



North Carolina Department of Environment and Natural Resources

Environmental Regulatory Compliance Activity in Calendar Year 2008

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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 2001, 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 - 2007. This ninth report presents data for calendar year 2008.

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 2008 program compliance and enforcement data, 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.

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

We appreciate your interest, and welcome your views, comments, questions and suggestions about the information in this report. Please contact Jill Pafford at (919) 715-4193 or jill.pafford@ncdenr.gov if you have any questions or comments concerning this report.

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 2008
Air Quality	Compliance Assistance Workshops	2
	Letters to Home Builder Associations on Open Burning Activities	65 HBAs
	Billboards on Illegal Open Burning Activities	12 Billboards
	Creation of "Otto Parts" with PSAs for I&M program	3 PSAs/State Fair booth
Coastal Management	Pre-Application Consultations	Ongoing
	Compliance Assistance Consultations (in office)	Ongoing
	Workshops and Presentations	13
	Public Posting of Notices of Violations	Ongoing
	Media/Press Interviews	Ongoing
	Web Site, Phone Calls, E-mail, Correspondence	Ongoing
	CAMAGRAM newsletter	Published quarterly online
Environmental Health/ Mammography	Compliance Assistance Presentations	3
	Compliance Reference Guides uploaded to website	12
	Revised Written Safety Program Guide	1
	Daily Technical Assistance Calls	15
	Newsletters	1
	100 Member Listserv	7 items
	Customer Satisfaction Survey	2
	Notice of Initial Training for Mammography	1
	Continuing Education Opportunities	2
	Laser Printer Information	1
Link to ACR QC Forms	1	
Environmental Health/ On-Site Water Protection	Compliance Assistance Workshops	245
	Regulated Entities Attending Workshops	11,546
	Compliance Assistance Visits	2,657
	Technical Assistance Calls	22,230
	Technical Assistance E-mails	20,206
	Technical Assistance Letters	1,895

Agency	Activity	Number of Activities in 2008
Environmental Health/ Public Water Supply	Training Contact Hours	7,062
	Monitoring/Reporting Violation Letters	6,658
	MCL Violation Letters	659
	Treatment Technique Violation Letters	11
	Detection/Increased Monitoring Letters (VOCs, SOCs, Nitrate/Nitrite)	242
	Consumer Confidence Report (CCR) Violation Letters	1
	CCR Certification Violation Letters	1,832
	Lead and Copper Exceedance Letters	130
	Public Education Violation Letters	31
	Corrosion Control Treatment (CCT) Study Violation Letters	4,038
	Special Mass Mailing (Facility and Sample Point IDs, etc.)	55
	Administrative Order Letters	55
	SOC Waiver Letters	130
Environmental Health/ Radioactive Materials	Guidance Documents	46
	Technical Assistance Calls	312
	Guidance Memos	26
	Compliance Assistance Workshops	2
	Compliance Assistance Presentations	8
	Compliance Assistance Visits	95
Environmental Health/ Shellfish Sanitation	HACCP Workshop for Shellfish & Crustacea Processing Plants	80 attendees
	Seafood Quality & Safety Workshop	40 attendees
	US EPA Retreat Workshops	60 attendees
	Centralized Intern Training (classes)	76 attendees
	ServSafe (classes)	213 attendees
	County Environmental Health Dept Staff Training	308 attendees
Environmental Health/ Tanning	Web-based Question and Answer Tool	1
	Compliance Assistance Exhibits & Representation at Trade Shows	2
Environmental Health/ Xray	Compliance Reference Guides Online	15
	Written Safety Program Guides Online	8
	Daily Technical Assistance Calls	20
	Newsletters	8,250
	Compliance Assistance Presentations	12
	Hospital Inspection Procedures	Pilot Project
	Image Gently Campaign Online	1
	Customer Satisfaction Survey	2
Forest Resources	Continuing Education Opportunities	2
	Number of DFR Stream-Crossing Bridgemats Used	40 logging jobs
	NC ProLogger Training Program Workshops	6/150 attendees
	BMP Effectiveness Monitoring Watershed Study	6-year study
	Evans Road Fire	Incident Mngt Team Assist
	BMPs Recommended	2,826 acts/142,592 acres
	Water Quality Training Sessions	75 /790 attendees
	Visits to Water Quality Section of DFR Web Site	3,517
	Pre-Harvest and Rehab Plans Provided	123 plans/7,716 acres
Land Resources/ Dam Safety	Phone calls	1,350
	Letters	59
	Emails	175
	Site Visits	70
	Meetings with Owners' Consultants	25
	Significant Web site Reconstruction/Improvement	1

Agency	Activity	Number of Activities in 2008
Land Resources/ Erosion and Sedimentation Control	Sedimentation and Erosion Control Plan Design Workshops	4
	Design Workshop Participants	480
	Local Government Inspector Workshop	1
	Local Program Workshop Participants	100
Land Resources/ Mining	Technical Assistance by Telephone	1,215
	Meetings with Applicants and Consultants	118
	Onsite Meetings with Operator/Applicant/Consultants	348
	Distribution of Surface Mining Manual	22
	Access to Mining Program Web Site	460
Marine Fisheries	Fishing Proclamation Distribution	Ongoing
Waste Management/ Hazardous Waste	Compliance Assistance Workshops	21
	Regulated Entities Attending Workshops	478
	Compliance Assistance Visits	91
	Technical Assistance Calls	1,540
	DWM Web Site Hits	202,489
	Technical Assistance Letters	18
Waste Management/ Solid Waste	Compliance Assistance Workshops	27
	Regulated Entities Attending Workshops	897
	Compliance Assistance Visits	585
	Compliance Assistance Calls	45,240
	Web Site Hits	100,970
	Technical Assistance Letters	620
	Local Government Annual Reports	657
Waste Management/ UST	Compliance Assistance Workshops	5
	Regulated Entities Attending Workshops	50
	Compliance Assistance Visits	11
	Compliance Assistance Calls	12,480
Water Quality/Aq Prot	Compliance Assistance Workshops	14
	Compliance Assistance Visits	73
Water Quality/NPDES	Compliance Assistance Visits	11
	Technical Assistance Visits	55
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	Local Delegated Erosion Control Program Workshop	115 attendees
	E&SC Planning & Design Workshop	500 attendees
	Surface Water Identification & Training Certification Course	4 wrkshps (90 attendees)
	NC Assoc of Elec Coops Annual Engineers/Ops Conference	150 attendees
	North Carolina Society of Surveyors Institute	15 attendees
	SW BMP Training - Local Governments	4 wrkshps (140 attendees)
	State Stormwater Consistency Meetings	7 mtgs (~15 per meeting)
	Timber Products Permit Workshops for NC Forestry Association	2 workshops
	Technical Assistance / Compliance Visits	3 visits
DPPEA	Technical Assistance Calls	659
	Technical Assistance Visits	134
	Training Sessions	166
	Web Site Visits	3,519,971
	Web Site Hits	13,374,921
	Number of Regulated Entities Enrolled in the Environmental Stewardship Initiative	115

DENR ENVIRONMENTAL STEWARDSHIP INITIATIVE

"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."
- DENR Principles of Enforcement

The North Carolina Department of Environment and Natural Resources' Environmental Stewardship Initiative (ESI) 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.

Program Background

Any DENR regulated company or organization that operates in North Carolina and whose activities impact the environment is eligible to participate in ESI. Members can enter the program at one of three levels: Partner, Rising Steward and 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.

The three-tiered approach of Partners, Rising Stewards and Stewards allows participation from a wide range of regulated organizations. Organizations looking for a systematic way to approach environmental management or even those with compliance problems can join at the Partner level. At this level members receive assistance in identifying root causes of non-compliance, finding long-term solutions and developing a system of continuous improvement. Organizations at higher tiers set aggressive goals, serving as models of stewardship and environmental leaders in their communities. Members are encouraged and assisted to move up the ESI tiers. To ensure high program quality and credibility, Rising Steward and Steward applicants receive intensive on-site reviews by staff, and acceptance at the higher tiers is a challenge with only 42 percent of Steward applicants accepted since 2002.

"Pollution Prevention assisted us with our EMS from day one. They worked to help train, develop and implement this program with us. The EMS has helped us move from an organization with many violations and that spent a good bit of our time reacting to problems that had occurred. Once the EMS was fully implemented our organization has been able to basically eliminate violations and to look for ways to improve efficiencies and the effectiveness of our activities."
- Beth Eckert, City of Gastonia Wastewater Treatment Division; Long Creek - ESI Steward and Crowders Creek - Rising Steward

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.

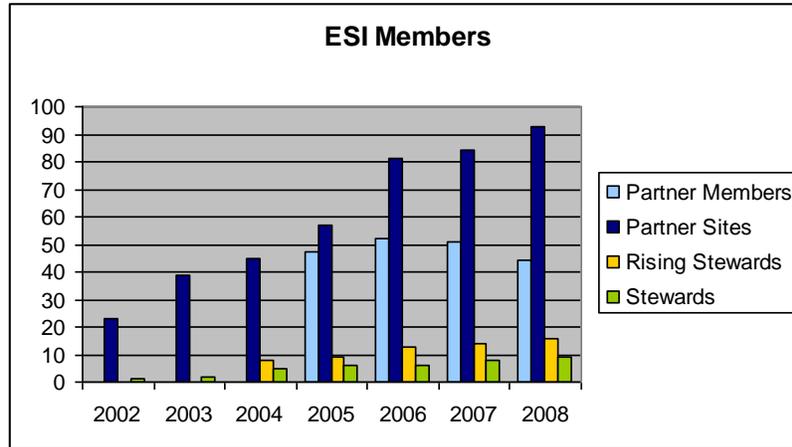
The ESI Advisory Board reviews Rising Steward and Steward applications. Membership on the Advisory Board consists of representatives from industry, industry trade groups, non-governmental organizations, local government, and universities. DENR Assistant Secretary Jimmy Carter chaired both the Internal Workgroup and the Advisory Board in 2008.

Rising Steward and Steward applicants receive an 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 Board makes a recommendation to the DENR Secretary on acceptance of the organization into the program. The final decision regarding acceptance is made by the DENR Secretary.

This year, for the first time, two ESI Stewards members were up for their five-year renewal. Staff finalized guidelines for five year renewals and the related site visits, reports, and oral reports to the Advisory Board. The Advisory Board makes a recommendation on renewal to the DENR Secretary, who has the final decision.

Program Results

Since its creation in 2002, the ESI has experienced significant growth with membership. In 2008, the program increased to 69 organizations representing 118 sites. At the end of 2008 there were 93 Partner sites, 16 Rising Stewards and nine Stewards. The decrease in Partner Members from 2007 to 2008 is due to 10 facilities of one organization choosing to combine into a single multi-facility report, one facility closing and two facilities that decided not to renew their membership.

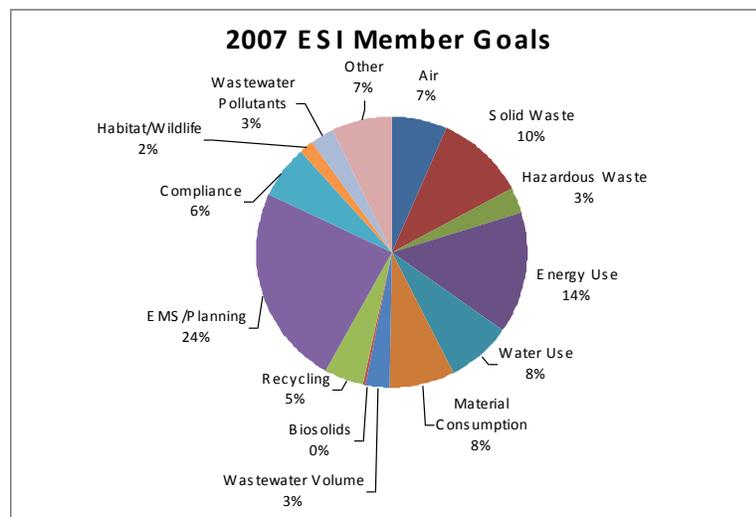


ESI members are required to establish environmental performance goals and report on these annually. Members only report on reductions after being in the program for one full year, so the data that was collected in 2008 from organizations were ESI members as of December 2007. All reporting members provided information on the environmental goals they had established. Data was self-reported by member facilities and was not verified by DENR.

"ESI helped my company establish the need for aggressive environmental targets and as a result we now have high level environmental goals endorsed by the company president. With the current global environmental situation this activity is a must for every company in order to ensure preservation of the environment and natural resources."

- Ana Davis, Kao Specialties Americas, High Point – ESI Partner

Those members reporting in 2008 had a total of 331 environmental goals established. These environmental goals addressed the following issues:



“ Stating our waste reduction objectives and targets initially in our ESI application and again in follow up annual reports, both of which are public records, places a heightened sense of responsibility to meet them and, therefore, a commensurate effort by all to do so. The recognition received from the state of North Carolina and from corporate by becoming an ESI member has also raised management’s appreciation of the environmental program and its relevancy to the company.”
-Sam Calouche, Firestone Fibers and Textiles, Gastonia and Kings Mountain – ESI Rising Steward

ESI members also report on performance toward goals and environmental impact reductions. For calendar year 2007, 60 organizations that had been ESI members for a full year as of December 2007 reported the following achievements:

ESI Members’ Reported 2007 Reductions		
Area	Reductions	Unit
Air Emissions	243	Tons
Greenhouse Gas Emissions	10,329	Tons
Hazardous waste	12.52	Tons
Landfilled waste	205,169	Tons
Energy	28,674,096	mmBtu
Water Use	83,929,264	Gallons
Material Consumption	59.60	Tons
Wastewater Pollutants	0.02	Tons
Wastewater volume Reduction	881,690	Gallons
Biosolids Volume	18,410,000	Gallons
Total Recycled Volume	23,986	Tons
Total Cost Savings	\$ 2,961,039	

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.

“By being an Environmental Steward, we have been tasked with setting an example for other entities in the state. While this seems daunting, it has compelled us to do even more than we thought feasible. Through enhanced collaboration with DENR officials and other Stewards, we have exceeded our expectations in all areas: compliance, conservation and economy.”
- Danny Miller, Fleet Readiness Center East, Cherry Point – ESI Steward

Creating Partnerships

The ESI emphasizes partnerships among members with the regulatory agencies and stakeholders. A 2007 survey of ESI members showed that 81 percent noted networking and 71 percent noted improved communication with DENR as major benefits of being an ESI member.

“By establishing the visible commitments required for participation in the ESI, management and employee support was strengthened beyond ISO 14001 registration alone. Our importance as a good member of the community was highlighted. Our participation also was meaningful to the divisions of the N.C. DENR, making compliance more of a cooperative than enforcement relationship.”
- Jeffery Welsh, NACCO Materials Handling, Greenville – ESI Rising Steward

One of the benefits for all members is the Annual Participants Meeting, held on March 25, 2008, at NEIHS campus in Research Triangle Park. This meeting provides an opportunity for new members to be recognized and for all members to network with each other. New Stewards are given an opportunity to talk about their sustainability projects. The theme of the 2008 Participants meeting was on the drought in North Carolina, and speakers presented on the drought situation, on green building and landscaping techniques, and on water reuse projects.

One of the benefits for ESI Stewards is the Steward forum, an annual luncheon with the DENR Secretary. This forum has provided opportunities to identify regulatory and environmental issues and bring DENR and the regulated community together to discuss and identify solutions.

For example, at the 2007 Stewards forum, one Steward raised the issue of upcoming sanitary sewer overflow enforcement policy changes that had been announced by the Division of Water Quality. ESI staff moderated early meetings between DWQ staff and representatives from several water collection facilities across the state beginning in 2007, which the N.C. League of Municipalities hosted and attended. Participants discussed flow accounting, drought issues, and reporting efforts and communication that would best help the DWQ review process go smoothly. Attending water collection systems offered to become mentors to smaller systems to help them improve their reporting efforts. This group went on to develop recommendations for when to issue a Notice of Violation and possible situations that would mitigate civil penalty assessments in an effort to make consistent guidelines for DWQ offices statewide. These recommendations have been forwarded to the DWQ management for review and potential incorporation.

Another suggestion that came out of the Steward forum was a newsletter to highlight sustainability news and ESI companies' projects that might be of interest to other members. The monthly ESI E-Notes was first distributed as an e-mail beginning in July 2008. Following an upgrade to a pdf format in September 2008, E-Notes is now published monthly by DPPEA and sent out to all ESI members, the Advisory Board, and the Internal Workgroup. E-Notes also includes links to state and national sustainability initiatives and trainings, and a calendar of upcoming ESI events and trainings.

"The ESI forum not only helps the regulated community develop systematic approaches to environmental management beyond compliance, it gives DENR a detailed look at environmental management systems implementation in a variety of real-life settings. The agency's work in the specific programs, being more focused on specific aspects, rarely affords the opportunity to view environmental management holistically."

- Edward Krueel, International Paper, Reigelwood – ESI Partner

Benefits for DENR and North Carolina

Information about the ESI Program is currently presented at all regional office enforcement trainings for DENR personnel. These trainings are intended to better equip regulators with the information needed to perform their jobs well and consistently. In addition, staff members who work on the ESI Program give more in-depth ESI trainings at 2-3 regional and local enforcement program offices in North Carolina per year on a rotating basis. This training includes a presentation by an ESI Steward on their current ESI goals and environmental programs, followed by a chance for regulatory staff to ask questions. This training came out of a suggestion at the 2006 Steward forum and is another way that the ESI improves communication between DENR and the regulated community.

In addition to improved communication, comments from DENR inspectors illustrate increased confidence in ESI members and decreased concerns about violations. Some inspectors have noted that inspections are faster and easier due to the improved record keeping, organization and environmental performance of ESI facilities. Growth of the ESI could potentially help to reduce future regulatory and enforcement costs to the state.

Many of the environmental issues facing North Carolina cannot be addressed using the current regulatory structures, but the ESI provides a way. The ESI increases the number of facilities measuring, reporting on and reducing non-regulated impacts such as energy, water, greenhouse gases, unregulated chemicals, and solid waste. It also challenges facilities to set aggressive goals that go beyond levels required for compliance. DENR benefits by receiving information on these additional, non-regulated environmental parameters from ESI members in their annual reports.

The ESI has proven its members can produce impressive environmental and economic results. The ever-growing number of members, especially at the partner level, demonstrates how many in the regulated community are seeking assistance and support as they venture down the path of environmental sustainability. There currently is no other program in North Carolina where this help is available.

Most importantly, the ESI is a program that is based on environmental performance over time, not just a short-term recognition program that celebrates a single project. Because it requires its members to continually improve, the ESI will continue to result in real, measurable environmental savings every year.

2008 PROGRAM AT-A-GLANCE DATA AND COMPLIANCE/ENFORCEMENT TRENDS

In the following section of the report, a subset of the total set of 2008 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.

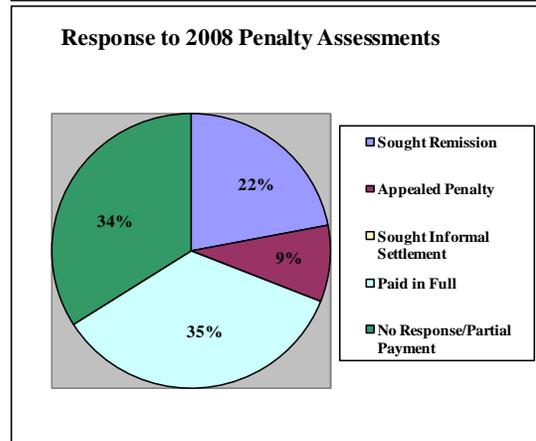
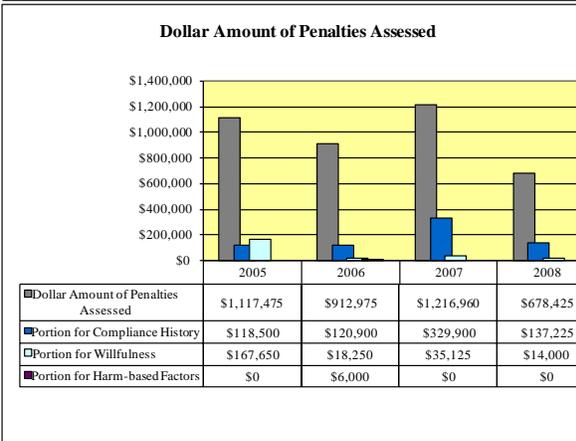
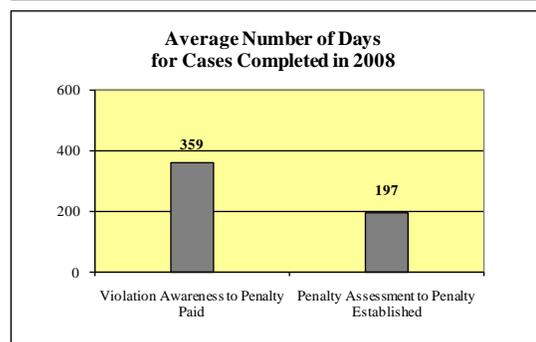
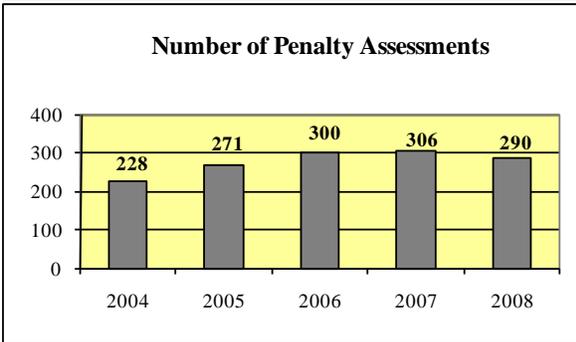
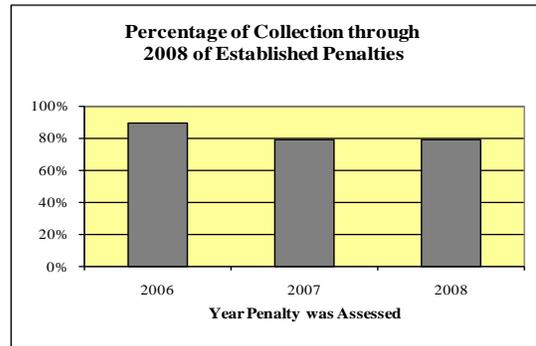
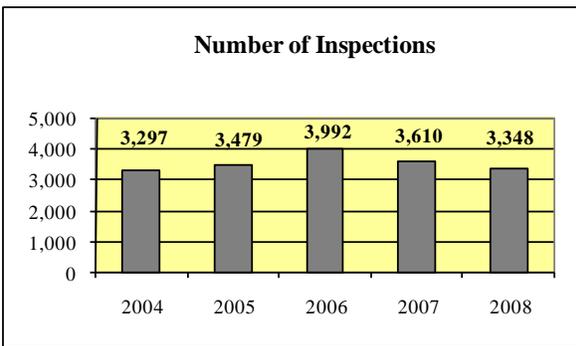
Please refer to Appendix A to view the complete list of 2008 compliance and enforcement measures for each of the N.C. DENR regulatory programs. The Appendix A data, as well as the trend analysis on the following pages, was provided by each of the regulatory programs.

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

AIR QUALITY

2008 Enforcement Data at a Glance

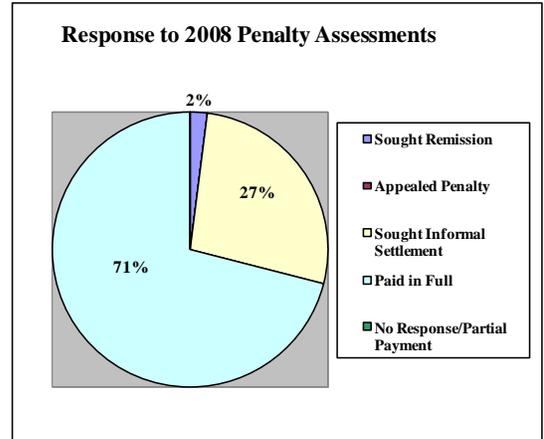
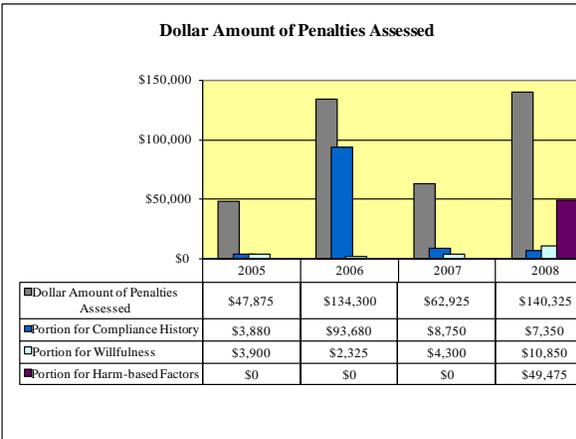
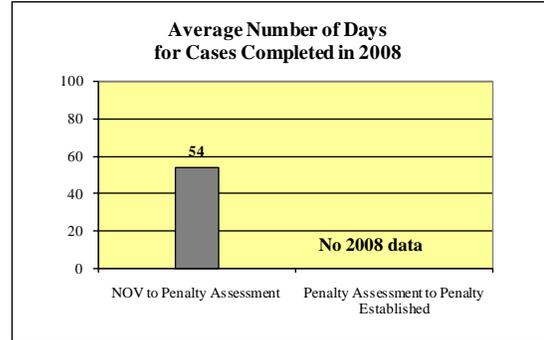
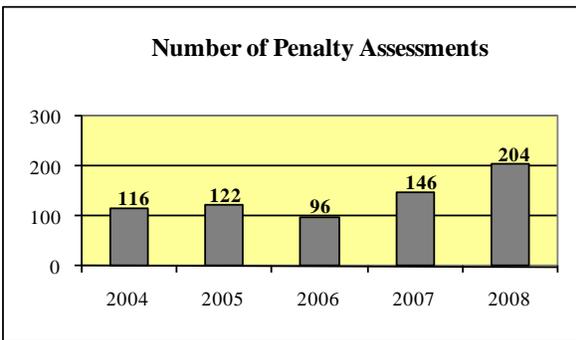
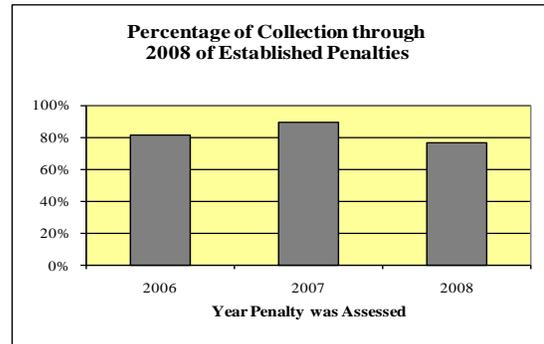
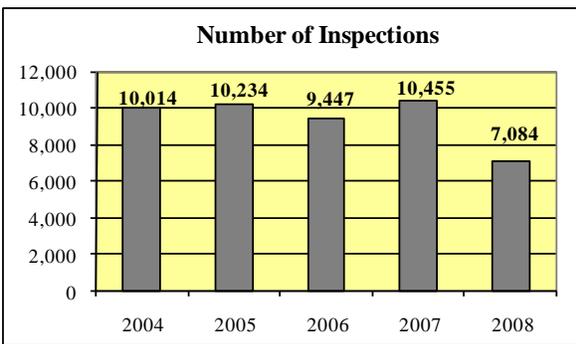
Number of Inspections	3,348
Number of Regulated Entities	5,525
Total Number of Penalties Assessed	290
Total Dollar Amount of Penalties Assessed	\$678,425
Compliance Rate for Inspected Facilities	81%



COASTAL MANAGEMENT

2008 Enforcement Data at a Glance

Number of Inspections	7,084
Number of Regulated Entities	3,760
Total Number of Penalties Assessed	204
Total Dollar Amount of Penalties Assessed	\$140,325
Compliance Rate for Inspected Facilities	96%



ENVIRONMENTAL HEALTH – FOOD, DAIRY, LODGING AND INSTITUTIONAL SANITATION

2008 Enforcement Data at a Glance*

Number of A ratings for restaurants	51,953
Number of B ratings for restaurants	7,470
Number of C ratings for restaurants	961
Number of suspended restaurant permits	4,930
Number of revoked restaurant permits	1,941

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

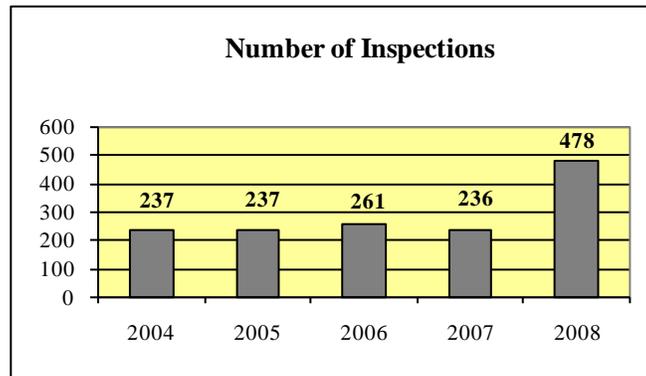
Trend analysis is not provided for this program.

ENVIRONMENTAL HEALTH – MAMMOGRAPHY

2008 Enforcement Data at a Glance*

Number of Inspections	478
Number of Regulated Entities	238
Total Number of Penalties Assessed	0
Total Dollar Amount of Penalties Assessed	\$0
Compliance Rate of Inspected Facilities	70%

* 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.

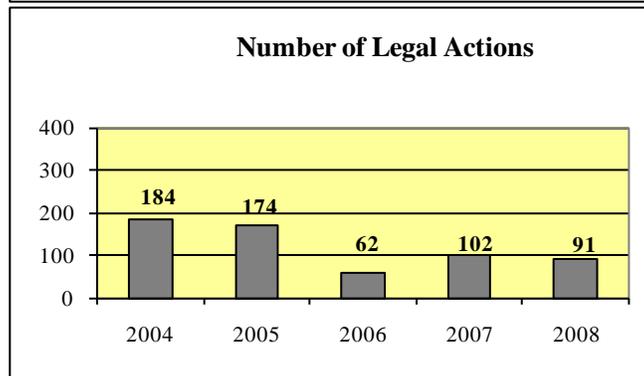
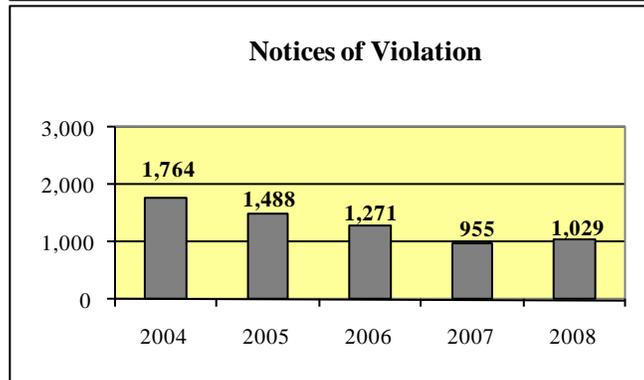
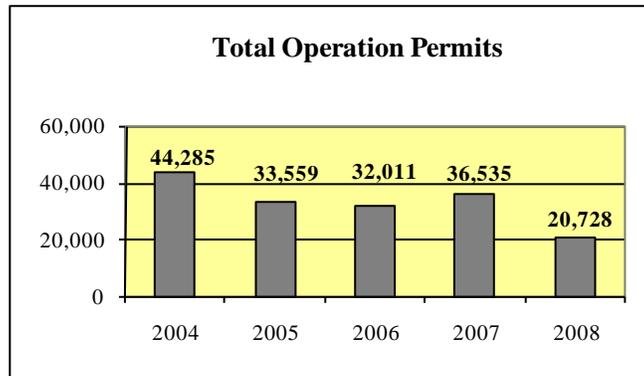


ENVIRONMENTAL HEALTH – ON-SITE WATER PROTECTION

2008 Enforcement Data at a Glance*

Number of Inspections	101
Number of Regulated Entities	1,716,437
Total Operation Permits	20,728
Total Number of Notices of Violation	1,029
Total Number of Legal Actions	91

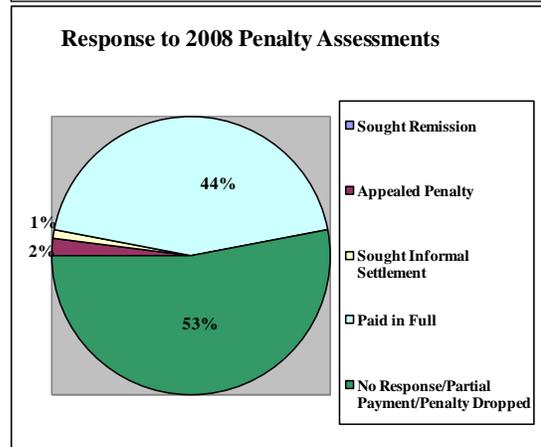
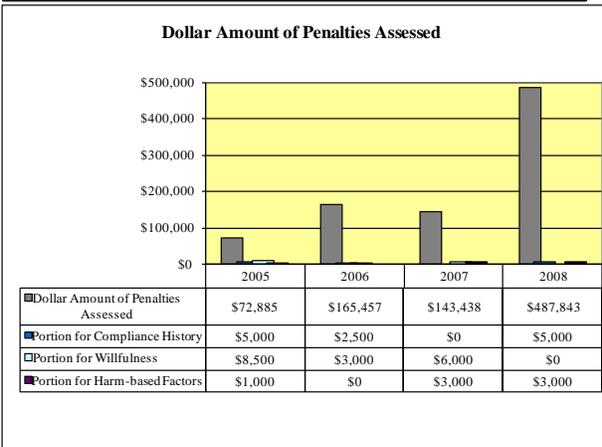
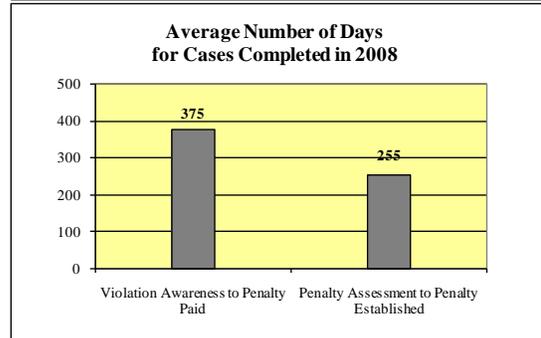
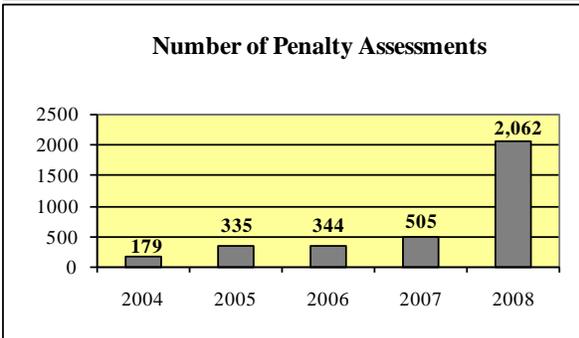
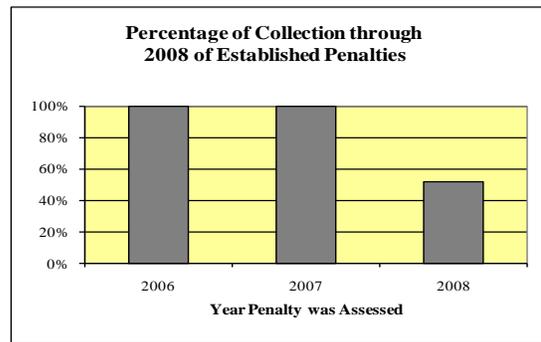
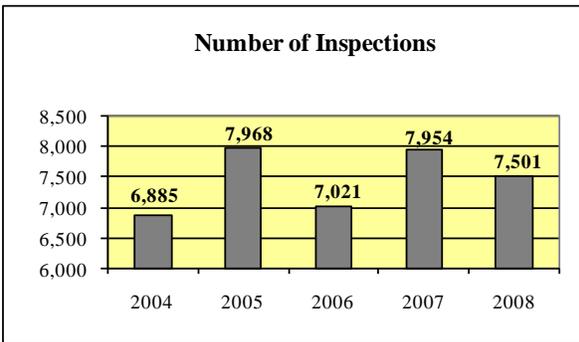
* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported instead. In 2004, 100/100 counties reported. In 2005, 80/100 counties reported. In 2006, 85/100 counties reported. In 2007 and 2008, 76/100 counties reported.



ENVIRONMENTAL HEALTH – PUBLIC WATER SUPPLY

2008 Enforcement Data at a Glance

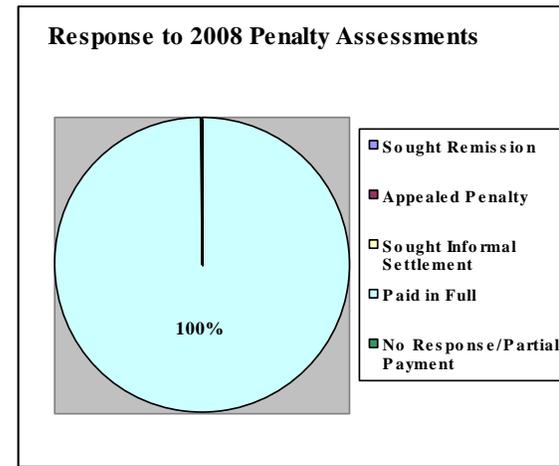
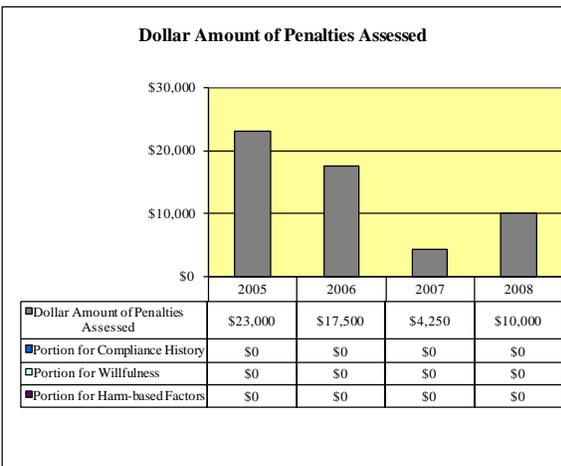
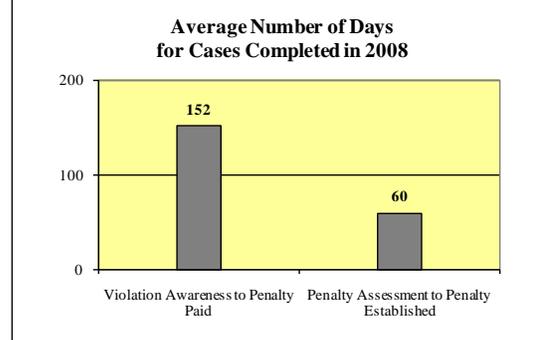
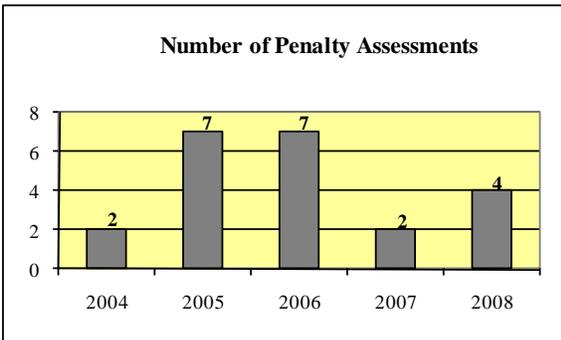
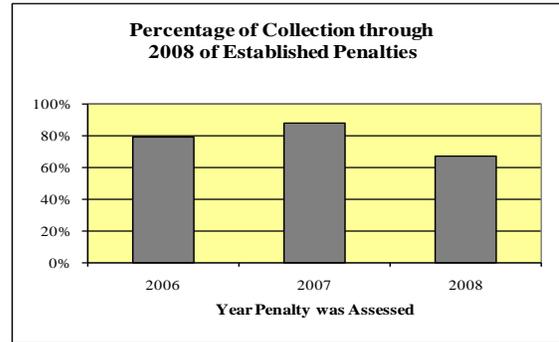
Number of Inspections	7,501
Number of Regulated Entities	6,760
Total Number of Penalties Assessed	2,062
Total Dollar Amount of Penalties Assessed	\$487,843
Compliance Rate for Inspected Facilities	95%



ENVIRONMENTAL HEALTH – RADIOACTIVE MATERIALS

2008 Enforcement Data at a Glance

Number of Inspections	423
Number of Regulated Entities	1,960
Total Number of Penalties Assessed	4
Total Dollar Amount of Penalties Assessed	\$10,000
Compliance Rate for Inspected Facilities	nav

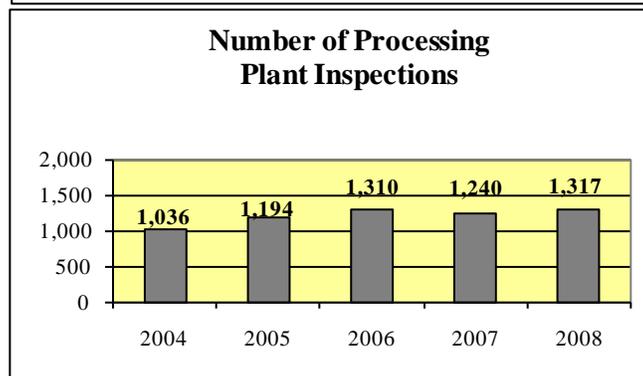
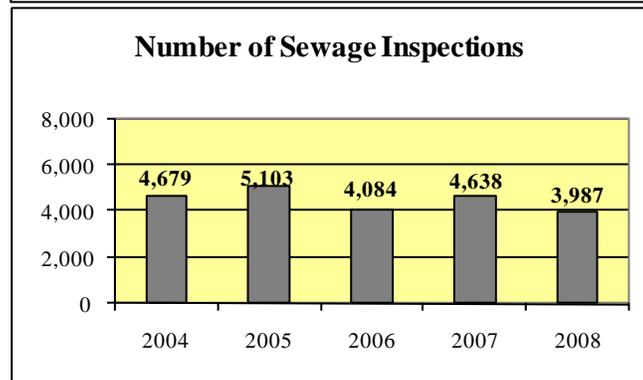
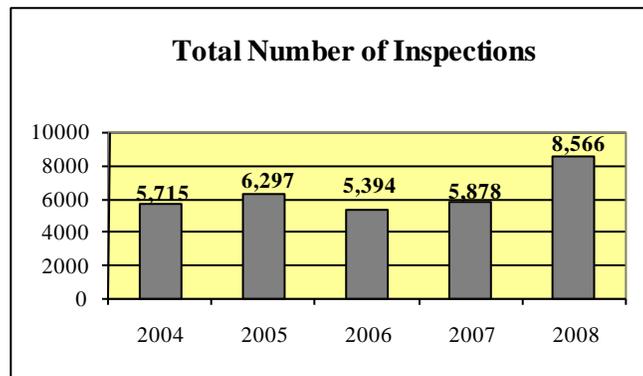


ENVIRONMENTAL HEALTH – SHELLFISH SANITATION

2008 Enforcement Data at a Glance*

Number of Sewage Inspections	3,987
Number of Processing Plant Inspections	1,317
Number of Regulated Entities	206
Number of Shellfish Licenses Revoked	0
Number of Recommended Changes to Shellfish Growers	119

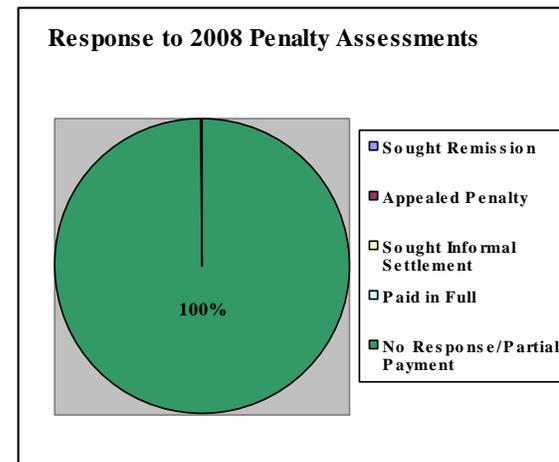
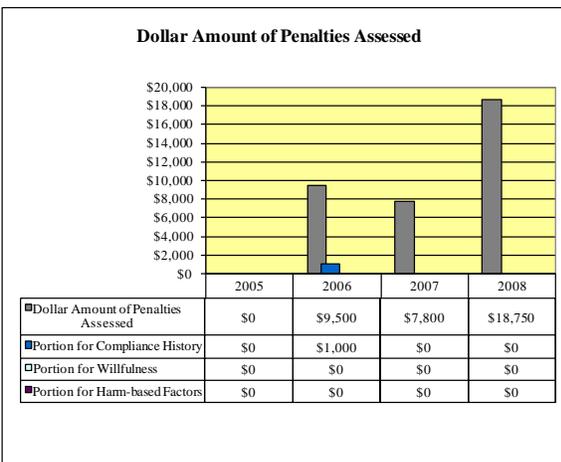
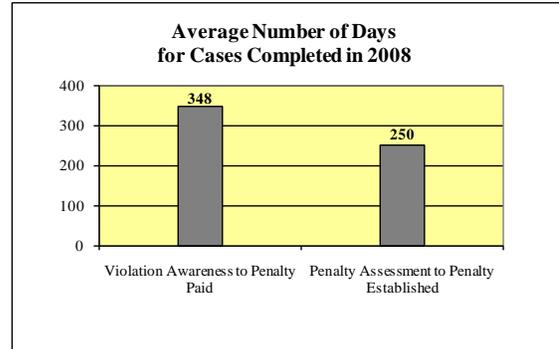
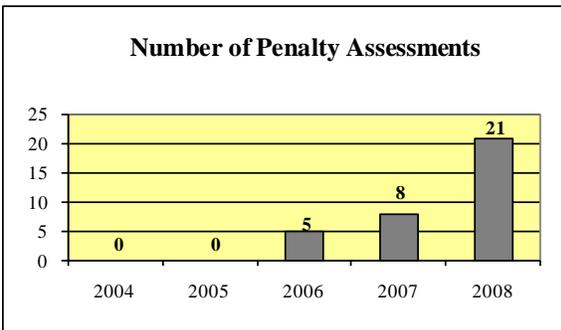
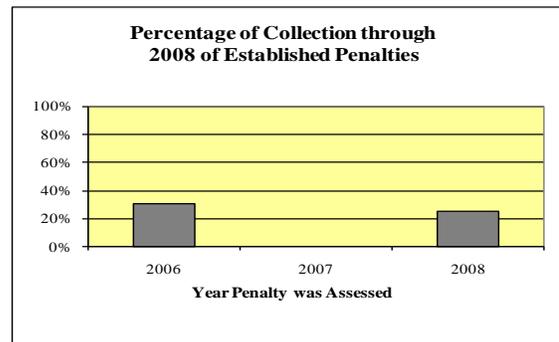
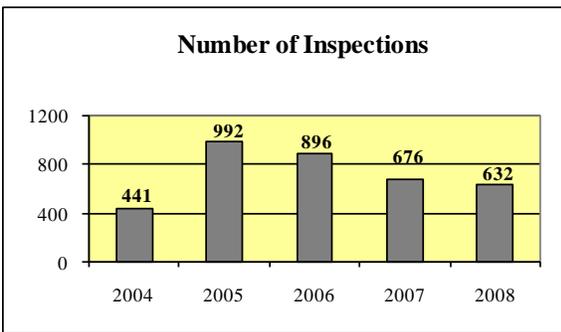
* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported.



ENVIRONMENTAL HEALTH – TANNING PROGRAM

2008 Enforcement Data at a Glance

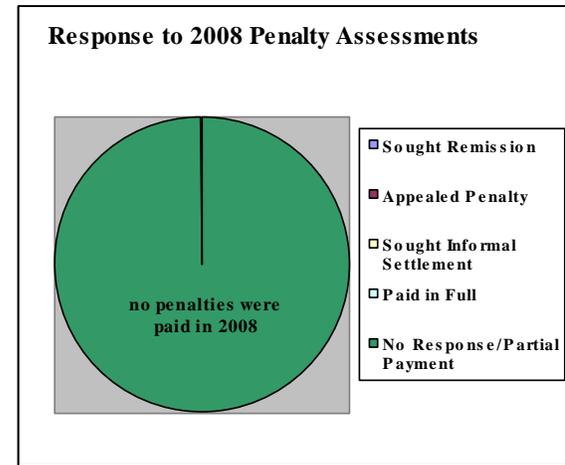
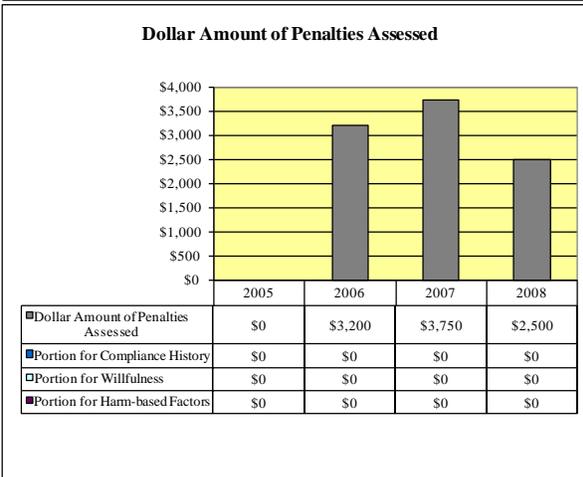
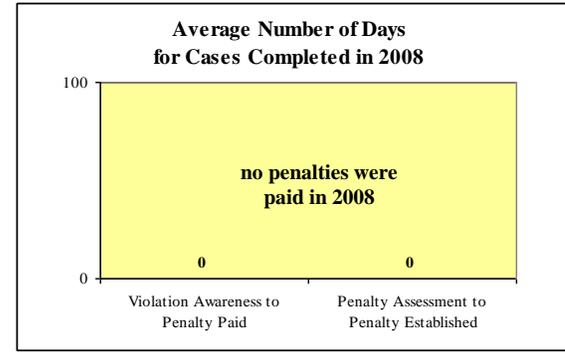
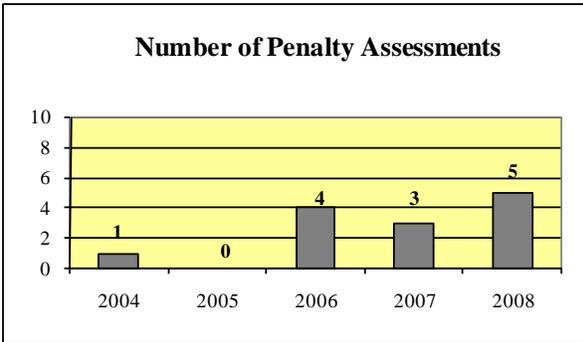
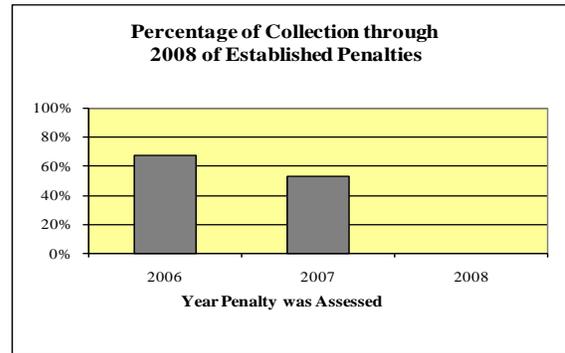
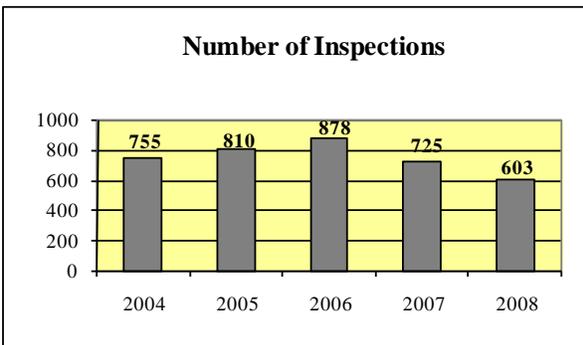
Number of Inspections	632
Number of Regulated Entities	1,932
Total Number of Penalties Assessed	21
Total Dollar Amount of Penalties Assessed	\$18,750
Compliance Rate for Inspected Facilities	39%



ENVIRONMENTAL HEALTH – X-RAY PROGRAM

2008 Enforcement Data at a Glance

Number of Inspections	603
Number of Regulated Entities	7,787
Total Number of Penalties Assessed	5
Total Dollar Amount of Penalties Assessed	\$2,500
Compliance Rate for Inspected Facilities	21%



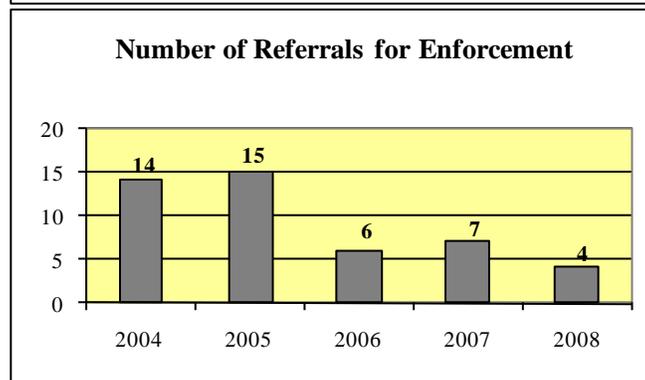
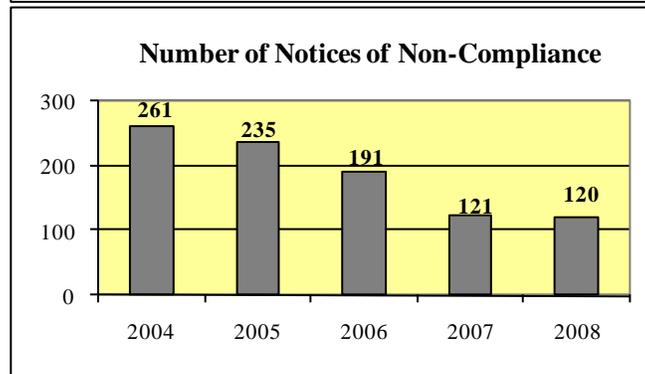
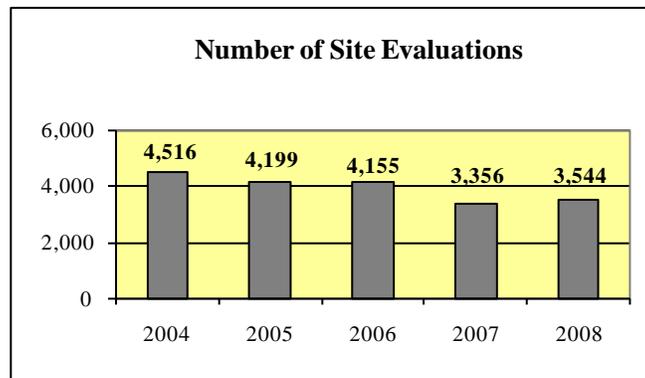
FOREST RESOURCES

2008 Enforcement Data at a Glance*

Number of Site Evaluations	3,544
Number of Reinspections	1,410
Number of Notices of FPG Non-Compliance	120
Number of FPG Referrals for Enforcement	4**

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

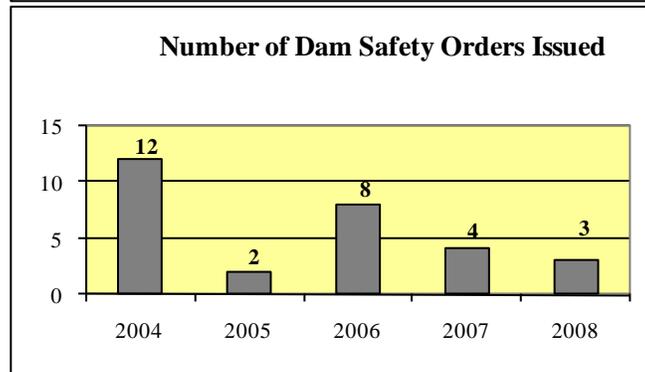
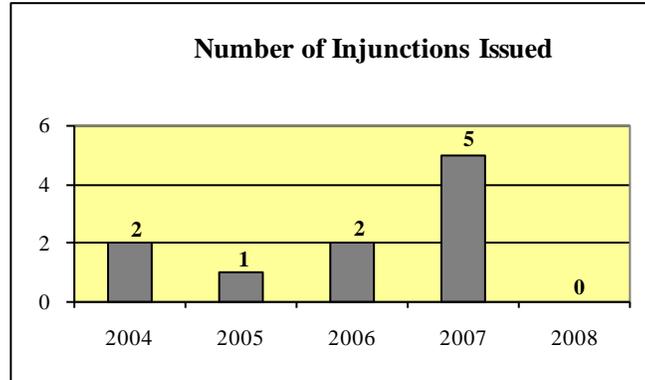
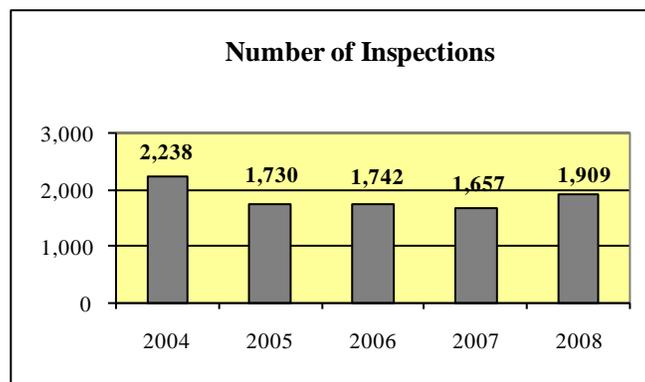
** DFR also referred 5 cases to DWQ for apparent Riparian Buffer Rule violations and 11 cases to various agencies for other water quality issues.



LAND RESOURCES – DAM SAFETY

2008 Enforcement Data at a Glance

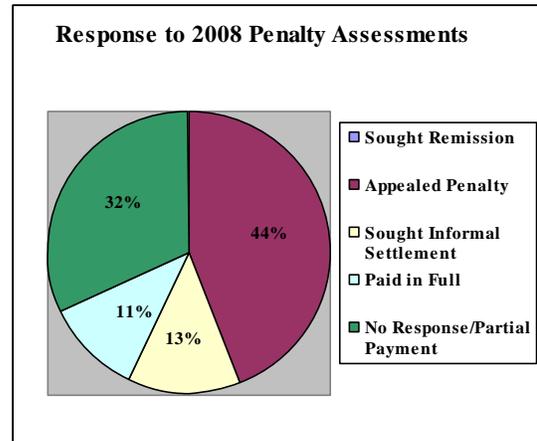
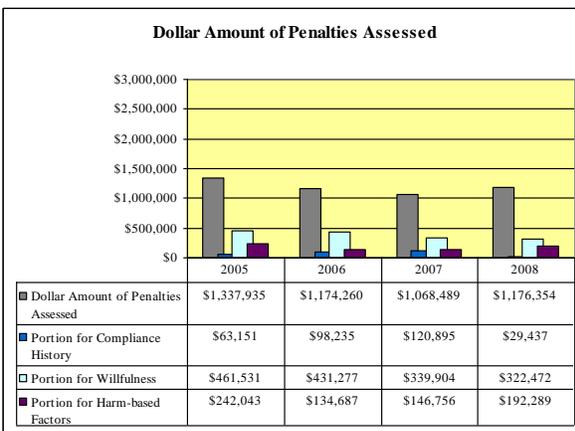
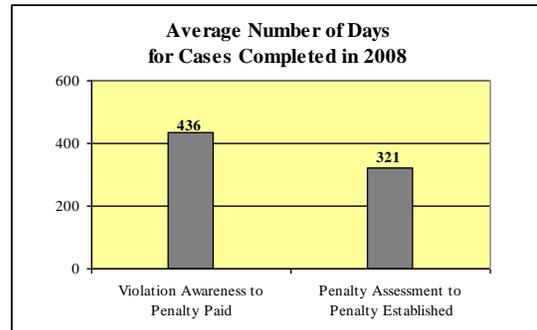
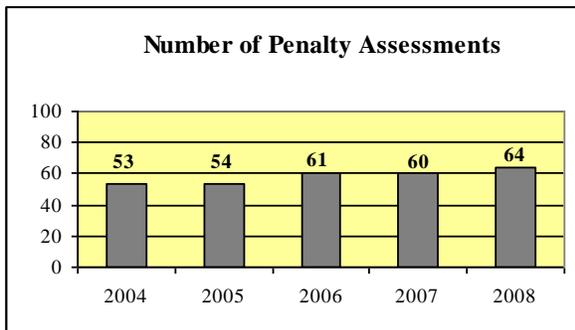
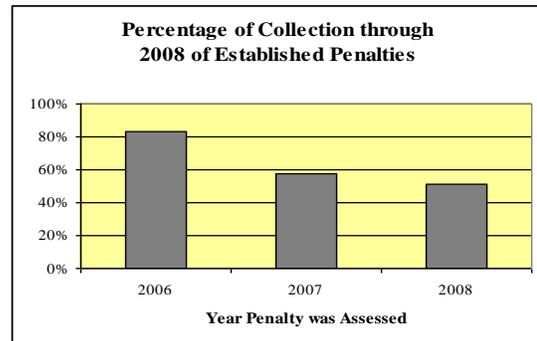
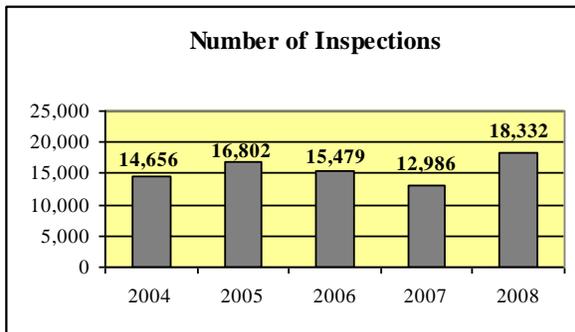
Number of Inspections	1,909
Number of Regulated Entities	4,532
Total Number of Penalties Assessed	0
Total Dollar Amount of Penalties Assessed	\$0
Compliance Rate for Inspected Facilities	95%



LAND RESOURCES – EROSION AND SEDIMENTATION CONTROL

2008 Enforcement Data at a Glance

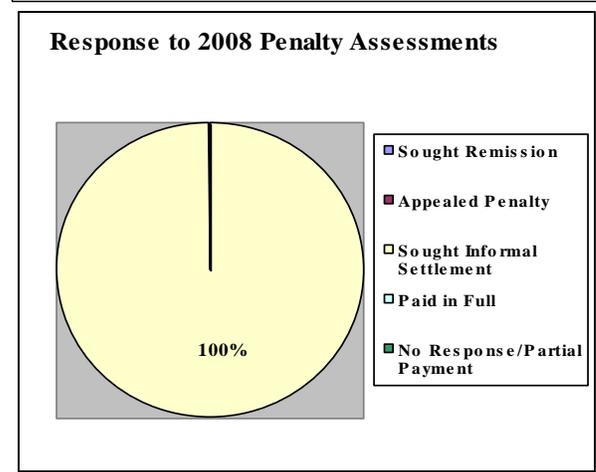
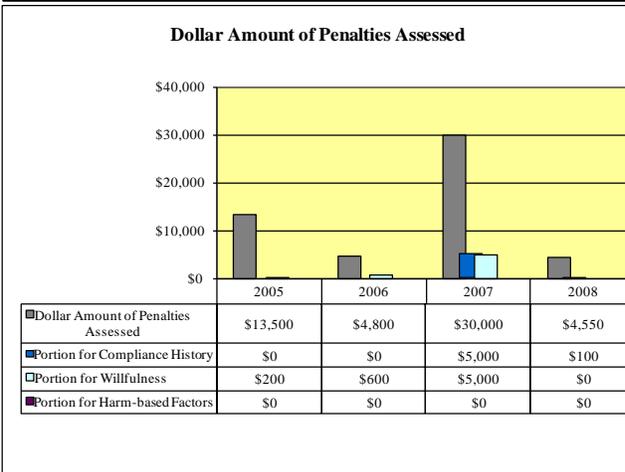
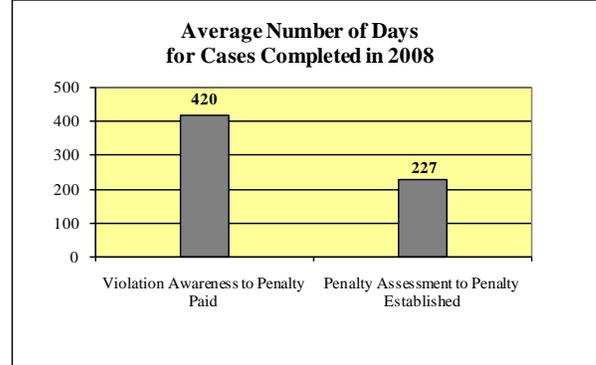
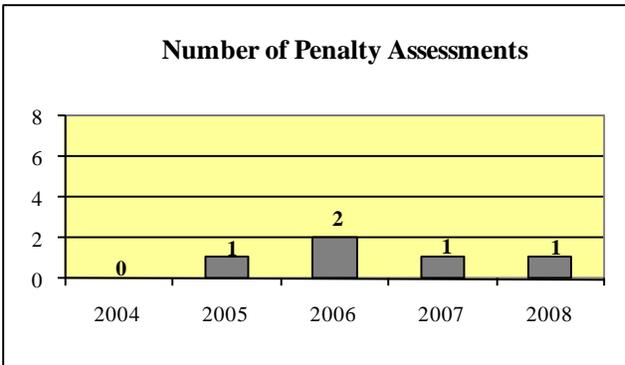
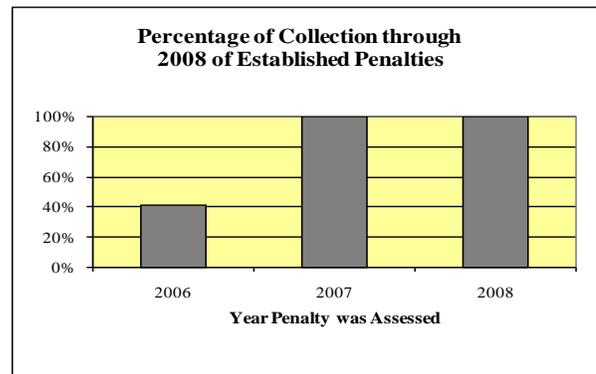
Number of Inspections	18,332
Number of Regulated Entities	8,000
Total Number of Penalties Assessed	64
Total Dollar Amount of Penalties Assessed	\$1,176,354
Compliance Rate for Inspected Facilities	97%



LAND RESOURCES – MINING

2008 Enforcement Data at a Glance

Number of Inspections	806
Number of Regulated Entities	977
Total Number of Penalties Assessed	1
Total Dollar Amount of Penalties Assessed	\$4,550
Compliance Rate for Inspected Facilities	95%



MARINE FISHERIES

2008 Enforcement Data at a Glance

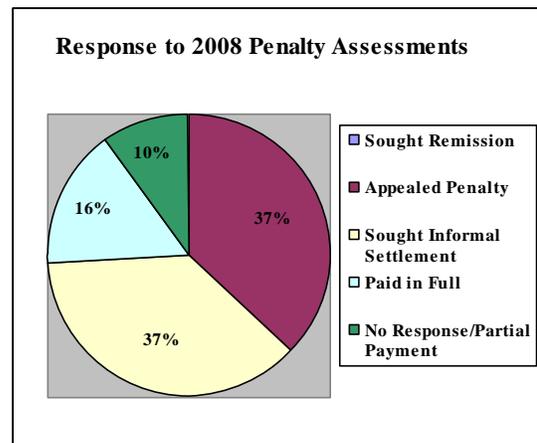
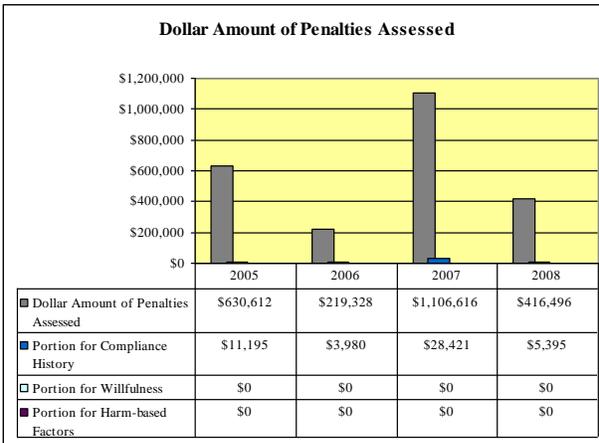
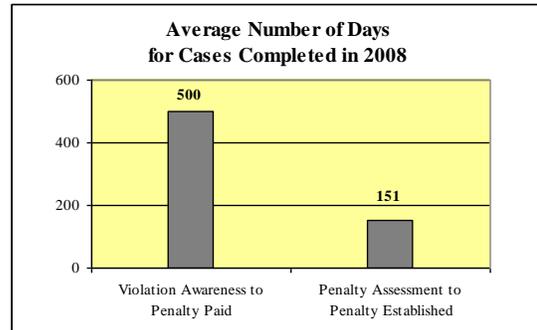
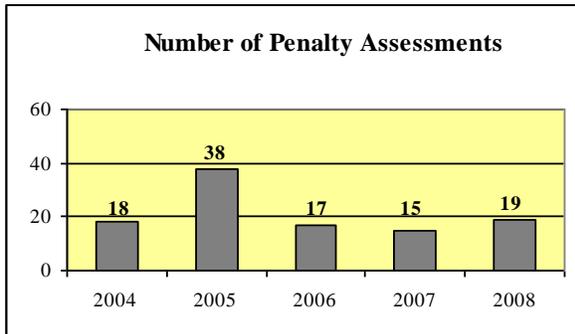
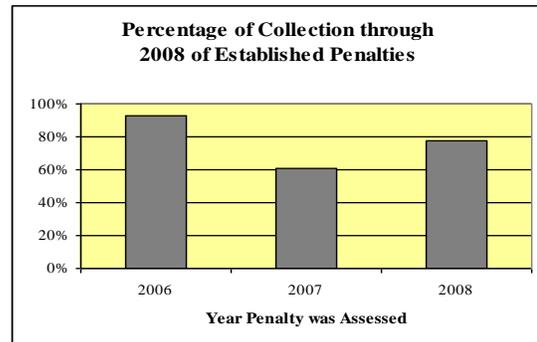
Citations Issued for Harvesting Shellfish from Polluted Waters	54
Citations Issued for Improper or No Shellfish Harvest Tags	6
Written Warnings Issued for Improper or No Shellfish Harvest Tags	14
Total Penalties Collected for Harvesting Shellfish from Polluted Waters	\$6,659
Total Penalties Collected for Improper or No Shellfish Harvest Tags	\$1,891

The year 2006 was the first year this information has been collected for the DENR Compliance Activity Report. Trend analysis will begin in 2009 with four years of collected data.

WASTE MANAGEMENT – HAZARDOUS WASTE

2008 Enforcement Data at a Glance

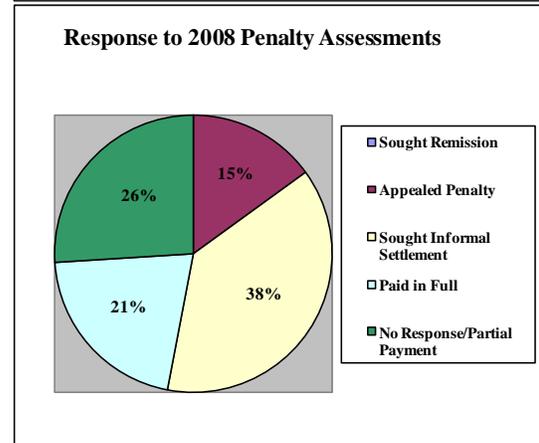
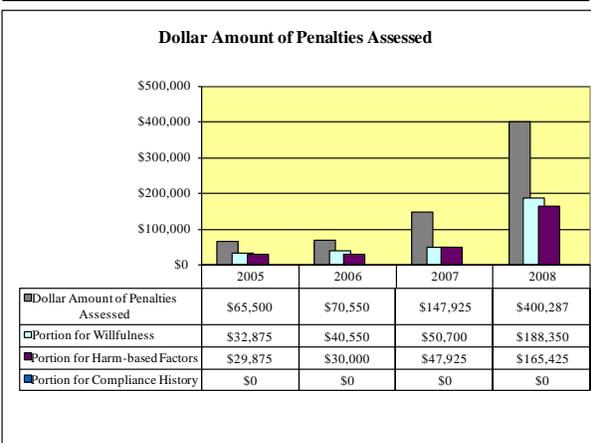
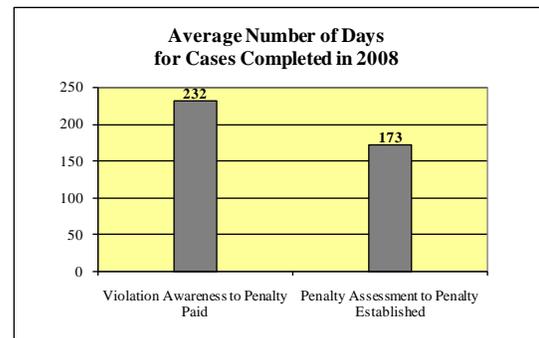
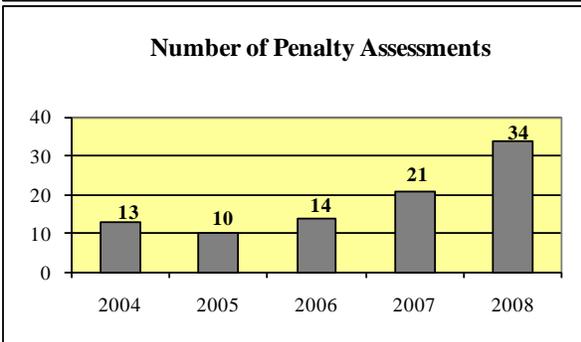
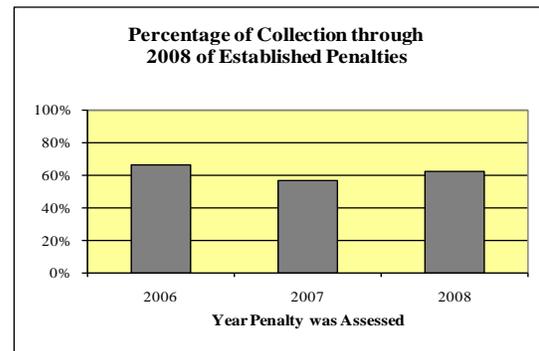
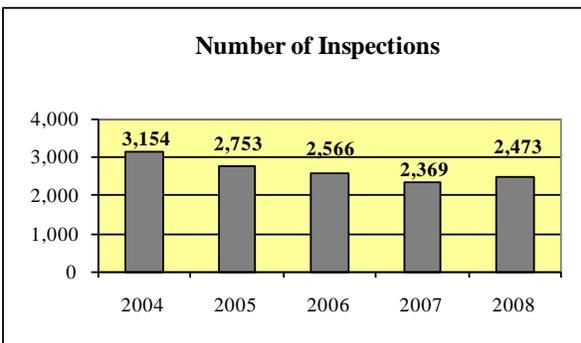
Number of Inspections	606
Number of Regulated Entities	7,070
Total Number of Penalties Assessed	19
Total Dollar Amount of Penalties Assessed	\$416,496
Compliance Rate for Inspected Facilities	78%



WASTE MANAGEMENT – SOLID WASTE

2008 Enforcement Data at a Glance

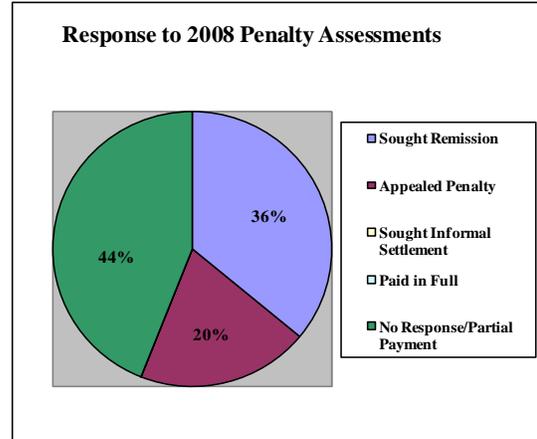
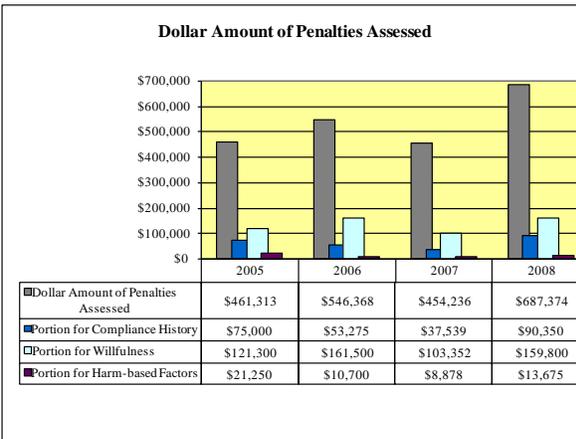
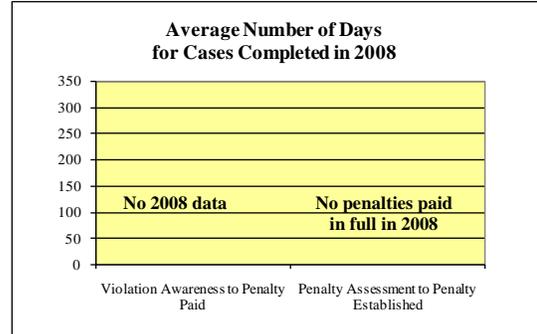
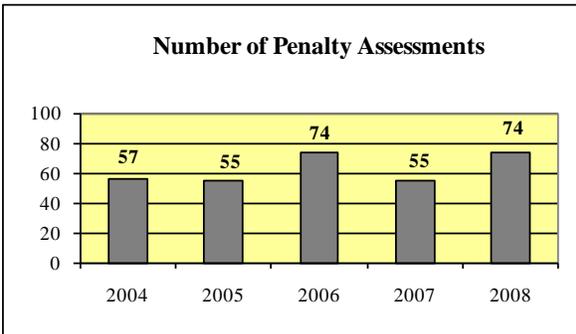
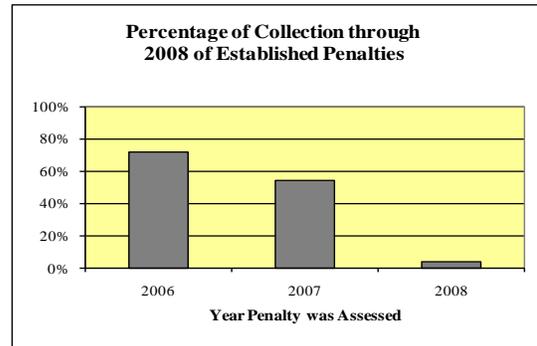
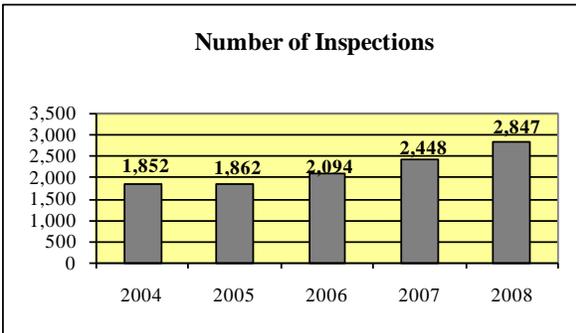
Number of Inspections	2,473
Number of Regulated Entities	3,020
Total Number of Penalties Assessed	34
Total Dollar Amount of Penalties Assessed	\$400,287
Compliance Rate for Inspected Facilities	90%



WASTE MANAGEMENT – UST PROGRAM

2008 Enforcement Data at a Glance

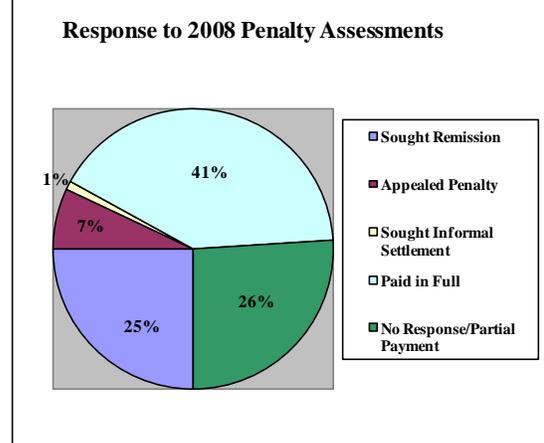
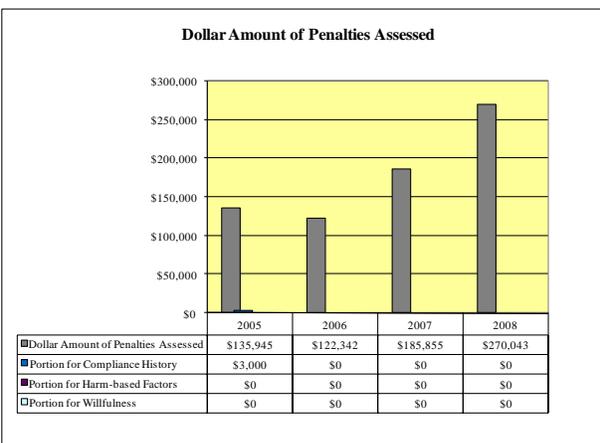
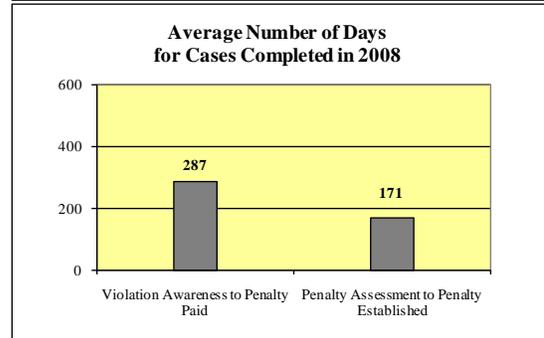
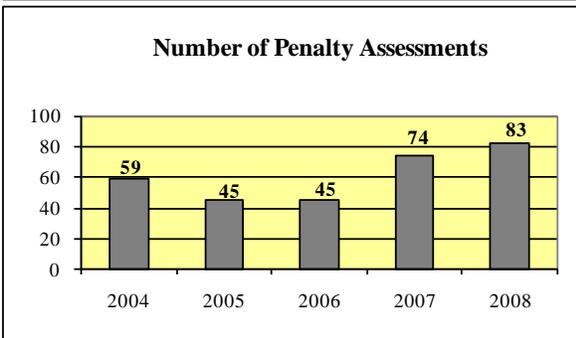
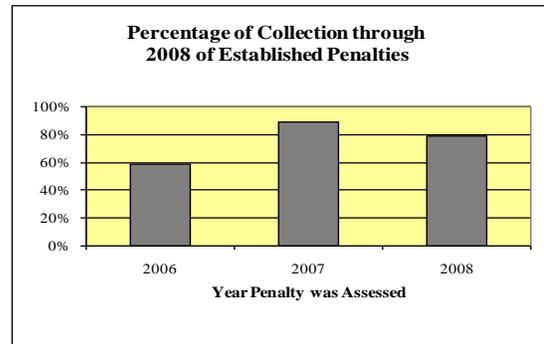
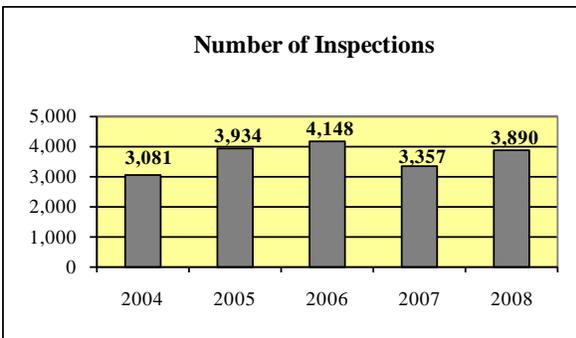
Number of Inspections	2,847
Number of Regulated Entities	28,285
Total Number of Penalties Assessed	74
Total Dollar Amount of Penalties Assessed	\$687,374
Compliance Rate for Inspected Facilities	55%



WATER QUALITY – AQUIFER PROTECTION

2008 Enforcement Data at a Glance

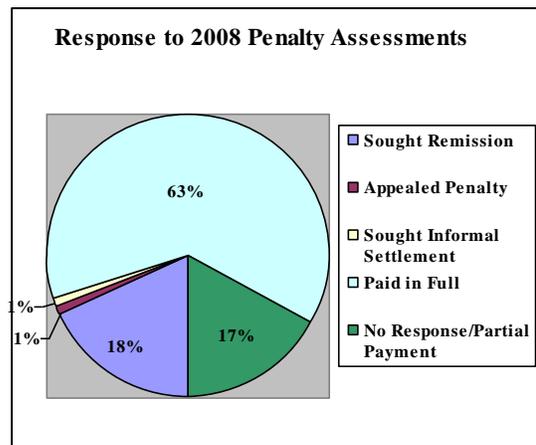
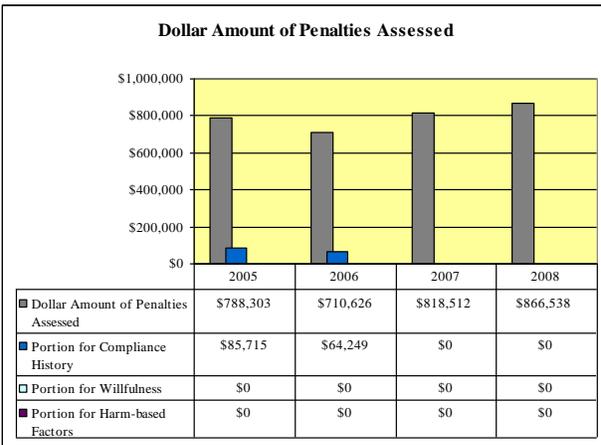
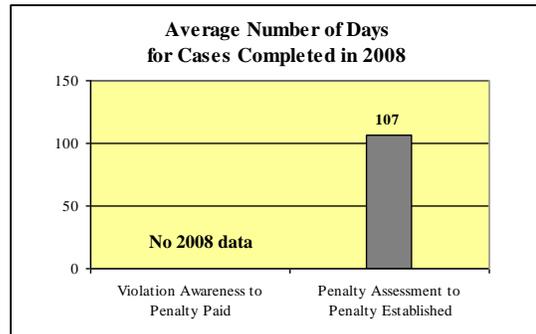
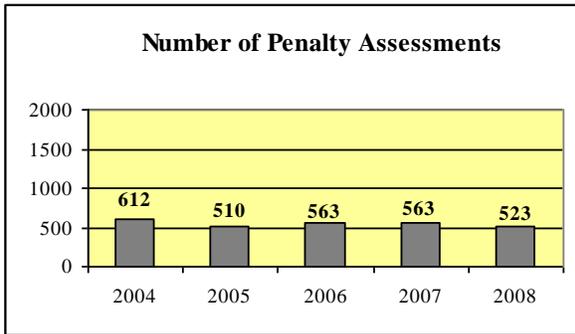
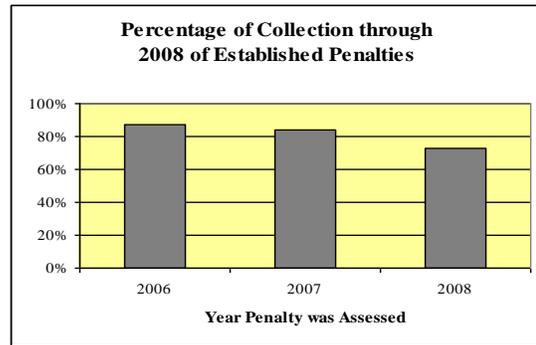
Number of Inspections	3,890
Number of Regulated Entities	5,796
Total Number of Penalties Assessed	83
Total Dollar Amount of Penalties Assessed	\$270,043
Compliance Rate for Inspected Facilities	93%



WATER QUALITY – NPDES

2008 Enforcement Data at a Glance

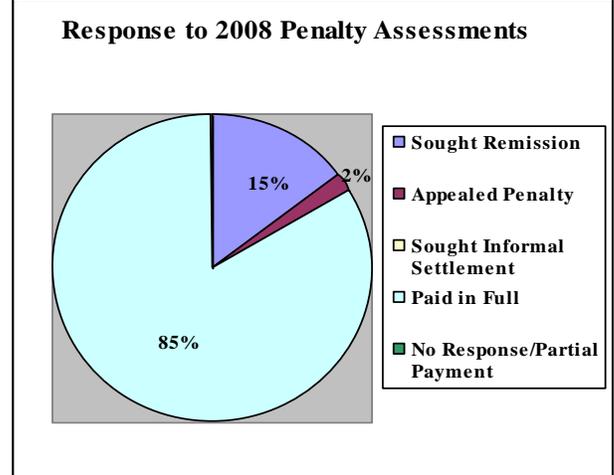
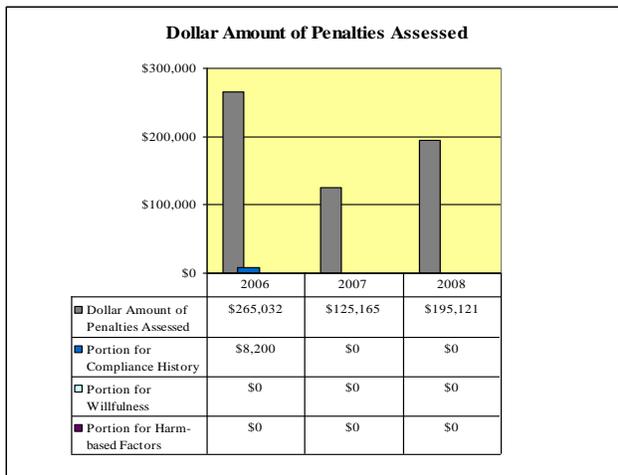
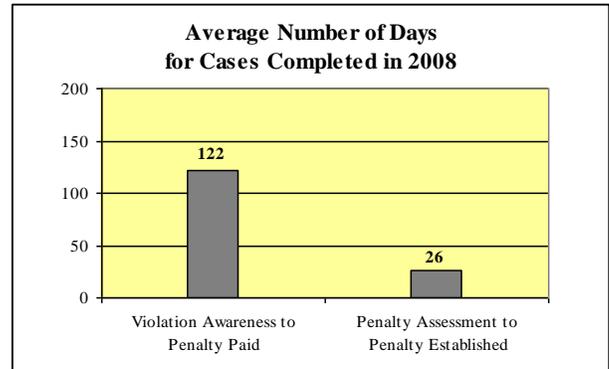
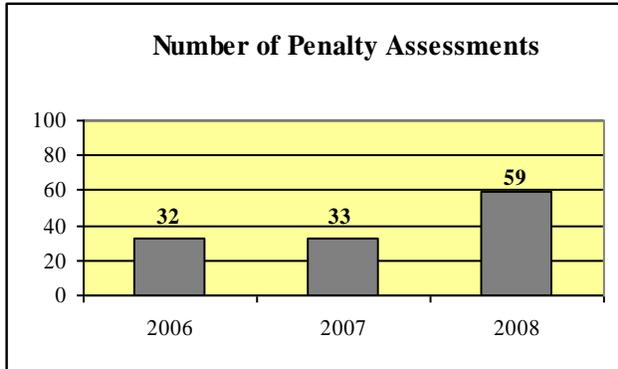
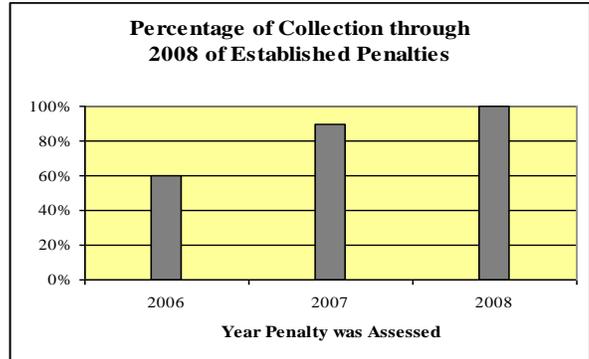
Number of Inspections	1,345
Number of Regulated Entities	3,072
Total Number of Penalties Assessed	523
Total Dollar Amount of Penalties Assessed	\$866,538
Compliance Rate for Inspected Facilities	81%



WATER QUALITY – PRETREATMENT, EMERGENCY RESPONSE AND COLLECTION SYSTEMS

2008 Enforcement Data at a Glance

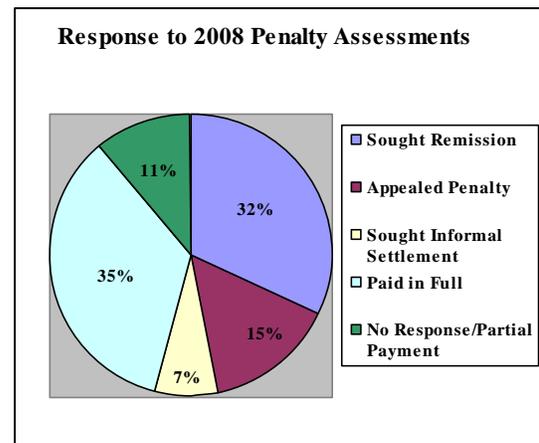
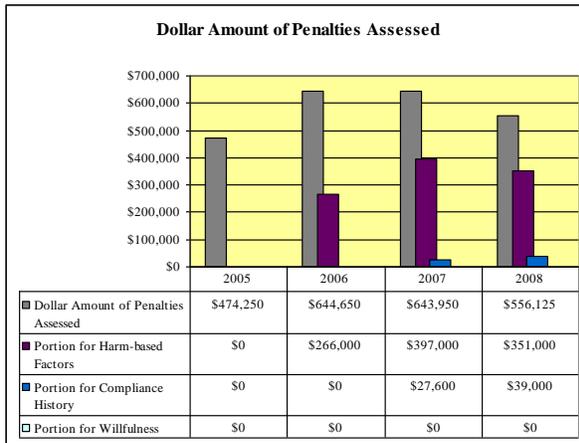
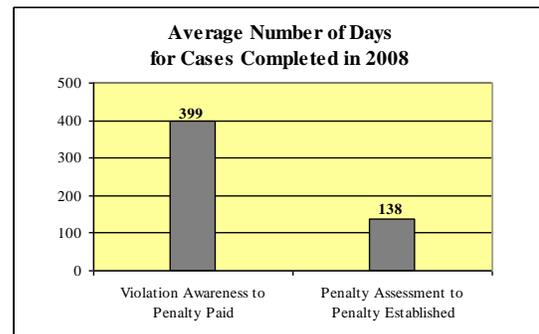
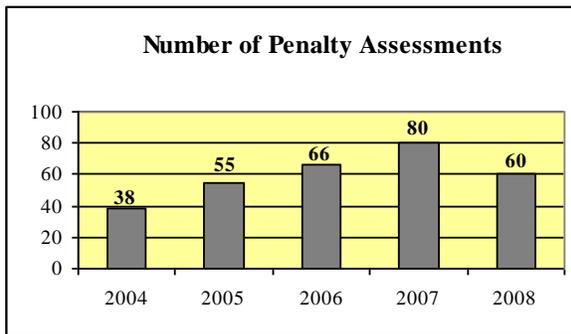
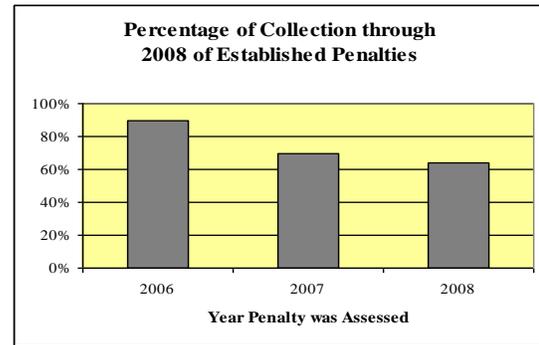
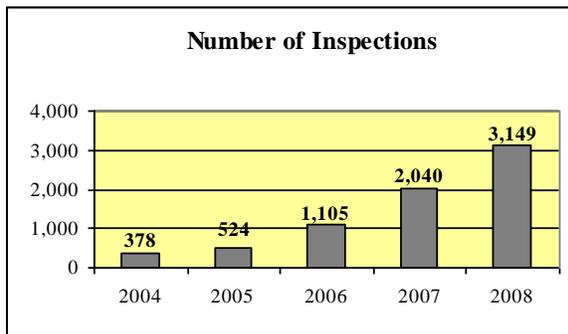
Number of Inspections	311
Number of Regulated Entities	318
Total Number of Penalties Assessed	59
Total Dollar Amount of Penalties Assessed	\$195,121
Compliance Rate for Inspected Facilities	46%



WATER QUALITY – STORMWATER/NON-POINT SOURCE

2008 Enforcement Data at a Glance

Number of Inspections	3,149
Number of Regulated Entities	48,309
Total Number of Penalties Assessed	60
Total Dollar Amount of Penalties Assessed	\$556,125
Compliance Rate for Inspected Facilities	28%



APPENDICES

APPENDIX A

2008 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

	2008 Data
Penalty Assessments	
Total number of penalties assessed	290
Permitted facilities	89
Open burning	199
Other	2
Total dollar amount of penalties assessed	\$678,425
Permitted facilities	\$287,900
Open burning	\$342,525
Other	\$48,000
Average dollar amount of penalties assessed	\$2,339
Highest dollar amount of penalties assessed	\$39,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$403,968
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$174,831
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 the portion of penalties assessed that was added due to repeat violations in 2008	\$137,225
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$14,000
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$320,366
Amount of penalties collected at year end of penalties assessed in 2007	\$170,763
Amount of penalties collected at year end of penalties assessed in 2006	\$6,166
Amount of penalties collected at year end of penalties assessed in 2005	\$6,355
Amount of penalties collected at year end of penalties assessed in 2004	\$3,631
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$7,750
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$15,250
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$3,000
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
Facility Performance	
Compliance rate of inspected facilities	81%
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	135
Percent of last year's violators that were also violators this year	5.2%
Most common violations	1) Open burning 2) Reporting requirements 3) Record-keeping

AIR QUALITY	2008 Data
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	201
Workload Measures	
Number of permitted entities	2,928
Number of regulated entities	5,525
Available inspector FTEs	60.4
Actual inspector FTEs	52.2
Number of inspections	3,348
Number of routine inspections	2,171
Number of complaint-driven inspections	1,177
Reduction Measures	
Amount of reductions made by a commission during this year	\$6,265
Original assessment amount of cases decided by a commission during this year	\$95,800
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$64,656
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$217,950
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	\$13,750
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	11%
Percent of penalty assessments that seek remission of penalties assessed this year	22%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	9%
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	35%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	359
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	26
Average number of days from NOV to penalty assessment for penalties paid in full this year	115
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	197
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)	155

COASTAL MANAGEMENT

	2008 Data
Penalty Assessments	
Total number of penalties assessed	204
Total dollar amount of penalties assessed	\$140,325
Average dollar amount of penalties assessed	\$690
Highest dollar amount of penalties assessed	\$10,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$98,814
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$1,500
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 the portion of penalties assessed that was added due to repeat violations in 2008	\$7,350
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$10,850
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$49,475
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$75,900
Amount of penalties collected at year end of penalties assessed in 2007	\$1,500
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate for inspected facilities	96%
Percent of entities that returned to compliance by their specified deadline	66%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	119
Percent of last year's violators that also violated this year	4%
Most common violations	-unauthorized development; dredge & fill
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	163
Workload Measures	
Number of permitted entities	3,456
Number of regulated entities	3,760

COASTAL MANAGEMENT	2008 Data
Available inspector FTEs	9.4
Actual inspector FTEs	25.0
Number of inspections	7,084
Number of routine inspections	5,269
Number of complaint driven-inspections	200
Reduction Measures	
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, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$1,675
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$142,000
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	2%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	99%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	71%
Timeliness Measures	
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	54
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	n/a
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	16

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

	2008 Data
Workload Measures	
Number of permitted entities	46,843
Number of regulated entities	63,033
Inspector FTEs (Local Health Dept. staff)	359
Number of inspections	43,982
Number of routine inspections	43,263
Number of complaint driven inspections	nav
Selected Measures for the Food, Dairy, Lodging, and Institutional Sanitation Program	
Number of A ratings for restaurants *	51,953
Number of B ratings for restaurants*	7,470
Number of C ratings for restaurants*	961
Number of suspended restaurant Permits	4,930
Number of revoked restaurant Permits	1,941

*Numbers are based on the required number of inspections; not on the number of establishments

ENVIRONMENTAL HEALTH MAMMOGRAPHY

	2008 Data
Penalty Assessments	
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 2008	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$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 the portion of penalties assessed that was added due to repeat violations in 2008	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$0
Amount of penalties collected at year end of penalties assessed in 2007	\$0
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate of inspected facilities	70%
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	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
Workload Measures	
Number of permitted entities	n/a
Number of regulated entities	238

ENVIRONMENTAL HEALTH MAMMOGRAPHY	2008 Data
Available inspector FTEs	3.0
Actual inspector FTEs	3.0
Number of inspections	478
Number of routine inspections	473
Number of complaint-driven inspections	3
Reduction Measures	
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, 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, 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%
Timeliness Measures	
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 WATER PROTECTION

	2008 Data
Penalty Assessments	
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 2008	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$650
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 the portion of penalties assessed that was added due to repeat violations in 2008	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$0
Amount of penalties collected at year end of penalties assessed in 2007	\$0
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate of inspected facilities	100%
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	2
Percent of last year's violators that were also violators this year	0%
Most common violations	-contaminant and design flow exceedances; - tanks not in compliance; (previous year)
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	n/a
Workload Measures	
Number of permitted entities	nav
Number of regulated entities	1,716,437
Available inspector FTEs	4

ENVIRONMENTAL HEALTH ON-SITE WATER PROTECTION	2008 Data
Actual inspector FTEs	4
Number of inspections	101
Number of routine inspections	50
Number of complaint-driven inspections	12
Reduction Measures	
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, 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, 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%
Timeliness Measures	
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
Selected Measures for the On-Site Program*	
Operation Permit-New	16,437
Operation Permit-Repair	3,647
Operation Permit-Expansion	753
Total Operation Permits	20,728
Notice of Violations	1,029
Legal Actions	91
Permits Revoked	365
Permits Suspended	111
Permits Denied	2,370
* 76/100 counties reporting	

ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY

	2008 Data
Penalty Assessments	
Total number of penalties assessed	2,062
Total dollar amount of penalties assessed	\$487,843
Average dollar amount of penalties assessed	\$235
Highest dollar amount of penalties assessed	\$13,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$470,358
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$39,660
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$7,720
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$550
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2008	\$5,000
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$3,000
* Per day penalties are not determined until the original penalty is established. Per day penalties are then added to the assessment.	
**SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$244,274
Amount of penalties collected at year end of penalties assessed in 2007	\$45,419
Amount of penalties collected at year end of penalties assessed in 2006	\$8,520
Amount of penalties collected at year end of penalties assessed in 2005	\$1,150
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$88,386
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$16,856
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$16,665
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$3,325
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$75
Facility Performance	
Compliance rate of inspected facilities	95%
Percent of entities that returned to compliance by their specified deadline	nav
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	579
Percent of last year's violators that were also violators this year	56%
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)	2
Workload Measures	
Number of permitted entities	2,665

ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY	2008 Data
Number of regulated entities	6,760
Available inspector FTEs	45
Actual inspector FTEs	50
Number of inspections	7,501
Number of routine inspections	n/a
Number of complaint-driven inspections	nav
Reduction Measures	
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, 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, 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	3%
Percent of penalty assessments that seek remission of penalties assessed this year	n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year	2%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	0.3%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	44%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	375
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	3
Average number of days from NOV to penalty assessment for penalties paid in full this year	285
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	255
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)	64

ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS

	2008 Data
Penalty Assessments	
Total number of penalties assessed	4
Total dollar amount of penalties assessed	\$10,000
Average dollar amount of penalties assessed	\$2,500
Highest dollar amount of penalties assessed	\$2,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$7,500
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$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 the portion of penalties assessed that was added due to repeat violations in 2008	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$5,000
Amount of penalties collected at year end of penalties assessed in 2007	\$0
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
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	-failure to review rad protection program annually -leak test on radioactive sealed source exceeded -failure to document required inventory of rad material

ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS	2008 Data
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
Workload Measures	
Number of permitted entities	n/a
Number of regulated entities	1,960
Available inspector FTEs	9.5
Actual inspector FTEs	9.5
Number of inspections	423
Number of routine inspections	302
Number of complaint-driven inspections	2
Reduction Measures	
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, 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, 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	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	100%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	152
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	4
Average number of days from NOV to penalty assessment for penalties paid in full this year	90
Average number of days from penalty assessment to penalty establishment for penalties paid in full	60
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)	6

ENVIRONMENTAL HEALTH SHELLFISH SANITATION

	2008 Data
Penalty Assessments	
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 2008	n/a
Amount of penalties established through SAFA at year end for penalties assessed in 2007	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 the portion of penalties assessed that was added due to repeat violations in 2008	n/a
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	n/a
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	n/a
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	n/a
Amount of penalties collected at year end of penalties assessed in 2007	n/a
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	n/a
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	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
Facility Performance	
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
Workload Measures	
Number of permitted entities	206
Number of regulated entities	206
Available inspector FTEs	10.0

ENVIRONMENTAL HEALTH SHELLFISH SANITATION	2008 Data
Actual inspector FTEs	10.0
Number of inspections	8,566
Number of routine inspections	8,539
Number of complaint-driven inspections	27
Reduction Measures	
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, 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, 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
Timeliness Measures	
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
Selected Measures for the Shellfish Sanitation Program	
Number of shellfish licenses revoked	0
Number of sewage inspections	3,987
Number of sewage violations	80
Number of processing plant inspections	1,317
Number of recommended changes to shellfish growers	119

ENVIRONMENTAL HEALTH TANNING PROGRAM

	2008 Data
Penalty Assessments	
Total number of penalties assessed	21
Total dollar amount of penalties assessed	\$18,750
Average dollar amount of penalties assessed	\$893
Highest dollar amount of penalties assessed	\$3,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$16,250
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$3,500
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 the portion of penalties assessed that was added due to repeat violations in 2008	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$4,012
Amount of penalties collected at year end of penalties assessed in 2007	\$0
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$1,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate of inspected facilities	39%
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	0%
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)	1

ENVIRONMENTAL HEALTH TANNING PROGRAM	2008 Data
Workload Measures	
Number of permitted entities	n/a
Number of regulated entities	2,086
Available inspector FTEs	3.0
Actual inspector FTEs	2.0
Number of inspections	676
Number of routine inspections	552
Number of complaint-driven inspections	124
Reduction Measures	
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, 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, 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	81%
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%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	348
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	250
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	78
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)	23

ENVIRONMENTAL HEALTH X-RAY PROGRAM

	2008 Data
Penalty Assessments	
Total number of penalties assessed	5
Total dollar amount of penalties assessed	\$2,500
Average dollar amount of penalties assessed	\$500
Highest dollar amount of penalties assessed	\$500
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$2,000
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$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 the portion of penalties assessed that was added due to repeat violations in 2008	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$0
Amount of penalties collected at year end of penalties assessed in 2007	\$0
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate of inspected facilities	21%
Percent of entities that returned to compliance by their specified deadline	nav
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	0
Percent of last year's violators that were also violators this year	0%
Most common violations	-no current copy of regulation book; - no annual review of written radiation program; - no written radiation program
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0

ENVIRONMENTAL HEALTH X-RAY PROGRAM	2008 Data
Workload Measures	
Number of permitted entities	n/a
Number of regulated entities	7,787
Available inspector FTEs	6.0
Actual inspector FTEs	6.0
Number of inspections	603
Number of routine inspections	597
Number of complaint-driven inspections	33
Reduction Measures	
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, 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, 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	80%
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%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	0
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	0
Average number of days from NOV to penalty assessment for penalties paid in full this year	0
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	0
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	0

FOREST RESOURCES

	2008 Data
Number of Site Evaluations Conducted by Type	
Active Harvest	1,505
Completed Harvest	1,495
Other Activities	123
Reforestation	421
Total	3,544
Citizen Complaints	
	82
Percent of Site Evaluations in Forest Practices Guidelines Non-Compliance by Type	
Citizen Complaints	37%
Active Harvest	4%
Completed Harvest	4%
Other Activities	1%
Reforestation	1%
Number of Reinspections	
	1,410
Number of Notices of Forest Practices Guidelines Non-Compliance	
	120
Number of Referrals for Enforcement	
	4

LAND RESOURCES DAM SAFETY

	2008 Data
Penalty Assessments	
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 2008	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$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 the portion of penalties assessed that was added due to repeat violations in 2008	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$0
Amount of penalties collected at year end of penalties assessed in 2007	\$0
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate of inspected facilities	95%
Percent of entities that returned to compliance by their specified deadline	20%
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	- failure to submit repair plans after NOV; construction and impounding without approval
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0
Workload Measures	
Number of permitted entities	4,532
Number of regulated entities	4,532

LAND RESOURCES DAM SAFETY	2008 Data
Available inspector FTEs	10.0
Actual inspector FTEs	7.0
Number of inspections	1,909
Number of routine inspections	1,833
Number of complaint-driven inspections	39
Reduction Measures	
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, 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, 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%
Timeliness Measures	
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
Selected Measures for the Dam Safety Program	
Number of injunctions issued	0
Number of dam safety orders issued	3
Total number of dams repaired or breached	24
Number of dams repaired or breached that are under an enforcement action	1

LAND RESOURCES EROSION AND SEDIMENTATION CONTROL

	2008 Data
Penalty Assessments	
Total number of penalties assessed	64
Total dollar amount of penalties assessed	\$1,176,354
Average dollar amount of penalties assessed	\$18,381
Highest dollar amount of penalties assessed	\$116,424
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$316,465
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$194,880
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	\$34,470
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$190,000
Amount of the portion of penalties assessed that was added due to repeat violations in 2008	\$29,437
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$322,472
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$192,289
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$163,820
Amount of penalties collected at year end of penalties assessed in 2007	\$58,098
Amount of penalties collected at year end of penalties assessed in 2006	\$2,560
Amount of penalties collected at year end of penalties assessed in 2005	\$24,095
Amount of penalties collected at year end of penalties assessed in 2004	\$190,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$4,700
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
Facility Performance	
Compliance rate of inspected facilities	97%
Percent of entities that returned to compliance by their specified deadline	84%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	34
Percent of last year's violators that were also violators this year	7%
Most common violations	failure to follow approved plan; failure to take all reasonable measures; failure to maintain measures
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	6
Workload Measures	
Number of permitted entities	8,000

LAND RESOURCES EROSION AND SEDIMENTATION CONTROL	2008 Data
Number of regulated entities	8,000
Available inspector FTEs	39.0
Actual inspector FTEs	28.0
Number of inspections	18,332
Number of routine inspections	17,290
Number of complaint-driven inspections	1,092
Reduction Measures	
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, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$288,790
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$777,805
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	11%
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	44%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	13%
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%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	436
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	4
Average number of days from NOV to penalty assessment for penalties paid in full this year	95
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	321
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)	111

LAND RESOURCES MINING

	2008 Data
Penalty Assessments	
Total number of penalties assessed	1
Total dollar amount of penalties assessed	\$4,550
Average dollar amount of penalties assessed	\$4,550
Highest dollar amount of penalties assessed	\$4,550
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$3,750
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$30,000
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 the portion of penalties assessed that was added due to repeat violations in 2008	\$100
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$3,750
Amount of penalties collected at year end of penalties assessed in 2007	\$30,000
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate of inspected facilities	95%
Percent of entities that returned to compliance by their specified deadline	93%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	1
Percent of last year's violators that were also violators this year	100%
Most common violations	-mining without a permit
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1
Workload Measures	
Number of permitted entities	935
Number of regulated entities	977

LAND RESOURCES MINING	2008 Data
Available inspector FTEs	3.0
Actual inspector FTEs	2.5
Number of inspections	806
Number of routine inspections	715
Number of complaint-driven inspections	91
Reduction Measures	
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, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$800
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$4,500
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	100%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	0%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	100%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	0%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	420
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	17
Average number of days from NOV to penalty assessment for penalties paid in full this year	398
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	227
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)	84

MARINE FISHERIES

	2008 Data
Hours worked patrolling polluted waters	9,899
Citations issued for harvesting shellfish from polluted waters	54
Citations issued for improper or no shellfish harvest tags	6
Written warnings issued for improper or no shellfish harvest tags	14
Total penalties collected for harvesting shellfish from polluted waters (criminal fines plus court costs)	\$6,659
Total penalties collected for improper or no shellfish harvest tags (criminal fines plus court costs)	\$1,891
Total license/permit suspensions or revocations resulting from convictions for harvesting shellfish from polluted waters	21

WASTE MANAGEMENT HAZARDOUS WASTE

	2008 Data
Penalty Assessments	
Total number of penalties assessed	19
Total dollar amount of penalties assessed	\$416,496
Average dollar amount of penalties assessed	\$21,921
Highest dollar amount of penalties assessed	\$51,375
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$117,762
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$50,278
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 the portion of penalties assessed that was added due to repeat violations in 2008	\$5,395
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	n/a
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$91,751
Amount of penalties collected at year end of penalties assessed in 2007	\$140,408
Amount of penalties collected at year end of penalties assessed in 2006	\$2,440
Amount of penalties collected at year end of penalties assessed in 2005	\$8,600
Amount of penalties collected at year end of penalties assessed in 2004	\$3,135
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate for inspected facilities	78%
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	4
Percent of last year's violators that were also violators this year	0%
Most common violations	-failure to date, label and close containers
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1
Workload Measures	
Number of permitted entities	91

WASTE MANAGEMENT HAZARDOUS WASTE	2008 Data
Number of regulated entities	7,070
Available inspector FTEs	12.0
Actual inspector FTEs	12.0
Number of inspections	606
Number of routine inspections	1,402
Number of complaint-driven inspections	71
Reduction Measures	
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, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$147,234
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$290,496
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	26%
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	37%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	37%
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	16%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	500
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	356
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	151
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)	276

WASTE MANAGEMENT SOLID WASTE

	2008 Data
Penalty Assessments	
Total number of penalties assessed	34
Total dollar amount of penalties assessed	\$400,287
Average dollar amount of penalties assessed	\$11,773
Highest dollar amount of penalties assessed	\$69,375.00
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$239,514
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$37,299
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	\$4,275
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2008	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$188,350
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$165,425
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$149,264
Amount of penalties collected at year end of penalties assessed in 2007	\$29,337
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate of inspected facilities	90%
Percent of entities that returned to compliance by their specified deadline	70%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	7
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)	9

WASTE MANAGEMENT SOLID WASTE	2008 Data
Workload Measures	
Number of permitted entities	1,913
Number of regulated entities	3,020
Available inspector FTEs	17.1
Actual inspector FTEs	17.1
Number of inspections	2,473
Number of routine inspections	2,303
Number of complaint-driven inspections	138
Reduction Measures	
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, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$63,148
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$239,668
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	12%
Percent of penalty assessments that seek remission of penalties assessed this year	0%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	15%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	38%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	21%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	232
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	174
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	173
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)	100

WASTE MANAGEMENT UNDERGROUND STORAGE TANK PROGRAM

	2008 Data
Penalty Assessments	
Total number of penalties assessed	74
Total dollar amount of penalties assessed	\$687,374
Average dollar amount of penalties assessed	\$9,289
Highest dollar amount of penalties assessed	\$30,364
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$21,308
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$29,038
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$5,406
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 the portion of penalties assessed that was added due to repeat violations in 2008	\$90,350
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$159,800
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$13,675
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$789
Amount of penalties collected at year end of penalties assessed in 2007	\$25,866
Amount of penalties collected at year end of penalties assessed in 2006	\$3,308
Amount of penalties collected at year end of penalties assessed in 2005	\$1,124
Amount of penalties collected at year end of penalties assessed in 2004	\$10,914
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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	\$18,354
Facility Performance	
Compliance rate of inspected facilities	55%
Percent of entities that returned to compliance by their specified deadline	95%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	30
Percent of last year's violators that were also violators this year	4%
Most common violations	-failure to meet the requirements for temporary closure, leak detection, & corrosion protection
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	19

WASTE MANAGEMENT UNDERGROUND STORAGE TANK PROGRAM	2008 Data
Workload Measures	
Number of permitted entities	26,450
Number of regulated entities	28,285
Available inspector FTEs	15
Actual inspector FTEs	15
Number of inspections	2,847
Number of routine inspections	2,777
Number of complaint-driven inspections	10
Reduction Measures	
Amount of reductions made by a commission during this year	\$6,300
Original assessment amount of cases decided by a commission during this year	\$8,900
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$164,074
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$217,142
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$15,562
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$15,562
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	16%
Percent of penalty assessments that seek remission of penalties assessed this year	36%
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	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	0%
Timeliness Measures	
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	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

WATER QUALITY AQUIFER PROTECTION

	2008 Data
Penalty Assessments	
Total number of penalties assessed	83
Total dollar amount of penalties assessed	\$270,043
Average dollar amount of penalties assessed	\$3,254
Highest dollar amount of penalties assessed	\$38,037
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$174,218
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$52,122
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$2,814
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$8,800
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2008	nav
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	nav
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	nav
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$137,789
Amount of penalties collected at year end of penalties assessed in 2007	\$60,984
Amount of penalties collected at year end of penalties assessed in 2006	\$3,414
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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	\$4,400
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Facility Performance	
Compliance rate of inspected facilities	93%
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	29
Percent of last year's violators that were also violators this year	14%
Most common violations	-permit conditions; limit, discharge & well construction violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	8
Workload Measures	
Number of permitted entities	5,472
Number of regulated entities	5,796

WATER QUALITY AQUIFER PROTECTION	2008 Data
Available inspector FTEs	31.9
Actual inspector FTEs	27.7
Number of inspections	3,890
Number of routine inspections	3,746
Number of complaint-driven inspections	398
Reduction Measures	
Amount of reductions made by a commission during this year	\$1,500
Original assessment amount of cases decided by a commission during this year	\$6,506
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$12,977
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$57,734
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	1%
Percent of penalty assessments that seek remission of penalties assessed this year	25%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	7%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	1%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	41%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	287
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	171
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 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

	2008 Data
Penalty Assessments	
Total number of penalties assessed	523
Total dollar amount of penalties assessed	\$866,538
Average dollar amount of penalties assessed	\$1,657
Highest dollar amount of penalties assessed	\$141,124
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$550,847
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$184,955
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$47,785
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 the portion of penalties assessed that was added due to repeat violations in 2008	nav
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$404,798
Amount of penalties collected at year end of penalties assessed in 2007	\$222,068
Amount of penalties collected at year end of penalties assessed in 2006	\$32,362
Amount of penalties collected at year end of penalties assessed in 2005	\$6,621
Amount of penalties collected at year end of penalties assessed in 2004	\$720
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate of inspected facilities	81%
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	435
Percent of last year's violators that were also violators this year	41%
Most common violations	- limit violations; - monitoring violations; - late reporting violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1
Workload Measures	
Number of permitted entities	3,072
Number of regulated entities	3,072
Available inspector FTEs	21.9

WATER QUALITY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM	2008 Data
Actual inspector FTEs	21.6
Number of inspections**	1,345
Number of routine inspections	1,248
Number of complaint-driven inspections	22
** Field inspections only; excludes reviews/inspections of Discharge Monitoring Reports	
Reduction Measures	
Amount of reductions made by a commission during this year	\$2,850
Original assessment amount of cases decided by a commission during this year	\$81,646
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$42,005
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$162,628
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	18%
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	1%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	63%
Timeliness Measures	
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	0
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	107
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)	33

WATER QUALITY PRETREATMENT, EMERGENCY RESPONSE AND COLLECTION SYSTEMS

	2008 Data
Penalty Assessments	
Total number of penalties assessed	59
Total dollar amount of penalties assessed	\$195,121
Average dollar amount of penalties assessed	\$3,307
Highest dollar amount of penalties assessed	\$37,355
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$177,435
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$146,112
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$240,654
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$291,583
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$129,779
Amount of the portion of penalties assessed that was added due to repeat violations in 2008	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$177,435
Amount of penalties collected at year end of penalties assessed in 2007	\$143,901
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 uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$17,686
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$2,210
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
Facility Performance	
Compliance rate of inspected facilities	46%
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	14
Percent of last year's violators that were also violators this year	15%
Most common violations	-discharge violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	9
Workload Measures	
Number of permitted entities	318
Number of regulated entities	318
Available inspector FTEs	1.5

WATER QUALITY PRETREATMENT, EMERGENCY RESPONSE AND COLLECTION SYSTEMS	2008 Data
Actual inspector FTEs	1.5
Number of inspections**	311
Number of routine inspections	303
Number of complaint-driven inspections	1
Reduction Measures	
Amount of reductions made by a commission during this year	\$0
Original assessment amount of cases decided by a commission during this year	\$54,571
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$14,400
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$54,571
Amount of reductions made by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$2,000
Original assessment amount of cases decided by a judge in state or federal court (either district, superior, appeals or supreme court) during this year	\$11,334
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year	3%
Percent of penalty assessments that seek remission of penalties assessed this year	15%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	2%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	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	85%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	122
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	34
Average number of days from NOV to penalty assessment for penalties paid in full this year	25
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	26
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)	63

WATER QUALITY STORMWATER/NON-POINT SOURCE

	2008 Data
Penalty Assessments	
Total number of penalties assessed	60
Total dollar amount of penalties assessed	\$556,125
Average dollar amount of penalties assessed	\$9,269
Highest dollar amount of penalties assessed	\$46,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2008	\$301,900
Amount of penalties established through SAFA at year end for penalties assessed in 2007	\$259,800
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$65,500
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$5,000
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2008	\$39,000
Amount of the portion of penalties assessed that was added due to willful offenders in 2008	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2008	\$351,000
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2008	\$192,699
Amount of penalties collected at year end of penalties assessed in 2007	\$158,517
Amount of penalties collected at year end of penalties assessed in 2006	\$42,503
Amount of penalties collected at year end of penalties assessed in 2005	\$5,801
Amount of penalties collected at year end of penalties assessed in 2004	\$14,628
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2008	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$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
Facility Performance	
Compliance rate of inspected facilities	28%
Percent of entities that returned to compliance by their specified deadline	91%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	17
Percent of last year's violators that were also violators this year	2%
Most common violations	- water quality standards (removal of use and sediment); buffer violations; failure to obtain 401 and 401 conditions
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	27

WATER QUALITY STORMWATER/NON-POINT SOURCE	2008 Data
Workload Measures	
Number of permitted entities	47,696
Number of regulated entities	48,309
Available inspector FTEs	9.3
Actual inspector FTEs	7.3
Number of inspections	3,149
Number of routine inspections	1,864
Number of complaint-driven inspections	562
Reduction Measures	
Amount of reductions made by a commission during this year	\$10,500
Original assessment amount of cases decided by a commission during this year	\$82,700
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$146,610
Original assessment amount of cases decided by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year	\$569,775
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	3%
Percent of penalty assessments that seek remission of penalties assessed this year	32%
Percent of penalty assessments that appeal to OAH of penalties assessed this year	15%
Percent of penalty assessments that seek informal settlement of penalties assessed this year	7%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year	35%
Timeliness Measures	
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year	399
Average number of days from violation awareness to NOV issuance for penalties paid in full this year	19
Average number of days from NOV to penalty assessment for penalties paid in full this year	129
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year	138
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)	113

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

	2008 Data
Number of Civil Penalty Cases Closed	344
Total Amount Assessed by DENR	\$3,706,512
Total Amount Collected for DENR	\$1,770,006
Total Amount Uncollected	\$520,281
Number of Uncollected Civil Penalty Cases Closed	81
<u>Reason for Uncollected Assessment:</u>	
Bankruptcy	0
Violator Deceased	1
Petition Withdrawn*	2
Penalty Rescinded*	17
Uncollectible/No Property to Levy/Obtained a Judgment	55
Unknown	4
No Assets	2
* DENR was responsible for collection of these civil penalty amounts.	

APPENDIX B

DENR ENFORCEMENT PRIMER

What are the maximum daily civil penalties in DENR?

- ▶ **Air Quality** – \$25,000 per day per violation [NCGS 143-215.114A (a)]
- ▶ **Coastal Management** – \$250 per day (minor development), \$2500 per day (major development) [NCGS 113A-126(d)]
- ▶ **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** – \$32,500 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 five years [NCGS 143-215.6A(a) and (b1)]
- ▶ **Oil Pollution/Hazardous Substance Control** – \$5,000 per violation
- ▶ **On-Site Water Protection** – \$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 five years [NCGS 143-215.6A(a) and (b1)]
- ▶ **Underground Storage Tanks** – \$10,000 per day per violation [NCGS 143-215.6A]
- ▶ **Water Quality - 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 five years beginning Oct. 1, 2002.
- ▶ **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.

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

What factors are considered in determining the penalty amount?

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

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

Where are the Penalty Assessment Computation Criteria found?

- ▶ **Air Quality** – NCGS 143-215.114A(c), 143B-282.1(b) and 15A NCAC 02J .06
- ▶ **Coastal Management** – NCGS 113A-126(d)(4) and 15A NCAC 07J .0409(f)(3)
- ▶ **Dam Safety** – NCGS 143-215.36(b)(3)
- ▶ **Erosion and Sediment Control** – NCGS 113A-64(a)(3) and 15A NCAC 04C. 0106
- ▶ **Hazardous Waste** – NCGS 130A-22(f) and 15A NCAC 13B Section .0702
- ▶ **Mining** – NCGS 74-64(a)(1)(c) and 15A NCAC 05K .0107
- ▶ **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 Water Protection** – NCGS 130A-22(c) & (h), 130A-23, 130A-25 and 15A NCAC 18A .1968
- ▶ **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)
- ▶ **Water Quality - Aquifer Protection** – NCGS 143-215.6A and 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
MAJOR		80 – 100%	60 – 80%	44 – 60%
MODERATE		32 – 44%	20 – 32%	12 – 20%
MINOR		6 – 12%	2 – 6%	1 – 2%
Degree of Harm Factors:		Degree of Deviation Factors:		
<input type="checkbox"/> Duration of Violation <input type="checkbox"/> Area of Impact (size) <input type="checkbox"/> Proximity to receptors <input type="checkbox"/> Sector impacts (air, land, water) <input type="checkbox"/> Health Impacts		<input type="checkbox"/> Administrative / Record Keeping <input type="checkbox"/> Indirect sector impact <input type="checkbox"/> Direct sector impact <input type="checkbox"/> Undermines statute / regulation		

Generic Penalty Matrix Worksheet

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

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

Generic Penalty Tree

Programs that use a matrix analysis:

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

Programs that use a penalty tree:

- ▶ Air Quality

Programs that use a matrix/tree in combination:

- ▶ Coastal Management
- ▶ Radiation Protection

Programs that use a hybrid matrix:

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

Programs that apply maximum penalties in all cases:

- ▶ On-Site Wastewater

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"> • Industries with air emissions • Illegal open burning • Mobile sources and gas stations • Animal operations with liquid waste management systems
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"> • Animal farms • Municipal wastewater treatment plants that apply waste to land • Industrial wastewater spray facilities • Industrial and municipal wastewater treatment plants producing residuals needing disposal on land • Wastewater spray irrigation systems • Well contractors • DWQ-responsible groundwater pollution incidents
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"> • Those proposing any development (construction, excavation, filling) in the coastal area and within an AEC
Dam Safety (Division of Land Resources)	<p>The Dam Safety Program's primary mission is to prevent property damage, personal injury, loss of life and loss of reservoir storage from the failure of dams. The program also has the responsibility to ensure maintenance of minimum stream flows downstream 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 periodic inspection of dams and the initiation of enforcement for violations of the law.</p>	<ul style="list-style-type: none"> • Owners of dams

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 performance-oriented legislation that establishes five 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 3,439 new erosion and sediment control plans in Calendar Year 2007, and has approximately 8,000 active projects.	<ul style="list-style-type: none"> • Any land-disturbing activity an acre or more in size except those land-disturbing activities listed in N.C.G.S. 113A-52.01.
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, Pools 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"> • Food establishments
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 and Universal Waste Management (e.g. batteries, pesticides, mercury-containing equipment and lamps).	<ul style="list-style-type: none"> • Small and large quantity generators • Hazardous waste transporters • Treatment / storage / disposal facilities • Facilities that are in various states of closure and post-closure • Used oil facilities • Universal Waste
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 Oct. 28, 1999. The final regulations of mammography exposure equipment were delayed until Oct. 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"> • Hospitals • Physicians Offices • Imaging Practices
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"> • Mining operations

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"> • Municipal wastewater treatment plants • Industrial wastewater treatment plants • Package wastewater treatment plants • Single family residences
On-Site Water Protection Section (OSWPS, Division of Environmental Health)	<p>The On-site Water Protection Section (OSWPS) is responsible for providing a comprehensive program for control of sub-surface on-site wastewater treatment and disposal as a joint effort among the local health departments and the On-site Water Protection Section. 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.</p> <p>The OSWPS provides statewide regulatory and consultative services related to the collection, treatment and disposal of wastewater to local health departments and numerous other clients, including builders, developers, land owners, system installers, system operators, engineers, soil scientists, geologists, environmental health consultants and others.</p> <p>The OSWPS, which is part of the N.C. Department of Environment and Natural Resources, also develops and implements new, revised or amended statewide regulations. The OSWPS regulates all wastewater collection, treatment and disposal systems that do not discharge to the ground surface or surface waters.</p>	<ul style="list-style-type: none"> • Privies • Incinerating and composting toilets • Septic tank systems • Wastewater treatment plants and industrial process wastewater systems discharging to the subsurface • Modified, alternative and innovative wastewater collection, treatment and disposal systems designed for subsurface disposal
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"> • Municipal wastewater treatment plants • Package wastewater treatment plants • Municipal and Industrial Pretreatment facilities • Oil and hazardous waste discharges
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"> • Public water systems with at least 15 service connections or that serve 25 or more individuals for 60 or more days per year
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"> • Nuclear medicine facilities • Civil engineering firms • Industrial radiographers • Research facilities
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"> • Shellfish and crustacea harvesters that sell to the public

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"> • Landfills • Transfer stations • Incinerators • Treatment and processing facilities • Compost facilities • Land application sites for a variety of non-hazardous solid waste types
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"> • Beauty shops • Spas • Video stores • Home-based commercial tanning facilities.
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"> • Petroleum USTs • Hazardous substance USTs
Wetlands and Stormwater Branch / (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 source stormwater discharge program for the state, as well as riparian and water supply program, buffer rules, state stormwater management regulations, Section 401 of the Clean Water Act – which includes impacts to wetlands, streams and other waters. In addition, oil and hazardous substances control, as they cannot be discharged, are regulated under the provisions of Article 21A.	<ul style="list-style-type: none"> • NPDES stormwater permitting & compliance • State stormwater management permitting & compliance • Regulate activities that impact wetlands, streams or other waters. • Local government oversight for the Implementation of water supply watershed protection • Regulate the activities that seek authorization for riparian (streamside) buffer impacts • Construction and post construction stormwater discharges
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"> • Dental X-ray machines • Hospital X-ray machines • Industrial X-ray machines

APPENDIX D

COMPLIANCE CONTACTS

Compliance Contacts

CONTACT	ORGANIZATION	VOICE NO.	FAX NO.	EMAIL ADDRESS
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APPENDIX E

PRINCIPLES OF ENFORCEMENT

PRINCIPLES OF ENFORCEMENT

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

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

The following principles are embraced to meet this challenge:

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

APPENDIX F

PROCESS FLOWCHARTS

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

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

The agencies with flowcharts at this Web Site are:

- Air Quality
- Coastal Management
- Environmental Health - Food and Lodging, Shellfish Sanitation and Sleep Products
- Environmental Health - On-Site Wastewater
- Environmental 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