# Compliance Verification Program Review

PURPOSE

The program review serves to gauge program performance during the course of each task assignment. This program review seeks to ensure effective communication (both written and verbal) between the contractors and DEP.

Each section contains a comment area used to explain deficiencies and to highlight superior performance. DEP’s program review will emphasize the Contractor’s performance in relation to inspection type, facility type and inspector competence. DEP will use these program reviews during the development of future performance standards. The program reviews will evaluate the entire fiscal year task assignment.

In summary:

1. Provide comments
2. Highlight deficiencies and superior performances
3. Conduct periodic reviews during course of task assignment
4. Provide copies to the contractor and the Contract Manager with the Permitting and Compliance Assistance Program (PCAP) within two weeks of completion.
5. Request response from the contractor within 45 days of issuance of the program review.

# Directions for Completing Contract Review Form

## Program Management

1. Have the required number of routine compliance inspections been done as required by the Scope of Work in the contract? Have all the applicable inspections: installation, closure, discharge, re-inspections and complaint been conducted, and the reports completed, as specified within the contract?
2. Has the contractor generally met the Level of Effort time frames specified by DEP? Refer to Guidance Document F.
3. Were closure documents received as required and properly reviewed? Were appropriate closure letters sent? Was follow up conducted as needed?
4. Are the Payment Calculation Sheets submitted to the Task Manager electronically by the 10th of the following month, and are the electronic invoices (deliverables) submitted by the 15th of the following month to PCAP? Was the Task Manager copied on the electronic invoice submittal?
5. Have performance deficiencies noted in previous task assignment(s) been addressed and corrected by management or staff?

## Data Management

1. Are all FIRST entries relevant to facility status done? This includes such things as site maps, photos, EQ information, registration information, outreach prior to routine compliance inspections, documentation of inspection report delivery, incident data entry, and facility coordinate information.
2. Are the appropriate discharge reporting activities conducted and entered into FIRST and is the Task Manager notified within 30 days of the discovery of a new discharge at a facility?

## Staffing

1. Are positions correctly staffed? Have a sufficient number of qualified staff been provided to satisfactorily complete the contract requirements?
2. OSHA training within 6 months of hiring and annually thereafter?
3. Has a contract program representative attended all scheduled meetings, teleconferences and training?
4. Have all inspectors and compliance assistance personnel attended inspector training courses offered by DEP?

## Public Assistance

1. Does the contractor provide access to facility files and provide copies of applicable rules, inspection forms, and other program/public assistance information to the public and regulated interests?

## Comments

Total all points from the file review and field review forms in the appropriate spaces. All NO answers need to be explained in the comment section where applicable and specific instances of shortcomings in the program documented. Send copy of review to the local program supervisor upon completion of the contract review.

# Directions for Completing FIRST Review Form

## Inspection Reports

1. Has the registration information been checked to verify if STCM and FIRST are correct? If the information needs to be updated, has the facility representative been directed to correct the information? Has the registration form been forwarded to Tank Registration as needed?
2. Are the violations accurately cited?
3. Are clear and concise appropriate corrective actions stated?
4. Required inspection report information:

All inspections:

* 1. Has plain language been used so that the facility representative can understand the findings in the inspection report?
  2. Has the mechanism of financial responsibility been documented?
  3. Have the reviewed records and systems tests fields been completed accurately.
  4. Does the inspection report meet the minimum standards referenced in the FIRST User’s Guide and include the following information shown below?

Routine Compliance:

* Date of physical inspection.
* All release detection methods for tanks, piping, and sumps listed. Description of any unusual operating conditions, such as alarms.
* Any forms that were completed during the inspection, or provided to the facility for later update or referral to the Department’s website for electronic update.
* A brief description of the inspector’s physical inspection results for all accessible system equipment. This may include:
* Vacuum gauge readings.
* Results (dry/water/product, etc.) for tank and piping interstices, fill/spill containments, sumps, AST containments.
* Integrity and conditions of all accessible system components (corrosion; containment integrity; deterioration or deformation, damaged or worn components, etc.)
* Presence of any current leaks or staining that is indicative of past leaks or overfills.
* Operating status, hours and amp/volt readings of impressed current rectifier, presence of cp test stations.
* If certain system equipment was not inspected or could not be inspected, reason(s) for the lack of inspection recorded.
* Any requests for and/or receipt of an INF or a DRF based on the records review or physical inspection findings.

Installations:

* The description of activities conducted and observed by the inspector(s). Ensure that the dates and times of these activities and observations are noted.
* The PSSC name and number for UST installations or the name of the contractor performing the AST installation.
* List of all the equipment installed, manufacturer, and EQs. As a reminder, this information also needs to be recorded at the facility level.
* The release detection methods used to demonstrate compliance.
* The testing company name, the method of test performed, and the results.
* Any forms that were completed during the inspection or provided to the facility for later update. If a registration form has not been completed, note that one must be completed and submitted.

Closures:

* The activities conducted and observed by the inspector(s). Ensure that the dates of these activities and observations are noted.
* The PSSC name and number for UST closures or the name of the contractor performing AST closure.
* The equipment closed as well as general condition. Include manufacturer, and EQ numbers, if now known, if this information was not previously known and/or recorded in FIRST. As a reminder, this information also needs to be recorded at the facility level. Update the site map accordingly at the facility level.
* The method(s) used to make the tanks safe for removal (i.e. inerting, induction, etc.)
* Whether any forms were completed during the inspection or provided to the facility for later update. If a registration form has not been completed, note that one must be completed and submitted within 10 days.
* The cleanup status of previous discharges.
* Document whether the closure integrity evaluation report form was submitted as applicable.
* The statement as to whether a closure report or a limited closure report is required, and by what date.
* The name of the consultant performing the closure assessment and the methods of sampling, if applicable.
* The disposal of the tanks, contents, and contaminated soil/groundwater, as applicable.
* The observance of contamination, or lack thereof, during the closure process. Any photographs or sketches describing the contamination encountered should be attached in the Attachments section described above.
* An INF/DRF that is provided by the responsible party during a closure inspection.

Discharge Inspections:

* After notification, was a discharge inspection performed within 14 calendar days?
* The product discharged, including type, amount, and cause of discharge, when possible.
* Actions taken to contain and abate the discharge (tank emptied, repairs, tightness testing, etc.).
* The date the DRF was filed, or a statement that the DRF has not yet been filed, and for what reason.
* The names of any consultants and/or PSSC, with number, if they are involved with response to discharge.
* Any requests to the responsible party to provide soil and/or product disposal manifests.
* Whether a site assessment will be required, if known at the time of the inspection.
* A diagram of the affected area, if the discharge was a visible surface spill.

Reinspections:

* Describe what was re-inspected, what corrective actions were taken and what violations were resolved, if any.
* An INF that is provided by the responsible party during a re-inspection.

Complaints:

* Source and description of complaint received.
* Outcome of complaint.
* An INF that is provided by the responsible party during a complaint inspection.

1. Have photos been taken of physical violations, installations, closures and discharges? Are the photos properly documented?

## Correspondence

1. Have Compliance Assistance/In-Compliance letters been issued per the Level of Effort document?

## Follow-up

1. Conducted and Documented:

1. Have reinspections been scheduled and conducted as needed?
2. Has the resolution of violations been documented (submittals, phone calls, meetings)?
3. Have non-compliant facilities that have not returned to compliance been referred for enforcement?
4. Have appropriate start-up tests (i.e., hydrostatic, operability, and integrity tests) been provided?
5. Have closure documents (Closure Integrity Evaluation Reports, Closure Reports, and Limited Closure Reports) and forms been timely received and reviewed? And, were follow-up letters issued, as applicable (i.e., incomplete/complete) issued)?
6. Was a cleanup notification letter issued when appropriate?
7. Has every effort been made to get the facility back into compliance prior to referring the facility for enforcement? The degree of effort may be dependent on their enforcement level.
8. Have INFs/DRFs been tracked and appropriate follow-up taken?
9. Have the latitudes/longitudes for new facilities been determined and verified in accordance with DEP approved procedures?

FIRST Information

1. Were activities, comments, and attachments complete?
2. Was all necessary data entry completed? Including:
   1. For routine compliance inspections, was Outreach conducted prior to the inspection and documented in FIRST in a Phone or Electronic Communication Activity, depending on how the contact was made?
   2. Was the date and manner of the issuance of the inspection report to the facility owner/operator documented in FIRST in a supporting activity such as a Non-Compliance Project Letter Activity, Issue Document Activity, and/or Electronic Communication Activity?
   3. EQ information provided for each tank on the Regulatory Information Page.
   4. Was inspection report completed within 14 days.
3. Does FIRST contain current and historic site photos and site maps, as applicable?

# Directions for Completing Field Inspection Review Form

Process

1. Did the inspection report meet the minimum standards referenced in the FIRST User’s Guide?
2. Has the registration information been checked to verify if STCM and FIRST are correct? If the information needs to be updated, has the facility representative been directed to correct the information. Has the registration form been forwarded to Tank Registration as needed?
3. Were all necessary records and system tests reviewed?
4. Have photos been taken of physical violations and are the photos properly documented?
5. Have Compliance Assistance/In-Compliance letters been issued per the Level of Effort document?

Performance

1. Were all tank components, including release detection components, inspected?
2. Are the violations accurately cited?
3. Are clear and concise appropriate corrective actions stated?
4. Was proper safety equipment used and were safe work practices used?
5. Was compliance assistance provided as needed?