



North Carolina Department of Environment and Natural Resources

# Environmental Regulatory Compliance Activity in Calendar Year 2004

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# North Carolina Department of Environment and Natural Resources

## Environmental Regulatory Compliance Activity in Calendar Year 2004

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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 - 2003. This fifth report presents the same data for calendar year 2004, continuing to refine some measures to provide a more accurate compliance and enforcement picture. The data for 2004 are presented in the same format as the 2002 and 2003 reports.

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 2004 compliance and enforcement data for all of the programs, as well as some graphic representations of enforcement trends from 2000-2004 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 2004
Air Quality	Workshops co-sponsored with MCIC for regulated community	2
	Web site/phone calls/letters	On-going
Coastal Management	Compliance assistance visits by Coastal Management staff	3,383
	Compliance assistance visits by Local Permit Officers	1,325
	Other compliance assistance visits	102
	Workshops for regulated community and stakeholders	2
	Web site/phone calls/letters	On-going
Public Water Supply	Compliance Assistance Workshops	20
	Compliance assistance visits by PWS staff	19
	Technical assistance letters (custom)	1,718
	Technical assistance letters (mailings)	11,791
	Technical assistance emails	4,038
	Technical assistance phone calls	15,797
Shellfish Sanitation	HACCP Workshops for Shellfish and Crustacea Plants	2
	Number of regulated entities attending workshops	50
Forest Resources	Training sessions for foresters, timber buyers and loggers	Numerous
	Other training sessions	66
	Updating Forestry Best Management Practices manual	On-going
	Riparian Buffer Rule leaflets development	
Solid Waste	Compliance Assistance Workshops	26
	Number of regulated entities attending workshops	359
	Compliance assistance visits	2,826
	Technical assistance phone calls	12,480
	Technical assistance letters	28
UST	Compliance Assistance Seminars for Tank Owners/Operators	8
Stormwater/Non-Point Discharge	Express Permitting Training	1
	Number of public attending training	80

## DENR COMPLIANCE ASSISTANCE ACTIVITIES, CONT'D

Agency	Activity	Number of Activities in 2004
DPPEA	On-site technical assistance	99
	Training presentations	56
	Technical assistance phone calls	533
	Website visits	1,259,651
	ISO 14001-certified facilities	177 NC facilities
	Number of regulated entities enrolled in the Environmental Stewardship Initiative*	53
	<b>*2003 Reductions</b> reported by the first 24 Environmental Stewardship Initiative participants	
	Air emissions	406,120 pounds
	Water pollutants	843,676 pounds
	Water use	814 million gallons
	Solid waste	58,529 tons
	Hazardous waste	14.5 tons
	Energy use	4,958 MMBtu
	Pesticide use	51 gallons/application
	Fertilizer use	40,670 pounds
	Increased composting	166 tons
Increased recycling	8,506 tons	

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## **2004 PROGRAM AT A GLANCE DATA AND ENFORCEMENT TRENDS**

In the following section of the report, a subset of the total set of 2004 compliance and enforcement measures is presented for the NC DENR regulatory programs. In addition, where information was available in 2000 - 2004 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 2004 compliance and enforcement measures for each of the NC DENR regulatory programs.

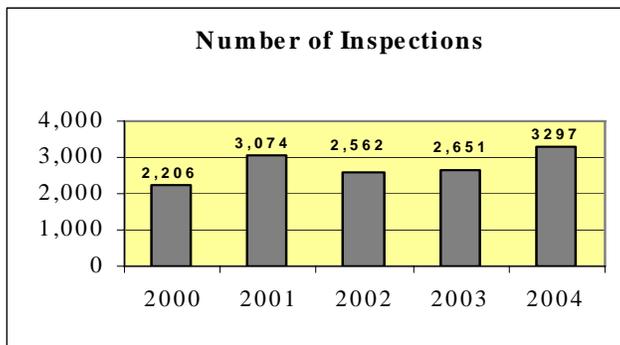
**NOTE: In the following tables, “nav” denotes “data not available” and “n/a” denotes “data not applicable to the program.” All data were provided by the individual regulatory agencies for this report.**

# AIR QUALITY

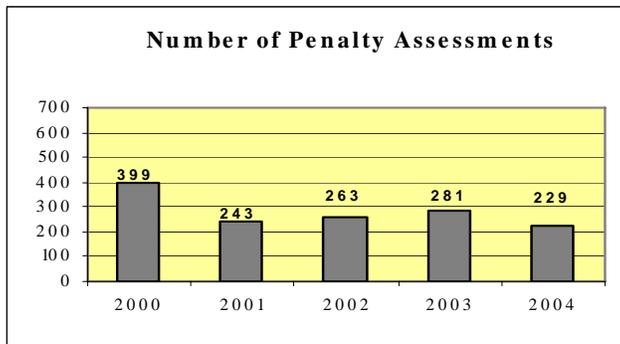
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>3,297</b>
<b>Number of Regulated Entities</b>	<b>10,932</b>
<b>Total Number of Penalties Assessed</b>	<b>229</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$615,897</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>74.4%</b>

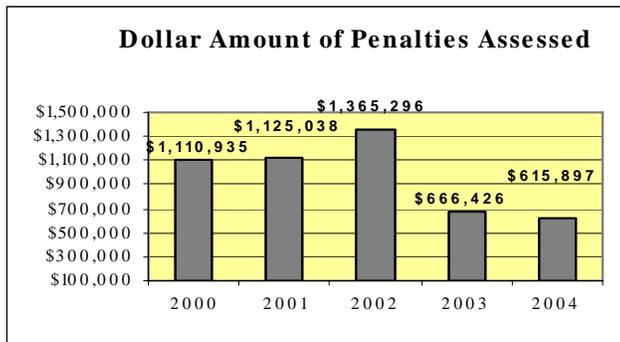
## Inspection/Penalty Trends: 2000 - 2004



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



The number of penalty assessments 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.



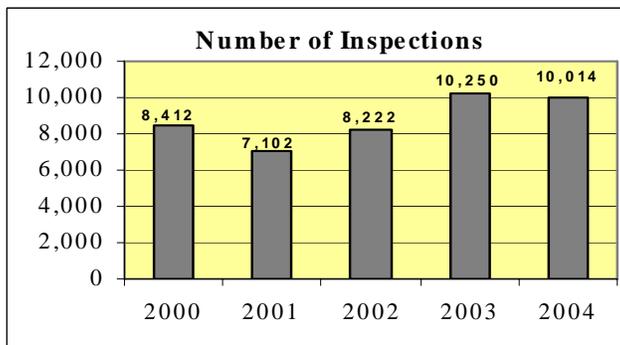
The total dollar amount of penalties decreased since the year 2002 due to fewer complex cases. These complex cases usually represent the most serious violations and accordingly are assessed higher penalties. In 2002, DAQ had 50 of these types of cases, while the number had decreased to 29 in 2003 and 27 in 2004.

# COASTAL MANAGEMENT

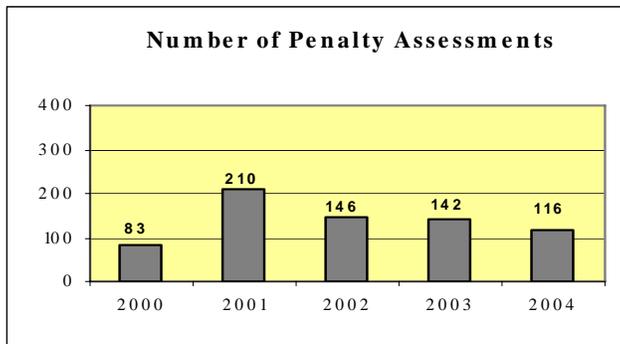
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>10,014</b>
<b>Number of Regulated Entities</b>	<b>4,858</b>
<b>Total Number of Penalties Assessed</b>	<b>116</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$38,725</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>99%</b>

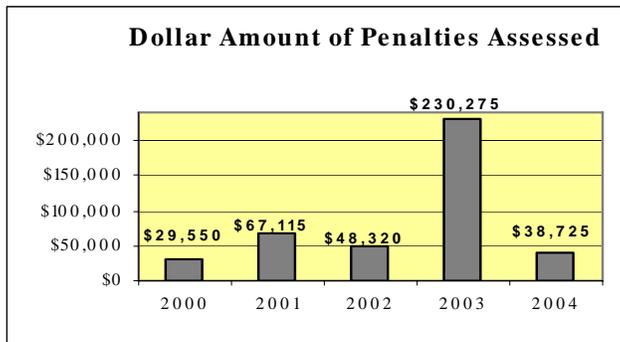
### Inspection/Penalty Trends: 2000 - 2004



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



The number of penalty assessments trend over the last five 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

### 2004 Enforcement Data at a Glance\*

Number of A ratings for restaurants	54,839
Number of B ratings for restaurants	1,391
Number of C ratings for restaurants	119
Number of suspended/revoked restaurant permits	461
Number of Grade “A” Dairy Farms	362
Number of Grade “A” Milk Processing Plants	12
Number of Grade “A” Dairy Farm Permits Suspended	20
Number of Grade “A” Dairy Farm Permits Revoked	0

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

Trend analysis is not provided for this program.

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## ENVIRONMENTAL HEALTH – MAMMOGRAPHY

### 2004 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>100%</b>

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

### Inspection Trend: 2000 – 2004



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.

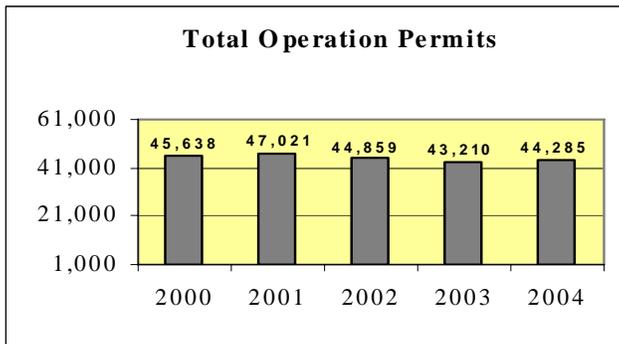
# ENVIRONMENTAL HEALTH – ON-SITE WASTEWATER

## 2004 Enforcement Data at a Glance\*

<b>Number of Inspections</b>	<b>19,126</b>
<b>Number of Regulated Entities</b>	<b>1,600,000</b>
<b>Total Operation Permits</b>	<b>44,285</b>
<b>Total Number of Notices of Violation</b>	<b>1,764</b>
<b>Total Number of Legal Actions</b>	<b>184</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, 2003 and 2004, 100/100 counties reported.

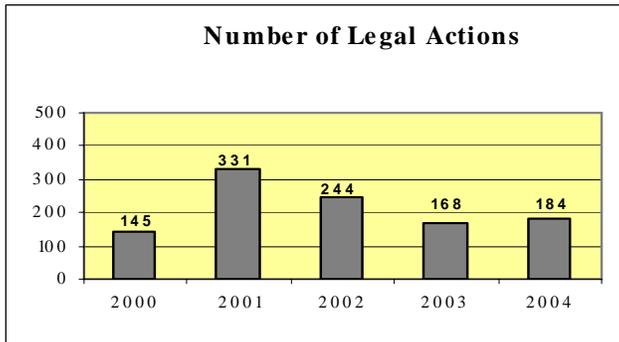
## Enforcement Trends: 2000 – 2004



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



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



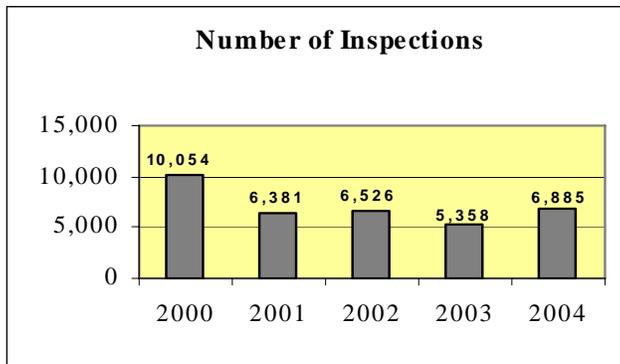
The number of legal actions over the last five years depicts expected program fluctuations. Legal actions include criminal misdemeanor; injunction; and administrative penalty. Administrative penalties are rarely used due to the low assessment limits set by statute, inability to recover investigative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

# ENVIRONMENTAL HEALTH – PUBLIC WATER SUPPLY

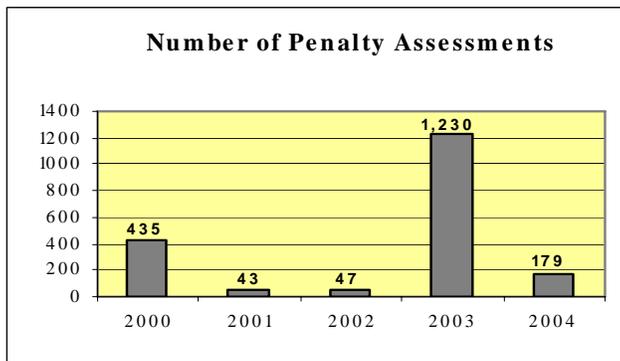
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>6,885</b>
<b>Number of Regulated Entities</b>	<b>7,121</b>
<b>Total Number of Penalties Assessed</b>	<b>179</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$74,330</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>91%</b>

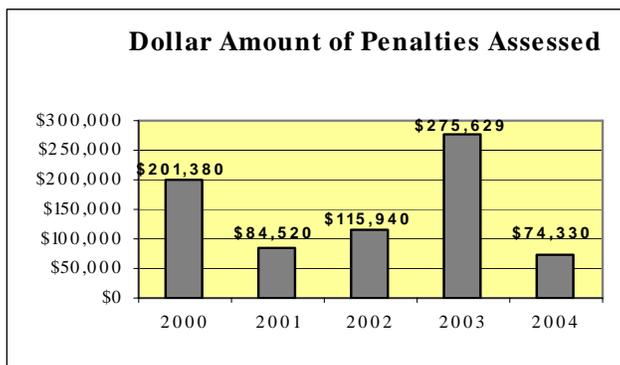
## Inspection/Penalty Trends: 2000 - 2004



The number of inspections in the year 2000 was higher than the next four 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.



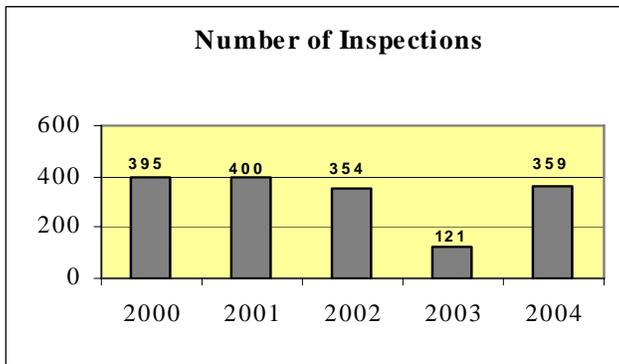
The total dollar amount of penalties assessed the years 2000 and 2003 was higher because of fines collected as part of the increased enforcement actions on TNC public water systems those years.

# ENVIRONMENTAL HEALTH – RADIOACTIVE MATERIALS

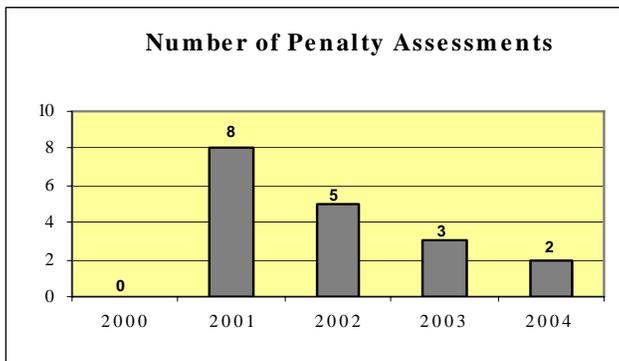
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>359</b>
<b>Number of Regulated Entities</b>	<b>1,783</b>
<b>Total Number of Penalties Assessed</b>	<b>2</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$5,000</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

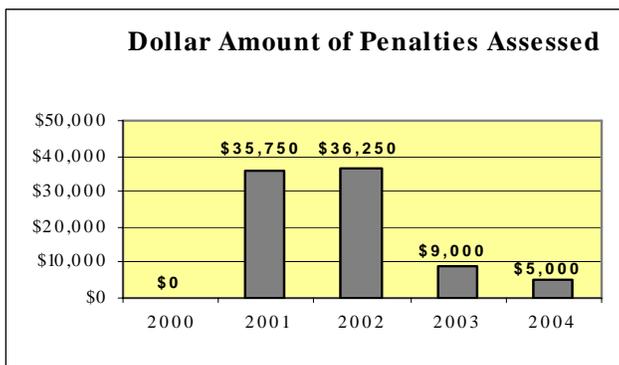
## Inspection/Penalty Trends: 2000 - 2004



Reduced personnel due to vacancies and staff promotions, as well as additional program burdens related to post September 11th terrorist attacks, caused the reduced inspections in 2003. The filling of most vacant positions allowed the program to conduct more inspections in 2004. Although the program has fewer inspectors overall, inspection frequencies will continue to be modified to minimally meet federal mandates, while attending to more complex licensing issues and security concerns.



The downward trend of penalties assessed is directly related to an outdated and cumbersome enforcement policy, where administrative penalties are based on outdated severity levels. Fewer resources to devote to enforcement case development and follow-up, as well as little or no legal resources, have had an impact on the number of penalties assessed.



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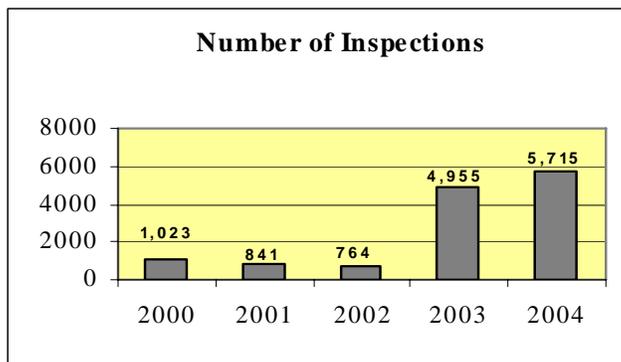
## ENVIRONMENTAL HEALTH – SHELLFISH SANITATION

### 2004 Enforcement Data at a Glance\*

Number of Inspections (plant and shoreline)	5,715
Number of Regulated Entities	700
Number of Shellfish Licenses Revoked	0
Number of Recommended Changes to Shellfish Growers	131

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

### Inspection Trend: 2000 – 2004



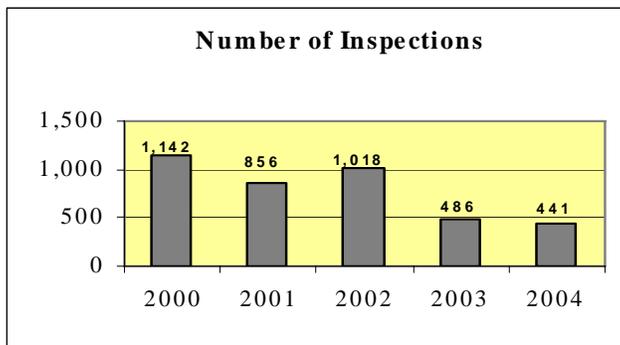
The overall number of inspections increased in 2003 because the compliance and enforcement data now include the shellfish and crustacea plant inspections, as well as the sewage inspections conducted during shoreline surveys.

# ENVIRONMENTAL HEALTH – TANNING PROGRAM

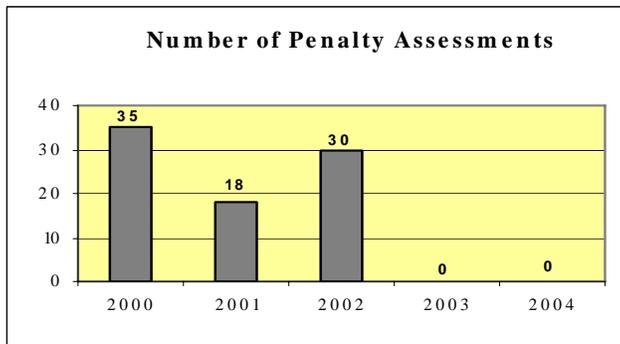
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>441</b>
<b>Number of Regulated Entities</b>	<b>2,552</b>
<b>Total Number of Penalties Assessed</b>	<b>0</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$0</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

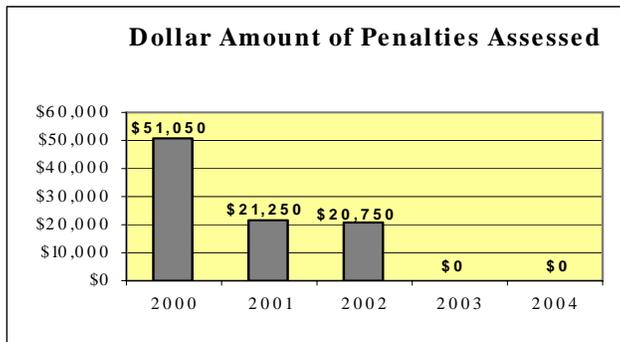
## Inspection/Penalty Trends: 2000 - 2004



The number of inspections decreased in the year 2004 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 efforts are continuing to evaluate how the enforcement program handles penalties and enforcement cases. No penalties were assessed during this timeframe.



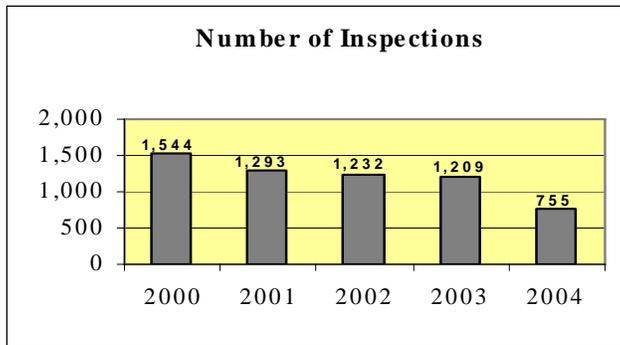
The total dollar amount of penalties assessed is zero, since no penalties were assessed in either 2003 or 2004.

# ENVIRONMENTAL HEALTH – X-RAY PROGRAM

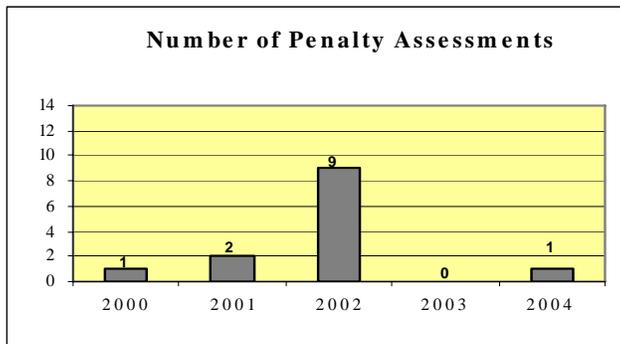
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>755</b>
<b>Number of Regulated Entities</b>	<b>6,423</b>
<b>Total Number of Penalties Assessed</b>	<b>1</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$1,000</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

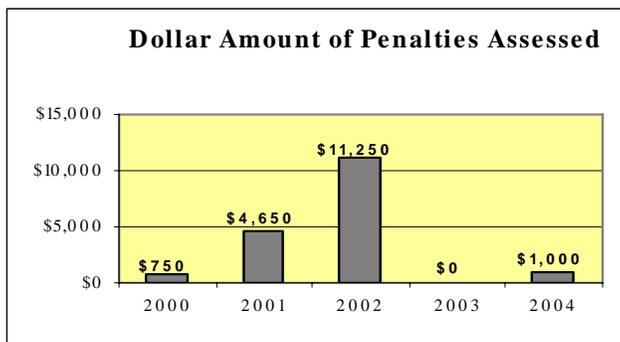
## Inspection/Penalty Trends: 2000 - 2004



The number of inspections decreased in 2004 due to staff shortages in the program.



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



Over the past two years, the dollar amount of penalty assessments has been significantly reduced due to the downward trend of inspections, which has been caused by a reduction in staff and more program responsibilities.

# FOREST RESOURCES

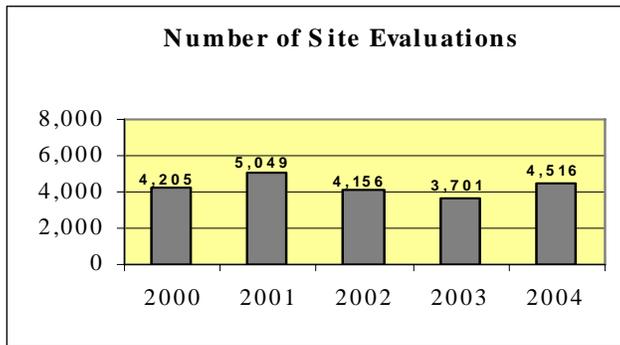
## 2004 Enforcement Data at a Glance\*

<b>Number of Site Evaluations</b>	<b>4,516</b>
<b>Number of Reinspections</b>	<b>1,835</b>
<b>Number of Notices of Non-Compliance</b>	<b>261</b>
<b>Number of Referrals for Enforcement</b>	<b>14</b>

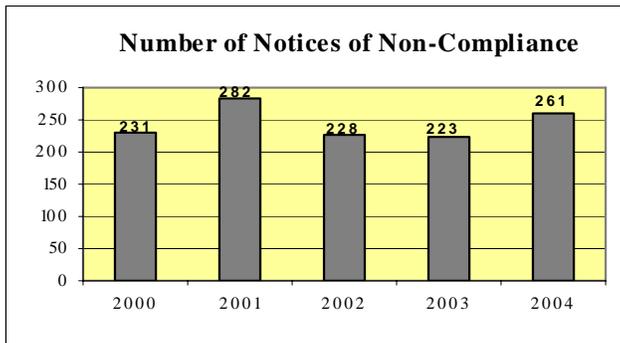
\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported.

## Enforcement Trends: 2000 – 2004\*\*

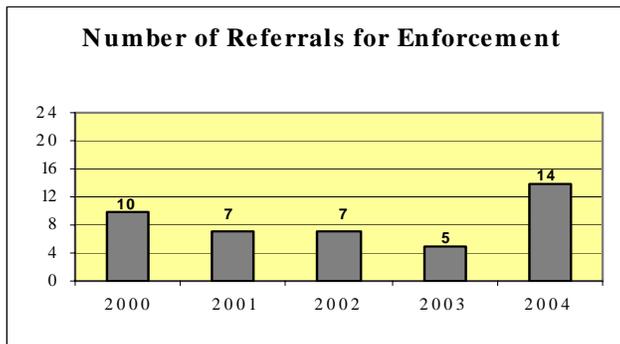
\*\*2000 and 2001 data have been revised from the DENR Compliance Activity Reports of 2000 and 2001 to reflect corrected DFR numbers.



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



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



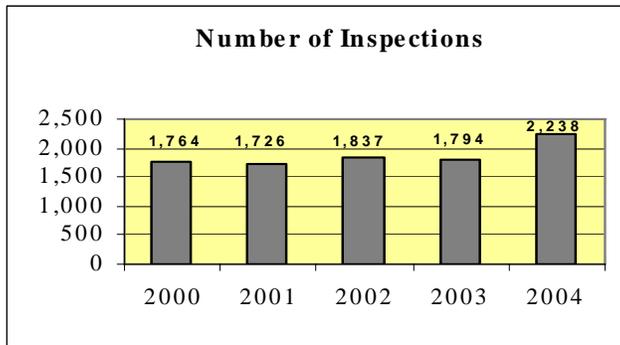
Although there was a slight spike in the number of referrals for enforcement action in 2004, generally the numbers have declined over the last four years due to cooperative actions taken by responsible parties.

# LAND RESOURCES – DAM SAFETY

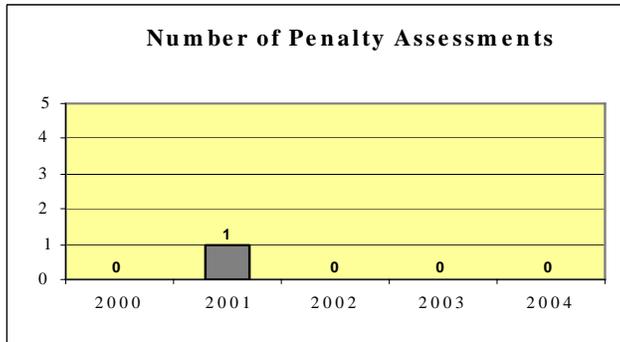
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>2,238</b>
<b>Number of Regulated Entities</b>	<b>4,669</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>

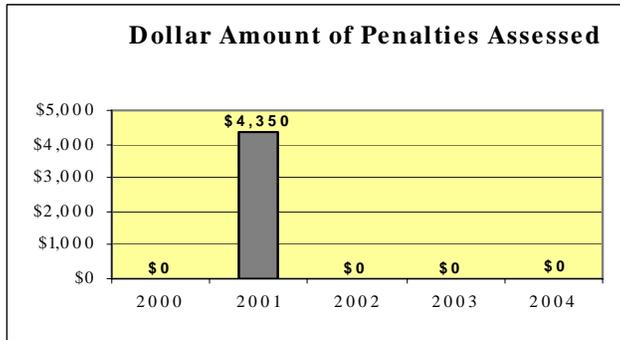
### Inspection/Penalty Trends: 2000 - 2004



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



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



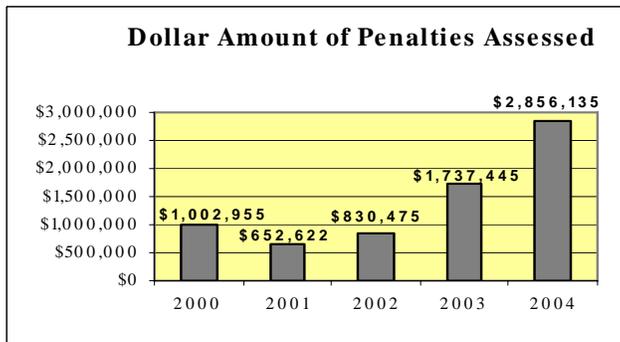
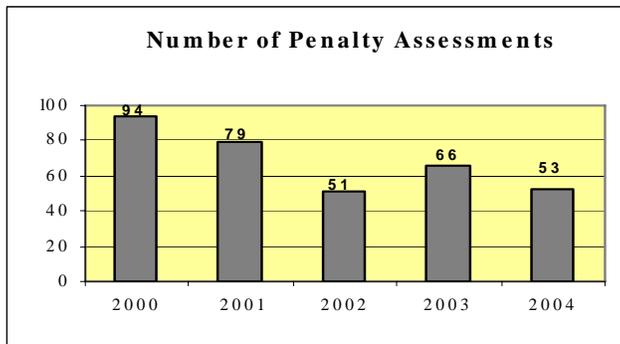
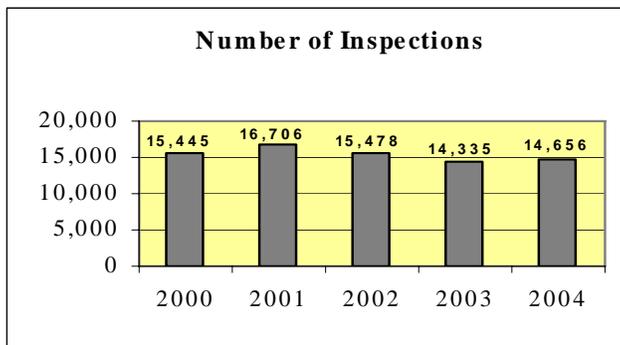
The penalty amount in the year 2001 corresponds to the penalty assessed in that year.

# LAND RESOURCES – EROSION AND SEDIMENTATION CONTROL

## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>14,656</b>
<b>Number of Regulated Entities</b>	<b>7,000</b>
<b>Total Number of Penalties Assessed</b>	<b>53</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$2,856,135</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>96%</b>

## Inspection/Penalty Trends: 2000 - 2004



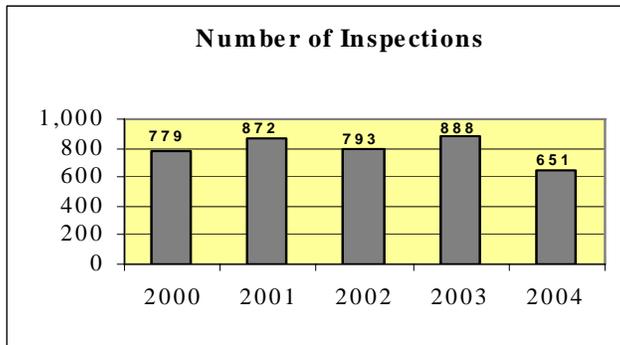
The total dollar amount of penalties assessed fluctuates from year to year due to the types of violations and the severity level of the violations found in those years. In 2003 and 2004, the enforcement program placed a greater emphasis on per day penalties, which led to higher overall penalty amounts.

# LAND RESOURCES – MINING

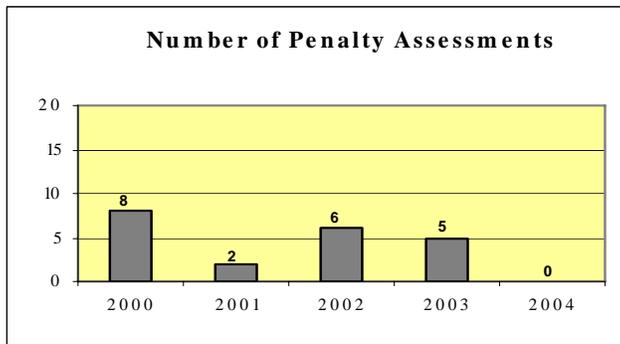
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>651</b>
<b>Number of Regulated Entities</b>	<b>955</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>93%</b>

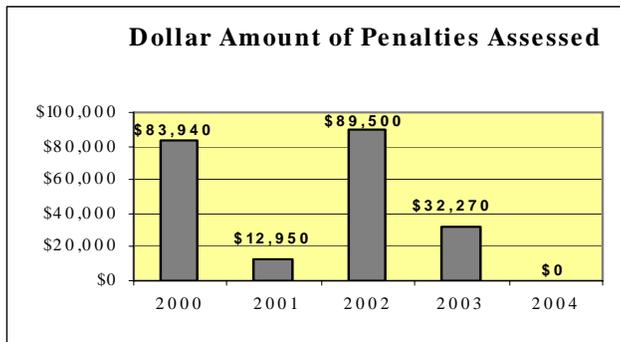
### Inspection/Penalty Trends: 2000 - 2004



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



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



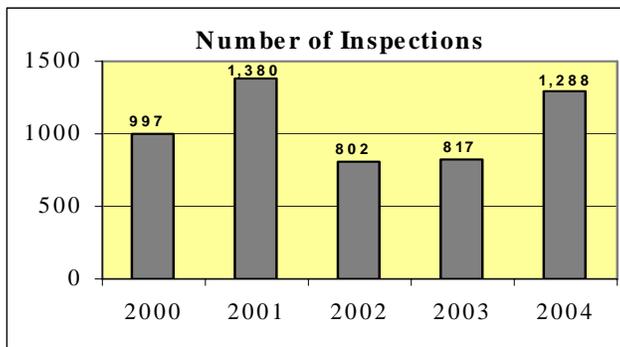
The trend for total dollar amount of penalties assessed over the last five years depicts typical program fluctuations.

# WASTE MANAGEMENT – HAZARDOUS WASTE

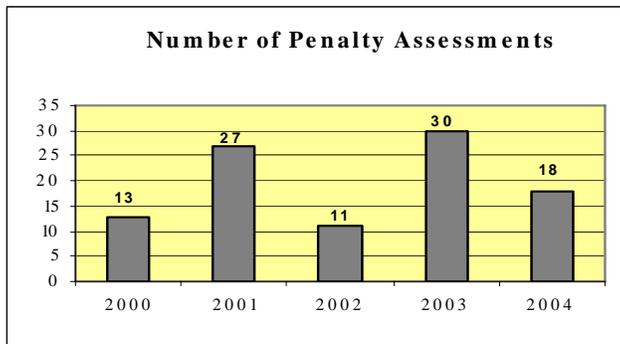
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,288</b>
<b>Number of Regulated Entities</b>	<b>6,661</b>
<b>Total Number of Penalties Assessed</b>	<b>18</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$641,400</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>85%</b>

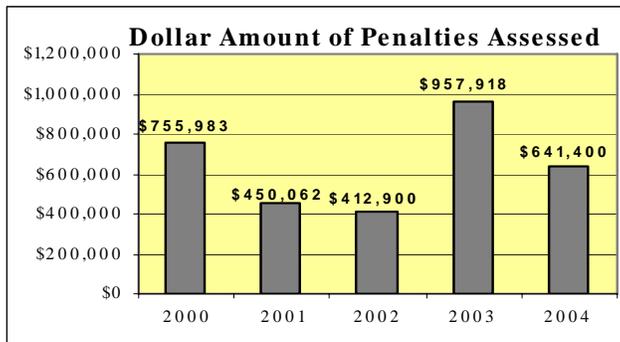
## Inspection/Penalty Trends: 2000 - 2004



The variation in the number of inspections conducted between the year 2000 and year 2004 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 2004 is within expected program fluctuations.

# WASTE MANAGEMENT – SOLID WASTE

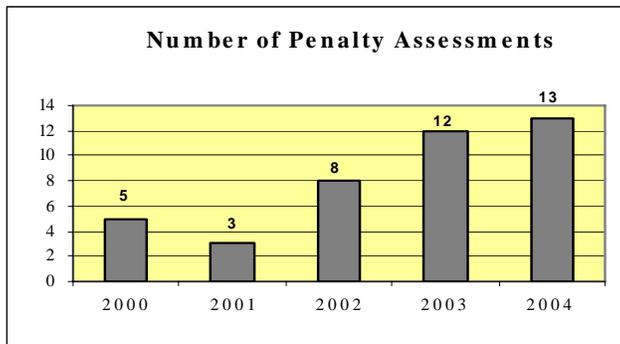
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>3,154</b>
<b>Number of Regulated Entities</b>	<b>2,513</b>
<b>Total Number of Penalties Assessed</b>	<b>13</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$63,150</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>88%</b>

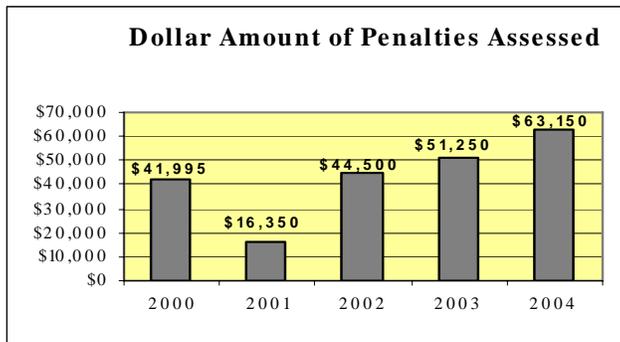
## Inspection/Penalty Trends: 2000 - 2004



The number of inspections increased over the last three years due in part to the reorganization of the section in 2002. However, this increase in inspections is mainly due to a renewed emphasis on attaining compliance through regular inspection of permitted facilities and more vigorous investigation of unpermitted sites.



The number of penalty assessments has increased annually since 2002 due to the increased enforcement action taken against unpermitted septage and solid waste sites.



The total dollar amount of penalties assessed increased over the last three 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

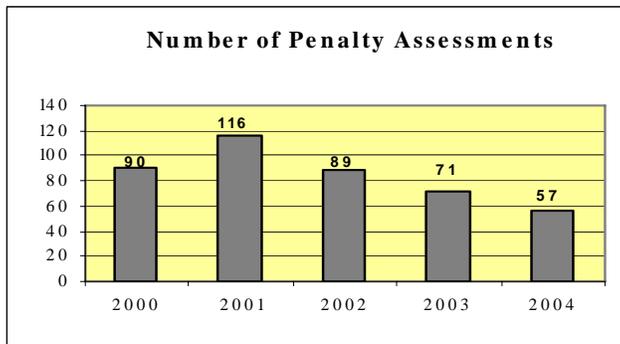
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,852</b>
<b>Number of Regulated Entities</b>	<b>9,625</b>
<b>Total Number of Penalties Assessed</b>	<b>57</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$525,625</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>55%</b>

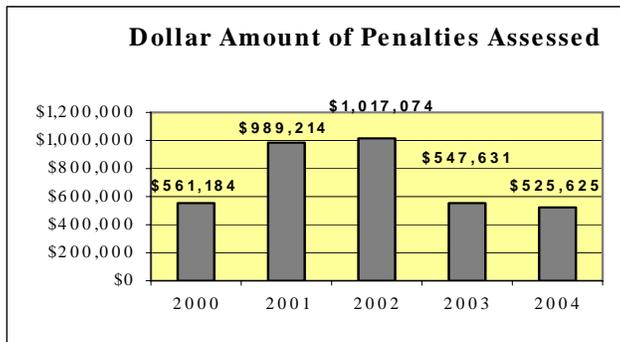
## Inspection/Penalty Trends: 2000 - 2004



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



The number of penalty assessments has decreased since the year 2001 due to an increase in contested cases and fewer legal resources.



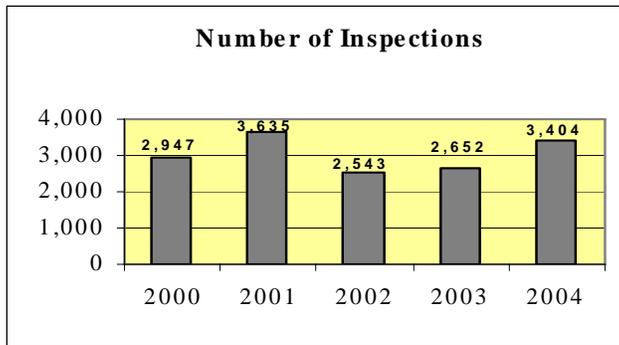
The total dollar amount of penalties assessed rose in 2001 and 2002 due to a change in the program penalty amounts, but decreased the last two years in relation to the decrease in number of penalty assessments.

# WATER QUALITY – AQUIFER PROTECTION - GROUNDWATER

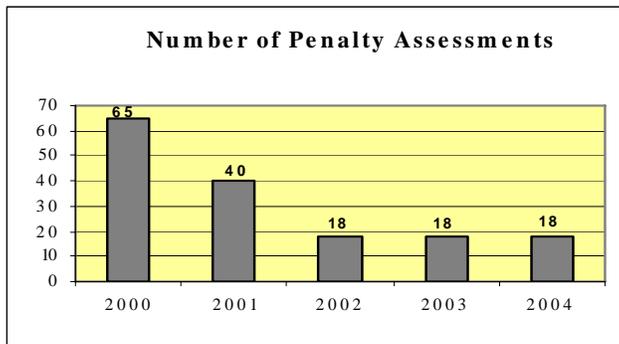
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>3,404</b>
<b>Number of Regulated Entities</b>	<b>26,350</b>
<b>Total Number of Penalties Assessed</b>	<b>18</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$59,067</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>82%</b>

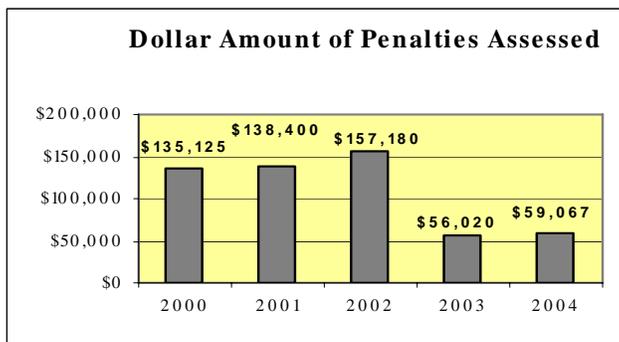
## Inspection/Penalty Trends: 2000 - 2004



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



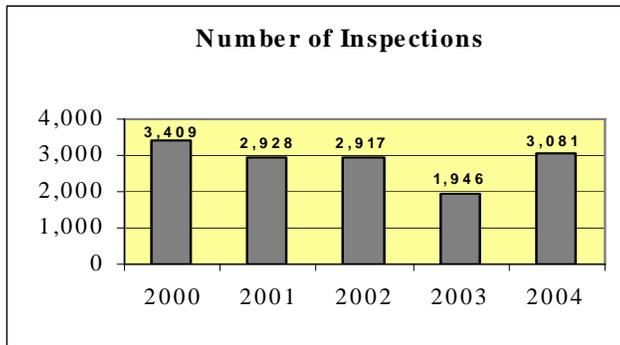
The decline in the dollar amount of penalties in 2003 and 2004 from prior years may be the result of increased delegation of enforcement activities to regional offices coupled with improved compliance as the well driller and enforcement delegation programs mature.

# WATER QUALITY – AQUIFER PROTECTION

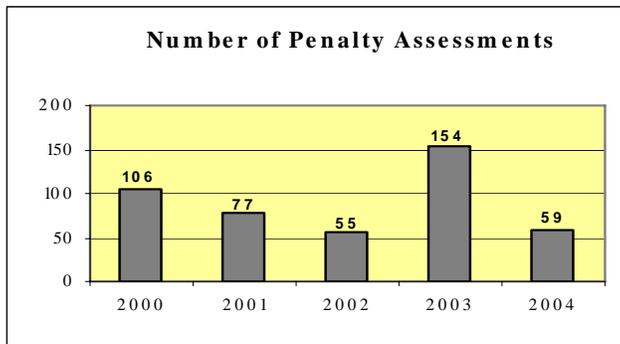
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>3,081</b>
<b>Number of Regulated Entities</b>	<b>4,117</b>
<b>Total Number of Penalties Assessed</b>	<b>59</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$216,475</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>91%</b>

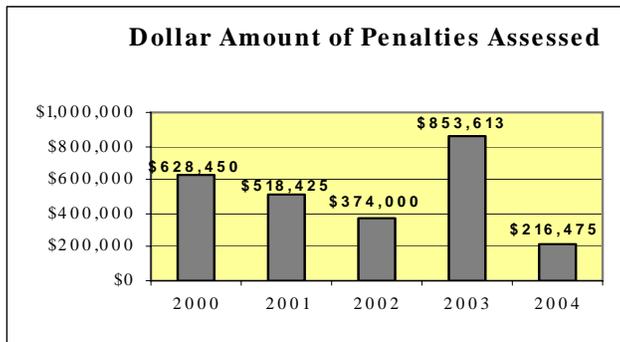
## Inspection/Penalty Trends: 2000 - 2004



The number of inspections for 2004 returned to normal program levels. From the year 2004 forward, the number of inspections will include animal operations and permitted land application sites, which reflects the reorganization of DWQ.



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



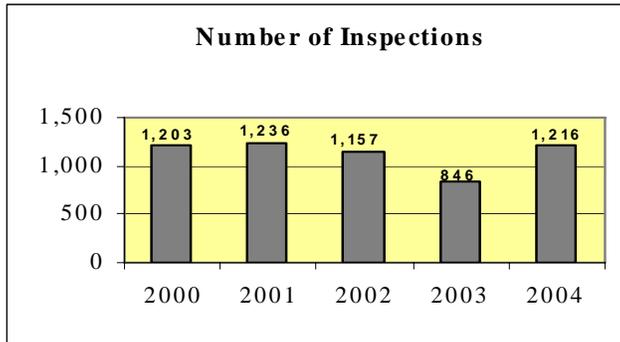
The lower average dollar amount per case in 2004 is indicative of fewer incidents of severe environmental violations.

# WATER QUALITY – NPDES

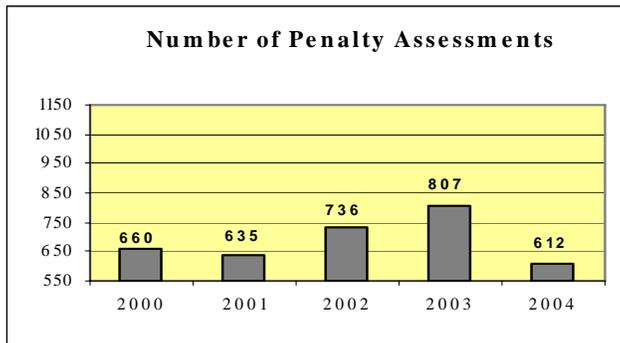
## 2004 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,216</b>
<b>Number of Regulated Entities</b>	<b>1,307</b>
<b>Total Number of Penalties Assessed</b>	<b>612</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$681,667</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>77%</b>

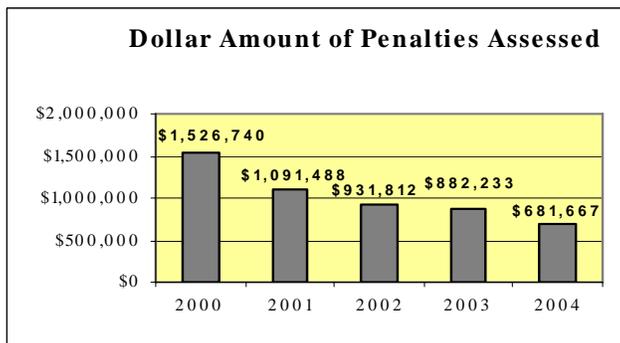
### Inspection/Penalty Trends: 2000 - 2004



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 and to long-standing vacancies in the program. The increase in 2004 inspections reflects an increase of positions being filled.



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. The number of penalty assessments decreased in 2004 due to changes in the NPDES enforcement process, which produced increased compliance in the NPDES regulated universe.



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

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

### **2004 Enforcement Data at a Glance**

<b>Number of Inspections</b>	<b>378</b>
<b>Number of Regulated Entities</b>	<b>39,656</b>
<b>Total Number of Penalties Assessed</b>	<b>38</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$504,800</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

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

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## **APPENDICES**

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## **APPENDIX A**

### **2004 PROGRAM COMPLIANCE AND ENFORCEMENT DATA**

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

## AIR QUALITY

	2004 Data*
<b>Penalty Assessments**</b>	
Total number of penalties assessed	229
Permitted facilities	130
Open burning	77
Other	22
Total dollar amount of penalties assessed	\$615,897
Permitted facilities	\$508,012
Open burning	\$96,445
Other	\$11,440
Average dollar amount of penalties assessed	\$2,690
Highest dollar amount of penalties assessed	\$74,234
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$371,045
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$233,326
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$598,657
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$7,344
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$1,222,235
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$81,888
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$1,027,927
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$97,111
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 2004	\$150,850
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures**</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$230,259
Amount of penalties collected at year end of penalties assessed in 2003	\$472,131
Amount of penalties collected at year end of penalties assessed in 2002	\$1,112,789
Amount of penalties collected at year end of penalties assessed in 2001	\$748,739
Amount of penalties collected at year end of penalties assessed in 2000	\$847,728
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$2,263
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	\$15,706
<b>Facility Performance</b>	
Compliance rate of inspected facilities	74.4%
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	171

<b>AIR QUALITY</b>	<b>2004 Data*</b>
Percent of last years violators that were also violators this year	16.0%
Most common violations	1) Open burning 2) Reporting requirements 3) Other permit conditions
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	99
<b>Workload Measures</b>	
Number of permitted entities	3,522
Number of regulated entities	10,932
Available inspector FTEs	62.6
Actual inspector FTEs	58.4
Number of inspections	3,297
Number of routine inspections	2,540
Number of complaint driven inspections	757
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$7,625
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$47,051
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$38,892
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$178,925
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	12.7%
Percent of penalty assessments that seek remission of penalties assessed this year	22.3%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	7.0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0.4%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	39.7%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	337
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	19
Average number of days from NOV to penalty assessment for penalties paid in full this year	118
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	147
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	161
*Special Orders by Consent were included in all 2004 penalty data except "timeliness measures." Timeliness of SOCs are reflected in the "return to compliance" measure. ** Penalty amounts listed in this table include investigative costs. The established penalty amounts and collected amounts represent cumulative values over the years.	

## COASTAL MANAGEMENT

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	116
Total dollar amount of penalties assessed	\$38,725
Average dollar amount of penalties assessed	\$347
Highest dollar amount of penalties assessed	\$1,250
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$37,250
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$1,475
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$70,300
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	\$42,230
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$24,890
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$29,950
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 2004	\$2,325
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$3,775
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	n/a
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$22,800
Amount of penalties collected at year end of penalties assessed in 2003	\$7,750
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 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$700
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
<b>Facility Performance</b>	
Compliance rate for inspected facilities	99%
Percent of entities that returned to compliance by their specified deadline	18%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	22
Percent of last years violators that also violated this year	1%

<b>COASTAL MANAGEMENT</b>		<b>2004 Data</b>
Most common violations		-unauthorized development w/o a CAMA permit in an area of environmental concern
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)		73
<b>Workload Measures</b>		
Number of permitted entities		4,708
Number of regulated entities		4,858
Available inspector FTEs		26
Actual inspector FTEs		26
Number of inspections		10,014
Number of routine inspections		9,599
Number of complaint driven inspections		200
<b>Reduction Measures</b>		
Amount of reductions made by a commission of penalties paid in full during this year		\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year		\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year		\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year		\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year		\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year		\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year		0%
Percent of penalty assessments that seek remission of penalties assessed this year		2%
Percent of penalty assessments that appeal to OAH of penalties assessed this year		0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year		98%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year		79%
<b>Timeliness Measures</b>		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full this year		n/a
Average number of days from NOV to penalty assessment for penalties paid in full this year		111
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year		n/a
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)		16

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

	<b>2004 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	34,732
Number of regulated entities	46,042
Inspector FTEs (Local Health Dept. staff)	nav
Number of inspections	55,391
Number of routine inspections	54,013
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	54,839
Number of B ratings for restaurants	1,391
Number of C ratings for restaurants	119
Number of suspended restaurant Permits	461
Number of revoked restaurant Permits	Included w/ above
Number of Grade "A" Dairy Farms	362
Number of Grade "A" Milk Processing Plants	12
Number of Single Service Plants	9
Number of Dairy Farm Permits Suspended	20
Number of Dairy Farm Permits Revoked	0

## ENVIRONMENTAL HEALTH MAMMOGRAPHY

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

<b>ENVIRONMENTAL HEALTH MAMMOGRAPHY</b>	<b>2004 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	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 this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	0
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	0
Average number of days from NOV to penalty assessment for penalties paid in full this year	0
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## ENVIRONMENTAL HEALTH ON-SITE WASTEWATER

	2004 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 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of 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 2004	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$0
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$0
Amount of 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 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$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	1,600,000

<b>ENVIRONMENTAL HEALTH ON-SITE WASTEWATER</b>	<b>2004 Data</b>
Number of regulated entities	1,600,000
Available inspector FTEs	nav
Actual inspector FTEs	nav
Number of inspections	19,126
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	n/a
Average number of days from NOV to penalty assessment for penalties paid in full this year	n/a
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	n/a
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the On-Site Program*</b>	
Operation Permit-New	34,881
Operation Permit-Repair	8,011
Operation Permit-Expansion	1,393
Total Operation Permits	44,285
Notice of Violations	1,764
Legal Actions	184
Permits Revoked	408
Permits Suspended	51
Permits Denied	4,200
* 100/100 counties reporting	

## ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	179
Total dollar amount of penalties assessed	\$74,330
Average dollar amount of penalties assessed	\$415
Highest dollar amount of penalties assessed	\$24,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2004**	\$224,898
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$9,040
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$841,762
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$94,100
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$148,090
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 2004	n/a
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	n/a
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	n/a
*SAFA is settlement, agreement or final action	
** Per day penalties are not determined until the original penalty is established. Per day penalties are then added to the assessment.	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$22,600
Amount of penalties collected at year end of penalties assessed in 2003	\$80,238
Amount of penalties collected at year end of penalties assessed in 2002	\$31,960
Amount of penalties collected at year end of penalties assessed in 2001	\$27,540
Amount of penalties collected at year end of penalties assessed in 2000	\$16,270
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$39,310
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$197,311
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$84,980
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$56,980
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$177,690
<b>Facility Performance</b>	
Compliance rate of inspected facilities	91%
Percent of entities that returned to compliance by their specified deadline	n/a
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	1112
Percent of last years violators that were also violators this year	8%

<b>ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY</b>	<b>2004 Data</b>
Most common violations	-failure to monitor; notify the public; properly construct, operate, maintain the system
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1
<b>Workload Measures</b>	
Number of permitted entities	2,921
Number of regulated entities	7,121
Available inspector FTEs	35
Actual inspector FTEs	32
Number of inspections	6,885
Number of routine inspections	n/a
Number of complaint driven inspections	n/a
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$1,136,853
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$655,184
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	31%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	2%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	38%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	8%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	1681
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	11
Average number of days from NOV to penalty assessment for penalties paid in full this year	133
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	1537
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	2
Total dollar amount of penalties assessed	\$5,000
Average dollar amount of penalties assessed	\$2,500
Highest dollar amount of penalties assessed	\$3,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$4,000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$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 2004	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$4,000
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 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	98%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-annual review -failure to notify of RSO change -failure to perform leak test on sealed source

<b>ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS</b>	<b>2004 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	1,783
Number of regulated entities	1,783
Available inspector FTEs	7
Actual inspector FTEs	6
Number of inspections	359
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	1%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	99%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	90
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	12
Average number of days from NOV to penalty assessment for penalties paid in full this year	40
Average number of days from penalty assessment to penalty establishment for penalties paid in full	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	33

## ENVIRONMENTAL HEALTH SHELLFISH SANITATION

	2004 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 2004	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2003	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2002	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2001	n/a
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	n/a
Amount of 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 2004	n/a
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	n/a
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	n/a
* SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	n/a
Amount of penalties collected at year end of penalties assessed in 2003	n/a
Amount of penalties collected at year end of penalties assessed in 2002	n/a
Amount of penalties collected at year end of penalties assessed in 2001	n/a
Amount of 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 2004	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	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	178

<b>ENVIRONMENTAL HEALTH SHELLFISH SANITATION</b>	<b>2004 Data</b>
Number of regulated entities	700
Available inspector FTEs	8
Actual inspector FTEs	8
Number of inspections	1,036
Number of routine inspections	648
Number of complaint driven inspections	27
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	n/a
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	n/a
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	n/a
Percent of penalty assessments that seek informal settlement of penalties assessed this year	n/a
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	n/a
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	n/a
Average number of days from NOV to penalty assessment for penalties paid in full this year	n/a
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	n/a
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the Shellfish Sanitation Program</b>	
Number of shellfish licenses revoked	0
Number of sewage inspections	4,679
Number of sewage violations	81
Number of recommended changes to shellfish growers	131

## ENVIRONMENTAL HEALTH TANNING PROGRAM

	2004 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 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of 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 2004	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$60
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 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	97%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-failure to replace lamps w/ suitable types /equivalent -failure to have manfctr's manuals for tanning units

<b>ENVIRONMENTAL HEALTH TANNING PROGRAM</b>	<b>2004 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	2,552
Number of regulated entities	2,552
Available inspector FTEs	3
Actual inspector FTEs	2
Number of inspections	441
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	0
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	0
Average number of days from NOV to penalty assessment for penalties paid in full this year	0
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

## ENVIRONMENTAL HEALTH X-RAY PROGRAM

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	1
Total dollar amount of penalties assessed	\$1,000
Average dollar amount of penalties assessed	\$1,000
Highest dollar amount of penalties assessed	\$1,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$1,000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$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 2004	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$1,000
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 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	nav
Percent of entities that returned to compliance by their specified deadline	99%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	nav
Percent of last years violators that were also violators this year	nav
Most common violations	-failure to have a written radiation program -failure to review written radiation program annually

<b>ENVIRONMENTAL HEALTH X-RAY PROGRAM</b>	<b>2004 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	6,423
Number of regulated entities	6,423
Available inspector FTEs	7
Actual inspector FTEs	4
Number of inspections	755
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	100%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	60
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	12
Average number of days from NOV to penalty assessment for penalties paid in full this year	33
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	13

## FOREST RESOURCES

	2004 Data
Number of Site Evaluations Conducted by Type	
Citizen Complaints	159
Active Harvest	1,543
Completed Harvest	2,187
Other Activities	74
Reforestation	553
<b>Total</b>	<b>4,516</b>
Percent of Site Evaluations in Non-Compliance by Type	
Citizen Complaints	39%
Active Harvest	7%
Completed Harvest	7%
Other Activities	0%
Reforestation	1%
Number of Reinspections	1,835
Number of Notices of Non-Compliance	261
Number of Referrals for Enforcement	14

## LAND RESOURCES DAM SAFETY

	2004 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 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$4,350
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of 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 2004	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of penalties collected at year end of penalties assessed in 2001	\$4,350
Amount of 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 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	97%
Percent of entities that returned to compliance by their specified deadline	42%
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	53%
Most common violations	nav
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0

<b>LAND RESOURCES DAM SAFETY</b>	<b>2004 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	4,669
Number of regulated entities	4,669
Available inspector FTEs	12
Actual inspector FTEs	10
Number of inspections	2,238
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	n/a
Average number of days from NOV to penalty assessment for penalties paid in full this year	n/a
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	n/a
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the Dam Safety Program</b>	
Number of injunctions issued	2
Number of dam safety orders issued	12

## LAND RESOURCES EROSION AND SEDIMENTATION CONTROL

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	53
Total dollar amount of penalties assessed	\$2,856,135
Average dollar amount of penalties assessed	\$53,889
Highest dollar amount of penalties assessed	\$201,510
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$135,095
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$2,276,395
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$357,391
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$1,140,970
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$281,997
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$912,850
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$116,450
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$68,390
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$134,715
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$133,405
Amount of the portion of penalties assessed that was added due to repeat violations in 2004	\$228,555
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$890,108
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$449,483
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$74,535
Amount of penalties collected at year end of penalties assessed in 2003	\$164,301
Amount of penalties collected at year end of penalties assessed in 2002	\$73,027
Amount of penalties collected at year end of penalties assessed in 2001	\$8,280
Amount of penalties collected at year end of penalties assessed in 2000	\$18,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$19,580
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
<b>Facility Performance</b>	
Compliance rate of inspected facilities	96%
Percent of entities that returned to compliance by their specified deadline	92%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	57
Percent of last years violators that were also violators this year	7%
Most common violations	-failure to take all reasonable measures; insufficient measures; no plan
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	26

**LAND RESOURCES  
EROSION AND SEDIMENTATION CONTROL**

**2004 Data**

<b>LAND RESOURCES EROSION AND SEDIMENTATION CONTROL</b>		<b>2004 Data</b>
<b>Workload Measures</b>		
Number of permitted entities		0
Number of regulated entities		7,000
Available inspector FTEs		32
Actual inspector FTEs		25
Number of inspections		14,656
Number of routine inspections		12,736
Number of complaint driven inspections		1,920
<b>Reduction Measures</b>		
Amount of reductions made by a commission of penalties paid in full during this year		n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year		n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year		\$311,706
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year		\$354,619
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year		nav
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year		nav
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year		0%
Percent of penalty assessments that seek remission of penalties assessed this year		n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year		72%
Percent of penalty assessments that seek informal settlement of penalties assessed this year		26%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year		8%
<b>Timeliness Measures</b>		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		609
Average number of days from violation awareness to NOV issuance for penalties paid in full this year		5
Average number of days from NOV to penalty assessment for penalties paid in full this year		151
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year		83
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)		372

## LAND RESOURCES MINING

	2004 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 2004	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$16,796
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$13,550
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$13,395
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$71,550
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$18,100
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$13,785
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$2,100
Amount of the portion of penalties assessed that was added due to repeat violations in 2004	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$11,076
Amount of penalties collected at year end of penalties assessed in 2002	\$12,170
Amount of penalties collected at year end of penalties assessed in 2001	\$9,050
Amount of penalties collected at year end of penalties assessed in 2000	\$15,885
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	93%
Percent of entities that returned to compliance by their specified deadline	82%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	3
Percent of last years violators that were also violators this year	3%
Most common violations	-mining without a permit
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0

<b>LAND RESOURCES MINING</b>	<b>2004 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	935
Number of regulated entities	955
Available inspector FTEs	2
Actual inspector FTEs	2
Number of inspections	651
Number of routine inspections	581
Number of complaint driven inspections	70
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$1,144
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$5,720
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	223
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	27
Average number of days from NOV to penalty assessment for penalties paid in full this year	196
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	114
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	204

## WASTE MANAGEMENT HAZARDOUS WASTE

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	18
Total dollar amount of penalties assessed	\$641,400
Average dollar amount of penalties assessed	\$34,362
Highest dollar amount of penalties assessed	\$100,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$107,263
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$534,137
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$235,730
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$107,050
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	\$100,000
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$25,000
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$133,280
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	\$26,400
Amount of the portion of penalties assessed that was added due to repeat violations in 2004	\$23,260
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	n/a
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	n/a
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$86,846
Amount of penalties collected at year end of penalties assessed in 2003	\$163,919
Amount of penalties collected at year end of penalties assessed in 2002	\$67,804
Amount of penalties collected at year end of penalties assessed in 2001	\$1,800
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 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$57,140
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$100,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$132,320
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$0
<b>Facility Performance</b>	
Compliance rate for inspected facilities	85%
Percent of entities that returned to compliance by their specified deadline	95%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	2
Percent of last years violators that were also violators this year	3%
Most common violations	-failure to date, label and close containers
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0

<b>WASTE MANAGEMENT HAZARDOUS WASTE</b>	<b>2004 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	90
Number of regulated entities	6,661
Available inspector FTEs	17
Actual inspector FTEs	17
Number of inspections	1,288
Number of routine inspections	989
Number of complaint driven inspections	132
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$112,750
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$287,100
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	50%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	92%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	18%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	757
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	204
Average number of days from NOV to penalty assessment for penalties paid in full this year	55
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	381
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	45

## WASTE MANAGEMENT SOLID WASTE

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	13
Total dollar amount of penalties assessed	\$63,150
Average dollar amount of penalties assessed	\$4,858
Highest dollar amount of penalties assessed	\$12,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$34,100
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$26,750
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$16,700
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$4,000
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$0
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$0
Amount of 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 2004	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$27,050
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$26,700
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$17,100
Amount of penalties collected at year end of penalties assessed in 2003	\$9,900
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 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$5,000
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
<b>Facility Performance</b>	
Compliance rate of inspected facilities	88%
Percent of entities that returned to compliance by their specified deadline	70%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	4
Percent of last years violators that were also violators this year	0%

<b>WASTE MANAGEMENT SOLID WASTE</b>	<b>2004 Data</b>
Most common violations	-not following nutrient mngmt plan; operating w/o a permit; not meeting permit/operation rqments
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	10
<b>Workload Measures</b>	
Number of permitted entities	1,633
Number of regulated entities	2,513
Available inspector FTEs	16.1
Actual inspector FTEs	14.9
Number of inspections	3,154
Number of routine inspections	2,571
Number of complaint driven inspections	207
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	n/a
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$4,100
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$13,300
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	15%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	31%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	335
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	54
Average number of days from NOV to penalty assessment for penalties paid in full this year	145
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	119
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	49

## WASTE MANAGEMENT UST PROGRAM

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	57
Total dollar amount of penalties assessed	\$525,625
Average dollar amount of penalties assessed	\$9,221
Highest dollar amount of penalties assessed	\$26,553
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$109,444
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$264,923
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$75,644
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$49,381
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$3,389
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$136,825
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$36,190
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	\$19,049
Amount of the portion of penalties assessed that was added due to repeat violations in 2004	\$67,150
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$150,450
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$93,550
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$20,349
Amount of penalties collected at year end of penalties assessed in 2003	\$54,651
Amount of penalties collected at year end of penalties assessed in 2002	\$7,910
Amount of penalties collected at year end of penalties assessed in 2001	\$26,853
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 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$38,439
<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	62
Percent of last years violators that were also violators this year	10%

<b>WASTE MANAGEMENT UST PROGRAM</b>	<b>2004 Data</b>
Most common violations	-failure to have and operating permit; failure to meet the requirements for leak detection and corrosion protection; failure to conduct limited site assessment
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	8,656
Number of regulated entities	9,625
Available inspector FTEs	11
Actual inspector FTEs	11
Number of inspections	1,852
Number of routine inspections	1,815
Number of complaint driven inspections	37
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$15,683
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$21,368
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	n/a
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	2%
Percent of penalty assessments that seek remission of penalties assessed this year	23%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	40%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	n/a
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	9%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	nav
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	nav
Average number of days from NOV to penalty assessment for penalties paid in full this year	nav
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	142
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	10

## WATER QUALITY AQUIFER PROTECTION - GROUNDWATER

	2004 Data
<b>Penalty Assessments**</b>	
Total number of penalties assessed	18
Total dollar amount of penalties assessed	\$59,067
Average dollar amount of penalties assessed	\$3,282
Highest dollar amount of penalties assessed	\$9,199
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$37,867
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$10,600
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$40,360
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$15,660
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	\$42,415
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$95,983
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$40,218
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$62,307
Amount of the portion of penalties assessed that was added due to repeat violations in 2004	nav
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	nav
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	nav
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$8,051
Amount of penalties collected at year end of penalties assessed in 2003	\$31,386
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	\$15,954
Amount of penalties collected at year end of penalties assessed in 2000	\$5,118
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$35,100
<b>Facility Performance</b>	
Compliance rate of inspected facilities	82%
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	17
Percent of last years violators that were also violators this year	11%
Most common violations	-poor well construction; contaminated groundwater; failure to become certified
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	5

<b>WATER QUALITY AQUIFER PROTECTION - GROUNDWATER</b>	<b>2004 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	25,000
Number of regulated entities	26,350
Available inspector FTEs	26
Actual inspector FTEs	22
Number of inspections	3,404
Number of routine inspections	768
Number of complaint driven inspections	670
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	n/a
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$10,000
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 this year	\$15,351
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	28%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	6%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	nav
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	17%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	127
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	23
Average number of days from NOV to penalty assessment for penalties paid in full this year	4
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	67
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	33
** Penalty amounts listed in this table include investigative costs.	

## WATER QUALITY AQUIFER PROTECTION

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	59
Total dollar amount of penalties assessed	\$216,475
Average dollar amount of penalties assessed	\$3,669
Highest dollar amount of penalties assessed	\$22,100
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$105,125
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$111,350
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$547,359
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$88,150
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$340,725
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	\$368,475
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	\$579,943
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$4,000
Amount of the portion of penalties assessed that was added due to repeat violations in 2004	\$15,400
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$8,400
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$91,253
Amount of penalties collected at year end of penalties assessed in 2003	\$447,106
Amount of penalties collected at year end of penalties assessed in 2002	\$319,698
Amount of penalties collected at year end of penalties assessed in 2001	\$319,701
Amount of penalties collected at year end of penalties assessed in 2000	\$519,820
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$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	\$24,230
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$12,000
<b>Facility Performance</b>	
Compliance rate of inspected facilities	91%
Percent of entities that returned to compliance by their specified deadline	nav
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	8
Percent of last years violators that were also violators this year	7%
Most common violations	-high freeboard; overapplication of waste; discharge from system; limit violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0

<b>WATER QUALITY AQUIFER PROTECTION</b>	<b>2004 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	3,826
Number of regulated entities	4,117
Available inspector FTEs	15
Actual inspector FTEs	13.4
Number of inspections	3,081
Number of routine inspections	2,783
Number of complaint driven inspections	49
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$12,000
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 this year	\$45,550
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	1.7%
Percent of penalty assessments that seek remission of penalties assessed this year	25.4%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	15.3%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	1.7%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	50.8%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	203
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	20
Average number of days from NOV to penalty assessment for penalties paid in full this year	102
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	51
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	34

## WATER QUALITY NPDES

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	612
Total dollar amount of penalties assessed	\$681,667
Average dollar amount of penalties assessed	\$1,114
Highest dollar amount of penalties assessed	\$14,250
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$519,656
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$162,010
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$877,674
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$82,676
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$799,488
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2002	\$98,850
Amount of penalties established through SAFA at year end for penalties assessed in 2001	\$989,897
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2001	\$6,714,504
Amount of penalties established through SAFA at year end for penalties assessed in 2000	\$974,837
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2000	\$184,678
Amount of the portion of penalties assessed that was added due to repeat violations in 2004	\$66,544
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	\$0
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$483,892
Amount of penalties collected at year end of penalties assessed in 2003	\$766,163
Amount of penalties collected at year end of penalties assessed in 2002	\$645,693
Amount of penalties collected at year end of penalties assessed in 2001	\$778,541
Amount of penalties collected at year end of penalties assessed in 2000	\$798,320
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	nav
<b>Facility Performance</b>	
Compliance rate of inspected facilities	77%
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	544
Percent of last years violators that were also violators this year	27%
Most common violations	- exceeding effluent limit
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	1,307

<b>WATER QUALITY NPDES</b>	<b>2004 Data</b>
Number of regulated entities	1,307
Available inspector FTEs	17
Actual inspector FTEs	13
Number of inspections**	1,216
Number of routine inspections	nav
Number of complaint driven inspections	nav
** Field inspections only; excludes reviews/inspections of Discharge Monitoring Reports	
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$0
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$0
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$16,069
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$22,650
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	nav
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	nav
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	2%
Percent of penalty assessments that seek remission of penalties assessed this year	15%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	1%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	nav
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	60%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	nav
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	nav
Average number of days from NOV to penalty assessment for penalties paid in full this year	nav
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	nav
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	109

## WATER QUALITY STORMWATER/NON-POINT SOURCE

	2004 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	38
Total dollar amount of penalties assessed	\$504,800
Average dollar amount of penalties assessed	\$13,468
Highest dollar amount of penalties assessed	\$63,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2004	\$133,895
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2004	\$347,200
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$233,948
Amount of penalties NOT established through SAFA at year end for penalties assessed in 2003	\$140,550
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	\$14,000
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 2004	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2004	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2004	nav
*SAFA is settlement, agreement or final action	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2004	\$70,268
Amount of penalties collected at year end of penalties assessed in 2003	\$69,420
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	\$428
Amount of penalties collected at year end of penalties assessed in 2000	\$1,231
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2001	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2000	\$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	0
Percent of last years violators that were also violators this year	0%
Most common violations	-failure to secure a 401 Water Quality Certification
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	30
<b>Workload Measures</b>	
Number of permitted entities	39,656

<b>WATER QUALITY STORMWATER/NON-POINT SOURCE</b>	<b>2004 Data</b>
Number of regulated entities	39,656
Available inspector FTEs	4
Actual inspector FTEs	3
Number of inspections	378
Number of routine inspections	147
Number of complaint driven inspections	231
<b>Reduction Measures</b>	
Amount of reductions made by a commission of penalties paid in full during this year	\$17,000
Original assessment amount of reductions made by a commission of penalties paid in full during this year	\$25,000
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$39,362
Original assessment amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) of penalties paid in full during this year	\$83,950
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Original assessment amount of reductions made by judge in state or federal court (either district, superior, appeals or supreme court) of penalties paid in full during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	\$0
Percent of penalty assessments that seek remission of penalties assessed this year	21%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	39%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	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 this year	52%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	379
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	34
Average number of days from NOV to penalty assessment for penalties paid in full this year	171
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	174
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	117

## DEPARTMENT OF JUSTICE – ENVIRONMENTAL DIVISION

	2004 Data
Number of Civil Penalty Cases Closed	299
Total Amount Assessed by DENR	\$2,031,008
Total Amount Collected for DENR	\$889,396
Total Amount Uncollected	\$1,141,612
Number of Uncollected Civil Penalty Cases Closed	128
<u>Reason for Uncollected Assessment:</u>	
Bankruptcy	10
Violator Deceased	1
Petition Withdrawn*	13
Penalty Rescinded*	23
Uncollectible/No Property to Levy/Obtained a Judgment	68
Unknown	5
No Assets	8
* The Agency was responsible for collection of these Civil Penalty Amounts.	

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## **APPENDIX B**

### **DENR ENFORCEMENT PRIMER**

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

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

See Appendix C for detailed descriptions

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

The cost varies widely from program to program, and case to case. By law, civil penalty collections are distributed to public schools through the State School Technology Fund [NCGS Chapter 115C – 457.3]. DENR may keep the “cost of collection,” up to 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
- ▶ **Aquifer Protection** – NCGS 143-215.6A and 143B-282.1(b)
- ▶ **Coastal Management** – NCGS 113A-126(d)(4) and 15A NCAC 07J .0409(f)(3)
- ▶ **Dam Safety** – NCGS 143-215.36(b)(3)
- ▶ **Erosion and Sediment Control** – NCGS 113A-64(a)(3) and 15A NCAC 04C. 0106
- ▶ **Hazardous Waste** – NCGS 130A-22(f) and 15A NCAC 13B Section .0702
- ▶ **Mining** – NCGS 74-64(a)(1)(c) and 15A NCAC 05K .0107
- ▶ **NPDES** – NCGS 143-215.6A and 143B-282.1(b)
- ▶ **Oil Pollution/Hazardous Substance Control** – NCGS 143-215.91, recodified as NCGS 143-215.88A and B which references 143-215.6 recodified as 143-215.6A through 143-215.6C and 143B-282.1
- ▶ **On-site Wastewater** – NCGS 130A-22(b1), 15A NCAC 18A
- ▶ **Public Water Supply** – NCGS 130A-22(f) and 15A NCAC 18C .1906
- ▶ **Radiation Protection** – NCGS 104E-24(b)
- ▶ **Solid Waste** – NCGS 130A-22(f) and 15A NCAC 13B Section .0702
- ▶ **Stormwater and Nonpoint Source** - NCGS 143-215.6A and 143B-282.1(b)
- ▶ **Underground Storage Tanks** – NCGS 143-215.6A(c), which references 143B – 282.1(b)
- ▶ **Well Construction** – NCGS 87-94 references NCGS 143B-282.1(b) and NCGS 143-215.6A

NCGS – North Carolina General Statute

NCAC – North Carolina Administrative Code

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

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

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

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

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

**Generic Penalty Matrix Worksheet**

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

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

**Generic Penalty Tree**

Programs that use a matrix analysis:

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

Programs that use a penalty tree:

- ▶ Air Quality

Programs that use a matrix/tree in combination:

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

Programs that use a hybrid matrix:

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

Programs that apply maximum penalties in all cases:

- ▶ On-Site Wastewater

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## **APPENDIX C**

### **PROGRAM DESCRIPTIONS**

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

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

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

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
Stormwater/Non-Point Source (Division of Water Quality):	National Pollutant Discharge Elimination System (NPDES ) is the federally established program for controlling point-source discharges of pollution. The Wetlands and Stormwater Branch is responsible for administering the federal point sources stormwater discharge program for the state, as well as riparian and water supply buffer rules, state stormwater management regulations, wetlands development, and stream course modification. In addition, oil and hazardous substances control, as they cannot be discharged, are regulated by the unit under the provisions of Article 21A.	<ul style="list-style-type: none"> <li>• NPDES Stormwater Permitting</li> <li>• State Stormwater Management compliance</li> <li>• Developers that modify a stream course or impact wetlands</li> <li>• Local Government oversight for the Implementation of Water Supply Watershed protection</li> <li>• Developers seeking authorization for riparian (streamside) buffer impacts</li> </ul>
Tanning (Division of Environmental Health)	The Tanning Inspection Program inspects tanning machines and facilities to ensure compliance with the regulations adopted by the Radiation Protection Commission to protect the public. The program provides technical assistance to registrants and operators to encourage responsible operation of tanning facilities.	<ul style="list-style-type: none"> <li>• Beauty shops</li> <li>• Spas</li> <li>• Video stores</li> <li>• Home-based commercial tanning facilities.</li> </ul>
Underground Storage Tank (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
Andy Adams	On-Site Wastewater	919-715-3274	919-715-3242	Andy.Adams@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
Sean Brogan	Forest Resources	919-533-6178 ext. 230		Sean.Brogan@ncmail.net
Mell Nevils	Mining, Sedimentation, Dam Safety	919-733-4574	919-733-2876	Mell.Nevils@ncmail.net
Helen Cotton	Hazardous Waste	919-733-2178 ext. 247	919-715-3605	Helen.Cotton@ncmail.net
Ethan Brown	Solid Waste	919-733-4996 ext. 261	919-733-4810	Ethan.Brown@ncmail.net
Jan Manthey	Underground Storage Tanks	919-733-8486	919-733-9413	Jan.Manthey@ncmail.net
Tom Cadwallader	Aquifer Protection - GW	919-715-6173	919-715-0588	Tom.Cadwallader@ncmail.net
Steve Lewis	Aquifer Protection	919-715-6629		Steve.Lewis@ncmail.net
Vanessa Manuel	NPDES	919-733-5083 ext. 532	919-733-9612	Vanessa.Manuel@ncmail.net
Shelton Sullivan	Stormwater/Non-Point Source	919-733-5083 ext. 544	919-733-9612	Shelton.Sullivan@ncmail.net
Sharon Johnson	Pollution Prevention	919-715-6509	919-715-6794	Sharon.M.Johnson@ncmail.net
<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