

# **DRAFT**

## **FY 2002 Work plan**

### **Office of Compliance & Inspection**

#### **DEM GOALS: Clean Air, Clean Water, Livable Communities, Open & Effective Government**

**Overview:** The OC&I is responsible for the regulatory enforcement activities related to Air, Waste, and Water Resources. The OC&I investigates complaints and suspected violations of environmental laws and regulations relating to: surface water, ground water, freshwater wetlands, individual sewage disposal systems, solid waste, hazardous waste, medical waste and air resources including visible emissions, odors, fugitive dust and exterior lead paint removal. OC&I's Emergency Response program responds to releases of oil or hazardous materials 24-hours per day, 7-days per week and ensures clean up of the environment as a result of these spills or releases. In addition to complaint response, the OC&I carries out compliance monitoring of regulated activities involving hazardous waste generators, underground storage tanks and above ground storage tanks, and exterior lead paint removal activities. The OC&I also inspects dams in the state to monitor safety conditions and to advise dam owners of unsafe conditions. The OC&I coordinates with other DEM divisions and offices regarding their compliance monitoring of regulated, permitted or licensed activities and facilities. Compliance with environmental laws, rules, regulations, permits and licenses is enforced through both informal and formal enforcement actions. The OC&I issues formal enforcement actions against regulated facilities or activities when significant noncompliance is discovered by complaint investigation or compliance monitoring. Formal enforcement includes orders and assessment of penalties that are subject to appeal and enforceable through the courts.

**Programs :** The Office of Compliance & Inspection has several internal programs to carry out the functions and responsibilities assigned to this Office. They include: Management/Administration, Waste Management (hazardous waste and tanks), Solid Waste (including medical waste and tires), Emergency Response, Air, Water Pollution, Wetlands, Septic Systems, and Dams Safety.

<b>Objective</b>	
<p>Respond to emergency situations and complaints from citizens in a timely, effective and efficient manner.  Minimize or eliminate the impacts and risks to human health and the environment from releases of petroleum, chemicals or wastes.</p>	
<b>Indicators</b>	
<b>Strategies</b>	<b>Performance Measures</b>
<ul style="list-style-type: none"> <li>• OC&amp;I will maintain a staff of Emergency Responders on call 24-hours/day, 7-days/week to respond to threats from releases of oil or hazardous materials to the environment. Emergency Responders will be trained and equipped to supervise environmental clean up contractors under emergency conditions.</li> <li>• OC&amp;I staff will respond to complaints of alleged regulatory violations in a timely fashion to investigate noncompliance with environmental laws, rules and regulations related to:</li> </ul> <p>Water pollution  Septic Systems  Freshwater Wetlands  Dams safety  Hazardous waste  Solid waste/Medical waste  Air – visible emissions, lead paint, fugitive dust, odors, open burning</p>	<ul style="list-style-type: none"> <li>• 100% of all known releases of oil or hazardous materials to the environment are stopped and cleaned up on a priority basis.</li> <li>• Complaints received are documented and entered into a database.</li> <li>• Investigations of complaints are commenced in a timely fashion (immediately for emergencies, within 1 day for alleged real time or serious violations or within 3-4 days for more routine problems).</li> <li>• Inspections of private property conducted consistent with DEM’s inspection guidelines.</li> <li>• Inspection reports prepared for all investigations.</li> <li>• Determinations of violations are made expeditiously.</li> <li>• Owners/operators investigated for alleged violations are informed on site if violations found.</li> <li>• Serious violations are stopped and corrected immediately</li> <li>• Response to complainants made in a timely fashion</li> <li>• Multi-media coordination conducted within OC&amp;I and with other DEM offices.</li> <li>• Complaint #'s received, investigated or not investigated documented.</li> </ul>

<b>Objective</b>	
<p>Ensure proper transportation, storage, treatment, management, and disposal of petroleum, solid waste, hazardous waste and medical waste.</p> <p style="text-align: center;">Ensure the proper management of underground storage tank systems.</p> <p>Protect and restore wetlands to provide wildlife habitat, reduce floods, improve water quality and provide recreational opportunities.</p> <p style="text-align: center;">Assure that the air quality in localities and neighborhoods promotes the comfort and convenience of the residents.</p>	
<b>Indicators</b>	
<b>Strategies</b>	<b>Performance Measures</b>
<p>DEM's compliance monitoring efforts will be based on targeting strategies and inspection protocols designed to identify threats and significant noncompliance with environmental laws, rules and regulations. OC&amp;I will support the department's water, waste and air compliance monitoring efforts in the area of:</p> <ul style="list-style-type: none"> <li>• hazardous waste generators</li> <li>• underground storage tanks</li> <li>• above ground storage tanks</li> <li>• tire pile removal projects</li> <li>• permitted freshwater wetland alterations</li> <li>• exterior lead paint removal projects</li> <li>• dams</li> </ul>	<ul style="list-style-type: none"> <li>• 25% of all known Large Quantity Generators (approx. 25) of hazardous waste and a minimum of 40 Small Quantity Generators of hazardous waste are inspected between Oct. 1, 2001 and Sept. 30, 2002. SQG inspections are concentrated in the dry cleaning industry.</li> <li>• At least 60 compliance inspections of UST facilities completed. Targeted facilities are coordinated with the Office of Waste Management.</li> <li>• Visual inspections of RI's 16 high hazard dams and at least 10 low hazard dams completed. Visual inspections of at least 6 DEM owned dams completed.</li> <li>• Aboveground tank inspections completed on as needed/as requested basis.</li> <li>• Exterior lead paint removal projects in problem urban areas and approved alternative removal projects authorized by the Office of Air Resources are monitored</li> <li>• Ongoing efforts to remove 2 major used tire piles in RI are monitored to completion.</li> <li>• Approved major wetland alteration projects near sensitive wetland ecosystems in the Wood/Pawcatucket and Woonasquatucket watersheds are monitored. Targeted projects are coordinated with the Office of Water Resources.</li> </ul>

<b>Objective</b>	
<p>Assure that the air quality in localities and neighborhoods promote the comfort and convenience of the residents.  Reduce pollutant loading to achieve surface water and groundwater quality standards and goals.  Protect and restore wetlands to provide wildlife habitat, reduce floods, and improve water quality.  Investigate and respond to instances of noncompliance by issuing timely and appropriate informal and formal enforcement actions, pursuing fair and equitable settlements, and supporting hearings and litigation when necessary.  Minimize or eliminate the impacts and risks to human health and the environment from releases of petroleum, chemicals or wastes.  Improve effectiveness and integration of the Bureau of Environmental Protection</p>	
<b>Indicators</b>	
<b>Strategies</b>	<b>Performance Measures</b>
<p>The OC&amp;I will use both informal and formal enforcement to bring violators of environmental laws, rules, regulations, orders, approvals, and licenses involving water, waste and air resources into compliance and to deter future noncompliance by these or other similarly situated entities.  OC&amp;I will issue timely and appropriate enforcement actions in response to confirmed violations identified through complaint investigations, compliance monitoring or other investigations.  The civil regulatory enforcement program will involve:</p> <ul style="list-style-type: none"> <li>• Informal enforcement (to obtain voluntary compliance)</li> <li>• Formal enforcement (enforceable orders and penalties)</li> <li>• Deterrence and resolution of significant noncompliance</li> <li>• Referrals to OC&amp;I from DEM regulatory offices for formal enforcement</li> <li>• Penalty assessments pursuant to national/state policy/regulations</li> <li>• Restoration of damaged resources</li> <li>• Elimination of threats to the environment or public health/safety</li> <li>• Documented and enforceable settlements</li> <li>• Consideration of Supplemental Environmental Projects as partial resolution of assessed penalties</li> <li>• Coordination with other law enforcement programs/agencies</li> <li>• Mediation as means of resolving cases where appropriate</li> <li>• Adjudicatory hearings to resolve contested cases</li> </ul>	<ul style="list-style-type: none"> <li>• Violations of environmental laws, rules, regulations, orders, approvals or licenses are evaluated and enforcement priority is given to those violations causing greatest harm to the environment, public health, welfare and safety and importance of the regulatory program.</li> <li>• Immediate compliance orders issued to stop significant environmental harm or threat to the public health, safety, or welfare.</li> <li>• Owners/operators are informed of significant noncompliance at the site if possible or by letter sent no later than 20 days after the inspection.</li> <li>• Informal and formal enforcement actions include requirements to restore damaged resources where applicable.</li> <li>• Informal enforcement letters issued within 60 days following determination that violations exist but do not require formal enforcement.</li> <li>• Formal enforcement actions issued within 120 days of determination that significant noncompliance exists.</li> <li>• In addition to other policies and guidelines, DEM's enforcement practices follow national enforcement guidelines for EPA programs involving water, waste and air.</li> <li>• Formal enforcement actions include proposed penalties developed in accordance with DEM's penalty regulations.</li> <li>• Monetary penalties recovered are in accordance with federal and state penalty policies/regulations. Penalty assessments include an</li> </ul>

<ul style="list-style-type: none"> <li>• Superior court action to ensure compliance with final orders and consent agreements</li> <li>• Tracking and monitoring of compliance, performance and penalty collection</li> <li>• Information on formal enforcement actions updated at least monthly on DEM's Web page</li> <li>• An annual report of performance resulting from OC&amp;I's informal and formal enforcement</li> </ul>	<p>economic benefit penalty where appropriate and a gravity based penalty to deter noncompliance.</p> <ul style="list-style-type: none"> <li>• Settlements of formal enforcement cases documented with recommendations prepared in writing in advance of execution of any consent agreement.</li> <li>• Enforcement requirements, orders, agreements, penalty payments are tracked and monitored.</li> <li>• Enforcement case backlogs evaluated for further action.</li> <li>• Supplemental Environmental Projects accepted in accordance with DEM policy.</li> <li>• Monthly web page of enforcement actions issued/settled updated</li> <li>• Results of enforcement actions reported annually</li> <li>• Enforcement action information coordinated and shared with EPA</li> <li>• Noncompliance with final agency orders or consent agreements are referred to Office of Legal Services for prosecution in Superior Court.</li> </ul>
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<b>Objective</b>	
Improve effectiveness and integration of the Bureau of Environmental Protection	
<b>Indicators</b>	
<p>More effective and efficient enforcement operations</p> <p>Better trained, responsive, effective and efficient enforcement staff</p> <p>Improved regulatory atmosphere through development of revised, written policies and regulations</p>	
<b>Strategies</b>	<b>Performance Measures</b>
<p>Continue to improve DEM's regulatory enforcement practices and procedures by evaluating and revising DEM's civil regulatory enforcement policies. Areas to focus efforts include:</p> <ul style="list-style-type: none"> <li>• Development of DEM's overall enforcement response policy</li> <li>• Revision to the RCRA enforcement response policy</li> <li>• Revisions and update to the Supplemental Environmental Project policy</li> <li>• Recommending revisions to the Penalty Regulations</li> </ul> <p>DEM will maintain a high level of professionalism in its staff by continuing with enforcement training for inspectors, investigators and administrators. Participation with regional and national federal/state organizations such as NEWMOA, ASTSWMO, NEIWPCC and NEEP will be maintained and strengthened.</p> <p>Improvements to OC&amp;I's record keeping, communications and database are continued in order to improve effective and efficient operations and to provide quality information to the public.</p>	<ul style="list-style-type: none"> <li>• By March 2002, DEM's enforcement response policy is completed</li> <li>• By December 2001, DEM's revisions to the RCRA enforcement response policy are drafted and referred to EPA for comment</li> <li>• By December 2001, DEM's SEP policy is revised and updated</li> <li>• By June 2002, recommendations for revisions to the Rules and Regulations for the Assessment of Administrative Penalties finalized.</li> <li>• State and federal enforcement training seminars identified and staff training upgraded on a yearly basis.</li> <li>• Coordination maintained with regional and national federal/state associations dealing with water, waste and air related matters to identify latest enforcement issues and program improvements.</li> <li>• In FY 2002, OC&amp;I will continue to archive older enforcement files.</li> <li>• By August 2001, OC&amp;I will obtain and train staff on the use of a new field/office telephone/radio/pager system to improve communications, increase field safety of staff and to improve directions to work assignments and priorities.</li> <li>• Improvements to OC&amp;I's database continue and use of handheld computers to replace written reports for field use initiated.</li> </ul>