

- I. **Program Name and Description:** Office of Compliance and Inspection. The OC&I is a regulatory compliance enforcement office in the DEM Bureau of Environmental Protection. The OC&I carries out both informal and formal civil regulatory enforcement on behalf of the DEM's water resource, waste management and air resource programs.
- II. **Mission of Program, Office or Division:** Office of Compliance and Inspection. Through timely and appropriate complaint investigation and enforcement response, the OC&I will protect public health, prevent environmental degradation and preserve, protect and restore the environment.
- III. **Program Issues/Concerns:** (status, major successes, major problems, major initiatives). The OC&I was created in October, 1996 to facilitate the DEM's regulatory enforcement response to complaints received and investigated by the DEM regarding alleged violations of environmental statutes, rules and regulations. In addition to enforcement activity related to complaints, OC&I undertakes civil regulatory enforcement actions on behalf of DEM's Offices of Water Resources, Waste Management and Air Resources upon referral of compliance problems from those offices. The OC&I is responsible for a broad range of regulatory compliance and enforcement activities. These relate to air resources (visible emissions, fugitive dust, odors, lead paint removal and facility compliance), waste management (hazardous waste, solid waste, medical waste, underground and above-ground tanks), and water resources (discharges to surface waters and groundwater, septic systems, freshwater wetlands, and dam safety). OC&I also carries out emergency response to releases or spills of hazardous materials or petroleum product/waste and works with emergency responders and contractors to contain these spills and ensure site clean up. Emergency Response also works to recover costs associated with site clean ups. Following limited success in the first 2.5 years of existence, the OC&I has, through management of practices and procedures and a rebuilding of several important enforcement programs, developed an increased capability to carry out its mission.

**Baseline/current conditions and trends:**

The high number of complaints received from the public, the range and complexity of enforcement/compliance issues encountered and the importance of deterring non-compliance by issuing timely and appropriate enforcement actions presents a formidable challenge.

**Large volume of complaints** – the trend experienced by the OC&I is an increase in complaints over the last 3 fiscal years. In State FY 1997, the OC&I received 3200 complaints, in FY 1998 3800 complaints and in FY 1999, 3919 complaints were received representing an 18.4% increase over three years. The breakdown of complaints for FY 1999 is telling with air related at 1783, emergency response 708, septic systems 393, RCRA hazardous waste 20, solid waste 209, water pollution 217 and freshwater wetlands at 589.

**Complexity of Issues:** Addressing complaints, particularly preparing enforcement actions that are fair, predictable and fully defensible on appeal is a time consuming and labor intensive process. The majority of complaints are unique and may require several steps to resolve. Staff conduct field assessments, research land evidence records, review permit files and review laws and regulations before developing responses. Often the responses involve a series of actions from letters to property owners, issuance of Notices of Intent to Enforce, Notices of Violation with assessment of penalties, negotiations leading to consent agreements, and in some cases, hearings and court proceedings. Staff may need to re-visit sites to assess compliance with enforcement actions that have been taken. Some complaints, after investigation, are found not to constitute a violation and are dismissed. For example, in FY 1999 approximately 28% of complaints received were unfounded. Such complaints, however, still require personnel and equipment

resources to investigate and person hours to explain to complainants why an environmental law was not violated. Often too, staff is faced with immediate threats to public health or the environment that demand immediate attention and resolution.

**Administrative reforms:** The OC&I was created to house most compliance functions of a regulatory nature at DEM and took responsibility for most formal enforcement functions following DEM's reorganization in 1996. OC&I was also charged with bringing consistency to DEM's civil regulatory enforcement processes by molding multiple separate enforcement units inherited from many offices into one compliance office. Early in 1997, the Office was targeted for a loss of 13 positions due to reductions in the department's overall FTE cap mandated by the General Assembly (from 594 in FY1996 to 541 in FY1997). The loss in staff suffered by the OC&I resulted in a significant downturn in compliance activity from 1997 to 1998 to a point where DEM experienced threats of loss of delegated federal authority by EPA. Through changes in management practices which included better coordination with the DEM media offices and legal services and slowly regaining staff resources, the OC&I has managed to rebuild and strengthen DEM's RCRA enforcement program and Air quality enforcement program. In 1999, OC&I has significantly increased both the number and quality of its civil regulatory penalty actions. For example, in overall penalty actions issued, the OC&I has increased its output from FY 1998 to FY 1999 by approximately 53% and increased assessed penalties by 75%. During this same period, the OC&I collected \$365,279.00 in penalties (a 20% increase over FY 1998) and recovered \$76,952.00 in emergency costs. Given the amount of penalties assessed in FY 1999, the OC&I anticipates an increase in collections in FY 2000. In the RCRA enforcement program, OC&I increased its output of formal enforcement actions by 90% and increased its output of formal enforcement actions in the Air program by 73%. OC&I's UST/LUST program has shown an increase of formal enforcement of 77%. As a result, EPA has recently praised the OC&I for its efforts to manage these programs to at or above acceptable limits.

**Unresolved Cases and Backlogs:** Not all unresolved cases are part of the backlog. Some unresolved cases, especially those that go to hearing or trial, involve a long series of actions as noted above. It generally takes several months, and can take years, to reach resolution on individual cases being litigated. Given the volume of cases that pour into DEM each year, a status report on enforcement will show a significant number of cases that are in various stages of resolution. The OC&I has made improvement in the area of resolved/closed cases showing a 25% increase in this area over the last FY. The OC&I also worked to resolve an outstanding backlog of RCRA enforcement cases reported as unresolved in the national RCRIS database. As of January 1999, approximately 265 cases going back to the early 1980's were listed as unresolved. These cases, with the help of the Office of Waste Management, an outside consultant and staff commitment should be closed in the RCRIS database by the end of the Federal FY (September 30, 1999). On the other hand, there is a true backlog involving complaints that have not yet been inspected and cases languishing. Many of these reside in enforcement programs at OC&I that do not have direct federal oversight. These include freshwater wetlands, dams safety, septic systems, water pollution (unauthorized non-facility discharges) and solid waste. While the backlog of cases continues to be a concern, some staff resources in the area of freshwater wetlands, dams safety and solid waste have been replaced and two new staff inspectors are being hired for septic systems. This new addition of staff in the area of septic systems will allow the OC&I to shift engineering resources from inspections to development of enforcement cases that have built up. In addition, 2 new staff members are scheduled for the air enforcement program including a program supervisor to improve the issuance of timely and appropriate enforcement actions and an inspector to help handle the significant number of complaints received by this program. The dams safety program obtained a replacement engineer to manage the program and carry out compliance inspections in January 1999 thereby filling a void left open for over 2.5 years. This program will be assisting in the department's efforts to update an antiquated dams safety law and develop regulations where none exist now. The OC&I will assist the department's Office of Legal Services along with the Division of Planning and Development in this effort by providing

comments and advice on the development of the changes in the law and development of the regulations. A renewed interest in this important program has been generated that will foster improvements for the public and the environment. A limited number of staff in the freshwater wetlands enforcement program remains a concern regarding complaint investigation backlog.

**Priorities and Initiatives to improve on baseline conditions and achieve department strategic priorities:**

The OC&I intends to **improve effectiveness through better communication, partnerships and outreach**. OC&I will improve and continue to communicate and interact with internal and external offices regarding enforcement-related issues. These offices will include DEM's OTCA, OWR, OWM, OAR, Legal Services, and OCI. The OC&I will also work with EPA's waste (RCRA, UST), water and air enforcement sections and the Attorney General's Office. The OC&I will participate in weekly meetings with Legal Services to identify enforcement priorities, coordinate cases and improve practices and procedures. It will attend at least quarterly meetings with EPA enforcement programs to share information, communicate concerns, resolve problems, and provide status of cases. The OC&I will also host monthly enforcement update meetings for media offices and meet individually on specific cases including coordinating case development and negotiated settlements.

Internally, the office will improve data collection on in-coming complaints and referrals including tracking, monitoring, response times to ensure all complaints/referrals are received and documented, assigned for action and monitored for response and decision. Serious attempts will be made to get back to known complainants on our investigations. OC&I intends to improve these areas through adoption of a new database system currently design by the Kyran Co. With this new system OC&I hopes to eliminate duplicate inspections that may be handled by more than one special enforcement program or identify complaints that may require multi-media inspections to ensure all potential violations are captured at one time. Through better communication efforts, OC&I will refer problem facilities and businesses to the OTCA where appropriate. Such referrals should help address **pollution prevention** at the source through compliance assistance or by eliminating or reducing pollution regulated by DEM. As in prior years, OC&I will provide an end of year report to the EPA regarding its enforcement and compliance accomplishments. OC&I understands this report should be filed with the EPA by the end of December of each year.

The OC&I is combining a number of its efforts to address **DEM strategic priorities in the area of ecosystems, public health risks, urban, environment and pilot watersheds**.

A. 25% of RI's Large Quantity Generators ("LQG") of hazardous waste will be inspected (24 inspections for FY2000). This target will include generators of federally regulated hazardous waste that have never been inspected or were last inspected in excess of 5 years ago. Inspections will capture LQGs that have recently notified, changed status from small to large and those generators that have produced quantities of hazardous waste > 2200 lbs./month but have failed to report their status as LQGs. OC&I will coordinate its efforts with EPA and other DEM offices. OC&I will continue this strategy into FY2001 in order to maintain an acceptable inspection presence in the LQG universe and to ensure LQGs are aware of a regulatory presence and to deter non-compliance. In addition, the OC&I will focus a portion of its RCRA hazardous waste compliance monitoring strategy to include the following important components for FY2000 and into FY2001. (a) Industrials Sector Based priorities will capture hazardous waste generators in the metal finishing boat building/marine and the autobody industry. (i)The metal finishing industry is characterized by numerous small operations. Many are located within mixed-use neighborhoods providing potential for risk to human health and the environment due to potential for contact or accidental release. OC&I will coordinate its efforts with the EPA especially in the Woonasquatucket River watershed. (ii)Auto body shops have historically been a source of citizen complaints and previous inspections have identified a disproportionate degree of significant non-compliance. DEM's Office of

Technical and Customer Service has attempted outreach efforts to these shops in order to address solutions to prevalent problems. OC&I will coordinate its efforts with OTCA and with the EPA. OC&I will focus its inspection efforts on portions of the Wood/Pawcatuck River watershed. (iii) More for FY2001, efforts will be made to conduct a number of generator inspections in the marine and boat building industry. Most companies are located in sensitive areas in close proximity to Narragansett Bay, its coves and estuaries. (b) In conjunction with the sector-based priorities, OC&I will target generators that raise significant concerns over illegal operations or non-notifiers (non-reporting) and community protection/environmental justice. These concerns involve state and federal enforcement and compliance efforts to reduce significant non-compliance of those generators not reporting their hazardous waste activities and to address disproportionate burdens on populations from adverse health or environment risks. © Watershed protection priorities for FY2000 will focus on a percentage of hazardous waste generators within two specific watersheds, the Woonasquatucket River and the Wood/Pawcatuck River watershed. The focus of this priority will be aimed at identifying high-risk potential sites that present threat of contamination of the waters of the state or may contribute significantly to water quality degradation. OC&I will target facilities by combining its strategies noted to ensure that its efforts are capturing the most problematic generators and thereby focusing resources where DEM and the public will receive the most for OC&I's efforts. The OC&I will coordinate its efforts with the Office of Technical and Customer Service and the Office of Strategic Policy and Planning to provide for a general advanced announcement of its sector based priorities.

- B. OC&I's Dams Safety Program will inspect the 44 Significant Hazard Dams on record in the State of R.I. Many of these dams have not been inspected for years due to lack of staff. Dams will be prioritized and inspections will follow a file review of existing dams. For FY 2000, work will continue in the Woonasquatucket River watershed to bring dams into compliance that have already been inspected as a result of legislative concerns. Also in FY 2000, a portion of OC&I's efforts will include inspecting dams on the Wood/Pawcatuck River. Inspections will be completed to determine safe conditions and/or whether the dam is a good candidate for removal. FY2001 inspection activities will continue with compliance monitoring on R.I.'s low hazard dams. In addition to inspections in FY 2000, the Dams Safety Program will assist the Office of Legal Services to update, in the way of comments and advice, the Dams Safety Law in RI. This is an on-going project started in FY 1999 to make improvements to an antiquated dams safety law and to develop regulations to improve the way dam safety is carried out in Rhode Island. Recommendations from a consulting engineering firm hired by the department and from public workshops will be considered in this effort with an overall goal to make recommendations to the Governor's Office for legislative change.
- C. Wetlands compliance monitoring efforts will focus on a percentage of on-going permitted projects. OC&I will coordinate with the OWR to identify projects in or adjacent to sensitive wetland ecosystems reporting commencement of activities. Compliance monitoring will focus on projects underway in the Woonasquatucket River and the Wood/Pawcatuck River watersheds where the importance of compliance with permit conditions is of concern. Where possible, OC&I wetlands compliance efforts will call for assistance from local conservation commissions or watershed watch groups. OC&I will work with the OWR to enlist such groups in the department's efforts to ensure permit holders meet compliance. Also, in the South County watershed, OC&I freshwater wetlands enforcement program will be assisting in Rhode Island's efforts to eliminate wetlands regulatory overlap between the DEM and CRMC. This effort is a result of legislative and regulatory changes that brought about designated areas and sharp distinctions for jurisdiction of freshwater wetlands adjacent to the coast. The freshwater enforcement group will provide comments and advice on regulation changes to ensure consistent wetland protection in both zones created by the legislation and to ensure a smooth transition of cases to the CRMC where their regulatory oversight has been expanded.

- D. OC&I will coordinate with the DOH and the OAR regarding lead paint hotspots that threaten public health. This strategy will be used to target problem areas and to focus a percentage of staff resources to compliance monitoring in identified communities with excessive levels of lead paint. OC&I will also coordinate with the OAR regarding permits issued for alternative removal operations for lead paint and monitor compliance. A portion of OC&I's efforts will be focused on communities in the Woonasquatucket and Wood/Pawcatuck River watersheds. OC&I will also work with the OTCA and DOH to announce to lead paint removal contractors OC&I's efforts to increase compliance monitoring. The announcement/ mailing will also introduce OC&I's efforts to issue Immediate Compliance Orders at the site for non-compliant lead paint removal operations that threaten human health or the environment. OC&I will work with the Office of Legal Services to develop an ICO that can be issued at the site to ensure immediate compliance.
- E. A percentage of OC&I's solid waste program will be focused on compliance monitoring of the Davis Tire site and on facilities regulated by the OWM. Compliance monitoring will be coordinated with OWM in all cases. In addition, a portion of OC&I's staff time will be spent in outreach to municipalities to explain enforcement capabilities and to provide guidance regarding solid waste illegal disposal problems in communities in the Woonasquatucket and Wood/Pawcatuck River watersheds.

The OC&I will address DEM's **Restoration, Enforcement and Compliance strategic priority** by continuing its efforts to improve upon the issuance of timely and appropriate enforcement actions. To accomplish this, OC&I will strive for the following:

- A. For state regulatory programs that deal with numerous non-commercial/non-industrial individual private property owners, (e.g., freshwater wetlands, solid waste, septic systems, dams safety) the OC&I will seek voluntary compliance with private property owners through informal means where possible. This will be accomplished through hands on contact and monitoring following discovery of non-compliance. OC&I will attempt to resolve such problems without the issuance of enforcement letters if possible but will document resolution including restoration/remediation. This effort should obtain better results for the limited resources available.
- B. All informal enforcement letters, where necessary, will be issued no later than 60 days from the date violations are uncovered. Such letters will include compliance schedules to ensure non-compliance will be resolved quickly.
- C. In the case of significant non-compliance determined after complaint investigation, compliance monitoring inspections or referral from DEM's media offices, all "high priority" formal enforcement actions will be issued no later than 60 days from the date identified or referred with actions of less priority to be issued no more than 120 days from the date uncovered or referred. Monetary penalties will be assessed in accordance with state regulations and/or federal policies, shall include an appropriate amount relating to the gravity of the violation and shall include an amount that addresses the economic benefit gained by any non-compliance. Cost recovery and any extraordinary costs will be included.
- D. Resolution in fact or by agreement to informal enforcement actions will be completed no later than 60 days from the date of issuance on average.
- E. Full resolution in fact or by agreement is to be in place for formal enforcement actions or escalation to additional enforcement (civil adjudicatory or judicial proceedings) is to take place no later than 300 days from the date of issue.
- F. OC&I will support negotiated settlement meeting, or alternative dispute resolution, as necessary to reach resolution. In coordination with the Office of Legal Services, OC&I will develop appropriate and timely consent agreements, enforceable in the judicial court system, to foster resolution of outstanding enforcement actions. OC&I will coordinate settlement issues with other appropriate DEM offices as well as with the EPA. An important aspect of negotiated settlements and coordinated efforts

to violation resolution with other offices will include focussing on Supplemental Environmental Projects (“SEP”). The Bureau of Environmental Protection media offices will be concentrating a portion of their efforts in the development of an SEP bank to pre-identify needed environmental projects that would be good candidates for an SEP when settling contested enforcement cases. An up-front effort to identify projects that are good candidates for an SEP will help the department meet its strategic priorities in such areas as pollution prevention and watershed opportunities.

- G. OC&I will document in writing all case settlements and will explain its reasons for downgrading or upgrading penalties.
- H. OC&I will track and monitor enforcement deadlines and requirements and will ensure agreed upon or ordered restoration or remediation is carried out. OC&I will also work in coordination with the Office of Management Services to monitor the payment of penalties and cost recovery.
- I. Failure to meet compliance deadlines and restoration remediation requirements in informal enforcement actions will result in formal enforcement.
- J. Failure to meet compliance deadlines and restoration/remediation requirements in formal enforcement actions or in consent agreements will result in referral for legal prosecution in the courts. OC&I will include appropriate stipulated penalties for noncompliance of consent agreements executed to resolve enforcement actions and will seek collection of these penalties for failure to comply.
- K. According to national enforcement policy, implementers of programs to enforce the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act are required to identify and address significant noncompliers (also called significant violators) to minimize or eliminate risk to human health and the environment. To this end, to the extent that resources and laws allow, the state commits to (1) undertake targeting strategies and inspection protocols designed to identify significant noncompliance, (2) identify detected significant noncompliers and continue to submit data for national enforcement databases maintained by EPA, (3) communicate and coordinate with EPA on the enforcement actions undertaken in response to the significant noncompliance on a monthly or quarterly basis depending on the program needs, and (4) address these identified facilities with enforcement responses sufficient to ensure compliance and recovery of penalties. Monetary penalties recovered should be in accordance with federal and state penalty policies, including an economic benefit penalty, but never less than the economic benefit of noncompliance and, where appropriate, a gravity based penalty sufficient to deter further noncompliance.
- L. OC&I will continue with its efforts to expand upon the use of multi-media inspections. This will be accomplished either through improved internal use of multiple enforcement program staff at OC&I or along with compliance staff from the OWR, OAR or OWM at DEM. OC&I will work with the OAR to identify facilities subject to compliance monitoring in the AIR and RCRA enforcement programs and to coordinate staff inspections where possible. OC&I will also coordinate with the EPA regarding targeted compliance monitoring activities to take advantage of potential multi-media inspection possibilities involving state and federal inspections. OC&I will continue to issue enforcement actions involving multi-media issues to ensure timely and appropriate resolution to on-going violations.

**To support DEM’s enforcement** and compliance efforts, OC&I is taking on **two important initiatives**. These efforts include: (1) creation of an overall DEM Enforcement Response Policy (“ERP”) to be completed in March, 2000, and (2) revisions to the 1992 Rules and Regulations for the Assessment of Administrative Penalties at least part of which should be completed by January, 2000.

Development of an overall ERP is an important effort for the DEM for a number of reasons. It will provide a comprehensive guidance document for the department regarding its principles, practices and procedures relating to enforcement. It will not only guide the department in how we exercise our enforcement authority and discretion in determining appropriate enforcement response but will be available for the public and others outside the department to know what policies and guidance the department follows in enforcement related issues. Up to now, many of DEM's enforcement policies and guidance rested within individual programs. The overall ERP will improve upon the department's efforts to issue fair, consistent, and predictable enforcement actions, improve efficiency, and enhance the deterrence value of the department's enforcement efforts involving all applicable programs.

Changes to the Rules and Regulations for the Assessment of Administrative Penalties is another important effort to improve efficiency, eliminate confusion amongst programs using the same regulations, and improve upon consistent application of the penalty matrixes within the regulations. Currently there are multiple penalty matrixes within the regulations set up for individual enforcement programs all with a different approach for often the same legislative goal and statutory penalty limit. Changes to the regulations to include a reduction of the number of penalty matrixes, reconfiguring the available penalty amounts to be consistent for all programs, and incorporating improvements to the language on how penalties are assessed will improve upon the current situation for both the department and the regulated community.

In addition to these two new initiatives, the OC&I will also strive to improve the coordination and efficient interaction amongst DEM's OC&I, Office of Criminal Investigation and Office of Legal Services. OC&I is further supporting efforts to foster efficient and effective coordination between the DEM and the Office of Attorney General's civil and criminal enforcement divisions.

<b>OBJECTIVE*: OC&amp;I will carry out timely, effective and efficient investigations of 100% of all emergency response complaints received and 100% of all other complaints received.</b>		<b>Goals* supported (circle as appropriate)</b> 1 2 3 4 5 6 7 8 9 10									
<b>STRATEGIES*</b>	<b>Strategic Priorities* Supported 1-10 (see guidance)</b>	<b>Performance Measures*</b>								<b>Environmental Indicators*</b>	
Maintain and/or augment existing well-trained staff numbers in each enforcement program and in OC&I's administrative staff. Staff investigators will be maintained for key enforcement areas of emergency response, water pollution, septic systems, wetlands, dams, air quality, hazardous waste, and solid waste.	2,4,5b,5c,5d,6,7,8	Reduce backlog in complaints by 50% in 2000								<ul style="list-style-type: none"> <li>• Reduction in the # of violations experienced.</li> <li>• Quicker remediation of degraded environmental conditions and unauthorized environmental alterations.</li> <li>• Reductions of pollutants entering the environment.</li> <li>• Enforcement presence in the environment is ensured.</li> <li>• Unauthorized alterations to environment/protected resources stopped or prevented.</li> <li>• Threats to environment reduced or minimized.</li> <li>• Concerned citizens supported through contact/communication. Apathy over protection of environment reduced.</li> <li>• Clean up of hazardous materials/petroleum releases undertaken immediately.</li> <li>• Pollution or environmental degradation prevented, reduced or minimized.</li> </ul>	
Ensure all complaints are received and written out on complaint data forms for data entry, tracking and referral to appropriate enforcement program. Provide copy of all complaints to Office of Criminal Investigation for information. All complainants are treated with respect and provided information on complaint investigation process. All emergencies are handled immediately. All staff receiving complaints are provided information and knowledge to provide information and guidance to complainants and others.	2,4,5b,5c,5d,6,8	<ul style="list-style-type: none"> <li>• Complaints regarding contact with OC&amp;I are reduced.</li> <li>• All complaints are captured in OC&amp;I's data system.</li> <li>• OCI receives copies of all complaints.</li> <li>• Immediate response to emergencies.</li> </ul>									
Key enforcement program will review referred complaint, determine if already received or investigated, prioritize complaint with others already received and under investigation, coordinate with other investigators/enforcement programs at OC&I to ensure no duplication, or to facilitate multi-media inspection with others if necessary. Coordinate with other DEM office or other local, state, federal agencies regarding on-going projects or knowledge of issues.	2,4,5b,5c,5d,6,8	OC&I will track and monitor to ensure: Duplication of effort eliminated. Multi-media inspections within OC&I enhanced. Information shared with others.									
Inspectors will undertake investigation by following established procedures. On site property owners will be consulted during investigations regarding access unless emergency dictates otherwise. Exit interviews will be undertaken where environmental violations are uncovered to prevent harm or environmental degradation. Information will be provided to direct owners or operators to compliance assistance office or appropriate permit office. Investigators will coordinate remediation efforts at the site if possible where voluntary resolution to on-going problems is appropriate. Contractors will be called in to resolve spills or releases. Findings will be documented in written/typed reports to be prepared by inspector.	1,2,4,5b,5c,5d,6,8	<ul style="list-style-type: none"> <li>• Identification of public health, safety, environment threats are disclosed to responsible party immediately.</li> <li>• Sites subject to releases of hazardous materials/petroleum subject to immediate clean up.</li> <li>• Findings regarding all investigations documented.</li> <li>• All staff follows guidance covering conduct of investigations outlined in ERP.</li> </ul>									
Investigators will inform OC&I program supervisors of findings and provide recommendations whether no violation exists, informal enforcement is warranted, formal enforcement is needed or immediate compliance order is needed.	1,2,4,5b,5c,5d,6,8	<ul style="list-style-type: none"> <li>• 100% of all threats to public health, safety, environment identified, prioritized</li> </ul>									



Contact will be made with complainant and/or other DEM office or other local, state or federal agencies that may have involvement with issues uncovered during the investigation. Information will be shared.	<b>4,5b,5c,5d,6,8</b>	<ul style="list-style-type: none"> <li>100% of all known complainants informed of DEM's response. If no violation, complainant informed upon filing of investigative report. If informal written enforcement action, complainant copied (within 60 days). If formal enforcement action, complainant copied (within 120 days).</li> </ul>	
Releases or spills of hazardous materials or petroleum wastes/product will be investigated on emergency basis 24 hours/day, 7 days/week. After hour response will be coordinated through DEM's enforcement division 24-hour dispatcher. Emergency responders will assist local, municipal, state, or federal agencies to resolve immediate threats to the public health and the environment.	<b>1,2,4,5b,5c,5d,6,8</b>	<ul style="list-style-type: none"> <li>For emergency response actions, 100% of all known releases of hazardous materials/petroleum product spilled or released to environment removed.</li> </ul>	
Complaints of real time events will obtain priority investigation when significant environmental problems are alleged or past violations or problems experienced.	<b>2,4,6,8</b>	<ul style="list-style-type: none"> <li>Response time to complaints tracked.</li> <li>Number of complaints responded to</li> <li>Number of complaints not investigated.</li> </ul>	

<b>OBJECTIVE*:OC&amp;I's compliance monitoring activities will target and capture an important component of those regulated facilities or projects necessary to minimize or eliminate risk to human health and the environment.</b>		<b>Goals* supported (circle as appropriate)</b> 1 2 3 4 5 6 7 8 9 10									
<b>STRATEGIES*</b>	<b>Strategic Priorities* Supported 1-10 (see guidance)</b>	<b>Performance Measures*</b>								<b>Environmental Indicators*</b>	
<p>OC&amp;I's RCRA hazardous waste enforcement program will focus its efforts in the following areas:</p> <p>(1) 25% of RI's Large Quantity Generators ("LQG") of hazardous waste will be inspected (24 inspections for FY2000).</p> <p>This target will include generators of federally regulated hazardous waste that: (1) have never been inspected; (2) last inspected &gt; 5 years ago; (3) have recently notified; (4) have changed status from small to large; or (5) have produced quantities of hazardous waste &gt; 2200 lbs./month but have failed to report their status as LQGs. OC&amp;I will coordinate its efforts with EPA and other DEM offices. OC&amp;I will continue this strategy into FY2001 in order to maintain an acceptable inspection presence in the LQG universe and to deter non-compliance.</p> <p>(2) At least 50 inspections will take place in FY2000 of Small Quantity Generators ("SQG").</p> <p>OC&amp;I's FY2000 and FY2001 strategy includes Industrials Sector Based priorities to capture hazardous waste generators in the metal finishing boat building/marine and the autobody industry.</p> <ul style="list-style-type: none"> <li>For metal finishers in FY2000, OC&amp;I will coordinate its efforts with the EPA especially in the Woonasquatucket River watershed.</li> <li>For Auto body shops in FY2000, OC&amp;I will coordinate its efforts with OTCA and with the EPA and will focus inspection efforts on portions of the Wood/Pawcatuck River watershed.</li> <li>More for FY2001, efforts will be made to conduct a number of generator inspections in the marine and boat building industry. Most companies are located in sensitive areas in close proximity to Narragansett Bay, its coves and estuaries.</li> </ul> <p>For sector-based priorities, OC&amp;I will target generators that raise significant concerns over illegal operations, community protection/environmental justice and watershed protection priorities aimed at identifying high-risk potential sites that present threat of contamination of the waters of the state or may contribute significantly to water quality degradation. OC&amp;I will work with OTCA and Strategic Planning and Policy to formulate announcements of pending compliance inspections for sector based priorities.</p>	<b>2,3,4,5b,5c,6,7,8,9</b>	<ul style="list-style-type: none"> <li>25% of all known LQGs brought into compliance on an annual basis. (24 inspections)</li> <li>50 SQGs identified by sector, watershed, and risk to public are inspected and brought into compliance.</li> <li>Announcement of planned compliance inspections for sector based priorities issued.</li> </ul>								<ul style="list-style-type: none"> <li>Threats of release or disposal of hazardous waste to the environment reduced or eliminated from target sources.</li> <li>Unsafe dams prioritized for repair or removal - protection of water resources, aquatic habitat enhanced.</li> <li>Protection of sensitive wetlands increased.</li> <li>Reduction of lead paint fugitive dust from the environment.</li> <li>Illegally disposed soils waste removed from environment.</li> </ul>	

<p>B. OC&amp;I's Dams Safety Program will inspect the 44 Significant Hazard Dams on record in the State of R.I. Many of these dams have not been inspected for years due to lack of staff. Dams will be prioritized and inspections will follow a file review of existing dams. The dams safety program will continue to monitor compliance on dams inspected and in need of repair in the Woonasquatucket River watershed. A portion off OC&amp;I's efforts will include inspecting dams on the Wood/Pawcatuck River. Inspections will be completed to determine safe conditions and/or whether the dam is a good candidate for removal. FY2001 activities will continue with compliance monitoring on R.I.'s low hazard dams. In addition to inspections, the Dams Safety Program will assist the Office of Legal Services in developing recommended changes to the Dams Safety Law and in developing regulations.</p>	<p><b>3,4,6,8,9</b></p>	<ul style="list-style-type: none"> <li>• 100% of all significant dams in RI visually inspected</li> <li>• Number of dams found to be candidate for removal</li> <li>• Assistance provided to Office of Legal Services for upgrade of dam safety law and development of new regulations.</li> </ul>	
<p>C. Wetlands compliance monitoring efforts will focus on a percentage of on-going permitted projects. OC&amp;I will coordinate with the OWR to identify projects in or adjacent to sensitive wetland ecosystems reporting commencement of activities. Compliance monitoring will focus on projects underway in the Woonasquatucket River and the South County watersheds where the importance of compliance with permit conditions is of concern. OC&amp;I will work with OWR to enlist the help of conservation commissions or watershed watch groups to assist in compliance monitoring. Also, in the South County watershed, OC&amp;I freshwater wetlands enforcement program will be working with the CRMC to develop consistent regulations for the protection of freshwater wetlands adjacent to the coast.</p>	<p><b>3,4,5b,5c,8,9</b></p>	<ul style="list-style-type: none"> <li>• At least 5% of OC&amp;I's staff resources in wetland enforcement spent on permitted project compliance monitoring in pilot watersheds.</li> <li>• 100% of complaints regarding wetlands adjacent to the coast are coordinated with and properly referred to CRMC.</li> <li>• OC&amp;I coordinates with OWR and enlists outside entities such as conservation commissions and watershed watch groups to assist in compliance monitoring of permitted projects.</li> </ul>	
<p>D. OC&amp;I will coordinate with the DOH and OAR regarding lead paint hotspots that threaten public health. This strategy will be used to target problem areas and to focus a percentage of staff resources to compliance monitoring in identified communities with excessive levels of lead paint. OC&amp;I will also coordinate with the OAR regarding permits issued for alternative removal operations for lead paint and monitor compliance. A portion of OC&amp;I's efforts will be focused on communities in the Woonasquatucket and Wood/Pawcatuck River watersheds. To stop lead paint removal operations causing significant threats, OC&amp;I and the Office of Legal Services will develop an Immediate Compliance Order for field issuance at problem sites.</p>	<p><b>2,3,4,5b,5c,5d,6,7,8,9</b></p>	<ul style="list-style-type: none"> <li>• 20% of lead paint staff resources will be directed to compliance monitoring at problem community locations designated by DOH or in pilot watersheds.</li> <li>• 100% of non-compliant lead paint removal operations that represent significant threats to public health or release of lead paint to the environment are stopped until remediation completed.</li> </ul>	

<p>E. A percentage of OC&amp;I's solid waste program will be focused on compliance monitoring of the Davis Tire site and on facilities regulated by the OWM. Compliance monitoring will be coordinated with OWM in all cases. In addition, a portion of OC&amp;I's staff time will be spent in outreach to municipalities to explain enforcement capabilities and to provide guidance regarding solid waste illegal disposal problems in communities in the Woonasquatucket and Wood/Pawcatuck River watersheds.</p>	<p><b>2,3,4,5b,5c,6,8,9</b></p>	<ul style="list-style-type: none"> <li>• 100% of municipalities in pilot watersheds contacted for outreach on solid waste disposal.</li> <li>• Number of outreach meetings held</li> <li>• Number of illegal disposal problems identified not previously known.</li> <li>• Number of illegal disposal problems through outreach.</li> </ul>	
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<p><b>OBJECTIVE*:OC&amp;I will deter non-compliance with environmental water, waste and air laws, rules and regulations administered by the director by issuing timely and appropriate informal and/or formal civil regulatory enforcement actions.</b></p>		<p><b>Goals* supported (circle as appropriate)</b>  <b>1 2 3 4 5 6 7 8 9 10</b></p>									
<p><b>STRATEGIES*</b></p>	<p><b>Strategic Priorities* Supported 1-10 (see guidance)</b></p>	<p><b>Performance Measures*</b></p>	<p><b>Environmental Indicators*</b></p>								
<p>Maintain and add adequate staff (supervisory, technical, admin.) to ensure response to violations and/or referrals for enforcement is adequate. OC&amp;I will maintain enforcement capabilities in water pollution, septic system, wetlands, dams, emergency response, UST/LUST/aboveground storage tanks, RCRA haz. waste, air, solid waste.</p>	<p><b>4,6,8</b></p>	<p>100% staff maintained to ensure viable compliance component of DEM. Seek addition to staff where lacking.</p>	<ul style="list-style-type: none"> <li>• Greatest threat to environment received priority enforcement action.</li> <li>• Immediate protection of environment instituted.</li> <li>• Timely and appropriate formal enforcement issued to deter non-compliance and resolve significant non-compliance. Restoration orders issued.</li> <li>• Environmental violations and agreed upon resolution tracked and monitored</li> </ul>								
<p>Following complaint investigation or compliance monitoring inspections, OC&amp;I in consultation with other DEM offices, where applicable, will evaluate non-compliance and determine whether (1) an immediate compliance order is necessary due to significant threat to public health or the environmental (2) an informal enforcement action (non-penalty) is warranted; (3) formal enforcement action (penalty) is warranted; (4) referral to criminal investigation should take place; and/or (5) Civil legal action in court is required.</p>	<p><b>2,4,6,8</b></p>	<p>100% of all enforcement actions are prioritized and resources are apportioned accordingly.</p>									
<p>If complaint inspection or compliance monitoring uncovers no violations, complaint report will be filed or letter of compliance issued. Owners and complainant will be notified.</p>	<p><b>4,5b,5c</b></p>	<p>Complaints resulting in no finding of violation are resolved quickly. Property owners informed complainant informed.</p>									
<p>If immediate compliance order is necessary, OC&amp;I will consult with the Office of Legal Services and Assistant/Associate Director. Enforcement letter will issue no later than 3 days from uncovering violation. Verbal contact with violator will be made immediately. As necessary, contact with other DEM, local, state or federal agencies will be made and information shared.</p>	<p><b>2,4,5b,5c,5d,6,8</b></p>	<p>Immediate compliance orders issued within 3 days.</p>									

<p>In the case of informal enforcement actions, OC&amp;I will issue an informal enforcement letter no later than 60 days from the date violations warranting a written enforcement letter are uncovered. The letter will include specific information as to the non-compliance identified, measures that must be taken to meet compliance along with an appropriate time frame for compliance to be met. In the case of violations of federally delegated programs, OC&amp;I will follow applicable federal policies and guidelines for identifying secondary violators or low priority violators that do not warrant formal enforcement action.</p>	<p><b>1,2,4,5b,6,8</b></p>	<ul style="list-style-type: none"> <li>• Informal enforcement actions issued no later than 60 days from date violation uncovered.</li> <li>• All enforcement actions are consistent with state and/or federal guidance.</li> <li>• 100% of all informal enforcement of environmental laws/rules/regulations documented.</li> <li>•</li> </ul>	
<p>In the case of significant non-compliance determined after complaint investigation, compliance monitoring inspections or referral from DEM's Office of Water Resources (OWR), Office of Waste Management (OWM), or Office of Air Resources (OAR), OC&amp;I will issue a formal enforcement action (penalty) in the following order. High Priority formal enforcement actions are to be issued in 45 days or less with actions of less priority to be issued no more than 120 days from the date OC&amp;I uncovers significant non-compliance or is in receipt of a case involving significant non-compliance referred from the OWR, OWM or OAR. OC&amp;I will coordinate its efforts with other DEM offices and where applicable, with the EPA. All formal enforcement actions will be reviewed by and agreed to by the Office of Legal Services, media office if a referral, and Assistant/Associate Director for the Bureau of Environmental Protection. Formal enforcement actions will include a notice to the respondent/violator of the alleged non-compliance, the laws/rules/regulations/order/or permit conditions violated; an order requiring the violator to come into compliance by a certain date including restoration or remediation of environmental damage if applicable, and an assessment of penalties. Monetary penalties will be assessed in accordance with state regulations and/or federal policies and shall include an appropriate amount relating to the gravity of the violation and shall include an amount that addresses the economic benefit gained by any non-compliance. Cost recovery and any extraordinary costs will be included.</p>	<p><b>1,2,4,5b,5c,6,8</b></p>	<p>High priority formal enforcement issued no later than 60 days of date violation uncovered or referred. All other significant violations will receive formal enforcement penalty actions no later than 120 days from date violation uncovered or referred. 100% of all monetary penalty assessments will consider, and where appropriate, will include economic benefit component.</p> <p>By December 2000, companies will be notified in writing of serious problems within 10 business days of discovery. Enforcement action to follow.</p>	

<p>OC&amp;I's efforts to issue timely and appropriate enforcement actions will be supported by two on-going initiatives which include: (1) revisions to the Rules and Regulations for the Assessment of Administrative Penalties; and (2) development of an overall Enforcement Response Policy (ERP). OC&amp;I will coordinate the development of both projects with other DEM offices and the EPA. Revisions to the penalty regulations are scheduled for the end of 1999. Development of an overall ERP is scheduled for March 2000. The ERP is intended to be no less stringent than federal policies and guidelines regarding timely and appropriate enforcement.</p>	<p><b>4,5b,5c,8</b></p>	<p>Revisions to penalty regulations completed by January 1, 2000. Development of ERP completed by March 1, 2000.</p>	
<p>In order to communicate DEM's efforts regarding enforcement, OC&amp;I will provide data for inclusion in federal enforcement data systems such as AFS, PCS and RCRIS. All RCRIS data will be specifically QA/QC'd by OC&amp;I. The OWR will continue to maintain the PCS database. The OAR will continue to maintain the AFS database. OC&amp;I will also participate in quarterly enforcement meetings with EPA regarding Water; RCRA and Air related enforcement and periodic meetings on UST as needed. OC&amp;I will also host monthly update meetings regarding enforcement with all DEM regulatory offices and weekly meetings with the Office of Legal Services and Assistant/Associate Director.</p>	<p><b>4,5b,5c,8</b></p>	<p>Data systems re: enforcement activity continuously upgraded. Weekly, quarterly enforcement meetings held to foster communication.</p>	
<p>To ensure consistent and effective develop of timely and appropriate enforcement actions, OC&amp;I will continue with training for enforcement staff. In particular, OC&amp;I will take part in EPA inspector training courses, negotiation courses and computer training in penalty/economic benefit calculation/ability to pay.</p>	<p><b>4,5b</b></p>	<p>All OC&amp;I staff will maintain high level of continuous enforcement training</p>	

<b>OBJECTIVE*:OC&amp;I will seek to resolve environmental violations through restoration orders or require to remediate environmental degradation, compliance monitoring of enforcement actions and collection of assessed penalties in accordance with applicable state or federal policies, rules and regulations.</b>		<b>Goals* supported (circle as appropriate)</b> 1 2 3 4 5 6 7 8 9 10									
<b>STRATEGIES*</b>	<b>Strategic Priorities* Supported 1-10 (see guidance)</b>	<b>Performance Measures*</b>	<b>Environmental Indicators*</b>								
Resolution to informal enforcement actions will be completed no later than 60 days from the date of issuance on average except in wetland restoration cases where planting seasons limit full compliance in 60 days.	<b>1,2,4,5b,5c,6,8</b>	# septic systems repaired # area of wetland restored # violations resolved # spills/release remediated # generator brought into compliance # cubic yards of illegally disposed waste removed # point source discharges stopped # odor problems abated # lead paint violations resolved	<ul style="list-style-type: none"> <li>• Area of environment protected or degraded documented.</li> <li>• Wetland areas subject to unauthorized alteration restored.</li> <li>• Outstanding violations brought to closure</li> <li>• Outstanding violations brought to closure. Environmental damage reduced.</li> <li>• Number of enforcement cases brought to closure increased.</li> </ul>								
Full resolution to formal enforcement actions or escalation to additional enforcement (civil judicial proceedings) are to take place no later than 300 days from the date of issue.	<b>1,4,6,8</b>	Formal enforcement cases resolved in 300 days or case enforcement escalated to hearing or court.	<ul style="list-style-type: none"> <li>• Violators of RI's environmental statutes and regulations are deterred through timely and appropriate enforcement.</li> <li>• Violators of RI's environmental statutes and regulations are deterred through court action.</li> </ul>								
OC&I will support negotiated settlement meeting, or alternative dispute resolution, as necessary to reach resolution. In coordination with the Office of Legal Services, OC&I will develop appropriate and timely consent agreements, enforceable in the judicial court system, to foster resolution of outstanding enforcement actions. OC&I will coordinate settlement issues with other appropriate DEM office as well as with the EPA.	<b>1,4,5b,5c,6,8</b>	# negotiated settlements executed # enforcement cases resolved # amount of penalties assessed # SEP's agreed to									
OC&I will document all case settlements and will explain its reasons for downgrading or upgrading penalties.	<b>4,5b</b>	All case files will document settlements									
OC&I will track and monitor enforcement deadlines and requirements and will ensure agreed upon or ordered restoration or remediation is carried out. OC&I will also work in coordination with the Office of Management Services to monitor the payment of penalties and cost recovery.	<b>1,4,5b,5d,6,8</b>	# restorations completed # remediation projects completed # amount of penalties collected # SEP's completed									
Failure to meet compliance deadlines and restoration remediation requirements in informal enforcement actions will result in formal enforcement.	<b>4,8</b>	# informal enforcement actions escalated to formal									
Failure to meet compliance deadlines and restoration/remediation requirements in formal enforcement actions or in consent agreements will result in referral for legal prosecution in the courts.	<b>4,8</b>	# formal enforcement actions referred to prosecution									