



North Carolina Department of Environment and Natural Resources

# Environmental Regulatory Compliance Activity in Calendar Year 2002

Contact:  
Jill Pafford, Secretary's Office  
1601 Mail Service Center  
Raleigh, NC 27699-1601  
(919) 715-4193  
[jill.pafford@ncmail.net](mailto:jill.pafford@ncmail.net)

February 2004

---

# North Carolina Department of Environment and Natural Resources

## Environmental Regulatory Compliance Activity in Calendar Year 2002

Contributors: Jill Pafford, Secretary's Office  
David Vogt, Secretary's Office  
Doug Lewis, Secretary's Office  
Jimmy Carter, Secretary's Office

Program Advisors: Betty Gatano, Air Quality  
Roy Brownlow, Coastal Management  
Mike Kelly, Environmental Health  
Steve Steinbeck, Environmental Health – On-Site Wastewater  
Tony Gallagher, Environmental Health – Public Water Supply  
Amy Sawyer, Environmental Health – Radiation Protection  
Mell Nevils, Land Resources  
Sharon Johnson, Pollution Prevention and Environmental Assistance  
Helen Cotton, Waste Management – Hazardous Waste  
Jaclynne Drummond, Waste Management – Solid Waste  
Jan Manthey, Waste Management – Underground Storage Tanks  
Thomas Cadwallader, Water Quality – Groundwater  
Steve Lewis, Water Quality – Non-Point Discharge  
Vanessa Manuel, Water Quality – NPDES  
Moreland Gueth, Forest Resources  
Beth Warren, AGO

---

## TABLE OF CONTENTS

---

INTRODUCTION .....	4
2002 PROGRAM AT A GLANCE DATA AND ENFORCEMENT TRENDS .....	6
Air Quality .....	7
Coastal Management .....	8
Environmental Health – Food, Lodging and Institutional Sanitation .....	9
Environmental Health – Mammography .....	10
Environmental Health – On-Site Wastewater .....	11
Environmental Health – Public Water Supply .....	12
Environmental Health – Radioactive Materials .....	13
Environmental Health – Shellfish Sanitation .....	14
Environmental Health – Sleep Products .....	15
Environmental Health - Tanning .....	16
Environmental Health – X-Ray .....	17
Forest Resources .....	18
Land Resources – Dam Safety .....	19
Land Resources – Erosion and Sedimentation Control .....	20
Land Resources - Mining .....	21
Waste Management – Hazardous Waste .....	22
Waste Management – Solid Waste .....	23
Waste Management – UST Program .....	24
Water Quality - Groundwater .....	25
Water Quality – Non-Discharge .....	26
Water Quality - NPDES .....	27
APPENDICES .....	28
A 2002 Program Compliance and Enforcement Data .....	29
B DENR Enforcement Primer .....	71
C Program Descriptions .....	75
D Compliance Contacts .....	80
E Principles of Enforcement .....	82
F Process Flowcharts .....	84

---

## 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 21 regulatory programs across six divisions. The reports have addressed timeliness of enforcement actions, penalty amounts, compliance rates and several related measures for calendar years 2000 and 2001. This third report presents the same data for calendar year 2002, continuing to refine some measures to provide a more accurate compliance and enforcement picture. However, the data for 2002 is presented in a different, more streamlined format than the previous two years.

There is no single compliance profile in the DENR regulatory agencies. The breadth of program responsibilities is wide, and the communities regulated by those programs are diverse. DENR programs regulate activities with impacts ranging from one acre (for example, land-disturbing activities at a construction site) to the entire state (mobile air emissions). Regardless of the spectrum of regulation, DENR has the responsibility to manage all compliance programs in an open way that allows any interested person to find out what is happening in the program and to evaluate its strength, its fairness and its effectiveness.

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 2002 compliance and enforcement data for all of the programs, as well as some graphic representations of enforcement trends from 2000-2002 data. This report is intended to help the department – and the public – begin 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 a 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

---

## **2002 PROGRAM AT A GLANCE DATA AND ENFORCEMENT TRENDS**

In the following tables, only a few specific 2002 compliance and enforcement measures are presented for the NC DENR regulatory programs. In addition, where data was available in 2000 and 2001 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 2002 compliance and enforcement measures for each of the NC DENR regulatory programs.

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

# AIR QUALITY

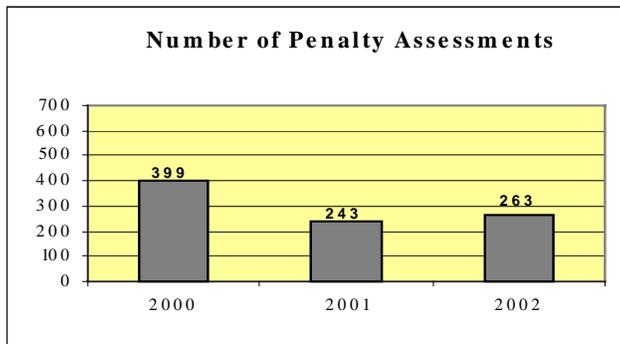
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>2,562</b>
<b>Number of Regulated Entities</b>	<b>10,607</b>
<b>Total Number of Penalties Assessed</b>	<b>263</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$1,365,296</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>70%</b>

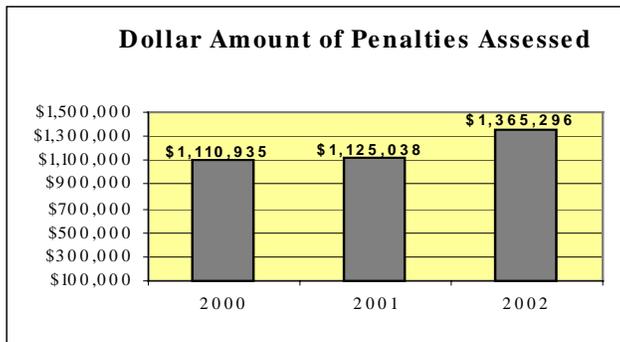
### Enforcement Trends: 2000 - 2002



The number of inspections has remained relatively consistent over the last three years.



The number of penalty assessments decreased after the year 2000 due to a change in emission inventory submittals. Emission inventories for small and synthetic minor facilities prior to the year 2000 were required every three years, but are now required at permit renewal only. Therefore, future spikes in the number of penalty assessments due to emission inventory violations are not expected.



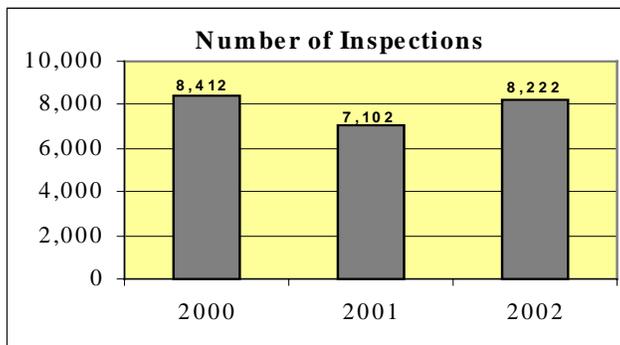
The total dollar amount of penalties assessed has remained relatively consistent over the last three years.

# COASTAL MANAGEMENT

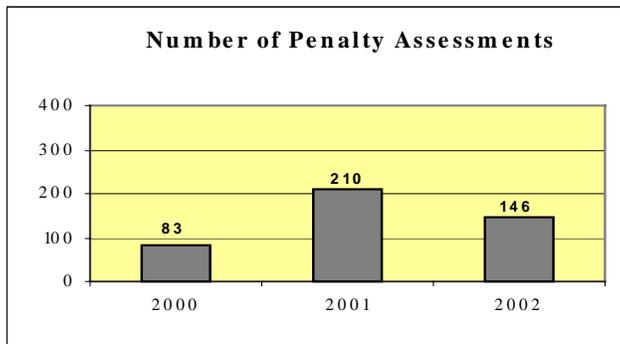
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>8,222</b>
<b>Number of Regulated Entities</b>	<b>4,044</b>
<b>Total Number of Penalties Assessed</b>	<b>146</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$48,320</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>95%</b>

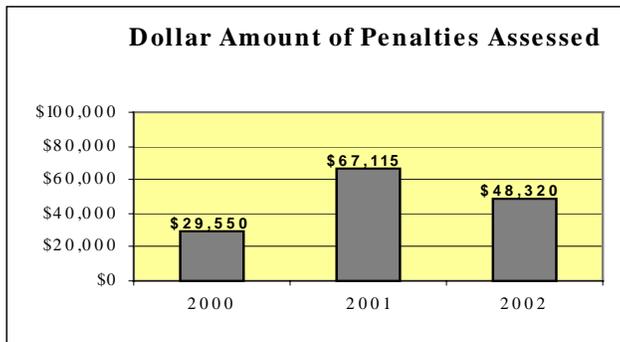
## Enforcement Trends: 2000 – 2002



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



The number of penalty assessments trend over the last three years depicts expected program fluctuations.



The trend for total dollar amount of penalties assessed over the last three years depicts expected program fluctuations.

---

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

### 2002 Enforcement Data at a Glance\*

Number of A ratings for restaurants	59,812
Number of B ratings for restaurants	1,608
Number of C ratings for restaurants	146
Number of suspended restaurant certifications	198
Number of revoked restaurant certifications	88

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

### Enforcement Trends: 2000 – 2002

2000 and 2001 data are not available for trend analysis, since 2002 was the first year this kind of information was collected for this program.

---

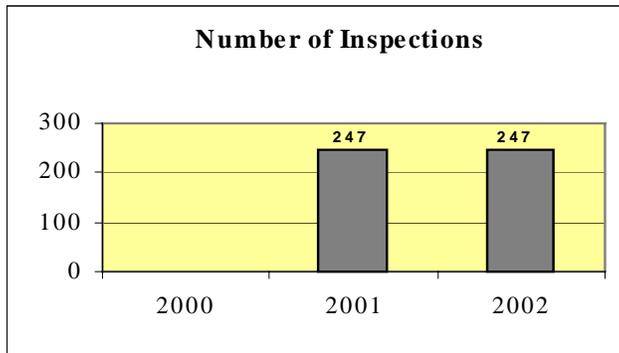
## ENVIRONMENTAL HEALTH – MAMMOGRAPHY

### 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>247</b>
<b>Number of Regulated Entities</b>	<b>247</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.

### Enforcement Trends: 2000 – 2002\*



The number of inspections was constant over the last two years, since the number of regulated entities was constant over the last two years. All regulated entities are inspected every year. The inspection value is not available for the year 2000.

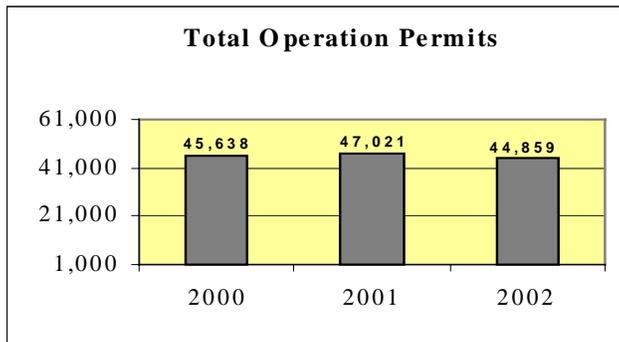
# ENVIRONMENTAL HEALTH – ON-SITE WASTEWATER

## 2002 Enforcement Data at a Glance\*

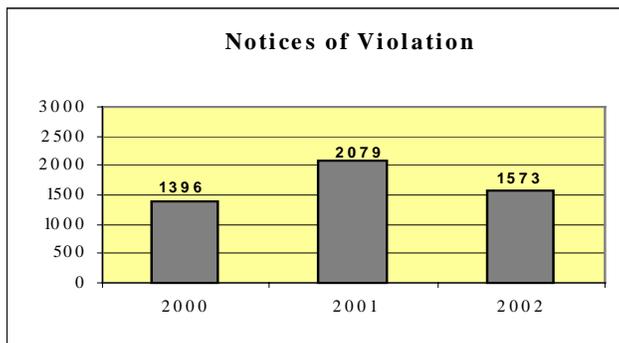
<b>Number of Inspections</b>	<b>21,253</b>
<b>Number of Regulated Entities</b>	<b>1,500,000</b>
<b>Total Operation Permits</b>	<b>44,859</b>
<b>Total Number of Notices of Violation</b>	<b>1573</b>
<b>Total Number of Legal Remedies</b>	<b>244</b>

\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported instead. In 2000, 85/100 counties reported. In 2001, 96/100 counties reported. In 2002, 100/100 counties reported.

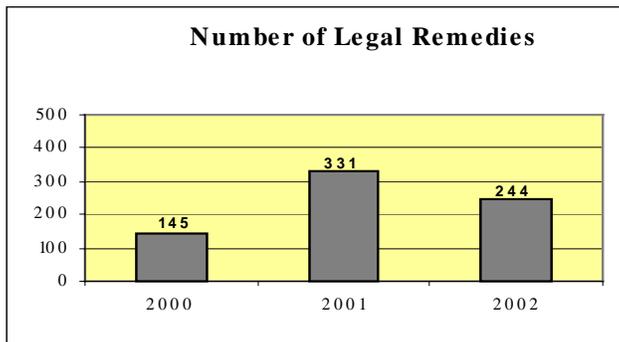
## Enforcement Trends: 2000 – 2002



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



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



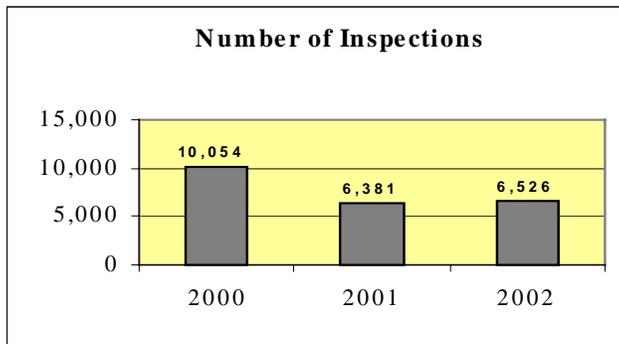
The trend for number of legal remedies over the last three years followed the trend for notices of violation. Legal remedies include denial, suspension or revocation of permits; criminal misdemeanor; injunction; and administrative penalty. Penalties are rarely used due to the low assessment limits set by statute and the lack of an enforcement attorney assigned to this agency.

# ENVIRONMENTAL HEALTH – PUBLIC WATER SUPPLY

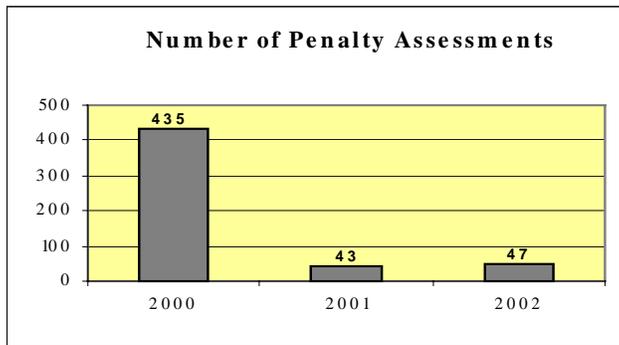
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>6,526</b>
<b>Number of Regulated Entities</b>	<b>7,810</b>
<b>Total Number of Penalties Assessed</b>	<b>47</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$115,940</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>96%</b>

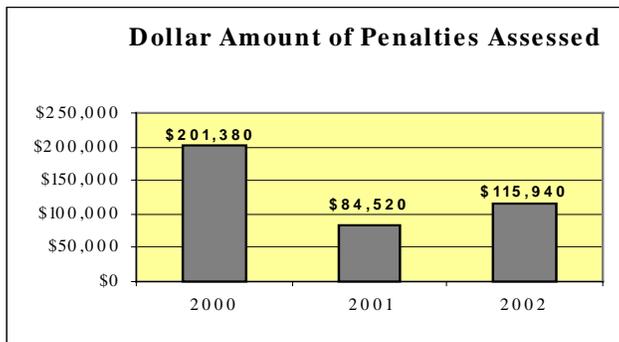
## Enforcement Trends: 2000 – 2002



The number of inspections in the year 2000 was higher than the next two years because the Public Water Supply Section (PWS) performed a State wide canvas for transit non-community (TNC) public water systems as an initiative that year.



The number of penalty assessments in the year 2000 was high because of the PWS initiative to bring TNC public water systems back into compliance.



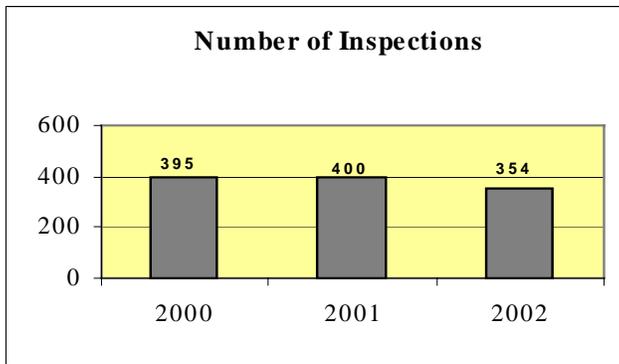
The total dollar amount of penalties assessed in the year 2000 was higher than in 2001 or 2002 because of fines collected from TNC public water systems as part of the PWS initiative that year.

# ENVIRONMENTAL HEALTH – RADIOACTIVE MATERIALS

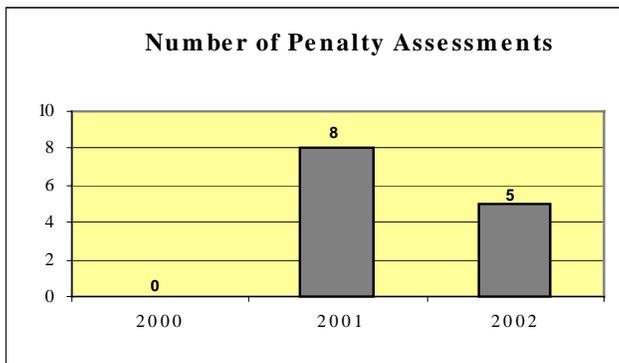
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>354</b>
<b>Number of Regulated Entities</b>	<b>710</b>
<b>Total Number of Penalties Assessed</b>	<b>5</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>36,250</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

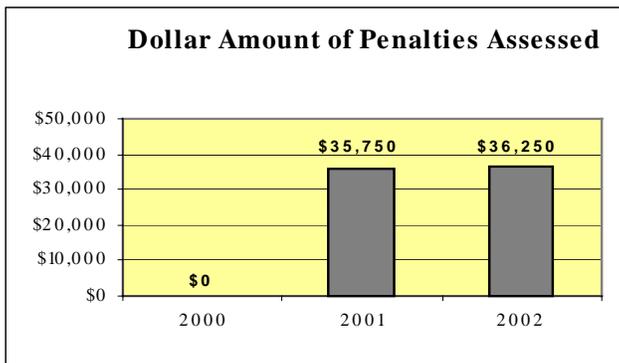
## Enforcement Trends: 2000 – 2002



The number of inspections has remained relatively consistent over the last three years.



The number of penalty assessments trend has been consistent with the number of inspections trend in the Radioactive Materials Program. Penalties increased overall after an escalated enforcement program began after the year 2000.



The total dollar amount of penalties assessed remained relatively consistent over the last two years. Penalties increased overall after an escalated enforcement program began after the year 2000.

---

## ENVIRONMENTAL HEALTH – SHELLFISH SANITATION

### 2002 Enforcement Data at a Glance\*

Number of Inspections	764
Number of Regulated Entities	469
Number of Shellfish Licenses Revoked	0
Number of Recommended Changes to Shellfish Growers	80

\* 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. Other agency-specific measures will be shown as trends in successive years.

### Enforcement Trends: 2000 – 2002



The number of inspections was less in 2002 than in previous years due to fewer shellfish plants in business.

---

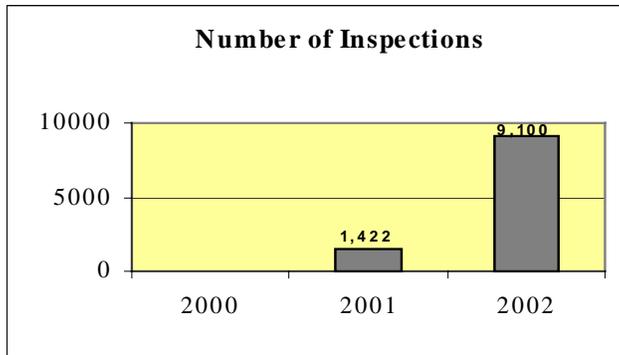
## ENVIRONMENTAL HEALTH – SLEEP PRODUCTS

### 2002 Enforcement Data at a Glance\*

<b>Number of Inspections</b>	<b>9,100</b>
<b>Number of Regulated Entities</b>	<b>907</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>100%</b>

\* 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. Other agency-specific measures will be shown as trends in successive years.

### Enforcement Trends: 2000 – 2002



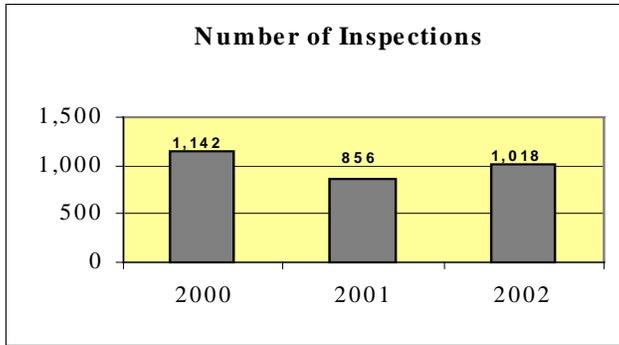
The number of inspections increased in the year 2002 because of the dramatic trend toward international manufacturing of items covered under this program. China, India and Pakistan are quickly becoming the major countries of manufactured sleep products sold in NC and the US, thus need more inspections for imported products. The inspection value is not available for the year 2000.

# ENVIRONMENTAL HEALTH – TANNING PROGRAM

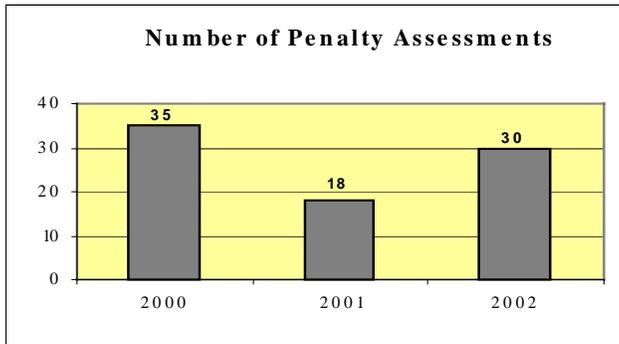
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,018</b>
<b>Number of Regulated Entities</b>	<b>2,511</b>
<b>Total Number of Penalties Assessed</b>	<b>30</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$20,750</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

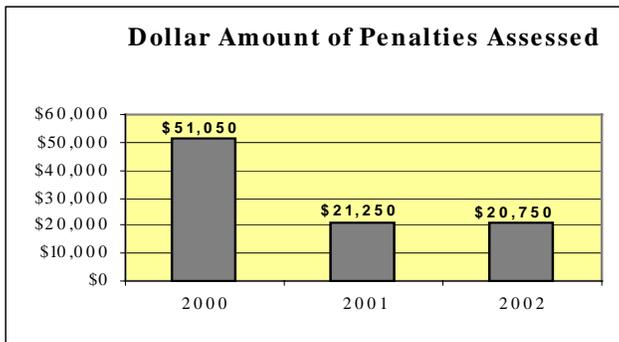
## Enforcement Trends: 2000 – 2002



The number of inspections has stayed relatively consistent over the last three years.



The number of penalty assessments trend has been consistent with the number of inspections trend in the Tanning Program.



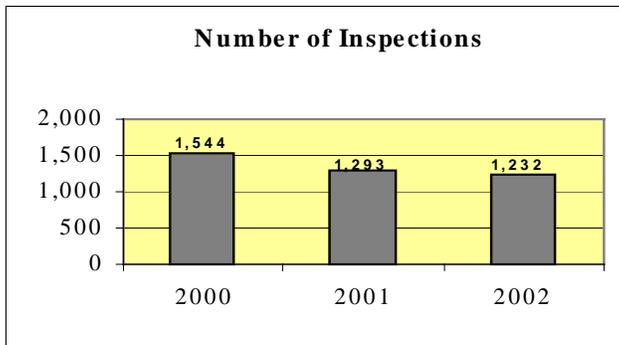
The total dollar amount of penalties assessed decreased from the year 2000 due to the types of violations and the decreased severity level of the violations found in those years.

# ENVIRONMENTAL HEALTH – X-RAY PROGRAM

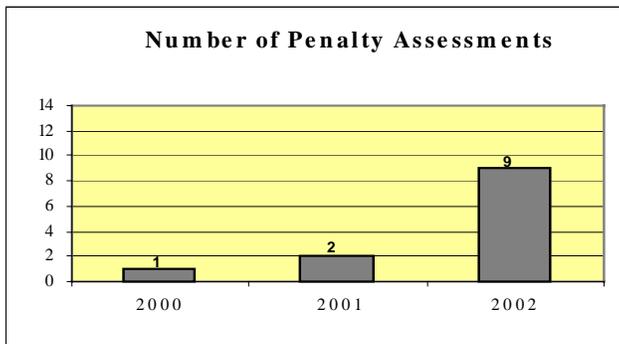
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,232</b>
<b>Number of Regulated Entities</b>	<b>6,066</b>
<b>Total Number of Penalties Assessed</b>	<b>9</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$11,250</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

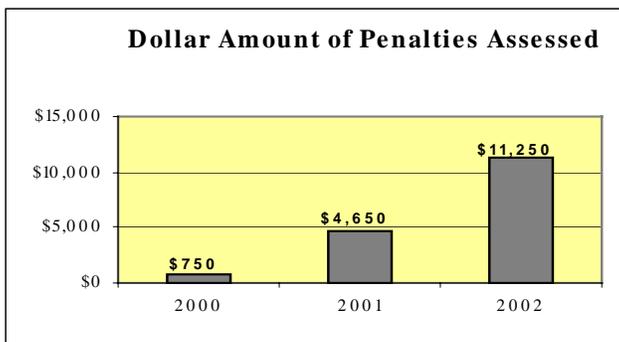
## Enforcement Trends: 2000 – 2002



The number of inspections has stayed relatively consistent over the last three years.



The number of penalties assessed increased over the last three years due to the severity of the violations found and the monetary value associated with the violation level.



The total dollar amount of penalties assessed also increased over the last three years because the severity of the violations found.

# FOREST RESOURCES

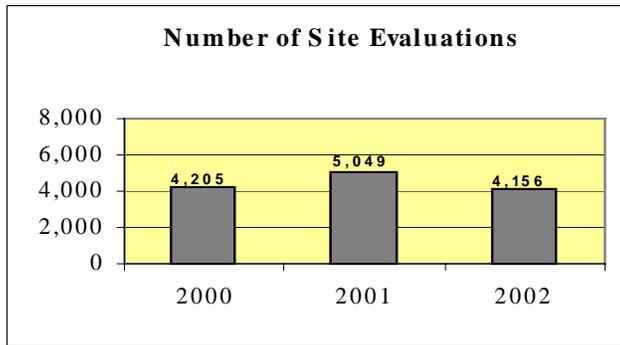
## 2002 Enforcement Data at a Glance\*

<b>Number of Site Evaluations</b>	<b>4,156</b>
<b>Percent of Site Evaluations in Non-Compliance by Type</b>	<b>5%</b>
<b>Number of Reinspections</b>	<b>1,074</b>
<b>Number of Notices of Non-Compliance</b>	<b>228</b>
<b>Number of Referrals for Enforcement</b>	<b>7</b>

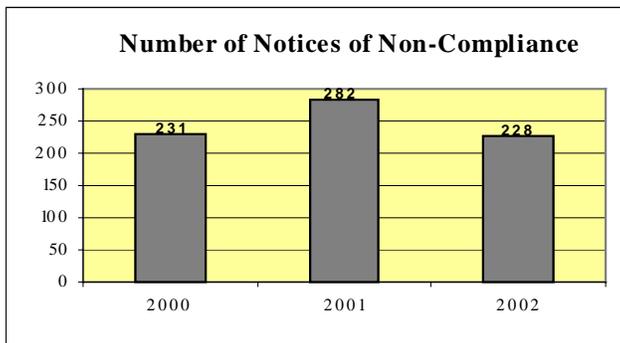
\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported.

## Enforcement Trends: 2000 – 2002\*\*

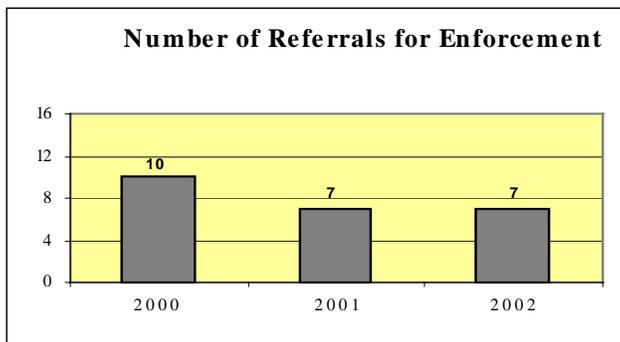
\*\*2000 and 2001 data have been revised from the DENR Compliance Activity Reports of 2000 and 2001.



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



The number of notices of non-compliance has stayed consistent over the last three years.



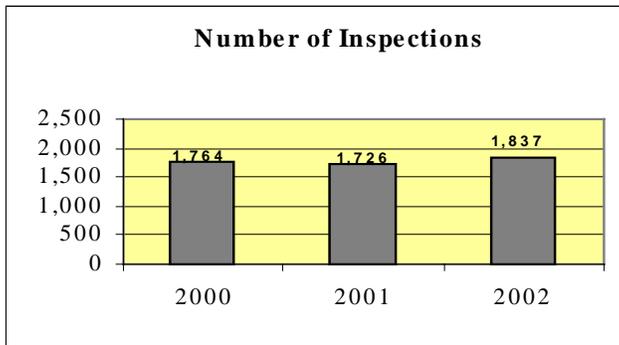
The number of referrals for enforcement has stayed consistent over the last three years.

# LAND RESOURCES – DAM SAFETY

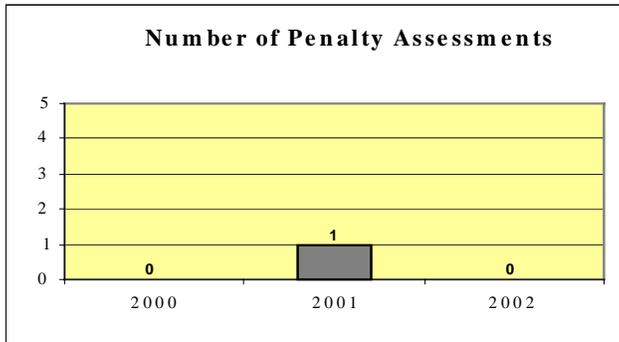
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,837</b>
<b>Number of Regulated Entities</b>	<b>4,722</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>89%</b>

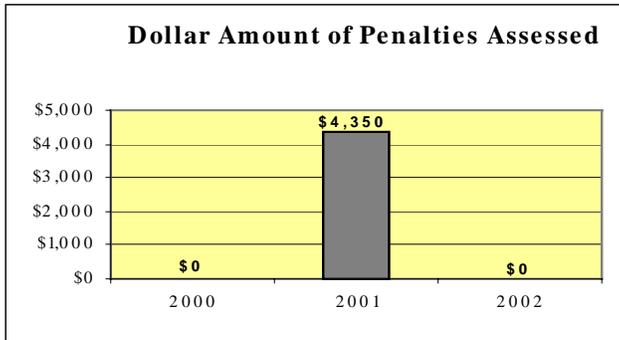
## Enforcement Trends: 2000 – 2002



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



Civil penalties are only used in when violations involve serious safety issues or need immediate attention. This was the case in the year 2001. Injunctions to stop the use of the dam are generally the enforcement tool used by this program (2 were issued in 2002).



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

# LAND RESOURCES – EROSION AND SEDIMENTATION CONTROL

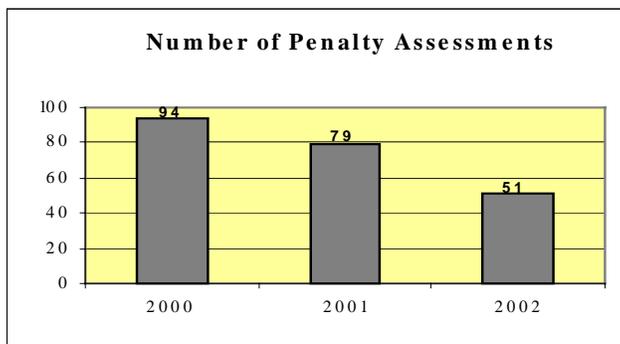
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>15,478</b>
<b>Number of Regulated Entities</b>	<b>7,000</b>
<b>Total Number of Penalties Assessed</b>	<b>51</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$830,475</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>84%</b>

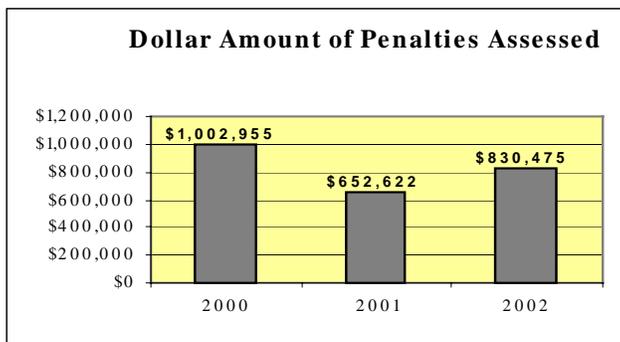
## Enforcement Trends: 2000 – 2002



The number of inspections fluctuates with the number of trained staff in the program. In the years 2000 and 2002, staff vacancies caused the number of inspections to decrease.



Case development staff vacancies also played a role in the number of penalty assessments issued in the years 2001 and 2002.



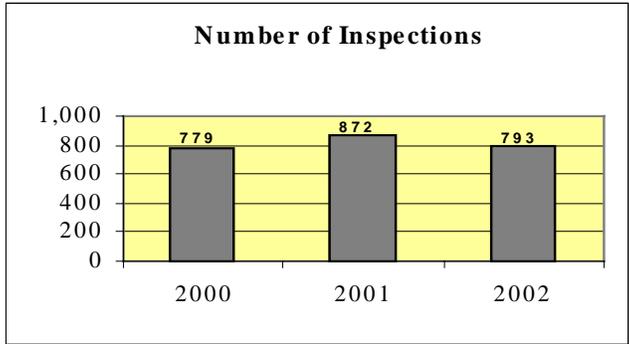
The total dollar amount of penalties assessed fluctuates from year to year due to the types of violations and the severity level of the violations found in those years

# LAND RESOURCES – MINING

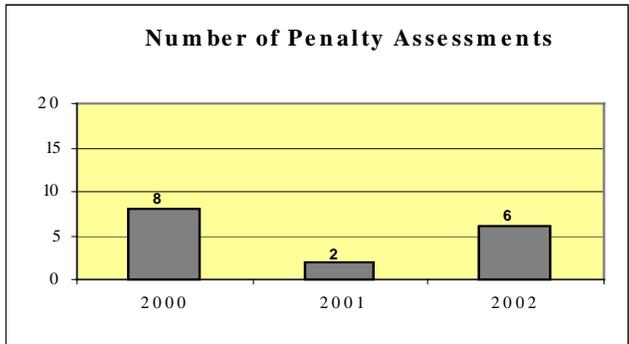
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>793</b>
<b>Number of Regulated Entities</b>	<b>954</b>
<b>Total Number of Penalties Assessed</b>	<b>6</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$89,500</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>79%</b>

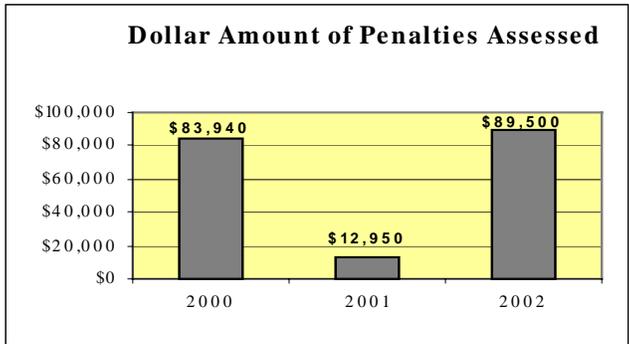
## Enforcement Trends: 2000 – 2002



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



The number of penalty assessments trend over the last three years depicts typical program fluctuations.



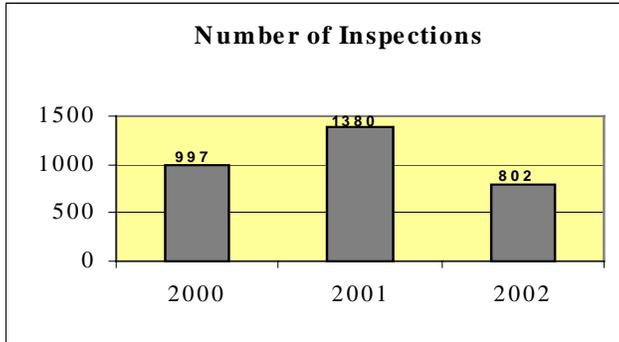
The trend for total dollar amount of penalties assessed over the last three years depicts typical program fluctuations.

# WASTE MANAGEMENT – HAZARDOUS WASTE

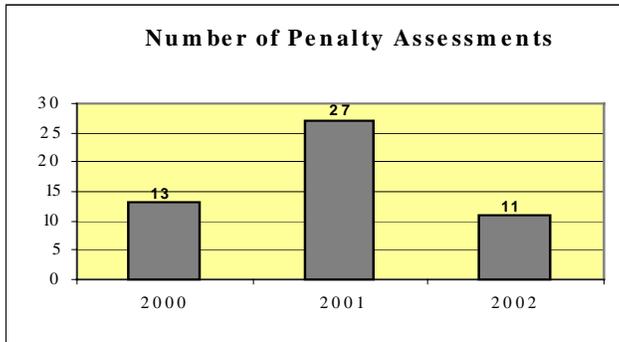
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>802</b>
<b>Number of Regulated Entities</b>	<b>6,758</b>
<b>Total Number of Penalties Assessed</b>	<b>11</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$412,900</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>78%</b>

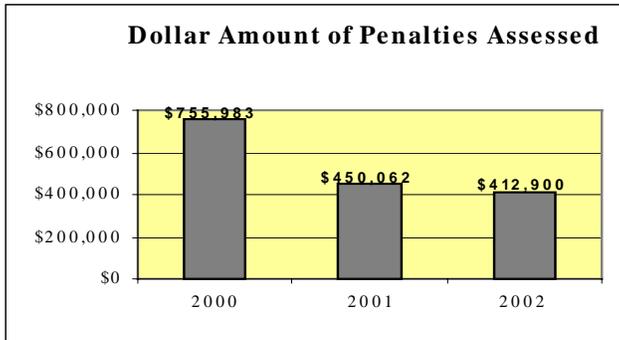
## Enforcement Trends: 2000 – 2002



The variation in the number of inspections conducted between the year 2000 and year 2002 is within the range of expected program fluctuations.



The number of penalty assessments was higher in the year 2001 due to the issuance of orders to generators of hazardous waste that failed to pay generator fees for the previous year. All of the year 2002 assessments are not reflected due to the timing of the generator fee billing cycle.



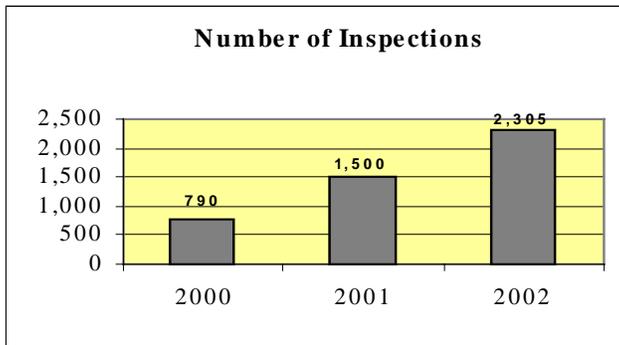
The total dollar amount of penalties assessed decreased from the year 2000 due to the types of violations and the decreased severity level of the violations found in those years.

# WASTE MANAGEMENT – SOLID WASTE

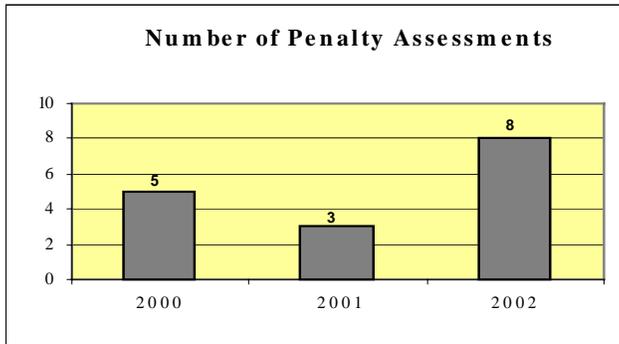
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>2,305</b>
<b>Number of Regulated Entities</b>	<b>1542</b>
<b>Total Number of Penalties Assessed</b>	<b>8</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$44,500</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>67%</b>

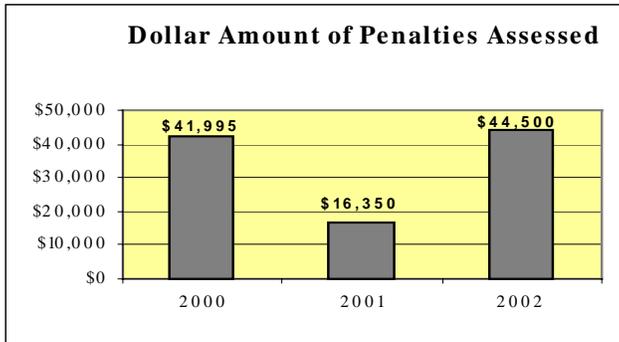
### Enforcement Trends: 2000 – 2002



The number of inspections increased over the last year due to the reorganization of the Section in 2002. This reorganization has resulted in an overall increase in the number of inspections conducted compared to previous years, since enforcement data from two programs have been combined.



The number of penalty assessments increased over the last year due to the merging of two programs' enforcement data. However, key enforcement staff vacancies prevented the number of penalty assessments in 2002 from being higher.



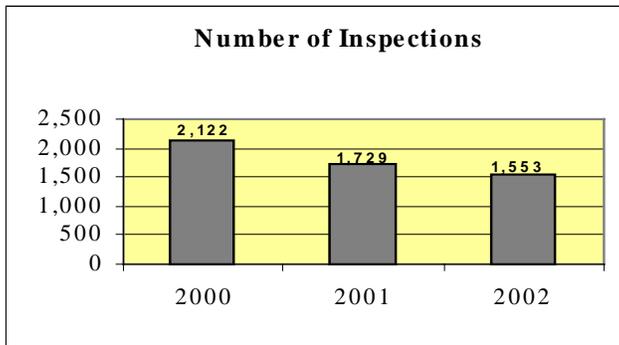
Due to the merging of two programs' enforcement data in 2002, the total dollar amount of penalties assessed increased over the last year. The penalty assessment total was high in 2000 due to the number and severity of violations found that year.

# WASTE MANAGEMENT – UST PROGRAM

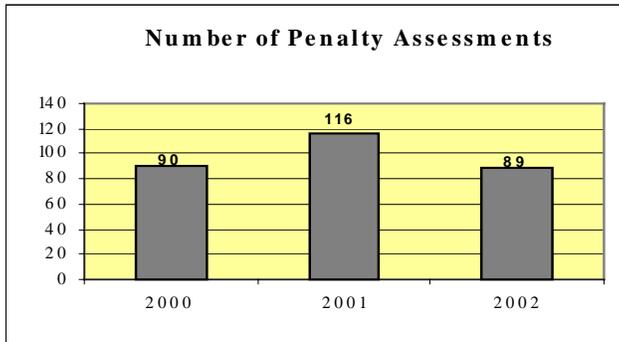
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,553</b>
<b>Number of Regulated Entities</b>	<b>9,933</b>
<b>Total Number of Penalties Assessed</b>	<b>89</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$1,017,074</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>65%</b>

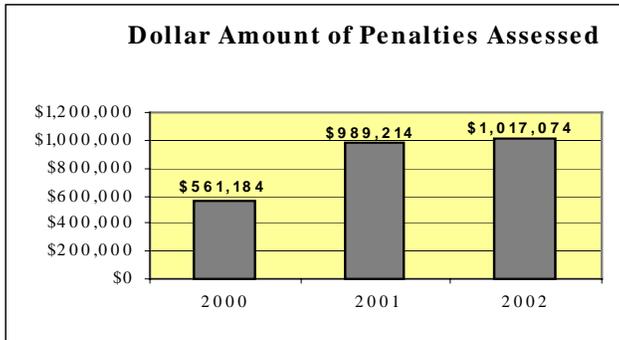
## Enforcement Trends: 2000 – 2002



The number of inspections has decreased from the year 2000 because of staff vacancies.



The number of penalty assessments has remained consistent over the last three years.



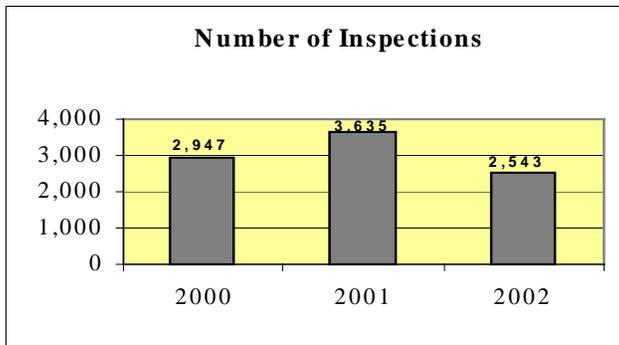
The total dollar amount of penalties assessed increased over the last two years due to a change in the program penalty amounts.

# WATER QUALITY – GROUNDWATER

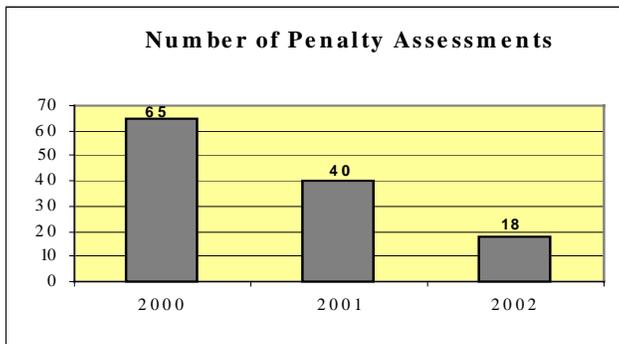
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>2,562</b>
<b>Number of Regulated Entities</b>	<b>10,607</b>
<b>Total Number of Penalties Assessed</b>	<b>18</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$157,180</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>70%</b>

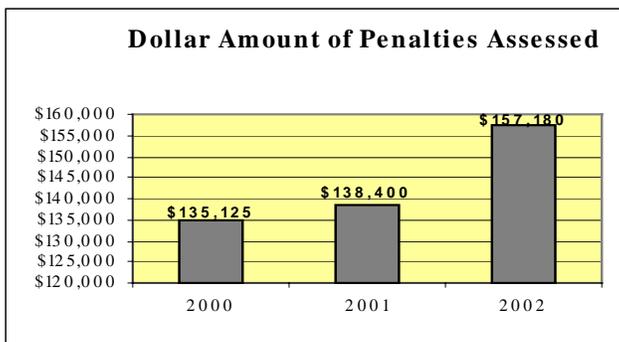
### Enforcement Trends: 2000 – 2002



The number of inspections has remained relatively consistent over the last three years.



The number of penalty assessments decreased over the last three years due to a well driller certification program starting in the year 2000, resulting in a high number of uncertified drillers receiving penalties that year. The statutory penalties amounts also increased in 2001, which provided incentive for increased compliance, thus reducing the number of penalty assessments.



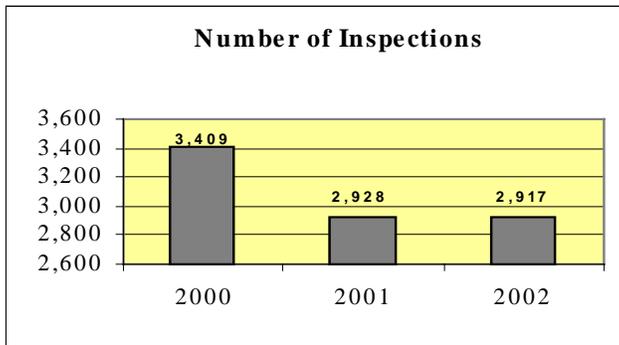
The total dollar amount of penalties assessed increased in the year 2002 because of the statutory increase in penalty amounts that occurred in the year 2001.

# WATER QUALITY – NON-DISCHARGE

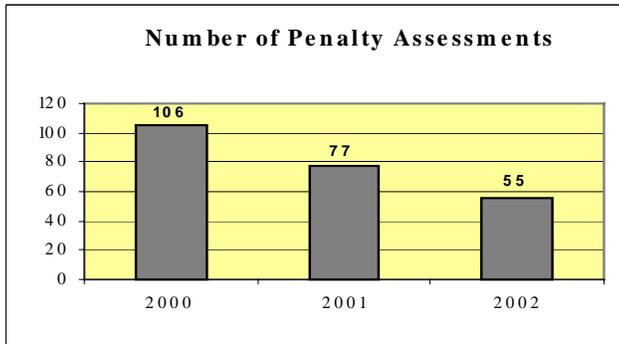
## 2002 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>2,917</b>
<b>Number of Regulated Entities</b>	<b>3,500</b>
<b>Total Number of Penalties Assessed</b>	<b>55</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$374,000</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>89%</b>

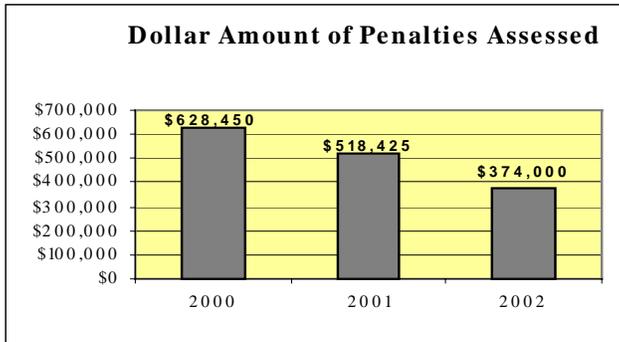
### Enforcement Trends: 2000 – 2002



The number of inspections decreased from the year 2000 because of staff vacancies. In addition, more sites were inspected in the year 2000 due to the aftermath of Hurricane Floyd in 1999.



The number of penalty assessments decreased over the last three years due the Hurricane Floyd initiative in 2000 and the subsequent severe drought in NC.



Although the total dollar amount of penalties assessed decreased over the last three years, the average dollar amount of penalties assessed per case increased.

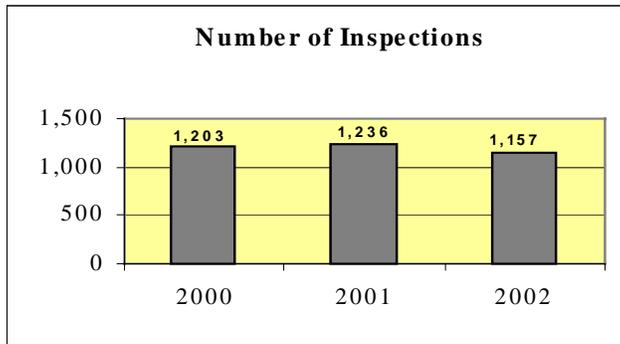
# WATER QUALITY – NPDES

## 2002 Enforcement Data at a Glance

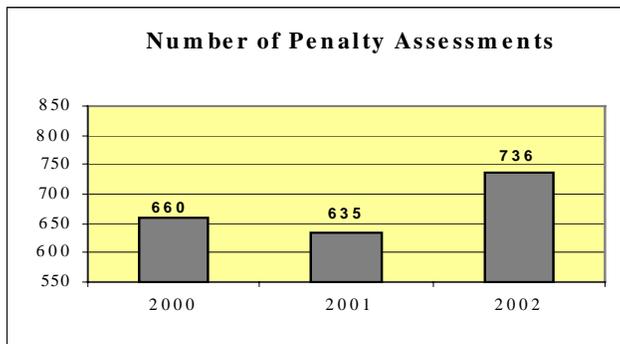
<b>Number of Inspections</b>	<b>1,157</b>
<b>Number of Regulated Entities</b>	<b>1,442*</b>
<b>Total Number of Penalties Assessed</b>	<b>736</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$931,812</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>91%</b>

\*Starting in the year 2002, this measure encompasses individually permitted NPDES facilities only, which corresponds to the rest of the data.

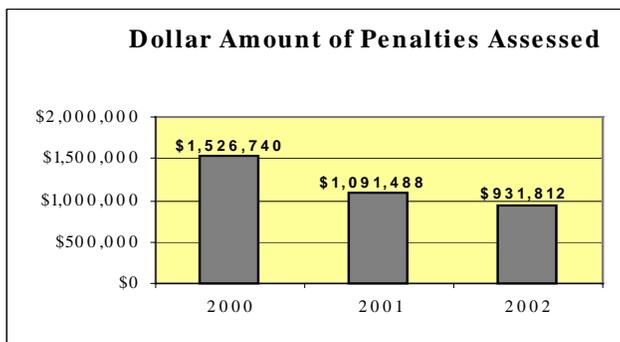
## Enforcement Trends: 2000 – 2002



The number of inspections has remained relatively consistent over the last three years.



In July 2001, improvements to the database system allowed for violations of daily maximum limits to also be identified, resulting in an increased number of penalty assessments. However, penalty amounts for daily maximum and weekly average limit violations are assessed for lower dollar amounts than those for monthly average limit violations, resulting in little change in penalty dollar amounts.



Changes in the NPDES enforcement process in the late 1990s has produced increased compliance in the NPDES regulated universe over the last three years. This maturing enforcement process is seeing a consistent decrease in severe violations that result in large penalty amounts.

---

## **APPENDICES**

---

## **APPENDIX A**

### **2002 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.”**

## AIR QUALITY

	2002 Data*
<b>Penalty Assessments</b>	
Total number of penalties assessed	263
Permitted facilities	140
Open burning	115
Other	8
Total dollar amount of penalties assessed	\$1,365,296
Permitted facilities	\$1,116,148
Open burning	\$239,610
Other	\$9,538
Average dollar amount of penalties assessed	\$5,191
Highest dollar amount of penalties assessed	\$250,000
Amount of penalties established through SAFA** at year end for penalties assessed in 2002	\$906,053
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$363,716
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$874,323
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$110,569
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$976,282
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$4,410
** SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$637,666
Amount of penalties collected at year end of penalties assessed in 2001	\$683,027
Amount of penalties collected at year end of penalties assessed in 2000	\$824,893
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	\$742
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$10,329
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$3,586
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$4,682
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$5,952
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$37,971
<b>Facility Performance</b>	
Compliance rate for inspected facilities	70%
Percent of entities that returned to compliance by their specified deadline (Special Orders by Consent only)	100%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	114
Percent of last years violators that also violated this year	10%

<b>AIR QUALITY</b>	<b>2002 Data*</b>
Most common violations	-open burning -reporting requirements -other permit conditions
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	123
<b>Workload Measures</b>	
Number of permitted entities	3,288
Number of regulated entities	10,607
Inspector FTEs	20.3
Number of inspections	2,562
Number of routine inspections	2,088
Number of complaint driven inspections	475
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$7,749
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$60,822
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$76,888
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$237,526
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$3,159
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	7%
Percent of penalty assessments that seek remission of penalties assessed	20%
Percent of penalty assessments that appeal to OAH of penalties assessed	4%
Percent of penalty assessments that seek informal settlement of penalties assessed	2%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	42%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	365
Average number of days from violation awareness to NOV issuance for penalties paid in full	43
Average number of days from NOV to penalty assessment for penalties paid in full	158
Average number of days from penalty assessment to penalty establishment for penalties paid in full	180
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	118
*Special Orders by Consent were included in all 2002 penalty data except "timeliness measures." Timeliness of SOCs are reflected in the "return to compliance" measure.	

## COASTAL MANAGEMENT

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	146
Total dollar amount of penalties assessed	\$48,320
Average dollar amount of penalties assessed	\$350
Highest dollar amount of penalties assessed	\$2,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$39,480
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$700
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$59,725
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$2,150
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$45,200
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$500
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$38,930
Amount of penalties collected at year end of penalties assessed in 2001	\$2,900
Amount of penalties collected at year end of penalties assessed in 2000	\$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	\$200
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	nav
<b>Facility Performance</b>	
Compliance rate for inspected facilities	95%
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	34
Percent of last years violators that also violated this year	3%
Most common violations	-unauthorized development -violation of CAMA permit -violation of state dredge and fill
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	148

<b>COASTAL MANAGEMENT</b>	<b>2002 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	3,915
Number of regulated entities	4,044
Inspector FTEs	6.9
Number of inspections	8,222
Number of routine inspections	8,206
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	0%
Percent of penalty assessments that seek remission of penalties assessed	0%
Percent of penalty assessments that appeal to OAH of penalties assessed	0%
Percent of penalty assessments that seek informal settlement of penalties assessed	0%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	91%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	nav
Average number of days from violation awareness to NOV issuance for penalties paid in full	nav
Average number of days from NOV to penalty assessment for penalties paid in full	60
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 for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	16

---

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

	<b>2002 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	32,201
Number of regulated entities	43,250
Inspector FTEs (Local Health Dept. staff)	Over 500
Number of inspections	117,322
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Selected Measures for the Food, Lodging, and Institutional Sanitation Program</b>	
Number of A ratings for restaurants (based on 2/3 sample)	59,812
Number of B ratings for restaurants	1,608
Number of C ratings for restaurants	146
Number of suspended restaurant certification	198
Number of revoked restaurant certifications	88

## ENVIRONMENTAL HEALTH MAMMOGRAPHY

	2002 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 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	nav
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
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 penalties collected at year end of penalties assessed in 2000	\$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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$0
<b>Facility Performance</b>	
Compliance rate for 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	0
Percent of last years violators that also violated this year	0%
Most common violations	nav
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	247
Number of regulated entities	247
Inspector FTEs	2.5
Number of inspections	247
Number of routine inspections	nav

<b>ENVIRONMENTAL HEALTH MAMMOGRAPHY</b>	<b>2002 Data</b>
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	0%
Percent of penalty assessments that seek remission of penalties assessed	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed	0%
Percent of penalty assessments that seek informal settlement of penalties assessed	0%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	0
Average number of days from violation awareness to NOV issuance for penalties paid in full	0
Average number of days from NOV to penalty assessment for penalties paid in full	nav
Average number of days from penalty assessment to penalty establishment for penalties paid in full	nav
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	nav

## ENVIRONMENTAL HEALTH ON-SITE WASTEWATER

	2002 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 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 penalties established through SAFA at year end for penalties assessed in 2000	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
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 penalties collected at year end of penalties assessed in 2000	\$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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed 1996 through 1999	\$0
<b>Facility Performance</b>	
Compliance rate for 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 also violated this year	n/a
Most common violations	-illegal discharge of wastewater
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	44,859
Number of regulated entities	1,500,000
Inspector FTEs	350
Number of inspections	21,253
Number of routine inspections	nav
Number of complaint driven inspections	nav

<b>ENVIRONMENTAL HEALTH ON-SITE WASTEWATER</b>	<b>2002 Data</b>
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	\$0
Percent of penalty assessments that seek remission of penalties assessed	\$0
Percent of penalty assessments that appeal to OAH of penalties assessed	\$0
Percent of penalty assessments that seek informal settlement of penalties assessed	\$0
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	\$0
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full	n/a
Average number of days from NOV to penalty assessment for penalties paid in full	n/a
Average number of days from penalty assessment to penalty establishment for penalties paid in full	n/a
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the On-Site Program*</b>	
Operation Permit-New	36,818
Operation Permit-Repair	6,698
Operation Permit-Expansion	1,343
Total Operation Permits	44,859
Notice of Violations	1573
Legal Remedies	244
Permits Revoked	289
Permits Suspended	135
Permits Denied	4150
* 100/100 counties reporting	

## ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	47
Total dollar amount of penalties assessed	\$115,940
Average dollar amount of penalties assessed	\$2,467
Highest dollar amount of penalties assessed	\$32,220
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$304,790
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**	\$137,260
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$1,660,540
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$2,500
* SAFA is settlement, agreement or final action	
** 2001 data: 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 2002	\$29,080
Amount of penalties collected at year end of penalties assessed in 2001	\$27,540
Amount of penalties collected at year end of penalties assessed in 2000	\$15,430
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$84,660
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$56,980
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$178,530
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$187,770
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$724,200
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$63,625
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$41,650
<b>Facility Performance</b>	
Compliance rate of inspected facilities (contamination standard)	96%
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	809
Percent of last years violators that also violated this year	26%
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)	5

<b>ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY</b>	<b>2002 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	3,230
Number of regulated entities	7,810
Inspector FTEs	35
Number of inspections	6,526
Number of routine inspections	2,397
Number of complaint driven inspections	766
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	n/a
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$23,720
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$54,520
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	7%
Percent of penalty assessments that seek remission of penalties assessed	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed	0%
Percent of penalty assessments that seek informal settlement of penalties assessed	4%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	26%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	214
Average number of days from violation awareness to NOV issuance for penalties paid in full	10
Average number of days from NOV to penalty assessment for penalties paid in full	96
Average number of days from penalty assessment to penalty establishment for penalties paid in full	108
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	0

## ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	5
Total dollar amount of penalties assessed	\$36,250
Average dollar amount of penalties assessed	\$7,250
Highest dollar amount of penalties assessed	\$13,250
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$23,000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$13,250
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$12,500
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	nav
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$23,000
Amount of penalties collected at year end of penalties assessed in 2001	\$125,000
Amount of penalties collected at year end of penalties assessed in 2000	\$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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$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	0
Percent of last years violators that also violated this year	0%
Most common violations	nav
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	710
Number of regulated entities	710
Inspector FTEs	1.8
Number of inspections	354
Number of routine inspections	nav

<b>ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS</b>	<b>2002 Data</b>
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	n/a
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	20%
Percent of penalty assessments that seek remission of penalties assessed	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed	20%
Percent of penalty assessments that seek informal settlement of penalties assessed	0%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	80%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	94
Average number of days from violation awareness to NOV issuance for penalties paid in full	6
Average number of days from NOV to penalty assessment for penalties paid in full	55
Average number of days from penalty assessment to penalty establishment for penalties paid in full	nav
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	nav

## ENVIRONMENTAL HEALTH SHELLFISH SANITATION

	2002 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 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 penalties established through SAFA at year end for penalties assessed in 2000	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	n/a
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
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 penalties collected at year end of penalties assessed in 2000	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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	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 also violated 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	159
Number of regulated entities	469
Inspector FTEs	4
Number of inspections	764
Number of routine inspections	749
Number of complaint driven inspections	15

<b>ENVIRONMENTAL HEALTH SHELLFISH SANITATION</b>	<b>2002 Data</b>
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	n/a
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	n/a
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	n/a
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	n/a
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	n/a
Percent of penalty assessments that seek remission of penalties assessed	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed	n/a
Percent of penalty assessments that seek informal settlement of penalties assessed	n/a
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	n/a
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full	n/a
Average number of days from NOV to penalty assessment for penalties paid in full	n/a
Average number of days from penalty assessment to penalty establishment for penalties paid in full	n/a
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility 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 inspections (sewage violations)	5494
Number of recommended changes to shellfish growers	80

## ENVIRONMENTAL HEALTH SLEEP PRODUCTS

	2002 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 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 penalties established through SAFA at year end for penalties assessed in 2000	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
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 penalties collected at year end of penalties assessed in 2000	\$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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	100%
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	0
Percent of last years violators that also violated this year	0%
Most common violations	n/a
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	907
Number of regulated entities	907
Inspector FTEs	4
Number of inspections	9,100
Number of routine inspections	9,070
Number of complaint driven inspections	30

<b>ENVIRONMENTAL HEALTH SLEEP PRODUCTS</b>	<b>2002 Data</b>
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	0%
Percent of penalty assessments that seek remission of penalties assessed	0%
Percent of penalty assessments that appeal to OAH of penalties assessed	0%
Percent of penalty assessments that seek informal settlement of penalties assessed	0%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full	n/a
Average number of days from NOV to penalty assessment for penalties paid in full	n/a
Average number of days from penalty assessment to penalty establishment for penalties paid in full	n/a
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	n/a

## ENVIRONMENTAL HEALTH TANNING PROGRAM

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	30
Total dollar amount of penalties assessed	\$20,750
Average dollar amount of penalties assessed	\$692
Highest dollar amount of penalties assessed	\$2,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$4,350
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$6,500
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$1,650
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	nav
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$4,350
Amount of penalties collected at year end of penalties assessed in 2001	\$1,650
Amount of penalties collected at year end of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$7,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$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	1
Percent of last years violators that also violated this year	3%
Most common violations	nav
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1
<b>Workload Measures</b>	
Number of permitted entities	2,511
Number of regulated entities	2,511
Inspector FTEs	3
Number of inspections	1,018
Number of routine inspections	nav

<b>ENVIRONMENTAL HEALTH TANNING PROGRAM</b>	<b>2002 Data</b>
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	n/a
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$2,900
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$4,250
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	43%
Percent of penalty assessments that seek remission of penalties assessed	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed	0%
Percent of penalty assessments that seek informal settlement of penalties assessed	27%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	13%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	226
Average number of days from violation awareness to NOV issuance for penalties paid in full	15
Average number of days from NOV to penalty assessment for penalties paid in full	115
Average number of days from penalty assessment to penalty establishment for penalties paid in full	nav
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	nav

## ENVIRONMENTAL HEALTH X-RAY PROGRAM

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	9
Total dollar amount of penalties assessed	\$11,250
Average dollar amount of penalties assessed	\$1,250
Highest dollar amount of penalties assessed	\$2,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$6,425
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$2,000
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$3,900
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	nav
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$250
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$6,425
Amount of penalties collected at year end of penalties assessed in 2001	\$3,900
Amount of penalties collected at year end of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$1,500
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$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	1
Percent of last years violators that also violated this year	11%
Most common violations	nav
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1
<b>Workload Measures</b>	
Number of permitted entities	6,066
Number of regulated entities	6,066
Inspector FTEs	6
Number of inspections	1,232
Number of routine inspections	nav

<b>ENVIRONMENTAL HEALTH X-RAY PROGRAM</b>	<b>2002 Data</b>
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	n/a
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$925
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$4,250
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	11%
Percent of penalty assessments that seek remission of penalties assessed	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed	11%
Percent of penalty assessments that seek informal settlement of penalties assessed	67%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	11%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	383
Average number of days from violation awareness to NOV issuance for penalties paid in full	30
Average number of days from NOV to penalty assessment for penalties paid in full	200
Average number of days from penalty assessment to penalty establishment for penalties paid in full	nav
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	nav

## FOREST RESOURCES

	2002 Data
Number of Site Evaluations Conducted by Type	
Citizen Complaint	142
Active Harvest	1,036
Completed Harvest	2,331
Other Activities	109
Reforestation	680
<b>Total</b>	<b>4,156</b>
Percent of Site Evaluations in Non-Compliance by Type	
Citizen Complaint	38%
Active Harvest	10%
Completed Harvest	5%
Other Activities	5%
Reforestation	1%
<b>Total</b>	<b>5%</b>
Number of Reinspections	1,074
Number of Notices of Non-Compliance	228
Number of Referrals for Enforcement	7

## LAND RESOURCES DAM SAFETY

	2002 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 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 penalties established through SAFA at year end for penalties assessed in 2000	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
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 penalties collected at year end of penalties assessed in 2000	\$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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	89%
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	0
Percent of last years violators that also violated this year	n/a
Most common violations	-building a dam without a permit
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	4,722
Number of regulated entities	4,722
Inspector FTEs	9
Number of inspections	1,837

<b>LAND RESOURCES DAM SAFETY</b>	<b>2002 Data</b>
Number of routine inspections	1,745
Number of complaint driven inspections	92
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	0%
Percent of penalty assessments that seek remission of penalties assessed	0%
Percent of penalty assessments that appeal to OAH of penalties assessed	0%
Percent of penalty assessments that seek informal settlement of penalties assessed	0%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	0
Average number of days from violation awareness to NOV issuance for penalties paid in full	0
Average number of days from NOV to penalty assessment for penalties paid in full	0
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 for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	0
<b>Selected Measures for the Dam Safety Program</b>	
Number of injunctions issued	2
Number of dam safety orders issued	2

## LAND RESOURCES EROSION AND SEDIMENTATION CONTROL

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	51
Total dollar amount of penalties assessed	\$830,475
Average dollar amount of penalties assessed	\$16,284
Highest dollar amount of penalties assessed	\$101,675
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	nav
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	nav
Amount of penalties established through SAFA at year end for penalties assessed in 2001	nav
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	nav
Amount of penalties established through SAFA at year end for penalties assessed in 2000	nav
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	nav
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$25,065
Amount of penalties collected at year end of penalties assessed in 2001	\$211,080
Amount of penalties collected at year end of penalties assessed in 2000	\$277,407
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	\$710
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$108,130
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$4,625
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$30,120
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$19,720
<b>Facility Performance</b>	
Compliance rate of inspected facilities	84%
Percent of entities that returned to compliance by their specified deadline	85%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	34
Percent of last years violators that also violated this year	5%
Most common violations	<ul style="list-style-type: none"> <li>-starting without approved plan</li> <li>-inadequate measures to retain sediment on site</li> <li>-failure to maintain measures</li> </ul>
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	7,000

<b>LAND RESOURCES EROSION AND SEDIMENTATION CONTROL</b>	<b>2002 Data</b>
Number of regulated entities	7,000
Inspector FTEs	32
Number of inspections	15,478
Number of routine inspections	nav
Number of complaint driven inspections	1,215
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$50,447
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$191,867
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	14%
Percent of penalty assessments that seek remission of penalties assessed	0%
Percent of penalty assessments that appeal to OAH of penalties assessed	61%
Percent of penalty assessments that seek informal settlement of penalties assessed	49%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	12%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	nav
Average number of days from violation awareness to NOV issuance for penalties paid in full	nav
Average number of days from NOV to penalty assessment for penalties paid in full	nav
Average number of days from penalty assessment to penalty establishment for penalties paid in full	nav
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	nav

## LAND RESOURCES MINING

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	6
Total dollar amount of penalties assessed	\$89,500
Average dollar amount of penalties assessed	\$14,917
Highest dollar amount of penalties assessed	\$64,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$49,645
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	\$2,800
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$45,885
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$19,645
Amount of penalties collected at year end of penalties assessed in 2001	\$2,800
Amount of penalties collected at year end of penalties assessed in 2000	\$17,885
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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	n/a
<b>Facility Performance</b>	
Compliance rate of inspected facilities	79%
Percent of entities that returned to compliance by their specified deadline	87%
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 also violated this year	0%
Most common violations	-mining without a permit -erosion and sediment violations -failure to modify permit
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	6
<b>Workload Measures</b>	
Number of permitted entities	919
Number of regulated entities	954

<b>LAND RESOURCES MINING</b>	<b>2002 Data</b>
Inspector FTEs	3
Number of inspections	793
Number of routine inspections	547
Number of complaint driven inspections	101
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$2,750
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$9,000
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	0%
Percent of penalty assessments that seek remission of penalties assessed	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed	33%
Percent of penalty assessments that seek informal settlement of penalties assessed	33%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	33%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	223
Average number of days from violation awareness to NOV issuance for penalties paid in full	8
Average number of days from NOV to penalty assessment for penalties paid in full	135
Average number of days from penalty assessment to penalty establishment for penalties paid in full	42
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	66

## WASTE MANAGEMENT HAZARDOUS WASTE

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	11
Total dollar amount of penalties assessed	\$412,900
Average dollar amount of penalties assessed	\$37,536
Highest dollar amount of penalties assessed	\$124,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$70,000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$333,000
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$70,220
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$261,060
Amount of penalties established through SAFA at year end for penalties assessed in 2000	0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$31,000
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$120,130
Amount of penalties collected at year end of penalties assessed in 2001	\$52,467
Amount of penalties collected at year end of penalties assessed in 2000	\$59,534
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$20,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$221,060
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$31,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	nav
<b>Facility Performance</b>	
Compliance rate of inspected facilities	78%
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	2
Percent of last years violators that also violated this year	0%
Most common violations	-failure to obtain permit or make a waste determination
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	10
<b>Workload Measures</b>	
Number of permitted entities	91
Number of regulated entities	6,758

<b>WASTE MANAGEMENT HAZARDOUS WASTE</b>	<b>2002 Data</b>
Inspector FTEs	8.8
Number of inspections	802
Number of routine inspections	373
Number of complaint driven inspections	159
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	0
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	0
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$156,385
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$380,980
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	0%
Percent of penalty assessments that seek remission of penalties assessed	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed	64%
Percent of penalty assessments that seek informal settlement of penalties assessed	9%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	18%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	677
Average number of days from violation awareness to NOV issuance for penalties paid in full	n/a
Average number of days from NOV to penalty assessment for penalties paid in full	205
Average number of days from penalty assessment to penalty establishment for penalties paid in full	183
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	238

## WASTE MANAGEMENT SOLID WASTE

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	8
Total dollar amount of penalties assessed	\$44,500
Average dollar amount of penalties assessed	\$5,562
Highest dollar amount of penalties assessed	\$11,750
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$25,475
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$16,250
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$10,850
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$14,000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$35,625
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$25,475
Amount of penalties collected at year end of penalties assessed in 2001	\$10,850
Amount of penalties collected at year end of penalties assessed in 2000	\$14,000
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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$35,625
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	67%
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	0
Percent of last years violators that also violated this year	0%
Most common violations	-establish facility w/o permit; accepting permitted wastes; allowing windblown materials
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	1542

<b>WASTE MANAGEMENT SOLID WASTE</b>	<b>2002 Data</b>
Number of regulated entities	1542
Inspector FTEs	10.5
Number of inspections	2,305
Number of routine inspections	760
Number of complaint driven inspections	47
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$0
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$8,025
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$25,500
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	50%
Percent of penalty assessments that seek remission of penalties assessed	85%
Percent of penalty assessments that appeal to OAH of penalties assessed	42%
Percent of penalty assessments that seek informal settlement of penalties assessed	40%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	15%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	173.75
Average number of days from violation awareness to NOV issuance for penalties paid in full	nav
Average number of days from NOV to penalty assessment for penalties paid in full	40
Average number of days from penalty assessment to penalty establishment for penalties paid in full	307
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	133

## WASTE MANAGEMENT UST PROGRAM

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	89
Total dollar amount of penalties assessed	\$1,017,074
Average dollar amount of penalties assessed	\$11,380
Highest dollar amount of penalties assessed	\$128,205
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$306,039
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$595,710
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$125,427
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$61,144
Amount of penalties established through SAFA at year end for penalties assessed in 2000	nav
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	nav
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$63,549
Amount of penalties collected at year end of penalties assessed in 2001	\$58,201
Amount of penalties collected at year end of penalties assessed in 2000	\$9,978
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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	nav
<b>Facility Performance</b>	
Compliance rate of inspected facilities	65%
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	46
Percent of last years violators that also violated this year	7%
Most common violations	-failure to submit a limited site assessment report; conduct leak detection, hold valid permit
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	64
<b>Workload Measures</b>	

<b>WASTE MANAGEMENT UST PROGRAM</b>	<b>2002 Data</b>
Number of permitted entities	8,065
Number of regulated entities	9,933
Inspector FTEs	7
Number of inspections	1,553
Number of routine inspections	1,522
Number of complaint driven inspections	31
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$2,500
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$10,397
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$19,538
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$45,006
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	9%
Percent of penalty assessments that seek remission of penalties assessed	15%
Percent of penalty assessments that appeal to OAH of penalties assessed	49%
Percent of penalty assessments that seek informal settlement of penalties assessed	n/a
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	9%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	nav
Average number of days from violation awareness to NOV issuance for penalties paid in full	nav
Average number of days from NOV to penalty assessment for penalties paid in full	nav
Average number of days from penalty assessment to penalty establishment for penalties paid in full	114
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	6

## WATER QUALITY GROUNDWATER

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	18
Total dollar amount of penalties assessed	\$157,180
Average dollar amount of penalties assessed	\$8,372
Highest dollar amount of penalties assessed	\$71,750
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$6000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$151,180
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$26,463
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$111,937
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$102,525
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$9,527
Amount of penalties collected at year end of penalties assessed in 2001	\$25,463
Amount of penalties collected at year end of penalties assessed in 2000	\$27,000
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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$6,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	\$2,200
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	\$3,959
<b>Facility Performance</b>	
Compliance rate of inspected facilities	68%
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	21
Percent of last years violators that also violated this year	4%
Most common violations	-wells improperly constructed ; -non-certified well drillers
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	7
<b>Workload Measures</b>	
Number of permitted entities	22,600
Number of regulated entities	25,000
Inspector FTEs	21
Number of inspections	2,543

<b>WATER QUALITY GROUNDWATER</b>	<b>2002 Data</b>
Number of routine inspections	420
Number of complaint driven inspections	560
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$6,000
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$7,527
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	0%
Percent of penalty assessments that seek remission of penalties assessed	16%
Percent of penalty assessments that appeal to OAH of penalties assessed	0%
Percent of penalty assessments that seek informal settlement of penalties assessed	0%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	27%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	411
Average number of days from violation awareness to NOV issuance for penalties paid in full	13
Average number of days from NOV to penalty assessment for penalties paid in full	290
Average number of days from penalty assessment to penalty establishment for penalties paid in full	108
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	36

## WATER QUALITY NON-DISCHARGE

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	55
Total dollar amount of penalties assessed	\$374,000
Average dollar amount of penalties assessed	\$6,800
Highest dollar amount of penalties assessed	\$73,650
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$351,750
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$19,800
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$414,355
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$801,735
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$2,000
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$208,718
Amount of penalties collected at year end of penalties assessed in 2001	\$304,445
Amount of penalties collected at year end of penalties assessed in 2000	\$500,092
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	\$4,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	nav
<b>Facility Performance</b>	
Compliance rate of inspected facilities	89%
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	22
Percent of last years violators that also violated this year	4%
Most common violations	-overapplication - crop differs from waste plan -inadequate freeboard
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	5
<b>Workload Measures</b>	
Number of permitted entities	3,397
Number of regulated entities	3,500
Inspector FTEs	22

<b>WATER QUALITY NON-DISCHARGE</b>	<b>2002 Data</b>
Number of inspections	2,917
Number of routine inspections	2,700
Number of complaint driven inspections	37
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$1,000
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$2,000
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$0
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	2%
Percent of penalty assessments that seek remission of penalties assessed	35%
Percent of penalty assessments that appeal to OAH of penalties assessed	7%
Percent of penalty assessments that seek informal settlement of penalties assessed	7%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	53%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	379
Average number of days from violation awareness to NOV issuance for penalties paid in full	34
Average number of days from NOV to penalty assessment for penalties paid in full	258
Average number of days from penalty assessment to penalty establishment for penalties paid in full	94
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	88

## WATER QUALITY NPDES

	2002 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	736
Total dollar amount of penalties assessed	\$931,812
Average dollar amount of penalties assessed	\$1,266
Highest dollar amount of penalties assessed	\$22,198
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$609,652
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$294,160
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$817,499
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$273,989
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$1,288,357
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$29,721
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2002	\$425,675
Amount of penalties collected at year end of penalties assessed in 2001	\$645,695
Amount of penalties collected at year end of penalties assessed in 2000	\$787,606
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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$1,208
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1998	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1997	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1996	nav
<b>Facility Performance</b>	
Compliance rate of inspected facilities	91%
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	481
Percent of last years violators that also violated this year	61%
Most common violations	-effluent limit exceedence
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	4
<b>Workload Measures</b>	
Number of permitted entities**	1,442
Number of regulated entities**	1,442
Inspector FTEs***	17
Number of inspections ****	1,157
Number of routine inspections	nav

<b>WATER QUALITY NPDES</b>	<b>2002 Data</b>
Number of complaint driven inspections	nav
<p>** Starting in 2002, this measure encompasses permitted facilities only, which corresponds to the rest of the data.</p> <p>***Inspector FTEs are the number of FTEs available for performing compliance inspections only, and do not include enforcement-related FTEs. As a result, the 2002 reported value may differ significantly from previously reported FTE numbers.</p> <p>**** Field inspections plus Daily Monitoring Report reviews were reported in 2000 data. Field inspections only were reported in 2001 and 2002.</p>	
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during year assessed	\$22,783
Original assessment amount of reductions made by a commission of penalties paid in full during year assessed	\$31,300
Amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$33,688
Original assessment amount of reductions made by DENR (director, secretary, or other DENR staff) or State Health Director (for DEH programs) of penalties paid in full during year assessed	\$58,772
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	1%
Percent of penalty assessments that seek remission of penalties assessed	16%
Percent of penalty assessments that appeal to OAH of penalties assessed	5%
Percent of penalty assessments that seek informal settlement of penalties assessed	1%
Percent of penalty assessments where the facility paid the penalty in full without contesting the case (remission, appealing to OAH, informal settlement) of penalties assessed	68%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	nav
Average number of days from violation awareness to NOV issuance for penalties paid in full	nav
Average number of days from NOV to penalty assessment for penalties paid in full	nav
Average number of days from penalty assessment to penalty establishment for penalties paid in full	nav
Average number of days to collect penalties from penalty establishment to penalty paid for penalties paid in full (and penalty assessment to penalty paid in full for facility that chose not to seek a penalty reduction)	109

---

## DEPARTMENT OF JUSTICE

	<b>2002 Data</b>
Number of Civil Penalty Cases Closed	226
Total Amount Assessed	\$1,746,413
Total Amount Collected	\$748,885
Total Amount Uncollected	\$997,528
Number of Uncollected Civil Penalty Cases Closed	86
<u>Reason for Uncollected Assessment:</u>	
Bankruptcy	1
Violator Deceased	0
Petition Withdrawn	27
Penalty Rescinded	10
Uncollectible/No Property to Levy	48
Unknown	0
No Assets	0

---

## **APPENDIX B**

### **DENR ENFORCEMENT PRIMER**

---

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

- ▶ **Air Quality** – \$10,000 per day per violation [NCGS 143-215.114A (a)]
- ▶ **Coastal Management** – \$250 per day (minor development), \$2500 per day (major development) [NCGS 113A-126(d)]
- ▶ **Erosion and Sediment Control** – \$5,000 per day [NCGS 113A-64(a)(1)]
- ▶ **Dam Safety** – \$500 per day for each day of willful violation [NCGS 143-215.36.(b)(1) and(2)]
- ▶ **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]
- ▶ **Non-Discharge** – \$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.
- ▶ **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.
- ▶ **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]
- ▶ **Oil Pollution/Hazardous Substance Control** – \$5,000 per day
- ▶ **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)]
- ▶ **Underground Storage Tanks** – \$10,000 per day per violation [NCGS 143-215.6A]
- ▶ **Well Construction** – \$100 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.

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

**Division of Radiation Protection** – Monitors radiation sources from power plants and medical facilities.

**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, 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 10 percent of the amount collected [NCGS Chapter 115C-457.2]. DENR cannot categorically attach a 10 percent cost-recovery fee to the penalty, but must show cost accounting. At a 10 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.

---

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
- ▶ **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
- ▶ **Non-Discharge** – NCGS 143-215.6A and 143B-282.1(b)
- ▶ **NPDES** – NCGS 143-215.6A and 143B-282.1(b)
- ▶ **Solid Waste** – NCGS 130A-22(f) and 15A NCAC 13B Section .0702
- ▶ **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)
- ▶ **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 calculate 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.

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%	
<b>MODERATE</b>	32 – 44%	20 – 32%	12 – 20%	
<b>MINOR</b>	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 indicates the base penalty amount which can then be increased or decreased based on aggravating or mitigating factors.

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

Programs that use a penalty tree:

- ▶ Air Quality
- ▶ NPDES
- ▶ Non-Discharge

Programs that use a matrix/tree in combination:

- ▶ Coastal Management.
- ▶ Groundwater Protection
- ▶ Radiation Protection

Programs that use a hybrid matrix:

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

Programs that apply maximum penalties in all cases:

- ▶ On-Site Wastewater

---

## **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>
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>
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>

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
Groundwater Section (GWS, Division of Water Quality)	GWS is the lead state agency for groundwater protection. Responsibilities include 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>• Well contractors</li> <li>• Industrial and municipal wastewater treatment plants producing residuals needing disposal on land</li> <li>• Wastewater spray irrigation systems</li> <li>• Above-ground petroleum storage tank systems</li> <li>• Parties causing groundwater pollution</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>
Non-Discharge Unit (Division of Water Quality)	The Non-Discharge Unit 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. The branch also oversees the Neuse and Tar Pamlico river basin buffer rules, wetlands development, and stream course modification. 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>• Animal farms</li> <li>• Municipal wastewater treatment plants that apply waste to land</li> <li>• Sewers</li> <li>• Industrial wastewater spray facilities</li> <li>• Developers that modify a stream course or move a wetland</li> <li>• Facilities that spill oil or hazardous materials in or near water</li> </ul>

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
National Pollutant Discharge Elimination System (NPDES) Unit (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 NPDES Unit 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> <li>• Concentrated Animal Feeding Operations (CAFOs)</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.	<ul style="list-style-type: none"> <li>• Shellfish and crustacea harvesters that sell to the public</li> </ul>

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
Sleep Products (Division of Environmental Health)	The Sleep Products Program insures that products containing hidden padding used for sleeping and reclining, such as mattresses, pillows, comforters, sleeping bags and sleeper sofas, do not contain materials that can cause harm or discomfort, comply with federal and state flammability requirements, and comply with NC and federal registration requirements. The program insures that used sleep products, particularly used mattresses, are made sanitary prior to resale and are properly labeled as used products. The program also inspects and certifies state-purchased sleep products used in college dormitories and other institutions for compliance with state purchasing specifications and registration requirements. This entirely fee supported program uses field inspectors who visit retail outlets, manufacturers and second hand stores to enforce the laws and rules of the program.	<ul style="list-style-type: none"> <li>• Retail outlets</li> <li>• Manufacturers</li> <li>• Second hand stores</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> </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 (UST) 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>

---

## **APPENDIX D**

### **COMPLIANCE CONTACTS**

## Compliance Contacts

CONTACT	ORGANIZATION	VOICE NO.	FAX NO.	EMAIL ADDRESS
Mike Kelly	Environmental Health	919-715-0929	919-715-3242	Mike.A.Kelly@ncmail.net
Amy Sawyer	Radiation Protection	919-571-4141	919-571-4148	Amy.Sawyer@ncmail.net
Tom Cadwallader	Groundwater	919-715-6173	919-715-0588	Tom.Cadwallader@ncmail.net
Helen Cotton	Hazardous Waste	919-733-2178 ext. 247	919-715-3605	Helen.Cotton@ncmail.net
Betty Gatano	Air Quality	919-733-1478	919-733-1812	Betty.Gatano@ncmail.net
Jan Manthey	Underground Storage Tanks	919-733-8486		Jan.Manthey@ncmail.net
Sharon Johnson	Pollution Prevention	919-715-6509	919-715-6794	Sharon.M.Johnson@ncmail.net
Roy Brownlow	Coastal Management	252-808-2808	252-247-3330	Roy.Brownlow@ncmail.net
Vanessa Manuel	NPDES	919-733-5083	919-733-9612	Vanessa.Manuel@ncmail.net
Tony Gallagher	Public Water Supply	919-715-3215	919-715-4374	Tony.Gallagher@ncmail.net
Mell Nevils	Mining, Sedimentation, Dams	919-733-4574	919-733-2876	Mell.Nevils@ncmail.net
Steve Lewis	Non-Discharge	919-733-5083 ext. 539	919-733-0059	Steve.Lewis@ncmail.net
Jaclyne Drummond	Solid Waste	919-733-4996 ext. 273	919-733-4810	Jaclyne.Drummond@ncmail.net
Ted Lyon	Solid Waste - Septage	919-733-4996 ext. 253	919-733-4810	Ted.Lyon@ncmail.net
Steve Steinbeck	On-Site Wastewater	919-715-3273	919-715-3280	Steve.Steinbeck@ncmail.net
Moreland Gueth	Forest Resources	919-2163 ext. 255	919-715-5247	Moreland.Gueth@ncmail.net
<b>ADDITIONAL RESOURCES</b>				
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

---

## **APPENDIX E**

### **PRINCIPLES OF ENFORCEMENT**

---

## PRINCIPLES OF ENFORCEMENT

---

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.

---

## 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