



North Carolina Department of Environment and Natural Resources

# Environmental Regulatory Compliance Activity in Calendar Year 2006

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# North Carolina Department of Environment and Natural Resources

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## INTRODUCTION

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

In the fall of 2001, at the direction of Gov. Easley, DENR launched an annual reporting system of compliance activities in the regulatory programs of seven divisions. The reports have addressed timeliness of enforcement actions, penalty amounts, compliance rates and several related measures for the calendar years 2000 - 2006. This seventh report presents data for calendar year 2006, while continuing to refine some measures to provide a more accurate compliance and enforcement picture.

This report is DENR's effort to provide a window into the department's enforcement programs and to develop information to guide future decision-making on program direction. The report's desired outcome is to provide the facts necessary to allow everyone with an interest in DENR compliance programs to evaluate the strength, fairness, and effectiveness of those programs. This year's report includes 2006 compliance and enforcement data for all of the programs, as well as some graphic representations of enforcement trends. 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.

### N.C. ENFORCEMENT STRATEGY

Gov. 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, all DENR enforcement programs should:

- 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. 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; and
- 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

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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 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.

William G. Ross, Jr.  
Secretary  
N.C. 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 use compliance assistance in the form of education, technical assistance or performance incentives to enhance the overall enforcement program in that agency.

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

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

Agency	Activity	Number of Activities in 2006
Air Quality	Compliance Assistance Workshops	2
	DAQ PowerPoint presentations to Fire Departments	All Fire Departments
	Placed Billboards on Illegal Open Burning Activities	10 Billboards
	Information Packets to Community Colleges re: open burning rules	34 received info
Coastal Management	Compliance Assistance Consultations (onsite)	4,392
	Compliance Assistance Consultations (in office)	560
	Workshops and Presentations	12
	Quarterly Newsletters	4
	Public Media Interviews	4
	Web Site, Phone Calls, E-mail, Correspondence	Ongoing
Environmental Health/ Mammography	Compliance Reference Guides uploaded to the Web Site	12
	Written Safety Program	1
	Revised Registration Form	1
	Revised Inspection Checklist	1
	New Assessment Category Card	1
	ADA Disability Posters	1
	Distributed Continuing Education Tape on ADA Disability	1
	Daily Technical Assistance Calls	10
	Compliance Guidance Memos	3
	Newsletters	1
Compliance Assistance Presentations	4	
Environmental Health/ Public Water Supply	Training Contact Hours	8,571
	Regulatory Update Letters	1,750
	Monitoring/Reporting Violation Letters	5,094
	MCL Violation Letters	882
	Treatment Technique Violation Letters	14
	Detection/Increased Monitoring Letters (VOCs, SOCs, Nitrate/Nitrite)	270
	Consumer Confidence Report (CCR) Violation Letters	224

Agency	Activity	Number of Activities in 2006
	CCR Certification Violation Letters	270
	Lead and Copper Exceedance Letters	68
	Public Education Violation Letters	70
	Corrosion Control Treatment (CCT) Study Violation Letters	61
	Special Mass Mailing (Lead and Copper Clarification Letters, etc.)	2,200
	Administrative Order Letters	355
	SOC Waiver Letters	18
Environmental Health/ Radioactive Materials	Guidance Documents	43
	Technical Assistance Calls	15
	Guidance Memos	31
	Newsletters	4
	Compliance Assistance Workshops	2
	Compliance Assistance Presentations	16
	Compliance Assistance Visits	23
	Enforcement Web Site Hits	29,174
Environmental Health/ Shellfish Sanitation	HACCP Workshop for Shellfish & Crustacea Processing Plants	32 attendees
	Seafood Quality & Safety Workshop	30 attendees
Environmental Health/ Tanning	Web-based Question and Answer Tool	1
	Newsletters	1
	Compliance Assistance Exhibits & Representation at Trade Shows	2
	Enforcement Website Hits	29,174
Environmental Health/ Xray	Compliance Reference Guides on the website	12
	Written Safety Program	1
	Revised Registration Form	1
	Compliance Assistance Letters	1
	Daily Technical Assistance Calls	15
	Web-based Question and Answer Tool	1
	Compliance Guidance Memos	1
	Newsletters	1
	Compliance Assistance Presentations	2
	Enforcement Web Site Hits	29,174
Forest Resources	Number of DFR Loaner Bridgemats Used	68 logging jobs
	NC ProLogger Training Program Workshops	3/150 attendees
	BMP Survey Final Report Published	1
	Treeline Newsletter Article Reviewing Common WQ Violations	1
	BMPs for Logging Skid Trails Video	1,500 viewers
	Revision to NC Forestry BMP Manual	6,000 copies
	BMPs Recommended	2,856 tracts/137,537 acres
	Water Quality Training Sessions	57 /803 attendees
	Visits to Water Quality Section of DFR Web Site	44,700
	Pre-Harvest and Rehab Plans Provided	166 plans/16,677 acres
Land Resources/ Dam Safety	Letters	66
	External Assistance Emails	300
	Presentations	7
	Phone Calls	2500
	Operation, Inspection & Maintenance Manual	1
	Site Visits	70
	Technical Meetings	19
Land Resources/ Erosion and Sedimentation Control	Local Program Reviews	13
	Technical Assistance Letters based on LP Reviews	13
	Compliance Assistance Workshops	5
	Workshop Attendees	501

Agency	Activity	Number of Activities in 2006
	Compliance/Technical Assistance Calls	453
	Revised Design Manual Mailings	1000
Land Resources/ Mining	Technical Assistance by Telephone	1275
	Meetings with Applicants and Consultants	120
	Onsite Meetings with Operator/Applicant/Consultants	325
	Distribution of Surface Mining Manual	18
	Access to Mining Program Web Site	Ongoing
Marine Fisheries	Fishing Proclamation Distribution	Ongoing
	Maintain Informational Bulletin Boards at Boat Ramps	25
Waste Management/ Hazardous Waste	Compliance Assistance Workshops	4
	Regulated Entities Attending Workshops	400
	Compliance Assistance Visits	170
	Technical Assistance Calls	3,400
	DWM Web Site Hits	2,201,767
	Technical Assistance Letters	38
Waste Management/ Solid Waste	Compliance Assistance Workshops	12
	Regulated Entities Attending Workshops	296
	Compliance Assistance Visits	3,780
	Compliance Assistance Calls	13,860
	Web Site Hits	459,207
	Technical Assistance Letters	2,660
	Local Government Annual Reports	513
Waste Management/ UST	Compliance Assistance/Educational Visits	32
Water Quality/Aq Prot	Compliance Assistance Workshops/Meetings	19
Water Quality/NPDES	Compliance Assistance Visits	3
	Technical Assistance Visits	52
Water Quality/PERCS	Certified Collection System Operator Training	3 workshops
	HWA, and PAR Training	4-6 workshops
	Regional Emergency Response Training	7 regions
Water Quality/ Stormwater/Non-Point Discharge	Stormwater Implementation Group-Phase II	156 local gov staff
	Council for Local Governments-Phase II	8 meetings/trainings
	Phase I Meetings (local gov)	6 meetings/trainings
	Presented at 3 conferences	~900 people
	6 Outreach Presentations (e.g. homebuilders)	~360 people
	Inter. And Perennial Stream Id (June/4 days)	~45 people
	E & S Control Planning & Design Workshop (New Bern)	Presentation
	Industrial Discharges & NC Regulations	Presentation
	E & S Control Planning & Design Workshop (Hickory)	Presentation
	Inter. And Perennial Stream Id (December/4 days)	~30 people
	Div. Forest Resources - Water Quality Meeting	Presentation
	E&S Control Local Program Meeting	Presentation
	NRCS Outreach	Presentation
	Developers ~ 100 staff	Presentation
	NCDOT staff	Presentation
DPPEA	Technical Assistance Calls	1,122
	Technical Assistance Visits	212
	Training Sessions	135
	Web Site Visits	4,374,728
	Web Site Hits	8,142,659
	ISO 14001-certified Facilities	195
	Number of Regulated Entities Enrolled in the Environmental Stewardship Initiative	100

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## DENR ENVIRONMENTAL STEWARDSHIP INITIATIVE

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

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

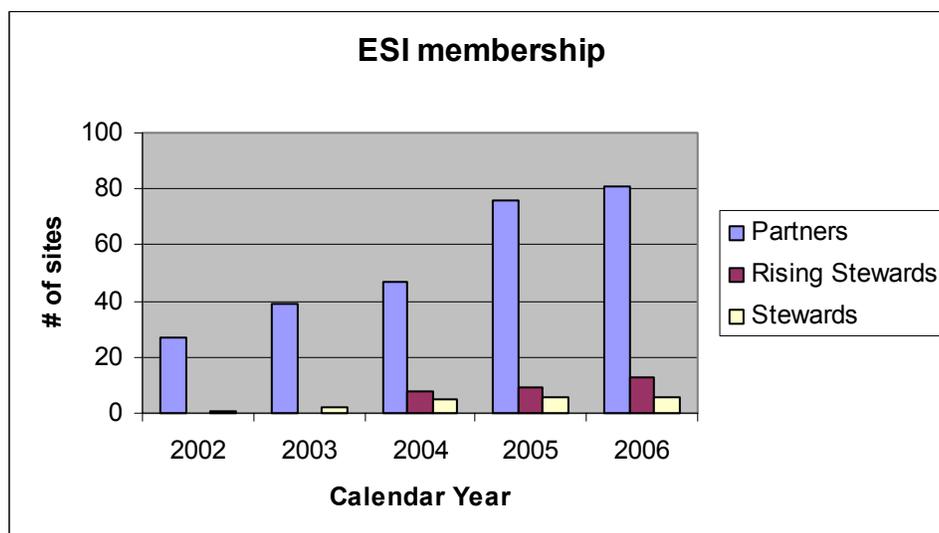
Benefits at the Partner level focus on providing technical and compliance assistance to develop an EMS and improve environmental performance. Partners are recognized for making a commitment to environmental improvement. Rising Stewards are recognized for the achievements they have already made by demonstrating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

A compliance check is conducted on all applications to identify compliance issues or enforcement actions within the last two years. The compliance checks are coordinated through the DENR Internal Workgroup, which is comprised of representatives from regulatory divisions within DENR.

The ESI Advisory Workgroup reviews Rising Steward and Steward applications. Membership on the Advisory Workgroup consists of representatives from industry, industry trade groups, non-governmental organizations, small business, local government and universities. DENR Assistant Secretary Jimmy Carter chairs the workgroup.

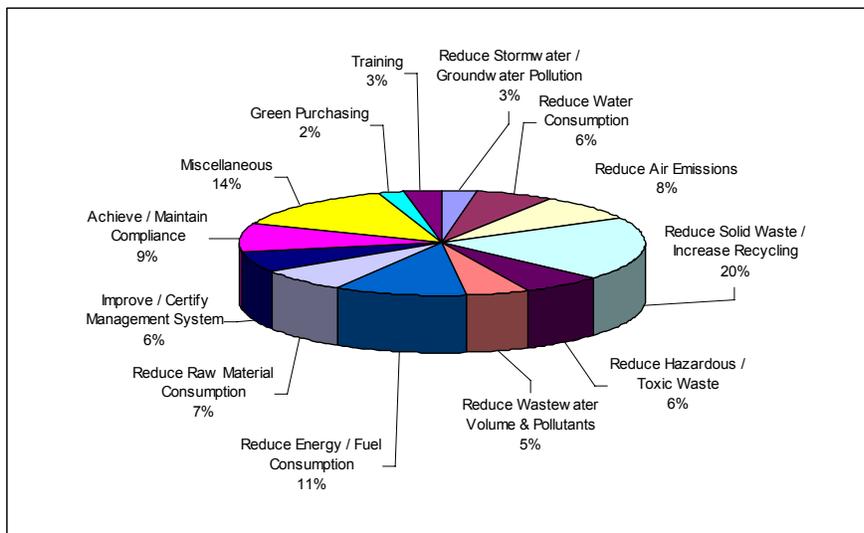
Rising Steward and Steward applicants receive an intensive on-site verification visit to ensure the EMS is functioning and to gather observations supporting the organization's application. Following review of all information, the Advisory Workgroup makes a recommendation to the DENR Secretary on acceptance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

Since its creation, the ESI has experienced significant growth with membership in 2006 increasing to 73 organizations representing 100 sites. At the end of 2006 there were 81 Partner sites, 13 Rising Stewards and 6 Stewards.



ESI members are required to establish environmental performance goals and report on these annually. Data was collected in 2006 from organizations that were ESI members as of December 2005. All reporting members provided information on the environmental goals they had established; however, members only report on reductions after being in the program for one full year. Data was self-reported by member facilities and was not verified by DENR.

For those members reporting in 2005, 43 percent had an EMS deemed functionally equivalent or certified to ISO 14001. Members who had certified EMSs and those developing their EMSs reported a total of 223 environmental goals established. These environmental goals address the following issues:



ESI members also report on performance toward goals and environmental impact reductions. For calendar year 2005, 46 organizations that had been ESI members for a full year as of December 2005 reported the following achievements:

**ESI Members Reported Reductions**

Air Emissions	208	Tons
Hazardous waste	119	Tons
Landfilled waste	82,453.1	Tons
Energy	48,451	Mbtu
Water Use	54,201,286	Gallons
Material Consumption	37,728	Tons
Wastewater Pollutants	527	Tons
Wastewater Volume Reduction	85,566,162	Gallons
Biosolids Volume	7,208,691	Gallons
Total Recycled Volume in 2004	8,047	Tons
Total Cost Savings	\$12,721,772	

ESI members identified and implemented a number of ways to reduce, reuse and recycle. Examples of techniques used to reduce pollution and improve environmental performance included:

- Reduced air pollutants through elimination of solvent-based chemicals.

- 
- Reduced hazardous waste by modifying cleaning procedures, non-hazardous chemical substitution, improved spill management practices and replacement of mercury-containing devices.
  - Reduced landfilled solid waste through identifying viable markets for waste streams, reducing raw material consumption and implementing new and increasing existing recycling programs.
  - Decreased energy consumption by reducing the frequency of pump start-ups and monitoring propane consumption vs. temperature patterns.
  - Reduced water consumption by upgrading equipment, use of reclaimed water, employee training, as well as more efficient water use techniques.
  - Reduced raw material consumption through more accurate application, improved chemical feed systems and automatic control, process improvements and employee training.
  - Reduced wastewater pollutants by identifying and reducing the source of metals and other pollutants and by improved treatment efficiencies.

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

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## **2006 PROGRAM AT A GLANCE DATA AND ENFORCEMENT TRENDS**

In the following section of the report, a subset of the total set of 2006 compliance and enforcement measures is presented for the N.C. DENR regulatory programs. In addition, where information was available in previous years for certain measures in each of the programs, this information is presented in graphical form for trend analysis.

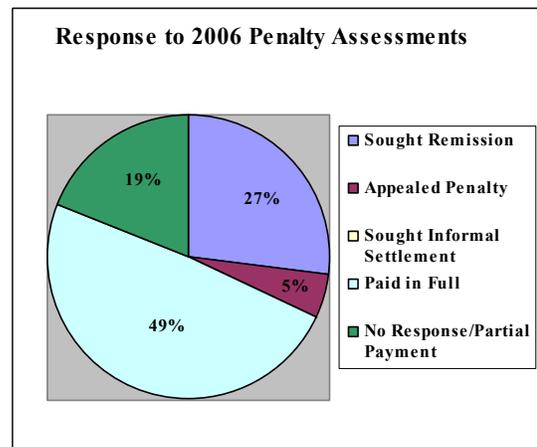
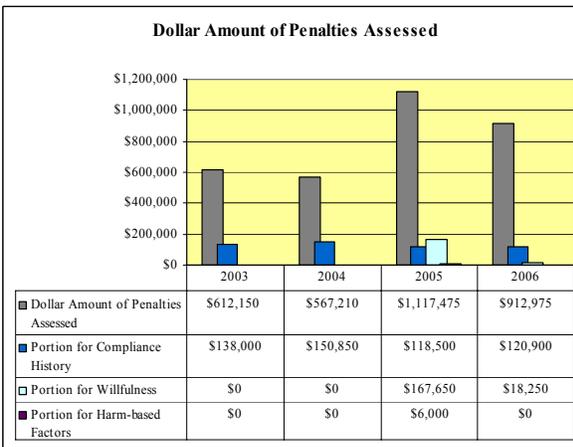
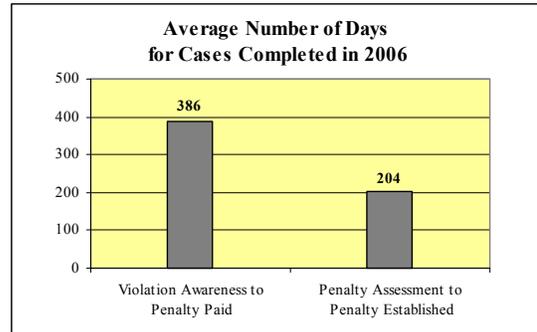
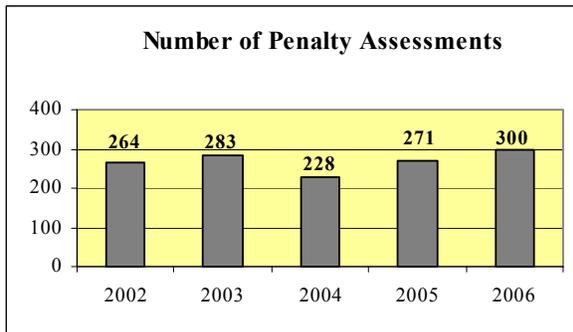
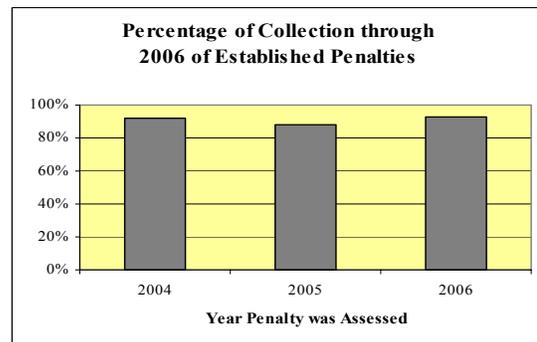
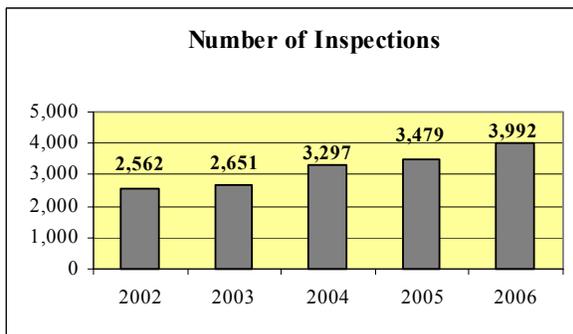
Please refer to Appendix A to view the complete list of 2006 compliance and enforcement measures for each of the N.C. DENR regulatory programs. The Appendix A data, as well as the trend analysis on the following pages, was provided by each of the regulatory programs.

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

# AIR QUALITY

## 2006 Enforcement Data at a Glance

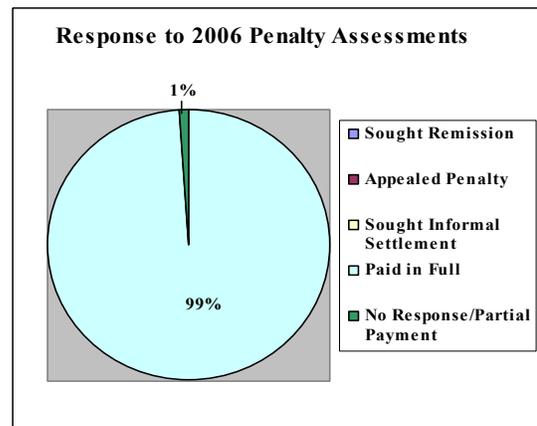
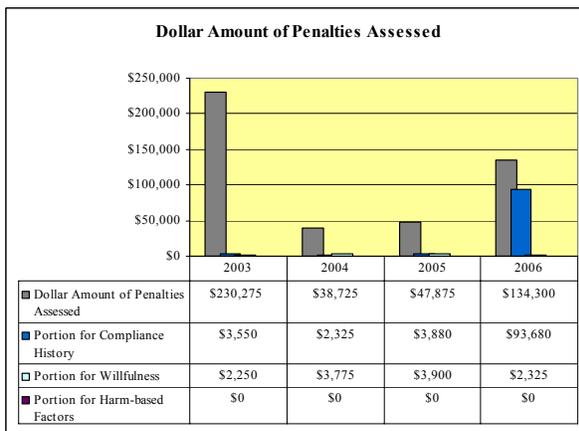
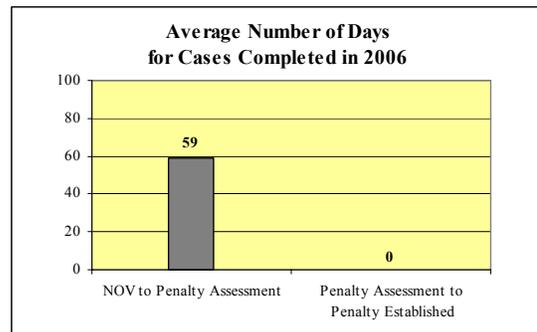
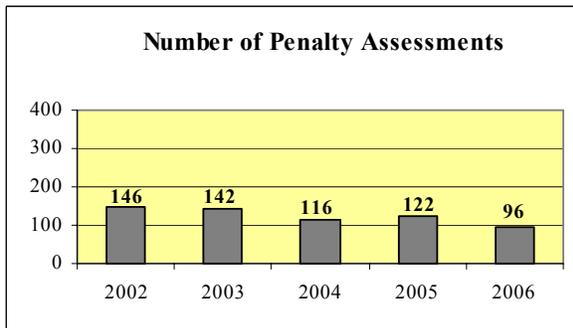
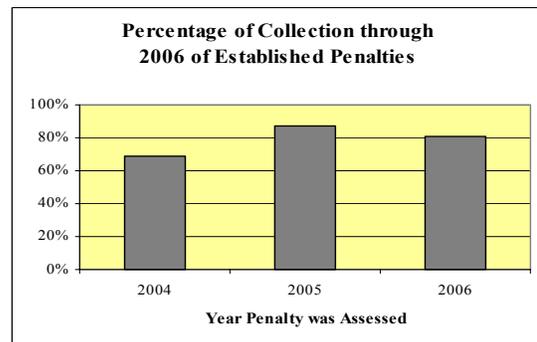
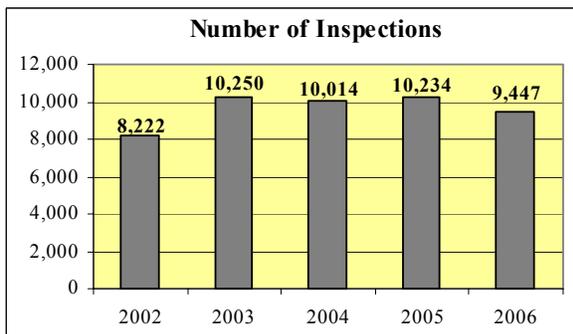
<b>Number of Inspections</b>	<b>3,992</b>
<b>Number of Regulated Entities</b>	<b>10,258</b>
<b>Total Number of Penalties Assessed</b>	<b>300</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$912,975</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>80%</b>



# COASTAL MANAGEMENT

## 2006 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>9,447</b>
<b>Number of Regulated Entities</b>	<b>4,477</b>
<b>Total Number of Penalties Assessed</b>	<b>96</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$134,300</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>97%</b>



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

### 2006 Enforcement Data at a Glance\*

Number of A ratings for restaurants	56,468
Number of B ratings for restaurants	1,154
Number of C ratings for restaurants	98
Number of suspended restaurant permits	460
Number of revoked restaurant permits	93

\* 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.

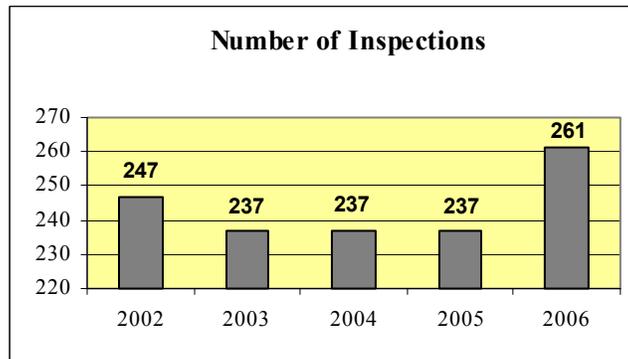
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## ENVIRONMENTAL HEALTH – MAMMOGRAPHY

### 2006 Enforcement Data at a Glance\*

<b>Number of Inspections</b>	<b>261</b>
<b>Number of Regulated Entities</b>	<b>261</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>48%</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.

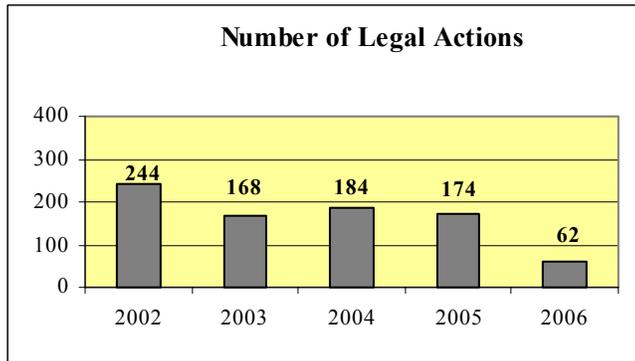
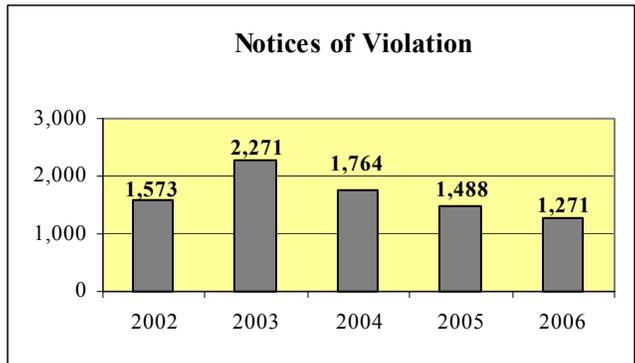


# ENVIRONMENTAL HEALTH – ON-SITE WASTEWATER

## 2006 Enforcement Data at a Glance\*

<b>Number of Inspections</b>	<b>nav</b>
<b>Number of Regulated Entities</b>	<b>nav</b>
<b>Total Operation Permits</b>	<b>32,011</b>
<b>Total Number of Notices of Violation</b>	<b>1,271</b>
<b>Total Number of Legal Actions</b>	<b>62</b>

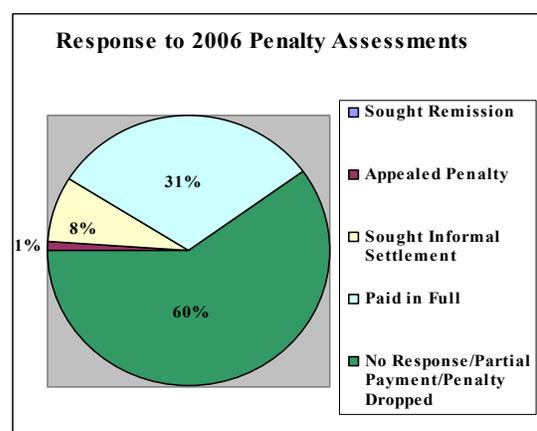
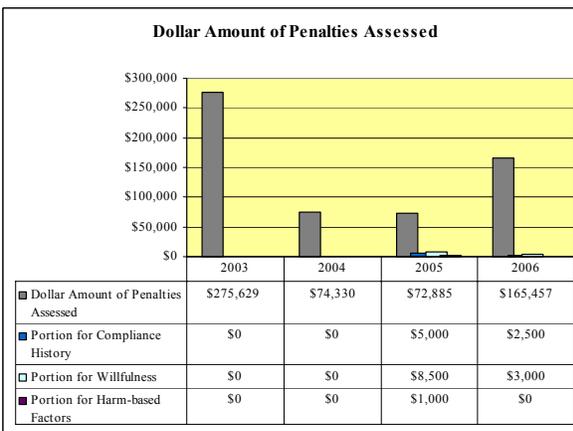
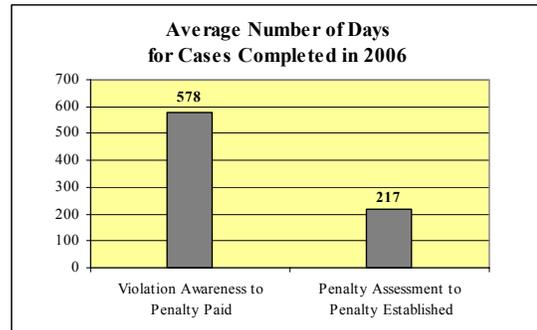
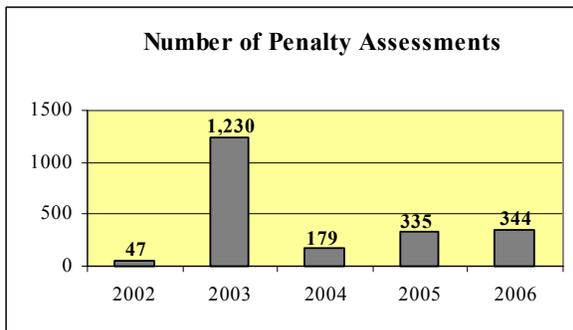
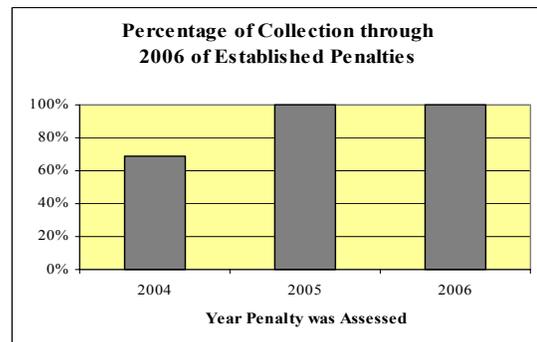
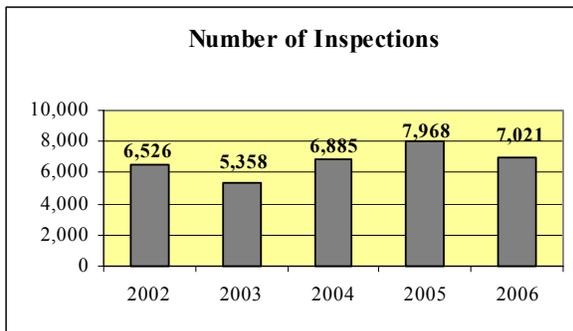
\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported instead. In 2001, 96/100 counties reported. In 2002, 2003 and 2004, 100/100 counties reported. In 2005, 80/100 counties reported and in 2006, 85/100 counties reported.



# ENVIRONMENTAL HEALTH – PUBLIC WATER SUPPLY

## 2006 Enforcement Data at a Glance

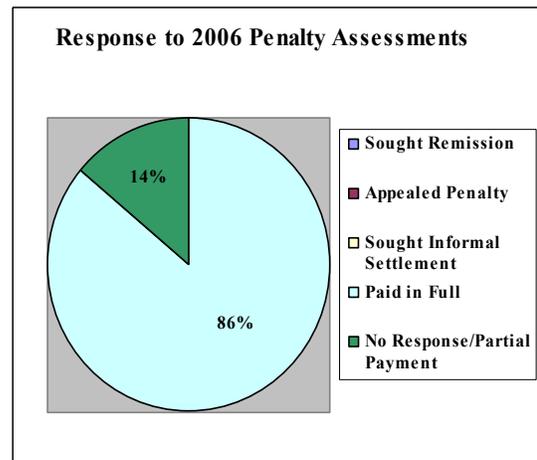
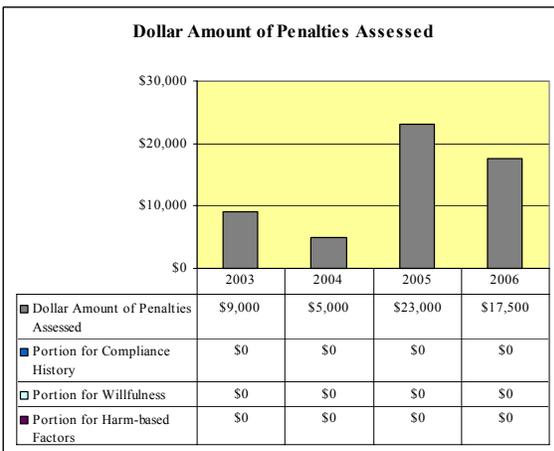
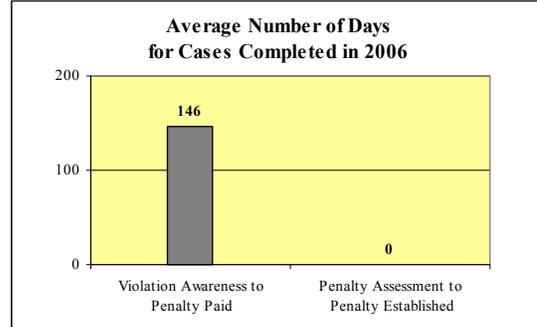
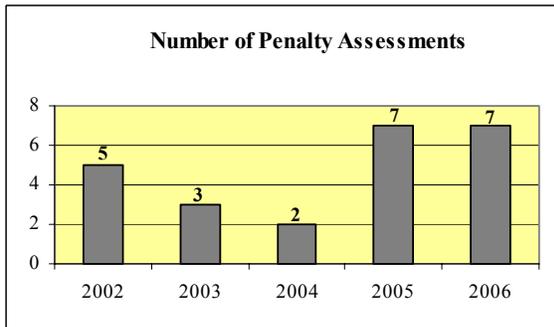
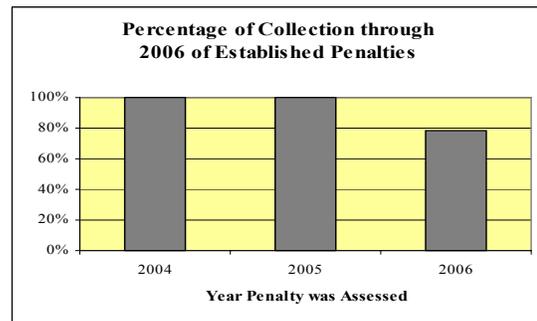
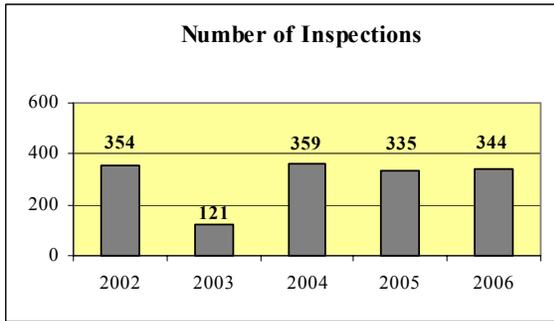
<b>Number of Inspections</b>	<b>7,021</b>
<b>Number of Regulated Entities</b>	<b>7,070</b>
<b>Total Number of Penalties Assessed</b>	<b>344</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$165,457</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>94%</b>



# ENVIRONMENTAL HEALTH – RADIOACTIVE MATERIALS

## 2006 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>344</b>
<b>Number of Regulated Entities</b>	<b>1,920</b>
<b>Total Number of Penalties Assessed</b>	<b>7</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$17,500</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>nav</b>

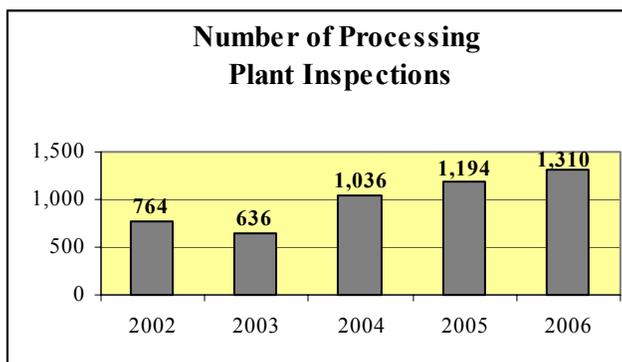
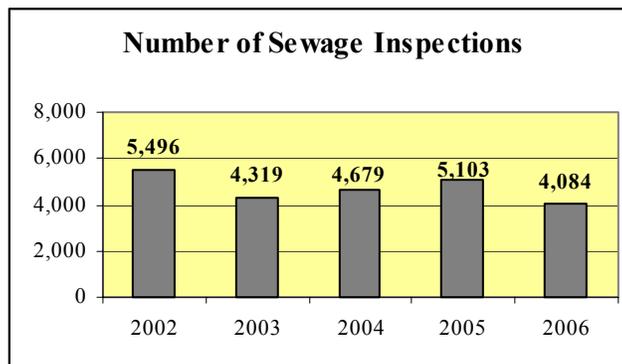
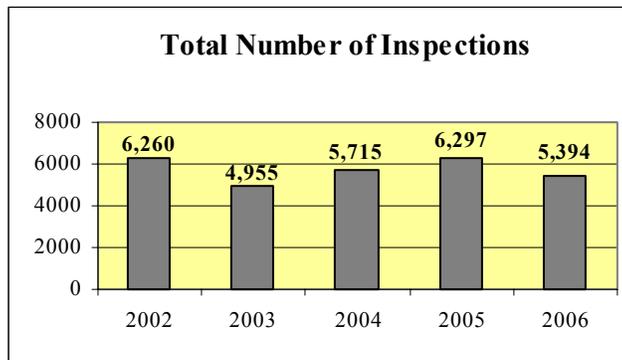


# ENVIRONMENTAL HEALTH – SHELLFISH SANITATION

## 2006 Enforcement Data at a Glance\*

Number of Sewage Inspections	4,084
Number of Processing Plant Inspections	1,310
Number of Regulated Entities	890
Number of Shellfish Licenses Revoked	0
Number of Recommended Changes to Shellfish Growers	120

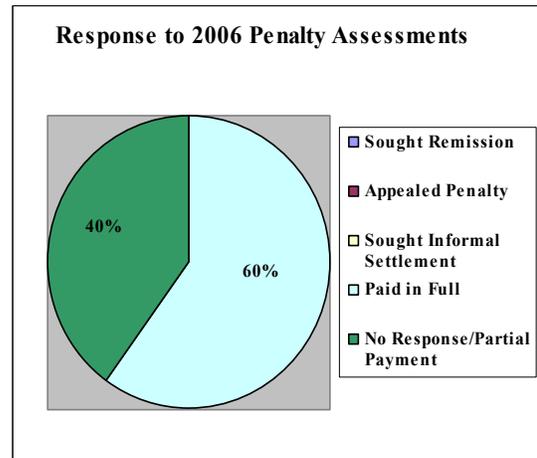
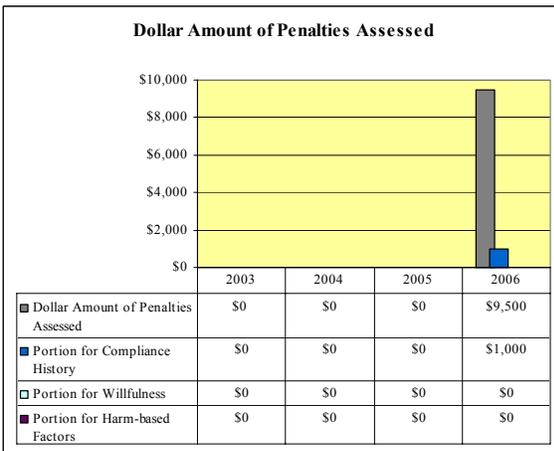
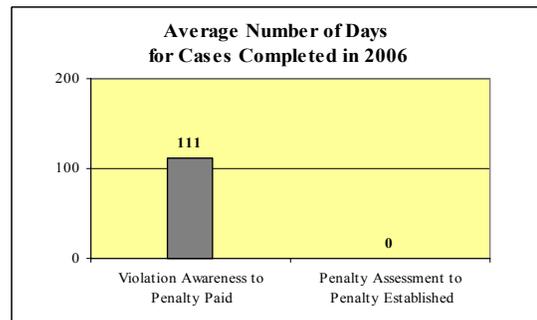
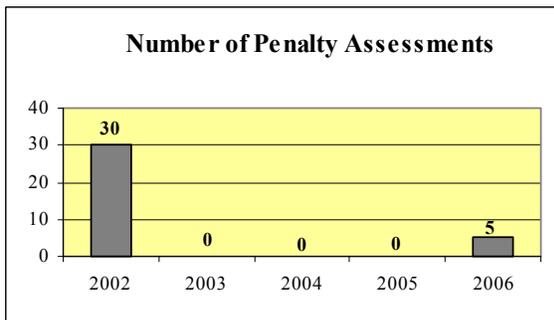
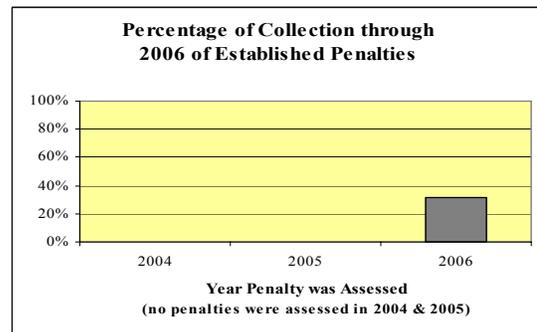
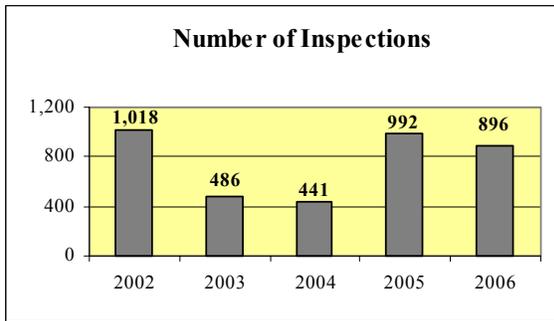
\* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported.



# ENVIRONMENTAL HEALTH – TANNING PROGRAM

## 2006 Enforcement Data at a Glance

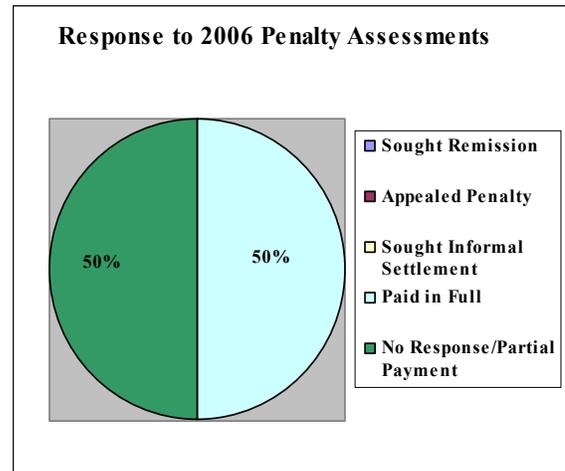
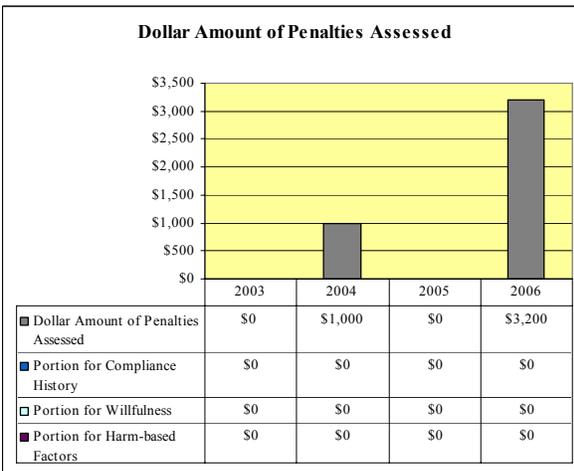
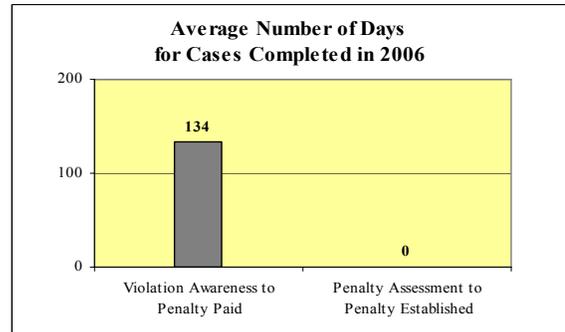
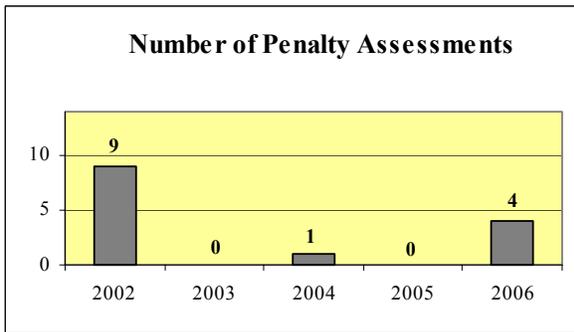
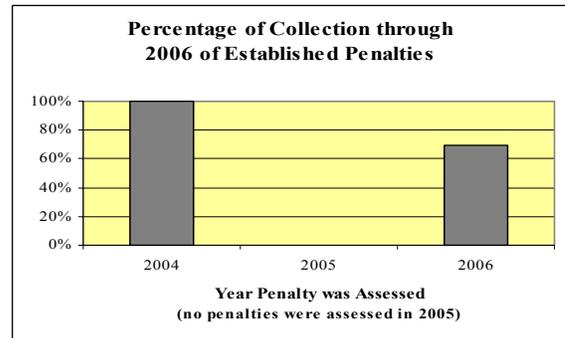
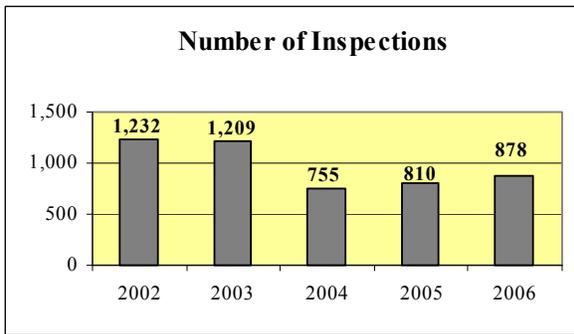
<b>Number of Inspections</b>	<b>896</b>
<b>Number of Regulated Entities</b>	<b>2,143</b>
<b>Total Number of Penalties Assessed</b>	<b>5</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$9,500</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>37%</b>



# ENVIRONMENTAL HEALTH – X-RAY PROGRAM

## 2006 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>878</b>
<b>Number of Regulated Entities</b>	<b>7,582</b>
<b>Total Number of Penalties Assessed</b>	<b>4</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$3,200</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>48%</b>



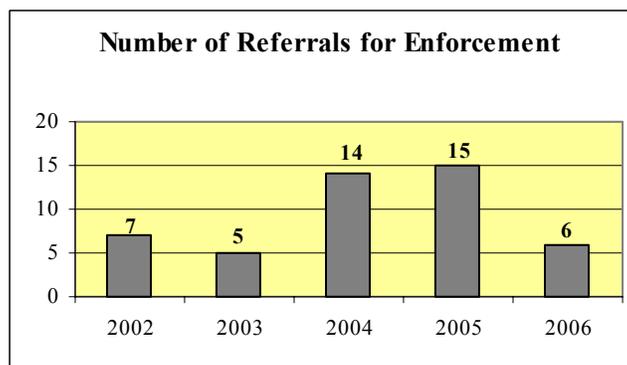
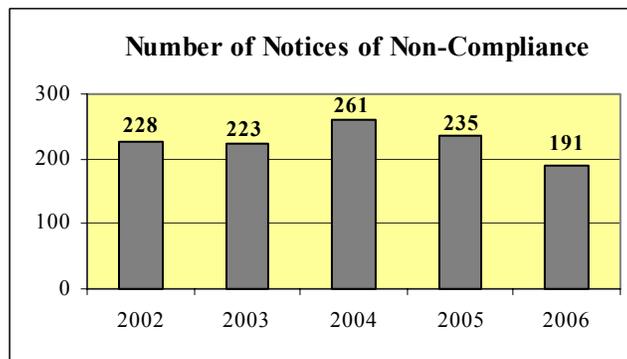
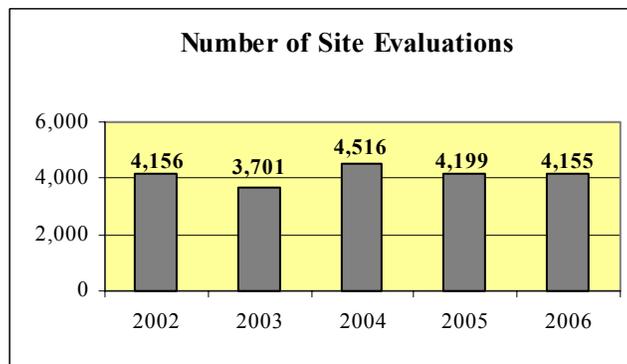
# FOREST RESOURCES

## 2006 Enforcement Data at a Glance\*

Number of Site Evaluations	4,155
Number of Reinspections	1,656
Number of Notices of Non-Compliance	191
Number of Referrals for Enforcement	6**

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

\*\* DFR also referred 7 cases to DWQ for apparent riparian buffer rule violations and 4 cases to various agencies for other water quality issues.

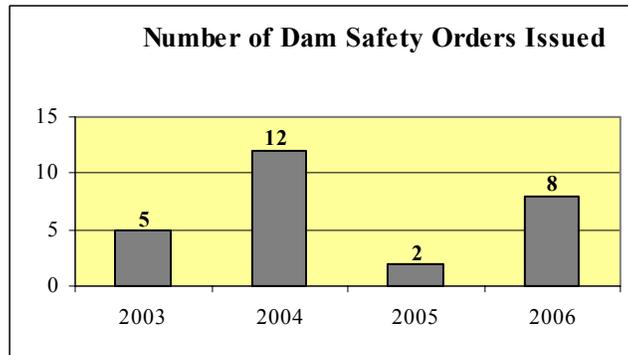
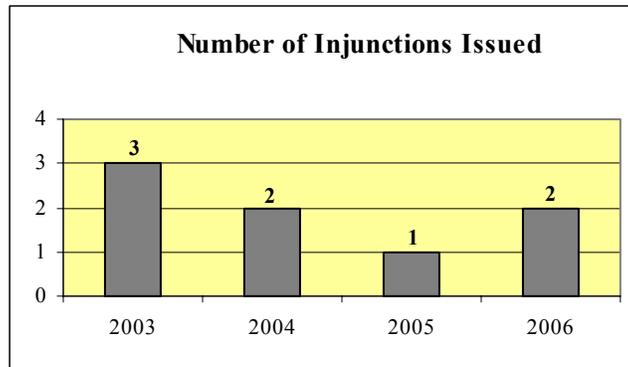


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## LAND RESOURCES – DAM SAFETY

### 2006 Enforcement Data at a Glance

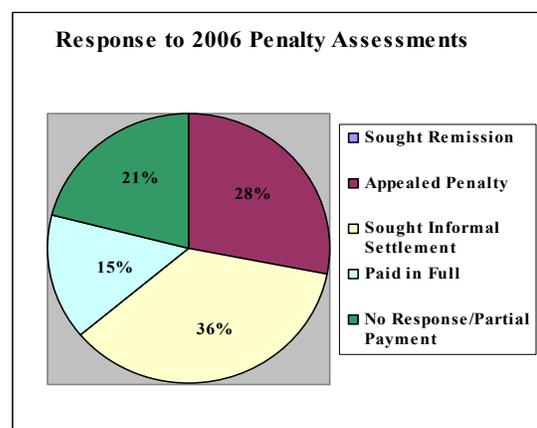
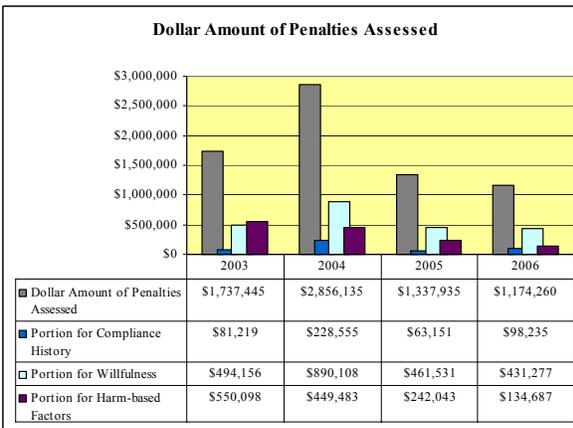
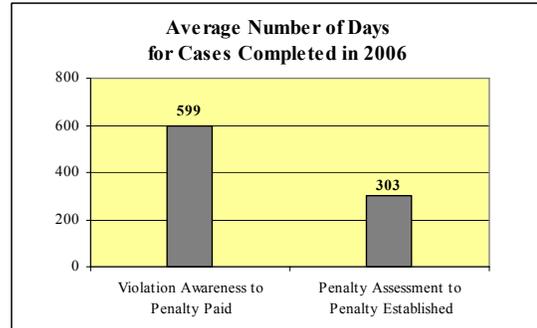
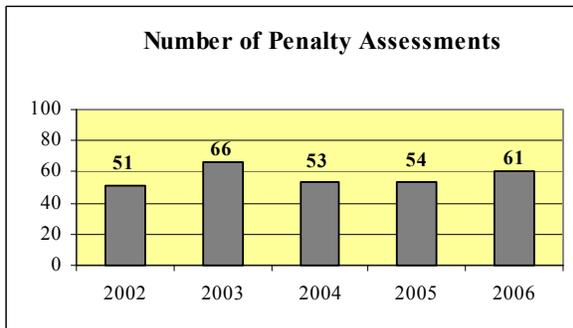
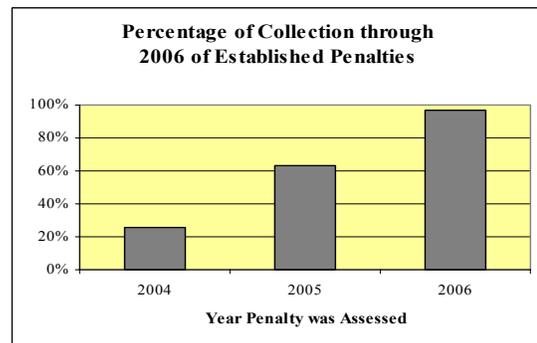
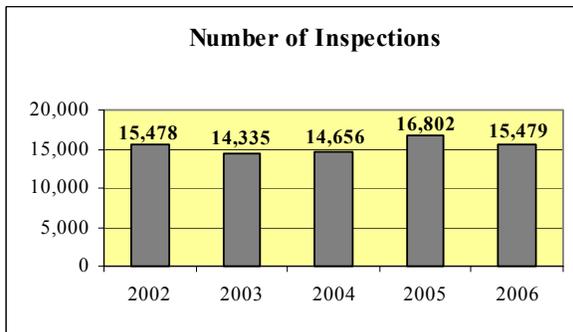
<b>Number of Inspections</b>	<b>1,742</b>
<b>Number of Regulated Entities</b>	<b>4,714</b>
<b>Total Number of Penalties Assessed</b>	<b>0</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$0</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>96%</b>



# LAND RESOURCES – EROSION AND SEDIMENTATION CONTROL

## 2006 Enforcement Data at a Glance

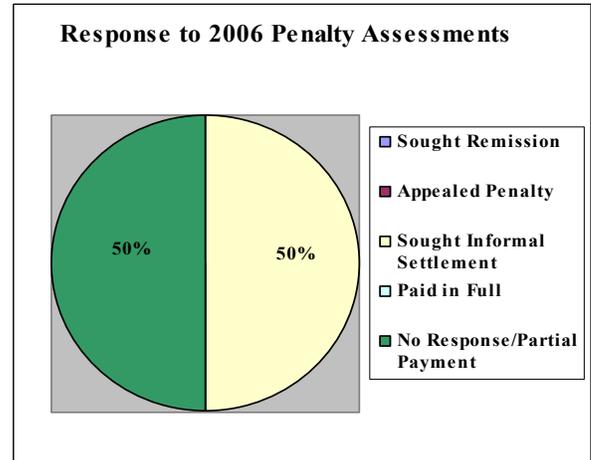
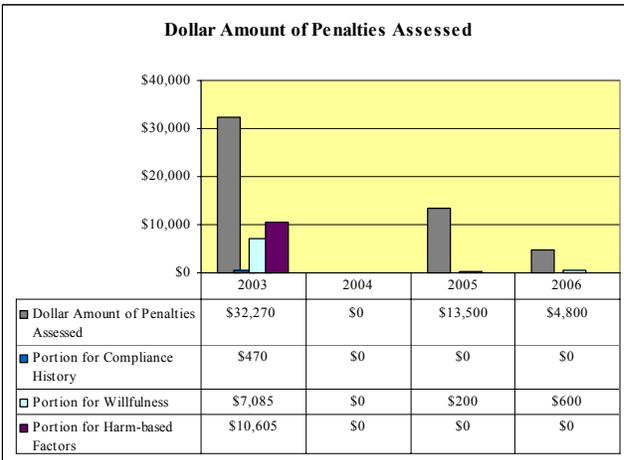
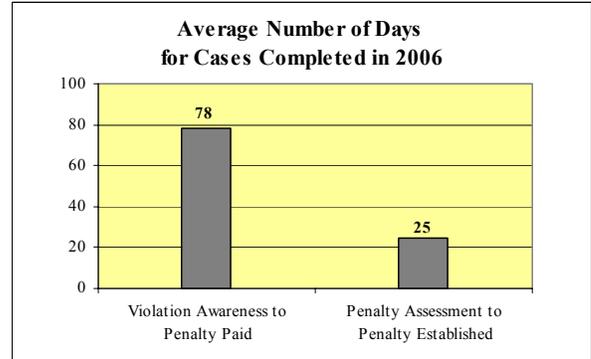
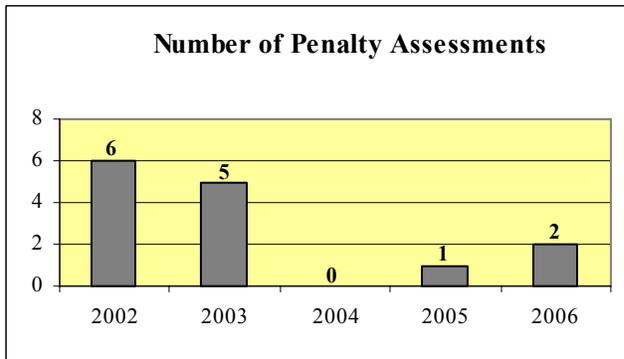
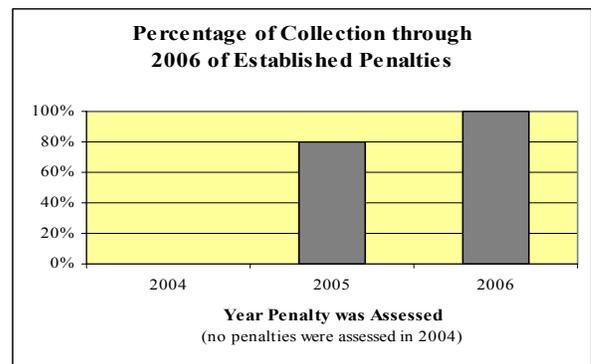
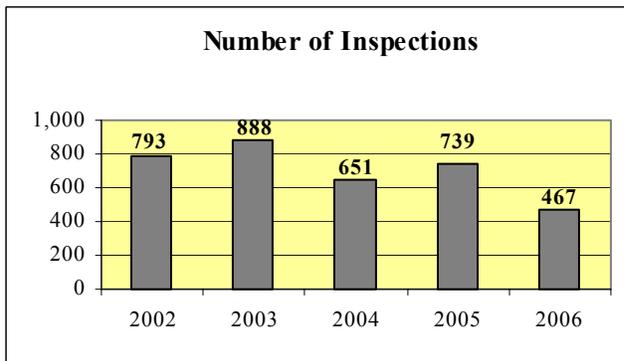
<b>Number of Inspections</b>	<b>15,479</b>
<b>Number of Regulated Entities</b>	<b>9,140</b>
<b>Total Number of Penalties Assessed</b>	<b>61</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$1,174,260</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>95%</b>



# LAND RESOURCES – MINING

## 2006 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>467</b>
<b>Number of Regulated Entities</b>	<b>925</b>
<b>Total Number of Penalties Assessed</b>	<b>2</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$4,800</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>88%</b>



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## MARINE FISHERIES

### 2006 Enforcement Data at a Glance

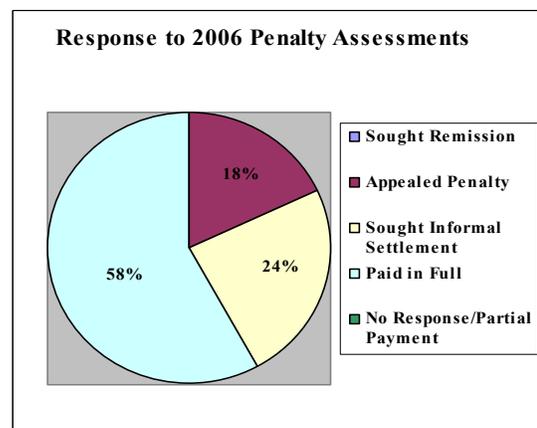
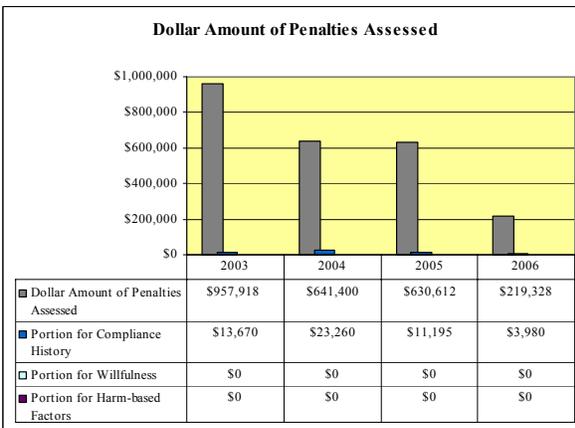
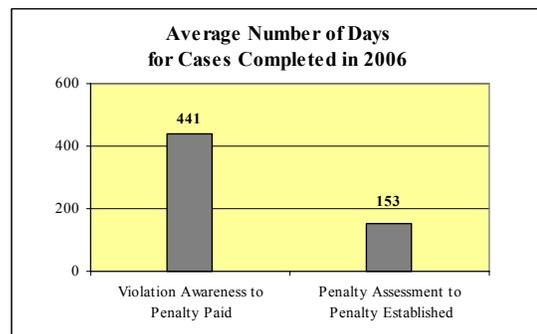
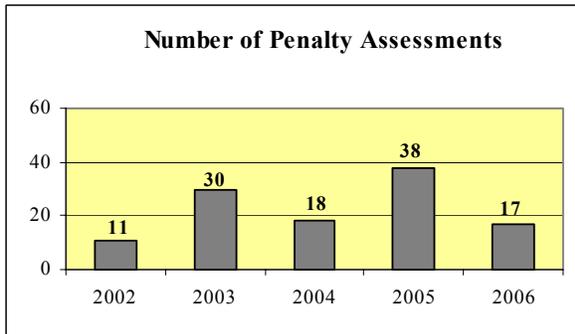
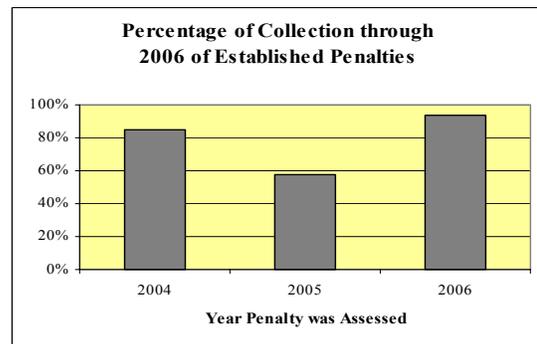
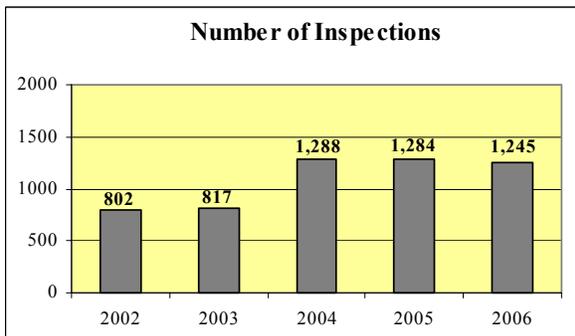
Citations Issued for Harvesting Shellfish from Polluted Waters	82
Citations Issued for Improper or No Shellfish Harvest Tags	7
Written Warnings Issued for Improper or No Shellfish Harvest Tags	21
Total Penalties Collected for Harvesting Shellfish from Polluted Waters	\$8,890
Total Penalties Collected for Improper or No Shellfish Harvest Tags	\$385

The year 2006 was the first year this information has been collected for the DENR Compliance Activity Report. Trend analysis will begin in 2008 with three years of collected data.

# WASTE MANAGEMENT – HAZARDOUS WASTE

## 2006 Enforcement Data at a Glance

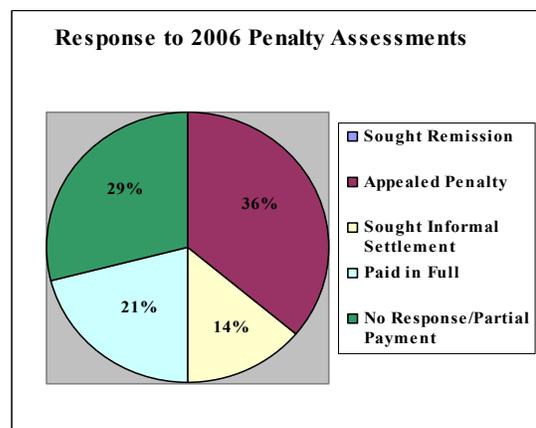
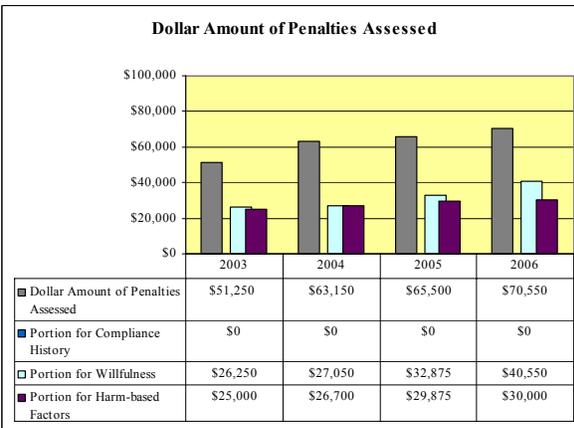
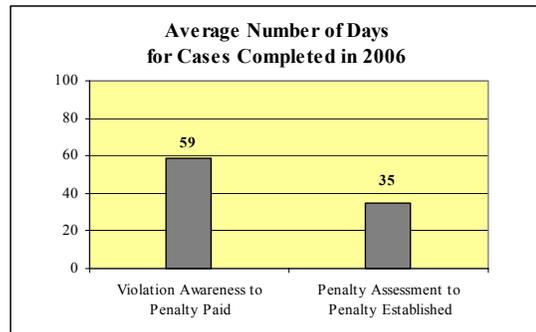
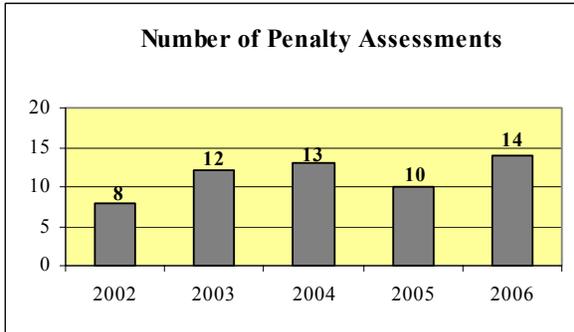
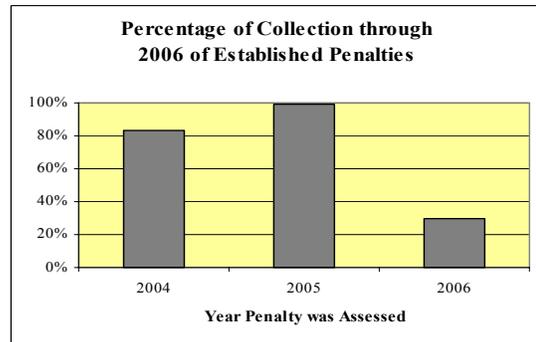
<b>Number of Inspections</b>	<b>1,245</b>
<b>Number of Regulated Entities</b>	<b>6,845</b>
<b>Total Number of Penalties Assessed</b>	<b>17</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$219,328</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>85%</b>



# WASTE MANAGEMENT – SOLID WASTE

## 2006 Enforcement Data at a Glance

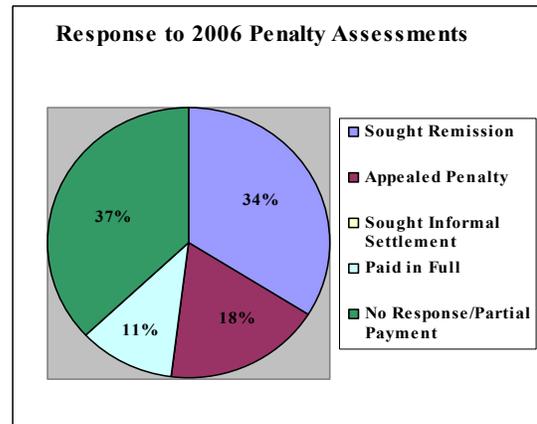
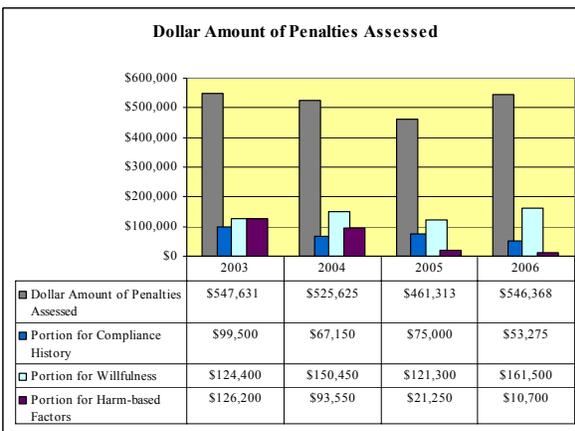
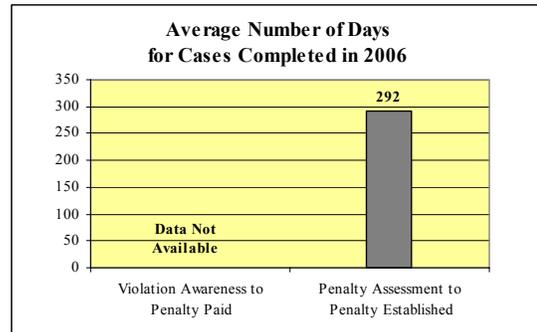
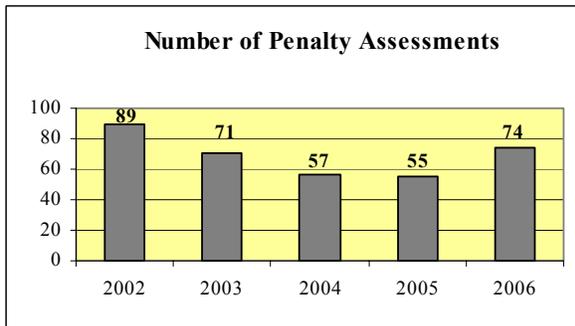
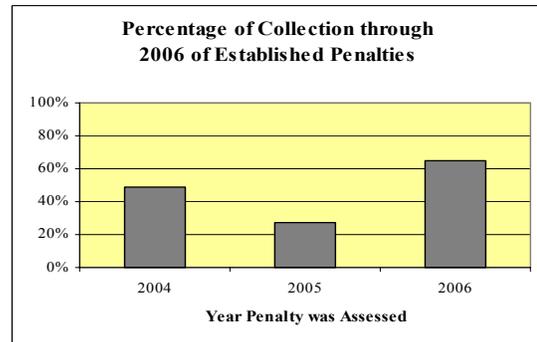
<b>Number of Inspections</b>	<b>2,566</b>
<b>Number of Regulated Entities</b>	<b>2,867</b>
<b>Total Number of Penalties Assessed</b>	<b>14</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$70,550</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>89%</b>



# WASTE MANAGEMENT – UST PROGRAM

## 2006 Enforcement Data at a Glance

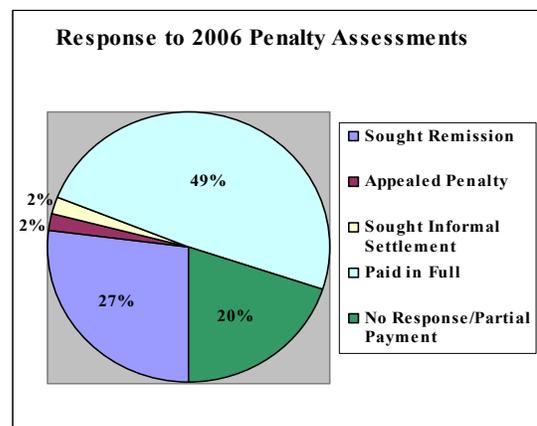
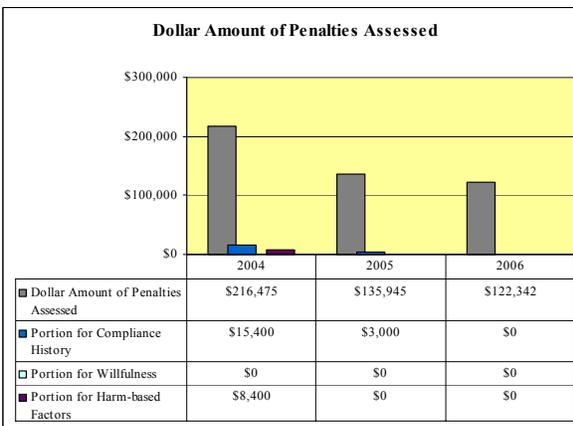
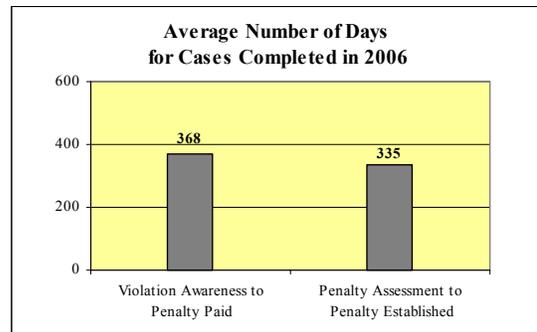
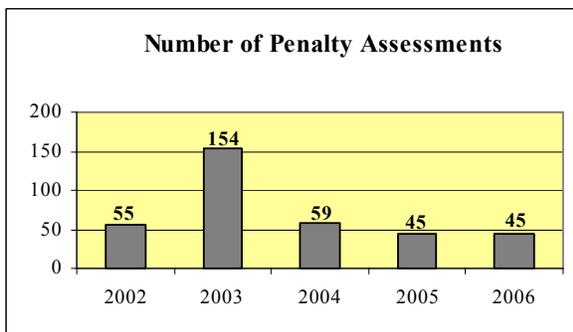
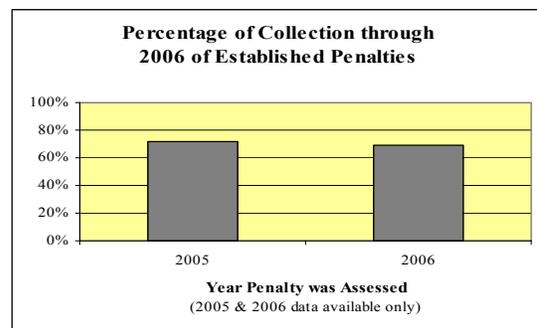
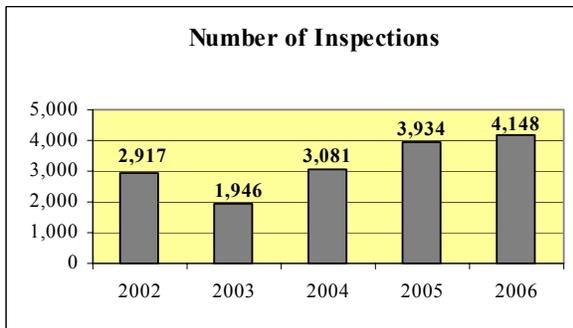
<b>Number of Inspections</b>	<b>2,094</b>
<b>Number of Regulated Entities</b>	<b>9,293</b>
<b>Total Number of Penalties Assessed</b>	<b>74</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$546,368</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>57%</b>



# WATER QUALITY – AQUIFER PROTECTION

## 2006 Enforcement Data at a Glance

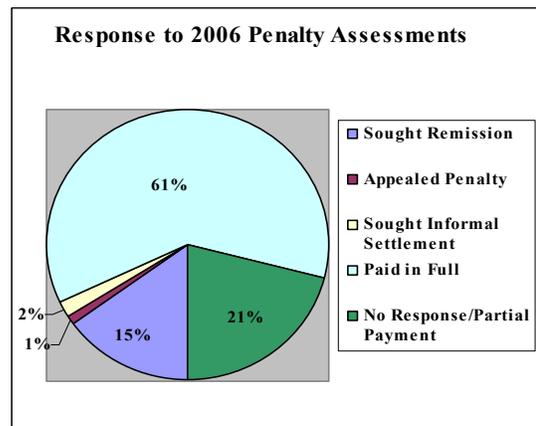
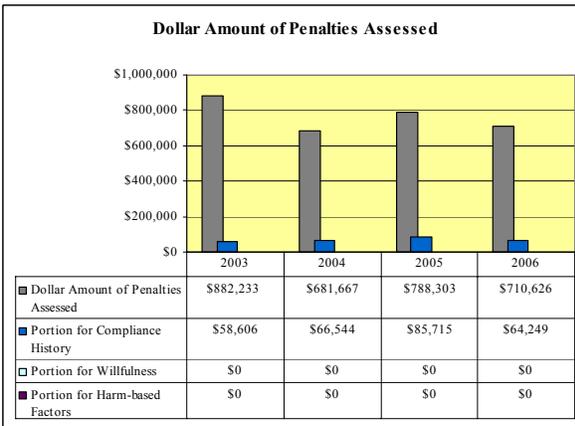
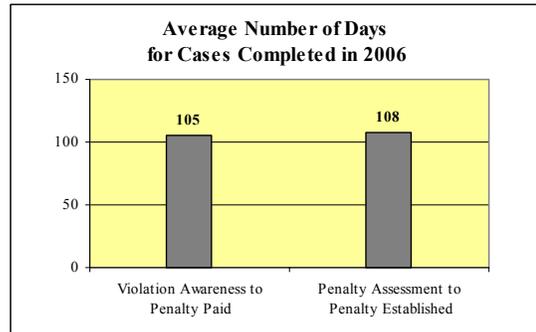
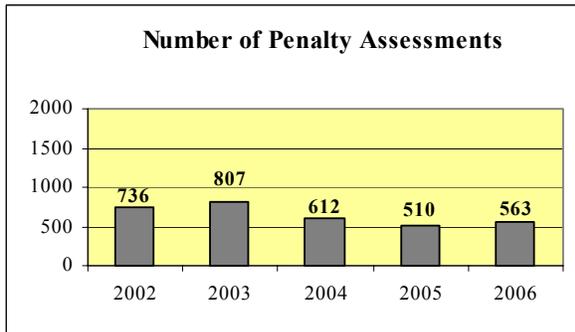
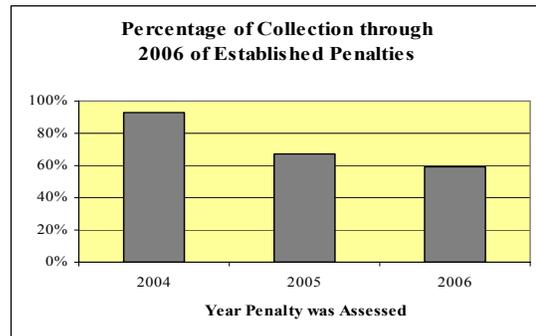
<b>Number of Inspections</b>	<b>4,148</b>
<b>Number of Regulated Entities</b>	<b>7,546</b>
<b>Total Number of Penalties Assessed</b>	<b>45</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$122,342</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>82%</b>



# WATER QUALITY – NPDES

## 2006 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,599</b>
<b>Number of Regulated Entities</b>	<b>3,085</b>
<b>Total Number of Penalties Assessed</b>	<b>563</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$710,626</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>83%</b>

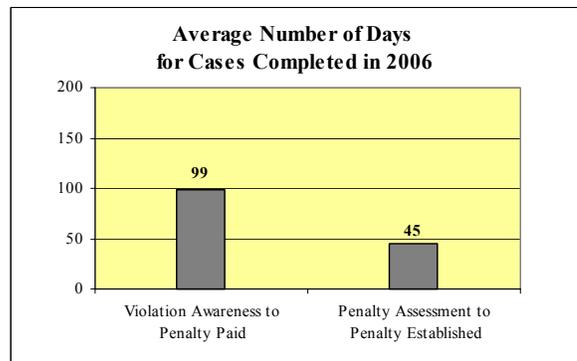
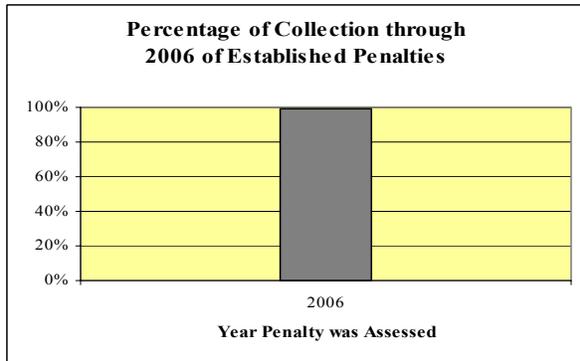
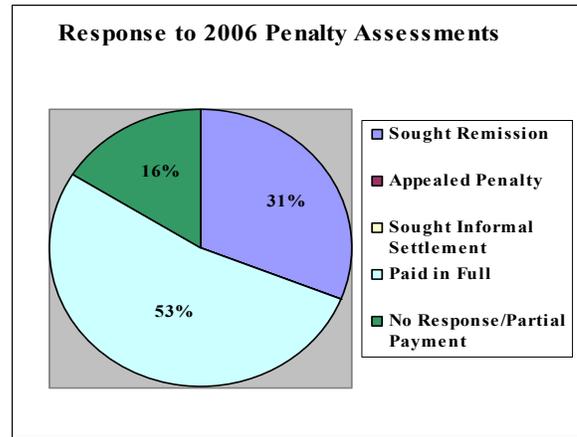
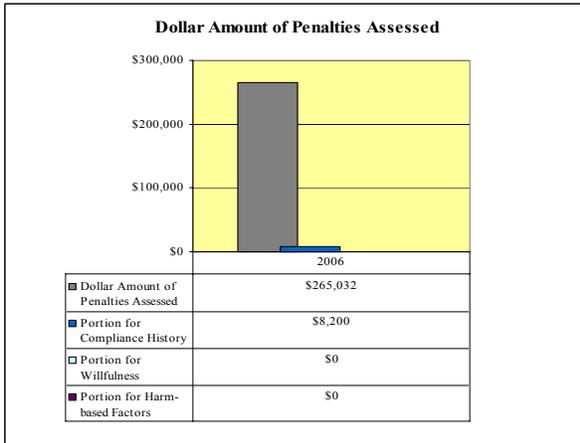


# WATER QUALITY – PRETREATMENT, EMERGENCY RESPONSE AND COLLECTION SYSTEMS

## 2006 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>149</b>
<b>Number of Regulated Entities</b>	<b>509</b>
<b>Total Number of Penalties Assessed</b>	<b>32</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$265,032</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>58%</b>

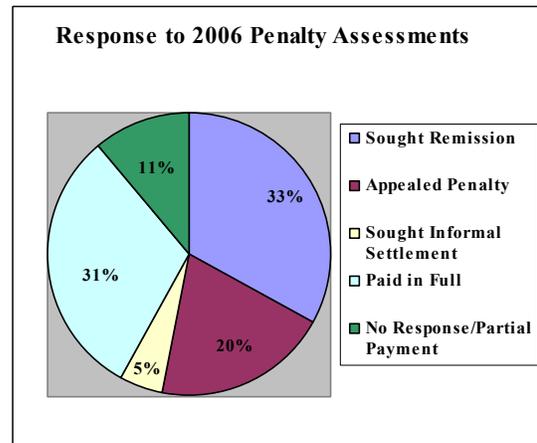
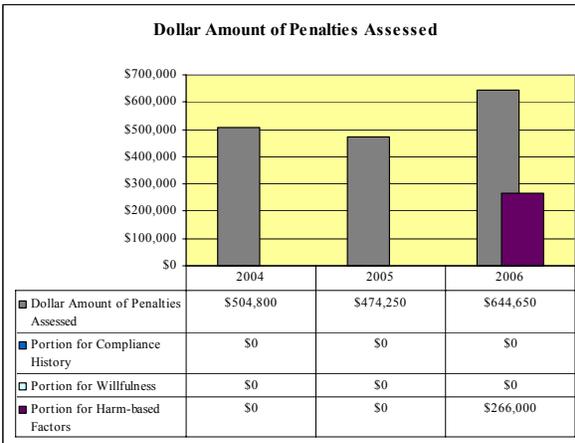
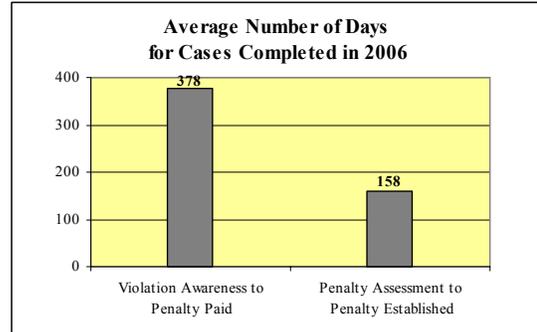
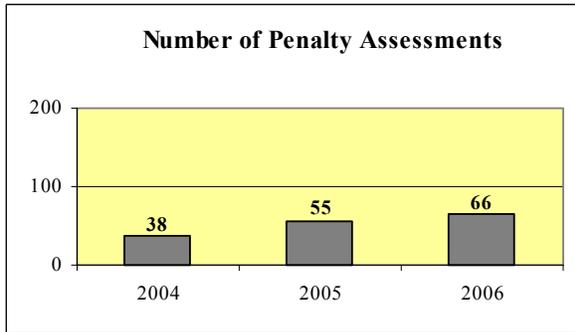
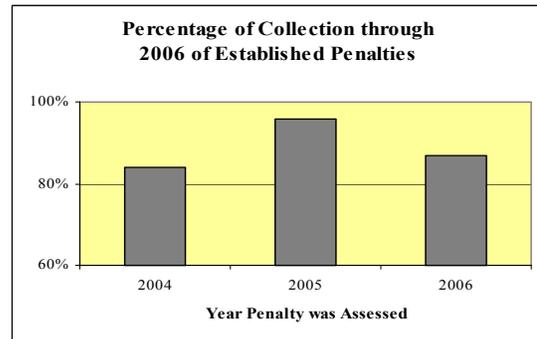
**The year 2006 was the first year this information has been collected for the DENR Compliance Activity Report. Trend analysis will begin in 2008 with three years of collected data.**



# WATER QUALITY – STORMWATER/NON-POINT SOURCE

## 2006 Enforcement Data at a Glance

<b>Number of Inspections</b>	<b>1,105</b>
<b>Number of Regulated Entities</b>	<b>46,932</b>
<b>Total Number of Penalties Assessed</b>	<b>66</b>
<b>Total Dollar Amount of Penalties Assessed</b>	<b>\$644,650</b>
<b>Compliance Rate for Inspected Facilities</b>	<b>51%</b>



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## **APPENDICES**

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## **APPENDIX A**

### **2006 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

	2006 Data**
<b>Penalty Assessments</b>	
Total number of penalties assessed	300
Permitted facilities	118
Open burning	156
Other	26
Total dollar amount of penalties assessed	\$912,975
Permitted facilities	\$592,950
Open burning	\$301,875
Other	\$18,150
Average dollar amount of penalties assessed	\$3,043
Highest dollar amount of penalties assessed	\$65,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$656,905
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$160,190
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$3,311
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$1,125
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2006	\$120,900
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$18,250
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$608,295
Amount of penalties collected at year end of penalties assessed in 2005	\$161,324
Amount of penalties collected at year end of penalties assessed in 2004	\$12,747
Amount of penalties collected at year end of penalties assessed in 2003	\$5,587
Amount of penalties collected at year end of penalties assessed in 2002	\$28,154
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$700
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$3,500
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$9,000
<b>Facility Performance</b>	
Compliance rate of inspected facilities	80%
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	137
Percent of last year's violators that were also violators this year	9%
Most common violations	1) Open burning 2) Reporting requirements 3) Record-keeping

<b>AIR QUALITY</b>	<b>2006 Data**</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	182
<b>Workload Measures</b>	
Number of permitted entities	2,985
Number of regulated entities	10,258
Available inspector FTEs	62.3
Actual inspector FTEs	55.9
Number of inspections	3,992
Number of routine inspections	2,791
Number of complaint-driven inspections	1,201
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	\$8,006
Original assessment amount of cases decided by a commission during this year	\$58,875
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$190,993
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$661,575
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$37,300
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$61,125
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	13%
Percent of penalty assessments that seek remission of penalties assessed this year	27%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	5%
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	49%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	386
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	125
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	204
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)	167
** Penalty amounts listed in this table do not include investigative costs. The established penalty amounts and collected amounts are incremental and are not cumulative over the years. This is different from previous to 2005 report data. Penalty data includes SOCs and settlements.	

## COASTAL MANAGEMENT

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	96
Total dollar amount of penalties assessed	\$134,300
Average dollar amount of penalties assessed	\$1,399
Highest dollar amount of penalties assessed	\$95,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$39,300
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties 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 the portion of penalties assessed that was added due to repeat violations in 2006	\$93,680
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$2,325
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	nav
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$31,950
Amount of penalties collected at year end of penalties assessed in 2005	\$3,450
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$350
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$600
<b>Facility Performance</b>	
Compliance rate for inspected facilities	97%
Percent of entities that returned to compliance by their specified deadline	76%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	61
Percent of last year's violators that also violated this year	1%
Most common violations	-unauthorized development (no permit) in an AEC; dredge and fill violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	128
<b>Workload Measures</b>	
Number of permitted entities	4,307

<b>COASTAL MANAGEMENT</b>	<b>2006 Data</b>
Number of regulated entities	4,477
Available inspector FTEs	6.6
Actual inspector FTEs	6.6
Number of inspections	9,447
Number of routine inspections	8,784
Number of complaint driven-inspections	190
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	\$0
Original assessment amount of cases decided by a commission 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) during this year	\$0
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) 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	99%
<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	59
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	14

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

	<b>2006 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	32,284
Number of regulated entities	nav
Inspector FTEs (Local Health Dept. staff)	1,102
Number of inspections	86,825
Number of routine inspections	nav
Number of complaint driven inspections	nav
<b>Selected Measures for the Food, Dairy, Lodging, and Institutional Sanitation Program</b>	
Number of A ratings for restaurants	56,468
Number of B ratings for restaurants	1,154
Number of C ratings for restaurants	98
Number of suspended restaurant Permits	460
Number of revoked restaurant Permits	93

## ENVIRONMENTAL HEALTH MAMMOGRAPHY

	2006 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 2006	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties 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 the portion of penalties assessed that was added due to repeat violations in 2006	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$0
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	48%
Percent of entities that returned to compliance by their specified deadline	90%
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 year's violators that were also violators this year	nav
Most common violations	-continuing education documentation not available -quality control not documented
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
<b>Workload Measures</b>	
Number of permitted entities	n/a
Number of regulated entities	261

<b>ENVIRONMENTAL HEALTH MAMMOGRAPHY</b>	<b>2006 Data</b>
Available inspector FTEs	3.0
Actual inspector FTEs	3.0
Number of inspections	261
Number of routine inspections	261
Number of complaint-driven inspections	0
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	n/a
Original assessment amount of cases decided by a commission 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) during this year	\$0
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	n/a
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) 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

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	13
Total dollar amount of penalties assessed	\$650
Average dollar amount of penalties assessed	\$50
Highest dollar amount of penalties assessed	\$50
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	13
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties 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 the portion of penalties assessed that was added due to repeat violations in 2006	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$0
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<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 year's violators that were also violators this year	nav
Most common violations	nav
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	nav
<b>Workload Measures</b>	
Number of permitted entities	nav
Number of regulated entities	nav
Available inspector FTEs	nav

<b>ENVIRONMENTAL HEALTH ON-SITE WASTEWATER</b>	<b>2006 Data</b>
Actual inspector FTEs	nav
Number of inspections	nav
Number of routine inspections	nav
Number of complaint-driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	\$0
Original assessment amount of cases decided by a commission 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) during this year	\$0
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	0%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	n/a
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	n/a
Average number of days from NOV to penalty assessment for penalties paid in full this year	n/a
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	n/a
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	n/a
<b>Selected Measures for the On-Site Program*</b>	
Operation Permit-New	26,391
Operation Permit-Repair	4,680
Operation Permit-Expansion	940
Total Operation Permits	32,011
Notice of Violations	1,271
Legal Actions	62
Permits Revoked	406
Permits Suspended	84
Permits Denied	5,374
* 85/100 counties reporting	

## ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed*	344
Total dollar amount of penalties assessed	\$165,457
Average dollar amount of penalties assessed	\$481
Highest dollar amount of penalties assessed	\$11,580
Amount of penalties established through SAFA** at year end for penalties assessed in 2006	\$62,291
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$9,213
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$325
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$9,850
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2006	\$2,500
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$3,000
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>* Per day penalties are not determined until the original penalty is established. Per day penalties are then added to the assessment.</b>	
<b>**SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$62,291
Amount of penalties collected at year end of penalties assessed in 2005	\$9,213
Amount of penalties collected at year end of penalties assessed in 2004	\$325
Amount of penalties collected at year end of penalties assessed in 2003	\$9,850
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$34,572
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$1,550
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$375
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$2,385
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$2,900
<b>Facility Performance</b>	
Compliance rate of inspected facilities	94%
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	446
Percent of last year's violators that were also violators this year	29%
Most common violations	-failure to monitor; notify the public
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	3
<b>Workload Measures</b>	
Number of permitted entities	2,408

<b>ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY</b>	<b>2006 Data</b>
Number of regulated entities	7,070
Available inspector FTEs	38.0
Actual inspector FTEs	37.0
Number of inspections	7,021
Number of routine inspections	n/a
Number of complaint-driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	n/a
Original assessment amount of cases decided by a commission 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) during this year	n/a
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	n/a
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	n/a
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	20%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	1%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	8%
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	578
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	18
Average number of days from NOV to penalty assessment for penalties paid in full this year	308
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	217
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)	198

## ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	7
Total dollar amount of penalties assessed	\$17,500
Average dollar amount of penalties assessed	\$2,500
Highest dollar amount of penalties assessed	\$3,750
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$17,500
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties 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 the portion of penalties assessed that was added due to repeat violations in 2006	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$13,750
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<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 year's violators that were also violators this year	nav
Most common violations	-failure to review rad protection program annually -leak test on radioactive sealed source exceeded -failure to document required inventory of rad material

<b>ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS</b>	<b>2006 Data</b>
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	n/a
Number of regulated entities	1,920
Available inspector FTEs	9.5
Actual inspector FTEs	9.5
Number of inspections	344
Number of routine inspections	301
Number of complaint-driven inspections	43
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	n/a
Original assessment amount of cases decided by a commission 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) during this year	\$0
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	n/a
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) 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	86%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	146
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	8
Average number of days from NOV to penalty assessment for penalties paid in full this year	82
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)	57

## ENVIRONMENTAL HEALTH SHELLFISH SANITATION

	2006 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 2006	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2005	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2004	n/a
Amount of penalties 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 the portion of penalties assessed that was added due to repeat violations in 2006	n/a
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	n/a
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	n/a
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	n/a
Amount of penalties collected at year end of penalties assessed in 2005	n/a
Amount of penalties collected at year end of penalties assessed in 2004	n/a
Amount of penalties collected at year end of penalties assessed in 2003	n/a
Amount of penalties collected at year end of penalties assessed in 2002	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	n/a
<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 year's 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	190
Number of regulated entities	890
Available inspector FTEs	8.0

<b>ENVIRONMENTAL HEALTH SHELLFISH SANITATION</b>	<b>2006 Data</b>
Actual inspector FTEs	8.0
Number of inspections	5,494
Number of routine inspections	5,460
Number of complaint-driven inspections	34
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	n/a
Original assessment amount of cases decided by a commission 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) during this year	n/a
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	n/a
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	n/a
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) 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	4,084
Number of sewage violations	20
Number of processing plant inspections	1,310
Number of recommended changes to shellfish growers	120

## ENVIRONMENTAL HEALTH TANNING PROGRAM

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	5
Total dollar amount of penalties assessed	\$9,500
Average dollar amount of penalties assessed	\$1,900
Highest dollar amount of penalties assessed	\$4,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$9,500
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties 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 the portion of penalties assessed that was added due to repeat violations in 2006	\$1,000
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$3,000
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	37%
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 year's violators that were also violators this year	nav
Most common violations	-failure to replace lamps w/ compatible lamp type -failure to maintain equipment manufacturer's manual
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0

<b>ENVIRONMENTAL HEALTH TANNING PROGRAM</b>	<b>2006 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	n/a
Number of regulated entities	2,143
Available inspector FTEs	2.5
Actual inspector FTEs	3.0
Number of inspections	896
Number of routine inspections	749
Number of complaint-driven inspections	nav
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	n/a
Original assessment amount of cases decided by a commission 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) during this year	\$0
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	n/a
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	n/a
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	20%
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	60%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	111
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	15
Average number of days from NOV to penalty assessment for penalties paid in full this year	48
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)	48

## ENVIRONMENTAL HEALTH X-RAY PROGRAM

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	4
Total dollar amount of penalties assessed	\$3,200
Average dollar amount of penalties assessed	\$800
Highest dollar amount of penalties assessed	\$1,700
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$3,200
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties 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 the portion of penalties assessed that was added due to repeat violations in 2006	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$2,200
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$500
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	48%
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 year's violators that were also violators this year	nav
Most common violations	-failure to have written radiation program; -failure to post current copies of the regulations; -failure to review written radiation program annually

<b>ENVIRONMENTAL HEALTH X-RAY PROGRAM</b>	<b>2006 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
<b>Workload Measures</b>	
Number of permitted entities	n/a
Number of regulated entities	7,582
Available inspector FTEs	5.0
Actual inspector FTEs	6.5
Number of inspections	878
Number of routine inspections	828
Number of complaint-driven inspections	50
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	n/a
Original assessment amount of cases decided by a commission 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) during this year	\$0
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	n/a
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) 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	50%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	134
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	1
Average number of days from NOV to penalty assessment for penalties paid in full this year	63
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)	71

## FOREST RESOURCES

	2006 Data
Number of Site Evaluations Conducted by Type	
Active Harvest	1,541
Completed Harvest	1,839
Other Activities	131
Reforestation	644
<b>Total</b>	<b>4,155</b>
Citizen Complaints	
	100
Percent of Site Evaluations in Non-Compliance by Type	
Citizen Complaints	45%
Active Harvest	6%
Completed Harvest	5%
Other Activities	3%
Reforestation	1%
Number of Reinspections	
	1,656
Number of Notices of Forest Practices Guidelines Non-Compliance	
	191
Number of Referrals for Enforcement**	
	6

\*\*NOTE: DFR also referred 7 cases to DWQ for apparent Riparian Buffer Rule violations and 4 cases to various agencies for other water quality issues.

## LAND RESOURCES DAM SAFETY

	2006 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 2006	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties 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 the portion of penalties assessed that was added due to repeat violations in 2006	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$0
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	96%
Percent of entities that returned to compliance by their specified deadline	89%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	0
Percent of last year's violators that were also violators this year	0%
Most common violations	- construction or modification of dams without an approved plan;. Impounding without approval
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
<b>Workload Measures</b>	
Number of permitted entities	4,714
Number of regulated entities	4,714

<b>LAND RESOURCES DAM SAFETY</b>	<b>2006 Data</b>
Available inspector FTEs	10.0
Actual inspector FTEs	8.0
Number of inspections	1,742
Number of routine inspections	1,622
Number of complaint-driven inspections	50
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	\$0
Original assessment amount of cases decided by a commission 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) during this year	\$0
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$0
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) 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	8
Total number of dams repaired or breached	38
Number of dams repaired or breached that are under an enforcement action	3

## LAND RESOURCES EROSION AND SEDIMENTATION CONTROL

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	61
Total dollar amount of penalties assessed	\$1,174,260
Average dollar amount of penalties assessed	\$19,250
Highest dollar amount of penalties assessed	\$156,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$142,075
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$407,502
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$360,064
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$33,703
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$120,208
Amount of the portion of penalties assessed that was added due to repeat violations in 2006	\$98,235
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$431,277
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$134,687
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$137,625
Amount of penalties collected at year end of penalties assessed in 2005	\$269,371
Amount of penalties collected at year end of penalties assessed in 2004	\$167,940
Amount of penalties collected at year end of penalties assessed in 2003	\$33,703
Amount of penalties collected at year end of penalties assessed in 2002	\$120,208
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$104,720
<b>Facility Performance</b>	
Compliance rate of inspected facilities	95%
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	49
Percent of last year's violators that were also violators this year	9%
Most common violations	failure to take all reasonable measures; insufficient measures; failure to follow approved plan
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	15
<b>Workload Measures</b>	
Number of permitted entities	0

<b>LAND RESOURCES EROSION AND SEDIMENTATION CONTROL</b>	<b>2006 Data</b>
Number of regulated entities	9,140
Available inspector FTEs	32.0
Actual inspector FTEs	24.3
Number of inspections	15,479
Number of routine inspections	14,112
Number of complaint-driven inspections	1,367
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	n/a
Original assessment amount of cases decided by a commission 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) during this year	\$469,610
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$1,120,725
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	20%
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	28%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	36%
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	15%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	599
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	7
Average number of days from NOV to penalty assessment for penalties paid in full this year	123
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	303
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)	170

## LAND RESOURCES MINING

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	2
Total dollar amount of penalties assessed	\$4,800
Average dollar amount of penalties assessed	\$2,400
Highest dollar amount of penalties assessed	\$3,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$2,400
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties 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 the portion of penalties assessed that was added due to repeat violations in 2006	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$600
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$2,400
Amount of penalties collected at year end of penalties assessed in 2005	\$8,000
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	88%
Percent of entities that returned to compliance by their specified deadline	94%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	0
Percent of last year's violators that were also violators this year	0%
Most common violations	-mining without a permit
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	2
<b>Workload Measures</b>	
Number of permitted entities	925
Number of regulated entities	925

<b>LAND RESOURCES MINING</b>	<b>2006 Data</b>
Available inspector FTEs	3.0
Actual inspector FTEs	2.3
Number of inspections	467
Number of routine inspections	321
Number of complaint-driven inspections	92
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	\$0
Original assessment amount of cases decided by a commission 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) during this year	\$600
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$4,800
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	50%
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	50%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	78
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	143
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	25
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)	2

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## MARINE FISHERIES

	2006 Data
Hours worked patrolling polluted waters	10,954
Citations issued for harvesting shellfish from polluted waters	82
Citations issued for improper or no shellfish harvest tags	7
Written warnings issued for improper or no shellfish harvest tags	21
Total penalties collected for harvesting shellfish from polluted waters (criminal fines plus court costs)	\$8,890
Total penalties collected for improper or no shellfish harvest tags (criminal fines plus court costs)	\$385
Total license/permit suspensions or revocations resulting from convictions for harvesting shellfish from polluted waters	70

## WASTE MANAGEMENT HAZARDOUS WASTE

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	17
Total dollar amount of penalties assessed	\$219,328
Average dollar amount of penalties assessed	\$12,902
Highest dollar amount of penalties assessed	\$33,633
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$117,544
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$175,533
Amount of penalties 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 established through SAFA at year end for penalties assessed in 2002	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2006	\$3,980
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	n/a
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$110,877
Amount of penalties collected at year end of penalties assessed in 2005	\$144,381
Amount of penalties collected at year end of penalties assessed in 2004	\$26,592
Amount of penalties collected at year end of penalties assessed in 2003	\$9,942
Amount of penalties collected at year end of penalties assessed in 2002	\$18,804
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$60,407
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$880
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$94,400
<b>Facility Performance</b>	
Compliance rate for inspected facilities	85%
Percent of entities that returned to compliance by their specified deadline	39%
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 year's 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>Workload Measures</b>	
Number of permitted entities	80

<b>WASTE MANAGEMENT HAZARDOUS WASTE</b>	<b>2006 Data</b>
Number of regulated entities	6,845
Available inspector FTEs	17.0
Actual inspector FTEs	17.0
Number of inspections	1,245
Number of routine inspections	978
Number of complaint-driven inspections	35
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	n/a
Original assessment amount of cases decided by a commission 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) during this year	\$130,021
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$363,171
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) 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	18%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	24%
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	58%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	441
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	153
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)	57

## WASTE MANAGEMENT SOLID WASTE

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	14
Total dollar amount of penalties assessed	\$70,550
Average dollar amount of penalties assessed	\$5,039
Highest dollar amount of penalties assessed	\$12,250
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$23,850
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$2,750
Amount of penalties 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 established through SAFA at year end for penalties assessed in 2002	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2006	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$40,550.00
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$30,000
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$7,100
Amount of penalties collected at year end of penalties assessed in 2005	\$15,578
Amount of penalties collected at year end of penalties assessed in 2004	\$2,938
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	89%
Percent of entities that returned to compliance by their specified deadline	70%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	1
Percent of last year's violators that were also violators this year	0%
Most common violations	-operating without a permit; not meeting permit conditions or operational requirements; not following nutrient management plan.
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	4

<b>WASTE MANAGEMENT SOLID WASTE</b>	<b>2006 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	1,897
Number of regulated entities	2,867
Available inspector FTEs	16.1
Actual inspector FTEs	13.6
Number of inspections	2,566
Number of routine inspections	2,388
Number of complaint-driven inspections	178
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	n/a
Original assessment amount of cases decided by a commission 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) during this year	\$1,920
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$14,500
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) 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	36%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	14%
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	21%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	59
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	127
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	35
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)	3

## WASTE MANAGEMENT UST PROGRAM

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	74
Total dollar amount of penalties assessed	\$546,368
Average dollar amount of penalties assessed	\$7,383
Highest dollar amount of penalties assessed	\$21,167
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$76,311
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$47,079
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$12,428
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$500
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$218
Amount of the portion of penalties assessed that was added due to repeat violations in 2006	\$53,275
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$161,500
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$10,700
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$49,628
Amount of penalties collected at year end of penalties assessed in 2005	\$25,451
Amount of penalties collected at year end of penalties assessed in 2004	\$239
Amount of penalties collected at year end of penalties assessed in 2003	\$500
Amount of penalties collected at year end of penalties assessed in 2002	\$1,853
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$5,708
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$10,283
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$57,833
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$59,167
<b>Facility Performance</b>	
Compliance rate of inspected facilities	57%
Percent of entities that returned to compliance by their specified deadline	96%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	39
Percent of last year's violators that were also violators this year	7%
Most common violations	- failure to comply with leak detection requirements; failure to operate and maintain a corrosion protection system to provide continuous corrosion protection

<b>WASTE MANAGEMENT UST PROGRAM</b>	<b>2006 Data</b>
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	23
<b>Workload Measures</b>	
Number of permitted entities	8,869
Number of regulated entities	9,293
Available inspector FTEs	11.0
Actual inspector FTEs	11.0
Number of inspections	2,094
Number of routine inspections	2,056
Number of complaint-driven inspections	38
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	\$4,600
Original assessment amount of cases decided by a commission during this year	\$29,677
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$80,138
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$126,940
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$39,247
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	20%
Percent of penalty assessments that seek remission of penalties assessed this year	34%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	18%
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	11%
<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	292
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)	19

## WATER QUALITY AQUIFER PROTECTION

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	45
Total dollar amount of penalties assessed	\$122,342
Average dollar amount of penalties assessed	\$9,578
Highest dollar amount of penalties assessed	\$11,529
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$88,998
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$22,220
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$29,816
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$8,800
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$59,630
Amount of the portion of penalties assessed that was added due to repeat violations in 2006	nav
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	nav
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	nav
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$61,659
Amount of penalties collected at year end of penalties assessed in 2005	\$8,480
Amount of penalties collected at year end of penalties assessed in 2004	\$19,725
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	\$27,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$2,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	nav
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	nav
<b>Facility Performance</b>	
Compliance rate of inspected facilities	82%
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	38
Percent of last year's violators that were also violators this year	9%
Most common violations	-permit conditions; discharge; well construction; limits
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1
<b>Workload Measures</b>	
Number of permitted entities	6,289
Number of regulated entities	7,546

<b>WATER QUALITY AQUIFER PROTECTION</b>	<b>2006 Data</b>
Available inspector FTEs	40.8
Actual inspector FTEs	33.4
Number of inspections	4,148
Number of routine inspections	3,104
Number of complaint-driven inspections	710
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	\$0
Original assessment amount of cases decided by a commission during this year	\$11,685
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$4,585
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$34,846
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$44,750
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$71,750
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	4%
Percent of penalty assessments that seek remission of penalties assessed this year	27%
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	2%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	49%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	368
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	43
Average number of days from NOV to penalty assessment for penalties paid in full this year	70
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	335
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)	32

## WATER QUALITY NPDES

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	563
Total dollar amount of penalties assessed	\$710,626
Average dollar amount of penalties assessed	\$1,262
Highest dollar amount of penalties assessed	\$22,237
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$595,348
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$17,255
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$544
Amount of penalties 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 the portion of penalties assessed that was added due to repeat violations in 2006	\$64,249
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$348,479
Amount of penalties collected at year end of penalties assessed in 2005	\$99,262
Amount of penalties collected at year end of penalties assessed in 2004	\$1,482
Amount of penalties collected at year end of penalties assessed in 2003	\$1,209
Amount of penalties collected at year end of penalties assessed in 2002	\$333
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	83%
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	516
Percent of last year's violators that were also violators this year	25%
Most common violations	- limit violations; - monitoring violations; - DMR reporting violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	2
<b>Workload Measures</b>	
Number of permitted entities	3,085
Number of regulated entities	3,085
Available inspector FTEs	24.7

<b>WATER QUALITY NPDES</b>	<b>2006 Data</b>
Actual inspector FTEs	22.9
Number of inspections**	1,599
Number of routine inspections	1,424
Number of complaint-driven inspections	14
** Field inspections only; excludes reviews/inspections of Discharge Monitoring Reports	
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	\$2,250
Original assessment amount of cases decided by a commission during this year	\$3,140
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$178,761
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$214,798
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
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	2%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	61%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	105
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	68
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	108
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)	37

## WATER QUALITY PRETREATMENT, EMERGENCY RESPONSE AND COLLECTION SYSTEMS

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	32
Total dollar amount of penalties assessed	\$265,032
Average dollar amount of penalties assessed	\$8,282
Highest dollar amount of penalties assessed	\$49,935
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$69,519
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$25,454
Amount of penalties 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 established through SAFA at year end for penalties assessed in 2002	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2006	\$8,200
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$0
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$69,518
Amount of penalties collected at year end of penalties assessed in 2005	\$220,457
Amount of penalties collected at year end of penalties assessed in 2004	\$106,696
Amount of penalties collected at year end of penalties assessed in 2003	\$41,664
Amount of penalties collected at year end of penalties assessed in 2002	\$23,687
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	58%
Percent of entities that returned to compliance by their specified deadline	nav
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	1
Percent of last year's violators that were also violators this year	6%
Most common violations	-discharge violations; construction violations; SOC violations
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	300
Number of regulated entities	509
Available inspector FTEs	1.5

<b>WATER QUALITY PRETREATMENT, EMERGENCY RESPONSE AND COLLECTION SYSTEMS</b>	<b>2006 Data</b>
Actual inspector FTEs	1.5
Number of inspections**	149
Number of routine inspections	148
Number of complaint-driven inspections	1
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	\$0
Original assessment amount of cases decided by a commission 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) during this year	\$3,000
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$6,307
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) 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	31%
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	53%
<b>Timeliness Measures</b>	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	99
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	44
Average number of days from NOV to penalty assessment for penalties paid in full this year	22
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	45
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)	43

## WATER QUALITY STORMWATER/NON-POINT SOURCE

	2006 Data
<b>Penalty Assessments</b>	
Total number of penalties assessed	66
Total dollar amount of penalties assessed	\$644,650
Average dollar amount of penalties assessed	\$9,767
Highest dollar amount of penalties assessed	\$125,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2006	\$376,328
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$148,324
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$10,310
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$17,449
Amount of penalties established through SAFA at year end for penalties assessed in 2002	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2006	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2006	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2006	\$266,000
<b>*SAFA is settlement, agreement or final action</b>	
<b>Collection Measures</b>	
Amount of penalties collected at year end of penalties assessed in 2006	\$326,028
Amount of penalties collected at year end of penalties assessed in 2005	\$155,043
Amount of penalties collected at year end of penalties assessed in 2004	\$56,228
Amount of penalties collected at year end of penalties assessed in 2003	\$22,347
Amount of penalties collected at year end of penalties assessed in 2002	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2002	\$0
<b>Facility Performance</b>	
Compliance rate of inspected facilities	51%
Percent of entities that returned to compliance by their specified deadline	88%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	5
Percent of last year's violators that were also violators this year	0%
Most common violations	-water quality standard violations; failure to obtain 401 WQC; construction stormwater violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	38

<b>WATER QUALITY STORMWATER/NON-POINT SOURCE</b>	<b>2006 Data</b>
<b>Workload Measures</b>	
Number of permitted entities	46,932
Number of regulated entities	46,932
Available inspector FTEs	4.3
Actual inspector FTEs	3.8
Number of inspections	1,105
Number of routine inspections	547
Number of complaint-driven inspections	558
<b>Reduction Measures</b>	
Amount of reductions made by a commission during this year	\$8,500
Original assessment amount of cases decided by a commission during this year	\$56,100
Amount of reductions made by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$103,242
Original assessment amount of cases decided by DENR (either director, or secretary, or another DENR employee) or State Health Director (for DEH programs) during this year	\$453,850
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$0
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) 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	33%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	20%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	5%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed 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	378
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	15
Average number of days from NOV to penalty assessment for penalties paid in full this year	157
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	158
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)	72

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

	<b>2006 Data</b>
Number of Civil Penalty Cases Closed	257
Total Amount Assessed by DENR	\$3,841,800
Total Amount Collected for DENR	\$1,894,662
Total Amount Uncollected	\$1,947,000
Number of Uncollected Civil Penalty Cases Closed	89
<u>Reason for Uncollected Assessment:</u>	
Bankruptcy	3
Violator Deceased	2
Petition Withdrawn*	13
Penalty Rescinded*	30
Uncollectible/No Property to Levy/Obtained a Judgment	23
Unknown	7
No Assets	11
* DENR was responsible for collection of these civil penalty amounts.	

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## **APPENDIX B**

### **DENR ENFORCEMENT PRIMER**

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

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

## Who does enforcement in DENR?

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

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

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

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

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

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

See Appendix C for detailed descriptions

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

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

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

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

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

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

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

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

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

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

## Where are the Penalty Assessment Computation Criteria found?

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

NCGS – North Carolina General Statute

NCAC – North Carolina Administrative Code

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

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

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

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

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

**Generic Penalty Matrix Worksheet**

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

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

**Generic Penalty Tree**

Programs that use a matrix analysis:

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

Programs that use a penalty tree:

- ▶ Air Quality

Programs that use a matrix/tree in combination:

- ▶ Coastal Management
- ▶ Radiation Protection

Programs that use a hybrid matrix:

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

Programs that apply maximum penalties in all cases:

- ▶ On-Site Wastewater

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## **APPENDIX C**

### **PROGRAM DESCRIPTIONS**

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
Division of Air Quality (DAQ)	DAQ regulates the quality of air in North Carolina through technical assistance and enforcement of state and federal air pollution standards. The division issues permits, establishes ambient air quality standards, monitors the air quality of the state and implements a vehicle inspection/maintenance program in conjunction with the Division of Motor Vehicles (DOT).	<ul style="list-style-type: none"> <li>• Industries with air emissions</li> <li>• Animal operations with liquid waste management systems</li> <li>• Mobile sources</li> </ul>
Aquifer Protection (Division of Water Quality)	The Animal Feeding Operations and Land Application units regulates a wide range of facilities that handle wastewater or biosolids but are <u>not</u> designed to discharge pollutants directly into a waterbody. The solids generated by any wastewater treatment facilities are regulated. Aquifer Protection is also the lead state agency for groundwater protection, which includes responsibilities for groundwater pollution prevention, groundwater quality classification and standards, review of permits for wastes that may enter the groundwater, developing and implementing groundwater clean-up requirements, promoting resource restoration, well construction rules, underground injection control and groundwater quality monitoring.	<ul style="list-style-type: none"> <li>• Animal farms</li> <li>• Municipal wastewater treatment plants that apply waste to land</li> <li>• Sewers</li> <li>• Industrial wastewater spray facilities</li> <li>• Facilities that spill oil or hazardous materials in or near water</li> <li>• Industrial and municipal wastewater treatment plants producing residuals needing disposal on land</li> <li>• Wastewater spray irrigation systems</li> <li>• Well contractors</li> <li>• Above-ground petroleum storage tank systems</li> <li>• Parties causing groundwater pollution</li> </ul>
Division of Coastal Management (DCM)	DCM carries out the state's Coastal Area Management Act, the Dredge and Fill Law, and the federal Coastal Zone Management Act of 1972 (CZMA) in the 20 coastal counties, using rules and policies of the N.C. 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, 1997, the FDA issued more comprehensive final regulations, which became effective on October 28, 1999. The final regulations of mammography exposure equipment were delayed until October 28, 2002.</p> <p>Facilities in North Carolina are accredited by the American College of Radiology (ACR) and then certified by the FDA. The same yardsticks measure all mammography facilities. FDA-trained state inspectors conduct annual inspections of facilities to assure compliance to the MQSA regulations.</p>	<ul style="list-style-type: none"> <li>• Hospitals</li> <li>• Physicians Offices</li> <li>• Imaging Practices</li> </ul>
Mining Program (Division of Land Resources)	The purpose of the Mining Program, as authorized by The Mining Act of 1971, is to ensure that mining operations protect the environment and public safety during mining and reclaim the mined land after mining. The Mining Program regulates approximately 900 mines. The Land Quality Central Office processes approximately 325 applications for new mines, renewals, and transfers and releases each year, and initiates and coordinates enforcement. The regional offices are responsible for inspection of the mine sites.	<ul style="list-style-type: none"> <li>• Mining operations</li> </ul>

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
National Pollutant Discharge Elimination System (NPDES, Division of Water Quality)	NPDES is the federally established program for controlling point-source discharges of pollution. The Clean Water Act of 1972 initiated strict control of wastewater discharges giving enforcement responsibility to the Environmental Protection Agency (EPA). The EPA delegated permitting authority to the State of North Carolina in 1975. The Point Source Branch is responsible for administering the program for the state.	<ul style="list-style-type: none"> <li>• Municipal wastewater treatment plants</li> <li>• Industrial wastewater treatment plants</li> <li>• Package wastewater treatment plants</li> <li>• Single family residences</li> <li>• Municipal and industrial pre-treatment facilities</li> <li>• Stormwater discharges</li> </ul>
Pretreatment, Emergency Response and Collection Systems (PERCS, Division of Water Quality)	PERCS is the program for controlling collection systems, pretreatment, and emergency response as delegated by federal statute, general state statute, and state rules and guidance.	<ul style="list-style-type: none"> <li>• Municipal wastewater treatment plants</li> <li>• Package wastewater treatment plants</li> <li>• Municipal and Industrial Pretreatment facilities</li> <li>• Oil and hazardous waste discharges</li> </ul>
On-Site Wastewater Section (OSWS, Division of Environmental Health)	OSWS regulates all wastewater collection, treatment and disposal systems that do not discharge to the ground surface or surface waters. The department has delegated the permitting (>50k permits/year) and enforcement of the laws and rules to authorized environmental health specialists in local health departments after appropriate training, testing and evaluation.	<ul style="list-style-type: none"> <li>• Privies</li> <li>• Incinerating and composting toilets</li> <li>• Septic tank systems</li> <li>• Wastewater treatment plants and industrial process wastewater systems discharging to the subsurface</li> <li>• Modified, alternative and innovative wastewater collection, treatment and disposal systems designed for subsurface disposal</li> </ul>
Public Water Supply Section (PWS, Division of Environmental Health)	PWS promotes public health by ensuring that safe, potable water is available in adequate quantities to the residents and visitors of North Carolina served by public water systems by ensuring that such systems are properly located, constructed, and maintained. The section implements and enforces the provisions of the federal Safe Drinking Water Act in the state through a primacy agreement with the U.S. 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>

PROGRAM (DIVISION)	PROGRAM DESCRIPTION	EXAMPLES OF REGULATED ENTITIES
Solid Waste Section (SWS, Division of Waste Management)	SWS regulates safe management of solid waste in North Carolina through guidance, technical assistance, regulations, permitting, environmental monitoring, compliance evaluation, and enforcement. Waste types handled at these facilities include municipal solid waste, industrial waste, construction and demolition waste, land-clearing waste, scrap tires and medical waste.	<ul style="list-style-type: none"> <li>• Landfills</li> <li>• Transfer stations</li> <li>• Incinerators</li> <li>• Treatment and processing facilities</li> <li>• Compost facilities</li> <li>• Land application sites for a variety of non-hazardous solid waste types</li> </ul>
Stormwater/Non-Point Source (Division of Water Quality)	National Pollutant Discharge Elimination System (NPDES ) is the federally established program for controlling point-source discharges of pollution. The Wetlands and Stormwater Branch is responsible for administering the federal point sources stormwater discharge program for the state, as well as riparian and water supply buffer rules, state stormwater management regulations, wetlands development and stream course modification. In addition, oil and hazardous substances control, as they cannot be discharged, are regulated by the unit under the provisions of Article 21A.	<ul style="list-style-type: none"> <li>• NPDES stormwater permitting</li> <li>• State stormwater management compliance</li> <li>• Developers that modify a stream course or impact wetlands</li> <li>• Local Government oversight for the Implementation of Water Supply Watershed protection</li> <li>• Developers seeking authorization for riparian (streamside) buffer impacts</li> </ul>
Tanning (Division of Environmental Health)	The Tanning Inspection Program inspects tanning machines and facilities to ensure compliance with the regulations adopted by the Radiation Protection Commission to protect the public. The program provides technical assistance to registrants and operators to encourage responsible operation of tanning facilities.	<ul style="list-style-type: none"> <li>• Beauty shops</li> <li>• Spas</li> <li>• Video stores</li> <li>• Home-based commercial tanning facilities.</li> </ul>
Underground Storage Tank Section (Division of Waste Management)	<p>The Permits and Inspection Program makes sure that underground storage tanks in North Carolina are properly permitted. Permitting ensures systems are in good operating order and pose no danger to the environment or human health and safety. Inspections are performed to make sure USTs comply with the regulations that govern their operation. Education and training are available to owners and operators who would like to learn more about safe operating practices. Technical assistance, available on a one-to-one basis, is also available for owners and operators who need help bringing their systems into compliance.</p> <p>The Corrective Action Program oversees the assessment and cleanup of sites where releases to the environment have occurred. Once owners and operators notify the section that a spill has occurred, the program's staff work with environmental consultants to ensure the highest quality cleanup possible. Once a cleanup 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.		EMAIL ADDRESS
Betty Gatano	Air Quality	919-733-1478	919-733-1812	Betty.Gatano@ncmail.net
Roy Brownlow	Coastal Management	252-808-2808	252-247-3330	Roy.Brownlow@ncmail.net
Sue Grayson	Food, Lodging and Institutional Sanitation	919-715-0926	919-715-4739	Sue.Grayson@ncmail.net
Connie Pixley	On-Site Wastewater	919-715-3273	919-715-32227	Connie.Pixley@ncmail.net
Tony Gallagher	Public Water Supply	919-715-3215	919-715-4374	Tony.Gallagher@ncmail.net
Bennifer Pate	Radiation Protection	919-571-4141	919-571-4148	Bennifer.Pate@ncmail.net
Wayne Mobley	Shellfish Sanitation	252-726-6827	252-726-8475	Wayne.Mobley@ncmail.net
Sean Brogan	Forest Resources	919-533-6178 ext. 230		Sean.Brogan@ncmail.net
Mell Nevils	Mining, Sedimentation, Dam Safety	919-733-4574	919-733-2876	Mell.Nevils@ncmail.net
Joe Lynch	Marine Fisheries	252-726-7021		Joe.Lynch@ncmail.net
Lebeed Kady Helen Cotton	Hazardous Waste	919-508-8546 919-508-8537	919-715-3605	Lebeed.Kady@ncmail.net Helen.Cotton@ncmail.net
Amy Annechino	Solid Waste	919-508-8496	919-733-4810	Amy.Anechino@ncmail.net
Jan Manthey	Underground Storage Tanks	919-733-1321	919-733-9413	Jan.Manthey@ncmail.net
Ed Hardee	Aquifer Protection	919-715-6189		Ed.Hardee@ncmail.net
Daryl Merritt	PERCS	919-733-5083 ext. 554	919-733-0059	Daryl.Merritt@ncmail.net
Tom Belnick	NPDES	919-733-5083 ext. 543	919-733-9612	Tom.Belnick@ncmail.net
Shelton Sullivan Danny Smith	Stormwater/Non-Point Source	919-733-5083 ext. 544 919-733-5083 ext. 353	919-733-9612	Shelton.Sullivan@ncmail.net Danny.Smith@ncmail.net
Vacant	Pollution Prevention			
<b>ADDITIONAL RESOURCES</b>				
CONTACT	ORGANIZATION	VOICE NO.	FAX NO.	
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 Web Site 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