



North Carolina Department of Environment and Natural Resources

# Environmental Regulatory Compliance Activity in Calendar Year 2003

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)

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# North Carolina Department of Environment and Natural Resources

## Environmental Regulatory Compliance Activity in Calendar Year 2003

Contributors: Jill Pafford, Secretary's Office  
Jimmy Carter, Secretary's Office

Program Advisors: Betty Gatano, Air Quality  
Roy Brownlow, Coastal Management  
Sue Grayson, Environmental Health - Food, Lodging and Institutional Sanitation  
Steve Steinbeck, Environmental Health – On-Site Wastewater  
Tony Gallagher, Environmental Health – Public Water Supply  
Amy Sawyer, Environmental Health – Radiation Protection  
Wayne Mobley, Environmental Health – Shellfish Sanitation  
Moreland Gueth, Forest Resources  
Mell Nevils, Land Resources  
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-Discharge  
Vanessa Manuel, Water Quality – NPDES  
Sharon Johnson, Pollution Prevention and Environmental Assistance  
Beth Warren, Attorney General Office

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## INTRODUCTION

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

In the fall of 2001, at the direction of Governor Easley, DENR launched an annual reporting system of compliance activities in 21 regulatory programs across six divisions. The reports have addressed timeliness of enforcement actions, penalty amounts, compliance rates and several related measures for the calendar years 2000 - 2002. This fourth report presents the same data for calendar year 2003, continuing to refine some measures to provide a more accurate compliance and enforcement picture. The data for 2003 is presented in the same format as the 2002 report.

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 2003 compliance and enforcement data for all of the programs, as well as some graphic representations of enforcement trends from 2000-2003 data. This report is intended to help the department – and the public – to recognize areas where enforcement programs are operating effectively as well as those areas that should be targeted for improvement.

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

### NC ENFORCEMENT STRATEGY

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

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

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

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

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

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

- 
- timeliness of enforcement actions

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

We appreciate your interest. We welcome your input.

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

## DENR COMPLIANCE ASSISTANCE ACTIVITIES

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

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

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

Agency	Activity	Number of Activities in 2003
Air Quality	Workshops co-sponsored with MCIC for regulated community	2
	American Furniture Manufacturer's Association Workshops	2
	Aggregates Association meeting	1
	Web site/phone calls/letters	On-going
Coastal Management	Compliance assistance visits by Coastal Management staff	3,797
	Compliance assistance visits by Local Permit Officers	1,169
	Workshops for regulated community and stakeholders	17
	Web site/phone calls/letters	On-going
Public Water Supply	Ground Water Systems – Needs to Know Workshop	2
	D/DBP Rule – Surface Systems Workshop	2
	D/DBP Rule – NCWOA Section meetings	4
	NCWOA Certification School	4 classes
	Rules and Regulations sessions	4
Mammography	Interventions phone calls and customer requests	660
	Partner with UNC for Mammography programs	5 workshops
	Compliance assistance visits	12
	Dealer Service Engineer and Biomedical Engineer Workshop	1
	Mammography Newsletter	2
Radioactive Materials	Web site/ phone calls / letters	On-going
	DOT Portable Gauge Workshops	4
	Basic Radiation Awareness Training	150
	Compliance assistance visits	31
	RAM Newsletter	2
	Web site/ phone calls / letters	On-going

## DENR COMPLIANCE ASSISTANCE ACTIVITIES, CONT'D

Agency	Activity	Number of Activities in 2003
Shellfish Sanitation	HACCP Training Course	2
	Seafood Quality and Safety Course	1
Tanning	Compliance assistance visits	30
	Tanning Newsletter	1
	Web site/ phone calls / letters	On-going
X-ray	Compliance assistance visits	30
	X-ray Newsletter	1
	Web site/ phone calls / letters	On-going
Forest Resources	Training sessions for foresters, timber buyers and loggers	Numerous
	Water quality training CDs	2
	Updating Forestry Best Management Practices manual	On-going
Hazardous Waste	Compliance assistance workshops for regulated community	5
	Compliance assistance visits	94
	Web site/phone calls/letters	On-going
Solid Waste	Landfill Operators Training Course	4
	Transfer Facility Operators Training Course	4
	Storm Debris Workshops/Classes	4
	Household Hazardous Waste Workshop	1
	Septage Facility Operators Training	10
UST	Published the Financial Responsibility Guidance Manual	
DPPEA	On-site assistance	23
	EMS Workshops for Pork Producers	1
	Maintain list of ISO 14001-certified facilities	150 NC facilities
	Web site/phone calls/letters	On-going

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## **2003 PROGRAM AT A GLANCE DATA AND ENFORCEMENT TRENDS**

In the following section of the report, a subset of the total set of 2003 compliance and enforcement measures is presented for the NC DENR regulatory programs. In addition, where information was available in 2000 - 2002 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 2003 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.”**

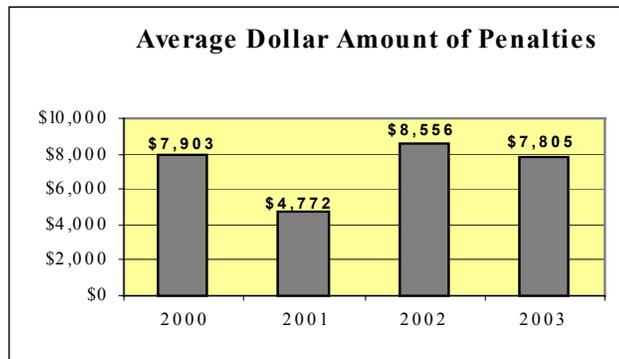
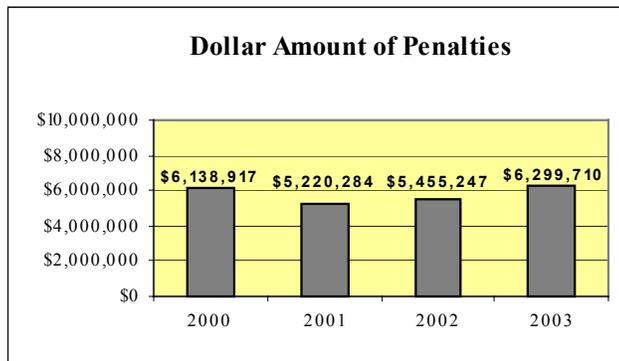
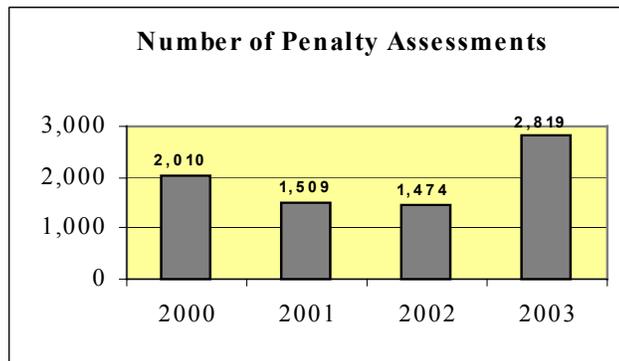
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## DENR – OVERVIEW

### 2003 Enforcement Data at a Glance

<b>Total Number of Penalties Assessed</b>	<b>2,819</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$6,299,710</b>
<b>Average Dollar Amount of Penalties Assessed</b>	<b>\$7,805</b>

### Enforcement Trends: 2000 – 2003

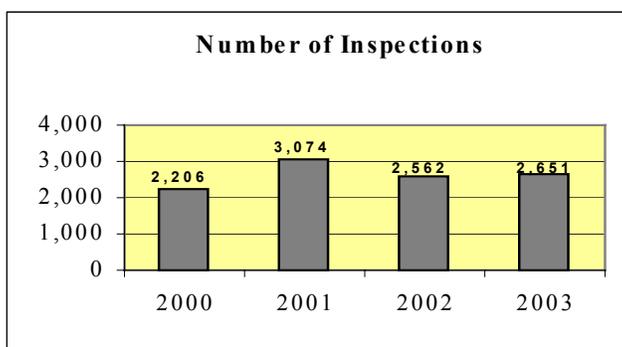


# AIR QUALITY

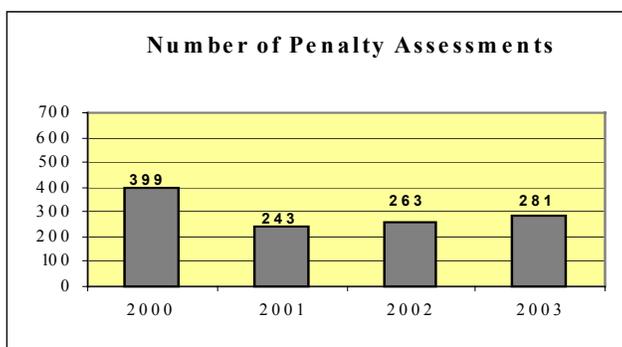
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>2,651</b>
<b>Number of Regulated Entities</b>	<b>10,497</b>
<b>Total Number of Penalties Assessed</b>	<b>281</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$666,426</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>69.4%</b>

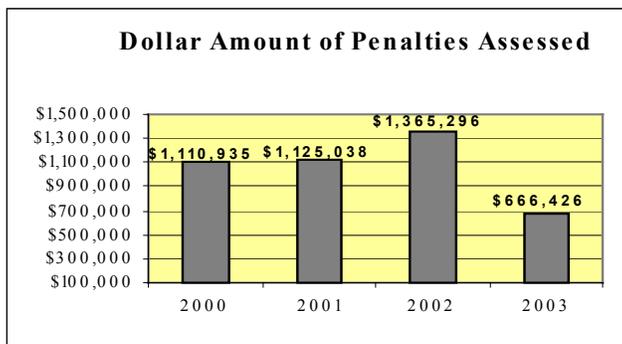
### Enforcement Trends: 2000 - 2003



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, since permits are renewed at irregular intervals.



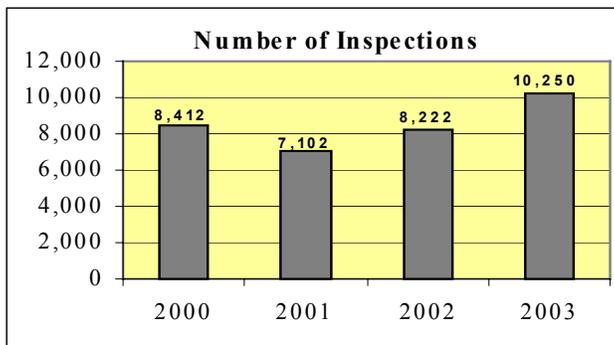
The total dollar amount of penalties decreased in the year 2003 due to fewer complex cases last year. These complex cases usually represent the most serious violations and accordingly are assessed higher penalties. In 2002, DAQ had 50 of these type of cases, while in 2003, the number had decreased to 29.

# COASTAL MANAGEMENT

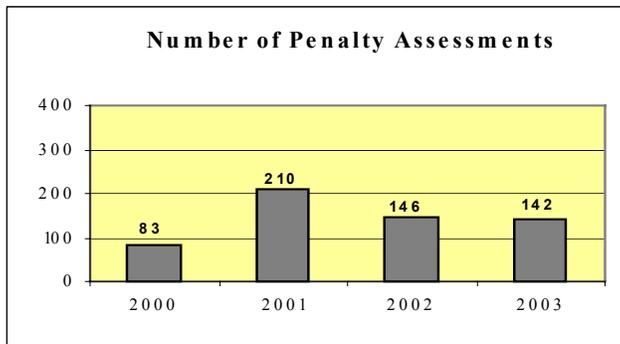
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>10,250</b>
<b>Number of Regulated Entities</b>	<b>5,112</b>
<b>Total Number of Penalties Assessed</b>	<b>142</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$230,275</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>99%</b>

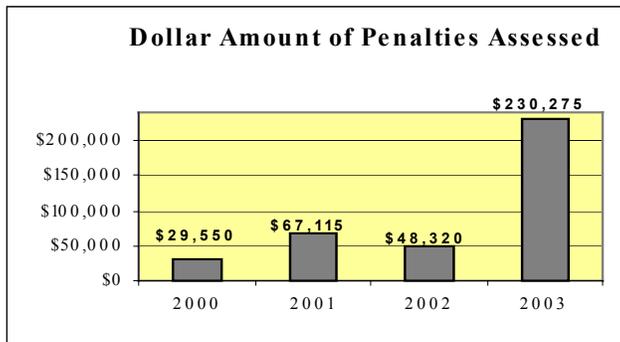
### Enforcement Trends: 2000 – 2003



The number of inspections remained relatively consistent over the last four 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 four years depicts expected program fluctuations.



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

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

### 2003 Enforcement Data at a Glance\*

Number of A ratings for restaurants	33,188
Number of B ratings for restaurants	1,342
Number of C ratings for restaurants	95
Number of suspended restaurant permits	88
Number of revoked restaurant permits	6
Number of Grade “A” Dairy Farms	382
Number of Grade “A” Milk Processing Plants	12
Number of Milk Tankers	150
Number of Grade “A” Dairy Farm Permits Suspended	46
Number of Milk Tankers Rejected for Antibiotics	51

\* 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 – 2003

The year 2002 was the first year this information was collected for this program; therefore, trend analysis will begin in 2004 with three years of collected data.

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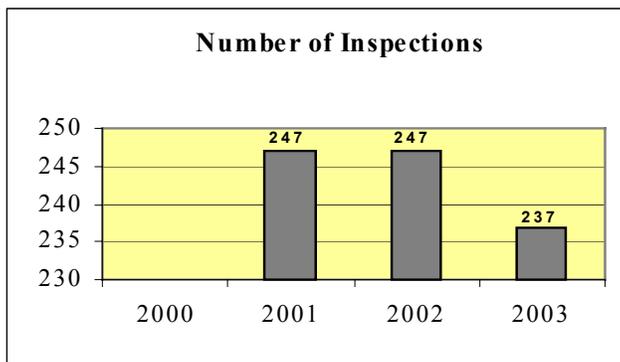
## ENVIRONMENTAL HEALTH – MAMMOGRAPHY

### 2003 Enforcement Data at a Glance

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

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

### Enforcement Trends: 2000 – 2003\*



The number of inspections is proportional to the number of mammography facilities in the state. The number of mammography facilities will vary due to opening and closing of facilities. All regulated entities are inspected on an annual basis. The inspection value is not available for the year 2000.

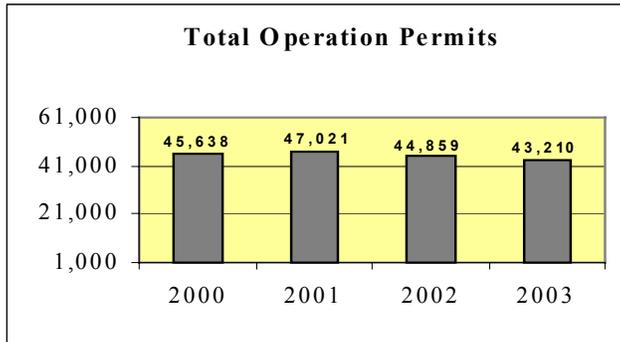
# ENVIRONMENTAL HEALTH – ON-SITE WASTEWATER

## 2003 Enforcement Data at a Glance\*

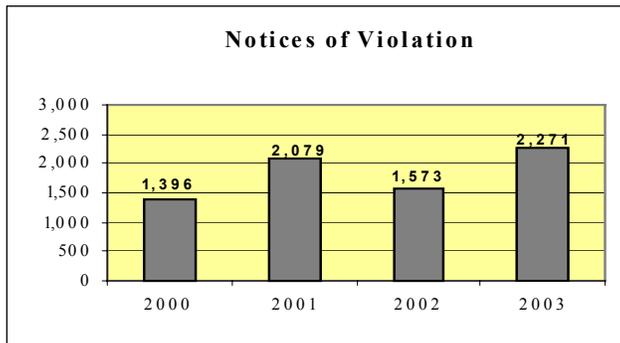
<b>Number of Inspections</b>	<b>19,683</b>
<b>Number of Regulated Entities</b>	<b>1,500,000</b>
<b>Total Operation Permits</b>	<b>43,210</b>
<b>Total Number of Notices of Violation</b>	<b>2,271</b>
<b>Total Number of Legal Remedies</b>	<b>168</b>

\* 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 and 2003, 100/100 counties reported.

## Enforcement Trends: 2000 – 2003



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



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



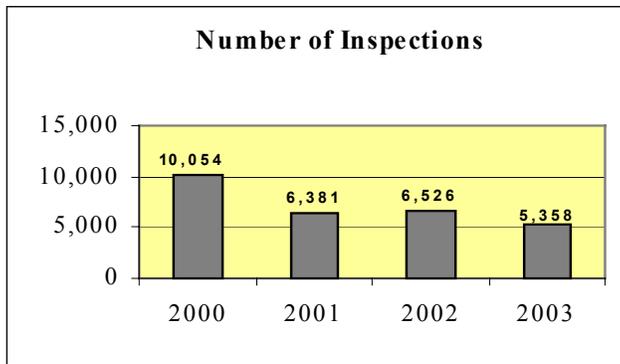
The number of legal remedies over the last four years depicts expected program fluctuations. Legal remedies include criminal misdemeanor; injunction; and administrative penalty. Administrative penalties are rarely used due to the low assessment limits set by statute, inability to recover investigative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

# ENVIRONMENTAL HEALTH – PUBLIC WATER SUPPLY

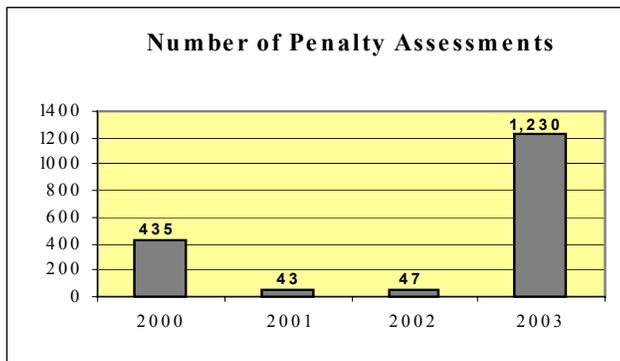
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>5,358</b>
<b>Number of Regulated Entities</b>	<b>7,552</b>
<b>Total Number of Penalties Assessed</b>	<b>1230</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$275,629</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>93%</b>

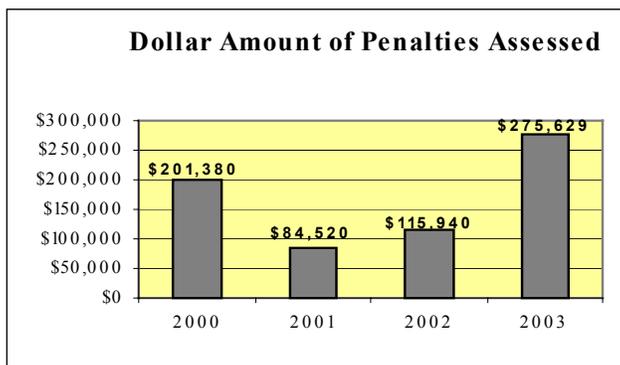
## Enforcement Trends: 2000 – 2003



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 was higher in 2000 and 2003 because of increased enforcement actions by the PWS on TNC public water systems.



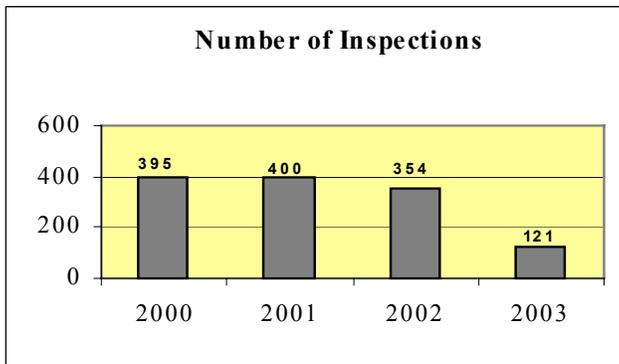
The total dollar amount of penalties assessed the years 2000 and 2003 was higher because of fines collected as part of the increased enforcement actions on TNC public water systems those years.

# ENVIRONMENTAL HEALTH – RADIOACTIVE MATERIALS

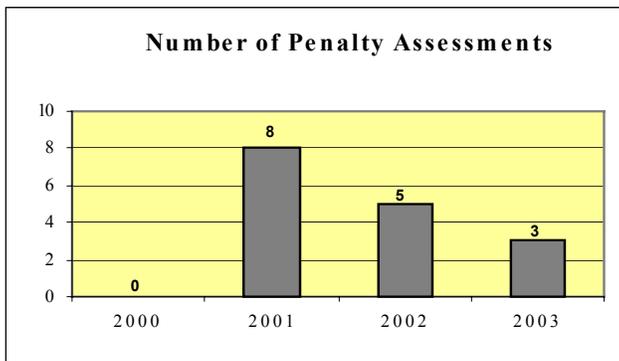
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>121</b>
<b>Number of Regulated Entities</b>	<b>1789</b>
<b>Total Number of Penalties Assessed</b>	<b>3</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>9,000</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

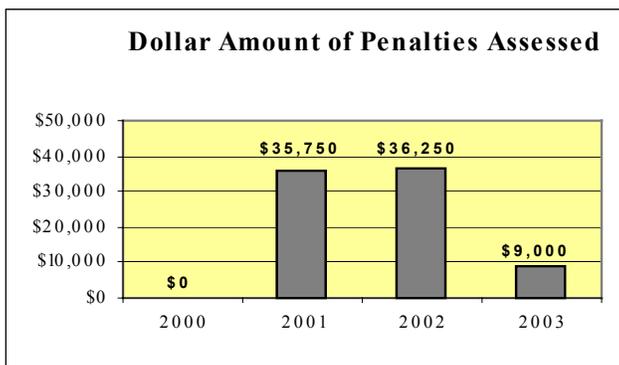
## Enforcement Trends: 2000 – 2003



Due to reduced personnel resources and increased departmental burdens related to post 9-11 potential incident response, the Radioactive Materials branch has reduced the number of inspections of facilities handling radioactive materials, such as nuclear medicine facilities. The department continues to maintain the number of inspections mandated by agreement with the federal Nuclear Regulatory Commission.



The downward trend of penalty assessments is consistent with the downward trend of inspections performed. More responsibilities and fewer resources have affected the branch over the last few years.



The downward trend of penalties assessed in the year 2003 is directly proportional to the fewer number of inspections conducted.

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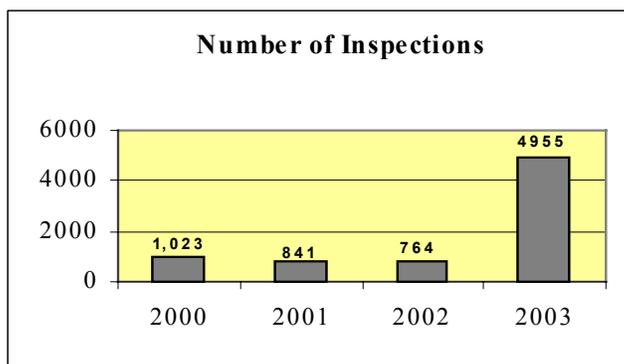
## ENVIRONMENTAL HEALTH – SHELLFISH SANITATION

### 2003 Enforcement Data at a Glance\*

Number of Inspections	4955
Number of Regulated Entities	677
Number of Shellfish Licenses Revoked	0
Number of Recommended Changes to Shellfish Growers	146

\* 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. 2003 data encompasses the shellfish and crustacea plant inspections and sewage inspections conducted during shoreline surveys.

### Enforcement Trends: 2000 – 2003



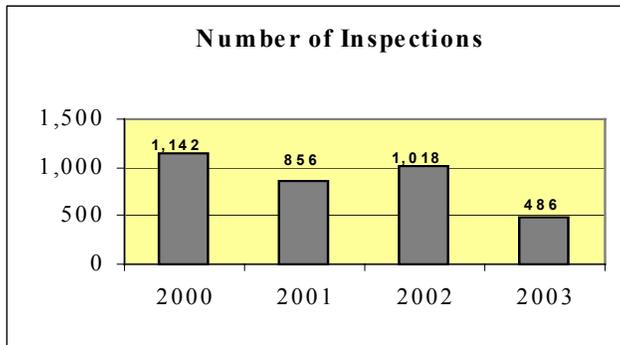
The overall number of inspections increased in 2003 because the 2003 compliance and enforcement data now include the shellfish and crustacea plant inspections and sewage inspections conducted during shoreline surveys.

# ENVIRONMENTAL HEALTH – TANNING PROGRAM

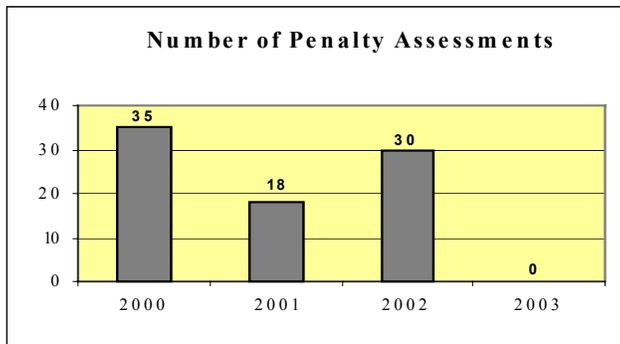
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>486</b>
<b>Number of Regulated Entities</b>	<b>2,578</b>
<b>Total Number of Penalties Assessed</b>	<b>0</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$0</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

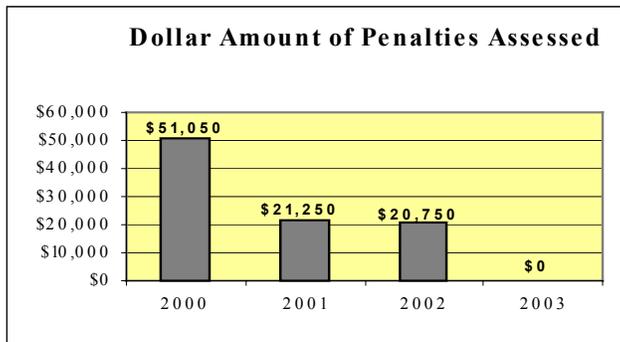
## Enforcement Trends: 2000 – 2003



The number of inspections decreased in the year 2003 due to a vacant inspector position and an inspector that was on active military leave.



In 2003, this program became a section under the Division of Environmental Health and is evaluating how the enforcement program handles penalties and enforcement cases. No penalties were assessed during this timeframe.



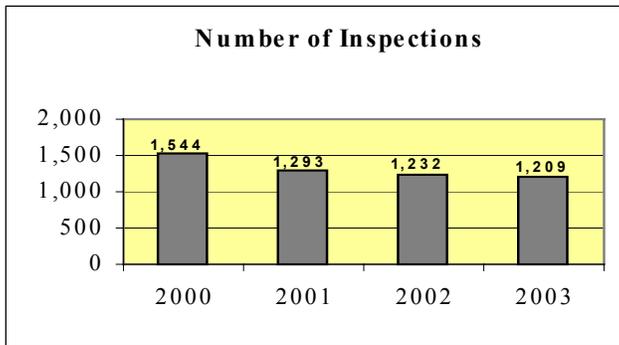
The total dollar amount of penalties assessed is zero, since no penalties were assessed in 2003.

# ENVIRONMENTAL HEALTH – X-RAY PROGRAM

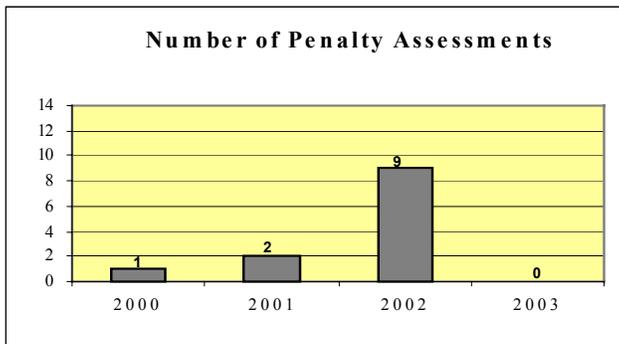
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,209</b>
<b>Number of Regulated Entities</b>	<b>6,258</b>
<b>Total Number of Penalties Assessed</b>	<b>0</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$0</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

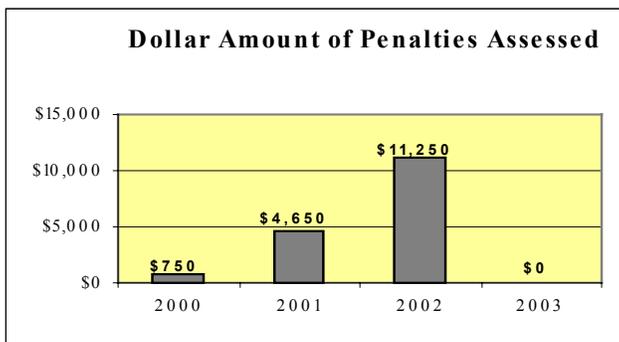
## Enforcement Trends: 2000 – 2003



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



In 2003, this program became a section under the Division of Environmental Health and is evaluating how the enforcement program handles penalties and enforcement cases. No penalties were assessed during this timeframe.



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

# FOREST RESOURCES

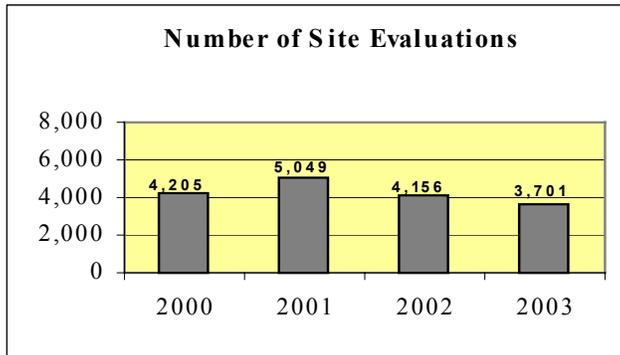
## 2003 Enforcement Data at a Glance\*

<b>Number of Site Evaluations</b>	<b>3,701</b>
<b>Percent of Site Evaluations in Non-Compliance</b>	<b>6%</b>
<b>Number of Reinspections</b>	<b>1249</b>
<b>Number of Notices of Non-Compliance</b>	<b>223</b>
<b>Number of Referrals for Enforcement</b>	<b>5</b>

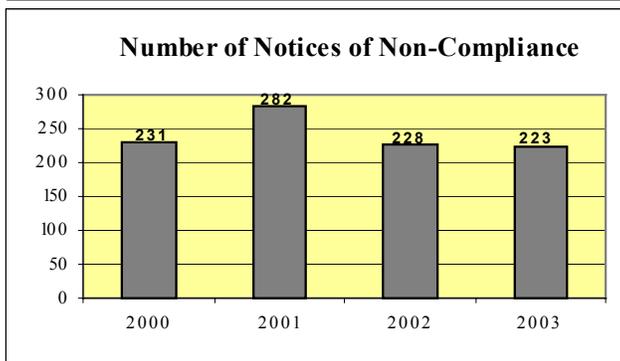
\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported.

## Enforcement Trends: 2000 – 2003\*\*

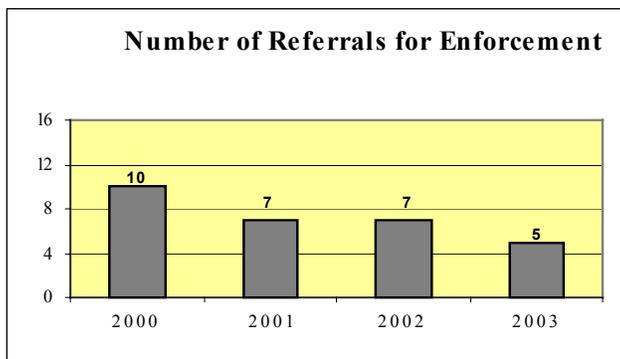
\*\*2000 and 2001 data have been revised from the DENR Compliance Activity Reports of 2000 and 2001 to reflect corrected DFR numbers.



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



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



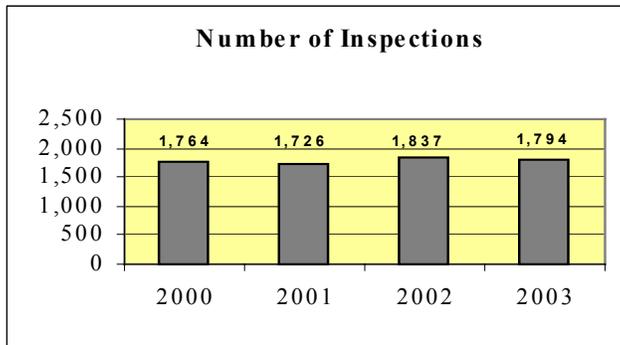
The number of referrals for enforcement has declined over the last four years, due to cooperative actions taken by responsible parties.

## LAND RESOURCES – DAM SAFETY

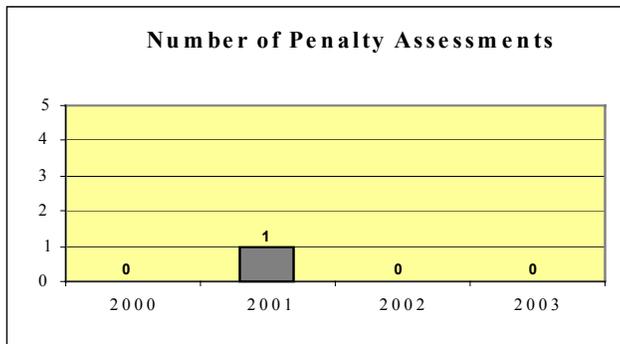
### 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,794</b>
<b>Number of Regulated Entities</b>	<b>4,288</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>97%</b>

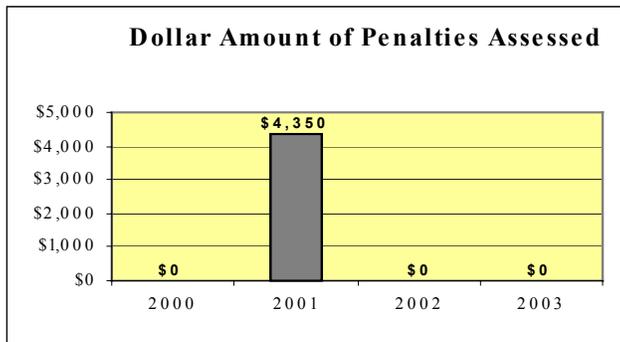
### Enforcement Trends: 2000 – 2003



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



Civil penalties are only used 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 and 3 were issued in 2003).



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

# LAND RESOURCES – EROSION AND SEDIMENTATION CONTROL

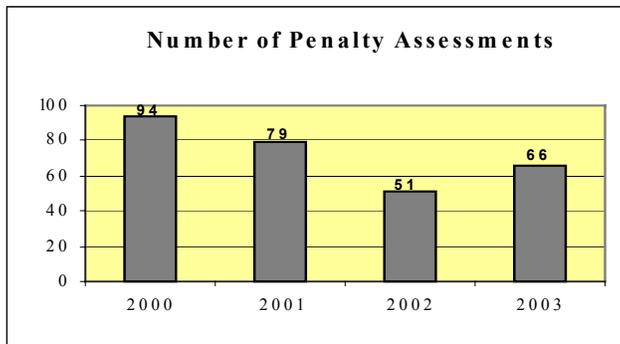
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>14,335</b>
<b>Number of Regulated Entities</b>	<b>7,000</b>
<b>Total Number of Penalties Assessed</b>	<b>66</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>1,737,445</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>94%</b>

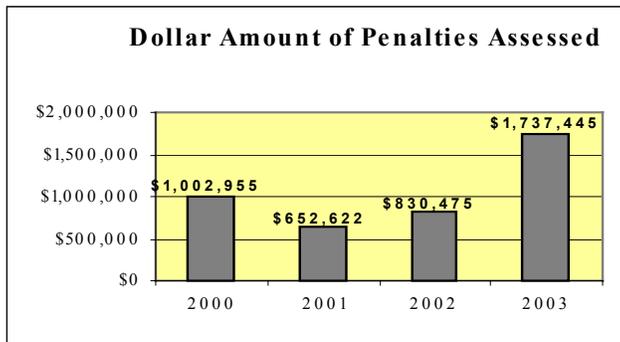
## Enforcement Trends: 2000 – 2003



The number of inspections fluctuates with the number of trained staff in the program. In the years 2000, 2002, and 2003, inspection staff vacancies caused the number of inspections to decrease. In 2003, the vacancy rate was as high as 20 percent at times.



Case development staff vacancies also played a role in the number of penalty assessments issued in the years 2001 through 2003. Some of these staff vacancies were filled in 2003, resulting in more processed cases.



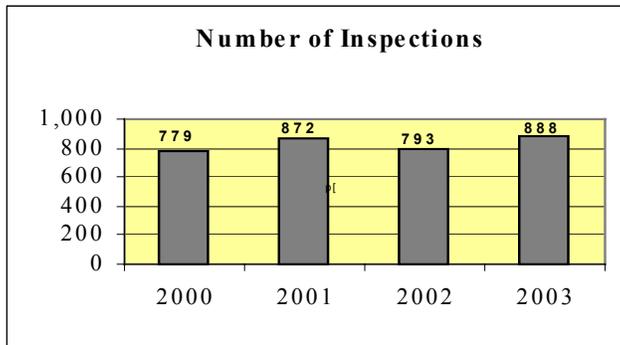
The total dollar amount of penalties assessed fluctuates from year to year due to the types of violations and the severity level of the violations found in those years. However, in 2003, the enforcement program placed a greater emphasis on per day penalties, which led to higher overall penalty amounts.

# LAND RESOURCES – MINING

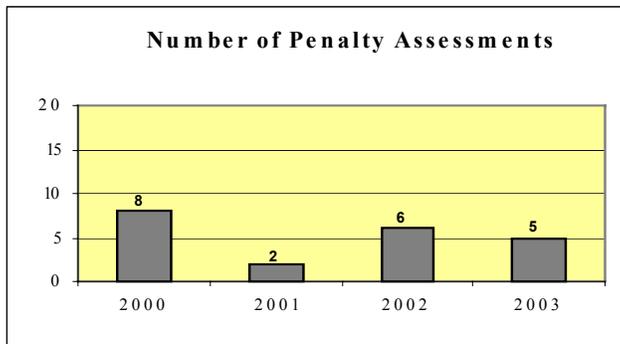
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>888</b>
<b>Number of Regulated Entities</b>	<b>963</b>
<b>Total Number of Penalties Assessed</b>	<b>5</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$32,270</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>95%</b>

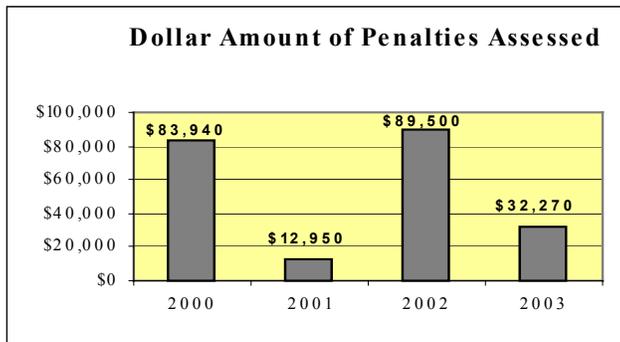
## Enforcement Trends: 2000 – 2003



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



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



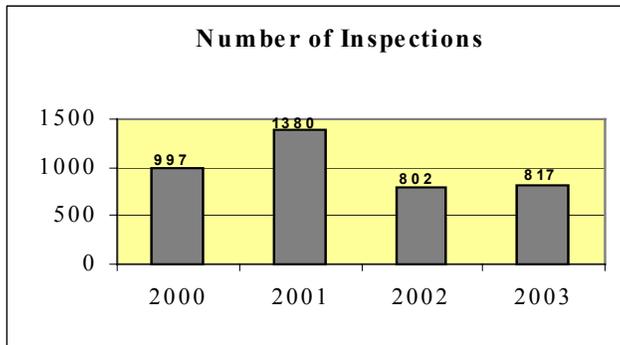
The trend for total dollar amount of penalties assessed over the last three years depicts typical program fluctuations.

# WASTE MANAGEMENT – HAZARDOUS WASTE

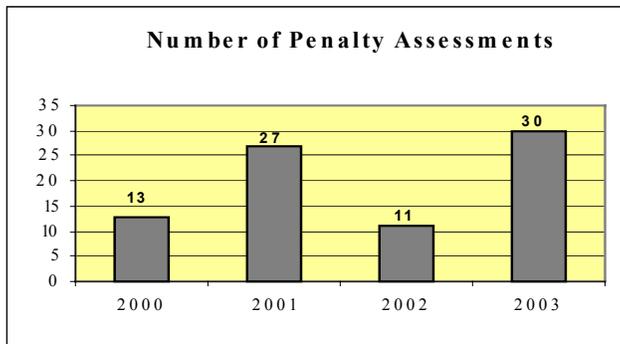
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>817</b>
<b>Number of Regulated Entities</b>	<b>6,479</b>
<b>Total Number of Penalties Assessed</b>	<b>30</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$957,918</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>91%</b>

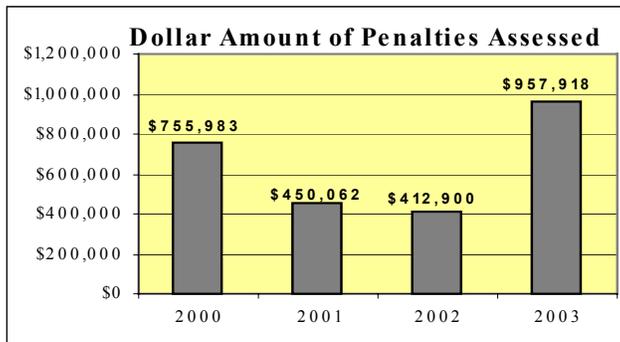
## Enforcement Trends: 2000 – 2003



The variation in the number of inspections conducted between the year 2000 and year 2003 is within the range of expected program fluctuations.



The number of penalty assessments was higher in the years 2001 and 2003 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 fluctuates from year to year due to the number, types and severity level of the violations found at facilities, as well as the number of orders issued to generators of hazardous waste that fail to pay generator fees. The trend from 2000 to 2003 is within expected program fluctuations.

# WASTE MANAGEMENT – SOLID WASTE

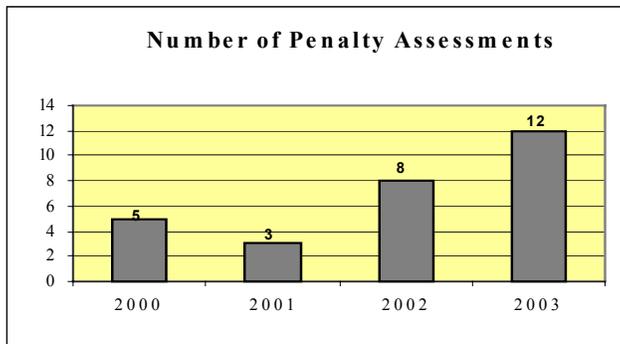
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>2,999</b>
<b>Number of Regulated Entities</b>	<b>1593</b>
<b>Total Number of Penalties Assessed</b>	<b>12</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$51,250</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>75%</b>

## Enforcement Trends: 2000 – 2003



The number of inspections increased over the last two years 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 has increased annually since the reorganization in the year 2002 and also the increased enforcement action taken against unpermitted septage and solid waste sites.



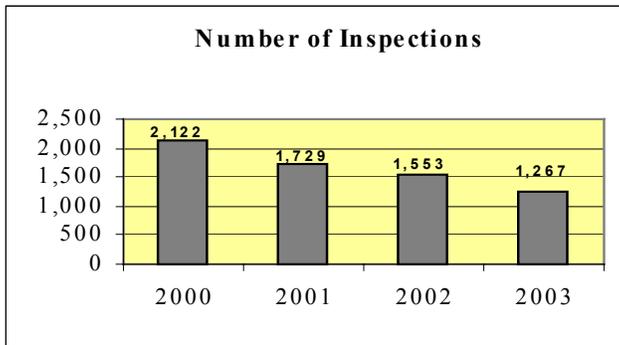
The total dollar amount of penalties assessed increased over the last two years due to increased enforcement action taken against unpermitted sites. The penalty assessment total was high in 2000 due to the severity of a penalty issued to one violator.

# WASTE MANAGEMENT – UST PROGRAM

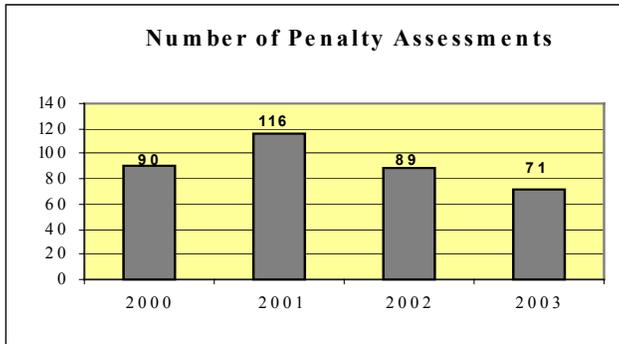
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,267</b>
<b>Number of Regulated Entities</b>	<b>9,751</b>
<b>Total Number of Penalties Assessed</b>	<b>71</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$547,631</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>55%</b>

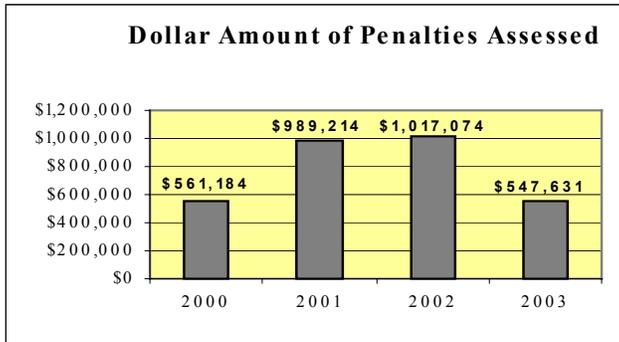
## Enforcement Trends: 2000 – 2003



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



The variation in the number of penalty assessments in the last four years is within the range of expected program fluctuations.



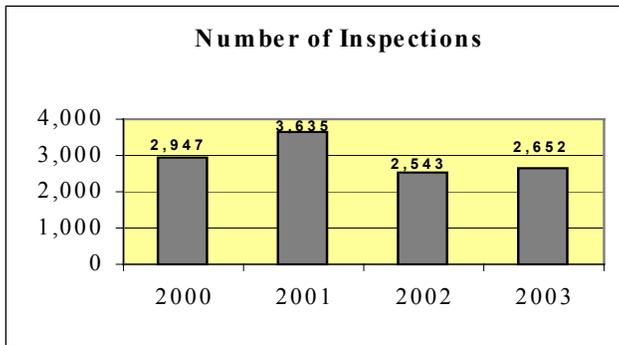
The total dollar amount of penalties assessed rose in 2001 and 2002 due to a change in the program penalty amounts, but decreased last year in relation to the decrease in number of penalty assessments.

# WATER QUALITY – GROUNDWATER

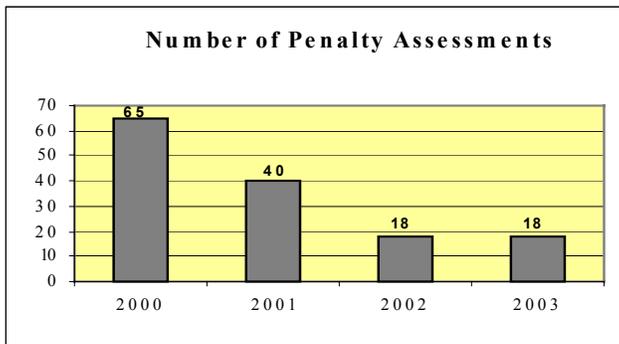
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>2,652</b>
<b>Number of Regulated Entities</b>	<b>27,500</b>
<b>Total Number of Penalties Assessed</b>	<b>18</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$56,020</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>67%</b>

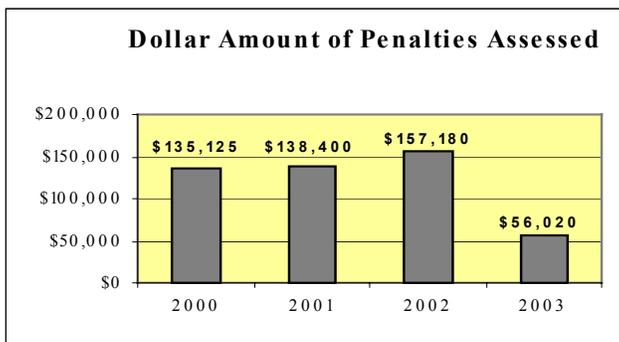
### Enforcement Trends: 2000 – 2003



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



Acceptance of the well drillers certification program that commenced in 2000 plus an increase in statutory assessments and delegation of enforcement to regional offices are solidifying the trend toward fewer number of enforcement cases per year.



The decline in the dollar amount of penalties in 2003 from prior years may be the result of increased delegation of enforcement activities to regional offices coupled with improved compliance as the well driller and enforcement delegation programs mature.

# WATER QUALITY – NON-DISCHARGE

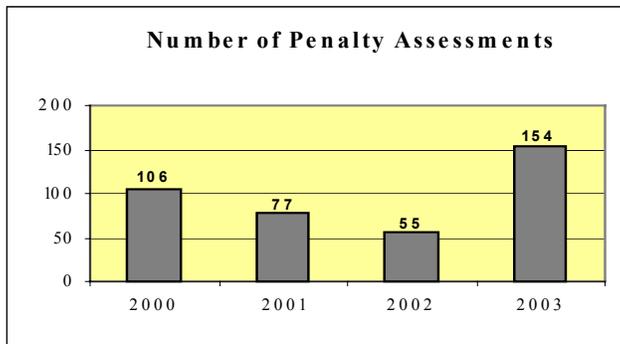
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,946</b>
<b>Number of Regulated Entities</b>	<b>3,640</b>
<b>Total Number of Penalties Assessed</b>	<b>154</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$853,613</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>90%</b>

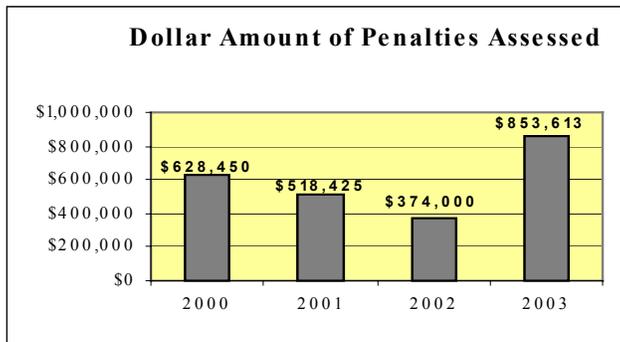
## Enforcement Trends: 2000 – 2003



The number of inspections decreased from 2002 because staff focused on evaluating 400+ sites that were affected by the historical heavy rainfall from Fall 2002 to Spring 2003.



The number of penalty assessments increased in the year 2003 due to operational problems on farms resulting from extremely wet conditions as well as increased enforcement for municipal sewer overflows and wetlands violations.



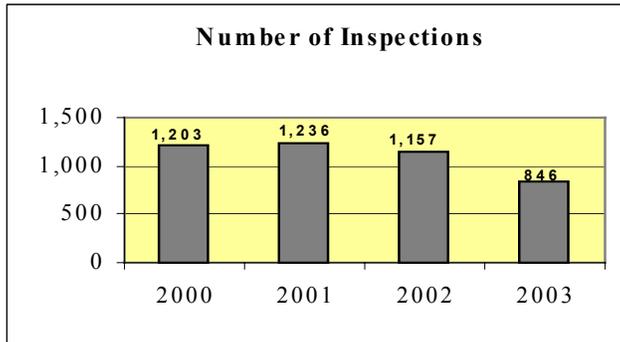
Although the total dollar amount of penalties assessed increased in the year 2003, the average dollar amount of per case decreased.

# WATER QUALITY – NPDES

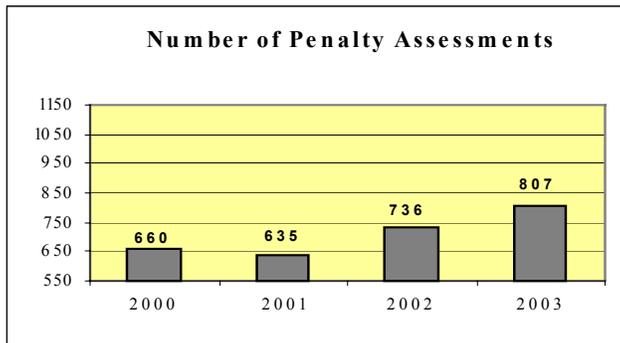
## 2003 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>846</b>
<b>Number of Regulated Entities</b>	<b>1,407</b>
<b>Total Number of Penalties Assessed</b>	<b>807</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$882,233</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>82%</b>

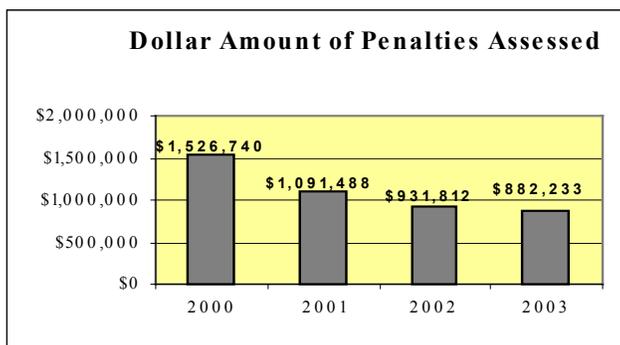
## Enforcement Trends: 2000 – 2003



The number of inspections remained relatively consistent over the 2000-2002 period. The reduction in NPDES inspections in the year 2003 was a result of a reallocation of staff resources to other areas of the water quality program.



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 produced increased compliance in the NPDES regulated universe over the last four years. This maturing enforcement process is seeing a consistent decrease in severe violations and resulting large penalty amounts.

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## **APPENDICES**

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## **APPENDIX A**

### **2003 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

	2003 Data*
<b>Penalty Assessments</b>	
Total number of penalties assessed	281
Permitted facilities	178
Open burning	92
Other	11
Total dollar amount of penalties assessed	\$666,426
Permitted facilities	\$505,054
Open burning	\$153,028
Other	\$8,344
Average dollar amount of penalties assessed	\$2,372
Highest dollar amount of penalties assessed	\$40,942
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$435,370
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$222,031
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$1,217,431
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$89,192
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$1,034,582
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	\$1,110,935
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$138,000
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$358,494
Amount of penalties collected at year end of penalties assessed in 2002	\$1,103,792
Amount of penalties collected at year end of penalties assessed in 2001	\$724,623
Amount of penalties collected at year end of penalties assessed in 2000	\$839,426
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$1,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$5,521
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$14,697
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$10,372
<b>Facility Performance</b>	
Compliance rate of inspected facilities	69.4%
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	139

<b>AIR QUALITY</b>	<b>2003 Data*</b>
Percent of last years violators that were also violators this year	8.2%
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)	103
<b>Workload Measures</b>	
Number of permitted entities	3,089
Number of regulated entities	10,497
Available inspector FTEs	64
Actual inspector FTEs	20.1
Number of inspections	2,651
Number of routine inspections	2,069
Number of complaint driven inspections	582
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	\$4,700
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	\$29,603
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$39,249
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$284,597
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$1,383
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	18.5%
Percent of penalty assessments that seek remission of penalties assessed	18.1%
Percent of penalty assessments that appeal to OAH of penalties assessed	5.7%
Percent of penalty assessments that seek informal settlement of penalties assessed	2.5%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	39.1%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	421
Average number of days from violation awareness to NOV issuance for penalties paid in full	27
Average number of days from NOV to penalty assessment for penalties paid in full	110
Average number of days from penalty assessment to penalty establishment for penalties paid in full	181
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	221
*Special Orders by Consent were included in all 2003 penalty data except "timeliness measures." Timeliness of SOCs are reflected in the "return to compliance" measure.	

## COASTAL MANAGEMENT

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	142
Total dollar amount of penalties assessed	\$230,275
Average dollar amount of penalties assessed	\$1,622
Highest dollar amount of penalties assessed	\$170,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$64,550
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA* at year end for penalties assessed in 2002	\$51,430
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	\$64,100
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	\$30,550
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$3,550
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$2,250
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	n/a
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$61,350
Amount of penalties collected at year end of penalties assessed in 2002	\$2,900
Amount of penalties collected at year end of penalties assessed in 2001	\$1,500
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 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$815
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$400
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	n/a
<b>Facility Performance</b>	
Compliance rate for inspected facilities	99%
Percent of entities that returned to compliance by their specified deadline	49%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	24
Percent of last years violators that also violated this year	3%
Most common violations	-unauthorized development w/o CAMA permit -violation of the state's Dredge and Fill law -violation of CAMA permit conditions

<b>COASTAL MANAGEMENT</b>	<b>2003 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	79
<b>Workload Measures</b>	
Number of permitted entities	4,966
Number of regulated entities	5,112
Available inspector FTEs	6.78
Actual inspector FTEs	3.63
Number of inspections	10,250
Number of routine inspections	10,250
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	\$156,415
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	\$172,457
Amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$115
Original assessment amount of reductions made by a judge in any state or federal court of penalties paid in full during year assessed	\$700
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	0.7%
Percent of penalty assessments that seek remission of penalties assessed	1.4%
Percent of penalty assessments that appeal to OAH of penalties assessed	0%
Percent of penalty assessments that seek informal settlement of penalties assessed	98.6%
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	98.6%
<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	145
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)	48

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

	<b>2003 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	32,964
Number of regulated entities	43,619
Inspector FTEs (Local Health Dept. staff)	Over 500
Number of inspections	117,487
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Selected Measures for the Food, Dairy, Lodging, and Institutional Sanitation Program</b>	
Number of A ratings for restaurants	33,188
Number of B ratings for restaurants	1,342
Number of C ratings for restaurants	95
Number of suspended restaurant Permits	88
Number of revoked restaurant Permits	6
Number of Grade "A" Dairy Farms	382
Number of Grade "A" Milk Processing Plants	12
Number of Single Service Plants	9
Number of Hauler/Samplers	150
Number of Milk Tankers	150
Number of Milk Samplers	60
Number of Grade "A" Dairy Farm Permits Suspended	46
Number of Milk Tankers Rejected for Antibiotics	51

## ENVIRONMENTAL HEALTH MAMMOGRAPHY

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

<b>ENVIRONMENTAL HEALTH MAMMOGRAPHY</b>	<b>2003 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	237
Number of regulated entities	237
Available inspector FTEs	3
Actual inspector FTEs	2.5
Number of inspections	237
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	n/a
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 their penalty in full without contesting their 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 in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## ENVIRONMENTAL HEALTH ON-SITE WASTEWATER

	2003 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 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of 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
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$0
Amount of 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 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
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
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	nav
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-unapproved OSWS
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	1,500,000
Number of regulated entities	1,500,000

<b>ENVIRONMENTAL HEALTH ON-SITE WASTEWATER</b>	<b>2003 Data</b>
Available inspector FTEs	nav
Actual inspector FTEs	nav
Number of inspections	19,683
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the 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 their penalty in full without contesting their 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 in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the On-Site Program*</b>	
Operation Permit-New	34,176
Operation Permit-Repair	7,660
Operation Permit-Expansion	1,374
Total Operation Permits	43,210
Notice of Violations	2,271
Legal Remedies	168
Permits Revoked	319
Permits Suspended	73
Permits Denied	3,211
* 100/100 counties reporting	

## ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	1,230
Total dollar amount of penalties assessed	\$275,629
Average dollar amount of penalties assessed	\$224
Highest dollar amount of penalties assessed	\$18,280
Amount of penalties established through SAFA* at year end for penalties assessed in 2003**	\$848,762
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$2,200
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$155,290
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$2,900
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$118,300
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	\$1,653,290
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$2,500
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	n/a
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	n/a
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	n/a
*SAFA is settlement, agreement or final action	
** 2003 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 2003	\$53,018
Amount of penalties collected at year end of penalties assessed in 2002	\$31,360
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 2003	\$133,331
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$86,480
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
<b>Facility Performance</b>	
Compliance rate of inspected facilities	93%
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	1,086
Percent of last years violators that were also violators this year	26%
Most common violations	-failure to monitor; notify the public; properly construct, operate, maintain the system

<b>ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY</b>	<b>2003 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	706
<b>Workload Measures</b>	
Number of permitted entities	3,196
Number of regulated entities	7,552
Available inspector FTEs	35
Actual inspector FTEs	33
Number of inspections	5,358
Number of routine inspections	1,916
Number of complaint driven inspections	599
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$79,058
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$191,713
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	6%
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	
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	25%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	405
Average number of days from violation awareness to NOV issuance for penalties paid in full	9
Average number of days from NOV to penalty assessment for penalties paid in full	119
Average number of days from penalty assessment to penalty establishment for penalties paid in full	277
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	3
Total dollar amount of penalties assessed	\$9,000
Average dollar amount of penalties assessed	\$3,000
Highest dollar amount of penalties assessed	\$5,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$7,000
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of 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
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$7,000
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$0
Amount of 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 2003	\$2,000
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	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	98%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-annual review -failure to notify of RSO change -failure to perform leak test on sealed source
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0

<b>ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS</b>	<b>2003 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	1,789
Number of regulated entities	1,789
Available inspector FTEs	7
Actual inspector FTEs	5
Number of inspections	121
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	n/a
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 their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	100%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	18
Average number of days from violation awareness to NOV issuance for penalties paid in full	12
Average number of days from NOV to penalty assessment for penalties paid in full	6
Average number of days from penalty assessment to penalty establishment for penalties paid in full	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	25

## ENVIRONMENTAL HEALTH SHELLFISH SANITATION

	2003 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 2003	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2002	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2001	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	n/a
Amount of 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
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	n/a
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	n/a
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	n/a
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	n/a
Amount of penalties collected at year end of penalties assessed in 2002	n/a
Amount of penalties collected at year end of penalties assessed in 2001	n/a
Amount of 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 2003	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	n/a
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
<b>Facility Performance</b>	
Compliance rate of inspected facilities	n/a
Percent of entities that returned to compliance by their specified deadline	n/a
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	n/a
Percent of last years violators that were also violators this year	n/a
Most common violations	n/a
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	n/a
<b>Workload Measures</b>	
Number of permitted entities	159
Number of regulated entities	677

<b>ENVIRONMENTAL HEALTH SHELLFISH SANITATION</b>	<b>2003 Data</b>
Available inspector FTEs	8
Actual inspector FTEs	7
Number of inspections	4955
Number of routine inspections	4910
Number of complaint driven inspections	45
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	n/a
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the 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 their penalty in full without contesting their 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 in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the Shellfish Sanitation Program</b>	
Number of shellfish licenses revoked	0
Number of sewage inspections	4319
Number of sewage violations	6
Number of recommended changes to shellfish growers	146

## ENVIRONMENTAL HEALTH TANNING PROGRAM

	2003 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 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$250
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$8,250
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	\$5,300
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$250
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	\$216
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
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
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	97%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-failure to replace lamps with suitable types or equivalent -failure to have manufacturer's manuals for tanning units

<b>ENVIRONMENTAL HEALTH TANNING PROGRAM</b>	<b>2003 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
<b>Workload Measures</b>	
Number of permitted entities	2,578
Number of regulated entities	2,578
Available inspector FTEs	3
Actual inspector FTEs	1
Number of inspections	486
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	n/a
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 their penalty in full without contesting their 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 in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## ENVIRONMENTAL HEALTH X-RAY PROGRAM

	2003 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 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$1,200
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	\$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
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$1,200
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 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
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
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	99%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-failure to have a written radiation program -failure to review written radiation program annually -no radiation survey

<b>ENVIRONMENTAL HEALTH X-RAY PROGRAM</b>	<b>2003 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
<b>Workload Measures</b>	
Number of permitted entities	6,258
Number of regulated entities	6,258
Available inspector FTEs	6
Actual inspector FTEs	6
Number of inspections	1,209
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	n/a
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 their penalty in full without contesting their 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 in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## FOREST RESOURCES

	<b>2003 Data</b>
Number of Site Evaluations Conducted by Type	
Citizen Complaints	117
Active Harvest	1187
Completed Harvest	1863
Other Activities	102
Reforestation	432
<b>Total</b>	<b>3,701</b>
Percent of Site Evaluations in Non-Compliance by Type	
Citizen Complaints	34%
Active Harvest	9%
Completed Harvest	6%
Other Activities	5%
Reforestation	0%
Percent of Site Evaluations in Non-Compliance	6%
Number of Reinspections	1249
Number of Notices of Non-Compliance	223
Number of Referrals for Enforcement	5

## LAND RESOURCES DAM SAFETY

	2003 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 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$4,350
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of 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
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$4,350
Amount of 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 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
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
<b>Facility Performance</b>	
Compliance rate of inspected facilities	97%
Percent of entities that returned to compliance by their specified deadline	15%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	nav
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	nav

<b>LAND RESOURCES DAM SAFETY</b>	<b>2003 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	4,288
Number of regulated entities	4,288
Available inspector FTEs	12
Actual inspector FTEs	10
Number of inspections	1,794
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the 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 their penalty in full without contesting their 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 in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the Dam Safety Program</b>	
Number of injunctions issued	3
Number of dam safety orders issued	5

## LAND RESOURCES EROSION AND SEDIMENTATION CONTROL

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	66
Total dollar amount of penalties assessed	\$1,737,445
Average dollar amount of penalties assessed	\$26,325
Highest dollar amount of penalties assessed	\$144,900
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$104,069
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$1,633,376
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$127,100
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$8,985
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
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$81,219
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$494,156
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$550,098
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$64,310
Amount of penalties collected at year end of penalties assessed in 2002	\$119,691
Amount of penalties collected at year end of penalties assessed in 2001	\$21,780
Amount of penalties collected at year end of penalties assessed in 2000	\$2,275
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$16,200
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	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	94%
Percent of entities that returned to compliance by their specified deadline	88%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	40
Percent of last years violators that were also violators this year	3%
Most common violations	-failure to take all reasonable measures, insufficient measures, and failure to maintain
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	26

<b>LAND RESOURCES EROSION AND SEDIMENTATION CONTROL</b>	<b>2003 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	7,000
Number of regulated entities	7,000
Available inspector FTEs	32
Actual inspector FTEs	24
Number of inspections	14,335
Number of routine inspections	12,896
Number of complaint driven inspections	1,439
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$39,995
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$92,800
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	nav
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	nav
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	8%
Percent of penalty assessments that seek remission of penalties assessed	nav
Percent of penalty assessments that appeal to OAH of penalties assessed	47%
Percent of penalty assessments that seek informal settlement of penalties assessed	29%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	9%
<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	4
Average number of days from NOV to penalty assessment for penalties paid in full	125
Average number of days from penalty assessment to penalty establishment for penalties paid in full	56
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	226

## LAND RESOURCES MINING

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	5
Total dollar amount of penalties assessed	\$32,270
Average dollar amount of penalties assessed	\$6,454
Highest dollar amount of penalties assessed	\$13,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$14,576
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$8,745
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$64,500
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
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$470
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$7,085
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$10,605
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$6,500
Amount of penalties collected at year end of penalties assessed in 2002	\$8,745
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 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$28,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$10,460
<b>Facility Performance</b>	
Compliance rate of inspected facilities	95%
Percent of entities that returned to compliance by their specified deadline	89%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	5
Percent of last years violators that were also violators this year	2%
Most common violations	-mining without a permit
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	2

<b>LAND RESOURCES MINING</b>	<b>2003 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	938
Number of regulated entities	963
Available inspector FTEs	3
Actual inspector FTEs	3
Number of inspections	888
Number of routine inspections	759
Number of complaint driven inspections	129
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the 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	60%
Percent of penalty assessments that appeal to OAH of penalties assessed	60%
Percent of penalty assessments that seek informal settlement of penalties assessed	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	40%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	174
Average number of days from violation awareness to NOV issuance for penalties paid in full	2
Average number of days from NOV to penalty assessment for penalties paid in full	128
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 in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	54

## WASTE MANAGEMENT HAZARDOUS WASTE

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	30
Total dollar amount of penalties assessed	\$957,918
Average dollar amount of penalties assessed	\$31,931
Highest dollar amount of penalties assessed	\$117,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$724,568
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$233,350
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$481,170
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	\$850,274
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$131,000
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$1,598,969
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$13,670
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$10,423
Amount of penalties collected at year end of penalties assessed in 2002	\$63,690
Amount of penalties collected at year end of penalties assessed in 2001	\$6,145
Amount of penalties collected at year end of penalties assessed in 2000	\$168,390
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$248,175
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$190,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$156,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$0
<b>Facility Performance</b>	
Compliance rate for inspected facilities	91%
Percent of entities that returned to compliance by their specified deadline	96%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	1
Percent of last years violators that were also violators this year	9%
Most common violations	- open containers - no hazardous waste label
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	5

<b>WASTE MANAGEMENT HAZARDOUS WASTE</b>	<b>2003 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	89
Number of regulated entities	6,479
Available inspector FTEs	17
Actual inspector FTEs	17
Number of inspections	817
Number of routine inspections	437
Number of complaint driven inspections	121
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$17,170
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$203,390
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the 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	37%
Percent of penalty assessments that seek informal settlement of penalties assessed	53%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	17%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	270
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	413
Average number of days from penalty assessment to penalty establishment for penalties paid in full	171
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	212

## WASTE MANAGEMENT SOLID WASTE

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	12
Total dollar amount of penalties assessed	\$51,250
Average dollar amount of penalties assessed	\$4,271
Highest dollar amount of penalties assessed	\$9,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$21,350
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$29,900
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$10,617
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
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$26,250
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$25,000
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$12,300
Amount of penalties collected at year end of penalties assessed in 2002	\$10,617
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 2003	\$2,000
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	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	75%
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	1
Percent of last years violators that were also violators this year	0%
Most common violations	-establish/operate facility w/o a permit -oper. requiremnts -overapplying septage
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	8

<b>WASTE MANAGEMENT SOLID WASTE</b>	<b>2003 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	1,593
Number of regulated entities	1,593
Available inspector FTEs	14.2
Actual inspector FTEs	14.2
Number of inspections	2,999
Number of routine inspections	2,595
Number of complaint driven inspections	82
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$1,700
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$11,000
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed	75%
Percent of penalty assessments that seek remission of penalties assessed	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed	42%
Percent of penalty assessments that seek informal settlement of penalties assessed	33%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	325
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	270
Average number of days from penalty assessment to penalty establishment for penalties paid in full	120
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	90

## WASTE MANAGEMENT UST PROGRAM

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	71
Total dollar amount of penalties assessed	\$547,631
Average dollar amount of penalties assessed	\$7,713
Highest dollar amount of penalties assessed	\$19,050
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$308,108
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$145,524
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$219,364
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$131,876
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$23,994
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	nav
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	nav
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$99,500
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$124,400
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$126,200
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$72,817
Amount of penalties collected at year end of penalties assessed in 2002	\$28,034
Amount of penalties collected at year end of penalties assessed in 2001	\$14,490
Amount of penalties collected at year end of penalties assessed in 2000	\$2,518
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$14,143
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$71,315
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$10,092
<b>Facility Performance</b>	
Compliance rate of inspected facilities	55%
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	65
Percent of last years violators that were also violators this year	11%
Most common violations	-failure to have operating permit, leak detection, corrosion protection and to conduct a limited site assessment

<b>WASTE MANAGEMENT UST PROGRAM</b>	<b>2003 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	nav
<b>Workload Measures</b>	
Number of permitted entities	8,088
Number of regulated entities	9,751
Available inspector FTEs	13
Actual inspector FTEs	10
Number of inspections	1,267
Number of routine inspections	1,237
Number of complaint driven inspections	30
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	\$23,500
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	\$75,355
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$133,190
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$152,054
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the 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	34%
Percent of penalty assessments that appeal to OAH of penalties assessed	25%
Percent of penalty assessments that seek informal settlement of penalties assessed	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	10%
<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	221
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	16

## WATER QUALITY GROUNDWATER

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	18
Total dollar amount of penalties assessed	\$56,020
Average dollar amount of penalties assessed	\$3,112
Highest dollar amount of penalties assessed	\$10,652
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$36,560
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$19,460
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$10,100
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$147,080
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$36,002
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$102,398
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$1,316
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$101,209
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$27,073
Amount of penalties collected at year end of penalties assessed in 2002	\$4,100
Amount of penalties collected at year end of penalties assessed in 2001	\$9,539
Amount of penalties collected at year end of penalties assessed in 2000	\$1,316
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
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
<b>Facility Performance</b>	
Compliance rate of inspected facilities	67%
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	28
Percent of last years violators that were also violators this year	5%
Most common violations	-failure to grout -failure to get certified -permit failure
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	2

<b>WATER QUALITY GROUNDWATER</b>	<b>2003 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	23,500
Number of regulated entities	27,500
Available inspector FTEs	26
Actual inspector FTEs	23
Number of inspections	2,652
Number of routine inspections	421
Number of complaint driven inspections	516
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	\$3,000
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	\$7,436
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$2,000
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$2,000
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$4,487
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$6,000
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	22%
Percent of penalty assessments that appeal to OAH of penalties assessed	5%
Percent of penalty assessments that seek informal settlement of penalties assessed	11%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	22%
<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	40
Average number of days from penalty assessment to penalty establishment for penalties paid in full	52
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	52

## WATER QUALITY NON-DISCHARGE

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	154
Total dollar amount of penalties assessed	\$853,613
Average dollar amount of penalties assessed	\$5,543
Highest dollar amount of penalties assessed	\$32,750
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$382,818
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$470,795
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$361,550
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	\$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	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$9200
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	nav
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$303,469
Amount of penalties collected at year end of penalties assessed in 2002	\$277,760
Amount of penalties collected at year end of penalties assessed in 2001	\$317,403
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 2003	\$12,000
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	\$12,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$4,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	90.3%
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	23
Percent of last years violators that were also violators this year	10.7%
Most common violations	-high freeboard -overapplication of waste - discharge from system
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1

<b>WATER QUALITY NON-DISCHARGE</b>	<b>2003 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	3,334
Number of regulated entities	3,640
Available inspector FTEs	22
Actual inspector FTEs	16.2
Number of inspections	1,946
Number of routine inspections	1,525
Number of complaint driven inspections	70
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	\$2,200
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	\$3,500
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$10,575
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$32,275
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the 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	40%
Percent of penalty assessments that appeal to OAH of penalties assessed	18%
Percent of penalty assessments that seek informal settlement of penalties assessed	3%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	36%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full	175
Average number of days from violation awareness to NOV issuance for penalties paid in full	26
Average number of days from NOV to penalty assessment for penalties paid in full	107
Average number of days from penalty assessment to penalty establishment for penalties paid in full	96
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	37

## WATER QUALITY NPDES

	2003 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	807
Total dollar amount of penalties assessed	\$882,233
Average dollar amount of penalties assessed	\$1,093
Highest dollar amount of penalties assessed	\$19,875
Amount of penalties established through SAFA* at year end for penalties assessed in 2003	\$861,921
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$20,313
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$798,638
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$22,175
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$984,892
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$9,100
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$1,106,920
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$8,375
Amount of the portion of penalties assessed that was added due to repeat violations in 2003	\$58,606
Amount of the portion of penalties assessed that was added due to willful offenders in 2003	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2003	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2003	\$620,449
Amount of penalties collected at year end of penalties assessed in 2002	\$603,925
Amount of penalties collected at year end of penalties assessed in 2001	\$734,204
Amount of penalties collected at year end of penalties assessed in 2000	\$788,655
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 1999	nav
<b>Facility Performance</b>	
Compliance rate of inspected facilities	82%
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	557
Percent of last years violators that were also violators this year	12.4%
Most common violations	-exceeding effluent limit
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	1,407

<b>WATER QUALITY NPDES</b>	<b>2003 Data</b>
Number of regulated entities	1,407
Available inspector FTEs	17
Actual inspector FTEs	13
Number of inspections**	846
Number of routine inspections	nav
Number of complaint driven inspections	nav
** Field inspections only; excludes reviews/inspections of Discharge Monitoring Reports	
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during the year assessed	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during the year assessed	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$15,150
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during the year assessed	\$20,450
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	nav
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during the year assessed	nav
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	18.5%
Percent of penalty assessments that appeal to OAH of penalties assessed	0.4%
Percent of penalty assessments that seek informal settlement of penalties assessed	nav
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed	59%
<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 in full for penalties paid in full (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	109

## DEPARTMENT OF JUSTICE

	<b>2003 Data</b>
Number of Civil Penalty Cases Closed	216
Total Amount Assessed	\$1,724,505
Total Amount Collected	\$698,326
Total Amount Uncollected	\$1,026,179
Number of Uncollected Civil Penalty Cases Closed	89
<u>Reason for Uncollected Assessment:</u>	
Bankruptcy	0
Violator Deceased	0
Petition Withdrawn*	24
Penalty Rescinded*	28
Uncollectible/No Property to Levy/Obtained a Judgment	30
Unknown	6
No Assets	1
* The Agency was responsible for collection of these CPA, AGO does not know whether the penalty was collected or not.	

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## **APPENDIX B**

### **DENR ENFORCEMENT PRIMER**

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

- ▶ **Air Quality** – \$10,000 per day per violation [NCGS 143-215.114A (a)]
- ▶ **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; monitors radiation sources from power plants and medical facilities.

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

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

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

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

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

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

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

## Where are the Penalty Assessment Computation Criteria found?

- ▶ **Air Quality** – NCGS 143-215.114A(c), 143B-282.1(b) and 15A NCAC 02J .06
- ▶ **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

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## **APPENDIX C**

### **PROGRAM DESCRIPTIONS**

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
Division of Air Quality (DAQ)	DAQ regulates the quality of air in North Carolina through technical assistance and enforcement of state and federal air pollution standards. The division issues permits, establishes ambient air quality standards, monitors the air quality of the state and implements a vehicle inspection/maintenance program in conjunction with the Division of Motor Vehicles (DOT).	<ul style="list-style-type: none"> <li>• Industries with air emissions</li> <li>• Animal operations with liquid waste management systems</li> <li>• Mobile sources</li> </ul>
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>
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>

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
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>

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## **APPENDIX D**

### **COMPLIANCE CONTACTS**

## Compliance Contacts

CONTACT	ORGANIZATION	VOICE NO.	FAX NO.	EMAIL ADDRESS
Betty Gatano	Air Quality	919-733-1478	919-733-1812	Betty.Gatano@ncmail.net
Roy Brownlow	Coastal Management	252-808-2808	252-247-3330	Roy.Brownlow@ncmail.net
Sue Grayson	Food, Lodging and Institutional Sanitation	919-715-0926	919-715-4739	Sue.Grayson@ncmail.net
Steve Steinbeck	On-Site Wastewater	919-715-3273	919-715-3280	Steve.Steinbeck@ncmail.net
Tony Gallagher	Public Water Supply	919-715-3215	919-715-4374	Tony.Gallagher@ncmail.net
Amy Sawyer	Radiation Protection	919-571-4141	919-571-4148	Amy.Sawyer@ncmail.net
Wayne Mobley	Shellfish Sanitation	252-726-6827	252-726-8475	Wayne.Mobley@ncmail.net
Moreland Gueth	Forest Resources	919-2163 ext. 255	919-715-5247	Moreland.Gueth@ncmail.net
Mell Nevils	Mining, Sedimentation, Dam Safety	919-733-4574	919-733-2876	Mell.Nevils@ncmail.net
Helen Cotton	Hazardous Waste	919-733-2178 ext. 247	919-715-3605	Helen.Cotton@ncmail.net
Jaclynne Drummond	Solid Waste	919-733-4996 ext. 273	919-733-4810	Jaclynne.Drummond@ncmail.net
Jan Manthey	Underground Storage Tanks	919-733-8486		Jan.Manthey@ncmail.net
Tom Cadwallader	Groundwater	919-715-6173	919-715-0588	Tom.Cadwallader@ncmail.net
Steve Lewis	Non-Discharge	919-733-5083 ext. 539	919-733-0059	Steve.Lewis@ncmail.net
Vanessa Manuel	NPDES	919-733-5083	919-733-9612	Vanessa.Manuel@ncmail.net
Sharon Johnson	Pollution Prevention	919-715-6509	919-715-6794	Sharon.M.Johnson@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

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## **APPENDIX E**

### **PRINCIPLES OF ENFORCEMENT**

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## PRINCIPLES OF ENFORCEMENT

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

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

The following principles are embraced to meet this challenge:

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

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# APPENDIX F

## PROCESS FLOWCHARTS

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

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

The agencies with flowcharts at this website are:

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