - The defendant or respondent is the owner of the facility.</p> <p>Operator - The defendant or respondent is the operator of the facility.</p> <p>Generator - The defendant or respondent is a generator of waste material found at the subject facility.</p> <p>Transporter - The defendant or respondent is a transporter of waste material found at the subject facility.</p> <p>Other - The defendant or respondent has an affiliation to the facility other than owner, operator, generator, or transporter.</p>	<p>The Defendant/Respondent may be related to the subject facility in more than one way; therefore, more than one permissible value may be selected. For example, an owner of a facility may also be its operator. Similarly, the generator of wastes may also be the owner or operator of the facility where the wastes were disposed.</p> <p>Note that a waste transporter may also be the owner or operator of a waste transfer facility. If the violations alleged are with respect to that facility, the affiliation is as "Owner" and/or "Operator." If the violations alleged are with respect to Defendant's activities as transporter to or from another facility, then the affiliation is "Transporter."</p>	A(11)

## Terms and Definitions

The following are terms commonly used in enforcement and compliance.

**Civil Penalty** - A monetary sanction that the violator is required to pay to the government because of a violation, but not including a stipulated penalty. The term includes penalties imposed through either an administrative or a civil judicial proceeding, but does not include fines, penalties, or monetary restitution imposed through a criminal enforcement proceeding.

**Collection** - A claim that the defendant/respondent pay a previously incurred debt or monetary obligation, such as an imposed penalty, which has gone unpaid beyond the due date.

**Compliance Assistance** - Compliance Assistance includes activities, tools, or technical assistance that provides clear and consistent information for helping the regulated community understand and meet its regulatory obligations, or helping other compliance assistance providers (including government agencies, contractors and grantees) to aid the regulated community in complying with environmental regulations. Although compliance assistance may also help the regulated community find cost-effective ways to comply with regulations and improve environmental performance through the use of pollution prevention, environmental management practices, and innovative technologies, at least one objective of compliance assistance must be related to achieving or advancing regulatory compliance.

**Compliance Schedule** - An enforceable schedule, contained in a Final Order, for the implementation of specific injunctive relief activities, specifying milestones or deadlines for the completion thereof (including any interim milestones). The term “Compliance Schedule,” as used in the Enforcement/Compliance Data Standard, does not include a compliance schedule issued as part of an environmental permit.

**Compliance Status** - A determination of a regulated entity’s compliance with specific statutory or regulatory requirements.

**Cost Recovery** - A claim that the defendant/respondent reimburse the government for costs incurred in connection with certain activities, typically emergency or remedial response actions.

**Enforcement Authority** - The governmental entity that initiates an enforcement action.

**Enforcement Status** - The status of a regulatory authority’s enforcement response related to violations determined to exist with respect to a regulated entity.

**Information Request** - An enforceable request for information to a regulated entity or potentially regulated entity about a site, facility, or activity.

**Injunctive Relief** - An enforceable requirement obliging the defendant/respondent to take, or refrain from taking, certain specified actions. Examples include installation of pollution control equipment, performing a cleanup or corrective action, eliminating a violative discharge, submitting reports, etc. Injunctive Relief does not include any requirement to perform Supplemental Environmental Projects (SEP). In the Enforcement and Compliance Data Standard, the term “Injunctive Relief” does not include the obligation to make penalty or cost recovery payments. SEPs, penalties and cost recovery obligations are captured in separate data elements.

**Inspection** - A visit to a facility or site for the purpose of gathering information to determine compliance, including offsite observations.

**Investigation** - An extraordinarily detailed assessment of a facility's or facilities' compliance status.

**Penalty** - A monetary sanction for failure to comply with requirements, that the violator is required to pay to the government.

**Reporting Authority** - The governmental entity that provides data regarding its enforcement and compliance activities.

**Responsible Authority** - The government official with authority to issue a legal instrument such as complaint, Final Order, or information request.

**Search Warrant** - A judicial instrument authorizing access to a facility or site by government personnel or their agents for the purpose of determining compliance and/or carrying out response activities; this category includes warrants and judicial orders in aid of access.

**Settlement Agreement** - An enforceable agreement between the parties to ensure compliance that is executed by both parties and approved by the tribunal or responsible authority.

**Stipulated Penalty** - A monetary sanction that the violator is required to pay to the government because of noncompliance with a Final Order and which is paid pursuant to the explicit terms of such Final Order.

**Subpoena** - A formal document issued to compel testimony and/or to produce documents.

**Supplemental Environmental Project (SEP)** - An environmentally beneficial action or project, not otherwise required by law, agreed to be undertaken by the defendant/respondent, often in lieu of a portion of a penalty.