

## **Environmental Compliance Strategic Overlay**

*January 5, 2017 draft*

Provability of a violation and fairness and consistency with applicable laws must be assured and are presumed to have been considered prior to applying the strategic overlay.

### **Tier I – prioritize if any factors are present**

- Potential or actual impact on public health or safety
  - Children
  - At-risk, susceptible or vulnerable populations
  - Drinking water
- Potential or actual impact on the environment
  - industrial or domestic waste released
  - water discharges, releases
  - wastewater or high BOD5 wastes to be discharged
  - biota kill
- Violation of permit
- Repeat violation
- Failure to remediate or cooperate with remediation
- Continuous or ongoing nature of violation (not intermittent)
- Large quantity or large potential quantity of toxic released
- Potential or actual large magnitude, duration or frequency of violation
- Misinformation provided; deceit

### **Tier II – prioritize if Tier I and Tier II factors are present**

- Intent: known or should have known (e.g. permit violation)
- Economic gain
- Fairness and consistency with applicable laws
- Programmatic integrity at risk
- Agency integrity at risk
- Likelihood that the event could have been predicted or prevented (e.g. crash, failed maintenance)

### **Tier III – prioritize if Tier I or II factors apply (see below)**

- Accidental and unlikely to recur; deterrent opportunity is limited