

Audits of NFA Letters

OAC 3745-300-14

Certified Professional
8-Hour Training



Audits of NFAs

- Performed annually on NFA letters submitted during the prior calendar year in request of a CNS
- Performed by the Ohio EPA – Required by statute to audit at least 25% of the NFA letters submitted during the previous calendar year
- Certified professionals, certified labs, and volunteers may all be called upon to provide detailed information to the Ohio EPA

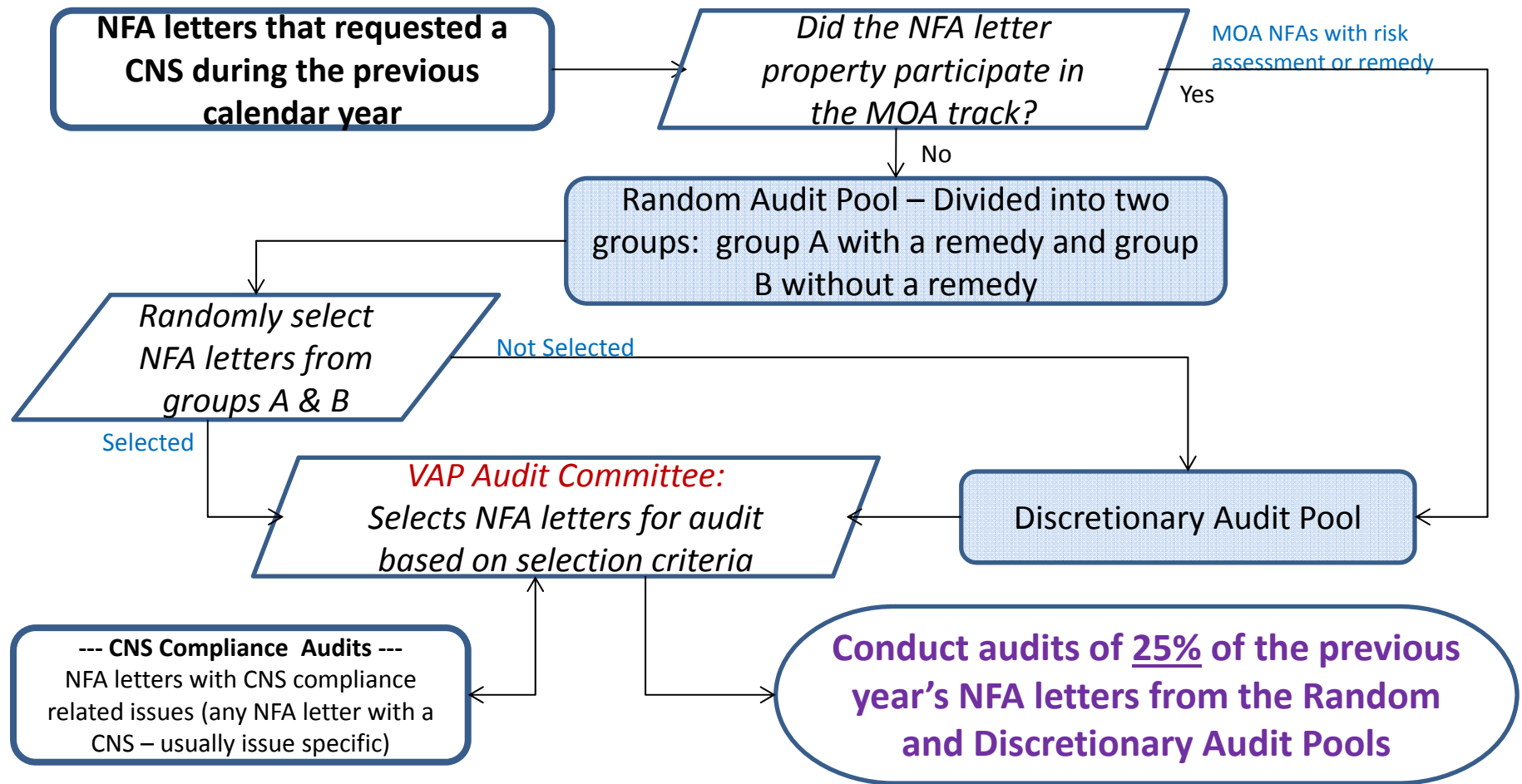


Purposes of NFA Audits

- I. Property: Determine if property for which voluntary action was completed meets applicable standards
- II. CP: Determine if CPs possessed qualifications required for certification and review the work performed
- III. CL: Determine if CLs possessed qualifications required to perform VAP certified analyses under VAP and review the work performed



VAP 5 year – Rule 14 - Proposals



Which NFAs Get Audited?

- After submission, NFA Letters will fall into one of two audit pools or categories: random or discretionary
- An NFA Letter may be audited in the form of a compliance audit, should a compliance issue arise



Which NFAs Get Audited?

- Random Audit Pool: All NFA letters that are submitted with a request for a CNS will be placed in this pool
- Except NFAs that were taken through the MOA track...those NFAs are exempt from being selected for random audit.



Which NFAs Get Audited?

The Random audit pool is divided into two groups:

- NFA Letters with a remedy
- NFA Letters without a remedy



Which NFAs Get Audited?

- NFA Letters that were not selected for random audit will then fall into the discretionary audit pool.
- All MOA track NFA Letters will also be placed in the discretionary audit pool.



Compliance Audits

- If a compliance issue should arise with a property, a compliance audit may be conducted.



Other Factors in Selecting NFAs from the Audit Pool

- From the entire selection of NFA Letters that were received the previous year, at least 25% of the NFAs that involve some remedial activities must be selected
- and...at least 25% of the NFAs that do not involve remedial action must be selected



Tier I & Tier II Audits

Two procedures:

Tier I Audit

- Review and analysis of documents involving NFA
- Visual Inspection of the Property



Tier I & Tier II Audits

II. Tier II Audit

- Physical inspection of property
- May include sampling of soil, ground water, surface water, or sediments at property on which NFA was based



Reasons for Tier II Audits

The focus of a tier II audit is to collect data to demonstrate whether the property meets applicable standards.

- I. Information from Tier I Audit not sufficient to evaluate NFA
- II. Potential fraud suspected
- III. At Ohio EPA discretion



Audit Costs

- There are no direct costs charged to the volunteer, CP, or CL
 - Costs to conduct an audit are already accounted for in the NFA fee charged to the volunteer when requesting a CNS
- Options where additional costs could apply:
 - split sampling
 - CP time and expenses??



Report of Audit Findings

- Findings should be completed by December 31st of the calendar year in which the NFA letter was selected for audit.
- Audit Report ideally issued by March of following year
- Audit completion timing is not as strict



Potential Negative Consequences of Audits

- I. CP or CL could face disciplinary actions
- II. CNS could be voided for violation of an environmental covenant
- III. CNS could be revoked on the property where voluntary action was performed
 - Per the CNS, revocation is not automatic, the Agency will always provide the volunteer an opportunity to cure the non-compliance



Conclusions

- New rules result in more transparency in the audit process
- The most basic audit procedures remain unchanged

