



RCRAInfo Data Appendix for the 2003 ERP

**U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office of Compliance
Washington, DC 20460**

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Appendix A: RCRAInfo Data Appendix for the 2003 ERP

This appendix is designed to translate the information contained in the December 2003 Enforcement Response Policy (ERP) into specific RCRAInfo data terms to ensure data is entered into the system correctly in order to accurately reflect the enforcement program as specified in the attached ERP.

Note: The RCRAInfo data element name and table name are listed in *italics*.

This Data Appendix will be revised and reissued when RCRAInfo Version 3 changes have been implemented. (With the release of Version 3, the following new fields will become available for data entry: Day Zero, and the “Addressed SNC Dated” for enforcement actions. These two new fields will be enforcement sensitive. The proposed date for the release of RCRAInfo Version 3 is August 2005.)

Definition of terms:

Term	ERP definition	RCRAInfo fields
Implementing Agency	Implementing Agency is the agency undertaking the required enforcement response. (Page 8: F)	Implementing agency is <i>agency</i> located in the <i>cevaluation</i> table, <i>responsible_agency</i> located in the <i>cviolation</i> table, and <i>agency</i> located in the <i>cenforcement</i> table.
Formal Enforcement	<p>Formal Enforcement is a written document that mandates compliance and/or initiates a civil or administrative process, with or without appeal rights before a trier of fact, that results in (1) an enforceable agreement or order and (2) an appropriate sanction. (Page 8: E)</p> <p>For EPA, formal enforcement action is (1) a referral to the U.S. Department of Justice for the commencement of a civil action in the</p>	<p>Formal Enforcement is values 200 - 899 in <i>fk_lu_enforcemeenforcement_typ</i> located in the <i>cenforcement</i> table.</p> <p>For addressing SNC: ONLY the following formal actions will be used: 200 - 219, 250 - 259, 300 - 319, 350 - 359, 380, 400 - 519, 530 - 539, 560 - 589, and 600 - 699, and 800 - 899 in <i>fk_lu_enforcemeenforcement_typ</i> located in the <i>cenforcement</i> table.</p>

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	<p>appropriate U.S. District Court, or (2) the filing of an administrative complaint, or the issuance of an order, requiring compliance and a sanction. (Page 8: E)</p> <p>For States, formal enforcement action is (1) a referral to the State’s Attorney General for the commencement of a civil or administrative action in the appropriate forum, or (2) the filing of an administrative complaint, or the issuance of an order, requiring compliance and a sanction. (Page 8: E)</p>	<p>Note: The enforcement action will not be checked to determine if “sanctions” have been issued. Since sanctions can encompass more than penalties or SEPs, there would be no way in the data system to correctly ensure this. Therefore, if a formal enforcement action has been entered, it will be assumed that the ERP has been followed regarding appropriate sanctions.</p>
Informal Enforcement	<p>Informal Enforcement are those actions that are not formal enforcement actions that notify the violator of its violations. (Page 8: G)</p>	<p>Informal Enforcement is values 100 - 199 in <i>fk_lu_enforcemeenforcement_typ</i> located in the <i>cenforcement</i> table.</p>
Unilateral/Initial Order	<p>Unilateral/Initial Orders - These are issued by the implementing agency and assert the agency's position that violations have occurred. However, the respondent/defendant is afforded the opportunity to appeal the agency's determination of violations to a trier of fact. Unilateral or Initial Orders should be issued by Day 240. (Page 12: section VII-A (1))</p>	<p>Unilateral/Initial Order means a formal enforcement action (values 200 - 219, 250 - 259, 380 (380 is a new enforcement code to be used when a super CA/FO is issued pursuant to Part 22.13(b)), 510 - 559, or 590 - 599 in <i>fk_lu_enforcemeenforcement_typ</i> located in the <i>cenforcement</i> table).</p> <p>For addressing SNC: ONLY the following Unilateral/Initial Orders will be used: values 200 - 219, 250 - 259, 380, 510 - 519, and 530 - 539 in <i>fk_lu_enforcemeenforcement_typ</i> located in the <i>cenforcement</i> table.</p>

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		<p>Note: A new enforcement code of 380 will be added to RCRAInfo to capture super CA/FOs issued pursuant to Part 22.13(b). This new code (380) is the only way a super CA/FO should be recorded in RCRAInfo.</p>
<p>Referrals to the Department of Justice or the State Attorney General's Office</p>	<p>Referrals to the Department of Justice or the State Attorney General's Office - These occur when a federal or State case is officially transmitted to those offices for action. A federal referral is considered to be initiated upon the signature of the referral package by the Regional Administrator or his/her designee, or the Assistant Administrator for OECA, as appropriate. With regard to the State's referral to the Attorney General's Office, each State agency should establish a formal process for requesting that the Attorney General's Office initiate enforcement proceedings on behalf of the State. Completion of that process would then constitute referral to the Attorney General's Office as set forth in the time line. All referrals should be made to the appropriate agency by Day 360. (Page 12: section VII-A (2).)</p> <p>Note: All references to the State Attorney General's Office in this document should be interpreted as including any State attorney that possesses the authority to</p>	<p>Referrals to the Department of Justice or the State Attorney General's Office means a formal enforcement action (values 400 - 499 in <i>fk_lu_enforcemeenforcement_typ</i> located in the <i>enforcement</i> table).</p> <p>Note: All references to the State Attorney General's Office in this document should be interpreted as including any State attorney that possesses the authority to initiate actions in State court. (Page 4: section III.)</p> <p>If a State is required to send any or all of their enforcement actions through the State Attorney General's Office prior to issuance, then the enforcement action should be recorded in RCRAInfo in the appropriate enforcement series and not in the 400 series. (i.e., Initial Formal Administrative Actions should be coded in the 200 series, Final Formal Administrative Actions should be coded in the 300 series, Civil Actions should be coded in the 500 series, Final Judicial</p>

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	initiate actions in State court. (Page 4: section III.)	Actions should be coded in the 600 series, and Administrative Referrals should be coded in the 800 series.
Final order or Consent Order	Final or Consent Orders - These are documents for which no appeal remains before the trier of fact. These orders represent the agreement of the parties involved or the decision of a trier of fact. Final or Consent Orders should be signed by Day 360. (Page 12: section VII-A (3))	Final Order or Consent Order means a formal enforcement action (values 300 - 319, 350 - 359, 380 or 600 - 699 in <i>fk_lu_enforcemeenforcement_typ</i> located in the <i>enforcement</i> table).
Unaddressed SV	Not specifically defined or mentioned in the ERP.	For SV Unaddressed means the site has not been designated as a SNC (<i>SNC</i> located in the <i>hreport_univ</i> table does not have a value of 'X') and there are one or more violations at the site with no enforcement action, regardless of the violation's date of determination. There is no record in <i>fk_lu_enforcemeenforcement_typ</i> , of any type/series, linked to one or more open violations located in the <i>cviolation</i> table (open violations are violations without a date in the <i>actual_rtc_date</i> in the <i>cviolation</i> table).
Addressed SV	For SV Addressed means the implementing agency has issued a non-penalty action that notifies the violator of its violations. (Page 8: H) A violator classified as a SV should NOT have a history of recalcitrant or non-compliant conduct.	For SV Addressed means the site has not been designated as a SNC (<i>SNC</i> located in the <i>hreport_univ</i> table does not have a value of 'X') and there is an enforcement action issued for all violations at the site, regardless of the violation's date of determination. There is a record, of any type/series, in <i>fk_lu_enforcemeenforcement_typ</i>

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	<p>Violations associated with a SV should be of a nature to allow prompt return to compliance with all applicable rules and regulations. (Page 7: section IV-A (2))</p> <p>The objectives of an informal enforcement response are to compel the violator to cease its non-compliant activities and return to compliance in the shortest possible time frame. (Page 15: section VIII)</p>	<p>linked to all open violations located in the <i>cviolation</i> table (open violations are violations without a date in <i>actual_rtc_date</i> in the <i>cviolation</i> table).</p> <p>Note: Enforcement actions used to determine SV addressed status will not be screened regarding penalties. Therefore, if the enforcement action has a penalty, then it still will be considered to meet the criteria of the ERP as to addressing SV facilities.</p> <p>Facilities will not be checked to verify the history of the facility as related to recalcitrant or non-compliant conduct, nor to determine if the violation is of a nature to promptly return to compliance with all applicable rules and regulations. It will be assumed that the implementer will adhere to the ERP guidelines in making these determinations.</p>
<p>Unaddressed</p> <p>SNC</p>	<p>Not specifically defined or mentioned in the ERP.</p>	<p>For SNC Unaddressed means the site has been designated as a SNC (<i>SNC</i> located in the <i>hreport_univ</i> table has a value of 'X'), and the same agency that determined the SNC has not issued a formal enforcement action with a date on or after the date of the SNY.</p> <p>Using the <i>cevaluation</i> table, locate the most recent <i>fk_lu_evaluation_evaluation_typ</i> equal to 'SNY', using that SNY record in the <i>cevaluation</i> table:</p>

Term	ERP definition	RCRAInfo fields
		<ol style="list-style-type: none"> 1. Ensure that the value in <i>agency</i> equals the <i>responsible_agency</i> located in the <i>cviolation</i> table, and the <i>agency</i> located in the <i>cenforcement</i> table, and 2. A) For violations determined on or after Day Zero (the <i>evaluation_date</i> of the last non-follow-up evaluation) by the same agency that determined the SNY (using the latest <i>fk_lu_evaluation_evaluation_typ</i> equal to 'SNY' ensure that the <i>agency</i> of this record equals the <i>responsible_agency</i> of the violation located in the <i>cviolation</i> record) and there is no formal enforcement action issued by the agency that determined the SNY for these violations. (There is no record in <i>cenforcement</i> issued by the same agency as the SNY (used above), with the <i>enforcement_date</i> located in <i>cenforcement</i> on or after the <i>evaluation_date</i> of the SNY record) and <i>fk_lu_enforcemenforcement_typ</i> located in <i>cenforcement</i> does not have a value between 200 - 219, 250 - 259, 300 - 319, 350 - 359, 380, 400 - 519, 530 - 539, 560 - 589, 600 - 699 or 800 - 899) OR

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		<p data-bbox="1297 272 1890 753">B) If there are NO violations in the <i>cviolation</i> table for this site and there is no formal enforcement action issued by the agency which determined the SNY, (there is no record in <i>cenforcement</i> issued by the same agency that determined the SNY (used above), with the <i>enforcement_date</i> located in <i>cenforcement</i> on or after the <i>evaluation_date</i> of the SNY record), then the site will be considered an unaddressed SNC.</p> <p data-bbox="1205 799 1890 1201">Note: All violations with the <i>responsible_agency</i> in <i>cviolation</i> the same as the <i>agency</i> of the SNY in <i>cevaluation</i> which were entered on or after Day Zero (the <i>evaluation_date</i> of the last non-follow-up evaluation) are looked at to determine whether they are in full physical compliance (has an <i>actual_rtc_date</i>) or open (without a date in the <i>actual_rtc_date</i> in the <i>cviolation</i> table). Each agency will be responsible for addressing only its own violations.</p> <p data-bbox="1297 1250 1890 1352">When RCRAInfo is updated to add the “<i>Addressed SNC Dated</i>” field discussed later in this document, this unaddressed SNC will</p>

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		begin referencing the “ <i>Addressed SNC Dated</i> ” field rather than looking for any action on or after the SNY date.
Addressed SNC	For SNC Addressed means the implementing agency has issued a formal enforcement action that compels compliance (i.e., initial or unilateral orders) or referred the violator to the State Attorney General office, EPA, or the Department of Justice and imposed appropriate sanctions. If the SNC violations are addressed with an action such as an order issued under RCRA §§ 3013 or 7003 or State equivalent authority, then the implementing agency should follow up with an action imposing sanctions. (Page 8: H)	For SNC Addressed means the site is a SNC (<i>SNC</i> located in the <i>hreport_univ</i> table equals ‘X’) and there is a formal enforcement action issued by the same agency that determined the SNC, and the date of the enforcement action is on or after the date of the SNY. Using the <i>cevaluation</i> table, locate the most recent <i>fk_lu_evaluation_evaluation_typ</i> equal to ‘SNY’, using that SNY record in the <i>cevaluation</i> table: <ol style="list-style-type: none"> 1. Ensure that the value in <i>agency</i> equals the <i>responsible_agency</i> located in the <i>cviolation</i> table, and the <i>agency</i> located in the <i>cenforcement</i> table, and 2. For violations determined on or after Day Zero (the <i>evaluation_date</i> of the last non-follow-up evaluation) by the same agency that determined the SNY (using the latest <i>fk_lu_evaluation_evaluation_typ</i> equal to ‘SNY’ ensure that the <i>agency</i> of this record equals the <i>responsible_agency</i> of the violation located in the <i>cviolation</i> record), ensure that each violation has a formal enforcement action (<i>fk_lu_enforcemeenforcement_typ</i> located in <i>cenforcement</i> have a value between 200 -

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		<p>219, 250 - 259, 300 - 319, 350 - 359, 380, 400 - 519, 530 - 539, 560 - 589, 600 -699, or 800 - 899) issued by the agency that determined the SNY. (There is a record in <i>enforcement</i> issued by the same agency as the SNY, with the <i>enforcement_date</i> located in <i>enforcement</i> on or after the <i>evaluation_date</i> of the last SNY record).</p> <p>Note: A new field: “<i>Addressed SNC Dated</i>” will be added to RCRAInfo Version 3. This field will require Implementers to identify if the enforcement action addresses a SNC and if so, then choose: 1) the date of the appropriate SNC designation or 2) the date of all appropriate SNC designations from a list of all SNY records at the site. If the enforcement action does not address a SNC, then the “addressed SNC dated” field will be blank. This “<i>Addressed SNC Dated</i>” field will be enforcement sensitive.</p> <p>When RCRAInfo is updated to add the “<i>Addressed SNC Dated</i>” field, this addressed SNC will begin referencing the “<i>Addressed SNC Dated</i>” field rather than looking for any action on or after the SNY date.</p> <p>The enforcement action will not be checked</p>

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		<p>to determine if “sanctions” have been issued. Since sanctions can encompass more than penalties or SEPs, there would be no way in the data system to correctly ensure this. Therefore, if a formal enforcement action has been entered, then it will be assumed that the ERP has been followed regarding sanctions.</p> <p>All violations with the <i>responsible_agency</i> in <i>cviolation</i> the same as the <i>agency</i> of the SNY in <i>cevaluation</i> which were entered on or after Day Zero are looked at to determine whether they are in full physical compliance (has an <i>actual_rtc_date</i>) or open (without a date in the <i>actual_rtc_date</i> in the <i>cviolation</i> table). Each agency will be responsible for addressing only its own violations.</p>
<p>Compliance Schedule Established</p>	<p>Compliance Schedule Established means that the implementing agency has entered into a formal enforcement agreement or a trier of fact has issued an order, and the violator is in compliance with its schedule. Follow-up may still be required, depending on the situation. If a compliance schedule is established, then the implementing agency should monitor compliance with that schedule; if a referral is made, then the implementing agency should continue to monitor the progress of the case up to and after filing.</p>	<p>Compliance Schedule Established means the site is a SNC (<i>SNC</i> located in the <i>hreport_univ</i> table equals ‘X’), it has a formal enforcement action with an enforceable compliance schedule, issued by the same agency that determined the SNC and the date of the enforcement action is on or after the SNC determination date. Using the <i>cevaluation</i> table, locate the most recent <i>fk_lu_evaluation_evaluation_typ</i> equal to ‘SNY’, using that SNY record in the <i>cevaluation</i> table:</p> <ol style="list-style-type: none"> 1. Ensure that the value in <i>agency</i> equals the

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	<p>Once these actions have been completed and the violator is in compliance with its schedule, the violator is no longer a SNC and RCRAInfo should be updated accordingly. However, the violator in this scenario has not returned to compliance within the meaning of this policy. (Page 9: I)</p>	<p><i>responsible_agency</i> located in the <i>cviolation</i> table, and the <i>agency</i> located in the <i>cenforcement</i> table, and</p> <p>2. All open violations determined on or after Day Zero (open violations are violations without a date in <i>actual_rtc_date</i> - check the <i>determined_date</i> to see if it is on or after the <i>evaluation_date</i> of the last non-follow-up evaluation issued by the same agency that determined the SNY) determined by the same agency that determined the SNY (using the latest <i>fk_lu_evaluation_evaluation_typ</i> equal to 'SNY' ensure that the <i>agency</i> of this record equals the <i>responsible_agency</i> of the violation located in the <i>cviolation</i> record) and these violations have a formal enforcement action (<i>fk_lu_enforcemeenforcement_typ</i> located in <i>cenforcement</i> have a value between 300 - 319, 350 - 359, 380, 400 - 519, 530 - 539, 560 - 589, 600 - 699, or 800 - 899) issued by the agency that determined the SNY. (There is a record in <i>cenforcement</i> issued by the same agency that determined the SNY, with the <i>enforcement_date</i> located in <i>cenforcement</i> on or after the <i>evaluation_date</i> of the SNY record linked to the open violation/s), and</p> <p>3. That enforcement record has a date in the <i>compliance_sched_date</i> located in the</p>

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		<p data-bbox="1297 272 1713 305"><i>cln_compliance_schedule</i> table.</p> <p data-bbox="1205 347 1881 529">The implementer <u>should now enter an “SNN” evaluation in <i>fk_lu_evaluation_evaluation_typ</i></u> located in the <i>cevaluation</i> table to remove the site from SNC but the <i>actual_rtc_date</i> must remain blank until the violation is in full physical compliance.</p> <p data-bbox="1205 571 1881 753">If the implementer chooses not to enter the “SNN”, the site will remain a SNC and will be classified as a “SNC With a Compliance Schedule Established”. Again, the <i>actual_rtc_date</i> must remain blank until the violation is in full physical compliance.</p> <p data-bbox="1205 795 1881 1091">Note: The enforcement action will not be checked to determine if “sanctions” have been issued. Since sanctions can encompass more than penalties or SEPs, there would be no way in the data system to correctly ensure this. Therefore, if a formal enforcement action has been entered, it will be assumed that the ERP has been followed regarding sanctions.</p> <p data-bbox="1297 1133 1881 1354">A new field: “<i>Addressed SNC Dated</i>” will be added to RCRAInfo Version 3. This field will require Implementers to identify if the enforcement action addresses a SNC and if so, then choose: 1) the date of the appropriate SNC designation or 2) the date of all</p>

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		<p>appropriate SNC designations from a list of all SNY records at the site. If the enforcement action does not address a SNC, then the “<i>Addressed SNC Dated</i>” field will be blank. This “<i>Addressed SNC Dated</i>” field will be enforcement sensitive.</p> <p>When RCRAInfo is updated to add the “<i>Addressed SNC Dated</i>” field, the Compliance Schedule Established select logic will begin referencing the “<i>Addressed SNC Dated</i>” field rather than looking for any action on or after the SNY date.</p> <p>Only open violations (without a date in the <i>actual_rtc_date</i> in the <i>cviolation</i> table) with the <i>responsible_agency</i> in <i>cviolation</i> the same as the <i>agency</i> of the SNY in <i>cevaluation</i> which were entered on or after Day Zero are looked at. Each agency will be responsible for addressing only its own violations.</p> <p>Missed compliance schedules: see Appendix B: “Procedure for Entering RCRAInfo Data Pursuant to the ERP” for a discussion of what happens when a compliance schedule deadline has been missed.</p>
Returned to	Returned to Compliance means that the violator is	Returned to Compliance means the <i>actual_rtc_date</i>

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Compliance	in full physical compliance with the regulatory and/or statutory requirements. (Page 9: J)	located in the <i>cviolation</i> table has a date (is not blank).
Sanctions	<p>1) Sanctions include penalties as well as other tangible obligations, beyond returning to compliance (e.g., permit modifications), that are imposed upon the owner/operator. (Page 9: K)</p> <p>2) An enforcement response against a SNC by the implementing agency should be considered appropriate when sanctions are incorporated in the formal enforcement response. Penalties incorporated in the formal enforcement response that recover the economic benefit of non-compliance plus some appreciable amount reflecting the gravity of the violation should be considered appropriate. Additionally, if warranted by the circumstances, the implementing agency may include other sanctions against the violator. These include, but are not limited to: permit modifications, permit revocation, facility shut down, and suspension and debarment proceedings. The portion of the penalty that does not account for the economic benefit of non-compliance may be addressed through the use of Supplemental Environmental Projects (SEPs) as deemed appropriate by the implementing agency. (Page 10: section V-A (1))</p>	Since sanctions can encompass more than penalties or SEPs, there would be no way in the data system to correctly ensure this. Therefore, if a formal enforcement action has been issued, it will be assumed that the ERP has been followed regarding sanctions.
Day Zero	1. Day Zero is the first day of the inspection	1. Day Zero is the <i>evaluation_date</i> located in

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	<p>or record review regardless of the duration of the inspection. In situations where there are follow-up inspections at a facility, Day Zero is the first day of the first inspection. (Page 8: C and page 11: A)</p>	<p>the <i>cevaluation</i> table. In the case of these three follow-up inspection types: (in table <i>cevaluation</i> field <i>fk_lu_evaluation_evaluation_type</i> would be equal to the value in parenthesis below)</p> <ul style="list-style-type: none"> - Case Development Inspection (CDI), - Compliance Schedule Evaluation (CSE), or - Sampling Inspection (SPL) <p>Day Zero will be the date of the most recent prior non-follow-up inspection.</p> <p><u>Non-follow-up inspections are:</u></p> <ul style="list-style-type: none"> - Compliance Evaluation Inspection (CEI) - Compliance Evaluation Inspection Without Sampling (CES) - Compliance Assistance Activity (CAV) - On site inspection of Corrective Action activities (CAO) - Compliance (Groundwater) Monitoring Evaluation (CME) - Compliance (Groundwater) Monitoring Evaluation Without Sampling (CMS) - Financial Records Review (FRR) - Facility Self Disclosure (FSD) - Land Ban Inspection (LBN) - Non-Financial Records Review (NRR) - Operation and Maintenance Inspection (OAM) - Other Evaluation (OTH) <p>And these multimedia evaluations:</p>

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	<p>2. For violations detected through some method other than inspection or record reviews, Day Zero is the date upon which the information (e.g., self-reported violations) becomes available to the implementing agency. (Page 11: A)</p> <p>3. A. - States can also meet response criteria and guidelines for this policy by referring violators to EPA (Note: Day Zero for EPA is the date of the referral). (Page 8: E) In the case of a State referral to EPA, Day Zero is considered the date of the referral to EPA. (Page 11: A)</p> <p>B. - The ERP does not specifically reference what happens with EPA to State referrals, but after consultation with ORE, we will use the same procedure as for State-to-EPA referrals. Which means: EPA can also meet response</p>	<p>- RCRA CEI Performed with Screening Checklist (MMB) - Comprehensive and Coordinated Inspection (MMC) - Detailed Multimedia Inspection (MMD) - Multimedia Screening Checklist Only (MMS).</p> <p>2. Day Zero is the evaluation date of the Facility Self Disclosure record (<i>fk_lu_evaluation_type</i> = FSD located in the <i>evaluation</i> table).</p> <p>3. A. - this referral is value 810 in <i>fk_lu_enforcement_type</i> and the new Day Zero for EPA would be the <i>enforcement_date</i> of the 810 record. Both of these fields are located in the <i>enforcement</i> table.</p> <p>B. - this referral is value 820 in <i>fk_lu_enforcement_type</i> and the new Day Zero for the State would be the <i>enforcement_date</i> of the 820 record. Both of these fields are located in the <i>enforcement</i> table.</p>

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	<p>criteria and guidelines for this policy by referring violators to the State. (Note: Day Zero for the State is the date of the referral). In the case of a EPA referral to State, Day Zero is considered the date of the referral to the State. (Not specifically mentioned in the ERP) Note: Since the issuance of the ERP and this appendix, the Office of Regulatory Enforcement (ORE) has changed its name to the Office of Civil Enforcement (OCE).</p> <p>4. In the case of SV facilities that have failed to return to compliance, Day Zero will be the date that the violator is reclassified as a SNC. (Page 11: A)</p> <p>5. In the case of joint State/EPA enforcement actions, Day Zero is the date the EPA inspection report/referral is received when the State has the lead for the enforcement action. (Page 8: E)</p>	<p>4. See Appendix B: “Procedure for Entering RCRAInfo Data Pursuant to the ERP” for a discussion of what happens when a SV facility is reclassified as a SNC.</p> <p>5. Currently RCRAInfo does not contain a specific/separate field for Day Zero, therefore there is no way to determine when EPA sent or the state received the EPA inspection report. Therefore, Day Zero will be the date of the evaluation as outlined above in #1 of the Day Zero discussion.</p> <p>Note: Currently RCRAInfo does not contain a specific/separate field for Day Zero. When RCRAInfo is updated to include the</p>

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		<p>recommendations of the Handler Monitoring Assistance Program Area Analysis (HMA PAA) work, a new field: <i>day_zero</i> will be added in the evaluation record and will be set, by the implementer, according to the provisions of the ERP. Once this new field (<i>day_zero</i>) is available in RCRAInfo, it will be used exclusively to define Day Zero and we will no longer derive Day Zero from the last non-follow-up evaluation. This “<i>Day_Zero</i>” field will be enforcement sensitive.</p>
<p>Date of Determination (Day 150)</p>	<p>1. The Date Determined is a date no later than 150 days after Day Zero by which the implementing agency first determines that a violation has occurred. This evaluation includes determining the facility’s compliance with the regulations and then determining whether the violator is a SNC or SV. To the extent that the violation(s) meet one or more of the elements of the SNC definition, the violator should be designated a SNC and subject to the appropriate formal enforcement response of this policy (see Section V.A. above). If the violations do not meet the criteria for designation as a SNC, then the violator should be</p>	<p>1. Date of Determination is the violation <i>determined_date</i> located in the <i>cviolation</i> table. This must be entered into RCRAInfo as soon as possible, but at least by 150 days after Day Zero.</p> <p>By day 150 (150 days after Day Zero), if the site is designated a SNC, then an SNY evaluation record must be entered in RCRAInfo with the date the SNC decision was made as the <i>evaluation_date</i> of the SNC record (<i>fk_lu_evaluation_evaluation_typ</i> equal to ‘SNY’ with the <i>evaluation_date</i> equal to the date of the SNC determination. Both fields are located in the <i>cevaluation</i> table). If the site is not designated a SNC, then nothing</p>

Term	ERP definition	RCRAInfo fields
	<p>designated a SV and subject to, at a minimum, an informal enforcement response of this policy (see Section V.B above). The implementing agency should enter the facility as a SNC or a SV into RCRAInfo at this time. (Page 11: B)</p> <p>Date of Determination (Day 150) is the final date to determine if formal enforcement is appropriate. (Page 8: D)</p> <p>2. By Day 150, the implementing agency should issue a warning letter or other appropriate notification of violations to those violators designated as SVs or SNCs to put those violators on notice of their violations. A notice of inspection or other written notification provided at the time of the inspection will be considered to have put the violator on notice. If the EPA or State determines that a facility is a SNC, then the warning letter or other form of notification should advise the facility of its status. The SNC determination should also be entered into RCRAInfo by this date. (Page 12: C)</p>	<p>needs to be entered in RCRAInfo.</p> <p>2. By day 150 (150 days after Day Zero), a warning letter or other appropriate enforcement action should be issued:</p> <p>For SVs: The site has not been designated as a SNC (<i>SNC</i> located in the <i>hreport_univ</i> table does not have a value of 'X') and there is an enforcement action issued for all open violations at the site, regardless of the violation's date of determination (there is a record, of any type/series, in <i>fk_lu_enforcemeenforcement_typ</i> linked to all open violations located in the <i>cviolation</i> table (open violations are violations without a date in <i>actual_rtc_date</i> in the <i>cviolation</i> table)).</p> <p>For SNCs: The site is a SNC (<i>SNC</i> located in the <i>hreport_univ</i> table equals 'X') and there</p>

Term	ERP definition	RCRAInfo fields
		<p>is at least an informal enforcement action, issued by the same agency that determined the SNC for all violations determined on or after Day Zero, and the date of the enforcement action is on or after the SNC determination date (using the <i>cevaluation</i> table, locate the most recent <i>fk_lu_evaluation</i> record with <i>evaluation_typ</i> equal to 'SNY', using that SNY record in the <i>cevaluation</i> table:</p> <ul style="list-style-type: none"> - Ensure that the value in <i>agency</i> equals the <i>responsible_agency</i> located in the <i>cviolation</i> table, and the <i>agency</i> located in the <i>cenforcement</i> table, and - For violations determined on or after Day Zero by the same agency that determined the SNY (using the latest <i>fk_lu_evaluation</i> record with <i>evaluation_typ</i> equal to 'SNY' ensure that the <i>agency</i> of this record equals the <i>responsible_agency</i> of the violation located in the <i>cviolation</i> record), ensure that each violation has at least an informal enforcement action (<i>fk_lu_enforcement</i> record with <i>enforcement_typ</i> located in <i>cenforcement</i> have a value between 100 - 199 or a value greater than 199) issued by the agency that determined the SNY (there is a record

Term	ERP definition	RCRAInfo fields
		<p>in <i>cenforcement</i> issued by the same agency that determined the SNY, with the <i>enforcement_date</i> located in <i>cenforcement</i> on or after the <i>evaluation_date</i> of the SNY record.))</p> <p>Note: All violations with the <i>responsible_agency</i> in <i>cviolation</i> the same as the <i>agency</i> of the SNY in <i>cevaluation</i> which were entered on or after Day Zero are looked at to determine whether they are in full physical compliance (has an <i>actual_rtc_date</i>) or open (without a date in the <i>actual_rtc_date</i> in the <i>cviolation</i> table). Each agency will be responsible for addressing only its own violations.</p>
Day 240	<p>1. By Day 240, the implementing agency should issue its unilateral or initial orders to the designated SNCs, if appropriate, (Orders which follow NOVs are considered initial orders in this instance.) (Page 12: D)</p>	<p>1. By day 240 (240 days after Day Zero), for a SNC facility (<i>SNC</i> located in the <i>hreport_univ</i> table equals 'X') there is a unilateral/initial enforcement order issued by the same agency that determined the SNC, and the date of the enforcement action is on or after the SNC determination date (using the <i>cevaluation</i> table, locate the most recent <i>fk_lu_evaluationevaluation_typ</i> equal to 'SNY', using that SNY record in the <i>cevaluation</i> table:</p> <ul style="list-style-type: none"> - Ensure that the value in <i>agency</i> equals the <i>responsible_agency</i> located in the

Term	ERP definition	RCRAInfo fields
		<p data-bbox="1396 272 1885 1242"> <i>cviolation</i> table, and the <i>agency</i> located in the <i>cenforcement</i> table, and – For violations determined on or after Day Zero by the same agency as the SNY (using the latest <i>fk_lu_evaluation_evaluation_typ</i> equal to ‘SNY’ ensure that the <i>agency</i> of this record equals the <i>responsible_agency</i> of the violation located in the <i>cviolation</i> record) ensure that each violation has a unilateral/initial enforcement order (<i>fk_lu_enforcemeenforcement_typ</i> located in <i>cenforcement</i> has a value between (values 200 - 219, 250 - 259, or 380 (380 is a new enforcement code to be used when a super CA/FO is issued pursuant to Part 22.13(b)), or 510 - 519, or 530 - 539) issued by the agency that determined the SNY (there is a record in <i>cenforcement</i> issued by the same agency as the SNY, with the <i>enforcement_date</i> located in <i>cenforcement</i> on or after the <i>evaluation_date</i> of the SNY record.) </p> <p data-bbox="1207 1286 1885 1354"> Note: A new enforcement code of 380 will be added to RCRAInfo to capture super CA/FOs </p>

Term	ERP definition	RCRAInfo fields
	<p>2. By Day 240, SVs are required to return to compliance. (Page 12: D)</p> <p>3. For SVs: If the violator does not come into compliance within 240 days of Day Zero, then the implementing agency should reclassify the facility as a SNC, if appropriate. (Page 10: B)</p>	<p>issued pursuant to Part 22.13(b). This new code (380) is the only way a super CA/FO should be recorded in RCRAInfo.</p> <p>2. By day 240 (240 days after Day Zero), for SVs, (<i>SNC</i> located in the <i>hreport_univ</i> table does not have a value of 'X') all violations at the site, regardless of the violation's date of determination, have returned to full physical compliance. (There are no open violations located in the <i>cviolation</i> table (open violations are violations without a date in <i>actual_rtc_date</i> in the <i>cviolation</i> table)).</p> <p>3. See Appendix B: "Procedure for Entering RCRAInfo Data Pursuant to the ERP" for a discussion of what happens when a SV facility is reclassified as a SNC.</p> <p>Note: The enforcement action will not be checked to determine if "sanctions" have been issued. Since sanctions can encompass more than penalties or SEPs, there would be no way in the data system to correctly ensure this. Therefore, if a formal enforcement action has been entered, it will be assumed that the ERP has been followed regarding sanctions.</p>

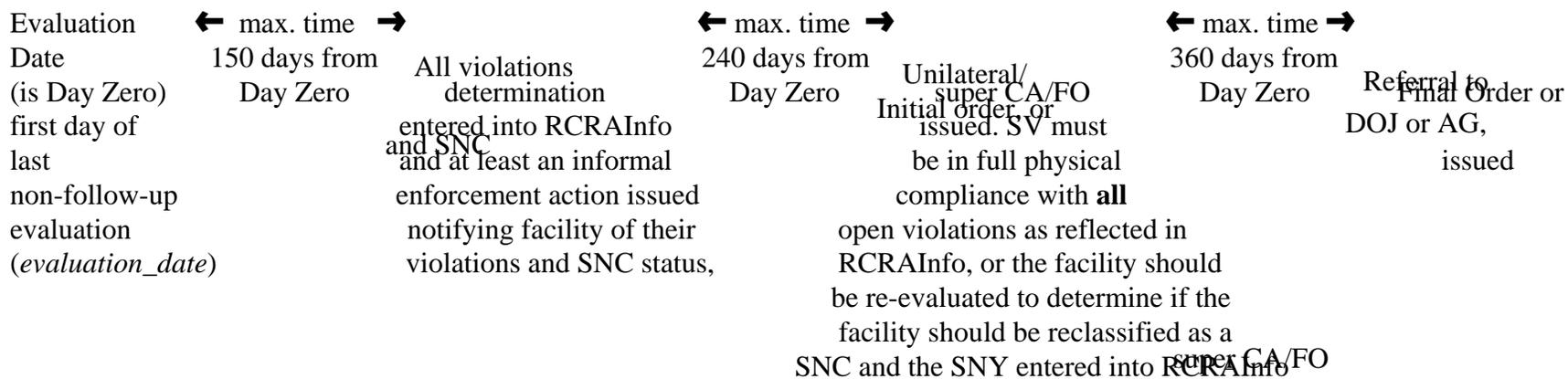
Term	ERP definition	RCRAInfo fields
		<p>A new field: “<i>Addressed SNC Dated</i>” will be added to RCRAInfo Version 3. This field will require Implementers to identify if the enforcement action addresses a SNC and if so, then choose: 1) the date of the appropriate SNC designation or 2) the date of all appropriate SNC designations from a list of all SNY records at the site. If the enforcement action does not address a SNC, then the “<i>Addressed SNC Dated</i>” field will be blank. This “<i>Addressed SNC Dated</i>” field will be enforcement sensitive.</p> <p>All violations with the <i>responsible_agency</i> in <i>cviolation</i> the same as the <i>agency</i> of the SNY in <i>cevaluation</i> which were entered on or after Day Zero are looked at to determine whether they are in full physical compliance (has an <i>actual_rtc_date</i>) or open (without a date in the <i>actual_rtc_date</i> in the <i>cviolation</i> table). Each agency will be responsible for addressing only its own violations.</p> <p>Enforcement actions used to determine SV addressed status will not be screened regarding penalties. Therefore, if the enforcement action has a penalty, then it still will be considered to have met the criteria of the ERP as to addressing SV facilities.</p>

Term	ERP definition	RCRAInfo fields
<p>Day 360</p>	<p>By Day 360, the implementing agency should make a referral to the Department of Justice or State's Attorney General office or enter into a final order with the violator. (Page 12: E)</p>	<p>By day 360 (360 days after Day Zero), if the site is a SNC (<i>SNC</i> located in the <i>hreport_univ</i> table equals 'X') then there is either a referral to the Department of Justice or State's Attorney General office or a final order issued by the same agency that determined the SNC, and the date of the enforcement action is on or after the SNC determination date. Using the <i>cevaluation</i> table, locate the most recent <i>fk_lu_evaluation_evaluation_typ</i> equal to 'SNY', using that SNY record in the <i>cevaluation</i> table:</p> <ul style="list-style-type: none"> - Ensure that the value in <i>agency</i> equals the <i>responsible_agency</i> located in the <i>cviolation</i> table, and the <i>agency</i> located in the <i>cenforcement</i> table, and - All violations determined on or after Day Zero by the same agency that determined the SNY (using the latest <i>fk_lu_evaluation_evaluation_typ</i> equal to 'SNY' ensure that the <i>agency</i> of this record equals the <i>responsible_agency</i> of the violation located in the <i>cviolation</i> record) have a referral to the Department of Justice or State's Attorney General office or a final order (<i>fk_lu_enforcemeenforcement_typ</i> located in <i>cenforcement</i> have a value between 300 - 319, 350 - 359, 380, or 400 - 499, or 600 - 699) issued by the

Term	ERP definition	RCRAInfo fields
		<p>agency which determined the SNY (there is a record in <i>enforcement</i> issued by the same agency as the SNY, with the <i>enforcement_date</i> located in <i>enforcement</i> on or after the <i>evaluation_date</i> of the SNY record.)</p> <p>Note: A new enforcement code of 380 will be added to RCRAInfo to capture super CA/FOs issued pursuant to Part 22.13(b). This new code (380) is the only way a super CA/FO should be recorded in RCRAInfo.</p> <p>The enforcement action will not be checked to determine if “sanctions” have been issued. Since sanctions can encompass more than penalties or SEPs, there would be no way in the data system to correctly ensure this. Therefore, if a formal enforcement action has been entered, it will be assumed that the ERP has been followed regarding sanctions.</p> <p>A new field: “<i>Addressed SNC Dated</i>” will be added to RCRAInfo Version 3. This field will require Implementers to identify if the enforcement action addresses a SNC and if so, then choose: 1) the date of the appropriate SNC designation or 2) the date of all appropriate SNC designations from a list of</p>

Term	ERP definition	RCRAInfo fields
		<p>all SNY records at the site. If the enforcement action does not address a SNC, then the “<i>Addressed SNC Dated</i>” field will be blank. This “<i>Addressed SNC Dated</i>” field will be enforcement sensitive.</p> <p>All violations with the <i>responsible_agency</i> in <i>cviolation</i> the same as the <i>agency</i> of the SNY in <i>cevaluation</i> which were entered on or after Day Zero are looked at to determine whether they are in full physical compliance (has an <i>actual_rtc_date</i>) or open (without a date in the <i>actual_rtc_date</i> in the <i>cviolation</i> table). Each agency will be responsible for addressing only its own violations.</p>

To summarize:



Note: For SVs: The timely and appropriate time line ends at Day 240, regardless of whether or not all violations are returned to compliance or the facility is re-evaluated by the implementer to determine if the facility should be re-classified as a SNC. Once the implementer has re-evaluated the facility it should enter the appropriate response. Based on this re-evaluation (either a SNC determination or other action to bring the facility into full physical compliance) a new time line may begin.

For SNCs: The timely and appropriate time line ends at:

1. Day 240 if a Super CA/FO (enforcement action type 380) is entered, or
2. If no Super CA/FO is entered, at Day 360 with the issuance of a Final Order or a Referral to DOJ or the AG, whether or not all violations at the facility have returned to compliance.

If applicable, if the facility does not return all violations to full physical compliance, then the implementer should re-evaluate the facility pursuant to the guidelines of the ERP.

- Follow-up inspections are:
- 1) Case Development Inspection (CDI),
 - 2) Compliance Schedule Evaluation (CSE), or
 - 3) Sampling Inspection (SPL).

- Non-follow-up inspections are:
- 1) Compliance Evaluation Inspection (CEI),
 - 2) Compliance Evaluation Inspection Without Sampling (CES),
 - 3) Compliance Assistance Activity (CAV),
 - 4) On site inspection of Corrective Action activities (CAO),
 - 5) Compliance (Groundwater) Monitoring Evaluation (CME),
 - 6) Compliance (Groundwater) Monitoring Evaluation Without Sampling (CMS),
 - 7) Financial Records Review (FRR),
 - 8) Facility Self Disclosure (FSD),
 - 9) Land Ban Inspection (LBN),
 - 10) Non-Financial Records Review (NRR),
 - 11) Operation and Maintenance Inspection (OAM),
 - 12) Other Evaluation (OTH),
 - 13) RCRA CEI Performed with Screening Checklist (MMB),
 - 14) Comprehensive and Coordinated Inspection (MMC),
 - 15) Detailed Multimedia Inspection (MMD), and
 - 16) Multimedia Screening Checklist Only (MMS).

Note: Response times articulated in the ERP should be adhered to by the Regions and States to the greatest extent possible. However, there are recognized circumstances that may dictate an exceedance of the standard response times. A ceiling of 20% per year has been established for consideration of cases involving unique factors that may preclude the implementing agency from meeting the standard response times. (Page 12: section VII-B)

Appendix B: Procedure for Entering RCRAInfo Data Pursuant to the ERP

An essential part of the ERP is assuring that all information is promptly and correctly entered into RCRAInfo. Therefore, we are attaching this data entry appendix as a further clarification of the December 2003 ERP. Should you have any questions regarding this appendix, please contact Debbie Goodwin (202-564-0057) from OC's Data Systems and Information Management Branch.

1. **Entering Evaluations/Inspections:** The first step in the data entry process is to enter the "Evaluation Type," including the "Date of Evaluation" which is the first day of the evaluation or records review regardless of how long the evaluation takes. This date is Day Zero and will be the beginning point for calculations for all timely and appropriate enforcement responses. The "Evaluation Type" and the "Evaluation Date" are entered into the *evaluation* table via the Evaluation Add/Update Screen. The evaluation should be entered into RCRAInfo as soon as possible but must be done immediately after the evaluation is completed.
2. **Entering Violations:** The next step is to determine whether or not the evaluation found violations. This determination should be done as quickly as possible and entered into RCRAInfo, but this must occur within 150 days of Day Zero. This is done on the Evaluation Add/Update Screen by responding to the question: "Did this evaluation find violations?" The answers are: 1) "Yes, violations were discovered", 2) "No, violations were not found", or 3) "Undetermined, agency is still working on determining violations". Violations determined during the same evaluation can have different *determined_dates*, as the violations can be determined at any stage during the evaluation. Violations should be entered into RCRAInfo as soon as they are determined, even if the agency is waiting for information on additional violations. The additional violations can be entered at a later time when the agency receives the additional information to determine, if in fact, they are violations.
3. **Entering SNC Determination:** When one or more violations are identified, the Region or State has 150 days from Day Zero to determine whether the violator is a Significant Non-Complier (SNC) or a secondary violator (SV).

If the violator is classified as a SV, then no data entry is necessary at this time.

If the violator is a SNC, then the agency must enter a new "SNY" evaluation record into RCRAInfo with the *evaluation_date* equal to the date that the agency determined that the facility was a SNC. These are entered into the *evaluation* table via the Evaluation Add/Update Screen. The SNC evaluation should be entered into RCRAInfo as soon as possible but must be done within 150 days from Day Zero. When RCRAInfo Version 3 is released (Spring 2005) there will a new enforcement sensitive data entry

field added to the evaluation record: “**Day Zero**”. This field will be entered by Implementers when an SNY or SNN evaluation record is entered into RCRAInfo. This should be done by selecting the appropriate date from a drop-down box which will display the following:

1. a listing of all non-follow-up evaluations at the site,
2. a list of State-to-EPA referrals or EPA-to-State referrals, or
3. “reclassified as SNC”: This would **only** be used when a SV site is reclassified as a SNC, since the Implementer would need to provide (through direct data entry) the date of the reclassification. Once “reclassified as SNC” was chosen from the drop-down box, the Implementer would be able to enter a date into the “Day Zero” field.

4. **Entering Enforcement Actions:** Immediately upon issuance of an enforcement action (informal or formal), and for every enforcement action, information must be entered into RCRAInfo, regardless of whether the facility is a SV or SNC. When the enforcement action has been issued, RCRAInfo should be updated via the Enforcement Add/Update Screen, with the "Type of Enforcement Action", "Date of Enforcement Action", and, if the enforcement action put the facility on a compliance schedule, the “Scheduled Complete Date”. When RCRAInfo Version 3 is released (Spring 2005) there will be a new enforcement sensitive data entry field added to the enforcement record: “**Addressed SNC Dated**”. This field should be entered by Implementers when an enforcement action/order addresses a SNC. This should be done by selecting: 1) the date of the appropriate SNC designation or 2) the date of all appropriate SNC designations from a drop-down box which will display all SNC designations, made by that agency, for the site (SNY evaluation records for the agency as performing the data entry).

Note: The evaluation_date of the SNY record, the enforcement_date, along with new “Day Zero”, and the new “Addressed SNC Dated” field, are used to calculate timely and appropriate enforcement response.

For SNCs: Once all open violations are put on a compliance schedule, the implementer should enter an “SNN” evaluation with the date that the last open violation was placed on a compliance schedule as the “Evaluation Date” of the “SNN” evaluation record. **But the actual_rtc_date must remain blank until the violation is in full physical compliance.** If the implementer chooses not to enter the “SNN”, the site will remain a SNC and will be classified as a “SNC With a Compliance Schedule Established”. Again, **the actual_rtc_date must remain blank until the violation is in full physical compliance.**

Note: Only the agency that turned on the SNC (determined the SNC by entering the SNY) can turn off the SNC designation (enter the SNN).

Missed Compliance Schedules: For purposes of data entry, if a SNC is placed on a compliance schedule and an “SNN” is entered but the facility misses its compliance

schedule, the implementer should re-evaluate the facility and determine if a new SNC designation should be entered. If a new SNC designation is warranted, then see step # 3 above for instructions on how to enter the “SNY” evaluation.

Failure to comply with an order: If a facility fails to comply with an order, then the implementer should re-evaluate the facility to determine the next course of action. If a new SNC designation is warranted, then see step # 3 above for instructions on how to enter the “SNY” evaluation.

5. **Entering Returned to Full Physical Compliance:** When a violation, whether at a SNC or SV, returns to full physical compliance, the agency should update RCRAInfo with the "Actual Returned to Compliance Date". This is entered into the *violation* table and can be done in three different ways: 1) the Evaluation Add/Update Screen, 2) the Violation Update Screen, or 3) the Enforcement Add/Update Screen.

If all violations at a SNC facility have returned to full physical compliance, the SNC facility is in compliance and if a “SNN” evaluation record has not already been entered into RCRAInfo for this facility, a “SNN” evaluation record, with the evaluation date of the “SNN” being the date when all violations returned to compliance, should be entered by the same agency that determined the SNC. This is done via the Evaluation Add/Update Screen.

If all violations at a SV have returned to full physical compliance, then the SV facility is in compliance and no further action is required.

A facility designated as a SV must return to full physical compliance (RTC) with the statutory and/or regulatory requirements by Day 240 (240 days from Day Zero). If the SV facility still has one or more violations out of full physical compliance, then it has not returned to full physical compliance within the 240 days and the facility should be re-evaluated by the implementer to determine if a SNC designation is warranted. If a new SNC designation is warranted, then see step # 3 above for instructions on how to enter the “SNY” evaluation.

In summary, “SNY” evaluations are only to be entered for violations which are determined to be SNCs. “SNN” evaluations should be entered only for SNCs which have “Returned to Compliance” or are on an enforceable compliance schedule. This means either the facility is in full compliance with regulatory and/or statutory requirements or they are in full compliance with a compliance schedule established via a formal enforcement action (either an order or an agreement).

SNC Select Logic for setting SNC in RCRAInfo:

The field SNC in the table *hreport_univ* is used to track SNCs and is automatically set every 3 hours during the execution of the Universe calculation program. This universe type is nationally defined, required, and releaseable. Note: no pre-FY '91 data will be used.

Criteria

Definition of SNC: is a facility that has a SNY evaluation record which has not been superseded by a SNN record entered by the same agency as the SNY.

In RCRAInfo

(evaluation_date in *cevaluation* table of the latest fk_lu_evaluation_type = 'SNY' is greater than the evaluation_date in *cevaluation* table of the latest fk_lu_evaluation_type = 'SNN' with the same *agency* in *cevaluation* table for both SNY and SNN records)

OR

(There is a fk_lu_evaluation_type = 'SNY' with no fk_lu_evaluation_type = 'SNN' by the same *agency*)).

Note: This is the select logic which is to be used to determine current SNCs and to determine who was a SNC in any period of time since 10/01/96 (FY '97). We will **no longer be checking for open violations** (violations with no actual_rtc_date), **class 1 priority 9 violations, or compliance schedule dates** in order to determine SNCs.

To determine who was a SNC in any period of time between 10/01/90 (FY '91) and 09/30/96 (FY '96) the following select logic will be used:

Criteria for Historic SNCs between 10/01/90 (FY '91) and 09/30/96 (FY '96):

To define who was a SNC at any period between 10/01/90 (FY '91) and 09/30/96 (FY '96), look at the violations determined during the time period and check to see if they were a class "1" priority "9" violation and if they were out of compliance during the time period (either out of full physical compliance or compliance with their compliance schedule). If there were, then the facility was a SNC during the time period.

In RCRAInfo:

Using the *cviolation* table check to see if there is a record with: determined_date between the time periods and fk_lu_class_type = '1' and fk_lu_priority_type = '9' and ((actual_rtc_date is blank or greater than the determined_date) or (compliance_sched_date is blank or compliance_sched_date has passed)), then the facility was a SNC during the time period.

Note: Once RCRAInfo Version 3 is released (currently scheduled for August 2005), all sites that are SNCs per the FY '91 - FY '96 SNC definition above, will automatically have a

SNY evaluation record created with a comment in the *Notes* field in the *cevaluation* table explaining that this record was created because of conversion of Class 1 Priority 9 violation on xx/xx/xx (evaluation date of violation) and other information describing the violation. This will capture all sites which are in SNC because of the old definition AT THE TIME OF THE CONVERSION to RCRAInfo Version 3. This is being done to facilitate the new definition of only using SNY/SNN to determine SNC and to delete the *class* and *priority* fields from the *cevaluation* table. Once this automatic conversion is completed, it will be up to each Implementer to enter an SNN evaluation record to turn these SNCs off when they return to compliance. There will not be any automated process to add the SNN.

Also, once RCRAInfo Version 3 is release, if there is an SNY and an SNN on the same day entered by the same agency and in the *Notes* field for the SNY record the first words are “**Site should not be a SNC**”, the site will not be considered a SNC for that day. If the *Notes* field for that record does not have as the first words “Site should not be a SNC”, the site will be considered a SNC from that day until another SNN evaluation record is entered by that agency. This will provide for the situations when a site is determined to be a SNC and entered into RCRAInfo as a SNC, and then later the Implementer determines that the original SNC determination was an error. Since we can not delete the SNY determination because it did actually occur and may have been reported, by using this method we can correct the error and RCRAInfo and public access sites will not report the site as having been in SNC for the time between when the error occurred and when it was corrected.