



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Office of Compliance and Inspection
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ACCOMPLISHMENT SUMMARY FOR YEAR 2006

The **OFFICE OF COMPLIANCE & INSPECTION (“OC&I”)** is the regulatory compliance and enforcement component of the Rhode Island Department of Environmental Management (RIDEM) for air pollution, water pollution, and waste issues. OC&I functions within the Bureau of Environmental Protection (BEP) of the agency. OC&I consists of several compliance/enforcement related programs including air, dams safety, hazardous waste management, septic system or individual sewage disposal system (“ISDS”) failures, solid and medical waste, underground and leaking underground storage tanks, water pollution and freshwater wetlands. Formerly, RIDEM’s emergency response program was a part of the OC&I, but in 2006, RIDEM created an Office of Emergency Response. Five staff members previously assigned to the OC&I that respond to releases of petroleum, hazardous materials and hazardous waste were formally transferred to that office.

In 2006, the OC&I had a working staff of approximately 34 full time equivalents (“FTEs”) to perform compliance and enforcement related duties. These duties include complaint response/investigation, compliance monitoring, issuing enforcement actions on behalf of the agency, and ensuring that compliance is met and environmental violations are corrected.

Not all OC&I programs focus on enforcement activities in the same way. For example, one program may spend considerable time on complaint response while another may spend most of its time on compliance monitoring. In fact, much of our enforcement effort is a team approach, either internally in the office or externally with other RIDEM divisions and offices. In many cases, our activities are coordinated with other offices at RIDEM including the Offices of Air Resources, Water Resources, Waste Management, Emergency Response and Legal Services. Under some circumstances, we support the Office of Criminal Investigation and assist them with sampling, regulatory interpretation, and expert witness testimony. In many cases, we are in close communication with the Environmental Protection Agency (EPA) since RIDEM has specific authority delegated under federal regulations regarding air, water, underground and leaking underground storage tanks and hazardous waste.

COMPLAINT RESPONSE

OC&I is involved in extensive complaint related work. Examples of complaints and their numbers handled by OC&I in 2006 include:

Air – The air program responds to complaints of visible emissions, odors, fugitive dust, and exterior lead paint removal. OC&I’s air program received **841** complaints this year

and investigated **692** of these complaints. The program conducted **334** inspections to investigate these complaints. Of the complaints investigated, **650** were determined to be unfounded and **7** complaints were referred to another program, department or agency. Not all complaints could be investigated due to time delays from receipt of the complaint or other factors including lack of resources. In 2006, OC&I was unable to investigate **150** complaints. OC&I has **2** inspectors primarily assigned to handle complaint investigations and document findings for air related violations.

Emergency Response – As noted, the emergency response efforts formerly assigned to the OC&I have been transferred to the new Office of Emergency Response. Previous accomplishment summaries included responses to releases of petroleum and hazardous materials as complaint responses. These numbers varied from approximately 700 to 900 overall on an annual basis. Readers should take this into account when comparing information from previous years as 2006 numbers show a significant drop in both complaints received and investigated as a result of this transfer. For actual information related to Emergency Response activities, the reader is directed to RIDEM's web page.

Hazardous Waste – While most of the work carried out by this program involves compliance monitoring (please see the compliance monitoring section further on in this report), the hazardous waste program also responds to complaints involving illegal disposal or mismanagement of hazardous waste. In previous years, OC&I enlisted the assistance of the emergency response team to investigate and follow up on complaints. In an attempt to reduce the burden on the emergency response team, OC&I shifted this responsibility to members of the compliance monitoring team to conduct these investigations. Emergency responders may still initially investigate some of these problems but generally will turn these complaints over to OC&I. In 2006, OC&I received **75** complaints, completed **59** inspections and completed **59** investigations. **Twenty-six** of these complaints were unfounded. OC&I has approximately **two FTEs** to conduct this work.

Septic Systems – OC&I receives numerous complaints regarding septic systems (e.g., overflowing or failed systems, septic odors, prohibited aboveground laundry discharges, illegal repairs, or renovations to dwellings without prior review by RIDEM to determine if the system would be adequate). In 2006, the OC&I received **348** complaints and conducted **216** investigations. OC&I staff completed **361** inspections in 2006. OC&I was unable to investigate **42** complaints in 2006. Often this is a result of the inability to gain access to inspect residential property. Of the complaints filed, **112** were determined to be unfounded. This work was accomplished with approximately **1.2 FTEs**.

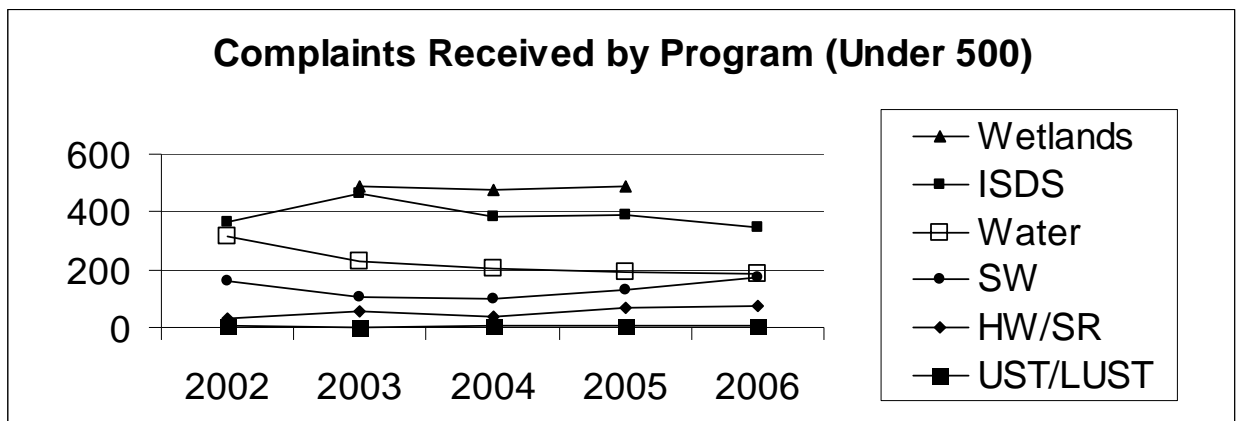
Underground Storage Tanks (“UST”) and Leaking Underground Storage Tanks (“LUST”) – Although in the past the UST/LUST program has primarily been involved with enforcement activity, its activities have been expanded to include compliance monitoring and complaint investigation. In 2006, the UST/LUST Program received **6** complaints, conducted **5** inspections, and conducted **3** investigations. OC&I has **1 partial FTE** to conduct this type of work.

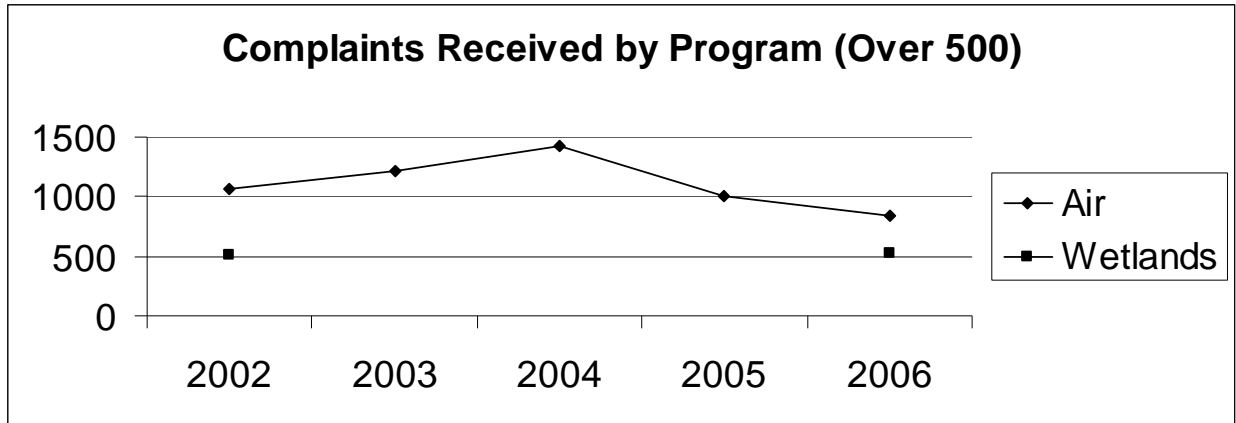
Water Pollution – The water pollution component of OC&I investigates complaints related to discharges of pollutants to surface waters or ground waters. In 2006, the OC&I received **188** complaints and conducted **204** investigations. A total of **204** inspections were undertaken. OC&I was unable to investigate only **13** complaints. Inability to gain access to inspect property or the lack of adequate information relating to the location of the problem is generally the cause. Of the complaints filed, **168** were determined to be unfounded. **Eleven** of the complaints were referred to another program or to other agencies. OC&I has approximately **1.2 FTEs** to do this work.

Freshwater Wetlands – This program investigates unauthorized alterations to freshwater wetlands such as filling, excavating, grading, clearing, or construction within the wetland. In 2006, this program received **555** complaints and conducted **432** investigations. A total of **850** inspections were carried out. OC&I was unable to investigate **8** complaints. Of the complaints filed, **155** were determined to be unfounded. Complaint investigation in this program is time consuming and complex due to the varied nature of wetlands, land conditions, land ownership and regulatory requirements. OC&I had **4** inspectors (biologists) trained to identify and delineate vegetated wetlands up until mid-2006 but with a vacancy, dropped down to **3** for the latter part of the year. In order to keep up with complaint response, staff members from other OC&I water related programs were employed to assist investigating wetland related complaints that did not consist of identifying and delineating vegetated wetlands.

Solid Waste – The solid waste program investigates illegal disposal of solid waste and operation of unlicensed facilities handling solid waste, construction & demolition debris, compost or other forms of solid waste. In 2006, OC&I's solid waste program received **173** complaints and conducted **160** investigations. OC&I had **2 inspectors** in this program to conduct most investigations. The supervisor of this program often has to fill in to ensure that timely inspections and investigations are carried out. In 2006, this program completed **168** inspections. OC&I was unable to investigate **1** complaint in 2006 and referred **35** complaints to other agencies.

The following graphs provide information regarding a 5-year trend in the number of complaints received by the OC&I with numbers distributed by media/programs.





COMPLIANCE MONITORING

Compliance monitoring refers to efforts by the Department to oversee closely regulated businesses and operations. In many cases, State laws require businesses and operations to be licensed by RIDEM or to obtain specific detailed conditional approvals. Under these circumstances, such facilities are not allowed to operate unless they obtain these licenses or approvals in advance. In other situations, businesses may operate provided they are in compliance with specific regulations that set forth criteria the business must meet. Under these circumstances, the businesses are not generally required to obtain a permit or license to operate. RIDEM's Offices of Air Resources, Water Resources and Waste Management undertake the bulk of compliance monitoring especially for the more complex situations involving licensed operations or those requiring advanced conditional approvals. OC&I's compliance monitoring efforts are concentrated in specific areas where regulatory compliance is the controlling issue. Primarily this involves air, hazardous waste generators, UST facility operations and dam safety. In these programs, OC&I generally targets a certain portion of the regulated universe and then conducts compliance evaluation inspections to ascertain whether or not compliance is met by the business or facility. Since RIDEM is delegated regulatory authority and given grant money by EPA for certain programs such as hazardous waste and underground storage tanks, RIDEM and EPA coordinate their efforts regarding types of facilities and numbers of inspections to be conducted. In many cases, EPA provides federal guidance for such inspections and for appropriate and timely enforcement response if compliance is not being met.

Compliance monitoring may also refer to efforts by other OC&I programs that investigate compliance with department approvals; however, in most instances these investigations are complaint driven and are not subject to a prescribed target list for evaluation. Examples include OC&I's wetlands and septic system enforcement programs.

OC&I's compliance monitoring efforts in the area of **Air, Hazardous Waste, UST facilities, and Dams Safety** are represented by the following:

Air – In addition to investigating citizen complaints as they relate to ambient air quality issues, source checks of sites with historical air pollution compliance problems are conducted. For 2006, this program conducted **213** inspections to assure compliance with pertinent regulations. Through public contact, OC&I ensures public awareness of applicable air pollution control regulations, including but not limited to **exterior removal of lead paint**.

Hazardous Waste – The goal of the hazardous waste regulations is to prevent hazardous wastes from being mishandled and adversely impacting human health and the environment. Consequently, issues like labeling of containers, storage conditions and time of storage, contingency plans for emergencies, training for employees, secondary containment in case of a container or tank failure, proper transportation and manifesting of waste so we know where it is ultimately being disposed and numerous other concerns are all important for generators to follow. Failure to follow these requirements could result in harm to employees, the public at large and the environment if illegal disposal or release were to occur.

For 2006, OC&I concentrated its efforts in two areas that include specific targeted inspections of **Large Quantity Generators (“LQG”)** and compliance evaluation inspections of **Small Quantity Generators (“SQG”)** of hazardous waste relative to complaints received or those suspected of not notifying their hazardous waste activities to the state and federal regulatory program. For LQGs, consistent with federal guidelines for grant commitments, OC&I committed to inspect 20% of Rhode Island’s universe of LQGs or approximately **22** facilities. OC&I has followed EPA’s recommended target for the last few years in an effort to keep inspections of these types of facilities on a regular basis. This effort should result in such facilities being inspected at least once every three to four years or less. Also, OC&I targeted any newly reporting LQGs and those that did not previously notify the RIDEM that they fall into this category. The grant commitment time period for inspections shifted this year, switching from a state fiscal year (July 1, 2005 to June 30, 2006) to the federal fiscal year (October 1, 2005 to September 30, 2006). Consequently, OC&I did not conduct all of its LQG inspections within the 2006 calendar year but did complete the 22 LQG inspections.

Of the **12 LQGs** inspected within calendar year 2006, **1** facility was determined to be in significant noncompliance and appropriate enforcement action was taken. **Six** were found to have secondary violations and received informal enforcement actions while **3** were determined to have no violations. **Two** remain under evaluation.

In the area of SQGs, OC&I’s inspection efforts in 2006 concentrated primarily on complaint response, auto body shops and dry cleaners. For 2006, OC&I inspected **39** known or suspected SQGs and **68** other small businesses. Of the **39** known or suspected SQGs, **28** were determined to have secondary violations and were issued informal enforcement actions. **Ten (10)** had no violations, while **1** received a formal enforcement action due to significant noncompliance with the hazardous waste regulations.

Overall, OC&I completed **119** inspections of known or suspected hazardous waste generators to ensure that compliance with the regulations was being met. This number includes both the targeted facilities and those facilities that were inspected as a result of complaints or referrals. During this period, OC&I resolved **70** informal enforcement actions and **8** formal enforcement actions to bring hazardous waste generators into compliance with RIDEM's Hazardous Waste Regulations.

The following are violations most frequently observed and noted by OC&I inspectors during inspections of hazardous waste generators during 2006.

| <u>#of Instances</u> | <u>Type of violation</u> |
|----------------------|---|
| 39 | Failing to determine if the generator's waste is hazardous or not |
| 25 | Failing to obtain an EPA ID number |
| 24 | Failing to provide a list of employees authorized to sign hazardous waste manifests |
| 22 | Failing to label hazardous waste containers or not completing the label |
| 07 | Failing to provide training for employees managing hazardous waste |
| 07 | Failing to have emergency procedures in place in case of a release or catastrophe |
| 06 | Failing to keep hazardous waste containers closed |
| 06 | Failing to conduct weekly container inspections to check for spills or releases |
| 06 | Failing to maintain an adequate contingency plan in case of a release or spill of hazardous waste |
| 06 | Failing to maintain required records |
| 05 | Failing to provide an accumulation start date on containers holding hazardous waste |
| 05 | Failing to provide a notification of a spill or release |
| 04 | Failing to provide secondary containment for containers holding liquid hazardous waste |
| 04 | Failing to properly manage universal hazardous waste |
| 01 | Failing to store flammable waste greater than 50' from property line |
| 01 | Failing to maintain adequate spill control equipment |
| 01 | Failing to maintain aisle space between hazardous waste containers |
| 01 | Failing to obtain a hazardous waste transporter permit |

UST Facility Operations - In 2006, as in previous years, OC&I has coordinated with RIDEM's Office of Waste Management to carry out compliance monitoring inspections of UST facility operations. The Underground Storage Tank Program ("UST Program") is

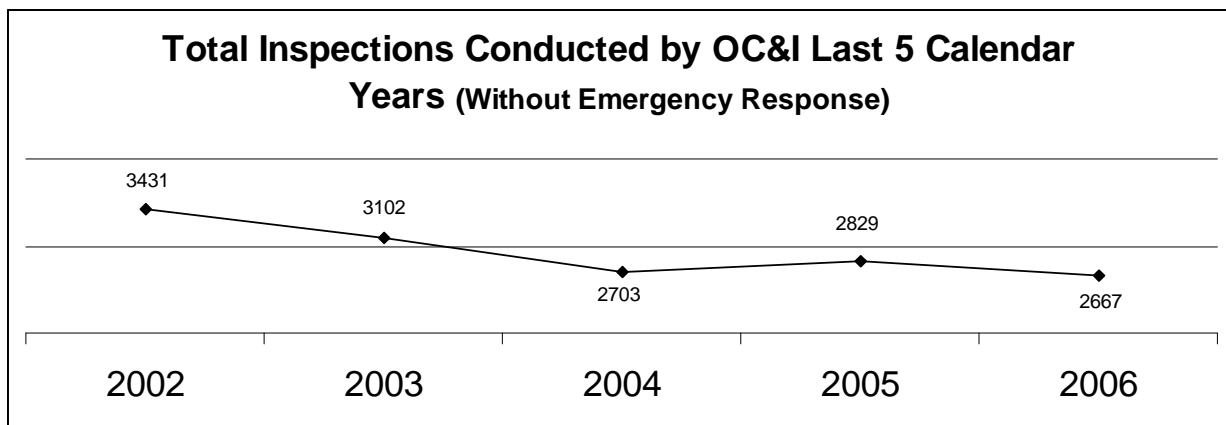
charged with ensuring that the State's thousands of regulated underground storage tanks ("USTs") are being operated and maintained in compliance with the **Rules and Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials**. The UST Program seeks to meet that responsibility by performing compliance inspections; investigating complaints and issuing enforcement actions against UST owners and operators that are out of compliance with the UST Regulations.

During the year 2006, OC&I's UST Program performed compliance inspections at **100** registered underground storage tank facilities. Approximately **254** underground storage tanks are installed at those facilities. **Sixty-eight** UST facilities were subject to informal enforcement action as a result of those inspections. Only **21** of those facilities were found to be in compliance with the UST Regulations at the time of inspection.

Forty-five UST facilities were returned to compliance during the year 2006 as the result of informal enforcement action taken by OC&I (some of those cases were initiated during the year 2005).

Dams Safety Program – As part of OC&I's continuing efforts in dam safety, **58** compliance-monitoring inspections were conducted in 2006. These inspections were performed at **6** High Hazard Dams, **3** Significant Hazard Dams and **49** Low Hazard Dams. In addition **16** re-inspections were conducted. Many of these inspections were conducted while monitoring unsafe dams. **One** inspector carried out these inspections. RIDEM also took action in 2006 to correct deficiencies and repairs at **six** High Hazard Dams that were considered unsafe. For more information on dam safety, please refer to the annual report to the Governor regarding dam safety. That report is on RIDEM's web site at <http://www.dem.ri.gov>.

The following graph shows the trend in the number of complaint and compliance monitoring inspections conducted by the OC&I over the last 5 years. In previous accomplishment summaries, this graph included inspections conducted by RIDEM's Emergency Response Program. Since that program is no longer part of the OC&I, this graph was created to show representative trends without Emergency Response.



ENFORCEMENT RESPONSE

A large component of OC&I's activities for the year include an enforcement response to bring violators into compliance with environmental statutes and regulations. Our response to noncompliance discovered through complaint inspections, compliance monitoring, or other channels can take several forms, but, for the most part, can be described as either **informal** or **formal** enforcement. **Informal enforcement** includes those actions that do not result in an enforceable order or assessment of a penalty. For the most part, these actions include correspondence such as Letters of Deficiency, Warning Letters, Letters of Noncompliance and Notices of Intent to Enforce. All of these types of actions are taken to allow violators to resolve noncompliance voluntarily and as quickly as possible, including repairing any environmental damage that may have resulted due to noncompliance. **In 2006, OC&I issued a total of 383 such actions.** The breakdown of these actions is **Air – 29, Hazardous Waste – 57, ISDS – 102, Solid Waste – 72, UST – 61, Water Pollution – 11, and Wetlands – 51.** Where performance is required, these letters include deadlines within which the property owner or operator is expected to meet compliance. In the event that compliance is not met in a reasonable time, the OC&I will target the ongoing noncompliance for formal enforcement to ensure compliance is met. The RIDEM is delegated authority by the federal government to enforce federal regulations for certain programs involving air, waste and water. Often the EPA dictates certain enforcement response policies that require formal enforcement in the event an owner or operator does not meet compliance within prescribed timelines. OC&I obtains varied success with informal enforcement actions depending upon the program and the ability to elevate matters to formal enforcement. Overall, **325** informal enforcement actions were resolved by OC&I in 2006 without resorting to formal enforcement. In 2006 the Bureau of Environmental Protection issued **939** informal enforcement actions and resolved **802**. During 2006, only **28** cases were referred to OC&I for formal enforcement action. This is a significant decrease over 2005's referral number of **103**. A major component of the increased referrals in 2005 included cases involving noncompliance with RIDEM's UST Environmental Results Program requirements.

BUREAU OF ENVIRONMENTAL PROTECTION

Informal Enforcement Actions*

Issued/Resolved

January 2006 – December 2006

| OC&I, OAR, OWM, OWR | |
|--------------------------------|--------------|
| Issued | 939 |
| Resolved | 802 |
| Inspections** | 5,333 |
| Referrals to OC&I | 28 |

*Informal enforcement actions include Letters of Deficiency, Letters of Noncompliance, Notices of Intent to Enforce or any other document that advises the addressee of a violation of law or regulation identified by RIDEM that must be stopped, corrected or resolved. Informal enforcement actions do not involve enforceable orders or assessment of penalties. They are generally a means to allow property owners or operators to reach

compliance voluntarily without facing administrative penalties. Informal enforcement actions do not preclude RIDEM from issuing a formal enforcement action that does include an assessment of penalties.
**Includes compliance and complaint inspections and reinspections.

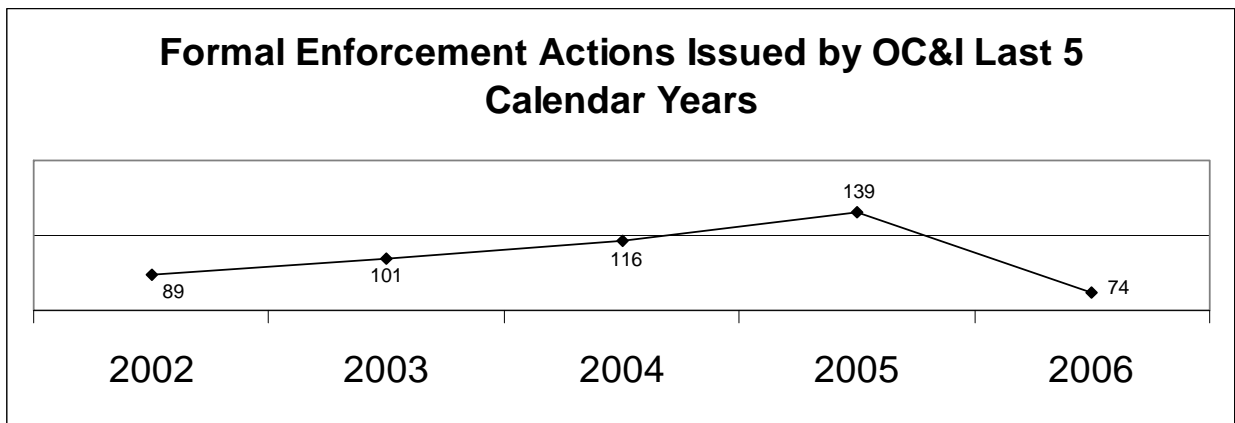
In the event that compliance with informal enforcement actions is not met, or RIDEM determines that violations identified at a site or facility represents significant noncompliance, OC&I will issue a formal enforcement action to ensure compliance. **Formal enforcement** is usually in the form of a Notice of Violation (NOV). Each NOV advises the respondent of the alleged facts surrounding the case, the statutes and regulations that are alleged to have been violated the requirements to meet compliance and usually include an administrative penalty. The requirements to meet compliance are set forth in the order portion of the NOV. The assessed penalty is developed in accordance with the administrative penalty regulations, and the NOV includes worksheets providing information on how the penalty was determined. The maximum penalty for violations is derived from the legislative statute providing RIDEM with the authority to assess and collect a penalty for civil (non-criminal) violations of laws or regulations. Since formal enforcement actions contain enforceable orders and assessments of penalties, such actions are subject to appeal with the RIDEM's Administrative Adjudication Division (AAD). Respondents have **20** days to appeal the NOV to the AAD. The OC&I and the respondent may finalize a settlement of the outstanding enforcement action either prior to or even after a hearing commences. Upon completion of a hearing, a recommended decision is forwarded to RIDEM's Director for final decision. Respondents may file an appeal to contest the AAD decision to Superior Court. In the event that an administrative hearing is not requested, the NOV becomes a final order of the Director and is enforceable in Superior Court.

In 2006, OC&I issued **74** formal enforcement actions. The numbers of actions per program are: **Air – 6, Hazardous Waste/Site Remediation – 8, ISDS – 21, Solid Waste – 6, UST/LUST – 19, Water Pollution – 7, and Wetlands – 7.** For a more detailed look at the background of formal enforcement actions issued or resolved by OC&I please refer to OC&I's monthly enforcement update on RIDEM's web page at <http://www.dem.ri.gov>. This monthly update provides a summarized background on each enforcement action issued or resolved. This summary also provides information on actions filed in Superior Court or resolved through court actions.

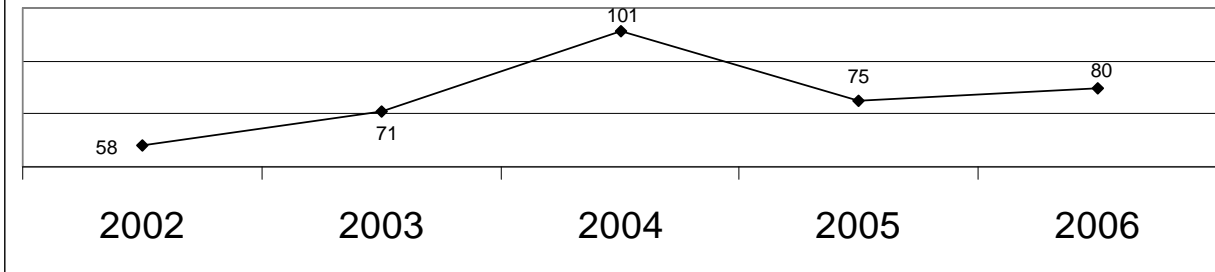
As part of the **74** formal enforcement actions issued this calendar year, OC&I proposed total penalties for noncompliance of **\$1,368,626.15**. As a result of our efforts to settle or to resolve formal enforcement actions issued over the last year or in previous years, respondents have agreed to pay **\$751,212.80** in penalties in the form of cash. During 2006, OC&I collected **\$756,640.22** in the form of cash payments. OC&I also agreed to settle **5** enforcement cases by having the Respondent conduct a **Supplemental Environmental Project (SEP)**. SEPs proposed during 2006 amounted to a value estimated at **\$483,538.00**. SEPs are environmentally beneficial projects that a respondent proposes to undertake in settlement of an enforcement action but is not otherwise legally required to perform. For more details regarding SEPs, please refer to RIDEM's Policy on SEPs in effect since April 5, 1996 and revised on July 15, 2004.

In order to resolve formal enforcement actions, OC&I will often execute consent agreements with Respondents. The purpose of **Consent agreements** is to provide a formal document to set forth how a formal enforcement action is resolved between the parties. Such documents identify what performance is still required and under what timelines the performance will be completed. **Consent agreements** also identify how the penalty portion of the NOV will be resolved including a timeframe for payment of the penalty if necessary. Probably one of the most important aspects of a consent agreement is to create an agreement that is enforceable in Superior Court should it be necessary to compel enforcement. In 2006, OC&I executed **80** consent agreements to resolve formal enforcement actions. In the event that a consent agreement requires performance to be completed, OC&I tracks a Respondent's progress towards compliance.

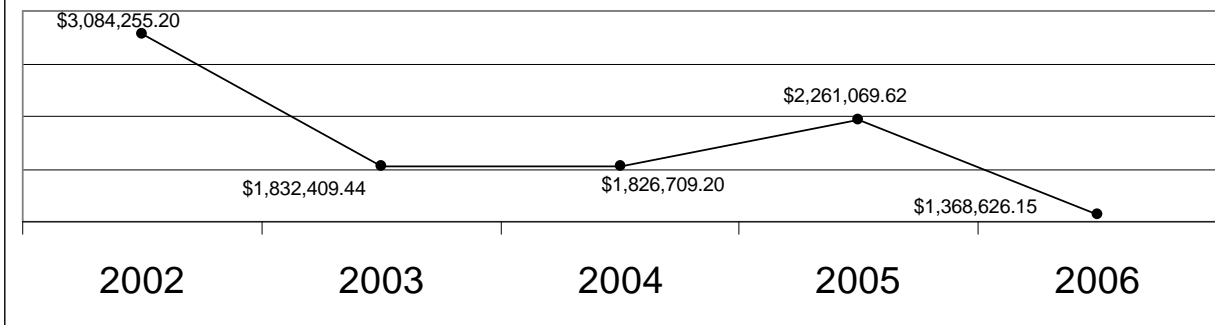
Overall formal enforcement actions in 2006 were decreased compared to those issued in 2005, with a 47% reduction in formal enforcement (NOVs); however, there was a 2% increase in executed consent agreements and a 22% increase in formal enforcement actions that were closed over 2005. Part of the problem associated with the reduction of the number of formal enforcement actions issued in 2006 is the reduction of legal resources available to process these actions. In 2006, the RIDEM lost two (2) attorneys that regularly worked on formal enforcement actions. In addition, RIDEM was without an Executive Legal Counsel to head up the Office of Legal Services for approximately six (6) months. The following graph shows the 5 - year trend in the number of formal enforcement actions issued and the number of consent agreements executed to resolve these enforcement actions.



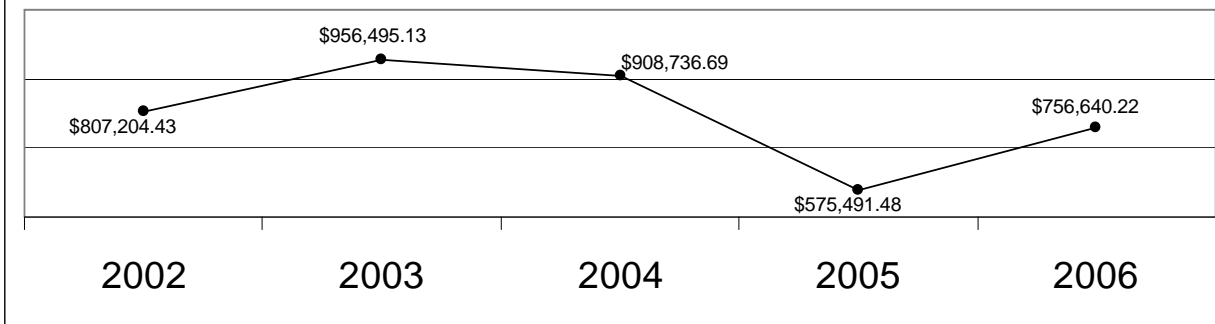
Consent Agreements Executed by OC&I Last 5 Calendar Years



Penalties Assessed by OC&I Last 5 Calendar Years



Penalties Collected by OC&I Last 5 Calendar Years



In addition to resolving cases through the formal hearing process at AAD or moving cases to Superior Court, OC&I in conjunction with RIDEM's Office of Legal Services and the AAD have coordinated in using mediation towards resolving long-standing enforcement cases. However, in 2006, only 1 case was recommended for mediation. This matter involved a wetland enforcement case.

In 2006, the Office of Legal Services filed only 3 Superior Court complaints to achieve compliance. This represents a 75% reduction from 2005. Of these, 2 involved failed septic systems, and one involved solid waste. Also during 2005, the Office of Legal Services was able to obtain orders from the Superior Court to resolve 7 complaints.

These included **3** failed septic system cases, **2** Leaking Underground Storage Tank matters (same Defendant), and **2** dam safety matters.

Overall, OC&I closed 436 enforcement actions in 2006.

ACCOMPLISHMENTS / PERFORMANCE

As a result of OC&I's activities in the area of complaint response, compliance monitoring and enforcement response, OC&I was able to accomplish the following to protect the environment and the public's health, safety and welfare in 2006:

Air - The OC&I air compliance staff ensured that **15** sites involving exterior lead paint removal were cleaned of lead paint chips and debris in compliance with the regulations. **Eight** emission problems were resolved including **2** fugitive dust problem sites corrected, and **6** other pollution sources. In addition, through enforcement action, OC&I was able to bring **25** Respondents back into compliance.

ISDS – Septic Systems - In 2006, OC&I's enforcement efforts resolved **41** overflowing septic systems, elimination of **14** residential laundry discharges and resolution to **4** other septic system violations. Correction to problem systems took place at **34** residential properties, **3** commercial properties and **4** multi-unit properties. These cases involved elimination of prohibited laundry waste discharges or the repair (or agreement to repair): (a) failed septic systems for single-family residences, commercial businesses, or multi-unit dwellings; (b) septic systems for properties that had renovated buildings served by an inadequate septic system; or (c) septic systems that were illegally or improperly constructed. All of these violations posed, at one point or another, threats to human health or the environment. OC&I's program requires persons with failed septic systems to hire qualified professionals to assess the problematic septic system and to file for an approval to obtain RIDEM's authorization to correct the failed system by implementing a specific plan.

RCRA Hazardous Waste - In 2006, the RCRA Hazardous Waste compliance program conducted **194** compliance inspections of known or suspected hazardous waste generators. As a result of these inspections, a total of **65** enforcement actions were issued identifying violations of the regulations. These violations represented threats to employees of the facility or to the public as a result of actual or potential mismanagement of hazardous waste. During this period of time, the program brought **60** facilities that generate hazardous waste into compliance with the regulations.

Solid Waste - As a result of OC&I's enforcement efforts, approximately **9,074** cubic yards and **838** tons of solid waste was removed from the environment (from various sites) and disposed of properly. Also, **132** individual tires were removed. This effort was a result of both informal and formal enforcement actions that were issued in 2006 as well as previous years and subsequently tracked for completion and closure.

Underground Storage Tanks – During 2006, the OC&I's UST enforcement program was able to bring **45** USTs into compliance with regulatory requirements. Enforcement activity during the calendar year included the issuance of **61** informal enforcement

actions, resolution to **36** such actions, issuance of **19** formal enforcement actions and closure of **30** formal actions. For more particular information, please see the compliance monitoring section above related to UST facility compliance. OC&I is monitoring those facilities that have not yet achieved compliance despite our enforcement efforts and will ensure compliance is achieved.

OC&I investigated **5** complaints concerning underground storage tanks during the year 2006. One of the investigations revealed the presence of **4** unregistered and abandoned USTs. OC&I's enforcement action in this matter resulted in the removal of these abandoned USTs. Following removal, subsurface petroleum contamination was discovered in the tank graves during the closure and petroleum contaminated soil was excavated from the site. Further investigation is ongoing.

Four other noncompliant USTs were removed from the ground as the result of OC&I enforcement actions.

Three unregistered USTs were discovered at one location. OC&I's enforcement action resulted in the owner registering the USTs to achieve compliance.

Water Pollution - The accomplishments of the water pollution program in 2006 include such activities as removal of paint from a storm drain, repair to a failed septic system discharging sewage to waters of the State, having floor drains sealed or removed, closure of underground injection wells, elimination of laundry discharges to waters of the State, eliminating a sewage discharge to the Clear River, removal of sewer drains from storm drains, correction to sewage discharges from residential and/or commercial buildings, correction of sediment runoff from construction projects, construction of a salt storage barn to reduce salt runoff and elimination of industrial wastewater discharges. The Water Pollution Program issued **11** informal enforcement actions and **7** formal enforcement actions in 2006. During this same period, **17** informal enforcement actions and **7** formal enforcement actions were resolved. Several of these actions were referrals from RIDEM's Office of Water Resources involving violations of the Rhode Island Pollution Discharge Elimination System (RIPDES) water pollution prevention program, and several of these cases involved multi-media enforcement where both water pollution and other media violations were cited.

Freshwater Wetlands - Some of the accomplishments of the Freshwater Wetlands enforcement program for 2006 include completion of **41** separate wetland restorations. This resulted in restoration of **8.42 acres** of wetland and **7.14 acres** of regulated upland adjacent to freshwater wetlands. Restoration includes remedial work such as removal of fill and unauthorized structures, re-grading, seeding unstable soils, and replanting trees and shrubs to recreate wildlife habitat. In some cases where clearing was the only unauthorized activity, restoration also would include the landowner's agreement to allow the cleared area to re-vegetate to a natural condition.

Training – OC&I Staff participated in several training sessions in 2006. The number of staff positions and training sessions consisted of the following:

| <u># of staff</u> | <u>Training Session</u> |
|-------------------|--|
| 1 | 64 th Northeast Environmental Enforcement Project Conference |
| 1 | 65 th Northeast Environmental Enforcement Project Conference |
| 3 | EPA/Northeast Waste Management Officials Association Advanced Hazardous Waste Inspector Training |
| 2 | New England Interstate Water Pollution Control Commission – Aerial photography interpretation and building a good enforcement case |
| 1 | Department of Administration Office of Training – Basic Grant Writing |
| 1 | Department of Administration Office of Training – Design and Implementation of Erosion & Sediment Control |
| 14 | R I Fire Academy – 8 hour refresher training re: OSHA Rule 1910.120 Hazardous Materials Response |
| 1 | EPA – Real Estate Development and Contaminated Sites. |
| 5 | Northeast Environmental Enforcement Project – Negotiation Skills Workshop |

QUESTIONS OR COMMENTS regarding this report:

Questions related to this report or information regarding overall enforcement activity by the Office of Compliance & Inspection should be referred to the Chief of the Office of Compliance & Inspection (telephone: 401-222-4700, ext. 7431).

**OFFICE OF COMPLAINE & INSPECTION
ENFORCEMENT ACTIVITIES
January 2006 to December 2006**

Updated 4/3/2007

| COMPLAINTS | AIR | HW/SR | ISDS | SW | UST/LUST | WATER | WET | Total |
|---|--|--------------|-------------|--------------|-----------------|--------------|-------------|----------------|
| Received | 841 | 75 | 348 | 173 | 6 | 188 | 555 | 2186 |
| Investigations Conducted | 692 | 59 | 216 | 160 | 3 | 204 | 432 | 1766 |
| Unable to Investigate | 150 | 0 | 42 | 1 | 0 | 13 | 8 | 214 |
| Unfounded | 650 | 26 | 112 | 66 | 0 | 168 | 155 | 1177 |
| No Action | 6 | 0 | 2 | 0 | 0 | 8 | 89 | 105 |
| Inspections | 334 | 59 | 361 | 168 | 5 | 204 | 850 | 1981 |
| Referred** | 7 | 0 | 0 | 35 | 0 | 11 | 0 | 53 |
| COMPLIANCE MONITORING | | | | | | | | |
| Inspections | 213 | 194 | 0 | 44 | 109 | 23 | 29 | 612 |
| Dam Safety Program | 58 Inspected (6 High Hazard; 3 Significant Hazard; 49 Low Hazard) plus 16 re-inspections | | | | | | | 74 |
| ENFORCEMENT ACTIONS | | | | | | | | |
| Informals - issued | 29 | 57 | 102 | 72 | 61 | 11 | 51 | 383 |
| Informals - resolved | 22 | 52 | 112 | 51 | 36 | 17 | 35 | 325 |
| Formals - issued* | 6 | 8 | 21 | 6 | 19 | 7 | 7 | 74 |
| Formals - closed | 5 | 8 | 18 | 1 | 30 | 7 | 42 | 111 |
| Consent Agreements Executed | 3 | 11 | 11 | 6 | 30 | 11 | 8 | 80 |
| Penalties Proposed (Formal Actions) | \$223,000.00 | \$372,599.00 | \$35,800.00 | \$191,182.00 | \$228,176.00 | \$291,369.15 | \$26,500.00 | \$1,368,626.15 |
| Penalties Assessed (Consent Agreements) | \$101,600.00 | \$164,414.00 | \$22,450.00 | \$79,537.00 | \$146,590.00 | \$228,746.80 | \$7,875.00 | \$751,212.80 |
| Penalties Collected (Cash Received) | \$113,000.00 | \$149,031.28 | \$35,470.80 | \$55,312.55 | \$217,167.69 | \$147,732.90 | \$38,925.00 | \$756,640.22 |
| SEP Agreed To | 1 | 0 | 0 | 0 | 1 | 3 | 0 | 5 |
| SEP Monetary Value | \$175,000.00 | \$0.00 | \$0.00 | \$0.00 | \$7,205.00 | \$301,333.00 | \$0.00 | \$483,538.00 |
| Mediation Cases | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| AAJ/Superior Court Cases | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crim Inv Assist Cases | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| *Multi-media NOV's issued = 3, these are included in the program counts. | | | | | | | | |
| **Referred to other program, department or agency. | | | | | | | | |
| "Complaints Received" represents the total number of complaints received including multiple complaints per location or alleged violation. | | | | | | | | |
| "Complaint Investigations" are counted only once even though one Investigation may address multiple complaints received. | | | | | | | | |
| "Compliance Monitoring" includes Hazardous Waste Generators and approved or permitted projects/activities. | | | | | | | | |
| "Informal" = Letters of Deficiency, Letters of Warning, Letters of Intent to Enforce, Letters of Non-Compliance (ie. non-orders, non-penalty actions) | | | | | | | | |
| "Formal" = Notices of Violation that contain orders and/or penalties | | | | | | | | |