



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Office of Compliance and Inspection
235 Promenade Street, Suite 220
Providence, RI 02908

401-222-1360
TDD 401-222-4462

ACCOMPLISHMENT SUMMARY FOR YEAR 2007

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 and 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 2007, the OC&I had a working staff of approximately 32 full time equivalents (“FTEs”) to perform compliance and enforcement related duties. This represents a loss of an additional 2 FTEs from 2006. 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 2007 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 **713** complaints this year and investigated **674** of these complaints. The program conducted **397** inspections to

investigate these complaints. Of the complaints investigated, **627** were determined to be unfounded (i.e., a violation could not be verified) and **25** 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 2007, OC&I was unable to investigate **39** complaints; however, this is an improvement over 2006 when 150 complaints could not be investigated. A drop in complaint numbers from 841 in 2006 to the 713 received in 2007 may account for OC&I's ability to respond to more complaints. OC&I has **2 inspectors** primarily assigned to handle complaint investigations and document findings for air related violations.

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 2007, OC&I received **38** complaints, completed **38** inspections and completed **38** investigations. **Sixteen** of these complaints were unfounded. OC&I has approximately **1.5 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 2007, the OC&I received **267** complaints and conducted **230** investigations. OC&I staff completed **340** inspections in 2007. OC&I was unable to investigate **47** complaints in 2007. Often this is a result of the inability to gain access to inspect residential property. Of the complaints filed, **64** were determined to be unfounded. This work was accomplished with approximately **1 FTE**.

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 **7** complaints, conducted **6** inspections, and completed **6** investigations. OC&I has **1 partial FTE** to conduct this type of work.

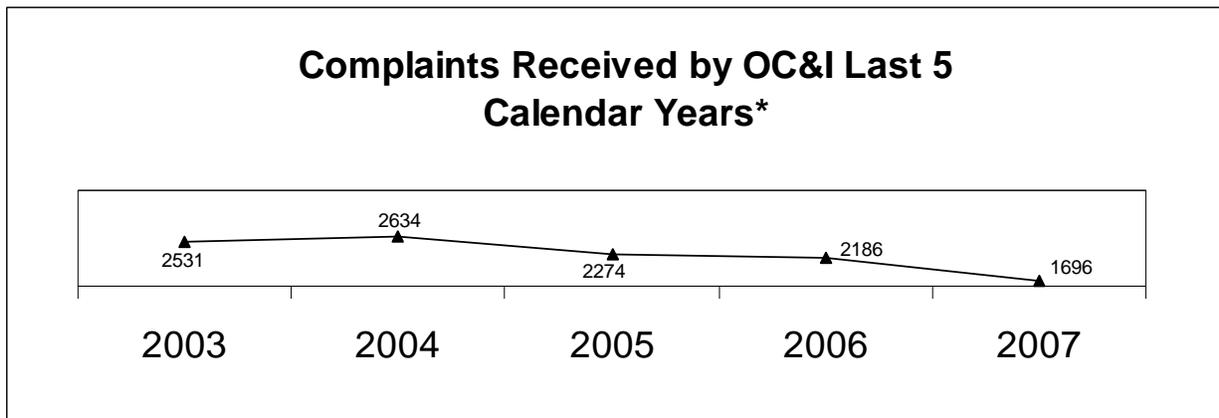
Water Pollution – The water pollution component of OC&I investigates complaints related to discharges of pollutants to surface waters or ground waters. In 2007, the OC&I received **149** complaints and conducted **166** investigations. A total of **166** inspections were undertaken. OC&I was unable to investigate only **2** 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, **109** were determined to be unfounded. **Sixteen** of the complaints were referred to another program or to other agencies. OC&I has approximately **1FTEs** 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 2007, this program received **430** complaints and conducted **320**

investigations. A total of **690** inspections were carried out. OC&I was unable to investigate **10** complaints. Of the complaints filed, **101** 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 only **3 inspectors** (biologists) in 2007 trained to identify and delineate vegetated wetlands. 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. This work was accomplished by approximately **1 FTE**.

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 2007, OC&I’s solid waste program received **92** complaints and conducted **115** 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 2007, this program completed **141** inspections. OC&I was able to investigate all complaints received in 2007 except those complaints referred (**35**) to other agencies.

The following graph provides information regarding a 5-year trend in the total number of complaints received by the OC&I.



*Without Emergency Response for 2003, 2004 and 2005

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 2007, this program conducted **149** 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 **removal of exterior 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 2007, 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. Federal guidelines for grant commitments require states to inspect at least 20% of their LQG universe during the federal fiscal year. This worked out to be 22 LQGs. OC&I committed to inspect 25 LQGs in the federal fiscal year commencing October 1, 2006 and ending on September 30, 2007.

OC&I has followed EPA's 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 years or less given current numbers of LQGs in Rhode Island. In fact, this number is likely to go down based on recent trends of reduced LQGs in Rhode Island. Also, OC&I targeted any newly reporting LQGs and those that did not previously notify the RIDEM that they fall into this category.

During calendar year 2007 the OC&I inspected **23 LQGs (25 in the federal fiscal year)**. Of those, **3** facilities were determined to be in significant noncompliance and appropriate enforcement actions were taken. Thirteen (**13**) were found to have secondary violations and received informal enforcement actions while **7** were determined to have no violations.

In the area of SQGs, OC&I's inspection efforts in 2007 did not concentrate on one particular manufacturing sector. Inspection targets involved multiple business types or were derived from complaints. For 2007, OC&I inspected **56** known or suspected SQGs and **34** other small businesses. Of the **56** known or suspected SQGs, **28** were determined to have secondary violations and were issued informal enforcement actions. Four (**4**) had no violations.

Overall, OC&I completed **113** 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 **30** informal enforcement actions and **4** formal enforcement actions to bring hazardous waste generators into compliance with RIDEM's Hazardous Waste Regulations. The following is a list of facilities or locations that OC&I inspected as part of its efforts to ensure compliance with hazardous waste regulations.

Facilities/locations inspected in Calendar Year 2007

Facility Name	Address	City/Town
A A Thrifty Services, Inc.	221 Jefferson Blvd.	Warwick
A G & G, Inc.	21 Mill Street	Johnston
Accent Display	1655 Elmwood Avenue	Cranston
Action Auto Collision Center, Inc.	640 Atwood Avenue	Cranston
Advanced Chemical Co., Inc.	105 Bellows Street	Warwick
Airport Auto Body, Inc.	40 Fresno Street	Warwick
Allstate Painting & Wallcovering, Inc.	141 Industrial Drive, Unit 1	North Smithfield
Al's Auto Body	3 Blaisdell Avenue	Tiverton
Amtrol, Inc.	1400 Division Road	West Warwick
Arkwright, Inc.	538 Main Street	Scituate
Ashaway Line & Twine Mfg. Co.	9 Laurel Street	Hopkinton
Ashaway Line & Twine Mfg. Co.	24 Laurel Street	Hopkinton

Bay Marina Inc.	1800 West Shore Road	Warwick
Benny's	Tiogou Avenue	Coventry
Bill's Auto Parts	70 Macondray Street	Cumberland
Bright Cleaners (Press Express)	2436 West Shore Road	Warwick
C N C International LP	20 Privilege Street	Woonsocket
C P R Auto, Inc.	1042 Putnam Pike	Glocester
Camera Exchange Service Center	1800 Post Road, Suite 15A	Warwick
Cardi Corporation/RI DOT (Glocester Middle School)	7 Rustic Hill Road	Glocester
Catanzaro Paint Co.	28-30 Maple Avenue	Barrington
Centreville Mill (Franklin Construction)	3 Bridal Avenue	West Warwick
Cooley Inc.	50 Esten Avenue	Pawtucket
Copy World	1862 Mineral Spring Avenue	North Providence
Copy World	1728 Warwick Avenue	Warwick
Cottman Transmission	1600 Post Road	Warwick
Cranston Print Works Co. Bercen Div.	1381 Cranston Street	Cranston
Craveiro Auto Body	115 John Street	Lincoln
Crotty Auto Body Works	4049 South County Trail	Charlestown
D & D Chrome Plating	355 Dexter Street	Providence
Danco	Bullocks Point Avenue	East Providence
Darcy Lane	45 Darcy Lane	Burrillville
Drew Easton Co., Inc.	1725 Pontiac Avenue	Cranston
Drury, Kenneth	4 Haswell Street	Westerly
Durante, Anthony	129 Nottingham Drive	West Warwick
Eaton Corporation	15 Pioneer Avenue	Warwick
Exotic Tans	1401 Park Avenue	Cranston
F M Global	743 Reynolds Road	Glocester
Fiore Pontiac, Inc.	525 Quaker Lane	Warwick
Fontes, Jason	6 Knotty Oak Lane	Coventry
Frank & Sons Auto Salvage	285 Read School House Road	Coventry
Garcia's Auto Body	110 Aldrich Street	Providence
Geib Refining Corp.	399 Kilvert Street	Warwick
Gold's Auto Recycling	113 Fenner Avenue	Middletown
Gorham, J C	625 Harris Avenue	Providence
Harwood Mfg., Co.	1119 Douglas Avenue	North Providence
Hi-Tech Automotive (Nardolillo, Anthony)	230 Frances Avenue	Cranston
Home Depot #4280	80 Universal Blvd.	Warwick
Home Depot #4284	120 Franklin Street	Westerly
Home Depot #4285	387 Charles Street	Providence

Home Depot #4287	371 Putnam Pike	Smithfield
Home Depot #4383	1255 Ten Rod Road	North Kingstown
Image Printing & Copying	53 Barden Avenue	Warwick
Image Printing & Copying	33 Plan Way, Bldg 37	Warwick
Joe Pel Printers	10 Coral Court	Cranston
John's Salvage & Boiler Removal	51 Abbott Street	Cumberland
Jorge's Auto	Broad Street	Cumberland
K I K Custom Products	35 Martin Street	Cumberland
Kenyon Industries Inc.	36 Sherman Avenue	Charlestown
L P Recycling, Inc.	1125 Victory Highway	Burrillville
Lagasse, Alan	22 Cory's Lane	Tiverton
LaPolla Motor Sales, Inc.	1591 Cranston Street	Cranston
Leo's Auto Parts	Iron Mine Hill Road	North Smithfield
Liberty Printing	247 Quaker Lane	West Warwick
Lincoln, Town of	Moshassuck Valley, Industrial Highway	Lincoln/Pawtucket
Lowes #1197	510 Quaker Lane	Warwick
Lowes #1208	2010 Diamond Hill Road	Woonsocket
Lowes #1505	247 Garfield Avenue	Cranston
Manville Motor Sales	1885 Smith Street	North Providence
Marshall Mechanical	35 Fresno Street	Warwick
Matunuck School House Road	1821 Matunuck School House Road	South Kingstown
Medeiros, Robert, Sr.	651 Stafford Road	Tiverton
Metals Treatment Co., Inc.	37 Libera Street	Cranston
Miller's Auto Body	1211 Mendon Road	Cumberland
Monarch Metal Finishing Co., Inc.	189 Georgia Avenue	Providence
Murray Auto Body C288	14 Murray Street	Providence
National Auto Specialty	241 Lincoln Avenue	Warwick
New England Gas Co	642 Allens Avenue	Providence
Newport Shipyard	1 Washington Street	Newport
Nissan of East Providence	845-854 Taunton Avenue	East Providence
Osram Sylvania Products Inc.	1193 Broad Street	Central Falls
Photo & Pet Boutique	2275 Diamond Hill Road	Cumberland
Photo Quick	620 Reservoir Avenue	Cranston
Photo Shoppe, The	7761 Post Road	North Kingstown
Photographic Chem Recovery Service	2 Leslie Avenue	Barrington
Precision Collision Services (Lou Pelosi C/S)	350 Wellington Avenue	Cranston
Precision Etchings & Findings Inc.	380 Jefferson Blvd, Bldg. F	Warwick
Print Source	1285 North Main Street	Providence

Print Source	182 Taunton Avenue	East Providence
Printcraft Inc.	3076 Post Road	Warwick
Ray's Towing Service	42 Perkins Street	West Warwick
Raytheon Co.	1847 West Main Road	Portsmouth
Ridgewood Providence Power Partners, LP	65 Shun Pike	Johnston
Rodrigues, Humberto	200 Market Street	Warren
S & H Realty, Inc. (former Cranston Mart, Inc.)	905 Cranston Street	Cranston
Saint-Gobain Performance Plastics Corp.	386 Metacom Avenue	Bristol
Shabo, Dan, Isuzu (Autostore, Inc.)	1042 Putnam Pike	Glocester
Sir Speedy Printing	969 Park Avenue	Cranston
Soluol, Inc.	199 Amaral Street	East Providence
Spring Green Auto Body	1664 Elmwood Avenue	Cranston
Standard Nut & Bolt Co. (HomeCo International Inc.)	49 Abbott Street	Cumberland
Stuart, Jimmy, Carpeting	651 Metacom Avenue	Bristol
Superior Finishing	100 Manton Avenue	Providence
Technic Inc.	1 Spectacle Street	Cranston
Technical Materials Inc.	5 Wellington Road	Lincoln
Tourbillon Trailer Sales	401 Snake Hill Road	Scituate
U-Haul	738 North Broadway	East Providence
Unnamed Business	194-196 New York Avenue	Providence
Victor Emmanuel Road	26 Victor Emmanuel Road	Providence
Wal-Mart #2747	650 Bald Hill Road	Warwick
Wanskuck Mill Complex	725 Branch Avenue	Providence
West End Auto Sales & Collision Service	555 Cranston Street	Providence
West Warwick, Town of, DPW	Hay Street	West Warwick

The following are violations most frequently observed and noted by OC&I inspectors during inspections of hazardous waste generators during 2007.

<u>#of Instances</u>	<u>Type of violation</u>
13	Failing to determine if the generator's waste is hazardous or not
10	Failing to obtain an EPA ID number
22	Failing to provide a list of employees authorized to sign hazardous waste manifests
33	Failing to label hazardous waste containers or not completing the label
11	Failing to provide employee training
12	Failing to have emergency procedures in place in case of a release or catastrophe

08	Failing to keep hazardous waste containers closed
08	Failing to conduct weekly container inspections to check for spills or releases
15	Failing to maintain an adequate contingency plan in case of a release or spill of hazardous waste
06	Failing to maintain required records
09	Failing to provide an accumulation start date on containers holding hazardous waste
03	Failing to provide a notification of a spill or release
06	Failing to provide secondary containment for containers holding liquid hazardous waste
11	Failing to properly manage universal hazardous waste
01	Failing to maintain aisle space between hazardous waste containers
01	Failing to obtain a hazardous waste transporter permit
01	Failing to conduct daily inspection of tanks
05	Failing to ship hazardous waste before 90 days
12	Failing to properly fill out hazardous waste manifests
01	Failing to obtain a hazardous waste storage permit
05	Failing to keep hazardous waste at point of generation

UST Facility Operations - In 2007, 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.

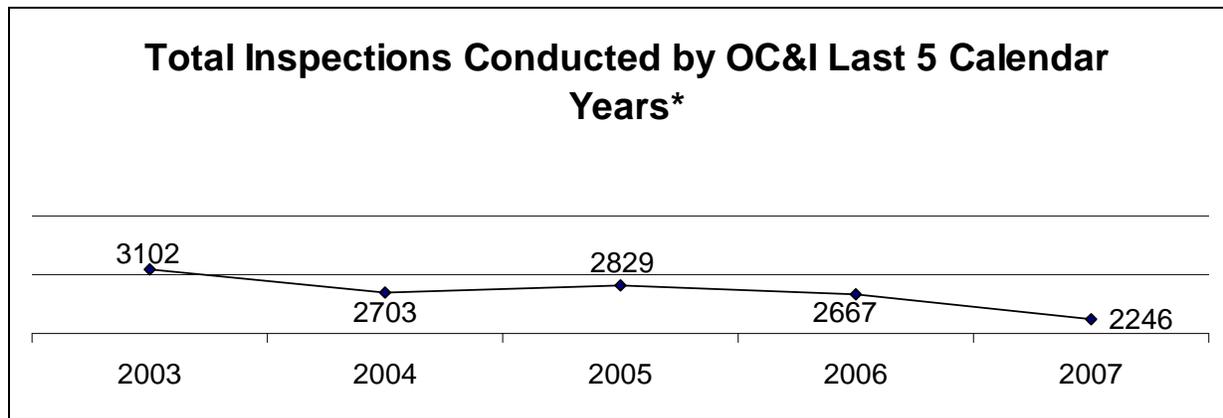
During the year 2007, OC&I's UST Program performed compliance inspections at **141** registered underground storage tank facilities. Approximately **390** underground storage tanks are installed at those facilities. Eighty-six (**86**) UST facilities were subject to informal enforcement action as a result of those inspections. Eleven (**11**) UST facilities were subject to formal enforcement actions also.

Forty-five (45) UST facilities were returned to compliance during the year 2007 as the result of informal enforcement action taken by OC&I (some of those cases were initiated during the year 2006).

Dams Safety Program – As part of OC&I's continuing efforts in dam safety, **11** compliance-monitoring inspections were conducted in 2007. These inspections were performed at **5 High Hazard Dams**, **1 Significant Hazard Dam** and **5 Low Hazard Dams**. Many of these inspections were conducted while monitoring unsafe dams. **One** inspector carried out these inspections. While the number of inspections were much

lower than 2006 (58 in total) OC&I's dam inspector spent a considerable amount of time in 2007 preparing and finalizing the first ever Dam Safety Regulations for the State of Rhode Island and spent considerable time coordinating efforts by contractors hired under a federal dam safety grant to revise dam hazard classifications, prepare inundation maps for high and significant hazard dams or conduct title work to determine the correct owner of certain dams. 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 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 inspection numbers without Emergency Response.



* Without Emergency Response for 2003, 2004 and 2005

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 2007, OC&I issued a total of 356 such actions.** The breakdown of these actions is **Air – 33, Hazardous Waste – 50, ISDS – 81, Solid Waste – 53, UST – 86, Water Pollution – 25, and Wetlands – 28.** 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, **234** informal enforcement actions were resolved by OC&I in 2007 without resorting to formal enforcement.

**Office of Compliance & Inspection
Informal Enforcement Actions*
Issued/Resolved
January 2007 – December 2007**

Issued	356
Resolved	234

*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.

Note: In prior year reporting this Accomplishment Summary included Informal Enforcement Actions issued and resolved by other RIDEM regulatory divisions. Those divisions still issue and resolve informal enforcement actions; however, their numbers are outside of the scope of this report.

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 2007, OC&I issued **122** formal enforcement actions. The numbers of actions per program are: **Air – 18, Hazardous Waste/Site Remediation – 7, ISDS – 39, Solid Waste/Medical Waste – 10, UST/LUST – 11, Water Pollution – 20, and Wetlands – 17.** 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.

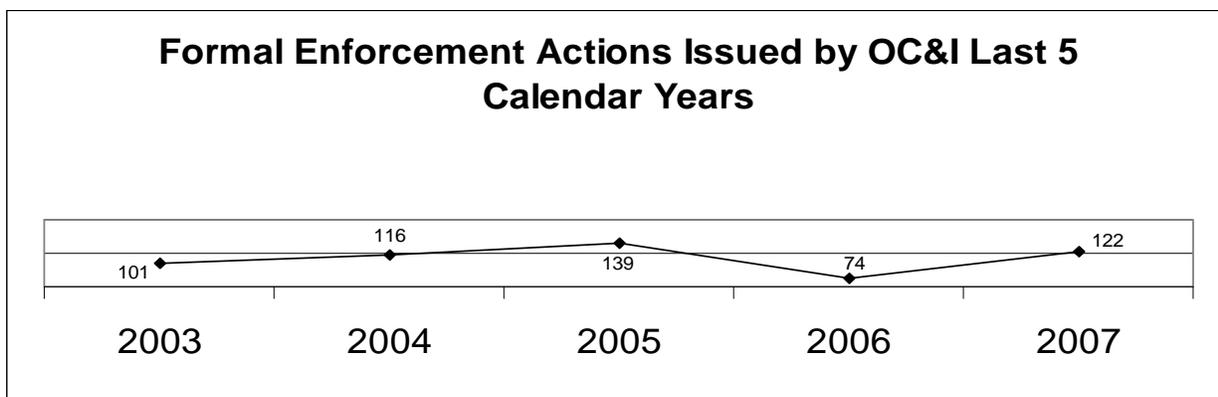
As part of the **122** formal enforcement actions issued this calendar year, OC&I proposed total penalties for noncompliance of **\$1,953,420.00**. As a result of our efforts to settle or to resolve formal enforcement actions issued over the last year or in previous years, respondents have agreed to pay **\$449,151.00** in penalties in the form of cash. During 2007, OC&I collected **\$474,211.49** in the form of cash payments. OC&I also agreed to settle **2** enforcement cases by having the Respondent conduct a **Supplemental Environmental Project (SEP)**. SEPs proposed during 2007 amounted to a value estimated at **\$23,750.00**. 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.

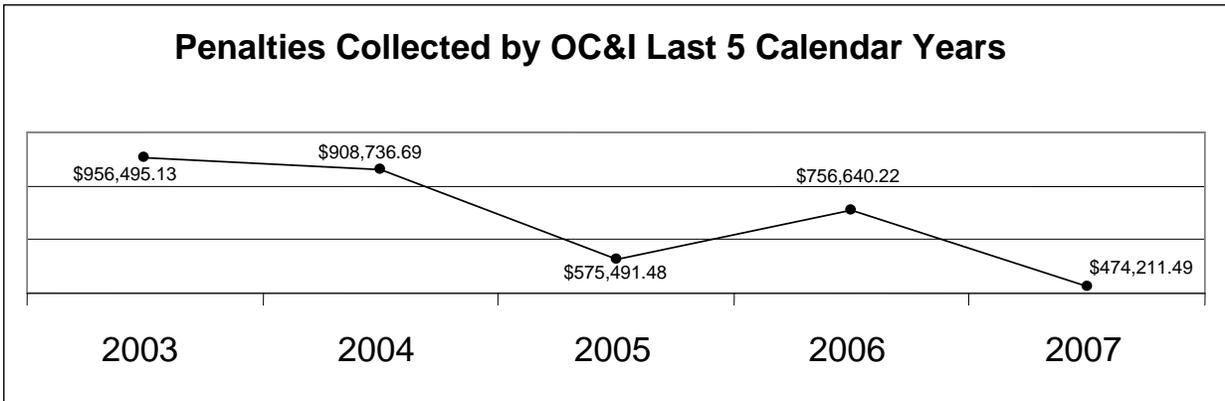
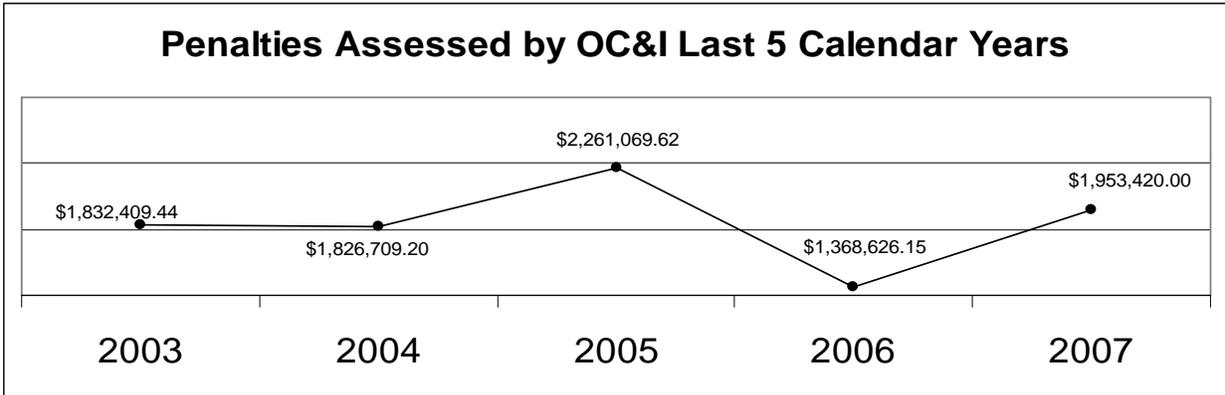
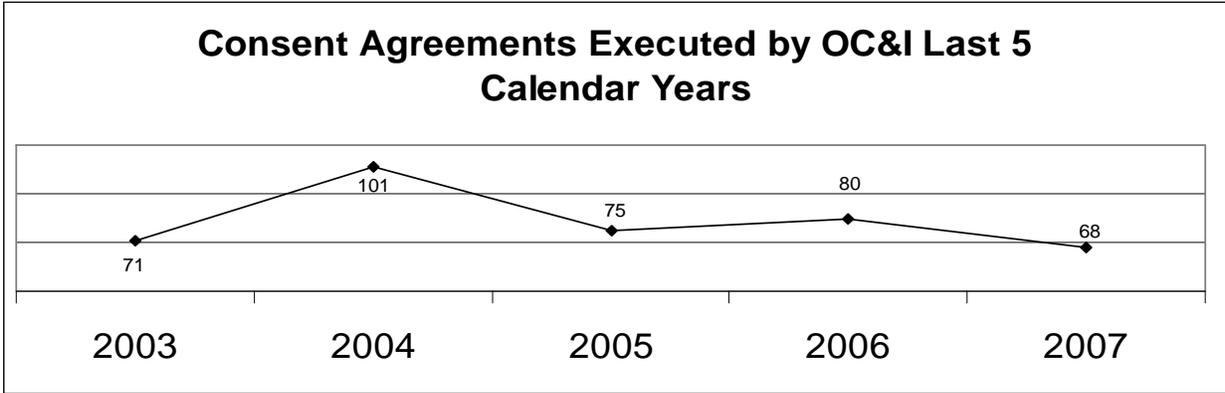
In order to resolve formal enforcement actions, OC&I will often execute consent agreements with Respondents. The purpose of **Consent agreements** is to provide a formal document to set forth how a formal enforcement action is resolved between the parties. Such documents identify what performance is 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 2007, OC&I executed **68** 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 2007 were increased by ~40% as compared to those issued in 2006 (74 issued in 2006 vs. 122 issued in 2007); however, there was a 15% decrease in executed consent agreements and an 18% decrease in formal enforcement actions that were closed over 2006. Part of the problem associated with the reduction of the number of formal enforcement actions issued in 2006 was 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 ("OLS") for approximately six (6) months. While staffing problems in the OLS continued in 2007, replacement attorneys and a concerted effort to issue pending formal enforcement actions assisted OC&I in issuing higher numbers of formal enforcement

actions for 2007. For example, the OLS agreed to forego reviewing ISDS NOV's prior to issuance based upon the extensive experience in OC&I in preparing these documents and the limited variables associated with this type of enforcement action. Consequently, the OC&I increased its output of these formal enforcement actions from 21 in 2006 to 38 in 2007. Other notable increases in formal enforcement came from the air program which increased output from a normal 7 formal enforcement actions to 18 in 2007. This was due in large part to a concentrated compliance monitoring effort by the Office of Air Resources upon a particular sector of companies that deal with degreasing operations. In the area of water pollution, the OC&I was able to increase its output of formal enforcement actions (7 in 2006 vs. 20 in 2007) due to an added staff person transferred to the OC&I that provided needed expertise and assistance to the water pollution program.

While there were notable gains in formal enforcement in 2007 there were some declines as well. In particular, OC&I's UST enforcement effort was hindered by a regulatory interpretation that prevented OC&I from enforcing past noncompliance at UST facilities. This internal interpretation resulted in the decrease of formal enforcement actions from that program by as much as 16 cases based on the median number of formal actions usually resulting from that program. In addition, there was a significant reduction in the amount of collected penalties usually generated by that enforcement program by as much as 70%. Overall, OC&I's efforts in collecting penalties in 2007 reflected poorly from previous years. While the median penalty amount collected in a calendar year is approximately \$723,579.00 (based on last 8 years of data), OC&I only collected \$474,211.49 in 2007. The following graphs show the **5 - year trend** in the number of formal enforcement actions issued and the number of consent agreements executed to resolve these enforcement actions as well as the amount of penalties assessed and collected.





In addition to resolving cases through the formal hearing process at AAD, OC&I in conjunction with RIDEM's Office of Legal Services and the AAD have coordinated in the past to using mediation towards resolving long-standing enforcement cases. However, in 2007, only 6 cases involved mediation and these were concentrated in the ISDS program.

Superior Court enforcement – Only a few cases were filed in court in early 2006 and in 2007, no cases were filed in Superior Court to resolve outstanding formal enforcement actions. In 2007 only one case that was pending in Superior Court was resolved. This was a 30+ year old case that was being handled by the Office of the Attorney General. On the positive side, new effort is underway in 2008 to improve in this

area with cases being prioritized for prosecution The OC&I is currently prioritizing a list of approximately 100 cases for superior court action.

Overall, OC&I closed 325 enforcement actions in 2007.

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 2007:

Air - The OC&I air compliance staff ensured that **22** sites involving exterior lead paint removal were cleaned of lead paint chips and debris in compliance with the regulations. Odor problems were corrected at **3** sites and **8** sites with fugitive dust problem were corrected. In addition, through enforcement action, OC&I was able to bring **38** Respondents back into compliance. **Twelve (12)** of these were permitted and/or federally regulated facilities.

ISDS – Septic Systems - In 2006, OC&I's enforcement efforts resolved **21** overflowing septic systems, elimination of **4** residential laundry discharges and resolution to **2** other septic system violations. Correction to problem systems took place at **20** residential properties, **5** commercial properties and **2** 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.

Greenwich Bay/Narragansett Bay/Warwick ISDS initiative: In January 2006 an effort was initiated that focused on a group of open ISDS enforcement cases located in Warwick. Many, though not all of these sites, are in close proximity to the Greenwich and Narragansett Bays. A typical case might be one that a sewage overflow was observed once and quickly corrected by more frequent pumping of the cesspool or a significant change in water use in the home. Many cases involved the discharge of laundry water onto the lawn. In the vast majority of these cases a second complaint was never received or a second inspection was not needed. However, because the owner in many of these cases failed to follow through with a system evaluation as required by the regulations, full compliance was not achieved and the case was never closed.

At the start of the project, the enforcement case total was 257. These enforcement cases were identified in a department database as "open" with an informal enforcement action issued but full compliance had not been achieved, or at least to our knowledge. During the past several years, sewer construction has

been underway in many, though not all, of the Warwick neighborhoods. To determine which houses had connected to the public sewer where available, a spreadsheet of all the cases with addresses and plat/lot information was e-mailed to the Warwick Sewer Authority (WSA) with a request that the connection status of each case be provided to the RIDEM. Unfortunately our request required that WSA staff look up each case file manually as their computer system lagged significantly behind the fast pace of sewer connections currently being made. This was no small effort on their part. Of 257 open cases at the start, 65 sites had already been connected to the public sewer or had connected since, thereby correcting the violation. These 65 cases were closed, the database updated and where appropriate, releases of the informal enforcement actions were issued, leaving 192 cases remaining.

Review of each case enforcement file, several ISDS permitting files and use of the RIDEM's Fox Pro ISDS Permitting and Enforcement databases enabled the list of 192 cases to be culled down by 35 more. In these 35 cases, the violations had been corrected by repair/conformance of the system or cure of the SSD violation. After this effort was completed, 157 cases remained.

Following database and file review it was decided that unannounced inspections of each site would be worthwhile to get a current status of the case. At least one inspection was attempted at all of the remaining open sites. If no one was home, a door hanger was left and permission to inspect was requested. In most cases the permission to inspect the property was given by the owner or renter. However in about 20 cases no response to the door hanger or hangers was ever received. OC&I could not inspect approximately 15 sites due to various reasons such as missing files or erroneous or duplicative information within the file. The results of 122 inspections that did occur were categorized generally as follows:

Inspected, no violations observed:	106
Inspected, violations observed:	16

Of the 16 cases where a recent inspection revealed an ongoing or new violation, 13 Notices of Violations were issued and two Notices of Intent to Enforce were issued. The NOVs were issued between December 2006 and February 2007. Eight of the sixteen cases have since been resolved by correction of the violation such as connection to sewer or conformance of a new system. The eight remaining cases are ongoing.

A case by case review of each of the 106 cases where a recent inspection did not reveal any violations resulted in 63 cases being closed as unresolved, leaving 43 open cases. Of the remaining cases 27 were held open for now due to a wide variety of case specifics. The outcome of the remaining 16 cases has not yet been determined as some additional effort is still needed at this time.

In summary, the effort to date has resulted in closure of 163 cases and the issuance of 11 NOVs.

RCRA Hazardous Waste - In 2007, the RCRA Hazardous Waste compliance program conducted **113** compliance inspections of known or suspected hazardous waste generators. As a result of these inspections, a total of **50** 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 **34** facilities that generate hazardous waste into compliance with the regulations. As a result of these efforts containers holding **9,947 gallons of hazardous waste, 2,670 gallons of used oil and 155 pounds plus 2 cubic yards of universal waste** were brought into compliance with the regulations.

Solid Waste - As a result of OC&I's enforcement efforts, approximately **3,153 cubic yards and 394 tons of solid waste** was removed from the environment (from various sites) and disposed of properly. Also, **3,113 individual tires** were removed. This effort was a result of both informal and formal enforcement actions that were issued in 2007 as well as previous years and subsequently tracked for completion and closure.

Underground Storage Tanks – During 2007, the OC&I's UST enforcement program was able to bring **87** USTs into compliance with regulatory requirements. Enforcement activity during the calendar year included the issuance of **86** informal enforcement actions, resolution to **48** such actions, issuance of **11** formal enforcement actions and closure of **10** 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 **6** complaints concerning underground storage tanks during the year 2007.

Water Pollution - The accomplishments of the water pollution program in 2007 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 **25** informal enforcement actions and **20** formal enforcement actions (including formal enforcement actions involving oil pollution control) in 2007. During this same period, **11** informal enforcement actions and **9** 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 2007 include completion of **17 separate wetland restorations**. This resulted in restoration of **1.2 acres** of wetland and **1.5 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 2007. The number of staff positions and training sessions consisted of the following:

<u># of staff</u>	<u>Training Session</u>
1	19 th Annual National Tanks Conference and Expo
1	2-hr RISEOC Emergency Operation Command Training
1	66 th Northeast Environmental Enforcement Project Conference
1	67 th Northeast Environmental Enforcement Project Conference
1	EPA/Northeast Waste Management Officials Association Advanced Hazardous Waste Inspector Training
1	Northeast Environmental Enforcement Project Basic Crimes Investigations Training
13	R I Fire Academy – 8 hour refresher training re: OSHA Rule 1910.120 Hazardous Materials Response
4	FEMA Incident Command System 100
5	FEMA Incident Command System 200 for Single Resources and Initial Action Incidents
3	FEMA National Incident Management Systems (NIMS) IS-700, An Introduction
2	FEMA National Response Plan IS-800
3	Northeast Environmental Enforcement Project Negotiation Skills Workshop 100
2	Northeast Environmental Enforcement Project Negotiation Skills Workshop 200
1	American Institute of Architects (AIA) Planning for Construction Waste Reduction
2	Eastern Technical Associates (ETA) Smoke School
1	Northeast Environmental Enforcement Project Strategic Planning Meeting

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 COMPLIANCE & INSPECTION
ENFORCEMENT ACTIVITIES
January 2007 to December 2007**

Updated 1/9/08

COMPLAINTS	AIR	HW/SiteRem	ISDS	SW/MW	UST/LUST	WATER/OPC	WET	Total
Received	713	38	267	92	7	149	430	1696
Investigations Conducted	674	38	230	115	6	166	320	1549
Unable to Investigate	39	0	47	0	0	2	10	98
Unfounded	627	16	64	50	2	109	101	969
No Action	14	2	11	0	3	29	81	140
Inspections	397	38	340	141	6	166	690	1778
Referred**	25	0	13	18	0	16	0	72
COMPLIANCE MONITORING								
Inspections	149	123	0	0	141	10	34	457
Dam Safety Program	11 Inspected (5 High Hazard; 1 Significant Hazard; 5 Low Hazard)							11
ENFORCEMENT ACTIONS								
Informals - issued	33	50	81	53	86	25	28	356
Informals - resolved	27	30	58	41	48	11	19	234
Formals - issued*	18	7	39	10	11	20	17	122
Formals - closed	11	4	18	5	10	9	34	91
Consent Agreements Executed	11	4	18	5	10	9	11	68
Penalties Proposed (Formal Actions)	\$ 264,022.00	\$ 125,641.00	\$ 66,100.00	\$ 123,750.00	\$ 97,605.00	\$ 1,144,852.00	\$131,450.00	\$1,953,420.00
Penalties Assessed (Consent Agreements)	\$ 135,984.00	\$ 42,744.00	\$ 18,560.00	\$ 36,945.00	\$ 63,051.00	\$ 91,842.00	\$60,025.00	\$449,151.00
Penalties Collected (Cash Received)	\$ 119,124.00	\$ 47,516.65	\$ 24,510.00	\$ 55,878.00	\$ 63,405.84	\$ 96,342.00	\$67,435.00	\$474,211.49
SEP Agreed To	0	1	0	0	0	1	0	2
SEP Monetary Value	\$ -	\$ 12,500.00	\$ -	\$ -	\$ -	\$ 11,250.00	\$0.00	\$23,750.00
Mediation Cases	0	0	0	0	0	0	0	0
AAD/Superior Court Cases	0	0	0	0	0	0	0	0
Crim Investigation - Case assists	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 NonCompliance (i.e. non-orders, non-penalty actions)								
"Formal" = Notices of Violation that contain orders and/or penalties								