



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Office of Compliance and Inspection
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ACCOMPLISHMENT SUMMARY FOR YEAR 2005

The **OFFICE OF COMPLIANCE & INSPECTION (“OC&I”)** is the regulatory compliance and enforcement component of the Rhode Island Department of Environmental Management (RIDEM) for air pollution, water pollution, and waste issues, and it functions within the Bureau of Environmental Protection (BEP) of the agency. 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.

In 2005, OC&I had a working staff of approximately 40 full time equivalents (FTEs) to perform compliance and enforcement related duties. 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.

Not all 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 the Environmental Protection Agency (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 2005 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 **1004** complaints this year and investigated **798** of these complaints. The program conducted **373** inspections to investigate these complaints. Of the complaints investigated, **718** were determined to be unfounded and **34** complaints were referred to another program, department or agency.

Not all complaints can be investigated due to time delays from receipt of the complaint or other factors including lack of resources. In 2005, OC&I was unable to investigate **206** complaints. OC&I had only **2** inspectors to handle complaint investigations and document findings.

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 small amounts of spilled mercury, removal of small containers or clean up of small oil spills. In the event of 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 **818** incidents that threatened the environment due to pollutants and hazardous materials. Response was necessary to contain pollutants and hazardous materials from spreading further into the environment and to monitor clean up. This program conducted **886** inspections to carry out its responsibilities. Staff of this program also responded to incidents concerning possible weapons of mass destruction (WMD). These responses include investigating incidents where such items as anthrax, ricin, nerve agents, blister agents, radioactive material and other biological/chemical materials are alleged to be involved. In 2005 **4 FTEs** were available to carry out this work. This includes a full time supervisor.

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 previous years, OC&I enlisted the assistance of the emergency response team to investigate and follow up on complaints. In an attempt to reduce the burden on the emergency response team, OC&I shifted this responsibility to members of the compliance monitoring team to conduct these investigations. In 2005, OC&I received **70** complaints, completed **70** inspections and completed **60** investigations. **Thirty-nine** of these complaints were unfounded. OC&I has approximately **two FTEs** to conduct this work

Septic Systems – OC&I receives numerous complaints regarding septic systems (e.g., overflowing or failed systems, septic odors, prohibited aboveground laundry discharges, illegal repairs, or renovations to dwellings without prior review by DEM to determine if the system would be adequate). In 2005, we received **387** complaints and conducted **254** investigations of these complaints. OC&I staff completed **340** inspections in 2005. OC&I was unable to investigate **54** complaints in 2005. Often this is a result of the inability to gain access to inspect the property. Of the complaints filed, **118** were

determined to be unfounded. This work was accomplished with approximately **1.2 FTEs**.

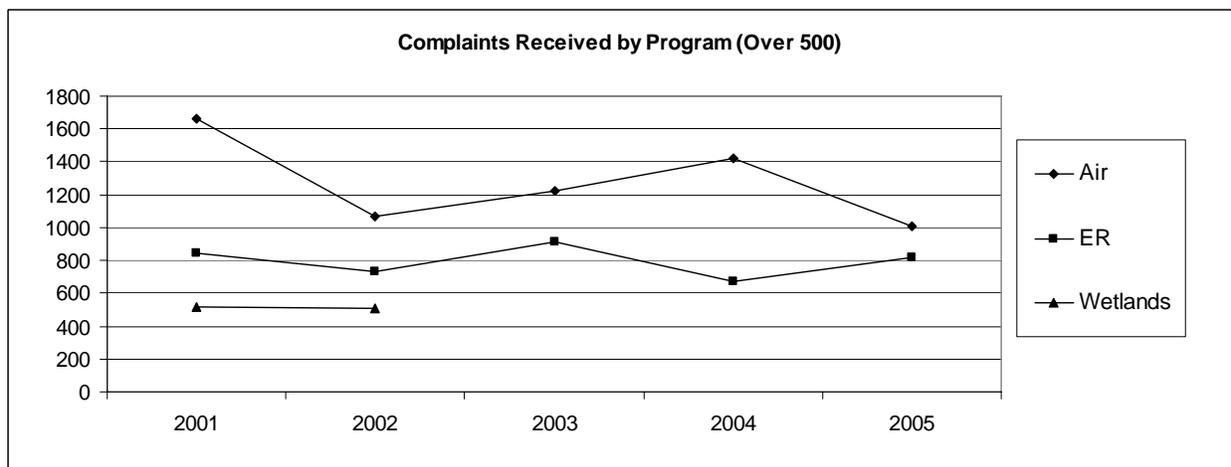
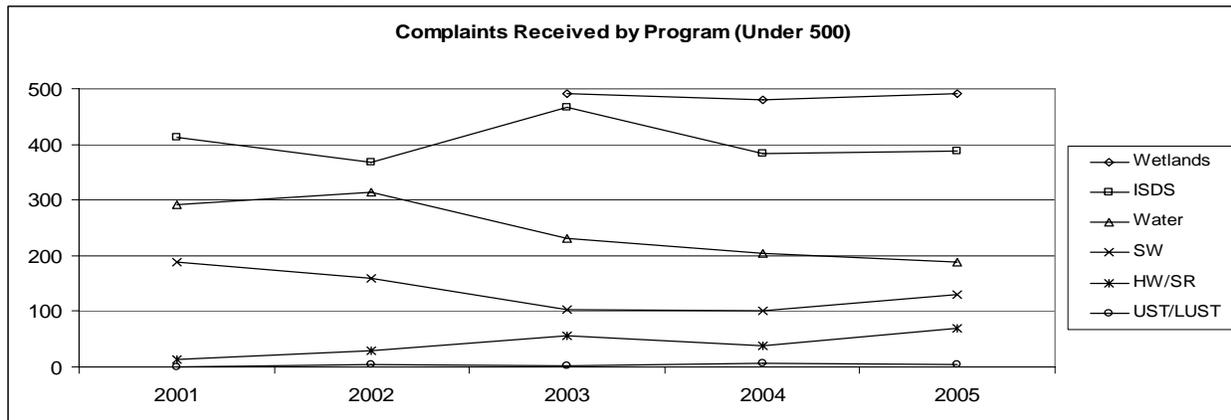
Underground Storage Tanks (“UST”) and Leaking Underground Storage Tanks (“LUST”) – Although the UST/LUST program is primarily involved with formal enforcement activity, its activities have been expanded to include compliance monitoring and complaint investigation. In 2005, the UST/LUST Program investigated **4** complaints. OC&I has **1 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 2005, we received **189** complaints and conducted **155** investigations of these complaints. A total of **272** inspections were undertaken. OC&I was unable to investigate **20** complaints. Inability to gain access to inspect property or the lack of adequate information relating to the location of the problem is the cause. Of the complaints filed, **134** were determined to be unfounded. OC&I has approximately **1.2 FTEs** to do this work.

Freshwater Wetlands – This program investigates unauthorized alterations to freshwater wetlands such as filling, excavating, grading, clearing, or construction within the wetland. In 2005, this program received **490** complaints and conducted **464** investigations. A total of **854** inspections were carried out. OC&I was unable to investigate **24** complaints. Of the complaints filed, **157** were determined to be unfounded. Complaint investigation in this program is time consuming and complex due to the varied nature of wetlands, land conditions, land ownership and regulatory requirements. OC&I had **4** inspectors investigating such complaints in 2005.

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 2005, OC&I’s solid waste program received **130** complaints and conducted **151** investigations. OC&I had **2 FTEs** 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 2005, this program completed **277** inspections. OC&I was unable to investigate **5** complaints in 2005.

The following graphs provide information regarding a 5-year trend in the number of complaints received by the OC&I with numbers distributed by media/programs.



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 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, AST 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 2005, this program conducted **164** inspections to assure compliance with pertinent 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 (AST) – In 2005, OC&I conducted compliance inspections of **9** aboveground storage tanks as a result of complaints submitted or requests for a compliance inspection from the owners. The purpose of the inspections is to ensure compliance with RIDEM's Oil Pollution Control Regulations.

Hazardous Waste – The goal of the hazardous waste regulations is to prevent hazardous wastes from being mishandled and adversely 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 the environment if illegal disposal or release were to occur.

For 2005, OC&I concentrated its efforts in two areas that include specific targeted inspections of **Large Quantity Generators (“LQG”)** and compliance evaluation inspections of **Small Quantity Generators (“SQG”)** of hazardous waste in response to complaints. For LQGs, consistent with federal guidelines for grant commitments, OC&I committed to inspect 20% of Rhode Island's universe of LQGs or **22** facilities. OC&I has followed EPA's recommended 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 five years or less. Also, OC&I

targeted any newly reporting LQGs and those that did not previously notify the RIDEM that they fall into this category.

In 2005, the OC&I inspected **27** LQGs . **Four** facilities were determined to be in significant noncompliance and appropriate enforcement actions were taken. **Seventeen** were found to have secondary violations and received informal enforcement actions while **5** were determined to have no violations. **One** remains under evaluation.

In the area of SQGs, OC&I's inspection efforts in 2005 concentrated primarily on complaint response and suspected hazardous waste generators that were not registered with the EPA. For 2005, OC&I inspected **52** known or suspected SQGs and **35** other small businesses. Of the **52** known or suspected SQGs, **43** were determined to have secondary violations and were issued informal enforcement actions. Only **1** had no violations, while **4** received a formal enforcement action due to significant noncompliance with the hazardous waste regulations.

Overall, OC&I completed **116** inspections of known or suspected hazardous waste generators to ensure that compliance with the regulations was being met. This number includes both the targeted facilities and those facilities that were inspected as a result of complaints or referrals. During this period, OC&I resolved **53** informal enforcement actions and **7** formal enforcement actions to bring hazardous waste generators into compliance with RIDEM's Hazardous Waste Regulations.

The following are violations most frequently observed and noted by OC&I inspectors during inspections of hazardous waste generators during 2005.

- 25 – labeling violations (lack of a required label on hazardous waste containers or containers not properly labeled)
- 41 – hazardous waste not determined by the generator
- 23 – no authorized signatures by the generator for employees signing hazardous waste manifests
- 12 – hazardous waste containers not closed
- 17 – no EPA ID number obtained by the generator
- 11 – no accumulation start dates on containers holding hazardous waste
- 08 – contingency plan violations (in case of a release or spill of hazardous waste)
- 12 – no hazardous waste training for employees on managing hazardous waste
- 04 – no weekly container inspection to check for spills or releases
- 01 – no secondary containment for containers holding liquid hazardous waste
- 13 – manifest violations
- 12 – mismanagement of universal hazardous waste
- 02 – waste stored for greater than 90 days
- 01 – flammable waste stored less than 50' from property line
- 05 – inadequate spill control equipment
- 02 – insufficient aisle space between hazardous waste containers
- 03 – hazardous waste treated without a permit

UST Facility Operations - In 2005, OC&I once again joined with DEM's Office of Waste Management to carry out compliance monitoring inspections of UST facility operations. The Underground Storage Tank Program ("UST Program") is charged with ensuring that the State's thousands of regulated underground storage tanks ("USTs") are being operated and maintained in compliance with the **Rules and Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials**. The UST Program seeks to meet that responsibility by performing compliance inspections, investigating complaints and issuing enforcement actions against UST owners and operators that are out of compliance with the UST Regulations.

During the year 2005, OC&I's UST Program performed compliance inspections at **65** registered underground storage tank facilities. Approximately **163** underground storage tanks are installed at those facilities. Five of the inspected facilities are located in sensitive groundwater areas. **Thirty-nine** UST facilities were subject to informal enforcement action as a result of those inspections. Only **1** of those facilities was found to be in compliance with the UST Regulations at the time of inspection.

Thirty-two UST facilities were returned to compliance during the year 2005 as the result of informal enforcement action taken by OC&I (some of those cases were initiated during the year 2004).

OC&I investigated **6** complaints concerning underground storage tanks during the year 2005. The investigations revealed the presence of abandoned USTs or UST components at **2** sites. **Two** enforcement actions were issued following those investigations.

Four unregistered USTs were discovered, **2** of which were subsequently removed from the ground and **4** other non-compliant USTs were removed from the ground as the result of OC&I enforcement actions.

Seven USTs were being operated with their required leak detection devices deactivated. **Twenty-nine** USTs were found to have malfunctioning or improperly deployed leak detection devices. Subsequent enforcement action will or has resulted in the replacement or repair of the leak detection systems.

Four bare steel USTs were being operated with their required corrosion protection systems deactivated. Subsequent enforcement action will or has resulted in the reactivation or repair of the corrosion protection systems.

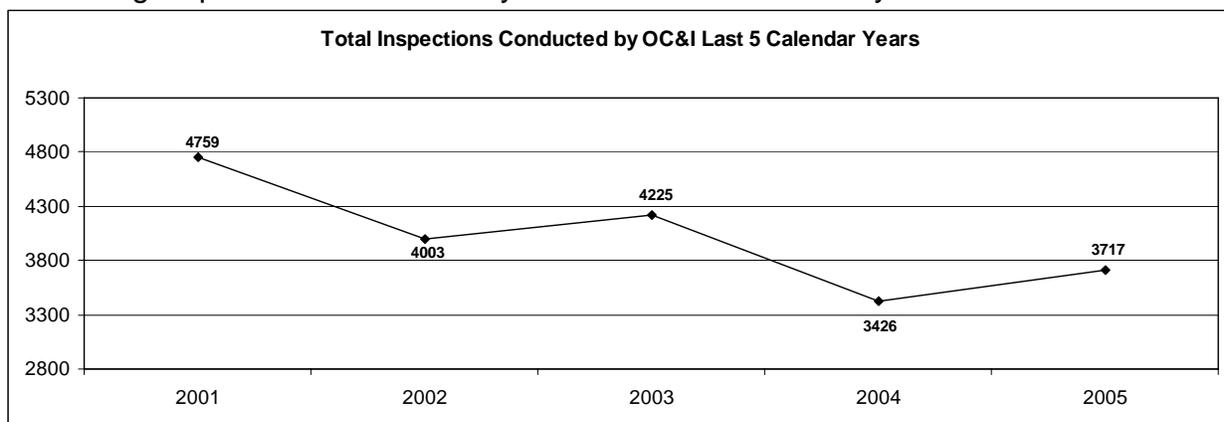
Three abandoned USTs were discovered. OC&I has or will issue enforcement action requiring removal of the abandoned tanks.

One active leak from a gasoline UST system was discovered during an OC&I inspection. The system was shut down until the owner could make satisfactory repairs.

The bulk of the inspection and investigation work in the OC&I for this program is conducted by **one** person.

Dams Safety Program – As part of OC&I's continuing efforts in dam safety, **172** compliance-monitoring inspections were conducted in 2005. These inspections were performed at **168** Low Hazard Dams and **4** High Hazard Dams. **One** inspector carried out these inspections. RIDEM also took action in 2005 to correct deficiencies and repairs at **six** High Hazard Dams that were considered unsafe. For more information on dams safety, please refer to the annual report to the Governor regarding dams safety. That report is on RIDEM's web site at <http://www.dem.ri.gov>.

The following graph shows the trend in the number of complaint and compliance monitoring inspections conducted by the OC&I over the last 5 years.



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 actions 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 to allow violators to resolve noncompliance voluntarily and as quickly as possible, including repairing any environmental damage that may have resulted due to noncompliance. **In 2005, OC&I issued a total of 350 such actions.** The breakdown of these actions is **Air – 45, Hazardous Waste – 63, ISDS – 90, Solid Waste – 65, UST – 40, Water Pollution – 5, and Wetlands – 42.** 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 ongoing noncompliance for formal enforcement to ensure compliance is met. The RIDEM is delegated authority by the federal government to enforce federal regulations for certain programs involving air, waste and water. 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. Overall, **326** informal enforcement actions were resolved by OC&I in 2005 without resorting to formal enforcement. In 2005 the Bureau of Environmental Protection issued **986** informal enforcement actions in comparison to **1,148** issued in 2004; however, during this time period the Bureau increased the number of informal enforcement actions resolved from **704** in 2004 to **815** in 2005. During 2005, **103** cases were referred to OC&I for formal enforcement action. This is a significant increase over 2004's referral number of **33**. A major component of the increased referrals included cases involving noncompliance with RIDEM's UST Environmental Results Program requirements.

BUREAU OF ENVIRONMENTAL PROTECTION

Informal Enforcement Actions*

Issued/Resolved

January 2005 – December 2005

| OC&I, OAR, OWM, OWR | |
|------------------------------|--------------|
| Issued | 986 |
| Resolved | 815 |
| Inspections** | 6,463 |
| Referrals to OC&I | 103 |

*Informal enforcement actions include Letters of Deficiency, Letters of Noncompliance, Notices of Intent to Enforce or any other document that advises the addressee of a violation of law or regulation identified by DEM that must be stopped, corrected or resolved. Informal enforcement actions do not involve enforceable orders or assessment of penalties. They are generally a means to allow property owners or operators to reach compliance voluntarily without facing administrative penalties. Informal enforcement actions do not preclude DEM from issuing a formal enforcement action that does include an assessment of penalties.

**Includes compliance and complaint inspections and reinspections.

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). Each NOV advises 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 include 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 the administrative penalty regulations, and the NOV includes worksheets providing information on how the penalty was determined. 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 DEM's 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.

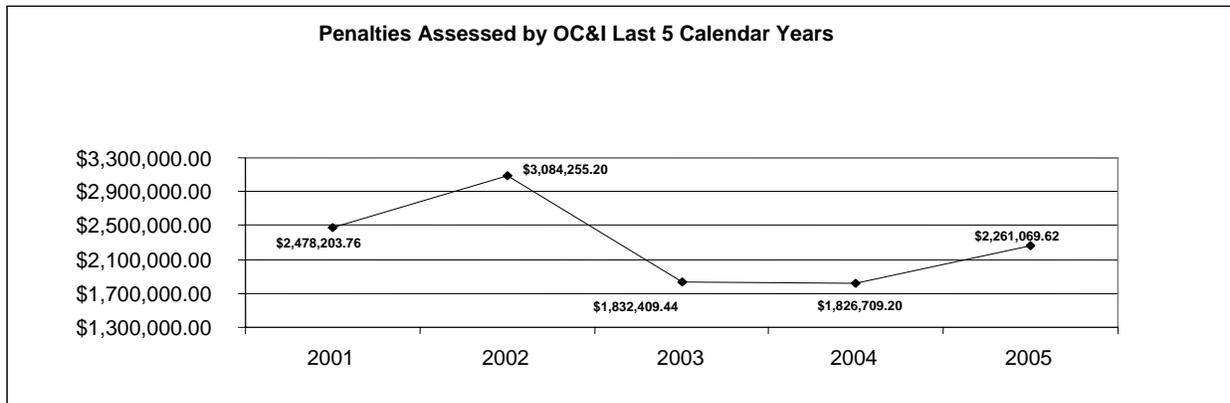
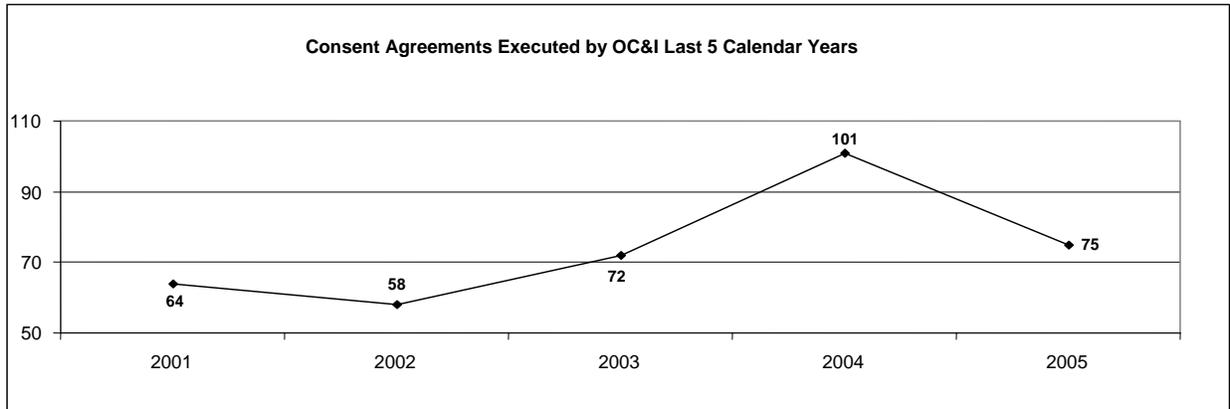
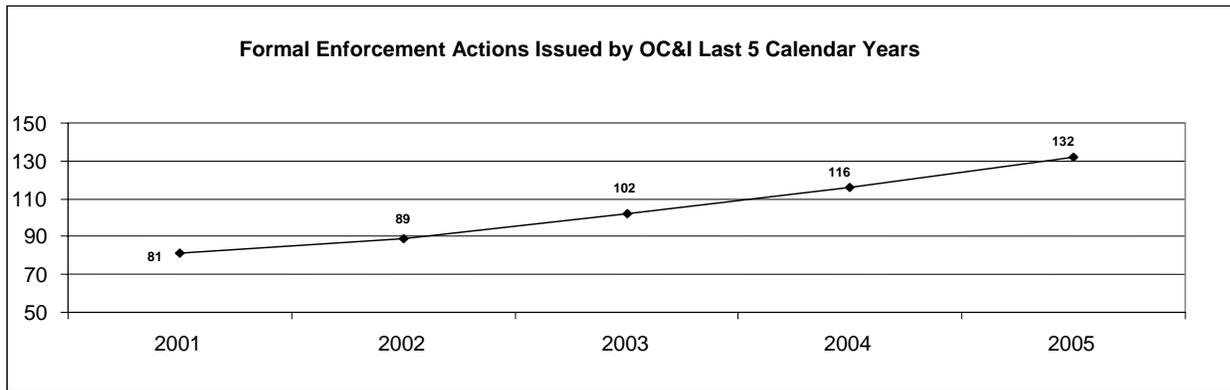
In 2005, OC&I issued **139** formal enforcement actions. The number of actions per program were: **Air – 7, Hazardous Waste – 17, ISDS – 20, Solid Waste – 10, UST/LUST – 49, Water Pollution – 16, Wetlands – 16 and Emergency Response - 4.** The emergency response cases involved violations of the Oil Pollution Control Regulations. For a more detailed look at the background of formal enforcement actions issued or resolved by OC&I please refer to OC&I's monthly enforcement update on RIDEM's web page at <http://www.dem.ri.gov>. This monthly update provides a summarized background on each enforcement action issued or resolved. This summary also provides information on actions filed in Superior Court or resolved through court actions.

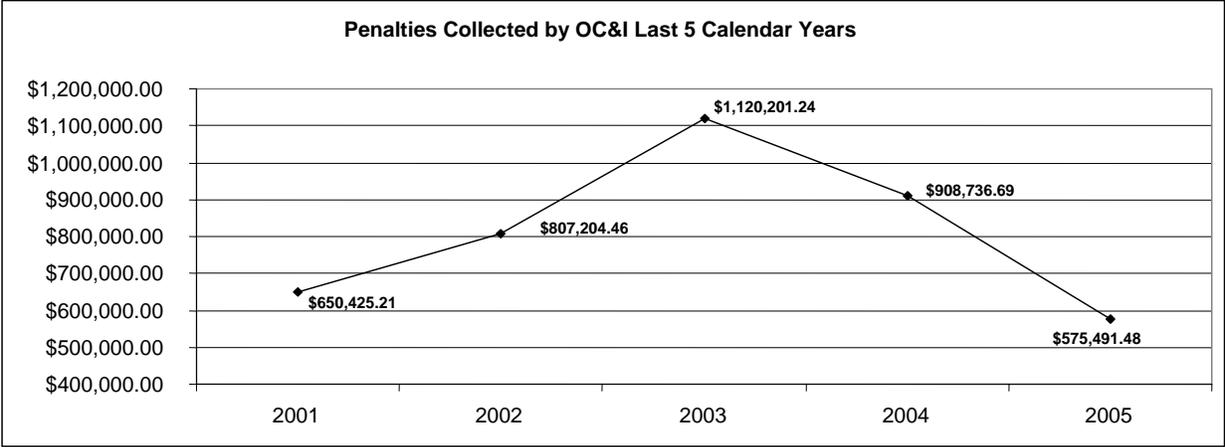
As part of the **139** formal enforcement actions issued this calendar year, OC&I proposed total penalties for noncompliance of **\$2,261,069.62**. As a result of our efforts to settle or to resolve formal enforcement actions issued over the last year or in previous years, respondents have agreed to pay **\$483,495.52** in penalties in the form of cash. During 2004, OC&I collected **\$575,491.48** in the form of cash payments. OC&I also agreed to settle **7** enforcement cases by having the Respondent conduct a **Supplemental Environmental Project (SEP)**. SEPs proposed during 2005 amounted to a value estimated at **\$120,655.00**. SEPs are environmentally beneficial projects that a respondent proposes to undertake in settlement of an enforcement action but is not otherwise legally required to perform. For more details regarding SEPs, please refer to RIDEM's Policy on SEPs in effect since April 5, 1996 and revised on July 15, 2004. In addition to collecting monetary penalties, OC&I spent considerable effort in recovering costs of cleanups, 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 2005, OC&I collected **\$31,646.97** in cost recovery but still has an outstanding balance of **\$68,264.29** to collect.

In order to resolve formal enforcement actions, OC&I will often execute consent agreements with respondents. The purpose of **consent 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 compel enforcement. In 2005, OC&I executed **75** consent agreements to resolve formal enforcement actions. In the event that a consent agreement requires

performance to be completed, OC&I tracks a Respondent's progress towards compliance.

Overall formal enforcement actions in 2005 were increased compared to those issued in 2004, with a 16% increase in formal enforcement (NOVs); however, there was a 25% decrease in executed consent agreements. The last 3 calendar years show an effort to balance the number of enforcement actions issued with other efforts necessary to bring respondents into compliance with environmental laws and regulations. The following graph shows the 5 - year trend in the number of formal enforcement actions issued and the number of consent agreements executed to resolve these enforcement actions.





In addition to resolving cases through the formal hearing process at AAD or moving cases to Superior Court, OC&I in conjunction with DEM's Office of Legal Services and the AAD have coordinated in using mediation towards resolving long-standing enforcement cases. In 2005, **8** cases were recommended for mediation. These matters involved septic system and wetland enforcement cases.

In 2005, the Office of Legal Services filed **12** Superior Court complaints to achieve compliance. Of these, **6** involved failed septic systems, **2** involved high hazard dams in need of repair, **2** involved hazardous waste cases, **1** included a multi-media case involving solid waste and abandoned USTs and **1** included a Leaking Underground Storage Tank matter. Also during 2005, the Office of Legal Services was able to obtain orders from the Superior Court to resolve **6** complaints. These included **2** failed septic system cases, **1** Leaking Underground Storage Tank matter, **2** Air enforcement matters that actually resolved **6** separate enforcement actions and **1** multi-media case involving water pollution, oil pollution, USTs, solid waste and hazardous waste.

Overall, OC&I closed 413 enforcement actions in 2005.

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 2005:

Air - The OC&I air compliance staff ensured that **8** sites involving exterior lead paint removal were cleaned of lead paint chips and debris in compliance with the regulations. **Nine** emission problems were resolved involving **7** fugitive dust problem sites corrected, and **2** sites causing objectionable odors corrected. In addition, through enforcement action, OC&I was able to bring **23** Respondents back into compliance.

Emergency Response - The Emergency Response program had the following materials that posed a threat to health or Rhode Island's environment removed and safely disposed. Quantities have been approximated by volume (gallons (gal), ounces (oz), cubic feet (cf), cubic yards (cy), or by weight (pounds (lbs) or tons).

| | |
|---|--|
| Petroleum | 49,518 Gallons |
| Oil Contaminated Soil | 9,902cy and 1,666 tons |
| Oily Debris | 140 tons |
| Oil/Water | 123,455 gal |
| Hazardous Chemical | 24,589 gal, 3,277lbs and 588cy |
| Mercury | 1,428lbs; 385 lbs of contaminated debris |
| Propane Cylinders | 53 |
| Car Batteries | 37 |
| Other Pollutants that threaten the public health or environment | 200,000 gallons of raw sewage, 196 cy of rotting seaweed, 10 cy of shingles, 6 cy of silt, 3 cy of acetylene, 2 cy of ferric sulfate, 1,770lbs of asbestos |

ISDS – Septic Systems - In 2005, OC&I's enforcement efforts resolved **82** overflowing septic systems, elimination of **14** residential laundry discharges and resolution to **4** other

septic system violations. These cases involved elimination of prohibited laundry waste discharges or the repair (or agreement to repair): (a) failed septic systems for single-family residences, commercial businesses, or multi-unit dwellings; (b) septic systems for properties that had renovated buildings served by an inadequate septic system; or (c) septic systems that were illegally or improperly constructed. All of these violations posed, at one point or another, threats to human health or the environment. OC&I's program requires persons with failed septic systems to hire qualified professionals to assess the problematic septic system and to file for an approval to obtain DEM's authorization to correct the failed system by implementing a specific plan.

RCRA Hazardous Waste - In 2005, the RCRA Hazardous Waste compliance program conducted **131** compliance inspections of known or suspected hazardous waste generators. As a result of these inspections, a total of **80** enforcement actions were issued identifying violations of the regulations. These violations represented threats to employees of the facility or to the public as a result of actual or potential mismanagement of hazardous waste. During this period of time, the program brought **61** facilities that generate hazardous waste into compliance with the regulations.

Solid Waste - As a result of OC&I's enforcement efforts, approximately **8,242** cubic yards and **3,027** tons of solid waste was removed from the environment (from various sites) and disposed of properly. Also, **244,630** individual tires and **1.57** tons of used tires were removed. This effort was a result of both informal and formal enforcement actions that were issued in 2005 as well as previous years and subsequently tracked for completion and closure.

Underground Storage Tanks – During 2005, the OC&I's UST enforcement program was able to bring **72** USTs into compliance with regulatory requirements. Enforcement activity during the calendar year included the issuance of **40** informal enforcement actions, resolution to **28** such actions, issuance of **49** formal enforcement actions and closure of **23** of these formal actions. For more particular information, please see the compliance monitoring section above related to UST facility compliance. OC&I is monitoring those facilities that have not yet achieved compliance despite our enforcement efforts and will ensure compliance is achieved.

Water Pollution - The accomplishments of the water pollution program in 2005 include **15** water pollution discharges that were corrected or eliminated. These included sewage discharges from residential and/or commercial buildings, sediment runoff from construction projects, and industrial wastewater discharges. The Water Pollution Program also issued **16** formal enforcement actions in 2005. Several of these actions were referrals from DEM's Office of Water Resources involving violations of the RIPDES water pollution prevention program, and several of these cases involved multi-media enforcement where both water pollution and wetland violations were cited.

Freshwater Wetlands - Some of the accomplishments of the Freshwater Wetlands enforcement program for 2005 include completion of **57** separate wetland restorations. This resulted in restoration of **11 acres** of wetland and **8.9 acres** of regulated upland adjacent to freshwater wetlands. Restoration includes remedial work such as removal of

fill and unauthorized structures, re-grading, seeding unstable soils, and replanting trees and shrubs to recreate wildlife habitat. In some cases where clearing was the only unauthorized activity, restoration also would include the landowner's agreement to allow the cleared area to re-vegetate to a natural condition.

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 COMPLAINT & INSPECTION
ENFORCEMENT ACTIVITIES
January 2005 to December 2005**

Updated 3/31/06

| COMPLAINTS | AIR | ER | HW/SR | ISDS | SW | UST/LUST | WATER | WET | Total |
|---|---|-------------|--------------|-------------|--------------|-----------------|--------------|-------------|----------------|
| Received | 1004 | 818 | 70 | 387 | 130 | 4 | 189 | 490 | 3092 |
| Investigations Conducted | 798 | 818 | 60 | 254 | 151 | 9 | 155 | 464 | 2709 |
| Unable to Investigate | 206 | 0 | 0 | 54 | 5 | 1 | 20 | 24 | 310 |
| Unfounded | 718 | 2 | 39 | 118 | 22 | 3 | 134 | 157 | 1193 |
| No Action | 16 | 0 | 0 | 3 | 0 | 3 | 7 | 98 | 127 |
| Inspections | 373 | 886 | 70 | 340 | 277 | 11 | 272 | 854 | 3083 |
| Referred** | 34 | 0 | 0 | 1 | 17 | 0 | 3 | 0 | 55 |
| COMPLIANCE MONITORING | | | | | | | | | |
| Inspections | 164 | 2 | 131 | 0 | 0 | 69 | 61 | 35 | 462 |
| Dam Safety Program | 172 Inspected (4 High Hazard; 168 Low Hazard) | | | | | | | | 172 |
| ENFORCEMENT ACTIONS | | | | | | | | | |
| Informals – issued | 45 | 0 | 63 | 90 | 65 | 40 | 5 | 42 | 350 |
| Informals – resolved | 15 | 0 | 54 | 131 | 22 | 28 | 8 | 68 | 326 |
| Formals - issued* | 7 | 4 | 17 | 20 | 10 | 49 | 16 | 16 | 139 |
| Formals – closed | 8 | 1 | 7 | 18 | 1 | 23 | 6 | 23 | 87 |
| Consent Agreements Executed | 4 | 1 | 9 | 7 | 6 | 25 | 11 | 12 | 75 |
| Penalties Proposed (Formal Actions) | \$48,000.00 | \$69,150.00 | \$434,572.25 | \$43,900.00 | \$135,625.00 | \$516,200.00 | \$972,372.37 | \$41,250.00 | \$2,261,069.62 |
| Penalties Assessed (Consent Agreements) | \$37,900.00 | \$4,750.00 | \$42,141.20 | \$10,375.00 | \$13,250.00 | \$247,661.00 | \$102,148.48 | \$25,269.84 | \$483,495.52 |
| Penalties Collected (Payments Received) | \$73,400.00 | \$4,750.00 | \$62,291.48 | \$25,475.00 | \$91,604.27 | \$254,972.41 | \$34,148.48 | \$28,849.84 | \$575,491.48 |
| Cost Recovery (Outstanding) | ----- | \$68,264.29 | ----- | ----- | \$0.00 | ----- | ----- | ----- | \$68,264.29 |
| Cost Recovery (Collected) | ----- | \$31,646.97 | ----- | ----- | ----- | \$0.00 | ----- | ----- | \$31,646.97 |
| SEP Agreed To | 0 | 0 | 0 | 0 | 0 | 4 | 3 | 0 | 7 |
| SEP Monetary Value | \$0.00 | 0 | \$0.00 | \$0.00 | \$0.00 | \$62,605.00 | \$58,050.00 | \$0.00 | \$120,655.00 |
| Mediation Cases | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 2 | 8 |
| AAD/Superior Court Cases | 3/0 | 2/0 | 12/2 | 11/6 | 7/1 | 27/2 | 12/2 | 14/3 | 88/16 |
| Crim Inv Assist Cases | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | 3 |
| *Multi-media NOV's issued = 7, these are included in the program counts. | | | | | | | | | |
| **Referred to other program, department or agency. | | | | | | | | | |
| "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. | | | | | | | | | |
| "Compliance Monitoring" includes 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 (ie. non-orders, non-penalty actions) | | | | | | | | | |
| "Formal" = Notices of Violation that contain orders and/or penalties | | | | | | | | | |