



North Carolina Department of Environment and Natural Resources

Environmental Regulatory Compliance Activity in Calendar Year 2007

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INTRODUCTION

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

In the fall of 2001, at the direction of Gov. Easley, DENR launched an annual reporting system of compliance activities in the regulatory programs of seven divisions. The reports have addressed timeliness of enforcement actions, penalty amounts, compliance rates and several related measures for the calendar years 2000 - 2007. This eighth report presents data for calendar year 2007, while continuing to refine some measures to provide a more accurate compliance and enforcement picture.

This report is DENR's effort to provide a window into the department's enforcement programs and to develop information to guide future decision-making on program direction. The report's desired outcome is to provide the facts necessary to allow everyone with an interest in DENR compliance programs to evaluate the strength, fairness and effectiveness of those programs. This year's report includes 2007 compliance and enforcement data for all of the programs, as well as some graphic representations of enforcement trends. This report is intended to help the department – and the public – to recognize areas where enforcement programs are operating effectively as well as those areas that should be targeted for improvement.

N.C. ENFORCEMENT STRATEGY

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

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

In support of the governor's enforcement priorities, all DENR enforcement programs should:

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

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

- compliance rate;
- return to compliance rate;
- amount of penalty reductions;
- repeat violator rate;
- penalty collection rate; and
- timeliness of enforcement actions.

DENR wants to make continuous improvements in its compliance programs. The department has focused efforts over the last year on looking for ways to increase the strength, fairness and effectiveness of our enforcement programs, and on

complementing that effort with the development of some new technical assistance and incentive activities. DENR, the regulated community, environmental groups, business, industry and citizens all are responsible for ensuring we conserve and protect our natural resources and maintain an environment of high quality for the health, well-being and benefit of all. Together, we can achieve continued improvements through teamwork, innovation and partnerships.

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

William G. Ross Jr.
Secretary
N.C. Department of the Environment and Natural Resources

DENR COMPLIANCE ASSISTANCE ACTIVITIES

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

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

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

Agency	Activity	Number of Activities in 2007
Air Quality	Compliance Assistance Workshops	2
	Letters to Golf Courses on Open Burning Activities	180 Letters/Golf Courses
	Billboards on Illegal Open Burning Activities	12 Billboards
	Letters to Christmas Tree Growers on Burning Activities	160 Letters/Tree Growers
Coastal Management	Pre-Application Consultations	Ongoing
	Compliance Assistance Consultations (in office)	Ongoing
	Workshops and Presentations	20
	Public Posting of Notices of Violations	Ongoing
	Media/Press Interviews	Ongoing
	Web Site, Phone Calls, E-mail, Correspondence	Ongoing
Environmental Health/ Mammography	Compliance Reference Guides uploaded to the Web Site	5
	Written Safety Program	1
	Revised Registration Form	1
	Revised Inspection Checklist	1
	New Assessment Category Card	1
	ADA Disability Posters	1
	Daily Technical Assistance Calls	15
	Compliance Guidance Memos	1
	Newsletters	1
	Compliance Assistance Presentations	6
	Enforcement Website Hits	27,198
Environmental Health/ On-Site Water Protection	Compliance Assistance Workshops	116
	Regulated Entities Attending Workshops	2,659
	Compliance Assistance Visits	2,042
	Technical Assistance Calls	6,232
	Technical Assistance Emails	3,966
	Technical Assistance Letters	834

Agency	Activity	Number of Activities in 2007
Environmental Health/ Public Water Supply	Training Contact Hours	6,519
	Monitoring/Reporting Violation Letters	4,016
	MCL Violation Letters	596
	Treatment Technique Violation Letters	8
	Detection/Increased Monitoring Letters (VOCs, SOCs, Nitrate/Nitrite)	199
	Consumer Confidence Report (CCR) Violation Letters	189
	CCR Certification Violation Letters	192
	Lead and Copper Exceedance Letters	95
	Public Education Violation Letters	39
	Corrosion Control Treatment (CCT) Study Violation Letters	68
	Special Mass Mailing (Lead and Copper Clarification Letters, etc.)	2,325
	Administrative Order Letters	121
	SOC Waiver Letters	90
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
	Enforcement Website Hits	27,198
Environmental Health/ Shellfish Sanitation	HACCP Workshop for Shellfish & Crustacea Processing Plants	30 attendees
	Seafood Quality & Safety Workshop	34 attendees
	Harris Teeter Corporation Workshop	7 attendees
Environmental Health/ Tanning	Web-based Question and Answer Tool	1
	Compliance Assistance Exhibits & Representation at Trade Shows	2
	Enforcement Website Hits	27,198
Environmental Health/ Xray	Compliance Reference Guides on the Website	5
	Written Safety Program Guides	5
	Compliance Assistance Letters	1
	Daily Technical Assistance Calls	20
	Compliance Guidance Memos	3
	Newsletter Mailings	1
	Compliance Assistance Presentations	11
	Enforcement Web Site Hits	27,198
Forest Resources	Informational Mailings	9,600
	Number of DFR Stream-Crossing Bridgemats Used	37 logging jobs
	NC ProLogger Training Program Workshops	3/120 attendees
	Baseline Monitoring of Paired-Watershed Study	6-year study
	Forestry Leaflets Developed and Printed	2 leaflets
	BMP Field Guide Printed and Distributed	20,000 copies
	BMPs Recommended	2,436 acts/111,108 acres
	Water Quality Training Sessions	35 /468 attendees
	Visits to Water Quality Section of DFR Web Site	57,578
	Pre-Harvest and Rehab Plans Provided	104 plans/6,258 acres
Land Resources/ Dam Safety	Letters	60
	External Assistance Emails	250
	Workshops	1/60 attendees
	Phone Calls	600
	Website Improvement	Ongoing
	Site Visits	70

Agency	Activity	Number of Activities in 2007
	Technical Meetings	25
Land Resources/ Erosion and Sedimentation Control	Local Program Reviews	8
	Technical Assistance Letters based on LP Reviews	8
	Compliance Assistance Workshops	6
	Workshop Attendees	685
	Compliance/Technical Assistance Calls	498
	Revised Design Manual Mailings	400
Land Resources/ Mining	Technical Assistance by Telephone	1,110
	Meetings with Applicants and Consultants	112
	Onsite Meetings with Operator/Applicant/Consultants	352
	Distribution of Surface Mining Manual	17
	Access to Mining Program Web Site	425
Marine Fisheries	Fishing Proclamation Distribution	Ongoing
	Maintain Informational Bulletin Boards at Boat Ramps	25
Waste Management/ Hazardous Waste	Compliance Assistance Workshops	15
	Regulated Entities Attending Workshops	580
	Compliance Assistance Visits	57
	Technical Assistance Calls	1,478
	DWM Web Site Hits	29,400
	Technical Assistance Letters	32
Waste Management/ Solid Waste	Compliance Assistance Workshops	27
	Regulated Entities Attending Workshops	822
	Compliance Assistance Visits	837
	Compliance Assistance Calls	41,330
	Web Site Hits	72,571
	Technical Assistance Letters	1,717
	Local Government Annual Reports	515
Waste Management/ UST	Compliance Assistance Workshops	9
	Regulated Entities Attending Workshops	510
	Compliance Assistance Visits	8
	Compliance Assistance Calls	5,200
Water Quality/Aq Prot	Compliance Assistance Workshops/Meetings	19
Water Quality/NPDES	Compliance Assistance Visits	3
	Technical Assistance Visits	125
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 Government Presentations (Phase I & II)	29 presentations
	Stormwater Workshops	6 workshops
	Stormwater Conferences/MCIC Conference	17 presentations
	Stormwater BMP Manual Workshops	4 workshops
	Training for NCDOT Ferry Division	~140 attendees
	Outreach Training	~85 attendees
	Stream Identification Training	9 classes
	NC Wetland Assessment Method Training	4 sessions
	Local Government Stormwater Workshop (Greenville & Raleigh)	170 attendees
	Clean Marinas Presentations (Wilmington and Beaufort)	140 attendees
	Div. Forest Resources - Water Quality Meeting	Presentation
DPPEA	Technical Assistance Calls	1,169
	Technical Assistance Visits	197

Agency	Activity	Number of Activities in 2007
	Training Sessions	146
	Web Site Visits	4,257,411
	Web Site Hits	11,482,883
	Number of Regulated Entities Enrolled in the Environmental Stewardship Initiative	107

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 N.C. 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 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.

*"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*

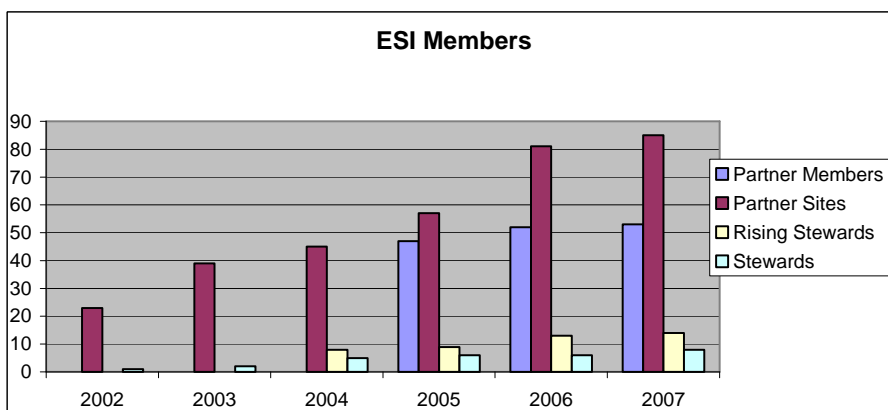
A compliance check is conducted on all applications to identify compliance issues or enforcement actions within the last two years. The compliance checks are coordinated through the DENR Internal Workgroup which comprises representatives from regulatory divisions within DENR.

The ESI Advisory Board (previously the Advisory Workgroup) 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 chairs the Advisory Board.

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 Workgroup makes a recommendation to the DENR Secretary Bill Ross on acceptance of the organization into the program; Secretary Ross makes the final decision regarding acceptance into the program.

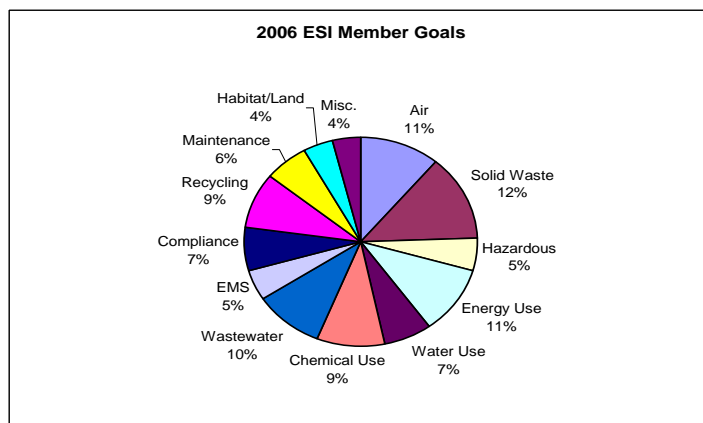
Program Results

Since its creation, the ESI has experienced significant growth with membership. In 2007, the program increased to 76 organizations representing 108 sites. At the end of 2007 there were 86 Partner sites, 14 Rising Stewards and 8 Stewards.



ESI members are required to establish environmental performance goals and report on these annually. Data was collected in 2007 from organizations that were ESI members as of December 2006. All reporting members provided information on the environmental goals they had established. However, members only report on reductions after being in the program for one full year. Data was self-reported by member facilities and was not verified by DENR.

Those members reporting in 2007 established a total of 331 environmental goals. These environmental goals address the following issues:



ESI members also report on performance toward goals and environmental impact reductions. For calendar year 2006, 58 organizations that had been ESI members for a full year as of December 2006 reported the following achievements.

ESI Members Reported Reductions

2006 ESI Reported Reductions		
Area	2006	Unit
Air Emissions	232	Tons
Hazardous waste	405	Tons
Landfilled waste	59,441	Tons
Energy	169,349,052	Mbtu
Water Use	591,356,273	Gallons
Material Consumption	973	Tons
Wastewater Pollutants	400	Tons

Wastewater Volume Reduction	106,092,200	Gallons
Biosolids Volume	2,720,350	Gallons
Total Recycled Volume	12,594	Tons
Total Cost Savings	\$10,393,930	\$

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.

Creating Partnerships

The ESI emphasizes partnerships among members with the regulatory agencies and stakeholders. In a recent survey of ESI members, 81 percent noted networking and 71 percent noted improved communication with DENR as major benefits of being an ESI member.

"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 Krueh, International Paper, Reigelwood – ESI Partner

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. The wording of the announcement letter had confused and concerned water collection systems, which requested an opportunity to discuss the policy with DWQ. On Aug. 10, 2007, ESI staff moderated a meeting between DWQ staff and representatives from seven water collection facilities across the state. The meeting was very successful, with both groups given time to express their concerns, discuss the upcoming changes and even begin to offer ways that they could each help the other protect water quality in the state and improve reporting on overflow events. At a second meeting on Nov. 9, 2007, 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. The N.C. League of Municipalities hosted and attended both meetings, offering to help with research and support for future issues that would apply to municipalities state-wide.

"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

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 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 constantly improve, the ESI will continue to result in real, measurable environmental savings every year.

2007 PROGRAM AT-A-GLANCE DATA AND COMPLIANCE/ENFORCEMENT TRENDS

In the following section of the report, a subset of the total set of 2007 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.

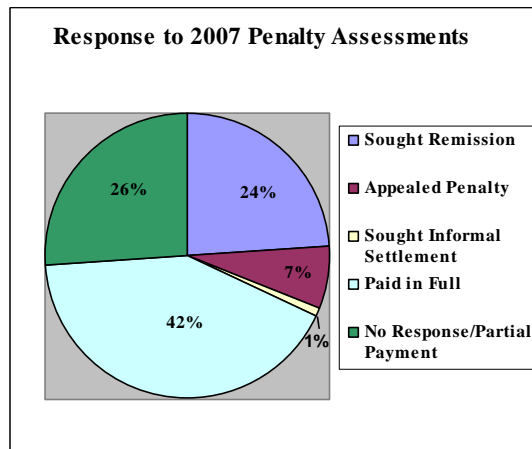
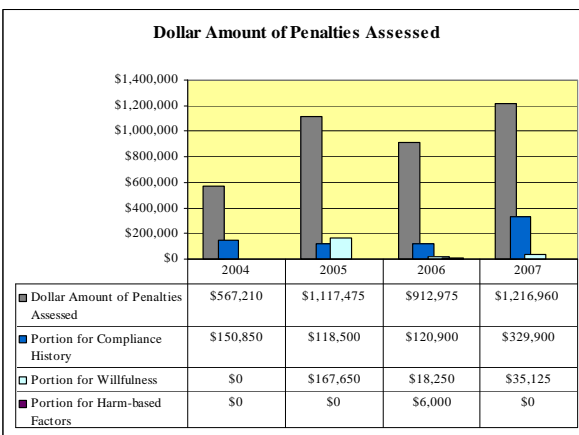
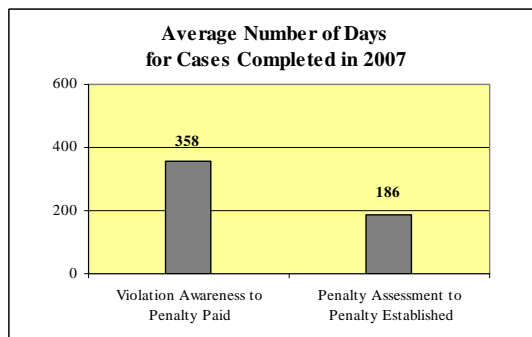
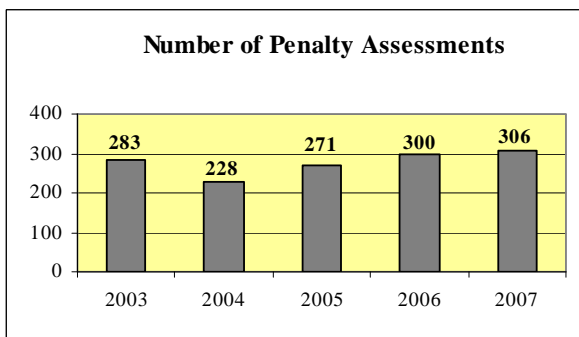
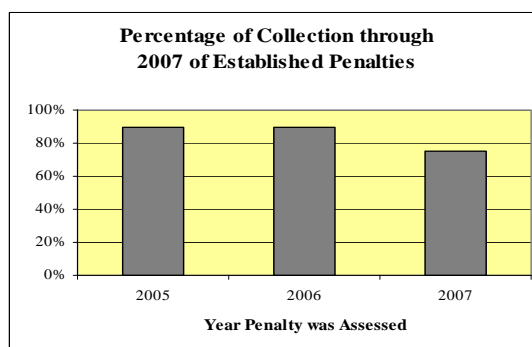
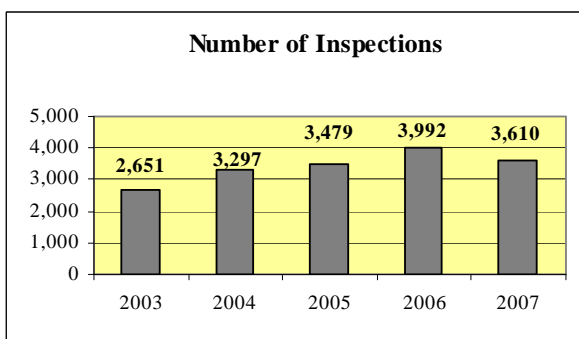
Please refer to Appendix A to view the complete list of 2007 compliance and enforcement measures for each of the N.C. DENR regulatory programs. The Appendix A data, as well as the trend analysis on the following pages, was provided by each of the regulatory programs.

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

AIR QUALITY

2007 Enforcement Data at a Glance

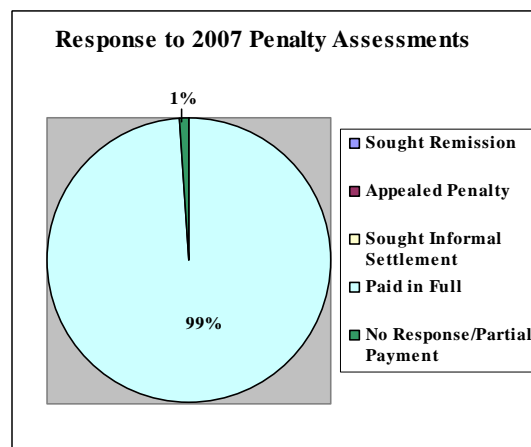
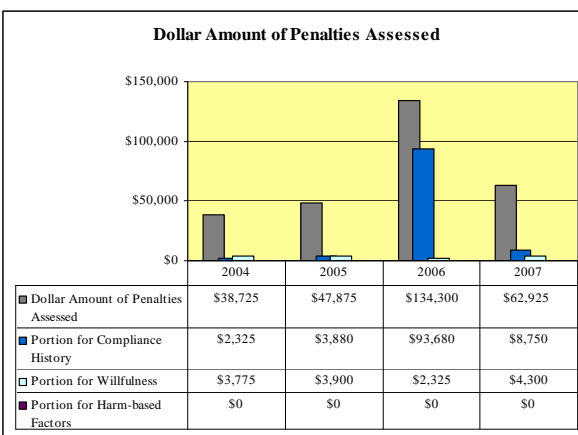
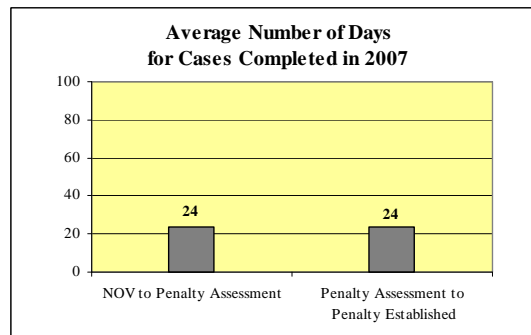
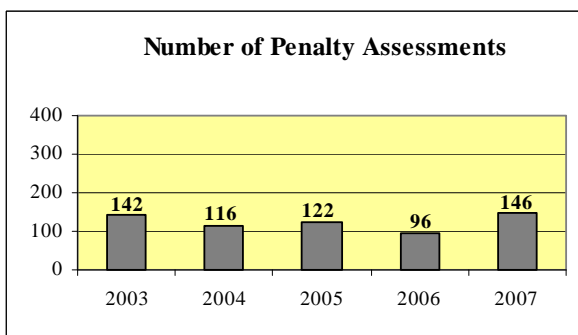
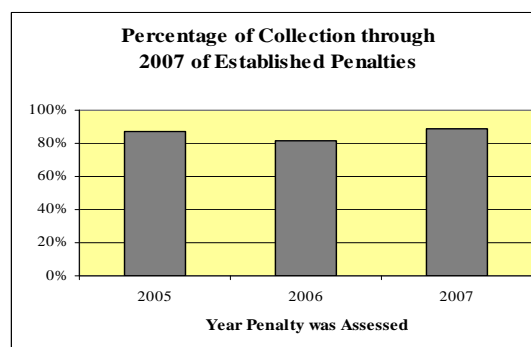
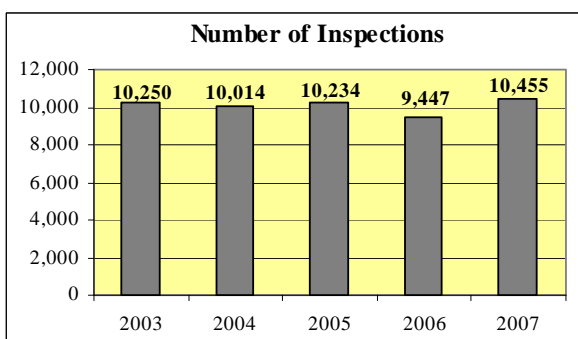
Number of Inspections	3,610
Number of Regulated Entities	10,374
Total Number of Penalties Assessed	306
Total Dollar Amount of Penalties Assessed	\$1,216,960
Compliance Rate for Inspected Facilities	78%



COASTAL MANAGEMENT

2007 Enforcement Data at a Glance

Number of Inspections	10,445
Number of Regulated Entities	4,432
Total Number of Penalties Assessed	146
Total Dollar Amount of Penalties Assessed	\$62,925
Compliance Rate for Inspected Facilities	96%



ENVIRONMENTAL HEALTH – FOOD, DAIRY, LODGING AND INSTITUTIONAL SANITATION

2007 Enforcement Data at a Glance*

Number of A ratings for restaurants	89,260
Number of B ratings for restaurants	88,827
Number of C ratings for restaurants	1,316
Number of suspended restaurant permits	1400
Number of revoked restaurant permits	242

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

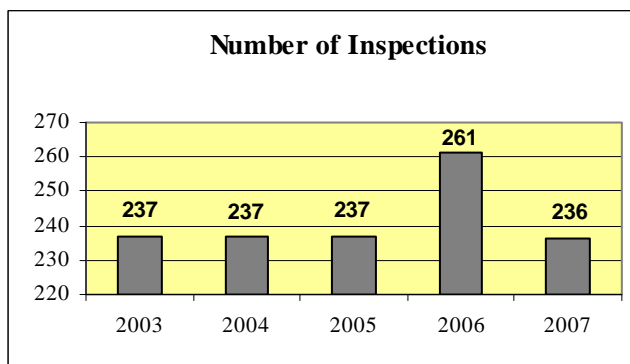
Trend analysis is not provided for this program.

ENVIRONMENTAL HEALTH – MAMMOGRAPHY

2007 Enforcement Data at a Glance*

Number of Inspections	236
Number of Regulated Entities	236
Total Number of Penalties Assessed	0
Total Dollar Amount of Penalties Assessed	\$0
Compliance Rate of Inspected Facilities	77%

* 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.

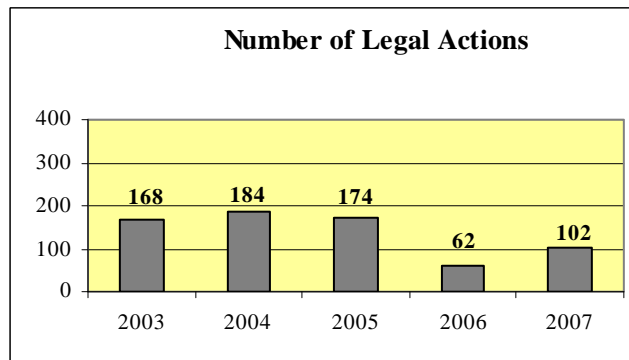
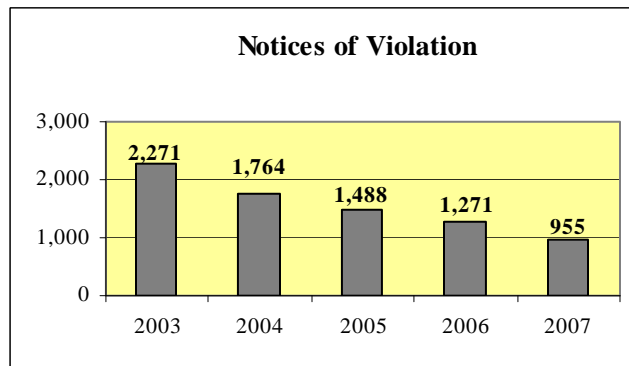
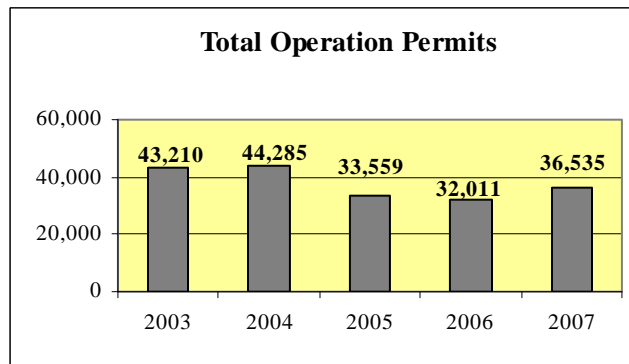


ENVIRONMENTAL HEALTH – ON-SITE WATER PROTECTION

2007 Enforcement Data at a Glance*

Number of Inspections	68
Number of Regulated Entities	1,700,000
Total Operation Permits	36,535
Total Number of Notices of Violation	955
Total Number of Legal Actions	102

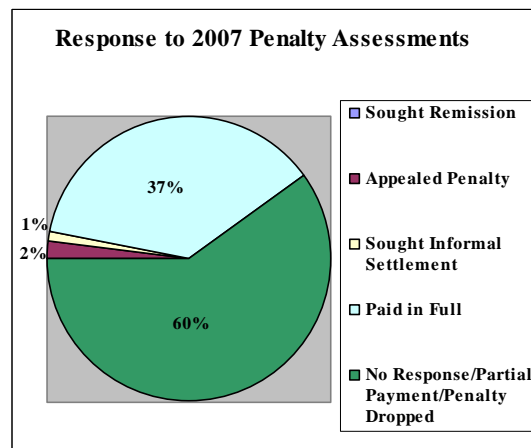
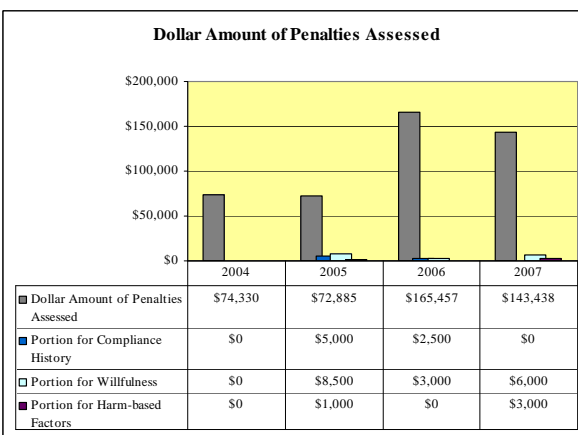
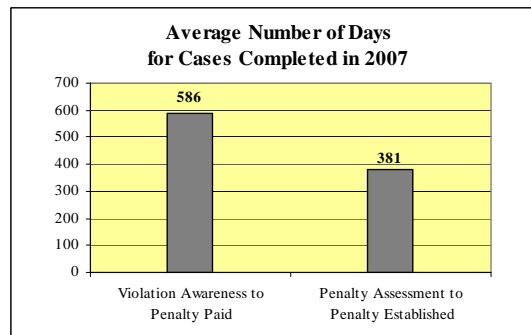
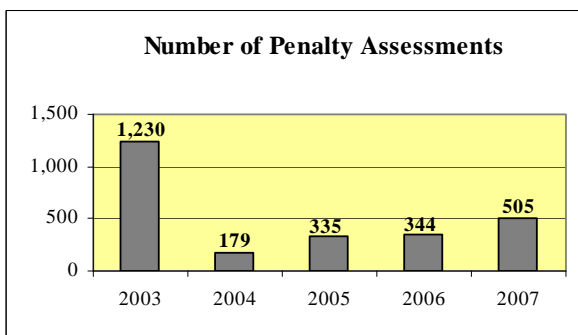
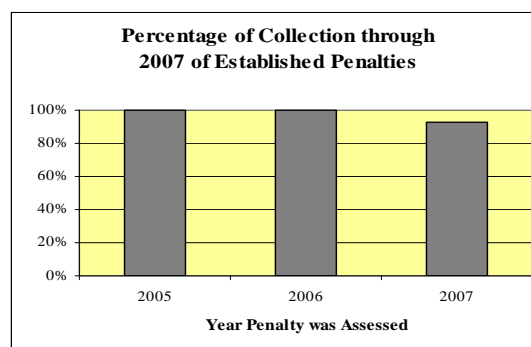
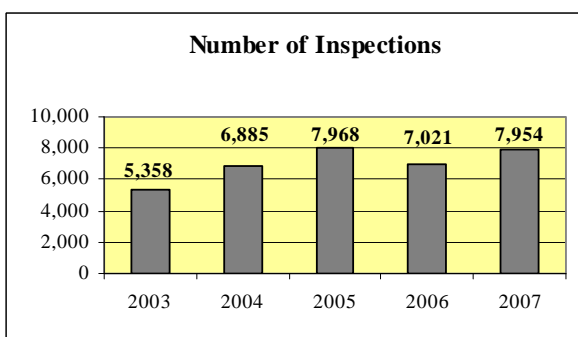
* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported instead. In 2003 and 2004, 100/100 counties reported. In 2005, 80/100 counties reported. In 2006, 85/100 counties reported. In 2007, 76/100 counties reported.



ENVIRONMENTAL HEALTH – PUBLIC WATER SUPPLY

2007 Enforcement Data at a Glance

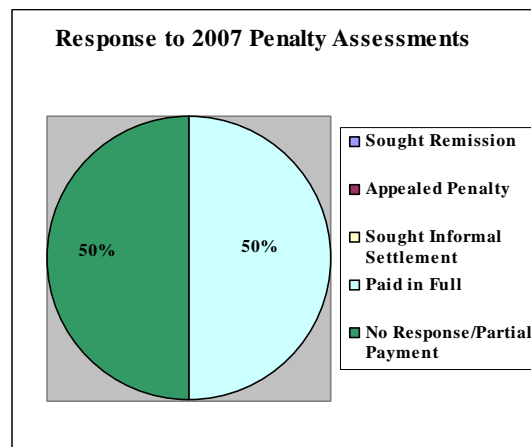
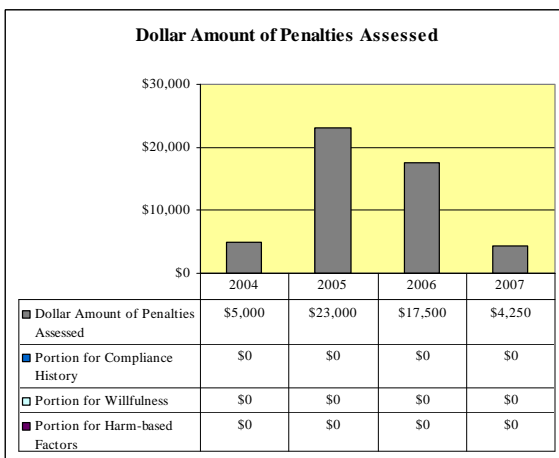
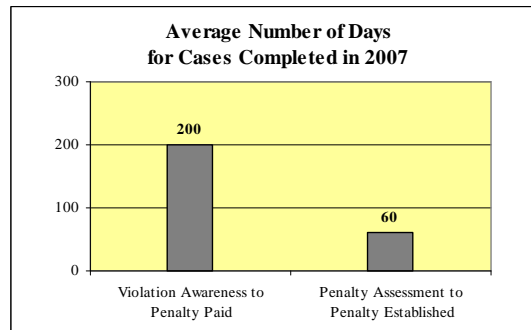
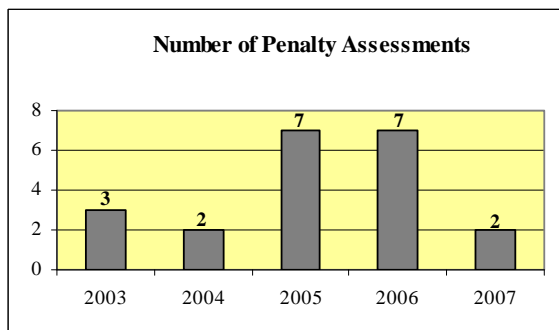
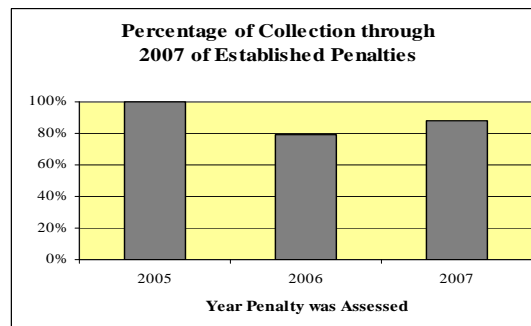
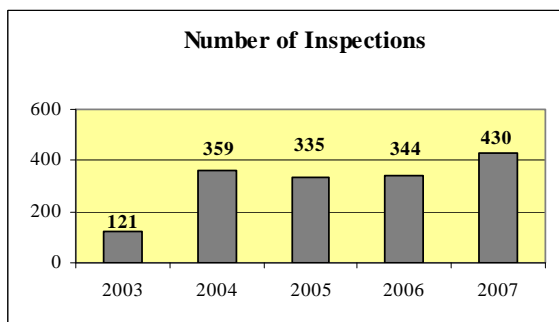
Number of Inspections	7,954
Number of Regulated Entities	6,915
Total Number of Penalties Assessed	505
Total Dollar Amount of Penalties Assessed	\$143,438
Compliance Rate for Inspected Facilities	95%



ENVIRONMENTAL HEALTH – RADIOACTIVE MATERIALS

2007 Enforcement Data at a Glance

Number of Inspections	430
Number of Regulated Entities	1,908
Total Number of Penalties Assessed	2
Total Dollar Amount of Penalties Assessed	\$4,250
Compliance Rate for Inspected Facilities	nav

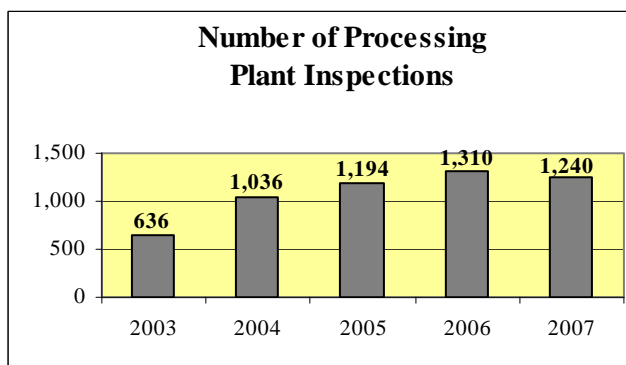
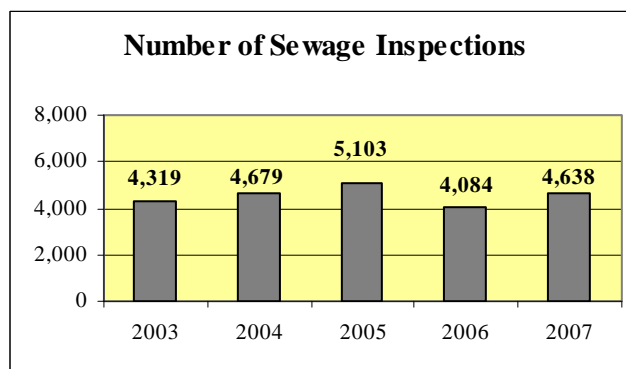
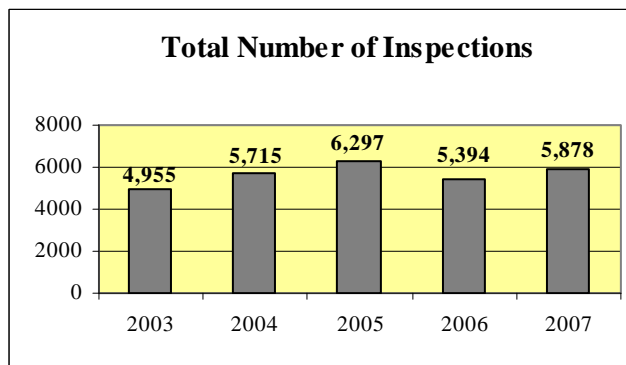


ENVIRONMENTAL HEALTH – SHELLFISH SANITATION

2007 Enforcement Data at a Glance*

Number of Sewage Inspections	4,638
Number of Processing Plant Inspections	1,240
Number of Regulated Entities	896
Number of Shellfish Licenses Revoked	0
Number of Recommended Changes to Shellfish Growers	106

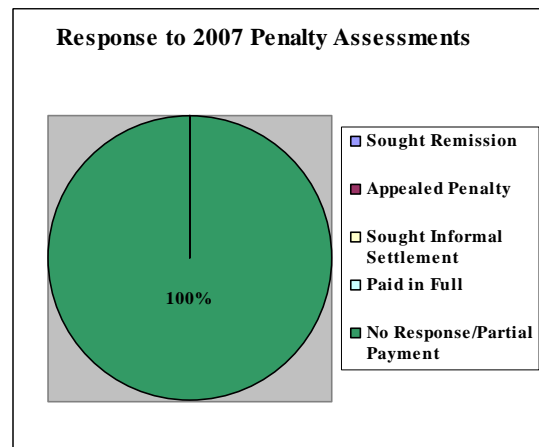
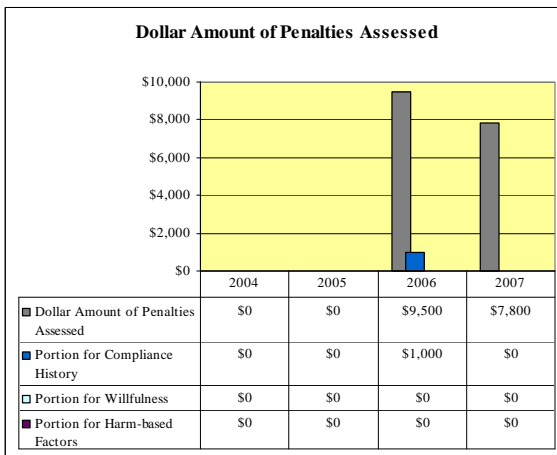
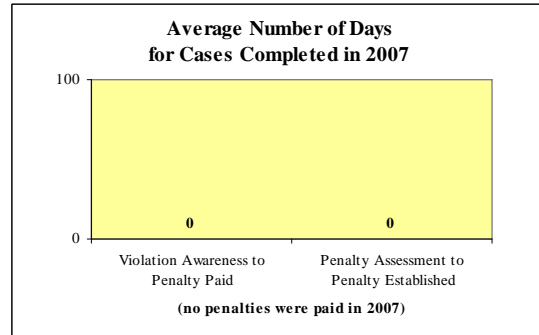
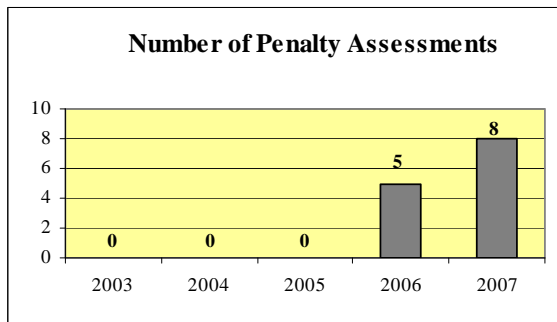
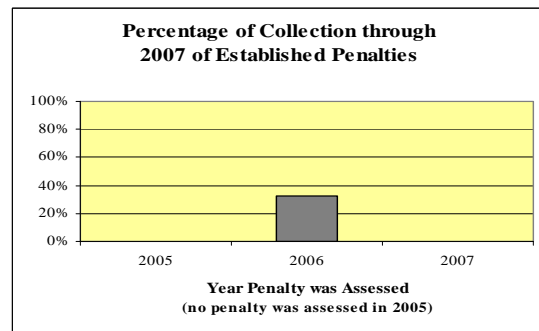
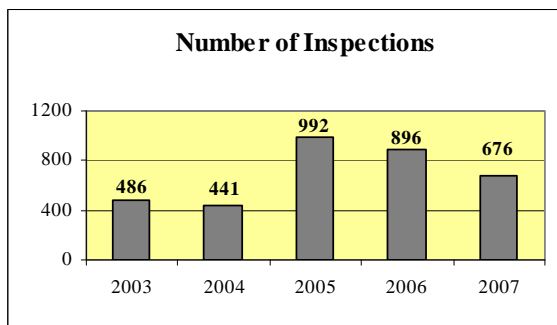
* This agency's compliance and enforcement program does not fit the standard reporting model for DENR; therefore, agency-specific measures are reported.



ENVIRONMENTAL HEALTH – TANNING PROGRAM

2007 Enforcement Data at a Glance

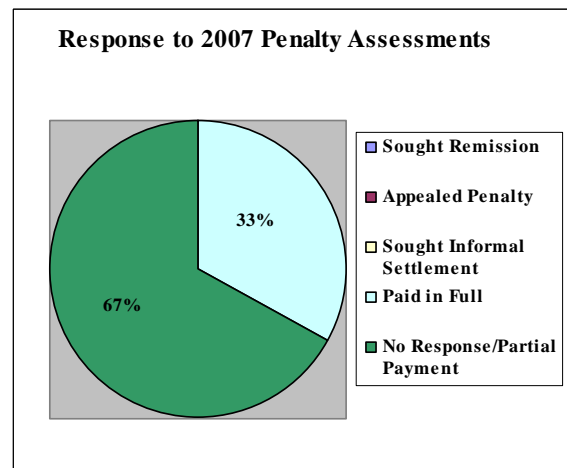
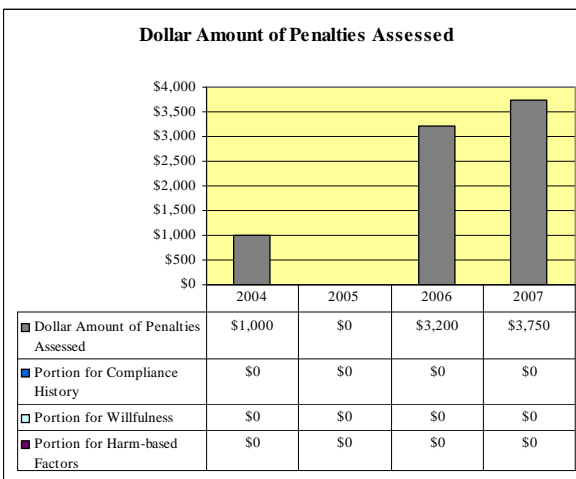
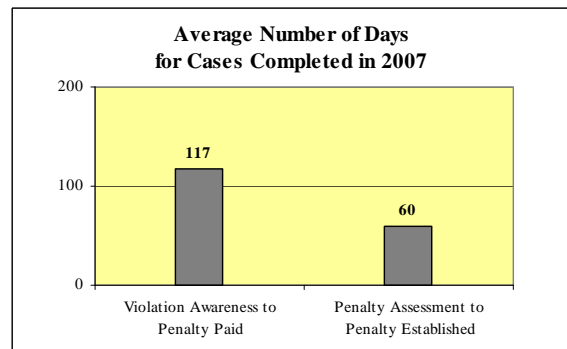
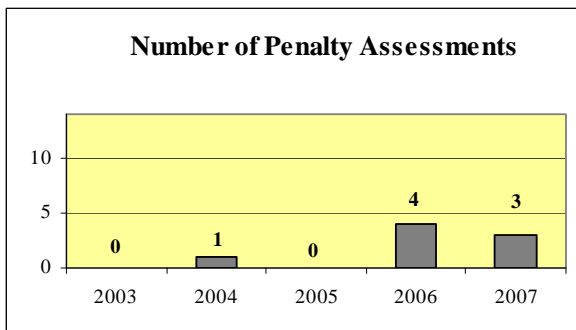
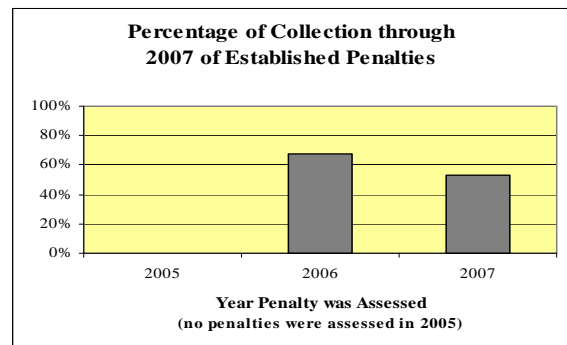
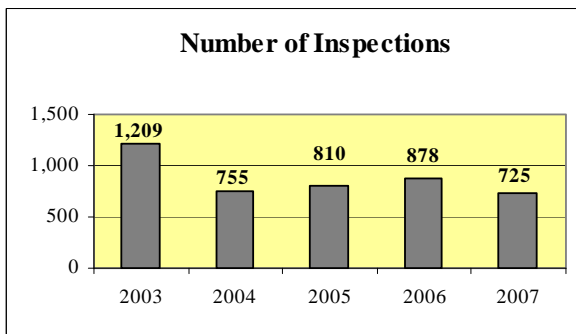
Number of Inspections	676
Number of Regulated Entities	2,086
Total Number of Penalties Assessed	8
Total Dollar Amount of Penalties Assessed	\$7,800
Compliance Rate for Inspected Facilities	56%



ENVIRONMENTAL HEALTH – X-RAY PROGRAM

2007 Enforcement Data at a Glance

Number of Inspections	725
Number of Regulated Entities	7,603
Total Number of Penalties Assessed	3
Total Dollar Amount of Penalties Assessed	\$3,750
Compliance Rate for Inspected Facilities	24%



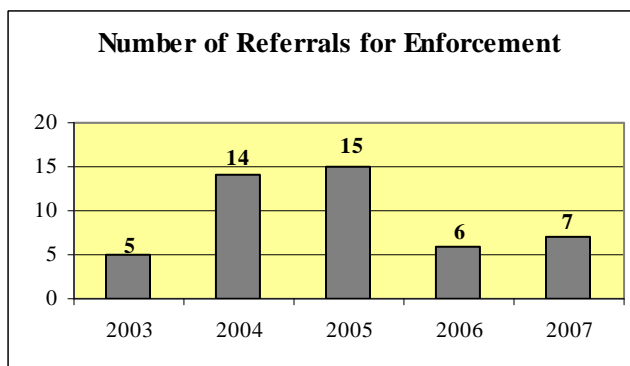
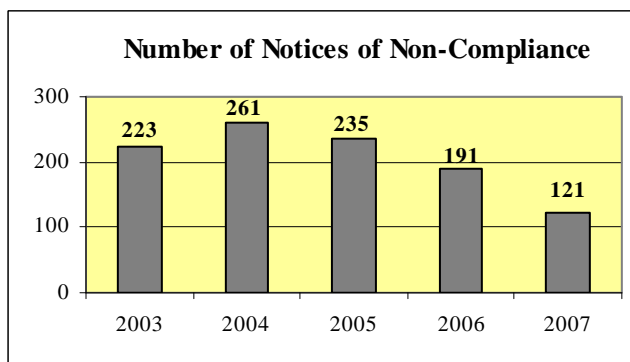
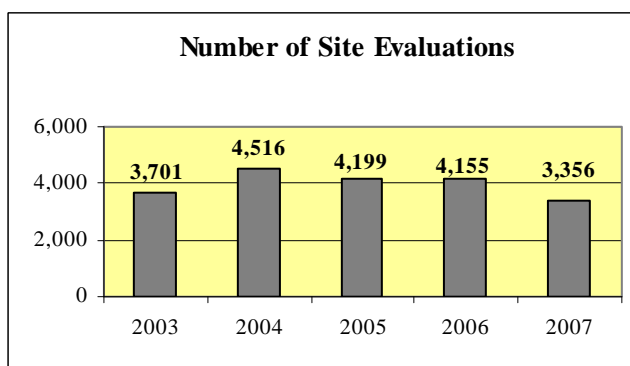
FOREST RESOURCES

2007 Enforcement Data at a Glance*

Number of Site Evaluations	3,356
Number of Reinspections	1,539
Number of Notices of FPG Non-Compliance	121
Number of FPG Referrals for Enforcement	7**

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

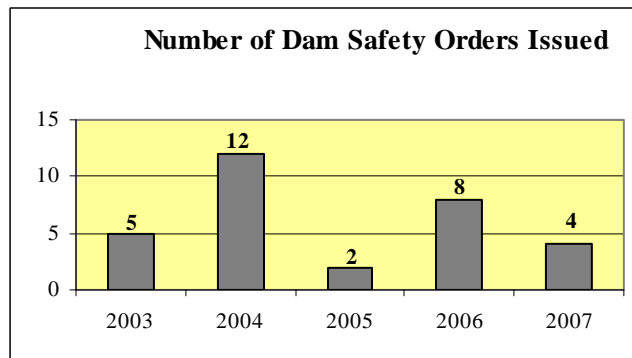
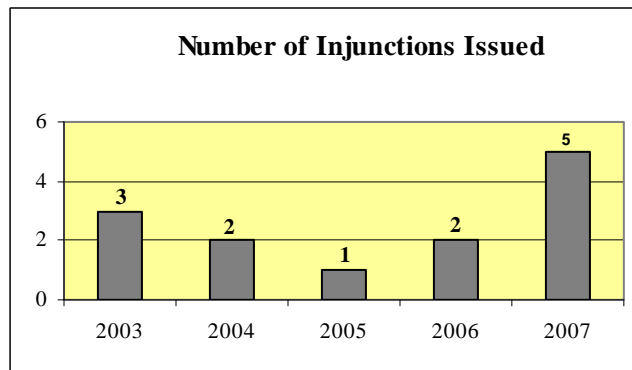
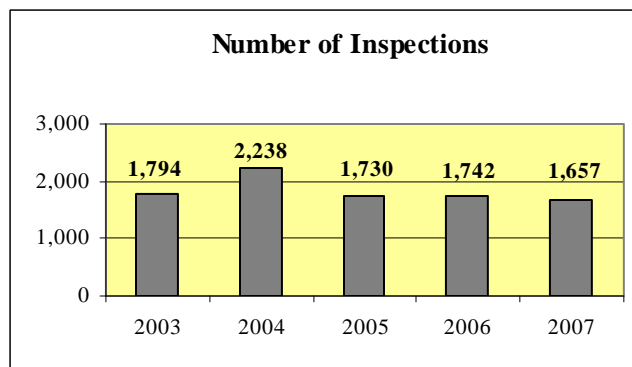
** DFR also referred three cases to DWQ for apparent riparian buffer rule violations and seven cases to various agencies for other water quality issues.



LAND RESOURCES – DAM SAFETY

2007 Enforcement Data at a Glance

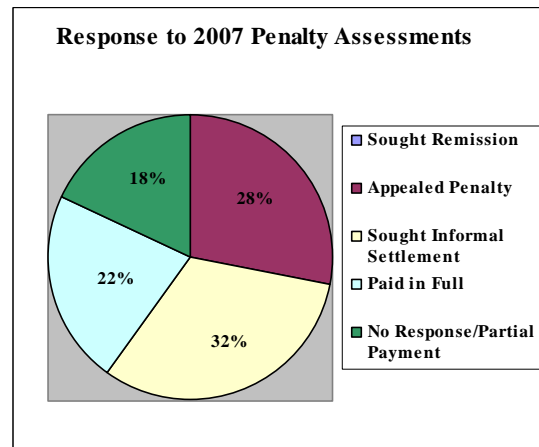
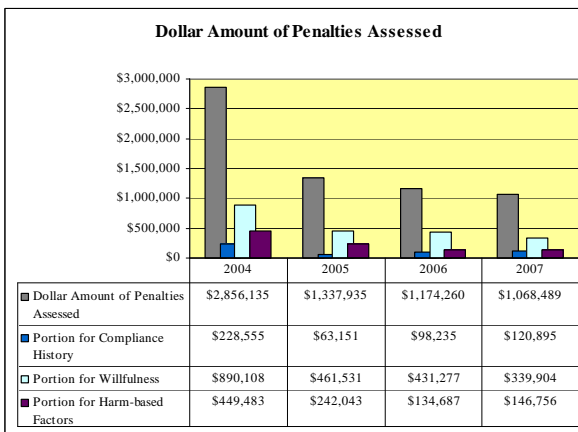
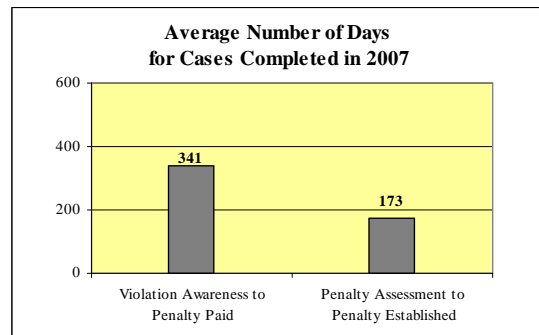
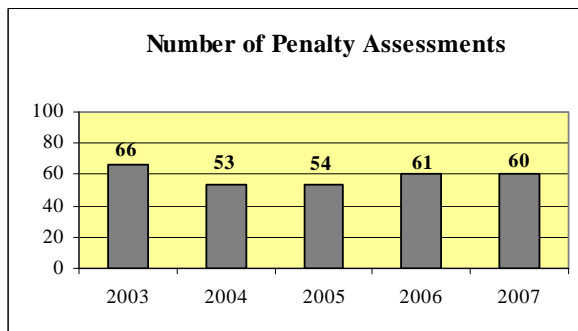
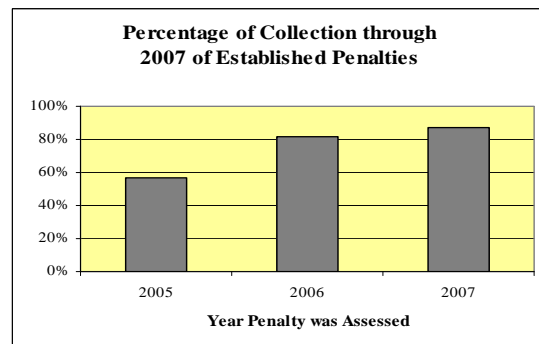
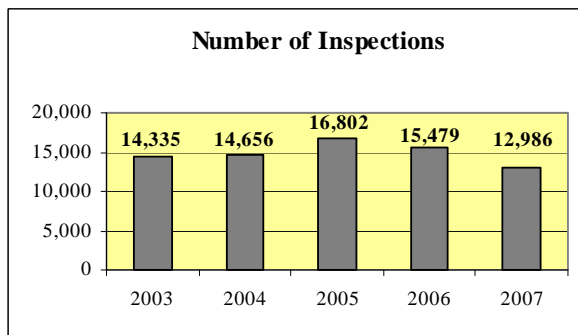
Number of Inspections	1,657
Number of Regulated Entities	4,783
Total Number of Penalties Assessed	0
Total Dollar Amount of Penalties Assessed	\$0
Compliance Rate for Inspected Facilities	96%



LAND RESOURCES – EROSION AND SEDIMENTATION CONTROL

2007 Enforcement Data at a Glance

Number of Inspections	12,986
Number of Regulated Entities	8,000
Total Number of Penalties Assessed	60
Total Dollar Amount of Penalties Assessed	\$1,068,489
Compliance Rate for Inspected Facilities	96%

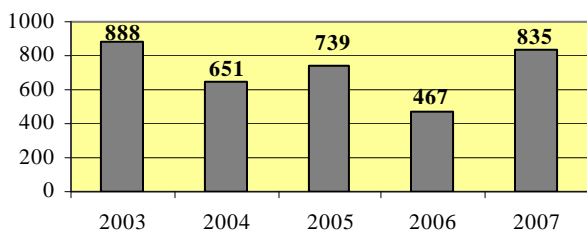


LAND RESOURCES – MINING

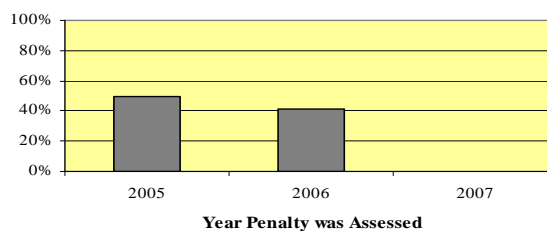
2007 Enforcement Data at a Glance

Number of Inspections	835
Number of Regulated Entities	935
Total Number of Penalties Assessed	1
Total Dollar Amount of Penalties Assessed	\$30,000
Compliance Rate for Inspected Facilities	93%

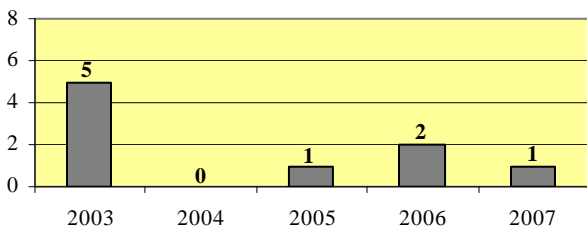
Number of Inspections



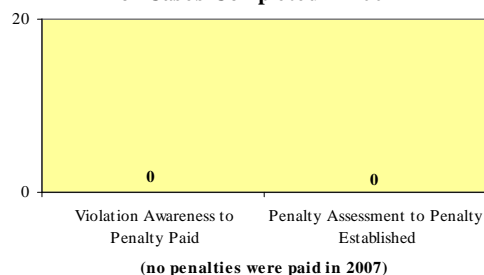
Percentage of Collection through 2007 of Established Penalties



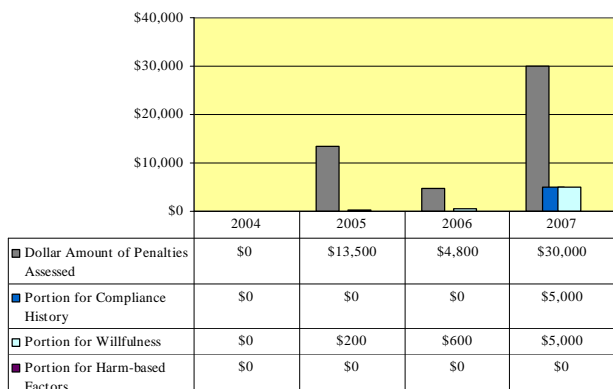
Number of Penalty Assessments



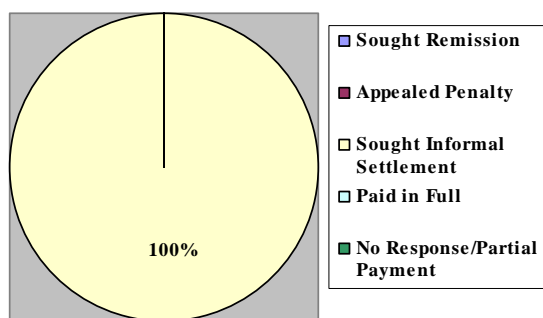
Average Number of Days for Cases Completed in 2007



Dollar Amount of Penalties Assessed



Response to 2007 Penalty Assessments



MARINE FISHERIES

2007 Enforcement Data at a Glance

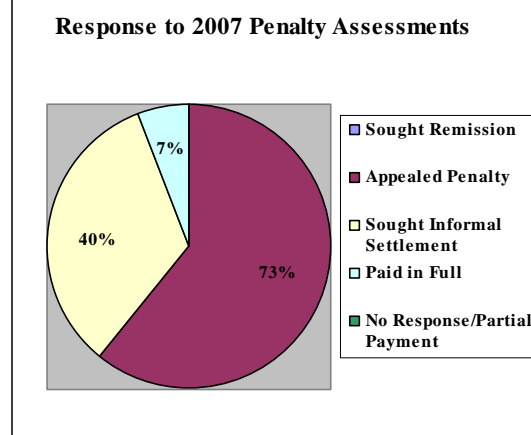
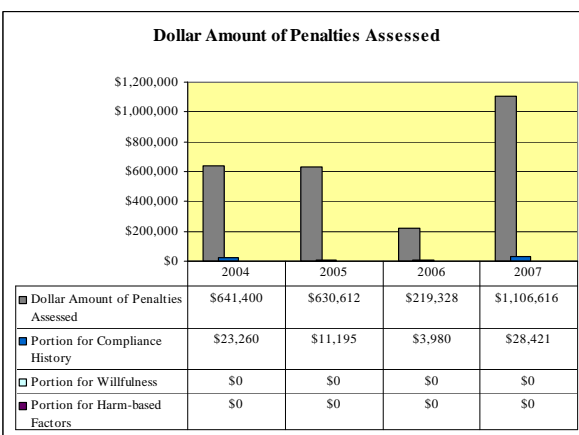
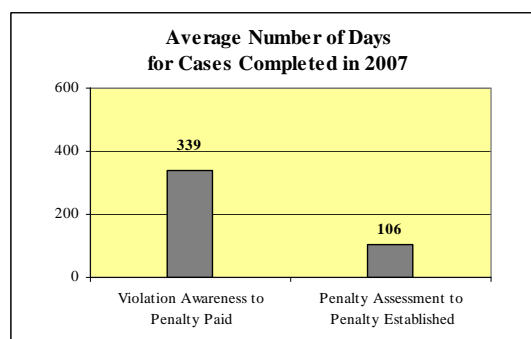
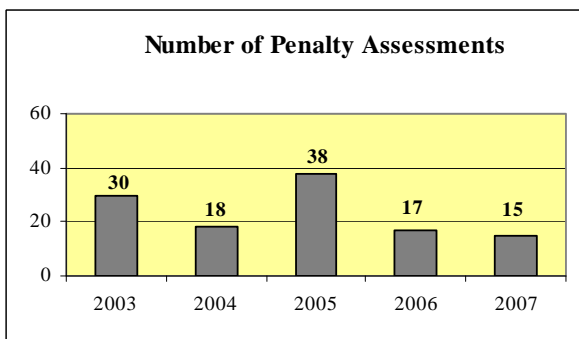
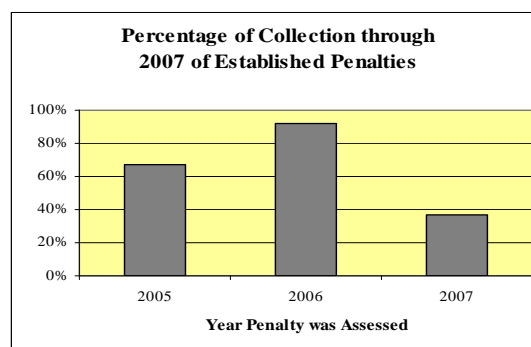
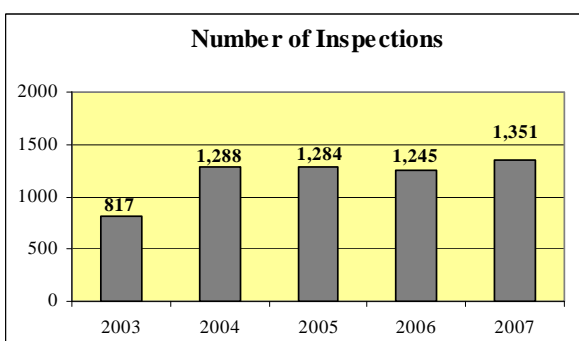
Citations Issued for Harvesting Shellfish from Polluted Waters	72
Citations Issued for Improper or No Shellfish Harvest Tags	15
Written Warnings Issued for Improper or No Shellfish Harvest Tags	20
Total Penalties Collected for Harvesting Shellfish from Polluted Waters	\$7,500
Total Penalties Collected for Improper or No Shellfish Harvest Tags	\$1,277

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

WASTE MANAGEMENT – HAZARDOUS WASTE

2007 Enforcement Data at a Glance

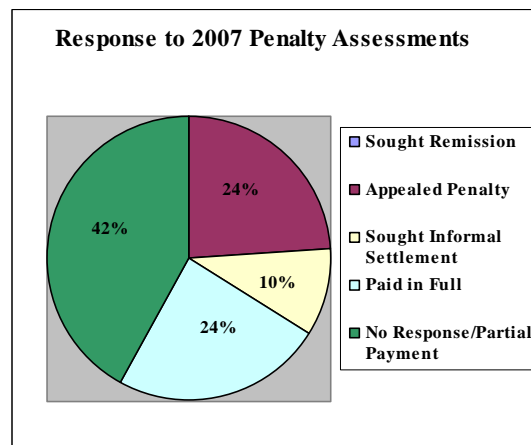
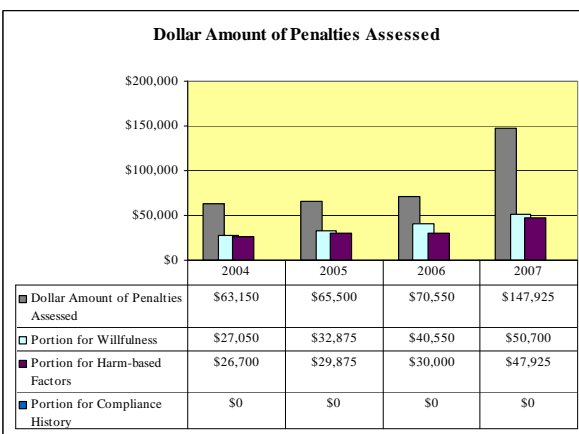
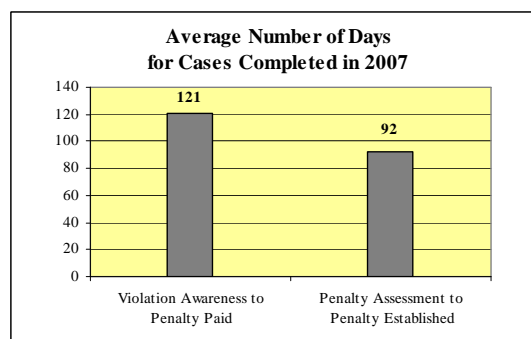
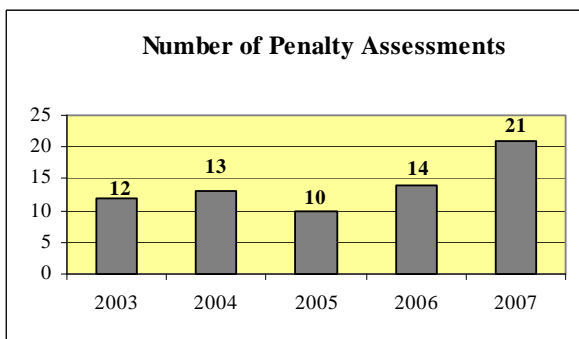
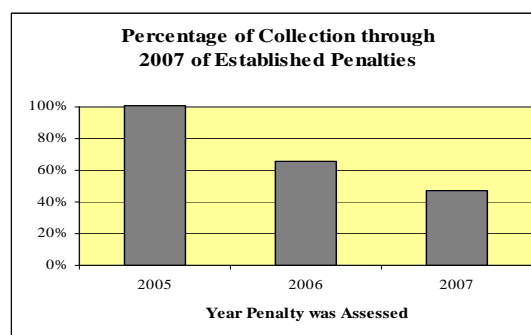
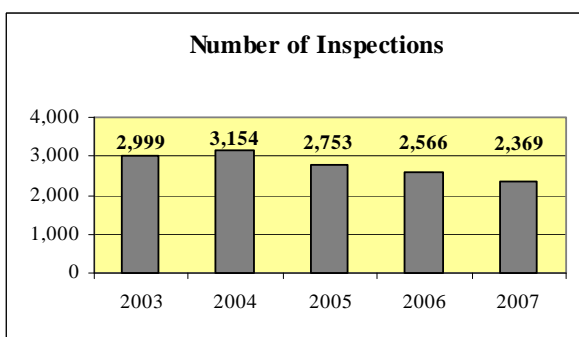
Number of Inspections	1,351
Number of Regulated Entities	7,099
Total Number of Penalties Assessed	15
Total Dollar Amount of Penalties Assessed	\$1,106,616
Compliance Rate for Inspected Facilities	81%



WASTE MANAGEMENT – SOLID WASTE

2007 Enforcement Data at a Glance

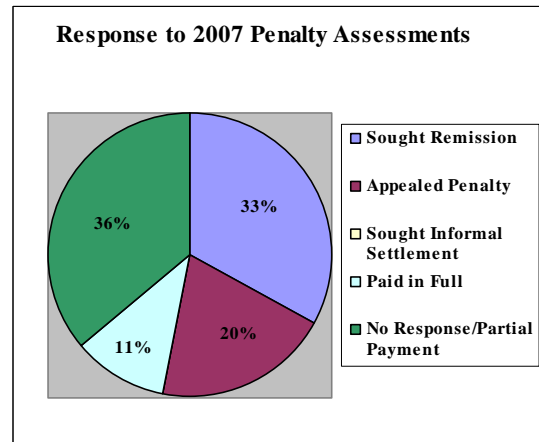
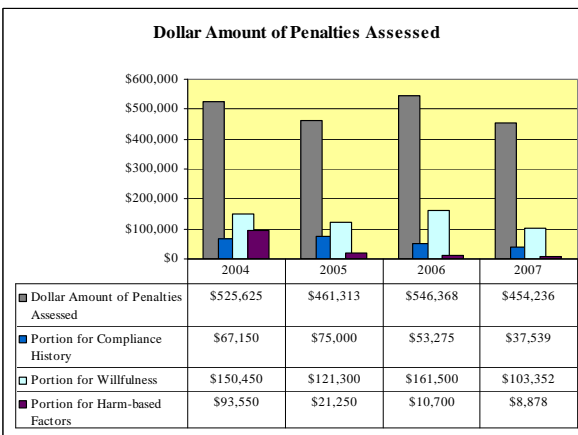
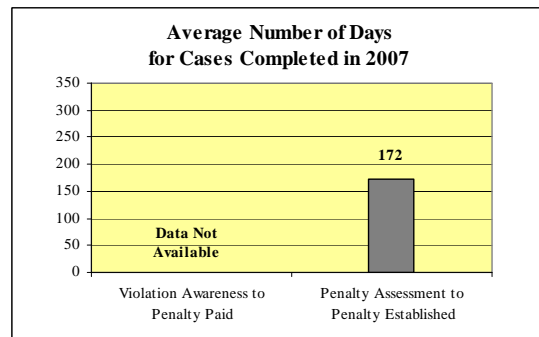
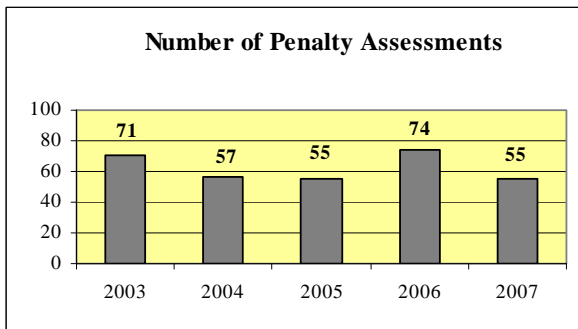
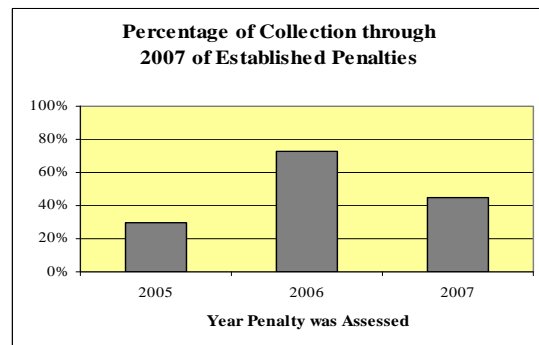
Number of Inspections	2,369
Number of Regulated Entities	2,981
Total Number of Penalties Assessed	21
Total Dollar Amount of Penalties Assessed	\$147,925
Compliance Rate for Inspected Facilities	92%



WASTE MANAGEMENT – UST PROGRAM

2007 Enforcement Data at a Glance

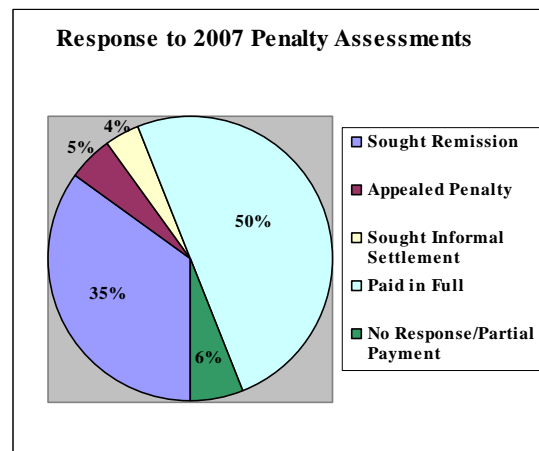
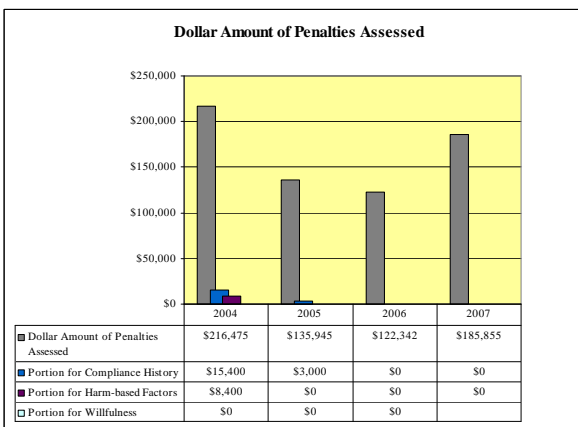
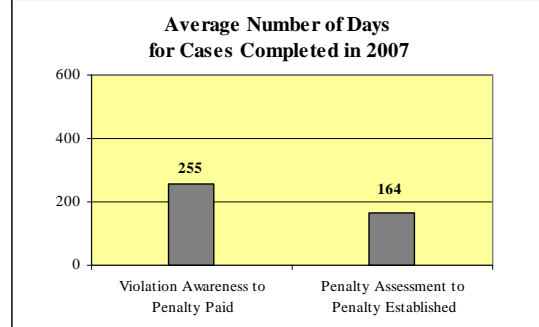
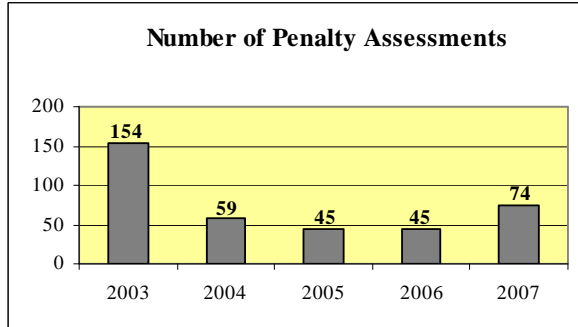
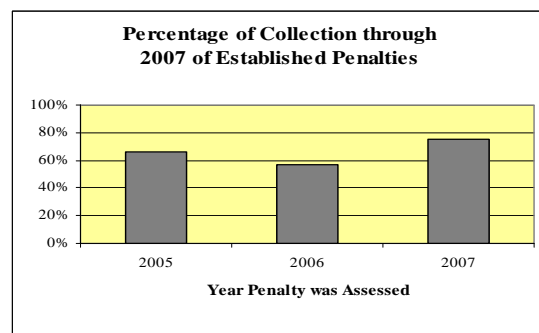
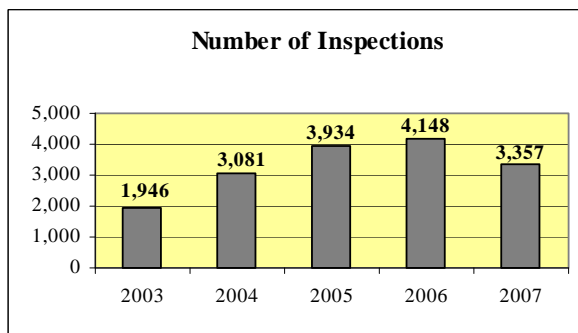
Number of Inspections	2,448
Number of Regulated Entities	28,705
Total Number of Penalties Assessed	55
Total Dollar Amount of Penalties Assessed	\$454,236
Compliance Rate for Inspected Facilities	60%



WATER QUALITY – AQUIFER PROTECTION

2007 Enforcement Data at a Glance

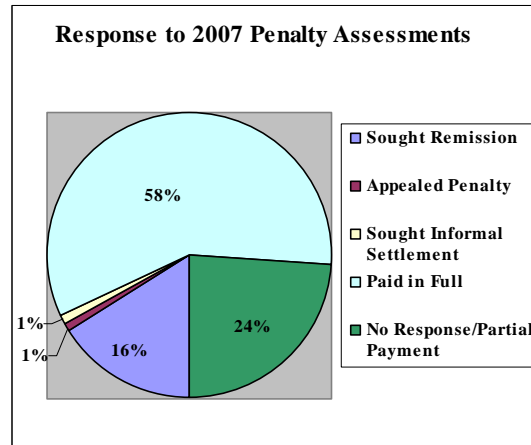
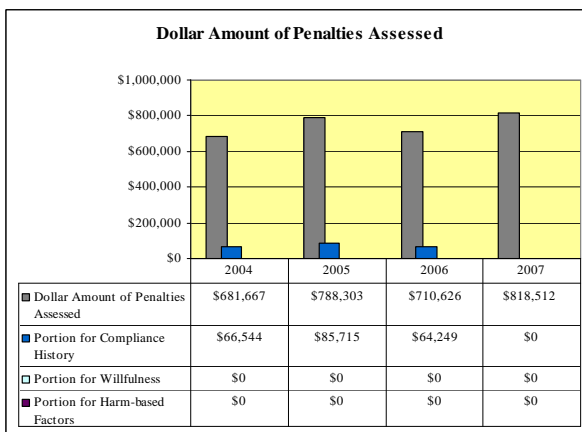
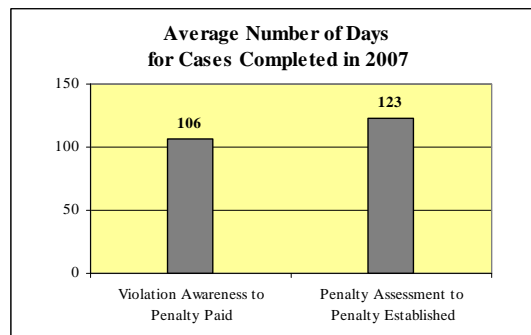
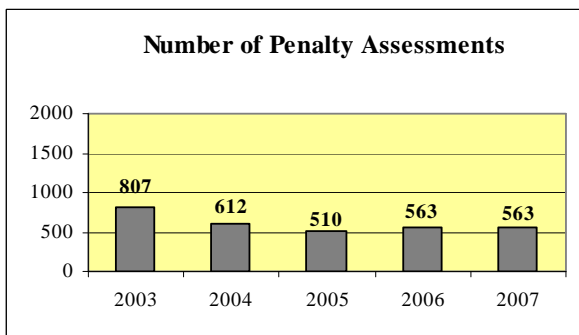
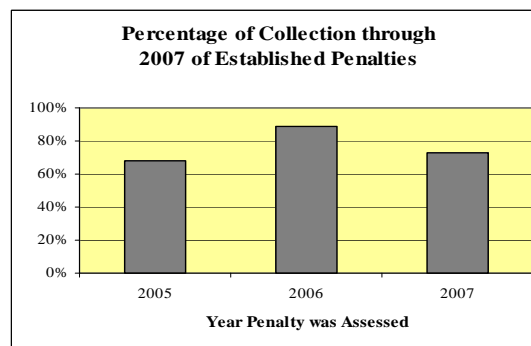
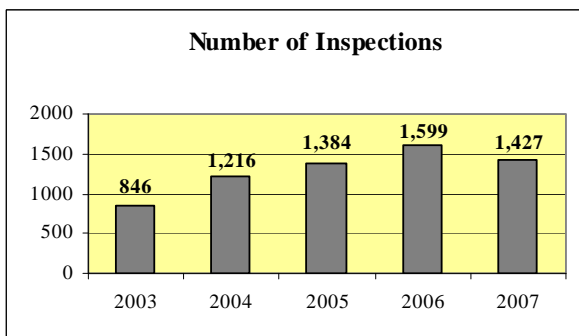
Number of Inspections	3,357
Number of Regulated Entities	5,085
Total Number of Penalties Assessed	74
Total Dollar Amount of Penalties Assessed	\$185,855
Compliance Rate for Inspected Facilities	84%



WATER QUALITY – NPDES

2007 Enforcement Data at a Glance

Number of Inspections	1,427
Number of Regulated Entities	3,113
Total Number of Penalties Assessed	563
Total Dollar Amount of Penalties Assessed	\$818,512
Compliance Rate for Inspected Facilities	86%

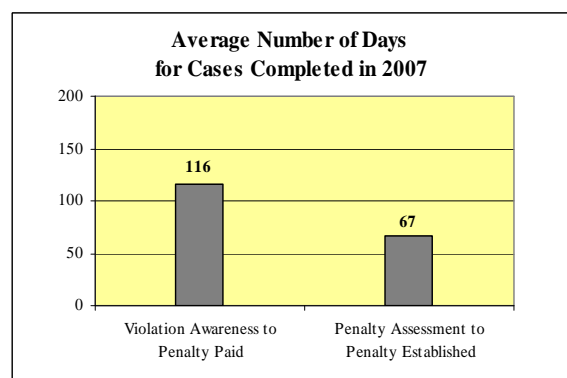
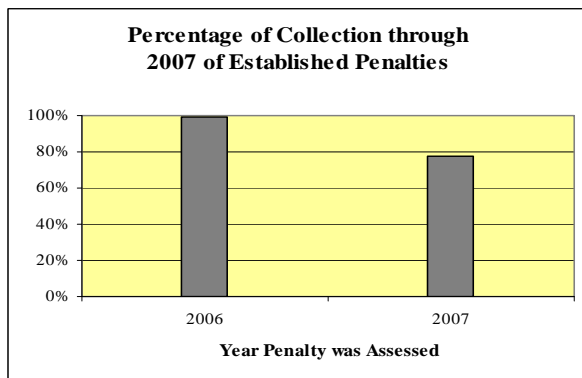
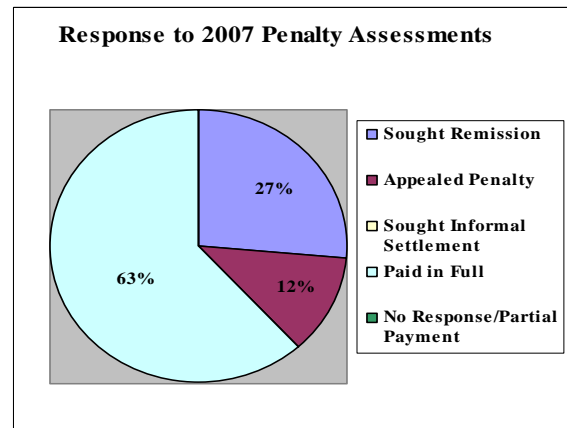
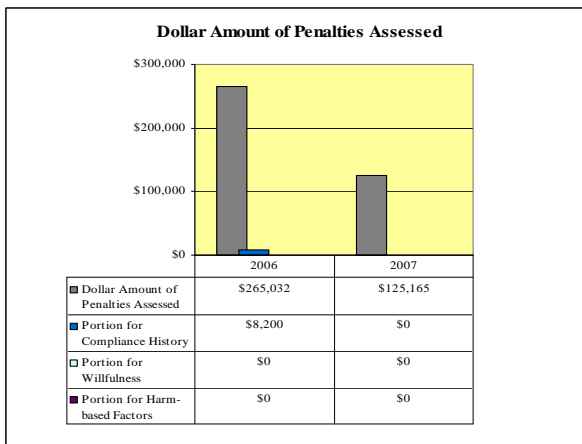


WATER QUALITY – PRETREATMENT, EMERGENCY RESPONSE AND COLLECTION SYSTEMS

2007 Enforcement Data at a Glance

Number of Inspections	153
Number of Regulated Entities	570
Total Number of Penalties Assessed	33
Total Dollar Amount of Penalties Assessed	\$125,165
Compliance Rate for Inspected Facilities	41%

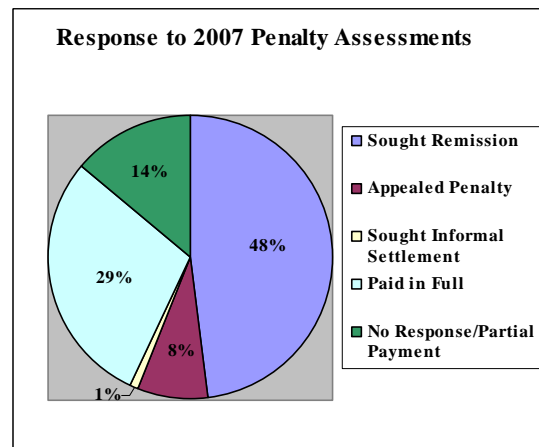
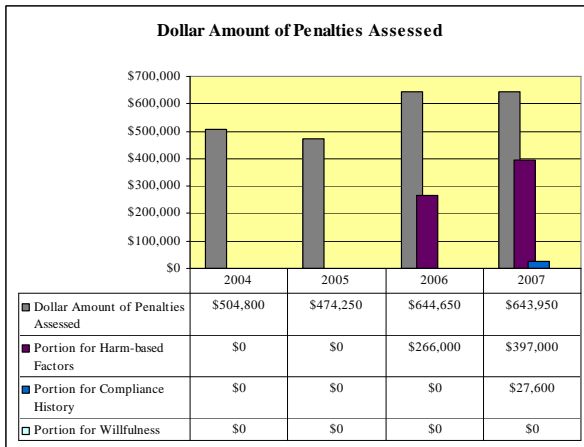
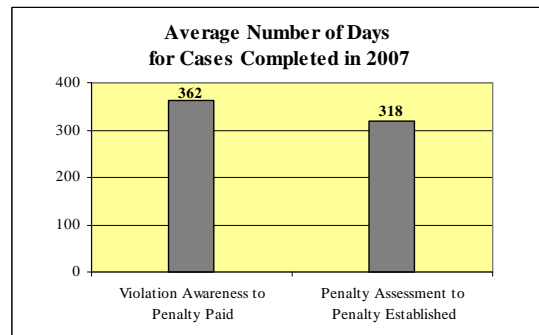
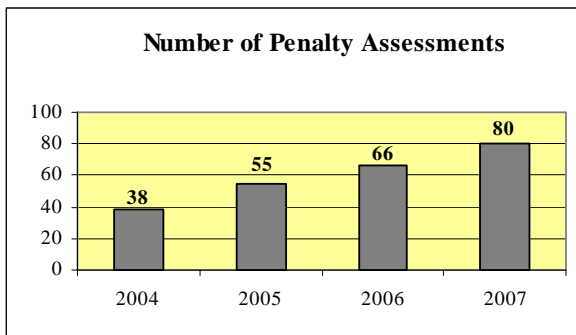
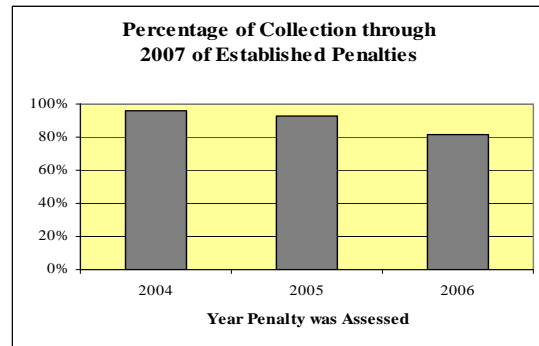
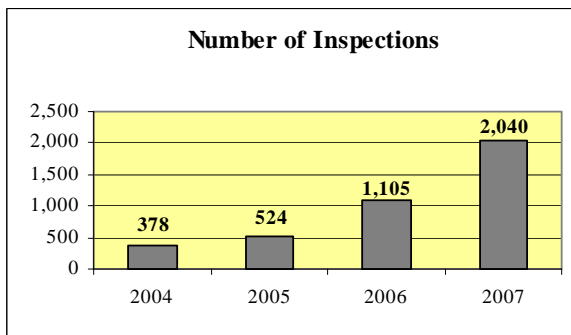
The year 2006 was the first year this information was collected for the DENR Compliance Activity Report. Trend analysis will begin in 2008 with three years of collected data.



WATER QUALITY – STORMWATER/NON-POINT SOURCE

2007 Enforcement Data at a Glance

Number of Inspections	2,040
Number of Regulated Entities	42,841
Total Number of Penalties Assessed	80
Total Dollar Amount of Penalties Assessed	\$643,950
Compliance Rate for Inspected Facilities	32%



APPENDICES

APPENDIX A

2007 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

	2007 Data
Penalty Assessments	
Total number of penalties assessed	306
Permitted facilities	117
Open burning	158
Other	31
Total dollar amount of penalties assessed	\$1,216,960
Permitted facilities	\$902,210
Open burning	\$273,750
Other	\$41,000
Average dollar amount of penalties assessed	\$3,977
Highest dollar amount of penalties assessed	\$125,400
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$765,178
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$195,893
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$218,067
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$329,900
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$35,125
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$576,082
Amount of penalties collected at year end of penalties assessed in 2006	\$155,920
Amount of penalties collected at year end of penalties assessed in 2005	\$212,672
Amount of penalties collected at year end of penalties assessed in 2004	\$849
Amount of penalties collected at year end of penalties assessed in 2003	\$2,544
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$2,000
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$1,500
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$1,875
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$2,375
Facility Performance	
Compliance rate of inspected facilities	78%
Percent of entities that returned to compliance by their specified deadline	100%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	131
Percent of last year's violators that were also violators this year	7%
Most common violations	1) Open burning 2) Reporting requirements 3) Record-keeping

AIR QUALITY		2007 Data
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)		189
Workload Measures		
Number of permitted entities		2,971
Number of regulated entities		10,374
Available inspector FTEs		69.5
Actual inspector FTEs		60.9
Number of inspections		3,610
Number of routine inspections		2,219
Number of complaint-driven inspections		1,391
Reduction Measures		
Amount of reductions made by a commission during this year		\$16,225
Original assessment amount of cases decided by a commission during this year		\$120,975
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year		\$169,745
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		\$591,080
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		\$27,125
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year		6.5%
Percent of penalty assessments that seek remission of penalties assessed this year		24.2%
Percent of penalty assessments that appeal to OAH of penalties assessed this year		6.5%
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		42%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		358
Average number of days from violation awareness to NOV issuance for penalties paid in full this year		18
Average number of days from NOV to penalty assessment for penalties paid in full this year		130
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year		186
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)		150

COASTAL MANAGEMENT

	2007 Data
Penalty Assessments	
Total number of penalties assessed	146
Total dollar amount of penalties assessed	\$62,925
Average dollar amount of penalties assessed	\$431
Highest dollar amount of penalties assessed	\$2,500
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$60,375
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$700
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$8,750
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$4,300
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	nav
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$53,975
Amount of penalties collected at year end of penalties assessed in 2006	\$700
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of 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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate for inspected facilities	96%
Percent of entities that returned to compliance by their specified deadline	53%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	92
Percent of last year's violators that also violated this year	1%
Most common violations	-unauthorized development
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	196
Workload Measures	
Number of permitted entities	4,192
Number of regulated entities	4,432

COASTAL MANAGEMENT		2007 Data
Available inspector FTEs		8.1
Actual inspector FTEs		5.5
Number of inspections		10,445
Number of routine inspections		5,443
Number of complaint driven-inspections		140
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		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		99%
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		24
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year		24
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)		27

ENVIRONMENTAL HEALTH	
FOOD, DAIRY, LODGING AND INSTITUTIONAL SANITATION	

	2007 Data
Workload Measures	
Number of permitted entities	31,992
Number of regulated entities	45,656
Inspector FTEs (Local Health Dept. staff)	1,148
Number of inspections	116,602
Number of routine inspections	114,142
Number of complaint driven inspections	nav
Selected Measures for the Food, Dairy, Lodging, and Institutional Sanitation Program	
Number of A ratings for restaurants	89,260
Number of B ratings for restaurants	88,827
Number of C ratings for restaurants	1,316
Number of suspended restaurant Permits	1400
Number of revoked restaurant Permits	242

ENVIRONMENTAL HEALTH MAMMOGRAPHY

	2007 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 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 penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
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 penalties collected at year end of penalties assessed in 2003	\$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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	77%
Percent of entities that returned to compliance by their specified deadline	71%
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	-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	236

ENVIRONMENTAL HEALTH MAMMOGRAPHY		2007 Data
Available inspector FTEs		3.0
Actual inspector FTEs		3.0
Number of inspections		236
Number of routine inspections		462
Number of complaint-driven inspections		0
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

	2007 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 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 penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
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 penalties collected at year end of penalties assessed in 2003	\$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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	93%
Percent of entities that returned to compliance by their specified deadline	50%
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	2%
Most common violations	-contaminant and design flow exceedences; - tanks not in compliance; - illegal operation
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	nav
Workload Measures	
Number of permitted entities	nav
Number of regulated entities	1,700,000
Available inspector FTEs	nav

ENVIRONMENTAL HEALTH ON-SITE WATER PROTECTION

2007 Data

Actual inspector FTEs	nav
Number of inspections	68
Number of routine inspections	43
Number of complaint-driven inspections	11
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	28,875
Operation Permit-Repair	5,485
Operation Permit-Expansion	1,175
Total Operation Permits	36,535
Notice of Violations	955
Legal Actions	102
Permits Revoked	580
Permits Suspended	77
Permits Denied	2,803
* 76/100 counties reporting	

ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY

	2007 Data
Penalty Assessments	
Total number of penalties assessed*	505
Total dollar amount of penalties assessed	\$143,438
Average dollar amount of penalties assessed	\$284
Highest dollar amount of penalties assessed	\$20,000
Amount of penalties established through SAFA** at year end for penalties assessed in 2007	\$55,259
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$21,803
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$18,900
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$8,355
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$6,000
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$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 2007	\$51,546
Amount of penalties collected at year end of penalties assessed in 2006	\$21,803
Amount of penalties collected at year end of penalties assessed in 2005	\$18,900
Amount of penalties collected at year end of penalties assessed in 2004	\$8,355
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$22,467
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$10,940
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$275
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$550
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	533
Percent of last year's violators that were also violators this year	18%
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)	4
Workload Measures	
Number of permitted entities	2,710

ENVIRONMENTAL HEALTH PUBLIC WATER SUPPLY		2007 Data
Number of regulated entities		6,915
Available inspector FTEs		40.0
Actual inspector FTEs		45.0
Number of inspections		7,954
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		6%
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		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		37%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		586
Average number of days from violation awareness to NOV issuance for penalties paid in full this year		7
Average number of days from NOV to penalty assessment for penalties paid in full this year		381
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year		137
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)		183

ENVIRONMENTAL HEALTH RADIOACTIVE MATERIALS

	2007 Data
Penalty Assessments	
Total number of penalties assessed	2
Total dollar amount of penalties assessed	\$4,250
Average dollar amount of penalties assessed	\$2,125
Highest dollar amount of penalties assessed	\$3,750
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$4,250
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$3,750
Amount of penalties collected at year end of penalties assessed in 2006	\$0
Amount of penalties collected at year end of penalties assessed in 2005	\$0
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of 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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$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		2007 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		1,908
Available inspector FTEs		9.5
Actual inspector FTEs		9.5
Number of inspections		430
Number of routine inspections		312
Number of complaint-driven inspections		49
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		50%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		200
Average number of days from violation awareness to NOV issuance for penalties paid in full this year		100
Average number of days from NOV to penalty assessment for penalties paid in full this year		82
Average number of days from penalty assessment to penalty establishment for penalties paid in full		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)		19

ENVIRONMENTAL HEALTH SHELLFISH SANITATION

	2007 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 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 penalties established through SAFA at year end for penalties assessed in 2003	n/a
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	n/a
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	n/a
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	n/a
*SAFA is settlement, agreement or final action	
Collection Measures	
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 penalties collected at year end of penalties assessed in 2003	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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	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	196
Number of regulated entities	896
Available inspector FTEs	9.0

ENVIRONMENTAL HEALTH SHELLFISH SANITATION		2007 Data
Actual inspector FTEs		9.0
Number of inspections		5,878
Number of routine inspections		5,860
Number of complaint-driven inspections		18
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		4,638
Number of sewage violations		15
Number of processing plant inspections		1,240
Number of recommended changes to shellfish growers		106

ENVIRONMENTAL HEALTH TANNING PROGRAM

	2007 Data
Penalty Assessments	
Total number of penalties assessed	8
Total dollar amount of penalties assessed	\$7,800
Average dollar amount of penalties assessed	\$975
Highest dollar amount of penalties assessed	\$4,300
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$7,800
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
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 penalties collected at year end of penalties assessed in 2003	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$4,300
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	56%
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	13
Percent of last year's violators that were also violators this year	13%
Most common violations	-failure to replace lamps w/ compatible lamp type -failure to maintain equipment manufacturer's manual
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	0

ENVIRONMENTAL HEALTH TANNING PROGRAM		2007 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		13%
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

ENVIRONMENTAL HEALTH X-RAY PROGRAM

	2007 Data
Penalty Assessments	
Total number of penalties assessed	3
Total dollar amount of penalties assessed	\$3,750
Average dollar amount of penalties assessed	\$1,250
Highest dollar amount of penalties assessed	\$2,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$3,750
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	3
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$2,000
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 penalties collected at year end of penalties assessed in 2003	\$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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	24%
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		2007 Data
Workload Measures		
Number of permitted entities		n/a
Number of regulated entities		7,603
Available inspector FTEs		6.0
Actual inspector FTEs		6.0
Number of inspections		725
Number of routine inspections		660
Number of complaint-driven inspections		65
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		66%
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		33%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		117
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		68
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year		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)		49

FOREST RESOURCES

	2007 Data
Number of Site Evaluations Conducted by Type	
Active Harvest	1,405
Completed Harvest	1,381
Other Activities	137
Reforestation	433
Total	3,356
Citizen Complaints	76
Percent of Site Evaluations in Forest Practices Guidelines Non-Compliance by Type	
Citizen Complaints	43%
Active Harvest	4%
Completed Harvest	4%
Other Activities	1%
Reforestation	0%
Number of Reinspections	1,539
Number of Notices of Forest Practices Guidelines Non-Compliance	121
Number of Referrals for Enforcement	7

LAND RESOURCES DAM SAFETY

	2007 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 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 penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
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 penalties collected at year end of penalties assessed in 2003	\$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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	96%
Percent of entities that returned to compliance by their specified deadline	30%
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	4,783
Number of regulated entities	4,783

LAND RESOURCES DAM SAFETY		2007 Data
Available inspector FTEs		10.0
Actual inspector FTEs		7.0
Number of inspections		1,657
Number of routine inspections		1,637
Number of complaint-driven inspections		17
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		5
Number of dam safety orders issued		4
Total number of dams repaired or breached		30
Number of dams repaired or breached that are under an enforcement action		9

LAND RESOURCES EROSION AND SEDIMENTATION CONTROL

	2007 Data
Penalty Assessments	
Total number of penalties assessed	60
Total dollar amount of penalties assessed	\$1,068,489
Average dollar amount of penalties assessed	\$17,808
Highest dollar amount of penalties assessed	\$114,480
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$189,498
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$406,577
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$190,284
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$158,122
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$97,658
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$120,895
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$339,904
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$146,756
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$165,192
Amount of penalties collected at year end of penalties assessed in 2006	\$315,877
Amount of penalties collected at year end of penalties assessed in 2005	\$74,484
Amount of penalties collected at year end of penalties assessed in 2004	\$158,122
Amount of penalties collected at year end of penalties assessed in 2003	\$2,658
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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	96%
Percent of entities that returned to compliance by their specified deadline	88%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	45
Percent of last year's violators that were also violators this year	3%
Most common violations	failure to take all reasonable measures; insufficient measures; failure to follow approved plan
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	15
Workload Measures	
Number of permitted entities	0

LAND RESOURCES EROSION AND SEDIMENTATION CONTROL		2007 Data
Number of regulated entities		8,000
Available inspector FTEs		32.0
Actual inspector FTEs		26.2
Number of inspections		12,986
Number of routine inspections		11,801
Number of complaint-driven inspections		1,185
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		\$716,559
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		\$1,518,639
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		n/a
Percent of penalty assessments that appeal to OAH of penalties assessed this year		28%
Percent of penalty assessments that seek informal settlement of penalties assessed this year		32%
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		22%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		341
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		107
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)		60

LAND RESOURCES MINING

	2007 Data
Penalty Assessments	
Total number of penalties assessed	1
Total dollar amount of penalties assessed	\$30,000
Average dollar amount of penalties assessed	\$30,000
Highest dollar amount of penalties assessed	\$30,000
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	\$4,800
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$10,000
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$9,576
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$5,000
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$5,000
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
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	\$600
Amount of penalties collected at year end of penalties assessed in 2005	\$2,000
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of 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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	93%
Percent of entities that returned to compliance by their specified deadline	98%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	1
Percent of last year's violators that were also violators this year	0%
Most common violations	-mining without a permit
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	1
Workload Measures	
Number of permitted entities	935
Number of regulated entities	935

LAND RESOURCES MINING		2007 Data
Available inspector FTEs		3.0
Actual inspector FTEs		2.6
Number of inspections		835
Number of routine inspections		551
Number of complaint-driven inspections		117
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		\$30,000
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		
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		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

MARINE FISHERIES

	2007 Data
Hours worked patrolling polluted waters	9,222
Citations issued for harvesting shellfish from polluted waters	72
Citations issued for improper or no shellfish harvest tags	15
Written warnings issued for improper or no shellfish harvest tags	20
Total penalties collected for harvesting shellfish from polluted waters (criminal fines plus court costs)	\$7,500
Total penalties collected for improper or no shellfish harvest tags (criminal fines plus court costs)	\$1277
Total license/permit suspensions or revocations resulting from convictions for harvesting shellfish from polluted waters	57

WASTE MANAGEMENT HAZARDOUS WASTE

	2007 Data
Penalty Assessments	
Total number of penalties assessed	15
Total dollar amount of penalties assessed	\$1,106,616
Average dollar amount of penalties assessed	\$73,774
Highest dollar amount of penalties assessed	\$553,225
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$439,570
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$52,572
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$28,421
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	n/a
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$160,612
Amount of penalties collected at year end of penalties assessed in 2006	\$45,544
Amount of penalties collected at year end of penalties assessed in 2005	\$44,200
Amount of penalties collected at year end of penalties assessed in 2004	\$24,947
Amount of penalties collected at year end of penalties assessed in 2003	\$11,904
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	\$3,740
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate for inspected facilities	81%
Percent of entities that returned to compliance by their specified deadline	47%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	3
Percent of last year's violators that were also violators this year	6%
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)	2
Workload Measures	
Number of permitted entities	88

WASTE MANAGEMENT HAZARDOUS WASTE		2007 Data
Number of regulated entities		7,099
Available inspector FTEs		14.0
Actual inspector FTEs		13.0
Number of inspections		1,351
Number of routine inspections		1,103
Number of complaint-driven inspections		73
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		\$396,930
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		\$887,282
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		13%
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		73%
Percent of penalty assessments that seek informal settlement of penalties assessed this year		40%
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		7%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		339
Average number of days from violation awareness to NOV issuance for penalties paid in full this year		211
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		106
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)		26

WASTE MANAGEMENT SOLID WASTE

	2007 Data
Penalty Assessments	
Total number of penalties assessed	21
Total dollar amount of penalties assessed	\$147,925
Average dollar amount of penalties assessed	\$7,044
Highest dollar amount of penalties assessed	\$14,375
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$65,149
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$40,030
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$0
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$50,700
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$47,925
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$30,775
Amount of penalties collected at year end of penalties assessed in 2006	\$35,280
Amount of penalties collected at year end of penalties assessed in 2005	\$1,000
Amount of penalties collected at year end of penalties assessed in 2004	\$0
Amount of penalties collected at year end of penalties assessed in 2003	\$0
Amount of 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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	92%
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	8%
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)	14

WASTE MANAGEMENT SOLID WASTE		2007 Data
Workload Measures		
Number of permitted entities		1,928
Number of regulated entities		2,981
Available inspector FTEs		18.1
Actual inspector FTEs		15.1
Number of inspections		2,369
Number of routine inspections		2,185
Number of complaint-driven inspections		148
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		\$2,175
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		\$19,250
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		19%
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		24%
Percent of penalty assessments that seek informal settlement of penalties assessed this year		10%
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		24%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		121
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		113
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year		92
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)		32

WASTE MANAGEMENT UNDERGROUND STORAGE TANK PROGRAM

	2007 Data
Penalty Assessments	
Total number of penalties assessed	55
Total dollar amount of penalties assessed	\$454,236
Average dollar amount of penalties assessed	\$8,258
Highest dollar amount of penalties assessed	\$18,056
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$50,802
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$59,477
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$33,153
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$13,544
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$16,601
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$37,539
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$103,352
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$8,878
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$51,588
Amount of penalties collected at year end of penalties assessed in 2006	\$49,102
Amount of penalties collected at year end of penalties assessed in 2005	\$20,427
Amount of penalties collected at year end of penalties assessed in 2004	\$4,673
Amount of penalties collected at year end of penalties assessed in 2003	\$11,539
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	\$5,226
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$64,039
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$66,375
Facility Performance	
Compliance rate of inspected facilities	60%
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	30
Percent of last year's violators that were also violators this year	0%
Most common violations	- failure to demonstrate compliance with corrosion protection, spill prevention and overfill control
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	22

WASTE MANAGEMENT UNDERGROUND STORAGE TANK PROGRAM		2007 Data
Workload Measures		
Number of permitted entities		29,999
Number of regulated entities		28,705
Available inspector FTEs		15.0
Actual inspector FTEs		15.0
Number of inspections		2,448
Number of routine inspections		2,448
Number of complaint-driven inspections		24
Reduction Measures		
Amount of reductions made by a commission during this year		\$3,812
Original assessment amount of cases decided by a commission during this year		\$8,032
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year		\$145,215
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		\$236,905
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		9%
Percent of penalty assessments that seek remission of penalties assessed this year		33%
Percent of penalty assessments that appeal to OAH of penalties assessed this year		20%
Percent of penalty assessments that seek informal settlement of penalties assessed this year		n/a
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year		11%
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		172
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)		134

WATER QUALITY AQUIFER PROTECTION

	2007 Data
Penalty Assessments	
Total number of penalties assessed	74
Total dollar amount of penalties assessed	\$185,855
Average dollar amount of penalties assessed	\$2,512
Highest dollar amount of penalties assessed	\$11,878
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$109,921
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$47,682
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$14,239
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$8,017
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$7,880
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	nav
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	nav
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	nav
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$82,613
Amount of penalties collected at year end of penalties assessed in 2006	\$16,664
Amount of penalties collected at year end of penalties assessed in 2005	\$2,400
Amount of penalties collected at year end of penalties assessed in 2004	\$1,069
Amount of penalties collected at year end of penalties assessed in 2003	\$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	\$7,200
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$1,000
Facility Performance	
Compliance rate of inspected facilities	84%
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	37
Percent of last year's violators that were also violators this year	7%
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)	0
Workload Measures	
Number of permitted entities	4,963
Number of regulated entities	5,085

WATER QUALITY AQUIFER PROTECTION		2007 Data
Available inspector FTEs		33.2
Actual inspector FTEs		29.1
Number of inspections		3,357
Number of routine inspections		3,098
Number of complaint-driven inspections		89
Reduction Measures		
Amount of reductions made by a commission during this year		\$2,000
Original assessment amount of cases decided by a commission during this year		\$9,516
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year		\$18,012
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		\$62,907
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		35%
Percent of penalty assessments that appeal to OAH of penalties assessed this year		5%
Percent of penalty assessments that seek informal settlement of penalties assessed this year		4%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year		50%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		255
Average number of days from violation awareness to NOV issuance for penalties paid in full this year		27
Average number of days from NOV to penalty assessment for penalties paid in full this year		90
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year		164
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)		49

WATER QUALITY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

	2007 Data
Penalty Assessments	
Total number of penalties assessed	563
Total dollar amount of penalties assessed	\$818,512
Average dollar amount of penalties assessed	\$1,454
Highest dollar amount of penalties assessed	\$97,543
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$572,973
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$25,610
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$4,366
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$791
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$1,549
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	nav
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$415,892
Amount of penalties collected at year end of penalties assessed in 2006	\$203,003
Amount of penalties collected at year end of penalties assessed in 2005	\$7,500
Amount of penalties collected at year end of penalties assessed in 2004	\$791
Amount of penalties collected at year end of penalties assessed in 2003	\$1,549
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2007	\$740
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2006	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2005	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2004	\$0
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	86%
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	474
Percent of last year's violators that were also violators this year	45%
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	3,113
Number of regulated entities	3,113
Available inspector FTEs	23.6

WATER QUALITY NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM		2007 Data
Actual inspector FTEs		21.5
Number of inspections**		1,427
Number of routine inspections		1,307
Number of complaint-driven inspections		20
** Field inspections only; excludes reviews/inspections of Discharge Monitoring Reports		
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		\$84,241
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		\$260,964
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		1.6%
Percent of penalty assessments that seek remission of penalties assessed this year		16%
Percent of penalty assessments that appeal to OAH of penalties assessed this year		0.1%
Percent of penalty assessments that seek informal settlement of penalties assessed this year		1.2%
Percent of penalty assessments where the facility paid their penalty in full without contesting their case (remission, appealing to OAH, informal settlement) of penalties assessed this year		58%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		106
Average number of days from violation awareness to NOV issuance for penalties paid in full this year		72
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		123
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)		35

WATER QUALITY PRETREATMENT, EMERGENCY RESPONSE AND COLLECTION SYSTEMS

	2007 Data
Penalty Assessments	
Total number of penalties assessed	33
Total dollar amount of penalties assessed	\$125,165
Average dollar amount of penalties assessed	\$4,043
Highest dollar amount of penalties assessed	\$21,062
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$116,917
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$136,514
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$264,757
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$37,445
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$66,424
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$0
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$0
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$91,175
Amount of penalties collected at year end of penalties assessed in 2006	\$198,911
Amount of penalties collected at year end of penalties assessed in 2005	\$291,584
Amount of penalties collected at year end of penalties assessed in 2004	\$123,197
Amount of penalties collected at year end of penalties assessed in 2003	\$67,139
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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	41%
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	3
Percent of last year's violators that were also violators this year	8%
Most common violations	-discharge violations
Number of penalty assessments that come from entities that are not permitted (i.e. unauthorized activity)	4
Workload Measures	
Number of permitted entities	317
Number of regulated entities	570
Available inspector FTEs	1.5

WATER QUALITY PRETREATMENT, EMERGENCY RESPONSE AND COLLECTION SYSTEMS		2007 Data
Actual inspector FTEs		1.5
Number of inspections**		153
Number of routine inspections		151
Number of complaint-driven inspections		2
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		\$26,167
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year		\$4,176
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		\$26,167
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		\$36,273
Percent of penalty assessments that are turned over to the AGO for collection of penalties assessed this year		6%
Percent of penalty assessments that seek remission of penalties assessed this year		27%
Percent of penalty assessments that appeal to OAH of penalties assessed this year		12%
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		63%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		116
Average number of days from violation awareness to NOV issuance for penalties paid in full this year		22
Average number of days from NOV to penalty assessment for penalties paid in full this year		21
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year		67
Average number of days to collect penalties from penalty establishment to penalty paid in full for penalties paid in full this year (and penalty assessment to penalty paid in full for facilities that chose not to seek a penalty reduction)		90

WATER QUALITY STORMWATER/NON-POINT SOURCE

	2007 Data
Penalty Assessments	
Total number of penalties assessed	80
Total dollar amount of penalties assessed	\$643,950
Average dollar amount of penalties assessed	\$8,049
Highest dollar amount of penalties assessed	\$69,000
Amount of penalties established through SAFA* at year end for penalties assessed in 2007	\$196,156
Amount of penalties established through SAFA at year end for penalties assessed in 2006	\$116,976
Amount of penalties established through SAFA at year end for penalties assessed in 2005	\$13,500
Amount of penalties established through SAFA at year end for penalties assessed in 2004	\$4,100
Amount of penalties established through SAFA at year end for penalties assessed in 2003	\$0
Amount of the portion of penalties assessed that was added due to repeat violations in 2007	\$27,600
Amount of the portion of penalties assessed that was added due to willful offenders in 2007	\$0
Amount of the portion of penalties assessed that was added due to harm-based factors in 2007	\$397,000
*SAFA is settlement, agreement or final action	
Collection Measures	
Amount of penalties collected at year end of penalties assessed in 2007	\$160,400
Amount of penalties collected at year end of penalties assessed in 2006	\$136,656
Amount of penalties collected at year end of penalties assessed in 2005	\$14,538
Amount of penalties collected at year end of penalties assessed in 2004	\$7,824
Amount of penalties collected at year end of penalties assessed in 2003	\$14,939
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
Amount of uncollectible penalties (of cases closed by year end) of penalties assessed in 2003	\$0
Facility Performance	
Compliance rate of inspected facilities	32%
Percent of entities that returned to compliance by their specified deadline	86%
Number of repeat violators between this year and four years ago of enforcement actions taken between this year and four years ago	13
Percent of last year's violators that were also violators this year	1.5%
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)	31

WATER QUALITY STORMWATER/NON-POINT SOURCE		2007 Data
Workload Measures		
Number of permitted entities		42,376
Number of regulated entities		42,841
Available inspector FTEs		7.3
Actual inspector FTEs		5.3
Number of inspections		2,040
Number of routine inspections		1,513
Number of complaint-driven inspections		438
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		\$98,000
Amount of reductions made by DENR (either director, secretary or another DENR employee) or State Health Director (for DEH programs) during this year		\$85,157
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		\$399,400
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		5%
Percent of penalty assessments that seek remission of penalties assessed this year		48%
Percent of penalty assessments that appeal to OAH of penalties assessed this year		8%
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		29%
Timeliness Measures		
Average number of days from violation awareness to penalties paid in full for penalties paid in full this year		362
Average number of days from violation awareness to NOV issuance for penalties paid in full this year		18
Average number of days from NOV to penalty assessment for penalties paid in full this year		140
Average number of days from penalty assessment to penalty establishment for penalties paid in full this year		318
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)		105

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

	2007 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)]
- ▶ **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.
- ▶ **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]
- ▶ **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
- ▶ **Aquifer Protection** – NCGS 143-215.6A and 143B-282.1(b)
- ▶ **Coastal Management** – NCGS 113A-126(d)(4) and 15A NCAC 07J .0409(f)(3)
- ▶ **Dam Safety** – NCGS 143-215.36(b)(3)
- ▶ **Erosion and Sediment Control** – NCGS 113A-64(a)(3) and 15A NCAC 04C .0106
- ▶ **Hazardous Waste** – NCGS 130A-22(f) and 15A NCAC 13B Section .0702
- ▶ **Mining** – NCGS 74-64(a)(1)(c) and 15A NCAC 05K .0107
- ▶ **NPDES** – NCGS 143-215.6A and 143B-282.1(b)
- ▶ **Oil Pollution/Hazardous Substance Control** – NCGS 143-215.91, recodified as NCGS 143-215.88A and B which references 143-215.6 recodified as 143-215.6A through 143-215.6C and 143B-282.1
- ▶ **On-site Water Protection** – NCGS 130A-22(b1), 15A NCAC 18A
- ▶ **Public Water Supply** – NCGS 130A-22(f) and 15A NCAC 18C .1906
- ▶ **Radiation Protection** – NCGS 104E-24(b)
- ▶ **Solid Waste** – NCGS 130A-22(f) and 15A NCAC 13B Section .0702
- ▶ **Stormwater and Nonpoint Source** - NCGS 143-215.6A and 143B-282.1(b)
- ▶ **Underground Storage Tanks** – NCGS 143-215.6A(c), which references 143B – 282.1(b)
- ▶ **Well Construction** – NCGS 87-94 references NCGS 143B-282.1(b) and NCGS 143-215.6A

NCGS – North Carolina General Statute

NCAC – North Carolina Administrative Code

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

What are a penalty matrix and a penalty tree?

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

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

Degree of Harm		Degree of Deviation from Requirement		
<input type="checkbox"/> Potential <input type="checkbox"/> Actual				
		MAJOR	MODERATE	MINOR
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, Pool and Tattoos Program. The purpose of the Food and Lodging program is to minimize the occurrence of foodborne illness and provide quality assurance to lodging sanitation. The purpose is accomplished largely through education of business management and personnel, and enforcement of health regulations. The state trains and delegates local health departments who, in turn, administer the program.	<ul style="list-style-type: none"> 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
Betty Gatano	Air Quality	(919) 733-1478	(919) 733-1812	Betty.Gatano@ncmail.net
Roy Brownlow	Coastal Management	(252) 808-2808	(252) 247-3330	Roy.Brownlow@ncmail.net
Jackie Glenn	Food, Lodging and Institutional Sanitation	(919) 715-0932	(919) 715-3242	Jackie.Glenn@ncmail.net
Ted Lyon	On-Site Water Protection	(919) 715-3273	(919) 715-3274	Ted.Lyon@ncmail.net
Tony Gallagher	Public Water Supply	(919) 715-3215	(919) 715-4374	Tony.Gallagher@ncmail.net
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Rex Lanier	Marine Fisheries	(252) 726-7021		Rex.Lanier@ncmail.net
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Jan Manthey	Underground Storage Tanks	(919) 733-1321	(919) 733-9413	Jan.Manthey@ncmail.net
Ed Hardee	Aquifer Protection	(919) 715-6189		Ed.Hardee@ncmail.net
Daryl Merritt	PERCS	(919) 733-5083 ext. 554	(919) 733-0059	Daryl.Merritt@ncmail.net
Tom Belnick	NPDES	(919) 733-5083 ext. 543	(919) 733-9612	Tom.Belnick@ncmail.net
Shelton Sullivan	Stormwater/Non-Point Source	(919) 733-5083 ext. 544	(919) 733-9612	Shelton.Sullivan@ncmail.net
Julie Woosley	Pollution Prevention and Environmental Assistance	(919) 715-6509	(919) 715-6794	Julie.Woosley@ncmail.net
ADDITIONAL RESOURCES				
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