



North Carolina Department of Environment and Natural Resources

# Environmental Regulatory Compliance Activity in Calendar Year 2005

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# North Carolina Department of Environment and Natural Resources

## Environmental Regulatory Compliance Activity in Calendar Year 2005

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# TABLE OF CONTENTS

INTRODUCTION	.....	4
DENR Compliance Assistance Activities	.....	6
DENR Environmental Stewardship Initiative	.....	8
<b>2005 PROGRAM AT A GLANCE DATA AND ENFORCEMENT TRENDS</b>	.....	<b>10</b>
Air Quality	.....	11
Coastal Management	.....	12
Environmental Health – Food, Dairy, Lodging and Institutional Sanitation	.....	13
Environmental Health – Mammography	.....	14
Environmental Health – On-Site Wastewater	.....	15
Environmental Health – Public Water Supply	.....	16
Environmental Health – Radioactive Materials	.....	17
Environmental Health – Shellfish Sanitation	.....	18
Environmental Health - Tanning	.....	19
Environmental Health – X-Ray	.....	20
Forest Resources	.....	21
Land Resources – Dam Safety	.....	22
Land Resources – Erosion and Sedimentation Control	.....	23
Land Resources - Mining	.....	24
Waste Management – Hazardous Waste	.....	25
Waste Management – Solid Waste	.....	26
Waste Management – UST Program	.....	27
Water Quality – Aquifer Protection	.....	28
Water Quality - NPDES	.....	29
Water Quality – Stormwater/Non-Point Source	.....	30
APPENDICES	.....	31
A	2005 Program Compliance and Enforcement Data	32
B	DENR Enforcement Primer	72
C	Program Descriptions	76
D	Compliance Contacts	81
E	Principles of Enforcement	83
F	Process Flowcharts	85

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## INTRODUCTION

Thank you for your interest in the compliance work of the North Carolina Department of Environment and Natural Resources (DENR).

In the fall of 2001, at the direction of Governor Easley, DENR launched an annual reporting system of compliance activities in the regulatory programs of seven divisions. The reports have addressed timeliness of enforcement actions, penalty amounts, compliance rates and several related measures for the calendar years 2000 - 2005. This sixth report presents the same data for calendar year 2005, continuing to refine some measures to provide a more accurate compliance and enforcement picture.

This report is DENR's effort to provide a window into the department's enforcement programs and to develop information to guide future decision-making on program direction. The report's desired outcome is to provide a fact-based evaluation and management system that can be effectively communicated to all who are interested in knowing DENR's role in managing compliance with environmental laws. This year's report includes 2005 compliance and enforcement data for all of the programs, as well as some graphic representations of enforcement trends for a five-year span from 2001 to 2005. This report is intended to help the department – and the public – to recognize areas where enforcement programs are operating effectively as well as those areas that should be targeted for improvement.

We welcome your views, comments, questions and suggestions about the information in this report. Please contact Jill Pafford at (919) 715-4193 or [jill.pafford@ncmail.net](mailto:jill.pafford@ncmail.net) if you have any questions or comments concerning this report.

### NC ENFORCEMENT STRATEGY

Governor Easley has called for "Truth in Penalties" to encourage responsible environmental behavior through enforcement programs that are strong, effective and fair, so that:

- serious violations of environmental laws are met with serious consequences;
- penalties are consistently and vigorously assessed and collected; and
- the public has confidence in environmental enforcement.

In support of the governor's enforcement priorities, Secretary Bill Ross has directed division heads who oversee enforcement programs to:

- ensure that penalties and other enforcement strategies reflect the seriousness of violations;
- narrow the gap between assessment amounts and collection;
- improve timeliness of enforcement decisions; and
- make the enforcement process and enforcement information easily accessible to the public.

To track progress in these areas, the department has established this annual report and is in the process of finalizing an information system that will make enforcement information more readily available to the public. Since completion of the first annual compliance report, DENR has worked to improve enforcement measures, assess program needs, and formalize departmental expectations for implementing the new enforcement strategy. For the past two years, DENR enforcement staff has been working to develop criteria that go beyond measuring enforcement activity to increase understanding of the productivity and results of enforcement. The major criteria developed so far include:

- compliance rate
- return to compliance rate
- amount of penalty reductions
- repeat violator rate
- penalty collection rate

- 
- timeliness of enforcement actions

DENR wants to make continuous improvements in its compliance programs. The department has focused efforts over the last year on looking for ways to increase the strength, fairness and effectiveness of our enforcement programs, and on complementing that effort with the development of some new technical assistance and incentive activities. DENR, the regulated community, environmental groups, business, industry and citizens all are responsible for ensuring we conserve and protect our natural resources and maintain an environment of high quality for the health, well being and benefit of all. Together, we can achieve continued improvements through teamwork, innovation and partnerships.

We appreciate your interest. We welcome your input.

Bill Ross, Jr.  
Secretary  
NC Department of the Environment and Natural Resources

## DENR COMPLIANCE ASSISTANCE ACTIVITIES

DENR uses various methods to ensure adherence to environmental laws and regulations. Enforcement is one of those tools, and is the subject of most of this report. However, depending on the awareness and willingness of the regulated entity, compliance assistance may prove as much or more effective than traditional enforcement. Many DENR agencies are using compliance assistance in the form of education, technical assistance or performance incentives to enhance the overall enforcement program in that agency.

**Education** is offered in most programs to provide those regulated with a clear understanding of the requirements they face. DENR divisions offer workshops and training conferences to help everyone achieve a threshold understanding of conditions for compliance. Some programs advertise in the media and launch awareness campaigns to help increase understanding. Other types of education include videos, brochures, and videoconferences. **Technical Assistance** is a tool available to those who would seek and benefit from guidance. Technical staffs are available to answer questions, interpret regulations and give advice. Other types of technical assistance include fact sheets, manuals, videos, and checklists. **Performance Incentives** can be positive, such as awards and recognition, or negative, such as publicly noticing violators. Both positive and negative incentives can achieve the desired result of compliance.

The following table lists some of the compliance assistance activities in which DENR agencies invest time and resources to help regulated entities achieve compliance before enforcement is necessary.

Agency	Activity	Number of Activities in 2005
Air Quality	Workshops co-sponsored with MCIC for regulated community	2
	NC Air Toxics and MACT Workshop for Landfills	1
Coastal Management	Compliance assistance visits by Coastal Management staff	5,009
	Workshops, presentations, etc.	88
	Quarterly newsletters	4
	Press releases	5
	TV/Radio Interviews	2
	Web site/phone calls/letters/emails	On-going
Public Water Supply (Compliance Services Branch only)	Compliance Assistance Workshops	19
	Technical assistance letters (custom)	Numerous
	Technical assistance letters (mailings)	11,129
	Technical assistance emails	5,430
	Technical assistance phone calls	9,199
Radiation Protection	Website hits	19% of total hits
Shellfish Sanitation	HACCP Workshop for Shellfish and Crustacea Plants	1
	Seafood Quality and Safety Workshop	1
	Number of regulated entities attending workshops	21
Forest Resources	Water-quality related website hits	53,000 hits
	Water Quality training sessions for foresters, timber buyers and loggers (FY 04-05)	101 sessions/over 1,612 attendees
	Assisted in ProLogger training sessions	3
	Updating Forestry Best Management Practices (BMP) manual	Continued
	Produced and distributed videos on BMPs	2
Hazardous Waste	Compliance Assistance Workshops	4
	Number of regulated entities attending workshops	400
	Compliance assistance visits	85
	Technical assistance phone calls	5,514
	Technical assistance letters	33
	Resident Inspector Forums	4

## DENR COMPLIANCE ASSISTANCE ACTIVITIES, CONT'D

Agency	Activity	Number of Activities in 2005
Solid Waste	Compliance Assistance Workshops	22
	Number of regulated entities attending workshops	610
	Compliance assistance visits	3,600
	Compliance assistance phone calls	13,200
	Website hits	437,340
	Technical assistance letters	2,800
	Annual Reports	640
UST	Compliance Assistance Workshops	9
	Number of regulated entities attending workshops	259
	Compliance assistance visits	42
NPDES	Compliance assistance visits	29
Stormwater/Non-Point Discharge	Nonpoint Source Training regulated entities attendance	100
DPPEA	Technical assistance calls/emails	718
	Technical Assistance visits	195
	Training sessions	77
	Website visits	1,638,025
	Website hits	3,997,428
	ISO 14001-certified facilities	258 NC facilities
	Number of regulated entities enrolled in the Environmental Stewardship Initiative	91

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## DENR ENVIRONMENTAL STEWARDSHIP INITIATIVE

The North Carolina Department of Environment and Natural Resources' Environmental Stewardship Initiative is a voluntary program that assists and encourages facilities to use pollution prevention and innovation to meet and go beyond regulatory requirements. The ESI seeks to encourage greater reductions in environmental impacts through the implementation of an environmental management system and the establishment of performance based environmental goals. The main goal of the ESI is to promote and encourage superior environmental performance.

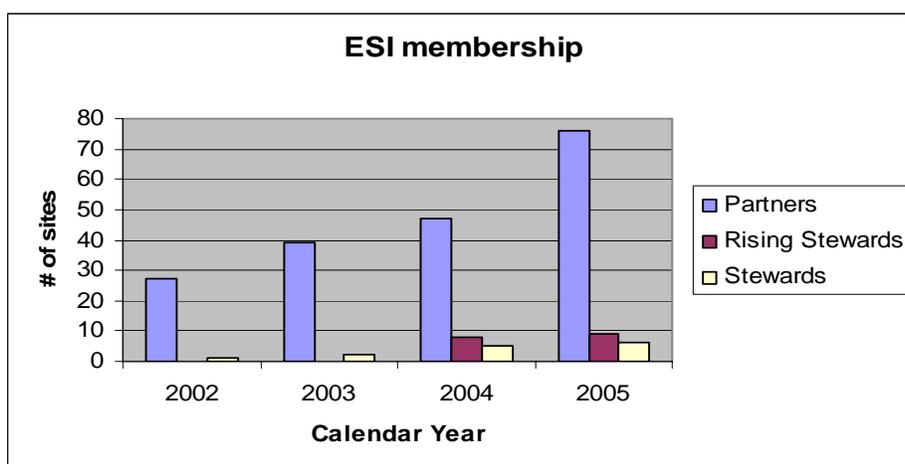
Any regulated company or organization that operates in North Carolina and whose activities impact the environment is eligible to participate in ESI. Members can enter the program at one of three levels: Partner, Rising Steward, or Steward. Each level has its own criteria for participation and benefits.

Benefits at the Partner level focus on providing technical and compliance assistance to develop an EMS and improve environmental performance. Partners are recognized for making a commitment to environmental improvement. Rising Stewards are recognized for the achievements they have already made by demonstrating a mature EMS and setting measurable performance goals. Steward is the highest level and recognizes organizations for superior environmental performance. Details on each level can be found at [www.p2pays.org/esi](http://www.p2pays.org/esi).

A compliance check is conducted on all applications to identify compliance issues or enforcement actions within the last two years. The compliance checks are coordinated through a DENR Internal Workgroup. This workgroup comprises representatives from regulatory divisions within DENR. In addition to compliance reviews the Internal Workgroup is responsible for making recommendations to the secretary on acceptance of Partner applicants into the program, providing technical support to the ESI Advisory Workgroup and serving as liaisons with the DENR regulatory programs. The Advisory Workgroup reviews Rising Steward and Steward applications. Membership on the Advisory Workgroup consists of representatives from industry, industry trade groups, non-governmental organizations, small business, local government and universities. DENR Assistant Secretary Jimmy Carter chairs the workgroup.

Steward applicants receive an intensive on-site verification visit to ensure the EMS is functioning and to gather observations supporting the organization's application. Following review of all information the Advisory Workgroup makes a recommendation to the DENR Secretary on acceptance of the organization into the program. The final decision regarding acceptance is made by DENR Secretary Bill Ross.

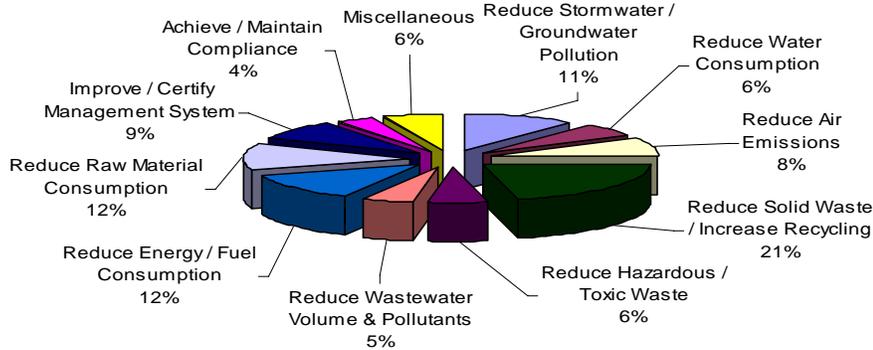
Since its creation, the ESI has experienced significant growth. Organizations seeking technical assistance, training, networking opportunities and recognition have joined the ESI, increasing membership to 65 organizations representing 91 sites. At the end of 2005 there were 76 Partner sites, nine Rising Stewards and six Stewards. Some member facilities have been successful in moving up to higher ESI levels. Five members have moved from the Partner level to Rising Steward, one has moved from Rising Steward to Steward and one Partner made the big leap to Steward.



## DENR ENVIRONMENTAL STEWARDSHIP INITIATIVE, CONT'D

ESI members are required to establish environmental performance goals and report on these annually. Data was collected in 2005 from organizations that were ESI members as of December 2004. All reporting members provided information on the environmental goals they had established, however members only report on reductions after being in the program for one full year. Data was self-reported by member facilities and was not verified by DENR.

Fifty-eight members reported establishing a total of 221 environmental goals addressing the following issues:



ESI members also report on performance toward goals and environmental impact reductions. For calendar year 2004, 34 organizations that had been ESI members for a full year as of December 2004 reported the following achievements.

Area	Value
Air Emissions	297 Tons
Hazardous waste	12 Tons
Landfilled waste	997 Tons
Energy	11,737 Mbtus
Water Use	369 Million Gallons
Material Consumption	509 Tons
Wastewater Pollutants	379 Tons
Total Recycled Volume in 2004	10,015 Tons

ESI members identified and implemented a number of ways to reduce, reuse and recycle. Some techniques used to reduce pollution and improve environmental performance included: reduced air pollutants through elimination of #6 fuel oil and solvent based chemicals in textile and coating operations through switching to galvanized steel housings; reduced hazardous waste by modifying cleaning procedures, substituting materials with non-hazardous chemicals, improving spill management practices and replacing mercury-containing device; decreased electrical, gas and propane use by reducing the frequency of pump start-ups and monitoring propane consumption versus temperature patterns; reduced water consumption by implementing reclaimed water systems; reduced organics, nutrients, metals and suspended solids in wastewater by identifying wastewater pollutant sources and improving treatment efficiencies.

With EMSs serving as a foundation for these organizations' environmental programs, ESI members continue to make progress in meeting and going beyond environmental regulations and reducing impacts with pollution prevention and innovation.

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## **2005 PROGRAM AT A GLANCE DATA AND ENFORCEMENT TRENDS**

In the following section of the report, a subset of the total set of 2005 compliance and enforcement measures is presented for the NC DENR regulatory programs. In addition, where information was available in 2001 - 2005 for certain measures in each of the programs, this information is presented in graphical form for trend analysis.

Please refer to Appendix A to view the complete list of 2005 compliance and enforcement measures for each of the NC DENR regulatory programs. The Appendix A data, as well as the trend analysis on the following pages, was provided by each of the regulatory programs.

**NOTE: In the following tables, “nav” denotes “data not available” and  
“n/a” denotes “data not applicable to the program.”**

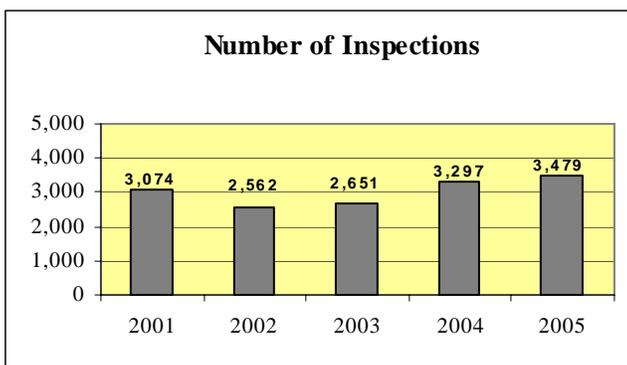
# AIR QUALITY

## 2005 Enforcement Data at a Glance

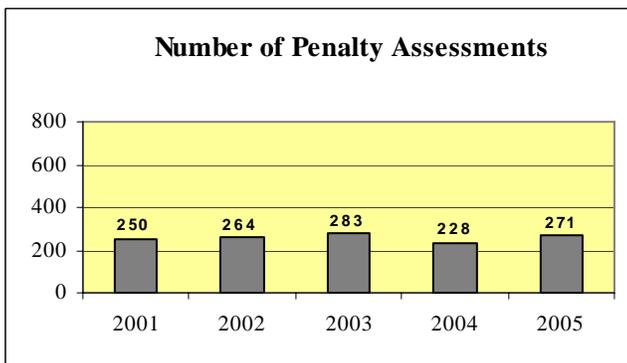
<b>Number of Inspections</b>	<b>3,479</b>
<b>Number of Regulated Entities</b>	<b>10,713</b>
<b>Total Number of Penalties Assessed</b>	<b>271</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$1,117,475</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>79%</b>

### Inspection/Penalty Trends: 2001 – 2005

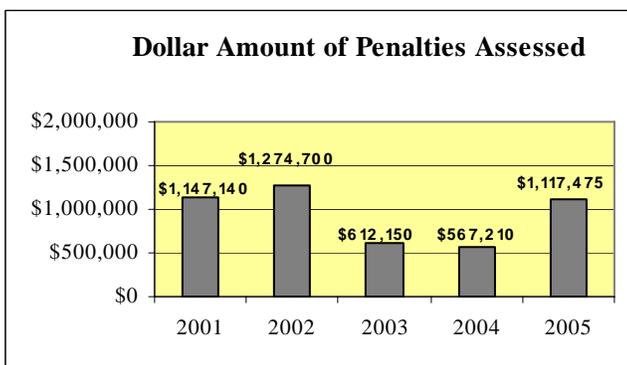
\*2001-2004 data have been revised from the DENR Compliance Activity Reports of those year to reflect corrected DAQ numbers.



The number of inspections increased in 2004 and 2005 due to an increase in the number of inspections at non-permitted facilities, such as dry cleaners and Stage I gas stations. The number of inspections at permitted facilities has remained relatively consistent over the last five years.



The number of penalty assessments increased from 2004 due to a sharp increase in the number of open burning assessments. DAQ began a campaign in 2003 to educate the general public about the adverse effects of open burning. As public awareness increases, the number of open burning violations reported and subsequent penalties assessed is also expected to continue to initially increase, but then eventually decline.



In 2005, DAQ assessed two cases, each in excess of \$200,000. These two cases were the primary reason for the increase in penalties from 2004 to 2005. Another factor for the increase in penalties was the increase in the number of open burning cases in 2005.

# COASTAL MANAGEMENT

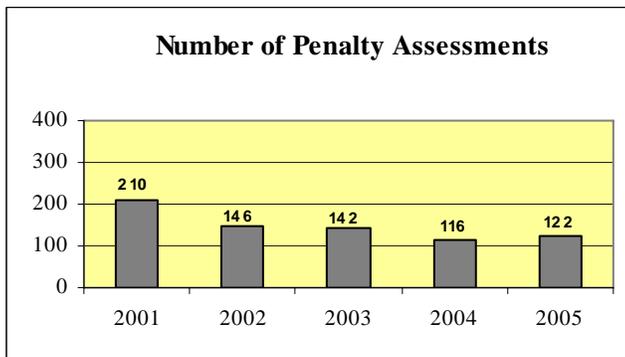
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>10,234</b>
<b>Number of Regulated Entities</b>	<b>4,989</b>
<b>Total Number of Penalties Assessed</b>	<b>122</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$47,875</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>99%</b>

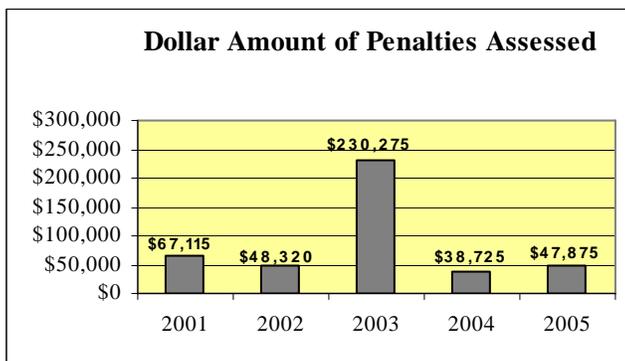
## Inspection/Penalty Trends: 2001 - 2005



The number of inspections remained relatively consistent over the last five years, and has also remained in proportion to the number of regulated entities in each year.



The number of penalty assessments remained relatively consistent over the last five years.



The total dollar amount of penalties assessed increased in 2003 due to one significant case.

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## ENVIRONMENTAL HEALTH – FOOD, DAIRY, LODGING, AND INSTITUTIONAL SANITATION

### 2005 Enforcement Data at a Glance\*

Number of A ratings for restaurants	56,412
Number of B ratings for restaurants	1,152
Number of C ratings for restaurants	110
Number of suspended/revoked restaurant permits	506

\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported instead.

Trend analysis is not provided for this program.

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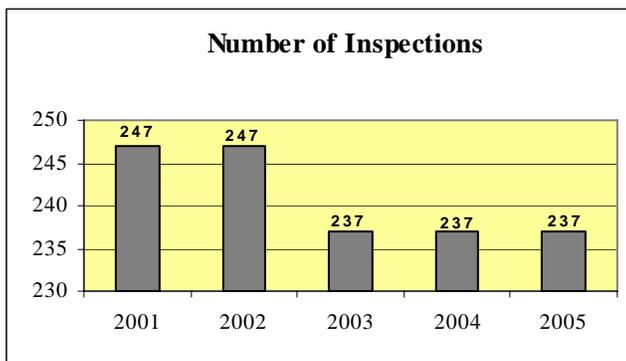
## ENVIRONMENTAL HEALTH – MAMMOGRAPHY

### 2005 Enforcement Data at a Glance\*

<b>Number of Inspections</b>	<b>237</b>
<b>Number of Regulated Entities</b>	<b>237</b>
<b>Total Number of Penalties Assessed</b>	<b>0</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$0</b>
<b>Compliance Rate of Inspected Facilities</b>	<b>nav</b>

\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR. Only one measure has data that can be shown as a trend.

### Inspection Trend: 2001 – 2005



The number of inspections is proportional to the number of mammography facilities in the state. The number of mammography facilities will vary due to opening and closing of facilities. All regulated entities are inspected on an annual basis.

# ENVIRONMENTAL HEALTH – ON-SITE WASTEWATER

## 2005 Enforcement Data at a Glance\*

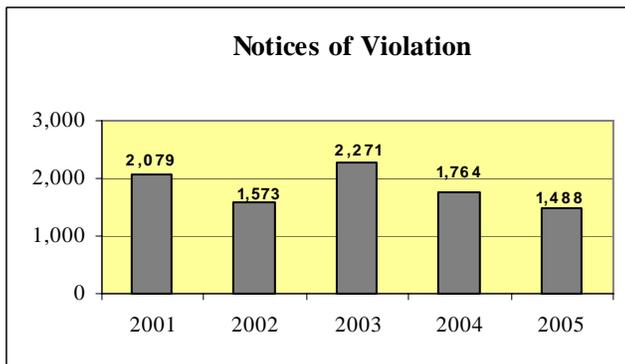
<b>Number of Inspections</b>	<b>19,126</b>
<b>Number of Regulated Entities</b>	<b>1,630,000</b>
<b>Total Operation Permits</b>	<b>33,219</b>
<b>Total Number of Notices of Violation</b>	<b>1,419</b>
<b>Total Number of Legal Actions</b>	<b>173</b>

\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported instead. In 2001, 96/100 counties reported. In 2002, 2003 and 2004, 100/100 counties reported. In 2005, 80/100 counties reported.

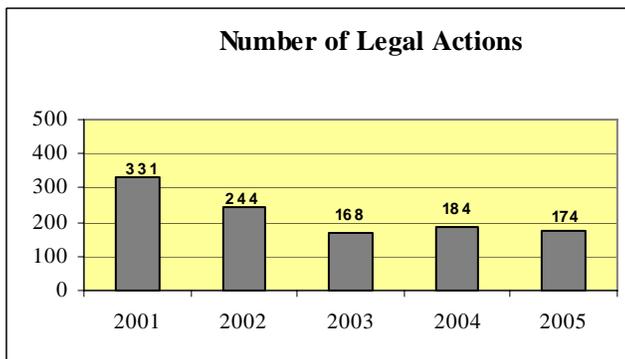
## Enforcement Trends: 2001 – 2005



The total number of operation permits issued has remained relatively consistent over the last five years.



The number of notices of violation trend over the last five years depicts expected program fluctuations due to climate-related factors.



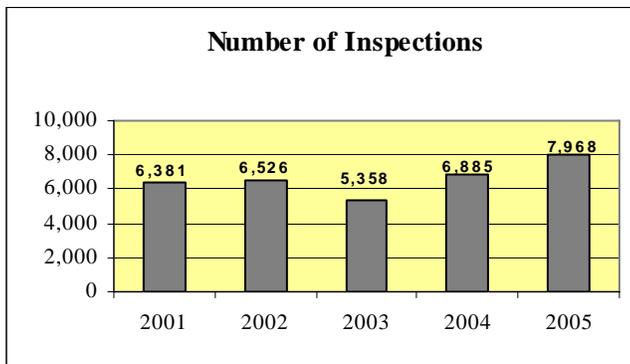
The number of legal actions over the last five years depicts expected program fluctuations. Legal actions include criminal misdemeanor; injunction; and administrative penalty. Administrative penalties are rarely used due to the low assessment limits set by statute, inability to recover investigative costs, and the lack of an enforcement attorney assigned to this agency.

# ENVIRONMENTAL HEALTH – PUBLIC WATER SUPPLY

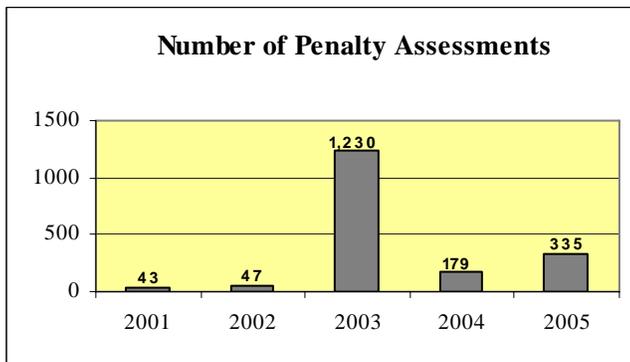
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>7,968</b>
<b>Number of Regulated Entities</b>	<b>6,948</b>
<b>Total Number of Penalties Assessed</b>	<b>335</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$72,885</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>98%</b>

## Inspection/Penalty Trends: 2001 - 2005



The number of inspections performed over the past five years reflects the effort by the regional offices of the Public Water Supply Section.



The number of penalty assessments was higher in the year 2003 because of increased enforcement actions by the PWS on transit non-community (TNC) public water systems.



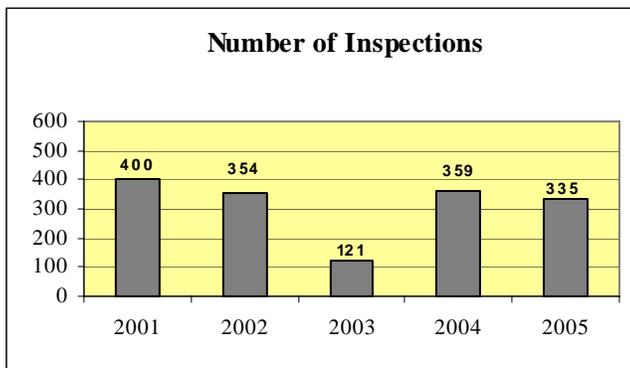
The total dollar amount of penalties assessed in the year 2003 was higher because of fines collected as part of the increased enforcement actions on TNC public water systems that year.

# ENVIRONMENTAL HEALTH – RADIOACTIVE MATERIALS

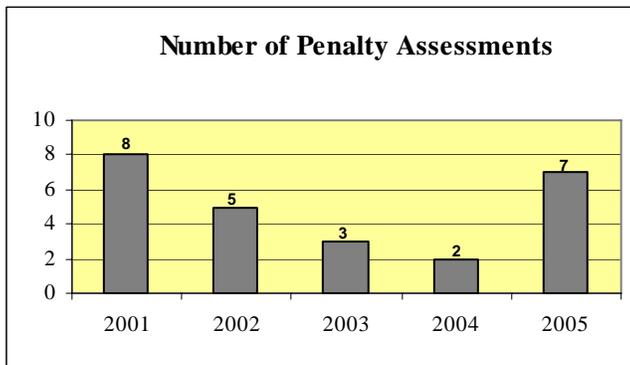
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>335</b>
<b>Number of Regulated Entities</b>	<b>1,853</b>
<b>Total Number of Penalties Assessed</b>	<b>7</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$23,000</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

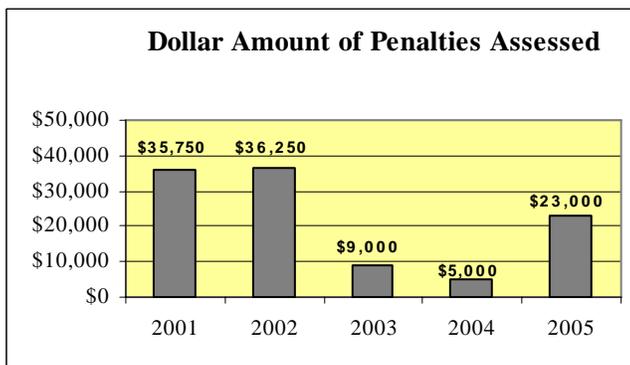
## Inspection/Penalty Trends: 2001 - 2005



Increased security controls requiring many more licensing actions and evaluation time have impacted the number of inspections the Branch can conduct with the same amount of resources. This downward trend will continue as more radioactive material is captured and evaluated under increased security requirements.



The Branch internal enforcement policy has been modified to include a focus on heightened security requirements. As a result, penalty assessments have increased.



The dollar amount of penalties has increased as a result of the heightened security concerns over radioactive materials. This change has prompted a streamlined internal enforcement policy capturing additional compliance issues.

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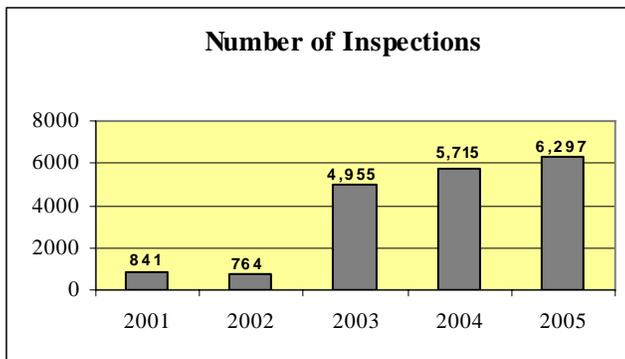
## ENVIRONMENTAL HEALTH – SHELLFISH SANITATION

### 2005 Enforcement Data at a Glance\*

Number of Inspections (plant and shoreline)	6,297
Number of Regulated Entities	688
Number of Shellfish Licenses Revoked	0
Number of Recommended Changes to Shellfish Growers	123

\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported. Only one measure has data that can be shown as a trend. 2004 & 2005 data encompasses the shellfish and crustacea plant inspections and sewage inspections conducted during shoreline surveys.

### Inspection Trend: 2001 – 2005



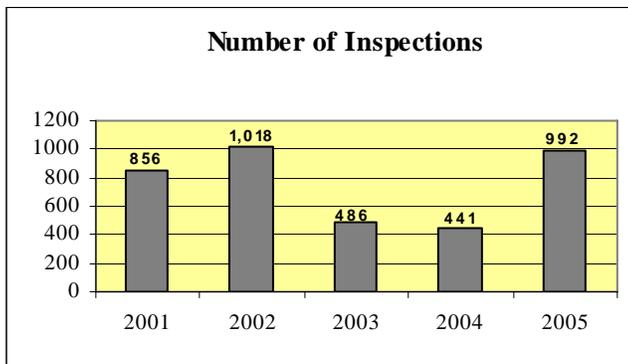
The overall number of inspections increased after 2002 when the compliance and enforcement data included the shellfish and crustacea plant inspections, as well as the sewage inspections conducted during shoreline surveys.

# ENVIRONMENTAL HEALTH – TANNING PROGRAM

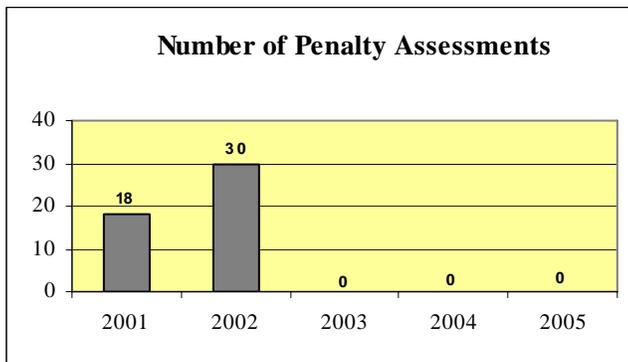
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>992</b>
<b>Number of Regulated Entities</b>	<b>2,370</b>
<b>Total Number of Penalties Assessed</b>	<b>0</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$0</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

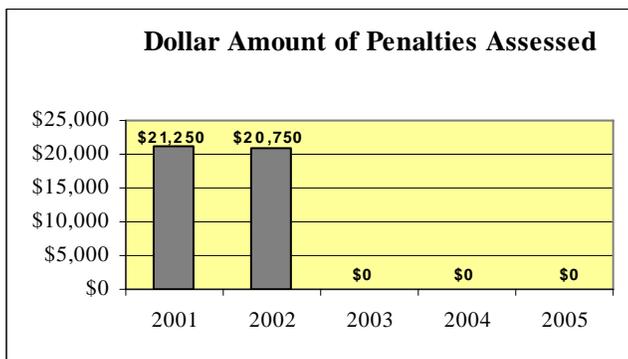
## Inspection/Penalty Trends: 2001 - 2005



The number of inspections increased in the year 2005 due to the fact that the program is fully staffed. The decline in previous year was due to one of the inspectors serving in military leave.



In 2003, this program became a section under the Division of Environmental Health, and efforts are continuing to evaluate how the enforcement program handles penalties and enforcement cases. No penalties were assessed during this timeframe.



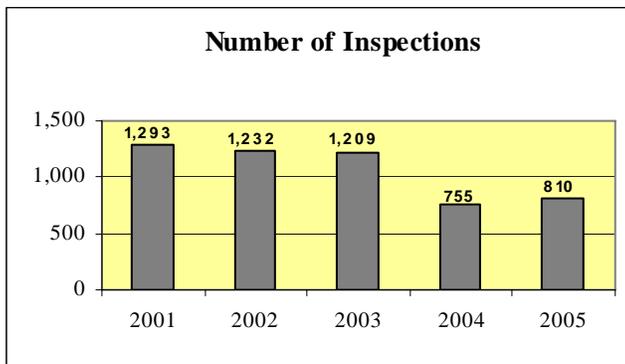
The total dollar amount of penalties assessed is zero, since no penalties were assessed in 2003, 2004, or 2005.

# ENVIRONMENTAL HEALTH – X-RAY PROGRAM

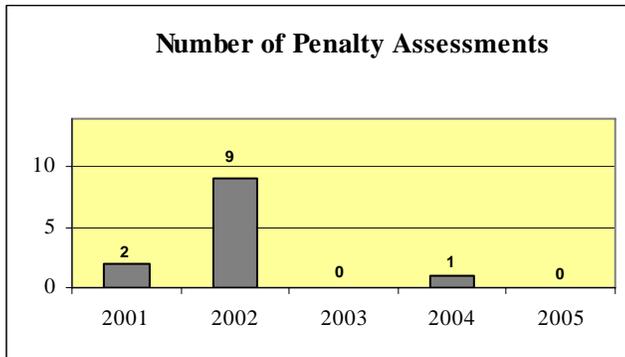
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>810</b>
<b>Number of Regulated Entities</b>	<b>6,604</b>
<b>Total Number of Penalties Assessed</b>	<b>0</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$0</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

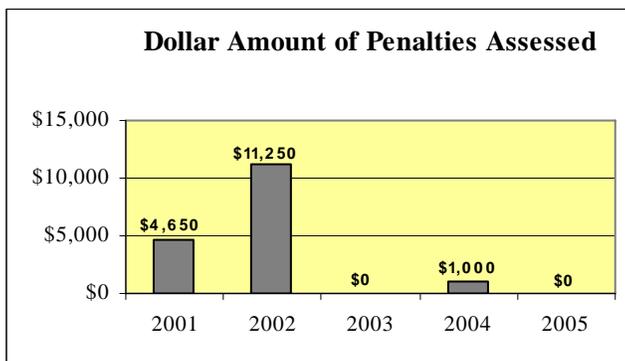
## Inspection/Penalty Trends: 2001 - 2005



The number of inspections increased slightly in 2005 due to an additional inspector returning from military leave; however, there are still staff shortages in the program.



The downward trend of penalty assessments is due to the additional responsibilities and fewer resources that have affected the program over the last few years.



Over the past three years, the dollar amount of penalty assessments has been significantly reduced due to the reduction in staff and more program responsibilities.

# FOREST RESOURCES

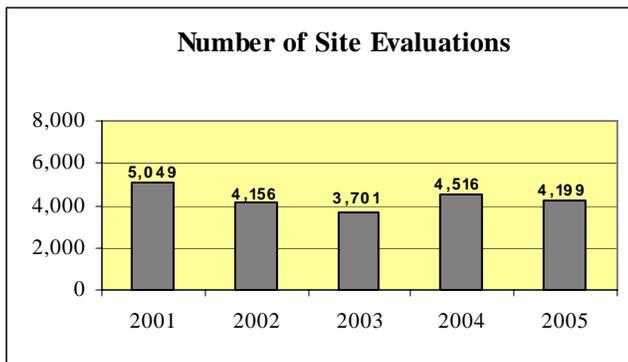
## 2005 Enforcement Data at a Glance\*

<b>Number of Site Evaluations</b>	<b>4,199</b>
<b>Number of Reinspections</b>	<b>1,836</b>
<b>Number of Notices of Non-Compliance</b>	<b>235</b>
<b>Number of Referrals for Enforcement</b>	<b>15</b>

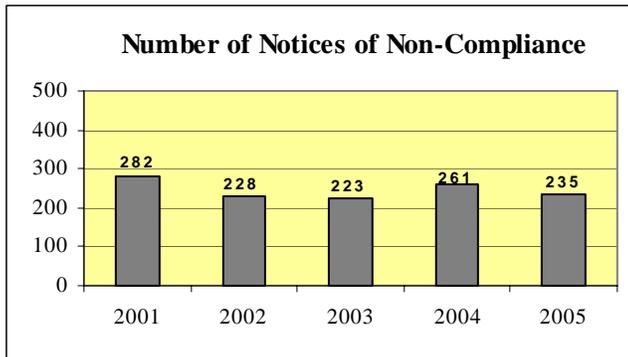
\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported.

## Enforcement Trends: 2001 – 2005\*\*

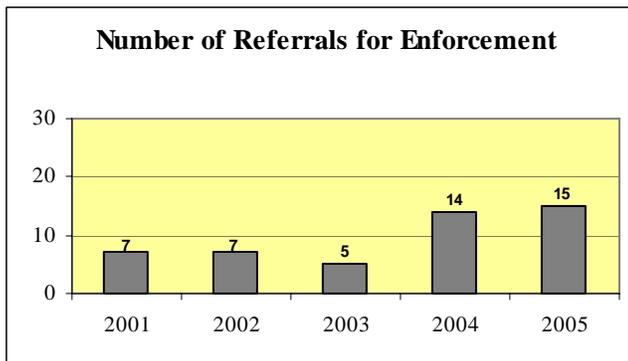
\*\*2000 and 2001 data have been revised from the DENR Compliance Activity Reports of 2000 and 2001 to reflect corrected DFR numbers.



The number of initial site evaluations has stayed fairly consistent over the last five to ten years. There are typically just above 4,000 site evaluations per year (not including re-inspections).



The number of notices of Forest Practices Guidelines non-compliance has stayed consistent over the last five years.



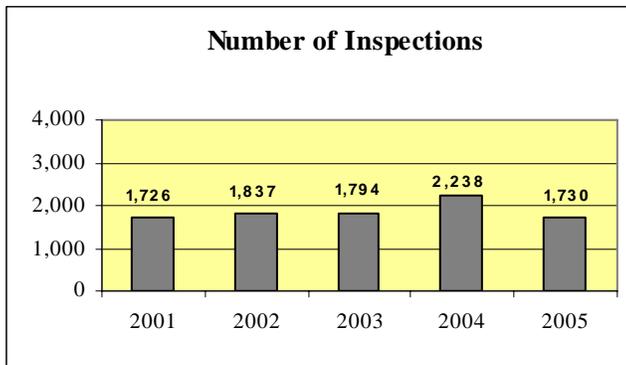
There has been an increase in referrals to other agencies for enforcement action in the last two years, but the number of referred forestry sites still only represents a small portion (less than one-half of one percent) of all forestry operations inspected.

# LAND RESOURCES – DAM SAFETY

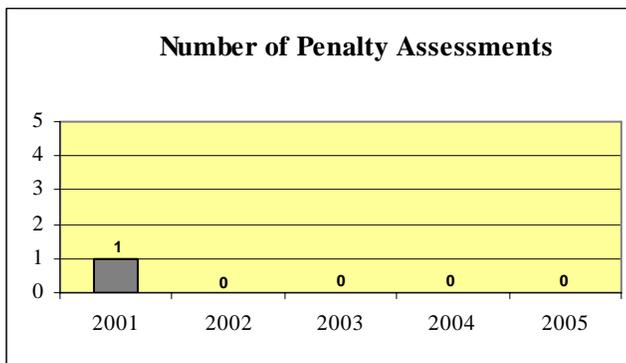
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,730</b>
<b>Number of Regulated Entities</b>	<b>4,697</b>
<b>Total Number of Penalties Assessed</b>	<b>0</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$0</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>95%</b>

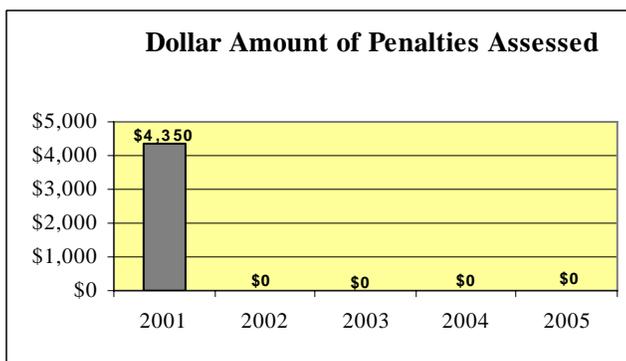
### Inspection/Penalty Trends: 2001 - 2005



The number of site evaluations has stayed fairly consistent over the last five years.



Civil penalties are only used when violations are continuing and willful. This was the case in the year 2001. Dam Safety orders and injunctions are used to compel compliance in cases where life and property are in immediate danger, and are generally the enforcement tools used by this program.



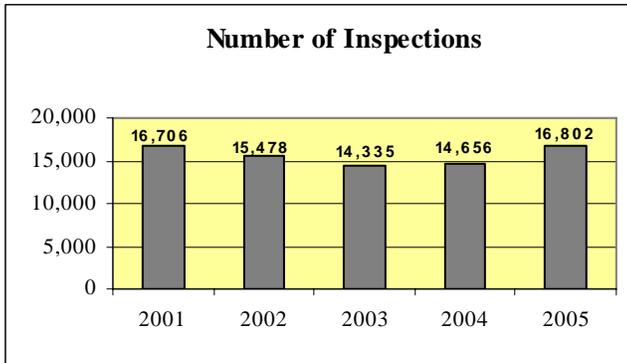
The penalty amount in the year 2001 corresponds to the penalty assessed in that year.

# LAND RESOURCES – EROSION AND SEDIMENTATION CONTROL

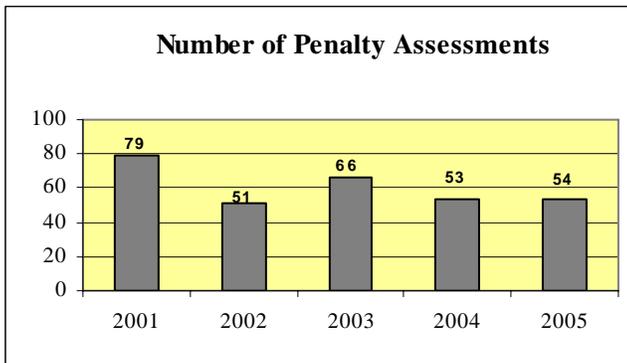
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>16,802</b>
<b>Number of Regulated Entities</b>	<b>8,000</b>
<b>Total Number of Penalties Assessed</b>	<b>54</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$1,337,935</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>95%</b>

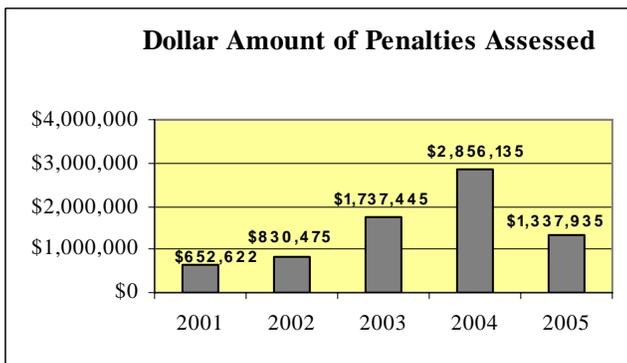
## Inspection/Penalty Trends: 2001 - 2005



The number of inspections fluctuates with the number of vacancies and the number of trained staff in the program.



Case development issues and staff vacancies continued to play a role in the number of penalty assessments issued in the last five years.



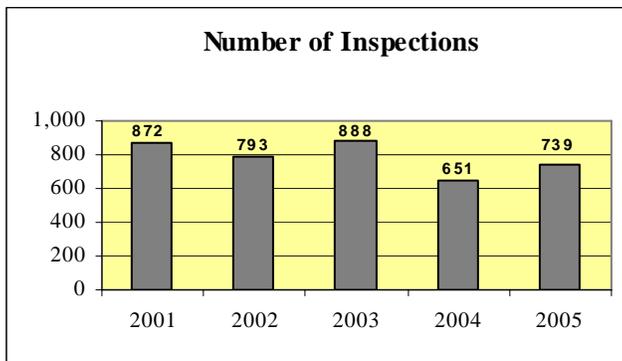
The total dollar amount of penalties assessed fluctuates from year to year due to the types of violations and the severity level of the violations found in those years.

## LAND RESOURCES – MINING

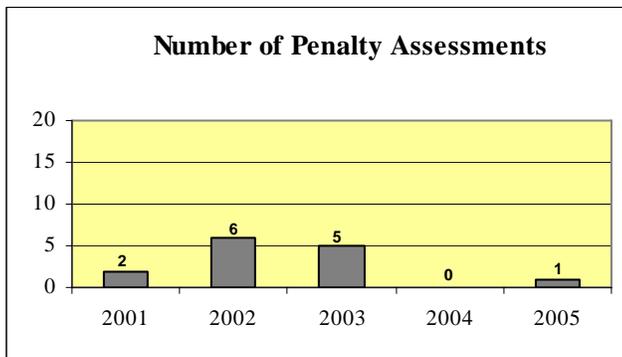
### 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>739</b>
<b>Number of Regulated Entities</b>	<b>936</b>
<b>Total Number of Penalties Assessed</b>	<b>1</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$13,500</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>87%</b>

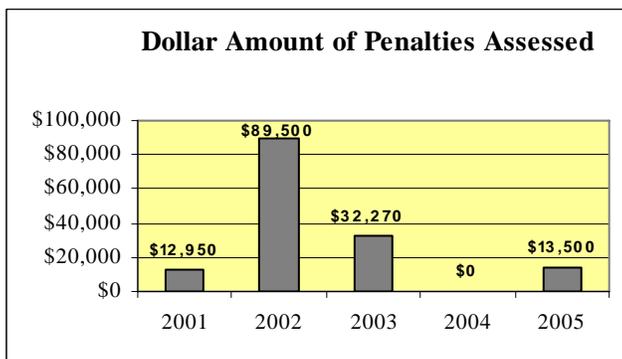
### Inspection/Penalty Trends: 2001 - 2005



The number of site evaluations has stayed fairly consistent over the last five years, although the lower number of inspections in the year 2004 was the direct result of staff vacancies.



The number of penalty assessments trend over the last five years depicts staff vacancies, program fluctuations, and shortages in staff assigned to Regional Offices for the Mining Program.



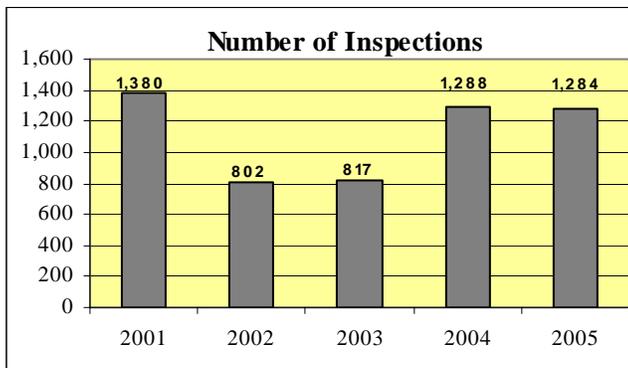
The total amount of penalties depends on the number of assessments and the daily penalty assessed. The trend for total amount of penalties assessed over the last five years depicts staff vacancies, program fluctuations and shortages in staff assigned to Regional Offices.

# WASTE MANAGEMENT – HAZARDOUS WASTE

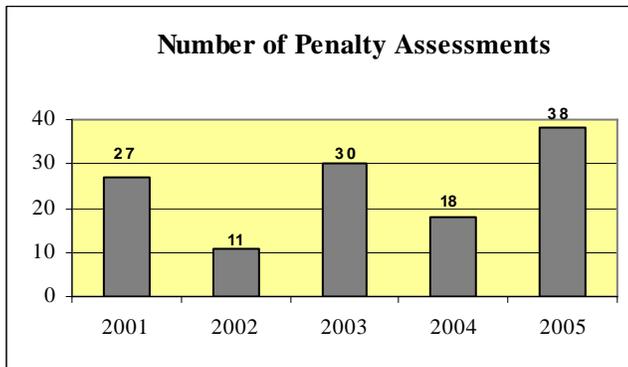
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,284</b>
<b>Number of Regulated Entities</b>	<b>6,542</b>
<b>Total Number of Penalties Assessed</b>	<b>38</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$630,612</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>84%</b>

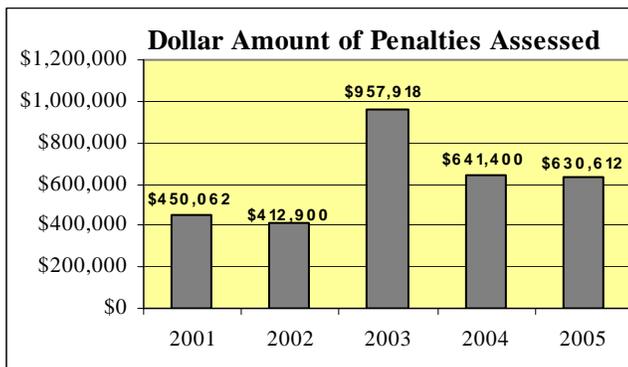
## Inspection/Penalty Trends: 2001 - 2005



The variation in the number of inspections conducted between the year 2001 and year 2005 is within the range of expected program fluctuations.



The number of penalty assessments varies depending upon the types and severity of violations found during inspections at facilities. The number also reflects the program's continuing efforts to achieve a higher compliance rate with respect to fees paid by regulated entities. Note that the penalty assessment often does not occur in the same year as the inspection which gives rise to the penalty.



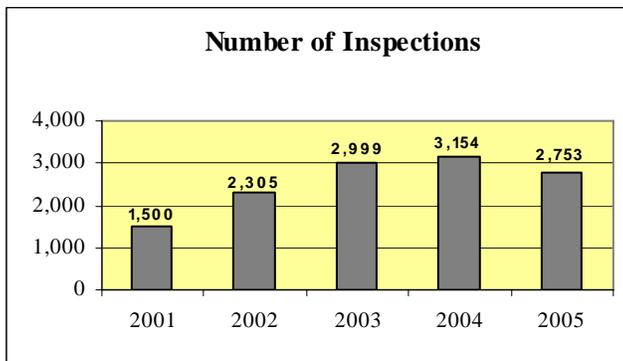
The total dollar amount of penalties assessed fluctuates from year to year due to the number, types and severity level of the violations found at facilities, as well as the number of orders issued to generators of hazardous waste that fail to pay generator fees. In addition, beginning in 2004 penalty amounts were revised to more closely track with the gravity of the alleged violations.

# WASTE MANAGEMENT – SOLID WASTE

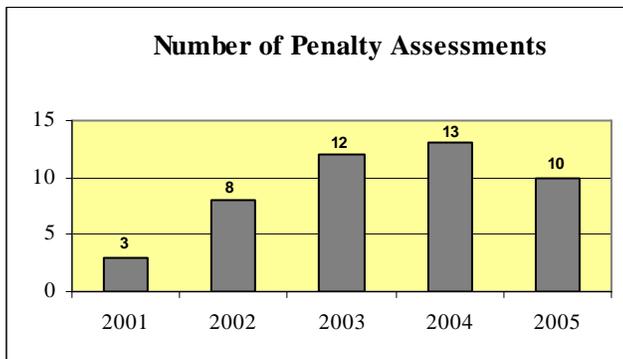
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>2,753</b>
<b>Number of Regulated Entities</b>	<b>2,504</b>
<b>Total Number of Penalties Assessed</b>	<b>10</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$65,500</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>90%</b>

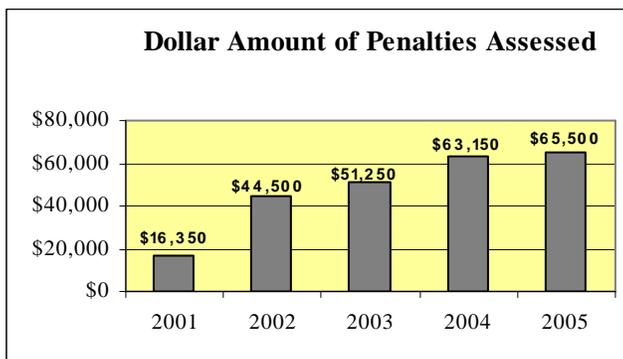
### Inspection/Penalty Trends: 2001 - 2005



The number of inspections has decreased from the previous two years due in part to a temporary reduction in full time field staff. Once the vacant positions are filled and new staff members are fully trained, we expect an increase in the number of inspections.



The number of penalty assessments in the years 2001-2005 is within the range of expected program fluctuations.



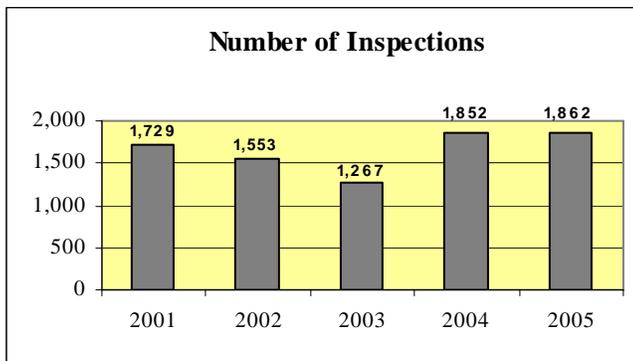
The total dollar amount of penalties assessed largely increased over the last five years due to increased enforcement action taken against unpermitted sites.

# WASTE MANAGEMENT – UST PROGRAM

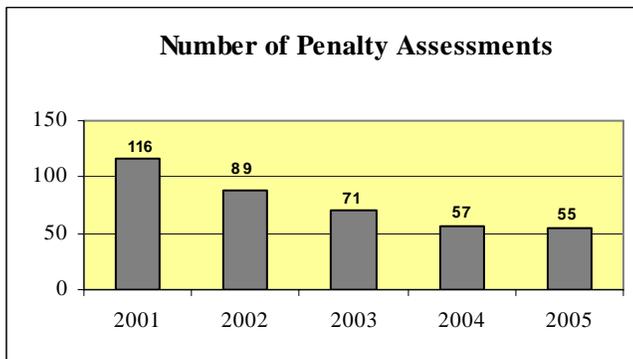
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,862</b>
<b>Number of Regulated Entities</b>	<b>9,505</b>
<b>Total Number of Penalties Assessed</b>	<b>55</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$461,313</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>51%</b>

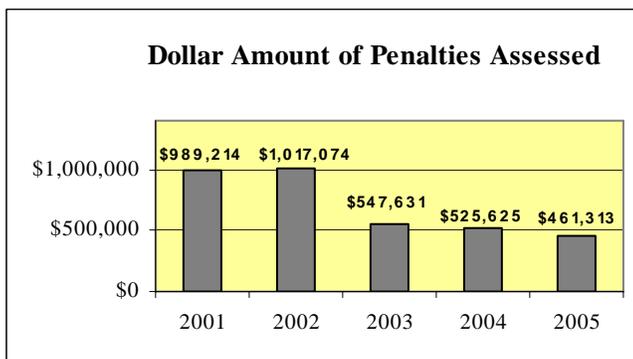
## Inspection/Penalty Trends: 2001 - 2005



The number of inspections increased in the years 2004 and 2005 because staff retention measures were put into place and vacancies were filled.



The number of penalty assessments resulted from inspection violations, as well as violations due to UST releases. While penalty assessments for inspections have remained relatively constant, violations due to releases have decreased due to some increase in compliance, and in the last two years, some restriction on enforcement caused by implementation of Session Law 2004-124.



The total dollar amount of penalties includes both inspection violations and UST release penalties. The dollar amount decreased due to the decrease in the number of penalty assessments, and a modification of the penalty matrix for UST release violations in the last two years.

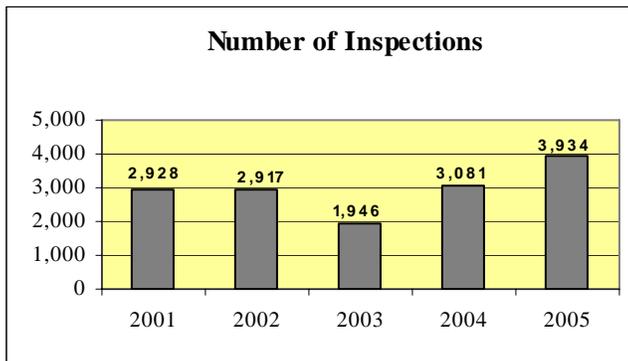
## WATER QUALITY – AQUIFER PROTECTION

### 2005 Enforcement Data at a Glance\*

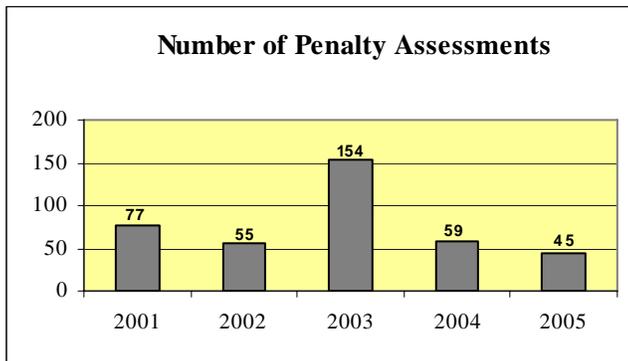
<b>Number of Inspections</b>	<b>3,934</b>
<b>Number of Regulated Entities</b>	<b>9,762</b>
<b>Total Number of Penalties Assessed</b>	<b>45</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$135,945</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>91%</b>

### Inspection/Penalty Trends: 2001 – 2005

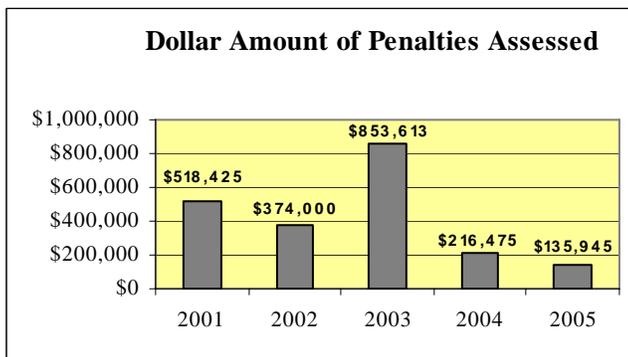
\*2005 data includes groundwater data, as well as data from animal operations and permitted land application sites.



The number of inspections is higher in 2005, since the data includes groundwater data that has been reported separately in previous reports.



The number of penalty assessments decreased in the years 2004 and 2005 as rainfall conditions returned to more normal levels. Also, municipal sewer overflow and wetlands cases were reorganized into other enforcement groups as a result of the DWQ reorganization in 2004.



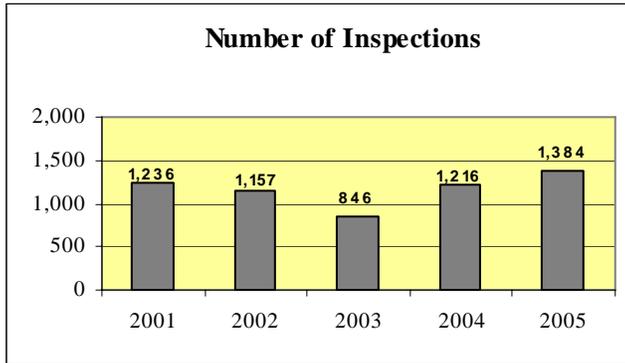
The lower dollar amounts of penalties assessed during 2004 and 2005 were the result of multiple factors. Municipal sewer overflows and wetlands cases were extracted from the totals as a result of DWQ reorganization. Additionally, the delegation of enforcement to regional offices resulted in improvement in overall compliance rates.

# WATER QUALITY – NPDES

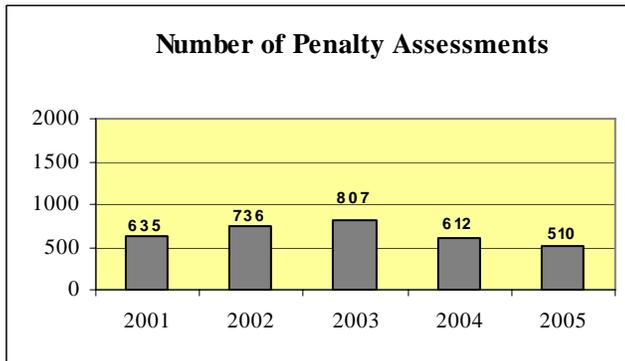
## 2005 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,384</b>
<b>Number of Regulated Entities</b>	<b>3,077</b>
<b>Total Number of Penalties Assessed</b>	<b>510</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$788,303</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>84%</b>

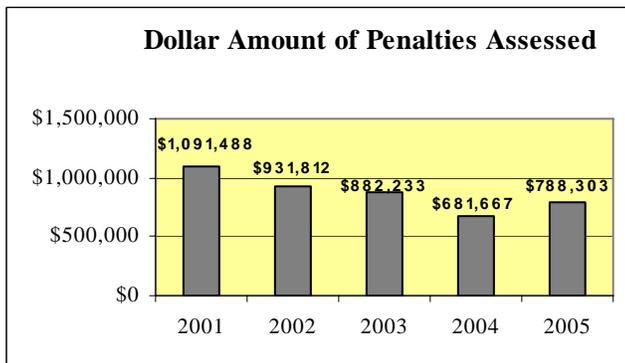
## Inspection/Penalty Trends: 2001 - 2005



Decreased NPDES inspections in 2003 reflected a reallocation of staff resources to other areas of the water quality program, as well as staff vacancies. The increased inspections in 2004 and 2005 reflect an increase of positions being filled.



The total number of penalty assessments continued to decrease in 2005, which could reflect increasing compliance under the “fast-track” enforcement program.



The dollar assessment amount has generally trended downward over the last five years, due to decreases in severe violations and therefore, larger penalties.

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## **WATER QUALITY – STORMWATER/NON-POINT SOURCE**

### **2005 Enforcement Data at a Glance**

<b>Number of Inspections</b>	<b>524</b>
<b>Number of Regulated Entities</b>	<b>42,065</b>
<b>Total Number of Penalties Assessed</b>	<b>55</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$474,250</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

The year 2004 was the first year this information has been collected for the DENR Compliance Activity Report. Trend analysis will begin in 2006 with three years of collected data.

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## **APPENDICES**

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## **APPENDIX A**

### **2005 PROGRAM COMPLIANCE AND ENFORCEMENT DATA**

**NOTE: In the following tables, “nav” denotes “data not available” and “n/a” denotes “data not applicable to the program.” All data were provided by the individual regulatory agencies for this report.**

## AIR QUALITY

	2005 Data**
<b>Penalty Assessments</b>	
Total number of penalties assessed	271
Permitted facilities	105
Open burning	145
Other	21
Total dollar amount of penalties assessed	\$1,117,475
Permitted facilities	\$782,050
Open burning	\$313,225
Other	\$22,200
Average dollar amount of penalties assessed	\$4,124
Highest dollar amount of penalties assessed	\$264,750
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$576,275
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$529,100
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$87,692
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$78,100
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$3,500
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$1,125
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$96,500
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$118,500
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$167,650
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$6,000
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$488,715
Amount of penalties collected at year end of penalties assessed in 2004	\$180,407
Amount of penalties collected at year end of penalties assessed in 2003	\$26,146
Amount of penalties collected at year end of penalties assessed in 2002	\$14,193
Amount of penalties collected at year end of penalties assessed in 2001	\$29,212
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$4,500
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$750
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$500
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$22,250
<b>Facility Performance</b>	
Compliance rate of inspected facilities	79%
Percent of entities that returned to compliance by their specified deadline	100%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	134

<b>AIR QUALITY</b>	<b>2005 Data**</b>
Percent of last years violators that were also violators this year	5.0%
Most common violations	1) Open burning 2) Reporting requirements 3) Record-keeping
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	166
<b>Workload Measures</b>	
Number of permitted entities	2984
Number of regulated entities	10713
Available inspector FTEs	62.3
Actual inspector FTEs	57.4
Number of inspections	3479
Number of routine inspections	2483
Number of complaint driven inspections	996
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$5,497
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$30,700
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$67,181
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$219,010
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$500
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$2,500
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	17%
Percent of penalty assessments that seek remission of penalties assessed this year	18%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	4%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	2%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	38%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	285
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	17
Average number of days from NOV to penalty assessment for penalties paid in full this year	114
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	145
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	103
** Penalty amounts listed in this table do not include investigative costs. The established penalty amounts and collected amounts are incremental and are not cumulative over the years. This is different from previous report data. However, penalty data now includes SOCs and Settlements.	

## COASTAL MANAGEMENT

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	122
Total dollar amount of penalties assessed	\$47,875
Average dollar amount of penalties assessed	\$392
Highest dollar amount of penalties assessed	\$2,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$47,875
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$39,525
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$74,375
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$42,030
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$24,890
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$3,880
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$3,900
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	n/a
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$38,125
Amount of penalties collected at year end of penalties assessed in 2004	\$1,850
Amount of penalties collected at year end of penalties assessed in 2003	\$1,000
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$450
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate for inspected facilities	99%
Percent of entities that returned to compliance by their specified deadline	36%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	45
Percent of last years violators that also violated this year	4%

<b>COASTAL MANAGEMENT</b>	<b>2005 Data</b>
Most common violations	Unauthorized development (no permit) in an AEC; Dredge and fill violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	72
<b>Workload Measures</b>	
Number of permitted entities	4,858
Number of regulated entities	4,989
Available inspector FTEs	6.6
Actual inspector FTEs	6.6
Number of inspections	10,234
Number of routine inspections	10,038
Number of complaint driven inspections	196
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$200
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$500
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	81%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	81%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	n/a
Average number of days from NOV to penalty assessment for penalties paid in full this year	70
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	14

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**ENVIRONMENTAL HEALTH  
FOOD, DAIRY, LODGING, AND INSTITUTIONAL SANITATION**

	2005 Data
<b>Workload Measures</b>	
Number of permitted entities	33,728
Number of regulated entities	33,728
Inspector FTEs (Local Health Dept. staff)	nav
Number of inspections	99,009
Number of routine inspections	117,297
Number of complaint driven inspections	1,037
<b>Selected Measures for the Food, Dairy, Lodging, and Institutional Sanitation Program</b>	
Number of A ratings for restaurants	56,412
Number of B ratings for restaurants	1,152
Number of C ratings for restaurants	110
Number of suspended restaurant Permits	416
Number of revoked restaurant Permits	90

## ENVIRONMENTAL HEALTH MAMMOGRAPHY

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	\$0
Total dollar amount of penalties assessed	\$0
Average dollar amount of penalties assessed	\$0
Highest dollar amount of penalties assessed	\$0
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	100%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-failure to have a written radiation program -failure to post current copies of documents

<b>ENVIRONMENTAL HEALTH MAMMOGRAPHY</b>	<b>2005 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
<b>Workload Measures</b>	
Number of permitted entities	n/a
Number of regulated entities	237
Available inspector FTEs	3
Actual inspector FTEs	2.5
Number of inspections	237
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	0
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	0
Average number of days from NOV to penalty assessment for penalties paid in full this year	0
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## ENVIRONMENTAL HEALTH ON-SITE WASTEWATER

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	0
Total dollar amount of penalties assessed	\$0
Average dollar amount of penalties assessed	\$0
Highest dollar amount of penalties assessed	\$0
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	nav
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	nav
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	nav
<b>Workload Measures</b>	
Number of permitted entities	nav

<b>ENVIRONMENTAL HEALTH ON-SITE WASTEWATER</b>	<b>2005 Data</b>
Number of regulated entities	1,630,000
Available inspector FTEs	nav
Actual inspector FTEs	nav
Number of inspections	19,126
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	n/a
Average number of days from NOV to penalty assessment for penalties paid in full this year	n/a
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	n/a
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the On-Site Program*</b>	
Operation Permit-New	26,665
Operation Permit-Repair	5,877
Operation Permit-Expansion	1017
Total Operation Permits	33,559
Notice of Violations	1,488
Legal Actions	174
Permits Revoked	409
Permits Suspended	55
Permits Denied	4016
* 80/100 counties reporting	

## ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	335
Total dollar amount of penalties assessed	\$72,885
Average dollar amount of penalties assessed	\$217
Highest dollar amount of penalties assessed	\$18,600
Amount of penalties established through SAFA* at year end for penalties assessed in 2005**	\$40,811
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$14,925
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$146,579
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$9,040
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$482,175
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$12,600
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$117,730
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$70,660
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$5,000
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$8,500
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$1,000
*SAFA is settlement, agreement or final action	
** Per day penalties are not determined until the original penalty is established. Per day penalties are then added to the assessment.	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$40,811
Amount of penalties collected at year end of penalties assessed in 2004	\$28,040
Amount of penalties collected at year end of penalties assessed in 2003	\$82,852
Amount of penalties collected at year end of penalties assessed in 2002	\$31,960
Amount of penalties collected at year end of penalties assessed in 2001	\$27,540
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$17,149
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$46,215
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$196,557
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$84,980
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$56,980
<b>Facility Performance</b>	
Compliance rate of inspected facilities	98%
Percent of entities that returned to compliance by their specified deadline	n/a
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	953
Percent of last years violators that were also violators this year	36%

<b>ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY</b>	<b>2005 Data</b>
Most common violations	-failure to monitor; notify the public; properly construct, operate, or maintain the system
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	2
<b>Workload Measures</b>	
Number of permitted entities	2,723
Number of regulated entities	6,948
Available inspector FTEs	35
Actual inspector FTEs	32
Number of inspections	7,968
Number of routine inspections	n/a
Number of complaint driven inspections	n/a
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$9,125
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$18,125
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	10%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	1%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	66%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	34%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	968
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	13
Average number of days from NOV to penalty assessment for penalties paid in full this year	134
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	821
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	7
Total dollar amount of penalties assessed	\$23,000
Average dollar amount of penalties assessed	\$3,286
Highest dollar amount of penalties assessed	\$6,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$12,000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$11,000
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$1,250
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$12,000
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	98%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-annual review -failure to notify of RSO change -failure to perform leak test on sealed source

<b>ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS</b>	<b>2005 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
<b>Workload Measures</b>	
Number of permitted entities	n/a
Number of regulated entities	1,853
Available inspector FTEs	6
Actual inspector FTEs	6
Number of inspections	335
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	28%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	14%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	71%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	80
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	12
Average number of days from NOV to penalty assessment for penalties paid in full this year	34
Average number of days from penalty assessment to penalty establishment for penalties paid in full	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	34

## ENVIRONMENTAL HEALTH SHELLFISH SANITATION

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	n/a
Total dollar amount of penalties assessed	n/a
Average dollar amount of penalties assessed	n/a
Highest dollar amount of penalties assessed	n/a
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2004	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2003	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2002	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2001	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	n/a
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	n/a
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	n/a
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	n/a
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	n/a
Amount of penalties collected at year end of penalties assessed in 2004	n/a
Amount of penalties collected at year end of penalties assessed in 2003	n/a
Amount of penalties collected at year end of penalties assessed in 2002	n/a
Amount of penalties collected at year end of penalties assessed in 2001	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	n/a
<b>Facility Performance</b>	
Compliance rate of inspected facilities	n/a
Percent of entities that returned to compliance by their specified deadline	n/a
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	n/a
Percent of last years violators that were also violators this year	n/a
Most common violations	n/a
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	n/a
<b>Workload Measures</b>	
Number of permitted entities	181

<b>ENVIRONMENTAL HEALTH SHELLFISH SANITATION</b>	<b>2005 Data</b>
Number of regulated entities	688
Available inspector FTEs	5
Actual inspector FTEs	5
Number of inspections	1,194
Number of routine inspections	841
Number of complaint driven inspections	18
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	n/a
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	n/a
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	n/a
Percent of penalty assessments that seek informal settlement of penalties assessed this year	n/a
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	n/a
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	n/a
Average number of days from NOV to penalty assessment for penalties paid in full this year	n/a
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	n/a
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the Shellfish Sanitation Program</b>	
Number of shellfish licenses revoked	0
Number of sewage inspections	5,103
Number of sewage violations	15
Number of recommended changes to shellfish growers	123

## ENVIRONMENTAL HEALTH TANNING PROGRAM

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	0
Total dollar amount of penalties assessed	\$0
Average dollar amount of penalties assessed	\$0
Highest dollar amount of penalties assessed	\$0
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	97%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-failure to replace lamps w/ suitable types /equivalent -failure to have manfctr's manuals for tanning units

<b>ENVIRONMENTAL HEALTH TANNING PROGRAM</b>	<b>2005 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
<b>Workload Measures</b>	
Number of permitted entities	n/a
Number of regulated entities	2,370
Available inspector FTEs	3
Actual inspector FTEs	3
Number of inspections	992
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	0
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	0
Average number of days from NOV to penalty assessment for penalties paid in full this year	0
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## ENVIRONMENTAL HEALTH X-RAY PROGRAM

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	0
Total dollar amount of penalties assessed	\$0
Average dollar amount of penalties assessed	\$0
Highest dollar amount of penalties assessed	\$0
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	99%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-failure to have a written radiation program -failure to review written radiation program annually

<b>ENVIRONMENTAL HEALTH X-RAY PROGRAM</b>	<b>2005 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
<b>Workload Measures</b>	
Number of permitted entities	n/a
Number of regulated entities	6,604
Available inspector FTEs	7
Actual inspector FTEs	3
Number of inspections	810
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	0
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	0
Average number of days from NOV to penalty assessment for penalties paid in full this year	0
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## FOREST RESOURCES

	2005 Data
Number of Site Evaluations Conducted by Type	
Citizen Complaints	89
Active Harvest	1,418
Completed Harvest	2,024
Other Activities	163
Reforestation	505
<b>Total</b>	<b>4,199</b>
Percent of Site Evaluations in Non-Compliance by Type	
Citizen Complaints	49%
Active Harvest	5%
Completed Harvest	4%
Other Activities	2%
Reforestation	0%
Number of Reinspections	1836
Number of Notices of Forest Practices Guidelines Non-Compliance	235
Number of Referrals for Enforcement	15

## LAND RESOURCES DAM SAFETY

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	0
Total dollar amount of penalties assessed	\$0
Average dollar amount of penalties assessed	\$0
Highest dollar amount of penalties assessed	\$0
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$4,350
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$4,350
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	94%
Percent of entities that returned to compliance by their specified deadline	44%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	1
Percent of last years violators that were also violators this year	56%
Most common violations	construction or modification of dams without an approved plan;. Impounding without approval
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0

<b>LAND RESOURCES DAM SAFETY</b>	<b>2005 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	4,697
Number of regulated entities	4,697
Available inspector FTEs	10
Actual inspector FTEs	9
Number of inspections	1,487
Number of routine inspections	1,487
Number of complaint driven inspections	0
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	n/a
Average number of days from NOV to penalty assessment for penalties paid in full this year	n/a
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	n/a
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the Dam Safety Program</b>	
Number of injunctions issued	1
Number of dam safety orders issued	2
Total number of dams repaired or breached	27
Number of dams repaired or breached that are under an enforcement action	5

## LAND RESOURCES EROSION AND SEDIMENTATION CONTROL

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	54
Total dollar amount of penalties assessed	\$1,337,935
Average dollar amount of penalties assessed	\$24,777
Highest dollar amount of penalties assessed	\$193,200
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$201,692
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$846,060
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$2,283,205
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$636,510
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$435,385
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$1,042,910
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$406,087
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$594,285
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$178,840
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$10,880
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$63,151
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$461,531
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$242,043
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$114,077
Amount of penalties collected at year end of penalties assessed in 2004	\$488,929
Amount of penalties collected at year end of penalties assessed in 2003	\$61,456
Amount of penalties collected at year end of penalties assessed in 2002	\$8,247
Amount of penalties collected at year end of penalties assessed in 2001	\$6,580
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$5,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$49,920
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$104,720
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$6,930
<b>Facility Performance</b>	
Compliance rate of inspected facilities	95%
Percent of entities that returned to compliance by their specified deadline	93%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	46
Percent of last years violators that were also violators this year	9%
Most common violations	failure to take all reasonable measures; insufficient measures; failure to follow approved plan

<b>LAND RESOURCES EROSION AND SEDIMENTATION CONTROL</b>	<b>2005 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	17
<b>Workload Measures</b>	
Number of permitted entities	0
Number of regulated entities	8,000
Available inspector FTEs	32
Actual inspector FTEs	25
Number of inspections	16,802
Number of routine inspections	15,478
Number of complaint driven inspections	1,324
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$593,952
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$630,043
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	nav
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	nav
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	33%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	26%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	17%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	478
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	3
Average number of days from NOV to penalty assessment for penalties paid in full this year	130
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	107
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	250

## LAND RESOURCES MINING

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	1
Total dollar amount of penalties assessed	\$13,500
Average dollar amount of penalties assessed	\$13,500
Highest dollar amount of penalties assessed	\$13,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$10,000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$13,500
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$13,395
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$27,000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$71,550
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$18,100
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$200
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$11,500
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$11,076
Amount of penalties collected at year end of penalties assessed in 2002	\$39,700
Amount of penalties collected at year end of penalties assessed in 2001	\$9,050
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	87%
Percent of entities that returned to compliance by their specified deadline	88%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	4
Percent of last years violators that were also violators this year	3%
Most common violations	-mining without a permit
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1

<b>LAND RESOURCES MINING</b>	<b>2005 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	936
Number of regulated entities	936
Available inspector FTEs	2
Actual inspector FTEs	2
Number of inspections	739
Number of routine inspections	415
Number of complaint driven inspections	125
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$34,500
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$64,500
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	100%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	1,520
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	20
Average number of days from NOV to penalty assessment for penalties paid in full this year	264
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	1,101
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	33

## WASTE MANAGEMENT HAZARDOUS WASTE

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	38
Total dollar amount of penalties assessed	\$630,612
Average dollar amount of penalties assessed	\$16,595
Highest dollar amount of penalties assessed	\$77,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$328,150
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$166,982
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$180,537
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$90,275
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$11,195
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	n/a
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$149,290
Amount of penalties collected at year end of penalties assessed in 2004	\$184,865
Amount of penalties collected at year end of penalties assessed in 2003	\$165,751
Amount of penalties collected at year end of penalties assessed in 2002	\$18,804
Amount of penalties collected at year end of penalties assessed in 2001	\$7,200
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$61,287
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$880
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$94,400
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$133,280
<b>Facility Performance</b>	
Compliance rate for inspected facilities	84%
Percent of entities that returned to compliance by their specified deadline	94%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	4
Percent of last years violators that were also violators this year	3%
Most common violations	-failure to date, label and close containers
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1

<b>WASTE MANAGEMENT HAZARDOUS WASTE</b>	<b>2005 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	91
Number of regulated entities	6,542
Available inspector FTEs	17
Actual inspector FTEs	17
Number of inspections	1,284
Number of routine inspections	970
Number of complaint driven inspections	129
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$141,927
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$381,314
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	27%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	46%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	3%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	898
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	0
Average number of days from NOV to penalty assessment for penalties paid in full this year	0
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	511
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	199

## WASTE MANAGEMENT SOLID WASTE

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	10
Total dollar amount of penalties assessed	\$65,500
Average dollar amount of penalties assessed	\$6,500
Highest dollar amount of penalties assessed	\$11,750
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$53,550
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$7,500
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$15,000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$4,000
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$32,875
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$29,875
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$40,050
Amount of penalties collected at year end of penalties assessed in 2004	\$20,919
Amount of penalties collected at year end of penalties assessed in 2003	\$320
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$6,500
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$16,250
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	90%
Percent of entities that returned to compliance by their specified deadline	70%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	1
Percent of last years violators that were also violators this year	0%

<b>WASTE MANAGEMENT SOLID WASTE</b>	<b>2005 Data</b>
Most common violations	not following nutrient mngt plan; Inadequate record keeping; Improper land application; operating without a permit.
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	8
<b>Workload Measures</b>	
Number of permitted entities	1,666
Number of regulated entities	2,504
Available inspector FTEs	16.1
Actual inspector FTEs	13.6
Number of inspections	2,753
Number of routine inspections	2,340
Number of complaint driven inspections	185
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$5,750
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$42,750
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	67%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	8%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	50%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	25%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	147
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	139
Average number of days from NOV to penalty assessment for penalties paid in full this year	43
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	76
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	50

## WASTE MANAGEMENT UST PROGRAM

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	55
Total dollar amount of penalties assessed	\$461,313
Average dollar amount of penalties assessed	\$8,388
Highest dollar amount of penalties assessed	\$24,246
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$145,646
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$190,800
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$63,112
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$111,430
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$46,462
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$31,579
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$8,131
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$152,575
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$24,304
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$75,000
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$121,300
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$21,250
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$25,859
Amount of penalties collected at year end of penalties assessed in 2004	\$69,678
Amount of penalties collected at year end of penalties assessed in 2003	\$9,396
Amount of penalties collected at year end of penalties assessed in 2002	\$8,131
Amount of penalties collected at year end of penalties assessed in 2001	\$41,054
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$25,431
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	51%
Percent of entities that returned to compliance by their specified deadline	nav
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	48
Percent of last years violators that were also violators this year	7%

<b>WASTE MANAGEMENT UST PROGRAM</b>	<b>2005 Data</b>
Most common violations	proper operation and maintenance of: 1) corrosion protection 2) spill prevention equipment 3) overfill control equipment and 4) failure to submit a Limited Site Assessment report
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	nav
<b>Workload Measures</b>	
Number of permitted entities	8,869
Number of regulated entities	9,505
Available inspector FTEs	11
Actual inspector FTEs	11
Number of inspections	1,862
Number of routine inspections	1,825
Number of complaint driven inspections	37
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$18,850
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$32,240
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	13%
Percent of penalty assessments that seek remission of penalties assessed this year	38%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	16%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	n/a
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	5%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	nav
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	nav
Average number of days from NOV to penalty assessment for penalties paid in full this year	nav
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	101
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	116

## WATER QUALITY AQUIFER PROTECTION

	2005 Data*
<b>Penalty Assessments</b>	
Total number of penalties assessed	45
Total dollar amount of penalties assessed	\$135,945
Average dollar amount of penalties assessed	\$3,021
Highest dollar amount of penalties assessed	\$12,384
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$99,410
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$24,156
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$209,493
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$4,000
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$430,252
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$5,600
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$397,364
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$334,407
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	nav
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$3000
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$78,571
Amount of penalties collected at year end of penalties assessed in 2004	\$157,333
Amount of penalties collected at year end of penalties assessed in 2003	\$341,092
Amount of penalties collected at year end of penalties assessed in 2002	\$248,575
Amount of penalties collected at year end of penalties assessed in 2001	\$276,452
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	91%
Percent of entities that returned to compliance by their specified deadline	nav
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	43
Percent of last years violators that were also violators this year	11%
Most common violations	-permit conditions; discharge; well construction; limits
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	11

<b>WATER QUALITY AQUIFER PROTECTION</b>	<b>2005 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	7,357
Number of regulated entities	9,762
Available inspector FTEs	40
Actual inspector FTEs	30.6
Number of inspections	3,934
Number of routine inspections	2,935
Number of complaint driven inspections	815
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$9,295
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$19,440
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	22%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	4%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	2%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	56%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	182
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	12
Average number of days from NOV to penalty assessment for penalties paid in full this year	85
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	73
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	92
*2005 data includes groundwater data, as well as data from animal operations and permitted land application sites.	

## WATER QUALITY NPDES

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	510
Total dollar amount of penalties assessed	\$788,303
Average dollar amount of penalties assessed	\$1,546
Highest dollar amount of penalties assessed	\$88,100
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$761,112
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$31,323
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$639,568
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$86,763
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$868,194
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$6,939
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$724,554
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$20,755
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$855,459
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$27,474
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$85,715
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$425,764
Amount of penalties collected at year end of penalties assessed in 2004	\$592,885
Amount of penalties collected at year end of penalties assessed in 2003	\$788,375
Amount of penalties collected at year end of penalties assessed in 2002	\$669,733
Amount of penalties collected at year end of penalties assessed in 2001	\$786,383
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	84%
Percent of entities that returned to compliance by their specified deadline	n/a
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	460
Percent of last years violators that were also violators this year	33%
Most common violations	- limits violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	n/a
<b>Workload Measures</b>	
Number of permitted entities	3,077

<b>WATER QUALITY NPDES</b>	<b>2005 Data</b>
Number of regulated entities	3,077
Available inspector FTEs	23.2
Actual inspector FTEs	20.3
Number of inspections**	1,384
Number of routine inspections	nav
Number of complaint driven inspections	nav
** Field inspections only; excludes reviews/inspections of Discharge Monitoring Reports	
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$9,383
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$16,208
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	nav
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	nav
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	15%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	2%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	nav
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	76%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	nav
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	nav
Average number of days from NOV to penalty assessment for penalties paid in full this year	nav
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	nav
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	46

## WATER QUALITY STORMWATER/NON-POINT SOURCE

	2005 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	55
Total dollar amount of penalties assessed	\$474,250
Average dollar amount of penalties assessed	\$8,469
Highest dollar amount of penalties assessed	\$44,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2005	\$145,152
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2005	\$311,000
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$304,664
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$121,500
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$214,198
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$185,000
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$59,900
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$14,000
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$86,305
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$4,000
Amount of the portion of penalties assessed that was added due to repeat violations in 2005	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2005	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2005	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2005	\$125,301
Amount of penalties collected at year end of penalties assessed in 2004	\$249,499
Amount of penalties collected at year end of penalties assessed in 2003	\$158,603
Amount of penalties collected at year end of penalties assessed in 2002	\$59,900
Amount of penalties collected at year end of penalties assessed in 2001	\$40,128
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	nav
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	2
Percent of last years violators that were also violators this year	3%
Most common violations	-water quality standard violations; failure to obtain 401 WQC; construction stormwater violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	38

<b>WATER QUALITY STORMWATER/NON-POINT SOURCE</b>	<b>2005 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	41,956
Number of regulated entities	42,065
Available inspector FTEs	4.3
Actual inspector FTEs	3.8
Number of inspections	524
Number of routine inspections	326
Number of complaint driven inspections	198
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$8,000
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$13,000
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$86,050
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$225,000
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	51%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	13%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	2%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	27%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	466
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	31
Average number of days from NOV to penalty assessment for penalties paid in full this year	204
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	190
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	68

**DEPARTMENT OF JUSTICE  
ATTORNEY GENERAL'S OFFICE - ENVIRONMENTAL DIVISION**

	<b>2005 Data</b>
Number of Civil Penalty Cases Closed	203
Total Amount Assessed by DENR	\$2,495,927
Total Amount Collected for DENR	\$1,105,841
Total Amount Uncollected	\$1,390,086
Number of Uncollected Civil Penalty Cases Closed	55
<u>Reason for Uncollected Assessment:</u>	
Bankruptcy	0
Violator Deceased	0
Petition Withdrawn*	6
Penalty Rescinded*	13
Uncollectible/No Property to Levy/Obtained a Judgment	27
Unknown	7
No Assets	2
* DENR was responsible for collection of these Civil Penalty Amounts.	

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## **APPENDIX B**

### **DENR ENFORCEMENT PRIMER**

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## What are the maximum daily civil penalties in DENR?

- ▶ **Air Quality** – \$10,000 per day per violation [NCGS 143-215.114A (a)]
- ▶ **Aquifer Protection** – \$10,000 per violation per day; \$25,000 if assessed in the past three years [NCGS 143-215.6A(a) and (b1)]  
NOTE: Repeat offenses will be considered for violations occurring within 5 years beginning October 1, 2002.
- ▶ **Coastal Management** – \$250 per day (minor development), \$2500 per day (major development) [NCGS 113A-126(d)]
- ▶ **Dam Safety** – \$500 per day for each day of willful violation [NCGS 143-215.36.(b)(1) and(2)]
- ▶ **Erosion and Sediment Control** – \$5,000 per day [NCGS 113A-64(a)(1)]
- ▶ **Hazardous Waste** – \$25,000 per day [15A NCAC 13B Section .0702]
- ▶ **Mining** – \$500 per day; Mining without a permit \$5,000 per day [NCGS 74-64(a)(1)a and b]
- ▶ **NPDES** – \$10,000 per violation per day; \$25,000 if assessed in the past three years [NCGS 143-215.6A(a) and (b1)] NOTE: Repeat offenses will be considered for violations occurring within 5 years beginning October 1, 2002.
- ▶ **Oil Pollution/Hazardous Substance Control** – \$5,000 per violation
- ▶ **On-Site Wastewater** – \$50 per day (<= 480 gallon systems); \$300 per day (>480 gallon systems) [NCGS 130A-22(c)]
- ▶ **Public Water Supply** – \$25,000 per day [NCGS 130A-22(b)]
- ▶ **Radiation Protection** – \$10,000 per day, with each day of continuing violation a separate violation [NCGS 104E-24(b)]
- ▶ **Solid Waste** – \$5,000 per day; \$25,000 per day for medical waste disposed on water first violation, \$50,000 per day for subsequent violations [NCGS 130A-22(a)]; \$50 per violation per tire improperly disposed [NC GS 130A-309.62]; \$50 per violation for improper disposal of lead-acid batteries [NC GS 130A-309.70(c)]; \$100 for improper disposal of white goods or failure to remove refrigerants [NC GS 130A-309.84]
- ▶ **Stormwater and Nonpoint Source** - \$10,000 per violation per day; \$25,000 if assessed in the past three years [NCGS 143-215.6A(a) and (b1)] NOTE: Repeat offenses will be considered for violations occurring within 5 years beginning October 1, 2002.
- ▶ **Underground Storage Tanks** – \$10,000 per day per violation [NCGS 143-215.6A]
- ▶ **Well Construction** – \$1000 per day per violation [NCGS 87-94]

## Who does enforcement in DENR?

**Division of Air Quality** – Regulates air pollution, including open burning, Title V permitting, state .0300 permits and mobile sources.

**Division of Coastal Management** – Regulates development within areas of environmental concern in the 20 coastal counties.

**Division of Environmental Health** – Regulates public water supplies, on-site wastewater systems, shellfish sanitation and restaurant sanitation grades; monitors radiation sources from power plants and medical facilities.

**Division of Land Resources** – Regulates mining, erosion and sedimentation control, and dam safety.

**Division of Waste Management** – Regulates solid waste disposal, hazardous waste management, underground storage tanks and superfund cleanups.

**Division of Water Quality** – Regulates water pollution, including surface water quality, ground water quality, well-driller certifications, wetlands, storm water and municipal wastewater treatment, buffer requirements, surface water standards, sanitary collection systems and animal operations.

See Appendix C for detailed descriptions

## How much does it cost to investigate and develop an enforcement case?

The cost varies widely from program to program, and case to case. By law, civil penalty collections are distributed to public schools through the State School Technology Fund [NCGS Chapter 115C – 457.3]. DENR may keep the “cost of collection,” up to 20 percent of the amount collected [NCGS Chapter 115C-457.2]. DENR cannot categorically attach a 20 percent cost-recovery fee to the penalty, but must show cost accounting. At a 20 percent recovery rate, tracking costs can exceed the potential collection.

## Under what circumstances are penalties reduced from originally assessed amounts?

State law provides for review and possible reduction of civil penalty assessments through administrative processes, including requests for penalty remission and formal appeals. Processes may vary from program to program, but a right to appeal exists under every program.

When an agency assesses a penalty and the violator chooses to appeal instead of pay the fine, the penalty will go through several different steps to reach a final resolution. Independent commissions, DENR’s secretary, the Office of Administrative Hearings (OAH) and the courts can all play a role in determining the final amount of a penalty that is contested.

OAH conducts a hearing and issues a recommended decision. Depending on the program, the case then goes to the DENR secretary, the state health director or an independent citizen commission for final decision. If none of these avenues produce a result accepted by the violator, the case can then go to the courts for resolution.

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Sometimes violators choose not to contest the factual circumstances that led to the penalty, but will pursue settlement of the case — either directly with the state agency or through the Attorney General's Office — to avoid lengthy administrative hearings or court action. Reductions in penalties may be established through penalty remission procedures established by independent commissions or through an even less formal negotiation process.

## What factors are considered in determining the penalty amount?

Most programs are bound by statute or regulation to consider the following factors in determining the amount of a penalty:

- ▶ Degree and extent of harm;
- ▶ Duration and gravity of the violation;
- ▶ Effect on media (air, water, land);
- ▶ Effect on public health;
- ▶ Cost of rectifying the damage;
- ▶ Any money saved by noncompliance;
- ▶ Cause (i.e. whether the violation resulted from negligent, reckless, willful, or intentional act or omission);
- ▶ Compliance history (prior record) of the violator.

## Where are the Penalty Assessment Computation Criteria found?

- ▶ **Air Quality** – NCGS 143-215.114A(c), 143B-282.1(b) and 15A NCAC 02J .06
- ▶ **Aquifer Protection** – NCGS 143-215.6A and 143B-282.1(b)
- ▶ **Coastal Management** – NCGS 113A-126(d)(4) and 15A NCAC 07J .0409(f)(3)
- ▶ **Dam Safety** – NCGS 143-215.36(b)(3)
- ▶ **Erosion and Sediment Control** – NCGS 113A-64(a)(3) and 15A NCAC 04C. 0106
- ▶ **Hazardous Waste** – NCGS 130A-22(f) and 15A NCAC 13B Section .0702
- ▶ **Mining** – NCGS 74-64(a)(1)(c) and 15A NCAC 05K .0107
- ▶ **NPDES** – NCGS 143-215.6A and 143B-282.1(b)
- ▶ **Oil Pollution/Hazardous Substance Control** – NCGS 143-215.91, recodified as NCGS 143-215.88A and B which references 143-215.6 recodified as 143-215.6A through 143-215.6C and 143B-282.1
- ▶ **On-site Wastewater** – NCGS 130A-22(b1), 15A NCAC 18A
- ▶ **Public Water Supply** – NCGS 130A-22(f) and 15A NCAC 18C .1906
- ▶ **Radiation Protection** – NCGS 104E-24(b)
- ▶ **Solid Waste** – NCGS 130A-22(f) and 15A NCAC 13B Section .0702
- ▶ **Stormwater and Nonpoint Source** - NCGS 143-215.6A and 143B-282.1(b)
- ▶ **Underground Storage Tanks** – NCGS 143-215.6A(c), which references 143B – 282.1(b)
- ▶ **Well Construction** – NCGS 87-94 references NCGS 143B-282.1(b) and NCGS 143-215.6A

NCGS – North Carolina General Statute

NCAC – North Carolina Administrative Code

Both can be found on the Internet at <http://www.ncgov.com/asp/subpages/intention.asp?P=2&I=82>

## What are a penalty matrix and a penalty tree?

Some programs use a matrix to assist in the calculation of a penalty based on the relationship between the degree of harm caused or threatened by a violator's actions and the extent that a violation deviates from the rules. That relationship is characterized on a penalty matrix table as major, moderate or minor blocks or "cells". Within a selected cell, a penalty range is isolated to guide the agency for an appropriate penalty amount, based on consideration of the statutory or regulatory factors.

For example, on the penalty matrix table below, a violation determined to be major for degree of harm and moderate in the deviation from the rules would be assessed from 60 – 80 percent of the maximum penalty. Factors that contribute to the gravity of the violation are offset by considerations for remission (e.g. good faith efforts to correct the violation).

Degree of Harm	Degree of Deviation from Requirement		
<input type="checkbox"/> Potential			
<input type="checkbox"/> Actual	MAJOR	MODERATE	MINOR
<b>MAJOR</b>	80 – 100%	60 – 80%	44 – 60%
MODERATE	32 – 44%	20 – 32%	12 – 20%
MINOR	6 – 12%	2 – 6%	1 – 2%
Degree of Harm Factors:		Degree of Deviation Factors:	
<input type="checkbox"/> Duration of Violation <input type="checkbox"/> Area of Impact (size) <input type="checkbox"/> Proximity to receptors <input type="checkbox"/> Sector impacts (air, land, water) <input type="checkbox"/> Health Impacts		<input type="checkbox"/> Administrative / Record Keeping <input type="checkbox"/> Indirect sector impact <input type="checkbox"/> Direct sector impact <input type="checkbox"/> Undermines statute / regulation	

**Generic Penalty Matrix Worksheet**

Some programs use a penalty tree to guide their decision-making. When the violation is identified, a table is used to identify an amount, which can then be increased or decreased based on aggravating or mitigating factors relevant to the assessment.

2.0 NON-PERMITTED ACTIVITY		
Class	Violation	Amount
2.1	operating without a permit	\$4,000
2.2	failure to submit reports	\$500

**Generic Penalty Tree**

Programs that use a matrix analysis:

- ▶ Hazardous Waste
- ▶ Public Water Supply
- ▶ Solid Waste
- ▶ Underground Storage Tank

Programs that use a penalty tree:

- ▶ Air Quality

Programs that use a matrix/tree in combination:

- ▶ Coastal Management
- ▶ Radiation Protection

Programs that use a hybrid matrix:

- ▶ Erosion & Sedimentation Control
- ▶ Dam Safety
- ▶ Mining
- ▶ Water Quality

Programs that apply maximum penalties in all cases:

- ▶ On-Site Wastewater

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## **APPENDIX C**

### **PROGRAM DESCRIPTIONS**

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
Division of Air Quality (DAQ)	DAQ regulates the quality of air in North Carolina through technical assistance and enforcement of state and federal air pollution standards. The division issues permits, establishes ambient air quality standards, monitors the air quality of the state and implements a vehicle inspection/maintenance program in conjunction with the Division of Motor Vehicles (DOT).	<ul style="list-style-type: none"> <li>• Industries with air emissions</li> <li>• Animal operations with liquid waste management systems</li> <li>• Mobile sources</li> </ul>
Aquifer Protection (Division of Water Quality)	The Animal Feeding Operations and Land Application units regulates a wide range of facilities that handle wastewater or biosolids but are <u>not</u> designed to discharge pollutants directly into a waterbody. The solids generated by any wastewater treatment facilities are regulated. Aquifer Protection is also the lead state agency for groundwater protection, which includes responsibilities for ground water pollution prevention, ground water quality classification and standards, review of permits for wastes that may enter the ground water, developing and implementing ground water clean-up requirements, promoting resource restoration, well construction rules, underground injection control, and ground water quality monitoring.	<ul style="list-style-type: none"> <li>• Animal farms</li> <li>• Municipal wastewater treatment plants that apply waste to land</li> <li>• Sewers</li> <li>• Industrial wastewater spray facilities</li> <li>• Facilities that spill oil or hazardous materials in or near water</li> <li>• Industrial and municipal wastewater treatment plants producing residuals needing disposal on land</li> <li>• Wastewater spray irrigation systems</li> <li>• Well contractors</li> <li>• Above-ground petroleum storage tank systems</li> <li>• Parties causing groundwater pollution</li> </ul>
Division of Coastal Management (DCM)	DCM carries out the state's Coastal Area Management Act, the Dredge and Fill Law, and the federal Coastal Zone Management Act of 1972 (CZMA) in the 20 coastal counties, using rules and policies of the NC Coastal Resources Commission (CRC). Areas of environmental concern (AECs) are the foundation of the CRC's permitting program for coastal development. An AEC is an area of natural importance: it may be easily destroyed by erosion or flooding; or it may have environmental, social, economic, or aesthetic values that make it valuable to our state.	<ul style="list-style-type: none"> <li>• Those proposing any development (construction, excavation, filling) in the coastal area and within an AEC</li> </ul>
Dam Safety (Division of Land Resources)	<p>The Dam Safety Program ensures the safety of the public from dam failures, the maintenance of water reservoirs and the maintenance of downstream minimum stream flows from dams. The Dam Safety Program performs inspections; reviews permit applications; and enforces the Dam Safety Law of 1967 to bring dams that pose a threat to human life or property into compliance with the requirements of the law.</p> <p>There are more than 5,000 dams on the state's inventory of dams; approximately 1,000 of which would cause probable loss of human life and/or extensive property damage in the event of dam failure. The program processes approximately 200 applications each year for the construction, repair modification, and removal of dams. The regional offices are responsible for inspection of dams and the initiation of enforcement for violations of the law.</p>	<ul style="list-style-type: none"> <li>• Owners of dams</li> </ul>

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
Erosion and Sedimentation Control (Division of Land Resources)	The Erosion and Sedimentation Control Program controls erosion and prevents offsite sedimentation pollution from land disturbing activities. The program began in 1974 following the 1973 passage of the Sedimentation Pollution Control Act by the North Carolina General Assembly. The act is a performance-oriented legislation that establishes four mandatory standards. The regional offices are responsible for the review and approval of erosion control plans, inspection of land-disturbing activities and the initiation of enforcement for violations of the Act. The Land Quality Section received approximately 3,200 new erosion and sediment control plans in FY 2001, and has approximately 7,000 active projects.	<ul style="list-style-type: none"> <li>• Builders of homes, subdivisions, commercial property, etc.</li> </ul>
Food, Lodging and Institutional Sanitation (Division of Environmental Health)	These responsibilities are accomplished through two separate regulatory programs: The Dairy and Food Protection Program and the Institutions, Pool and Tattoos Program. The purpose of the Food and Lodging program is to minimize the occurrence of foodborne illness and provide quality assurance to lodging sanitation. The purpose is accomplished largely through education of business management and personnel, and enforcement of health regulations. The state trains and delegates local health departments who, in turn, administer the program.	<ul style="list-style-type: none"> <li>• Food establishments</li> </ul>
Hazardous Waste Section (HWS, Division of Waste Management)	HWS ensures the safe management of hazardous waste in North Carolina. The section applies the adopted federal rules that incorporate the Resource Conservation and Recovery Act (RCRA) requirements and additional state rules. In addition, the section oversees the RCRA Used Oil regulations.	<ul style="list-style-type: none"> <li>• Small and large quantity generators</li> <li>• Hazardous waste transporters</li> <li>• Treatment / storage / disposal facilities</li> <li>• Facilities that are in various states of closure and post-closure</li> <li>• Used oil facilities</li> </ul>
Mammography (Division of Environmental Health)	<p>Congress enacted the Mammography Quality Standards Act in 1992 (MQSA) to ensure that all women have access to quality mammography for the detection of breast cancer in its earliest, most treatable stages. In the fall of 1998 Congress reauthorized MQSA, extending the program to 2002. The Act is amended by the Mammography Quality Reauthorization of 1998 (MQSRA).</p> <p>Congress charged the Food and Drug Administration (FDA) with developing and implementing MQSA regulations. In 1995 the FDA began enforcing when the FDA initiated an inspection program. In October of 1997, the FDA issued more comprehensive final regulations, which became effective on October 28, 1999. The final regulations of mammography exposure equipment were delayed until October 28, 2002.</p> <p>Facilities in North Carolina are accredited by the American College of Radiology (ACR) and then certified by the FDA. The same yardsticks measure all mammography facilities. FDA-trained State Inspectors conduct annual inspections of facilities to assure compliance to the MQSA regulations.</p>	<ul style="list-style-type: none"> <li>• Hospitals</li> <li>• Physicians Offices</li> <li>• Imaging Practices</li> </ul>
Mining Program (Division of Land Resources)	The purpose of the Mining Program, as authorized by The Mining Act of 1971, is to ensure that mining operations protect the environment and public safety during mining and reclaim the mined land after mining. The Mining Program regulates approximately 900 mines. The Land Quality Central Office processes approximately 325 applications for new mines, renewals, and transfers and releases each year, and initiates and coordinates enforcement. The regional offices are responsible for inspection of the mine sites.	<ul style="list-style-type: none"> <li>• Mining operations</li> </ul>

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
National Pollutant Discharge Elimination System (NPDES, Division of Water Quality)	NPDES is the federally established program for controlling point-source discharges of pollution. The Clean Water Act of 1972 initiated strict control of wastewater discharges giving enforcement responsibility to the Environmental Protection Agency (EPA). The EPA delegated permitting authority to the State of North Carolina in 1975. The Point Source Branch is responsible for administering the program for the state.	<ul style="list-style-type: none"> <li>• Municipal wastewater treatment plants</li> <li>• Industrial wastewater treatment plants</li> <li>• Package wastewater treatment plants.</li> <li>• Single family residences</li> <li>• Municipal and industrial pre-treatment facilities</li> <li>• Stormwater discharges</li> </ul>
On-Site Wastewater Section (OSWS, Division of Environmental Health)	OSWS regulates all wastewater collection, treatment, and disposal systems that do not discharge to the ground surface or surface waters. The department has delegated the permitting (>50k permits/year) and enforcement of the laws and rules to authorized environmental health specialists in local health departments after appropriate training, testing and evaluation.	<ul style="list-style-type: none"> <li>• Privies</li> <li>• Incinerating and composting toilets</li> <li>• Septic tank systems</li> <li>• Wastewater treatment plants and industrial process wastewater systems discharging to the subsurface</li> <li>• Modified, alternative, and innovative wastewater collection, treatment and disposal systems designed for subsurface disposal</li> </ul>
Public Water Supply Section (PWS, Division of Environmental Health)	PWS promotes public health by ensuring that safe, potable water is available in adequate quantities to the residents and visitors of North Carolina served by public water systems by ensuring that such systems are properly located, constructed, and maintained. The section implements and enforces the provisions of the federal Safe Drinking Water Act in the state through a primacy agreement with the US Environmental Protection Agency.	<ul style="list-style-type: none"> <li>• Public water systems with at least 15 service connections or that serve 25 or more individuals for 60 or more days per year</li> </ul>
Radioactive Materials (Division of Environmental Health)	The Radioactive Materials Program regulates the receipt, possession, use, transfer, and disposal of radioactive material and particle accelerators. The program inspects specific licensees periodically and general licensees as required. The program reviews and certifies new sealed radioactive sources manufactured in North Carolina.	<ul style="list-style-type: none"> <li>• Nuclear medicine facilities</li> <li>• Civil engineering firms</li> <li>• Industrial radiographers</li> <li>• Research facilities</li> </ul>
Shellfish Sanitation Section (Division of Environmental Health)	The Shellfish Sanitation Section protects the consuming public from shellfish and crustacea that could cause illness. Rules and regulations following national guidelines have been implemented to ensure the safety of harvesting waters and the proper sanitation of establishments that process shellfish and crustacea for sale to the general public. This program also monitors coastal recreational waters and post advisories when necessary to protect the public health of recreational water users.	<ul style="list-style-type: none"> <li>• Shellfish and crustacea harvesters that sell to the public</li> </ul>
Solid Waste Section (SWS, Division of Waste Management)	SWS regulates safe management of solid waste in North Carolina through guidance, technical assistance, regulations, permitting, environmental monitoring, compliance evaluation, and enforcement. Waste types handled at these facilities include municipal solid waste, industrial waste, construction and demolition waste, land-clearing waste, scrap tires, and medical waste.	<ul style="list-style-type: none"> <li>• Landfills</li> <li>• Transfer stations</li> <li>• Incinerators</li> <li>• Treatment and processing facilities</li> <li>• Compost facilities</li> <li>• Land application sites for a variety of non-hazardous solid waste types</li> <li>•</li> </ul>

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
Stormwater/Non-Point Source (Division of Water Quality)	National Pollutant Discharge Elimination System (NPDES ) is the federally established program for controlling point-source discharges of pollution. The Wetlands and Stormwater Branch is responsible for administering the federal point sources stormwater discharge program for the state, as well as riparian and water supply buffer rules, state stormwater management regulations, wetlands development, and stream course modification. In addition, oil and hazardous substances control, as they cannot be discharged, are regulated by the unit under the provisions of Article 21A.	<ul style="list-style-type: none"> <li>• NPDES Stormwater Permitting</li> <li>• State Stormwater Management compliance</li> <li>• Developers that modify a stream course or impact wetlands</li> <li>• Local Government oversight for the Implementation of Water Supply Watershed protection</li> <li>• Developers seeking authorization for riparian (streamside) buffer impacts</li> </ul>
Tanning (Division of Environmental Health)	The Tanning Inspection Program inspects tanning machines and facilities to ensure compliance with the regulations adopted by the Radiation Protection Commission to protect the public. The program provides technical assistance to registrants and operators to encourage responsible operation of tanning facilities.	<ul style="list-style-type: none"> <li>• Beauty shops</li> <li>• Spas</li> <li>• Video stores</li> <li>• Home-based commercial tanning facilities.</li> </ul>
Underground Storage Tank Section (Division of Waste Management)	<p>The Permits and Inspection Program makes sure that underground storage tanks in North Carolina are properly permitted. Permitting ensures systems are in good operating order and pose no danger to the environment or human health and safety. Inspections are performed to make sure USTs comply with the regulations that govern their operation. Education and training are available to owners and operators who would like to learn more about safe operating practices. Technical assistance, available on a one-to-one basis, is also available for owners and operators who need help bringing their systems into compliance.</p> <p>The Corrective Action Program oversees the assessment and cleanup of sites where releases to the environment have occurred. Once owners and operators notify the section that a spill has occurred, the program's staff work with environmental consultants to ensure the highest quality cleanup possible. Once a clean up is under way, the program samples wells and monitors the consultants' work. Technical assistance visits are also available to train and inform owners, operators and consultants. Trust fund claims are pre-approved by this program, which also reviews technical reimbursement requests.</p>	<ul style="list-style-type: none"> <li>• petroleum USTs</li> <li>• hazardous substance USTs</li> </ul>
X-Ray (Division of Environmental Health)	The X-Ray Inspection Program inspects X-Ray machines and facilities to meet the regulations adopted by the Radiation Protection Commission to protect the public and workers against over-exposure to radiation. The program provides technical assistance to encourage x-ray exposure as low as reasonably achievable.	<ul style="list-style-type: none"> <li>• Dental x-ray machines</li> <li>• Hospital x-ray machines</li> <li>• Industrial x-ray machines</li> </ul>

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## **APPENDIX D**

### **COMPLIANCE CONTACTS**

## Compliance Contacts

CONTACT	ORGANIZATION	VOICE NO.	FAX NO.	EMAIL ADDRESS
Betty Gatano	Air Quality	919-733-1478	919-733-1812	Betty.Gatano@ncmail.net
Roy Brownlow	Coastal Management	252-808-2808	252-247-3330	Roy.Brownlow@ncmail.net
Sue Grayson	Food, Lodging and Institutional Sanitation	919-715-0926	919-715-4739	Sue.Grayson@ncmail.net
Connie Pixley	On-Site Wastewater	919-715-3273	919-715-32227	Connie.Pixley@ncmail.net
Tony Gallagher	Public Water Supply	919-715-3215	919-715-4374	Tony.Gallagher@ncmail.net
Bennifer Pate	Radiation Protection	919-571-4141	919-571-4148	Bennifer.Pate@ncmail.net
Wayne Mobley	Shellfish Sanitation	252-726-6827	252-726-8475	Wayne.Mobley@ncmail.net
Sean Brogan	Forest Resources	919-533-6178 ext. 230		Sean.Brogan@ncmail.net
Mell Nevils	Mining, Sedimentation, Dam Safety	919-733-4574	919-733-2876	Mell.Nevils@ncmail.net
Lebeed Kady	Hazardous Waste	919-508-8546	919-715-3605	Lebeed.Kady@ncmail.net
Amy Annechino	Solid Waste	919-508-8496	919-733-4810	Amy.Annechino@ncmail.net
Jan Manthey	Underground Storage Tanks	919-733-1321	919-733-9413	Jan.Manthey@ncmail.net
Ed Hardee	Aquifer Protection	919-715-6189		Ed.Hardee@ncmail.net
Tom Belnick	NPDES	919-733-5083 ext. 543	919-733-9612	Tom.Belnick@ncmail.net
Shelton Sullivan	Stormwater/Non-Point Source	919-733-5083 ext. 544	919-733-9612	Shelton.Sullivan@ncmail.net
Sharon Johnson	Pollution Prevention	919-715-6509	919-715-6794	Sharon.M.Johnson@ncmail.net
ADDITIONAL RESOURCES				
CONTACT	ORGANIZATION	VOICE NO.	FAX NO.	EMAIL ADDRESS
Jill Pafford	Secretary's Office	919-715-4193	919-715-3060	Jill.Pafford@ncmail.net
Jimmy Carter	Secretary's Office	919-733-4908	919-715-3060	Jimmy.Carter@ncmail.net

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## **APPENDIX E**

### **PRINCIPLES OF ENFORCEMENT**

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## PRINCIPLES OF ENFORCEMENT

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In an ideal world, regulation is replaced by stewardship; an inherent respect for the environment. In this concept of stewardship, everyone takes responsibility for their actions and the use of resources for the benefit of the community. In the real world, stewardship is sometimes compromised by conflicting capabilities, priorities, values, and perspectives. This creates the need for regulation and enforcement.

The challenge for regulators is to balance the use of compliance tools with the recognition of stewardship efforts. Regulated entities must be made aware of the conditions for compliance, made to feel the consequences of non-compliance, and provided an opportunity to demonstrate behavior beyond compliance. When enforcement is necessary, it should be fair, focused, visible, and timely.

The following principles are embraced to meet this challenge:

1. Compliance is the first step toward the ultimate goal of stewardship.
2. Enforcement will be balanced with education, technical assistance, and incentives to achieve compliance and encourage stewardship.
3. Enforcement will be an effective deterrent against future violations.
4. Enforcement actions will increase in severity for regulated entities with poor compliance histories.
5. The cost of non-compliance should be greater than the cost of compliance.
6. Resources will be used proportional to the potential impact on human health and the environment and in keeping with statutory responsibilities.
7. DENR will support the development and use of alternative tools to traditional enforcement that achieve compliance and encourage going beyond compliance.
8. DENR will trust, empower, and support its employees to make enforcement decisions and use enforcement discretion where appropriate.
9. DENR will ensure that its employees are well trained and informed to make enforcement decisions which are measurably consistent.
10. Enforcement policies, procedures, pertinent data, and other critical information will be accessible to any interested party.
11. Enforcement decisions will be defensible, documented, and proportional to the degree of potential harm.
12. DENR will foster partnerships internally and externally to realize shared responsibilities in environmental stewardship.

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## APPENDIX F

### PROCESS FLOWCHARTS

The generic process flowchart and the process flowcharts for the various regulatory agencies can be found at

<http://www.enr.state.nc.us/html/flowcharts.html>

The agencies with flowcharts at this website are:

- Air Quality
- Coastal Management
- Env Health - Food and Lodging, Shellfish Sanitation and Sleep Products
- Env Health - On-Site Wastewater
- Env Health - Public Water Supply
- Land Resources - Dam Safety
- Land Resources - Erosion and Sedimentation Control
- Land Resources - Mining
- Waste Management - Hazardous Waste
- Waste Management - Solid Waste
- Waste Management - Underground Storage Tank
- Water Quality - Groundwater
- Water Quality - Non-discharge
- Water Quality - NPDES