

RIDEM OFFICE OF COMPLIANCE & INSPECTION ACCOMPLISHMENT SUMMARY FOR YEAR 2001

OFFICE OF COMPLIANCE & INSPECTION (“OC&I”) – Who we are and what we do:

The OC&I is the regulatory compliance and enforcement component of the RIDEM for the areas of air, water, and waste. OC&I consists of several compliance/enforcement related programs including air, dams safety, emergency response, hazardous waste management, septic system (ISDS) failures, solid and medical waste, aboveground, underground and leaking underground storage tanks, water pollution and freshwater wetlands.

OC&I has an authorized staff of 45 full time equivalents (FTEs) to perform compliance and enforcement related duties throughout the state. These duties include complaint response/investigation, compliance monitoring, issuing enforcement actions on behalf of the agency, and ensuring that compliance is met and environmental violations are corrected. Although OC&I is authorized 45 positions, these positions are not always filled. At any given time, 3 – 7 positions may be vacant.

Not all of OC&I programs focus on enforcement activities in the same way. For example, one program may spend considerable time on complaint response while another may spend most of its time on compliance monitoring. In fact, much of our enforcement effort is a team approach either internally in the office or externally with other DEM divisions and offices. In many cases our activities are coordinated with other offices at DEM including the Offices of Air Resources, Water Resources, Waste Management and Legal Services. Under some circumstances we support the Office of Criminal Investigation and assist them with sampling, regulatory interpretation, and expert witness testimony. In many cases, we are in close communication with EPA since DEM has specific authority delegated under federal regulations regarding air, water, underground and leaking underground storage tanks and hazardous waste.

COMPLAINT RESPONSE

OC&I is involved in extensive **complaint related** work. Examples of complaints and their numbers handled by OC&I in 2001 include:

Air– The air program responds to complaints of visible emissions, odors, fugitive dust, and exterior lead paint removal. OC&I’s air program received **1660**

complaints this year and investigated **1652** of these complaints. Not all complaints can be investigated due to time delays in receipt or other factors. The program conducted **1022** inspections to investigate these complaints.

Emergency Response – Staff of this program provide initial on site response and support to state and municipal fire and emergency teams handling petroleum and hazardous materials/waste releases or spills. At incidents, the emergency responder provides advice and oversight for clean ups to ensure that the environment is protected and remediation work is completed to remove hazardous contaminants and pollutants. In some instances the emergency responders will remove waste from sites for disposal and conduct small cleanups. Examples of this may include removal of mercury, removal of small containers or clean up of small oil spills. On larger scale spills and releases, emergency responders will call in contract environmental clean up companies to handle removal and remediation of spilled or released petroleum products and hazardous wastes that threaten the environment and the public's health and safety. Reports are completed and cost recovery for clean up work is tracked and sought. This year, the emergency response program responded to **842** incidents in an effort to contain pollutants/hazardous materials and monitor clean up.

Hazardous waste – While most of the work carried out by this program involves compliance monitoring, the hazardous waste program also responds to complaints involving illegal disposal or mismanagement of hazardous waste. In addition to the efforts of the compliance monitoring staff, the emergency response team members conduct these investigations to ensure timeliness. In 2001, OC&I investigated **14** such complaints. Half of these complaints were unfounded.

Septic Systems – OC&I receives numerous complaints of failed septic systems. In 2001, we received **412** complaints of failed systems and conducted **472** inspections to investigate such complaints. This work was accomplished with approximately 1.5 inspectors.

Underground Storage Tanks (“UST”) and Leaking Underground Storage Tanks (“LUST”) – Although the UST/LUST program has been primarily involved with formal enforcement activity over the last few years, it's activities have been expanded to include compliance monitoring and complaint investigation. In 2001, the UST/LUST Program investigated one complaint involving abandoned tanks in the ground. OC&I has one partial FTE to conduct this type of work.

Water Pollution – The water pollution component of OC&I investigates complaints related to discharges of pollutants to surface waters or ground waters. In 2001, we received **291** complaints and investigated **276** of these complaints. A total of **446** inspections were undertaken. OC&I has approximately 1.5 FTEs to do this work.

Freshwater Wetlands – This program investigates unauthorized alterations to freshwater wetlands such as filling, excavating, grading, clearing, and construction. In 2001, this program received **524** complaints and completed **554** investigations. A total of **901** inspections were carried out to investigate these complaints. OC&I has approximately 4.5 staff members investigating such complaints. Complaint investigation in this program is time consuming and

complex due to the varied nature of wetlands, land conditions, land ownership and regulatory requirements.

Solid waste – The solid waste program investigates illegal disposal of solid waste and operation of unlicensed facilities handling solid waste, construction & demolition debris, compost or other forms of solid waste. In 2001, OC&I's solid waste program received **188** complaints and conducted **157** investigations. OC&I has one full time field person in this program to conduct most investigations. The supervisor of this program often has to fill in to ensure that timely inspections and investigations are carried out. In 2001, this program completed **349** inspections.

COMPLIANCE MONITORING

Compliance monitoring refers to efforts by the Department to oversee closely regulated businesses and operations. In many cases, state laws require businesses and operations to be licensed by DEM or to obtain specific detailed conditional approvals. Under these circumstances, such facilities are not allowed to operate unless they obtain these licenses or approvals in advance. In other situations, businesses may operate provided they are in compliance with specific regulations that set forth what criteria the business must meet. Under these circumstances, the businesses are not generally required to obtain a permit or license to operate. DEM's Offices of Air Resources, Water Resources and Waste Management undertake the bulk of compliance monitoring especially for the more complex situations involving licensed operations or those requiring advanced conditional approvals. OC&I's compliance monitoring efforts are concentrated in specific areas where regulatory compliance is the controlling issue. Primarily this involves air, aboveground storage tanks, hazardous waste generators, UST facility operations and Dams Safety. In these programs, OC&I generally targets a certain portion of the regulated universe and then conducts compliance evaluation inspections to ascertain whether or not compliance is met by the business or facility. Since DEM is delegated regulatory authority and given grant money by EPA for certain programs such as hazardous waste and underground storage tanks, DEM and EPA coordinate their efforts regarding types of facilities and numbers of inspections to be conducted. In many cases, EPA provides federal guidance for such inspections and for appropriate and timely enforcement response if compliance is not being met.

Compliance monitoring may also refer to efforts by other OC&I programs that investigate compliance with department approvals; however, in most instances these investigations are complaint driven and are not subject to a prescribed target list for evaluation. Examples include OC&I's wetlands and septic system enforcement programs.

OC&I's compliance monitoring efforts in the area of **Air, Hazardous Waste, UST facilities and Dams Safety:**

Air – In addition to investigating citizen complaints as they relate to ambient air quality issues, source checks of sites with historical air pollution compliance

problems are conducted. For 2001, this program conducted **485** source checks to assure compliance with pertinent regulations. Furthermore, this program conducted **211** reinspections of problem sites for the purpose of documenting compliance with applicable regulations. Through public contact, OC&I ensures public awareness of applicable air pollution control regulations, including but not limited to lead paint related issues.

Aboveground Storage Tanks – In 2001, OC&I conducted compliance inspections on **fifteen (15)** aboveground storage tanks as a result of complaints submitted or requests for a compliance inspection from the owners. Only one informal enforcement action resulted from these inspections. The purpose of the inspections is to ensure compliance with the Oil Pollution Control Regulations

Hazardous waste – The goal of the hazardous waste regulations is to prevent hazardous wastes from being mishandled and impacting human health and the environment. Consequently, issues like labeling of containers, storage conditions and time periods of storage, contingency plans for emergencies, training for employees, secondary containment in case of a container or tank failure, proper transportation and manifesting of waste so we know where it is ultimately being disposed and numerous other concerns are all important for generators to follow. Failure to follow these requirements could result in harm to employees, the public at large and our environment if illegal disposal or release occurs. For 2001, OC&I concentrated its efforts in two areas that include Large Quantity Generators (“LQG”) of hazardous waste and Small Quantity Generators (“SQG”) of hazardous waste. For LQGs, OC&I committed to inspect 25% of its universe of LQGs or **25** facilities. OC&I has followed this target for the last few years in an effort to keep inspections of these types of facilities on a regular basis. This effort should result in such facilities being inspected at least once every four years. Also, OC&I targeted any newly reporting LQGs and those that did not notify the RIDEM that they fall into this category.

In the area of SQGs, OC&I targeted the boat building industry and sought to inspect operations in close proximity to Narragansett Bay. OC&I committed to inspecting **25** of these operations. This is generally 25 less than what we would normally inspect; however, EPA authorized this reduction to allow staff efforts to focus on the development of draft regulations for used/waste oil. As a result of our inspection efforts in this area, we found generally acceptable compliance with the regulations and no significant noncompliance. In addition, staff efforts that were shifted to rule development resulted in a draft regulation package currently under internal review.

Overall, OC&I **completed 69 compliance evaluation inspections** of hazardous waste generators and conducted **42 reinspections** to ensure that compliance with the regulations was being met. During 2001, OC&I issued **66 Letters of Compliance** noting that the hazardous waste generator is in compliance with the

regulations. Of the 2001 inspections, **only 4** hazardous waste generators were considered to be in **significant noncompliance** with the regulations.

UST facility operations - In 2001, OC&I once again joined with DEM's Office of Waste Management to carry out compliance monitoring inspections of UST facility operations. The purpose of these inspections is to determine compliance with facility continuous monitoring systems or corrosion protection systems to ensure that USTs are not leaking and releasing gasoline or other hazardous materials such as MBTE into the environment.

OC&I conducted **47 facility inspections** in 2001 and **5 reinspections**. Our inspections determined noncompliance at just about every facility inspected by OC&I. OC&I has put forth efforts to ensure that facilities meet compliance with the regulations (see the Enforcement Response section of this report for actions taken).

Dams Safety Program – As part of OC&I's continuing efforts in dam safety, **24** compliance-monitoring inspections were conducted in 2001. Of the 24 inspections, **15** involved high hazard dams and **9** involved low hazard dams. For more information on dam safety, please refer to the annual report to the Governor regarding dams safety.

ENFORCEMENT RESPONSE

A large component of OC&I's activities for the year include an enforcement response to bring violators into compliance with environmental statutes and regulations. Our response to noncompliance discovered through complaint inspections, compliance monitoring or other channels can take several forms but for the most part can be described as either **informal** or **formal** enforcement. **Informal enforcement** includes those actions that do not result in an enforceable order or assessment of a penalty. For the most part, these include correspondence such as Letters of Deficiency, Warning Letters, Letters of Noncompliance and Notices of Intent to Enforce. All of these types of actions are taken in hope of persuading violators to voluntarily resolve noncompliance as quickly as possible including repairing any environmental damage that may have occurred from noncompliance. **In 2001, OC&I issued a total of 623 such actions.** The breakdown of these actions is **Air – 142, Hazardous Waste – 49, ISDS – 203, Solid Waste – 40, UST – 65, Water Pollution – 17, and Wetlands – 107.** The total number of informal actions is up from **1999 when 441** such actions were issued and in **2000 when 570** informal actions were issued. Where performance is required, these letters include deadlines within which the property owner or operator is expected to meet compliance. In the event that compliance is not met in a reasonable time, the OC&I will target the noncompliance for formal enforcement to ensure compliance is met. For certain programs involving air, waste and water, the RIDEM is delegated authority by the federal government to enforce federal regulations. Often the EPA dictates certain enforcement response policies that require formal enforcement in the event an owner or operator does not meet compliance within prescribed timelines.

OC&I obtains varied success with informal enforcement actions depending upon the program and the ability to elevate matters to formal enforcement. In 2002, OC&I along with other RIDEM Offices intends to expand tracking of such actions to determine success rates in both timely compliance and performance.

In the event that compliance with informal enforcement actions is not met or RIDEM determines that violations identified at a site or facility represents significant noncompliance, OC&I will issue a formal enforcement action to ensure compliance. **Formal enforcement** is usually in the form of a Notice of Violation (“NOV”). Such actions advise the respondent of the alleged facts surrounding the case, the statutes and regulations that are alleged to have been violated, the requirements to meet compliance and usually includes an administrative penalty. The requirements to meet compliance are set forth in the order portion of the NOV. The assessed penalty is developed in accordance with prescribed regulations and the document includes worksheets providing the background regarding what information was used to determine how a penalty was derived in accordance with a prescribed penalty matrix set forth in the regulations. The maximum penalty for violations is derived from the legislative statute providing RIDEM with the authority to assess and collect a penalty for civil (non-criminal) violations of laws or regulations. Since formal enforcement actions contain enforceable orders and assessments of penalties, such actions are subject to appeal with the RIDEM’s Administrative Adjudication Division (“AAD”). Respondents have 20 days to appeal the NOV to the AAD. Prior to or even after a hearing commences, OC&I and the Respondent may finalize a settlement of the outstanding enforcement action. Upon completion of a hearing, a recommended decision is forwarded to the Director for final decision. Respondents may file an appeal to contest the AAD decision to Superior Court. In the event that an administrative hearing is not requested, the NOV becomes a final order of the Director and is enforceable in Superior Court.

In 2001, OC&I issued **81 formal enforcement actions**. The number of actions per program include: **Air – 8***, **Hazardous Waste – 7***, **ISDS – 11**, **Solid Waste – 11***, **UST/LUST – 19***, **Water Pollution – 6*** and **Wetlands – 23***. The asterisk attached to these numbers refers to the fact that one or more of these actions are part of a multi-media formal enforcement action, so while the total number is 84, only 81 actual documents were issued. In all 7 of the 81 formal enforcement actions issued in 2001 were multi-media actions with 2 or more media (air, water or waste) involved. For a more detailed look at the background of each formal enforcement action issued by OC&I please refer to OC&I’s monthly enforcement update on RIDEM’s Web page at <http://www.state.ri.us/dem>.

As part of the 81 formal enforcement actions issued this calendar year, OC&I proposed total penalties for noncompliance of **\$2,478,203.76**. As a result of our efforts to settle or to resolve formal enforcement actions issued over the last year or in previous years, respondents have agreed to pay **\$1,413,752.98** in penalties representing a combination of cash and the cost of Supplemental Environmental

Projects (“SEP”). During 2001, OC&I collected **\$650,425.21** in the form of cash payments. OC&I also agreed to **7 SEPs** worth **\$791,302.40**. SEPs are defined as environmentally beneficial projects that a respondent agrees to undertake in settlement of an enforcement action, but which the respondent is not otherwise legally required to perform. (For more details regarding SEPs please refer to RIDEM’s Policy on Supplemental Environmental Projects in effect since April 5, 1996.) In addition to penalties, OC&I spent considerable efforts in collecting cost recovery especially as a result of its emergency response efforts. Often, during an emergency response event, RIDEM is required to call in a clean-up contractor to install immediate controls to protect the environment and the public’s health and safety and to remediate the damage caused by a spill or release. OC&I must pay for these services and then seeks to have the state reimbursed through cost recovery from the responsible parties that caused the spill or release. In 2001, OC&I **collected \$233,876.20 in cost recovery** but still has an outstanding balance to collect of **\$341,514.96**. The majority of these amounts relate to emergency response activity.

In order to resolve formal enforcement actions, OC&I often executes consent agreements with respondents. The purpose of such agreements is to provide a formal document to set forth how a formal enforcement action is resolved between the parties. Such documents identify what performance is still required and under what timelines the performance will be completed. Consent agreements also identify how the penalty portion of the NOV will be resolved including a timeframe for payment of the penalty if necessary. Probably one of the most important aspects of a consent agreement is to create an agreement that is enforceable in Superior Court should it be necessary to escalate enforcement. **In 2001, OC&I executed 64 consent agreements to resolve formal enforcement actions.**

Overall formal enforcement actions in 2001 reveals a downturn in formal enforcement actions in comparison to 1999 (92 NOVs) and 2000 (106 NOVs), however, the amount of time spent on settling/resolving formal enforcement actions has increased. OC&I executed 35 consent agreements in 1999 and 53 consent agreements in year 2000. The 64 cases in 2001 represents a 28% increase over year 2000 settlements. More importantly, it represents a concerted effort to bring respondents into compliance with environmental laws and regulations.

In addition to resolving cases through the formal hearing process at AAD or moving cases to Superior Court, OC&I, in conjunction with the Office of Legal Services and the AAD have coordinated to increase the use of mediation in resolving outstanding enforcement cases. In 2001, 19 cases were recommended for mediation. Most of these matters involve failed septic system and wetland enforcement cases.

Overall, OC&I closed 1767 enforcement actions in 2001.

ACCOMPLISHMENTS / PERFORMANCE

As a result of OC&I's activities in the area of complaint response, compliance monitoring and enforcement response, OC&I was able to accomplish the following to protect the environment and the public's health, safety and welfare in 2001:

AIR COMPLIANCE: The OC&I air compliance staff ensured that **160 sites involving exterior lead paint removal** were cleaned of lead paint chips and debris in compliance with the regulations. **Seven (7) emission problems** were resolved along with **68 fugitive dust problems**. Air staff resolved **5 odor problems** including significant time spent in investigating a long term odor problem associated with odors emanating from the RI Airport Corporation's T.F. Green facility in Warwick. As a result of this investigation, the air compliance staff helped to determine that odors were the result of anaerobic decomposition of de-icing chemicals contained in RIAC's drainage system.

EMERGENCY RESPONSE: The Emergency Response program had another impressive year of performance. Some of the more major accomplishments include:

Anthrax Threats

The Department's emergency response team spent many hours coordinating with state and local health and safety officials on biological weapons issues and participating in anthrax threat screenings. The Department sent team members to the federal Department of Justice training center to participate in an intensive Weapons of Mass Destruction (WMD) program. The Department along with the State Fire Marshal's Office, National Guard and Emergency Management Agency established a screening center to evaluate potential Anthrax material for radiation, presence of explosives, and volatile organic compounds prior to submittal to the Department of Health for analysis. The Department's Emergency Response Team and members of the state Bomb Squad also formed an Anthrax Strike Team to respond to incidents that are beyond the capabilities of local responders.

Oil Spill - Cove Metals, Burrillville

On the eve of opening day of trout season, DEM Emergency Response staff tracked down an oil release from 2 abandoned 30,000-gallon underground storage tanks flowing through a sluiceway into the Branch River. DEM immediately placed oil booms to protect the river and pumped over 110,000 gallons of #6 oil, #2 oil and oily water from the tanks and about 2,500 gallons from a trench excavated to prevent further release. The property owner paid for the cost of cleanup including removal of 518 tons of oil-contaminated soil and 9 drums of hazardous waste. The Department issued a Notice of Violation to the owner, ordering completion of the clean up and assessing a \$48,130 penalty. The case is on appeal. The Department's ongoing review of site conditions shows no oil in the groundwater at this time.

In addition to the major items noted above, the Emergency Response program was involved in 38 major spills and releases along with numerous other emergencies and accomplished the following:

❖ **PETROLEUM AND PETROLEUM CONTAMINATED SOILS**

❖ **110,074 gallons of waste oil and 130,400 gallons of oil/water** from the environment or that posed an immediate threat to the environment or the public

❖ **12,645 cubic yards and 1077 tons** of petroleum contaminated soil from the environment.

❖ **HAZARDOUS CHEMICALS AND SOIL CONTAMINATED BY HAZARDOUS CHEMICALS**

❖ **52,138 gallons of hazardous chemicals** removed from the environment or that posed an immediate threat to the environment or the public.

❖ **578 cubic yards** of hazardous waste contaminated soil removed from the environment that posed an immediate threat to the environment.

❖ **55 pounds** of hazardous chemicals removed that posed an immediate threat to the environment.

❖ **3252 pounds** of hazardous waste removed

❖ **PROPANE**

The Office was involved with the removal of 325 pounds, plus 160 gallons and 32 tanks of propane.

❖ **ASBESTOS**

The Office was involved with the discovery, improper storage and proper disposal of 400 pounds and 4 drums of asbestos. The material was removed from locations to eliminate an immediate threat to the public.

❖ **MERCURY**

The Office was involved with the removal and/or recovery of **50.6 pounds** of mercury. This material will go to a recycler in New York for reuse. **Twenty – One (21) pounds** of mercury-contaminated material and **15 cubic feet** of mercury-contaminated soil was removed from the environment or from people who no longer had a use for the material. A contractor handled proper disposal of this material.

❖ **SEPTAGE**

The Office was involved with the treatment or removal of **4,065** gallons of sewage that released into the environment.

❖ **BIOHAZARDS**

The Office was involved in the investigation of **7** threats of anthrax.

ISDS – FAILED SEPTIC SYSTEMS

Efforts of the ISDS enforcement program in 2001 resulted in **32** failed septic systems being repaired, **1** failed septic system removed, **17** failed septic systems resolved through connection to the municipal sewer, **8** septic systems evaluated and accepted as functioning properly, **1** discharge removed and **1** mobile home removed with the cesspool cleaned and filled. All of these systems posed, at one point or another, threats to human health or the environment.

RCRA HAZARDOUS WASTE

In 2001, the RCRA Hazardous Waste compliance program conducted 69 compliance evaluation inspections of hazardous waste generators. During this period of time, the program **brought 66 facilities generating hazardous waste into compliance with the regulations**. As a result of these inspections, **a total of 273 violations** of the regulations were identified. These violations represent threats to employees of the facility or to the public as a result of actual or potential mismanagement of hazardous waste. **Examples of violations identified during inspections include the following:**

- ❖ Lack of Contingency plans in case of an emergency
- ❖ Lack of Training for personnel handling hazardous waste
- ❖ Failure to label hazardous waste containers/tanks
- ❖ Failure to conduct daily inspections of tanks containing hazardous waste or weekly inspections of other hazardous waste containers to ensure no leaks or releases
- ❖ Failure to determine if the facility's waste is a hazardous waste
- ❖ Failing to keep containers of hazardous waste closed except when adding or removing the waste
- ❖ Failing to notify EPA that the facility is generating hazardous waste
- ❖ Failing to have secondary containment for containers holding liquid hazardous waste to ensure that failure does not result in release of the waste
- ❖ Failing to note the accumulation start date on hazardous waste containers to confirm how long hazardous waste is stored on site
- ❖ Storing hazardous waste on site in excess of the 90 day storage limits without obtaining a permit
- ❖ Failing to segregate incompatible hazardous waste
- ❖ Exporting hazardous waste in noncompliance with the regulations
- ❖ Failing to maintain adequate records regarding the handling and management of hazardous waste
- ❖ Failing to maintain adequate aisle space to allow access for emergency responders in the case of an emergency
- ❖ Failing to file biennial reports to monitor hazardous waste generation
- ❖ Failing to manage satellite containers of hazardous waste properly

SOLID WASTE

As a result of OC&I's enforcement efforts in conjunction with other agencies, RIDEM was able to clean up two major waste problems in 2001 that include the clamshell waste located at the Moniz Hog Farm in Tiverton and the Recchia construction and demolition debris landfill in Johnston.

Moniz Hog Farm, Tiverton - After 6 years of effort to clean up approximately **35,000 cubic yards** of waste clam shells and associated organic waste and to resolve wetland and water pollution violations, the remediation and restoration on the Moniz farm was completed this December, except for some limited remaining issues. All contaminated shells were removed from the farm except for a limited amount of clean shells allowed to remain next to the barns and on some berms

around lagoons. Some clean shells were delivered to landscapers. Most were brought to the Tiverton landfill. Approximately 13,000 square feet of riverbank wetland was restored, and water pollution from leachate coming from the decomposing waste was eliminated. Some minor work remains to reconstruct a spillway from a permitted lagoon and to revegetate the disturbed areas in the spring of 2002. Although some legal issues remain before the Superior Court, performance to resolve the environmental problems is all but complete. Resolution of this case was carried out by the combined efforts of four separate DEM offices and a multi-media enforcement team from the OC&I.

Robert Recchia – Mill Street, Johnston - Following an almost 2 year effort, the OC&I, in coordination with the Office of Criminal Investigation and the Office of Attorney General, achieved the removal of over **58,000 cubic yards** of construction and demolition debris from this property. While some minor removal and some site stabilization is required, the bulk of the solid waste has been removed, protecting residents from objectionable odors due to the decomposing waste.

As a result of other enforcement efforts of the solid waste program in 2001, approximately **3,518 cubic yards of solid waste** was removed from the environment and disposed of properly.

Tire Piles - In 2001, OC&I supervised final cleanup and removal of **3 major tire** piles resulting in removal of approximately 408,000 waste tires from the environment. Potential threats from such piles include fire, smoke, liquid petroleum resulting from burned tires and significant breeding of mosquitoes where trapped water provides excellent breeding habitat. Two of the major tire piles were located in Johnston. One was at Railroad Avenue with about **175,000** tires and another at 78 Belfield Drive also with **175,000** tires. For the 78 Belfield Drive location, DEM was able to enlist the RI Resource Recovery Corporation to undertake the cleanup as an offset to penalties for noncompliance at its Central Landfill. At the third site on Old Hope Kent Road in Scituate, DEM coordinated with the Office of the Attorney General to obtain a court order requiring the owner to remove about **58,000** tires. This tire dump is very close to the North Branch of the Pawtuxet River as it leaves the Scituate Reservoir. DEM also started removal efforts at Snake Den State Park but could not proceed due to the lack of resources. Approximately 15,000 tires remain in this pile.

UNDERGROUND STORAGE TANKS

In addition to the informal and formal enforcement actions issued by the OC&I in the UST enforcement program, we obtained some direct benefits of our actions. These included the removal of **10 USTs** from the environment. OC&I was also able to bring **9 USTs** into compliance with the regulations. We notified **59 UST** facilities of their noncompliance with the regulations and brought 27 facilities into substantial compliance. OC&I's UST program also had **31 cubic yards of oily sludge** removed from facilities in noncompliance with the regulations.

WATER POLLUTION

The accomplishments of the water pollution program in 2001 include the following:

- **1 oil spill** cleaned up
- **1 paint spill** cleaned up
- **4 discharges** from septic systems to waters of the state corrected by requiring connections to municipal sewer systems
- **11 runoff** problems were corrected
- **12 water pollution discharges** were corrected or eliminated
- The Bristol Wastewater Treatment Facility was brought into compliance with a consent agreement executed between DEM and the Town.

FRESHWATER WETLANDS

Some of the accomplishments of the Freshwater Wetlands enforcement program for 2001 include completion of **31 wetland restorations**. This resulted in **restoration of 118,830 square feet (2.72 acres) of wetland and 149,475 square feet (3.43 acres) of regulated upland** adjacent to freshwater wetlands. Restoration includes remedial work such as removal of fill and other unauthorized structures, re-grading, seeding unstable soils, and replanting trees and shrubs to recreate wildlife habitat. In addition, several longstanding or large violations were finally resolved through major restorations during this year (e.g., Moniz, Recchia, and Cardi).

ADMINISTRATIVE IMPROVEMENTS

Over the last several months, the Office of Compliance and Inspection has **archived in excess of 8,000 records** using existing clerical staff to input the records in an archiving database. The benefits of this endeavor are:

- Reduction of files in overloaded file cabinets in the OC&I office space.
- Archived files are cross-indexed using a multiple of identifiers.
- Files are easily located, via computer, which then generates a request form.
- Archived files are now maintained entirely by the clerical staff, thus ensuring control of archived files.
- Technical staff no longer have to spend large amounts of time hunting through archived records.
- Search time associated with public records requests are reduced.

QUESTIONS OR COMMENTS regarding this report:

Questions related to this report or information regarding overall enforcement activity by the Office of Compliance & Inspection should be referred to the Chief of the Office of Compliance & Inspection (telephone: 401-222-4700, ext. 7431).

**OFFICE OF COMPLIANCE AND INSPECTION
ENFORCEMENT ACTIVITIES
JANUARY 1, 2001 TO DECEMBER 31, 2001**

Date Printed		3/13/02							
COMPLAINTS	AIR	ER	HW/SR	ISDS	SW	UST/LUST	WATER	WET	Total
Received	1660	842	14	412	188	1	291	524	3932
Investigated	1652	842	14	338	157	2	276	554	3835
Unfounded	1371	17	7	141	71	0	180	112	1899
No Action	8	0	0	19	22	0	60	65	174
Complaint Inspections (includes reinspections)	686	889	14	441	349	2	446	901	3728
Facilities/Project Inspection	485	N/A	69	-	81	47	-	67	749
Facilities/Project Reinspection	211	N/A	42	-	-	5	-	-	258
Dams Safety Program	24 inspections total - 15 high hazard dams, 9 low hazard dams								24
ENFORCEMENT ACTIONS									
Informal	142	N/A	49	203	40	65	17	107	623
Formal	8*	N/A	7*	11	11	19*	5*	23*	81*
Consent Agreements	11	N/A	9	5	7	23	4	5	64
Closed Cases	140	783	93	204	69	13	271	194	1767
Penalties Proposed (NOV)	\$503,114.40	N/A	\$147,536.76	\$47,000.00	\$524,550.00	\$950,502.60	\$240,000.00	\$65,500.00	\$2,478,203.76
Penalties: Agreed To Be Paid	\$324,689.40	N/A	\$524,185.00	\$11,775.00	\$133,141.41	\$212,892.17	\$200,570.00	\$6,500.00	\$1,413,752.98
Penalties Collected (Cash)	\$268,025.00	N/A	\$67,697.00	\$19,675.00	\$39,064.67	\$172,558.13	\$61,400.00	\$22,005.41	\$650,425.21
Cost Recovery (Outstanding)	\$0.00	\$335,348.80	\$5,536.16	N/A	\$0.00	\$630.00	\$0.00	\$0.00	\$341,514.96
Cost Recovery (Collected)	\$0.00	\$212,880.15	\$7,824.90	N/A	\$3,171.08	\$0.07	\$0.00	\$0.00	\$223,876.20
SEP Agreed To	1	N/A	2	0	1	1	2	0	7
SEP Monetary Value	\$83,814.00	N/A	\$432,538.00	\$0.00	\$102,500.00	\$7,780.00	\$164,670.00	\$0.00	\$791,302.40
Mediation Cases	0	N/A	0	11	1	0	0	7	19
Mediation Hours	0	N/A	0	18	1	0	0	32.5	51.5
AAAD/Superior Court Cases	4	N/A	0	5	5	5	33	22	74
AAAD/Superior Court Hours	10	N/A	0	5	31	40.5	248.25	81.75	416.5
Crim Inv Assist Cases	2	3	3	0	16	0	2	1	27
Crim Inv Assist Hours	5	42	0	0	27.5	0	1	21	96.5
*Multi-media NOV's issued = 7, *Indicates that some of these actions are part of a multi-media enforcement action									
"NA" = Not Applicable for this Program.									
"Complaints Received" represents the total number of complaints received including multiple complaints per location or alleged violation.									
"Complaint Investigations" are counted only once even though one Investigation may address multiple complaints received.									
"Facilities/Projects" include Hazardous Waste Generators and approved or permitted projects/activities.									
"Informal" = Letters of Deficiency, Letters of Warning, Letters of Intent to Enforce, Letters of Non-Compliance (i.e. non-orders, non-penalty actions)									