**SSO Evaluation Tool**

May 1, 2019

The tool herein is intended to assist District Staff in assessing the information provided for SSO’s. It should provide a rational, fair and consistent method for an initial evaluation and initial recommendation to management. Although this tool is not required to be utilized, it is intended to represent a consistent starting point for staff and should be considered in each case. As in all cases, the District Office Assistant Director, along with the Division Deputy Director should utilize their best judgement in determining how to proceed.

**Instructions:**

1. Look up the initial volume of the SSO in Column A. The corresponding action in Column B is the starting point.
2. Determine if any of the bullets below apply; move up, down, or stay in the corresponding Column B as instructed by applicable bullets. Moves are cumulative; **add all applicable moves together FIRST and then adjust the position on the chart**. For example, if a spill is treated and reaches surface water, move down 1 on the chart (up 1 + down 2 = down 1. Adding moves together before adjusting on the chart will prevent bottoming out/up on the chart.)
3. Consideration “Response, Operation & Maintenance actions” is where gallons recovered is accounted. For example, 20,000 gallons was spilled and 15,000 of the 20,000 gallons was recovered, therefore, move up one.
4. Unique site-specific items and common sense should still be considered. For example, if the spill entered a wet detention pond that is not considered surface water, but the pond was full, and it has been raining all week; discuss with management and determine if moving down Column B is appropriate.
5. Other items such as water body classification, good faith, failure to sample, water quality violation, compliance history should be considered in the penalty calculation, as applicable.
6. The four possible initial responses are coded in the database as follows:
7. Memo to file: Should consider the discovery mechanism and include brief rationale of why compliance assistance or enforcement is not being pursued.
	* 1. SRVC: Submittal Received by Department - Use the email or other electronic notification to document discovery and any follow-up actions.
		2. CALL - For oral notifications made by phone, with an electronic document (Memo to file) created to describe the details of the call.
		3. SV: Site Visit - If discovered by DEP while in the field for other purposes; with electronic document(s) describing visit.
		4. CPR: Complaint Received - If reported by a third party, with electronic document(s) describing the complaint investigation or details explaining why an investigation was not needed.
8. CAO – Verbal: OCA
9. CAO – Written: NCLI
10. WL: WLI
11. All four initial response must be documented and filed in Oculus for the applicable facility under Enforcement/Legal. See the SSO memo to file template

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| **Column A:**Initial Spill Volume(gallons) | **Column B:**Starting point actions by DEP staff(See instructions above.) |
|  |  |
| 1 – 1,000 | Review 5-day reportMemo to file |
| 1,001 – 10,000 | Review 5-day reportMemo to file |
| 10,001 – 100,000 | Review 5-day reportCAO |
| 100,001 + | Review 5-day reportWL (possible enforcement actions) |

**Consider for moving up or down column B:**

* Chronic Spills – move down 1

(Note: ‘chronic’ is 2 or more spills in a 12-month period from the same location or >6 spills per 100 miles of collection system piping, per Brad Ammons, U.S. EPA.)

* Treated or Reuse spill – move up 1
* Partially Treated – stay
* Untreated – move down 1
* Response, Operation & Maintenance actions – poor = move down 1, good = move up 1
* Environmental Harm – move down 2
* Reached Surface Water – move down 2