

2017 REPORT TO THE LEGISLATURE

UNIFORM ENVIRONMENTAL ENFORCEMENT ACT

Submitted to the
President Pro Tempore of the Senate
Speaker of the House
House Committee on Natural Resources, Fish and Wildlife
Senate Committee on Natural Resources and Energy

by the
Agency of Natural Resources

10 V.S.A. § 8017

February 15, 2018

10 V.S.A. § 8017

Annual report

The Secretary and the Attorney General shall report annually to the President Pro Tempore of the Senate, the Speaker of the House, the House Committee on Fish, Wildlife and Water Resources, and the Senate and House Committees on Natural Resources and Energy. The report shall be filed no later than January 15, on the enforcement actions taken under this chapter, and on the status of citizen complaints about environmental problems in the State. The report shall describe, at a minimum, the number of violations, the actions taken, disposition of cases, the amount of penalties collected, and the cost of administering the enforcement program. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section. (Added 1989, No. 98, § 1; amended 2007, No. 191 (Adj. Sess.), § 9; 2013, No. 142 (Adj. Sess.), § 24.)

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I. 2017 SUMMARY

In 2017, the Department of Environmental Conservation within the Agency of Natural Resources received a total of 2,214 complaints (1,962 to the Environmental Compliance Division (ECD) and 252 directly to air, water and waste management programs). This total number likely represents an increase in reporting, not necessarily complaints, as complaints received directly by the programs are being reported for the first time this year.

Approximately 90% of complaints investigated were closed with no violation identified or voluntarily corrected as generally minor violations. Approximately 10% of complaints received resulted in formal enforcement action such as compliance directives or penalties.

Of the 10% of cases where violations occurred, 70 cases were formally prosecuted via civil citations, Administrative Orders or Assurances of Discontinuance, and resulted in approximately \$475,000 in penalties.

The most common environmental violations found and tracked in the Environmental Compliance Division's database in 2017 were, in order: solid waste dumping, on-site wastewater (e.g. residential septic failure), and unpermitted discharges to waters of the state.

II. BACKGROUND

Environmental enforcement for the Agency of Natural Resources is the primary duty of the Enforcement Section of the Environmental Compliance Division, within the Department of Environmental Conservation (DEC). Enforcement of hunting and fishing regulations is handled directly by Fish and Wildlife Wardens in the Department of Fish and Wildlife.

The Environmental Compliance Division was formed in 2015 by combining the Compliance and Enforcement Division and the Environmental Assistance Office (EAO) into a single division under one director. By bringing the suite of compliance tools - from motivational to punitive - into one division, ECD is better able to identify and examine programmatic compliance areas and strategically deploy compliance tools to address areas of non-compliance.

ECD's Enforcement Section is staffed by a Chief Environmental Enforcement Officer and seven Environmental Enforcement Officers (EEOs) located within designated geographical districts throughout the state. These EEOs are responsible for the investigation and documentation of any/all alleged violations (including citizen complaints) of Vermont's environmental permits, rules, regulations, and statutes that are under the jurisdiction of DEC, the Department of Forest Parks and Recreation (DFPR), and for coordination on violations relating to the Natural Resources Board (NRB) and the Agency of Agriculture, Food and Markets (AAFM). The EEOs also coordinate directly with Department of Fish and Wildlife wardens.

The Agency of Natural Resources' (ANR) litigation section is housed within the Office of General Counsel (OGC). The legal staff in this section handle the legal aspects of environmental enforcement from initial contact to the respondent to brokering settlement agreements and representing the Agency in court proceedings related to enforcement actions. ECD and OGC work closely to bring cases identified by program staff or EEOs to legal resolution.

The Environmental Assistance Office (EAO) is staffed by a program manager, three environmental analysts and four regionally based permit specialists. The Environmental Assistance Office provides guidance to permit applicants, offers environmental assistance to Vermont businesses and municipalities, administers and promotes recognition programs such as the Governor's Awards for Environmental Excellence and the Vermont Green Business Program and provides assistance to municipal household hazardous waste programs. Staff assist citizens, businesses, communities, state agencies, and others to identify effective and economical ways to reduce environmental impact to meet or exceed environmental regulations to safeguard human health and the environment.

III. ENVIRONMENTAL ENFORCEMENT IMPLEMENTATION

General Enforcement Process

Generally, the process from complaint identification to prosecution follows a three-step path.

1. Complaints/investigations begin with either air, water, or waste program staff identifying violations or with Environmental Enforcement Officers responding to a complaint.
2. Staff work with the regulated entity to gain compliance.
3. When violations are identified as priorities, they move through a multi-disciplinary Environmental Referral Review Committee (ERRC) to the Office of General Counsel (OGC) for prosecution, penalty assessment and handling of all legal aspects of the violation.

This process is illustrated below.



Detailed Enforcement Process

Enforcement actions are generally initiated in two primary ways: from the air, waste, or water programs or from a complaint. Program-referred incidents ("complaints") originate within the various regulatory programs of DEC. DEC employs a multi-step process to gain compliance with the state's environmental laws and rules.

When a violation occurs, EEOs or the programs within DEC may issue a Notice of Alleged Violation (NOAV) to the violator. The NOAVs serve not only to provide notice of a violation but also to outline the corrective actions required to bring the violator into compliance and a timeframe within which to do so. When voluntary compliance is not forthcoming, or when violations are identified as priorities, formal enforcement is recommended.

The Environmental Compliance Division is guided by a Strategic Overlay that identifies priority areas where a violation should proceed to formal enforcement action (i.e. penalties). Examples of these factors include when a violation is particularly egregious, repeated, or cannot be corrected. In those instances (and others), an enforcement action may be initiated immediately without the issuance of a NOAV. Under certain circumstances DEC is authorized to seek Emergency Orders (essentially immediate injunctive relief) from the Superior Court Environmental Division.

The Environmental Referral Review Committee, initiated in the fall of 2015, serves as a forum to provide timely, consistent, and transparent decisions on enforcement activities within the Agency and assure that consistent, quality referrals are being sent to the Office of General Counsel. The weekly Committee meeting is comprised of the general counsels of the Department of Environmental Conservation, Department of Forest Parks and Recreation, the Department of Fish and Wildlife and the Agency of Natural Resources and by representatives of each DEC division to provide an evidentiary review of the information provided. It is chaired by the Section Chief of the Litigation Section of OGC and the vice-chair is the Director of the Environmental Compliance Division.

Enforcement Options

Once a case is referred and assigned the OGC staff focuses on the efficient advancement of the cases and the achievement of fair and consistent enforcement outcomes. Both the OGC and EEO staff work with the programs to help them maintain consistency and develop enforcement referrals.

In most instances, formal enforcement actions include an initial attempt to resolve the violation through a negotiated settlement by means of an Assurance of Discontinuance (AOD). Settlements usually include, among other provisions, an agreed penalty and corrective action. Supplemental Environmental Projects (SEPs) are infrequently used in settlements in addition to the penalty.

If a settlement cannot be reached, an Administrative Order (AO) is prepared and served. The filing of an AO can result in a trial before the Environmental Division of the Vermont Judiciary's Superior Court when a hearing is requested. Most AOs and AODs contain provisions for payment of a civil penalty and corrective actions when appropriate, as well as a requirement of future compliance.

Final orders signed by the Environmental Division are tracked for compliance by the appropriate regulatory program(s). The ECD tracks penalties to ensure payment and tracks Supplemental Environmental Projects (SEP) to ensure payment and performance. In 2016 a collections agency was retained by ANR to ensure collections of fines.

IV. 2017 OPPORTUNITIES AND PROGRESS

Penalty Collection Improvements

This year ECD substantially improved its process to track payment and provide notice of penalty requirements as well as updated procedures and policies regarding administrative penalty collection. These updates ensure that moneys received are processed in a timely, consistent manner. We also:

- Improved data management and analysis in our penalty collection tracking database;
- Revised the methods used to process and track payments;
- Facilitated the process to enable on-line penalty payment;
- Utilized a contracted collections agency to assist in the collection of delinquent penalty payments;
- Created a quarterly review of penalty payment status; and
- Created a process for the timely notice of penalties due and collection.

Current collection options include referral to the collections agency, tax offset, property lien attachment, trustee process, or any other collections option as allowed under applicable law, including filing a motion for contempt of court.

In 2017, ANR assessed approximately \$475,000 in penalties and collected approximately \$385,000 in penalties. We referred 25 cases with approximately \$235,000 of past due payments to the collections agency.

DEC has also created a Debarment List which contains entities that are subject to possible sanctions because of non-payment or non-compliance. This list enables the Department to take actions, such as denying the issuance of a new permit, due to delinquent penalty payments. The first notice involving permit denial was issued in 2017.

Office of State Auditor Audit

During the period 2016 to 2017 DEC was audited by the Office of State Auditor to assess the performance of the Department's environmental compliance efforts. The performance audit report was issued on September 29, 2017, and is entitled *Environmental Compliance: The Department of Environmental Conservation Conducts a Wide Variety of Activities to Identify Violations But Could Improve Resolution Follow-Up*. The auditor's report presented a series of findings and recommendations to improve DEC's performance in environmental compliance and enforcement. The report, including recommendations, can be found at:

http://auditor.vermont.gov/sites/auditor/files/documents/DEC%20-%20Environmental%20Compliance%20Report_0.pdf.

DEC's response to the audit can be found in the report. Also, pursuant to 2007 Act 65 Sec 42(a), as amended by 2014 Act 108 Sec. 3, DEC issued a report on the outstanding audit recommendations. That report can be found at <https://legislature.vermont.gov/reports-and-research/find/2016>.

Internal Process Improvements

Starting in late 2016, the Environmental Compliance Division made a strong push to close open inactive complaints in the ECD database. This resulted in monthly meetings with programs to identify open complaints and working with staff to close them. Since November of 2016, over 1,000 open inactive complaints have been closed. The volume of open complaints was identified in the audit as a deficiency. DEC agreed with this identification, as it had already started to work to close inactive complaints prior to the Audit.

DEC is in the process of updating its 2001 Compliance Procedure. Prior to the Audit, DEC drafted an update to this Procedure that, in concurrence with the recommendations in the Audit report, directs all DEC divisions to use a central tracking database. The draft also updates the Department's requirements for enforcement procedures for all divisions and media programs and provides a consistent approach across divisions.

Improving accuracy of enforcement reporting

DEC's Environmental Compliance Division tracks enforcement activity in its BEAR database and has reported on this data for approximately 20 years. While the BEAR database is an excellent tool to provide metrics of enforcement activities conducted by ECD, the Audit correctly identified the opportunity for DEC to more fully comply with 10 V.S.A. §8017 by incorporating programmatic enforcement information that exists outside of BEAR.

To address this, ECD has initiated a new process to solicit any additional required information from DEC regulatory programs for inclusion in this annual enforcement report. This report now reflects a more accurate account of DEC's compliance and enforcement activities. In the near term, this approach could potentially "double count" some activities that are carried out jointly by ECD and the programs, however it will produce more complete reporting. Fully achieving this goal of capturing all program data will require implementation of business analysis and information technology solutions over the next few years. For now, it is reported in Attachment D of this report.

Training and Improvements

Agency of Agriculture Opportunities

In conjunction with the Northeast Environmental Enforcement Project, ECD and the Agency of Agriculture Food and Markets (AAFM) provided joint technical enforcement training to over 40 staff. Instructors from MA, RI and MO with law enforcement, emergency response, EPA and crime scene experience instructed on the topics of investigations, fact gathering, report writing, handling conflict at a site visit and photography. AAFM staff continued the training on the second day with a visit to a

farm to investigate three scenarios and practice report writing skills. While planning the training, additional areas of conflict between the two agencies were identified that highlighted the need for better coordination and training between the two agencies. In 2018 we will continue to take train in those areas identified.

Internal and Partner Entity Training

ECD continues to identify the value of and need for additional investigative training for DEC staff. In response to this need, ECD and OGC legal staff have set up several levels of trainings. First, trainings on the enforcement database and on basic enforcement process and protocols are provided several times a year. Next, ECD and OGC staff began a series of program-specific problem-solving sessions. These provide the opportunity to identify and work through issues that are unique to specific programs and provide the most detailed level of compliance problem solving. Lastly, trainings on specific enforcement areas are offered and attended.

In all, over 80 DEC, ANR and Department of Public Service staff members were trained in 2017. ECD will continue to offer and expand this training to new field staff as well as to increase our training to other departments and agencies. Lean

DEC Enforcement Lean

During 2015, DEC began to use Lean business tools to examine how to improve our business processes. ECD staff participated extensively in this new initiative receiving training on Lean and helping to facilitate several Lean events within the department. ECD also employed Lean tools in two separate events. These events included looking at how DEC presently tracks complaints and how we could improve on this. A second event looked at how matters are referred from the DEC programs for formal enforcement action. In 2016, many of the outcomes identified in these processes were implemented, resulting in clearer processes for referrals, better tracking systems, and increased communication across divisions related to enforcement matters. In 2017, these Lean events were closed out with improvements reported in several internal areas.

ANR and AAFM Lean Event

The Agency of Agriculture, Food and Markets and DEC are both responsible for investigating and acting on information received regarding potential environmental violations that occur from farming activities. DEC has primacy on point source discharges while AAFM has primacy on nonpoint source discharges and Required Agricultural Practice violations.

While a joint MOU outlines a general framework for AAFM and DEC on compliance and enforcement issues, communication pathways into, within and between AAFM and DEC are not well defined or transparent.

Each Agency has their own procedures for enforcement and there is no common standard operating procedure for how the Agencies work together to share information about, investigate, and respond to potential or actual violations. Several difficulties were evident as the MOU does not provide the operational detail needed to manage the process; legal clarity on point and non-point source is lacking;

and information received by either Agency is not always shared in a timely fashion and no system exists for doing so.

A Lean event was held in 2017 to:

- Create a clear and consistent process for incident intake, updates, and closure of complaints and violations that applies to a minimum of 80% of situations.
- Improve collective understanding of processes across agencies including roles, responsibilities, and timeframes.
- Adopt and standardize communication processes to allow time to be focused on investigations.

Some of the changes proposed and underway as a result of the Lean event include:

- Increased and more timely sharing of complaint and incident data.
- Joint training between the two agencies.
- Development and implementation of a standard operating procedure.
- Ongoing review of processes and associated data.
- Utilizing shared technology systems.

V. 2017 ENFORCEMENT ACTIONS

The data for enforcement actions are presented in:

Attachment A: Formal Court Actions; Assurances of Discontinuance and Civil Citations

Attachment B: Administrative Orders (AOs), Emergency Orders (EOs), & Informally Closed Cases

Attachment C: Summary of Complaints Received and/or Resolved as Recorded by DEC's Environmental Compliance Division

Attachment D: Complaints Received and/or Resolved as Recorded by Other DEC Programs

The Environmental Compliance Division tracks complaints that are reported to the division. As a result of the 2017 Audit, we have requested data from each of the programs in the air, water, and waste divisions. This information is now being reported for the first time. Where available, program data are presented as separate data in Attachment D.

As shown in Attachment C, after investigation, approximately 90% of complaints were closed either through achieving voluntary compliance or for lack of a violation being found. This highlights the benefit of having the EEOs investigate each complaint. It may also highlight a high level of engagement from the public, calling in many suspected violations. Conversely, it may signify difficulty by the public to accurately identify potential environmental violations. Approximately 10% of complaints received resulted in formal enforcement action such as compliance directives or penalties.

In 2017, the top categories of complaints received by the Environmental Compliance Division (which receives most DEC complaints) are, in order: unpermitted discharges to waters, solid waste dumping, and on-site wastewater (e.g. residential septic systems). These are presented in Figure 1 below.

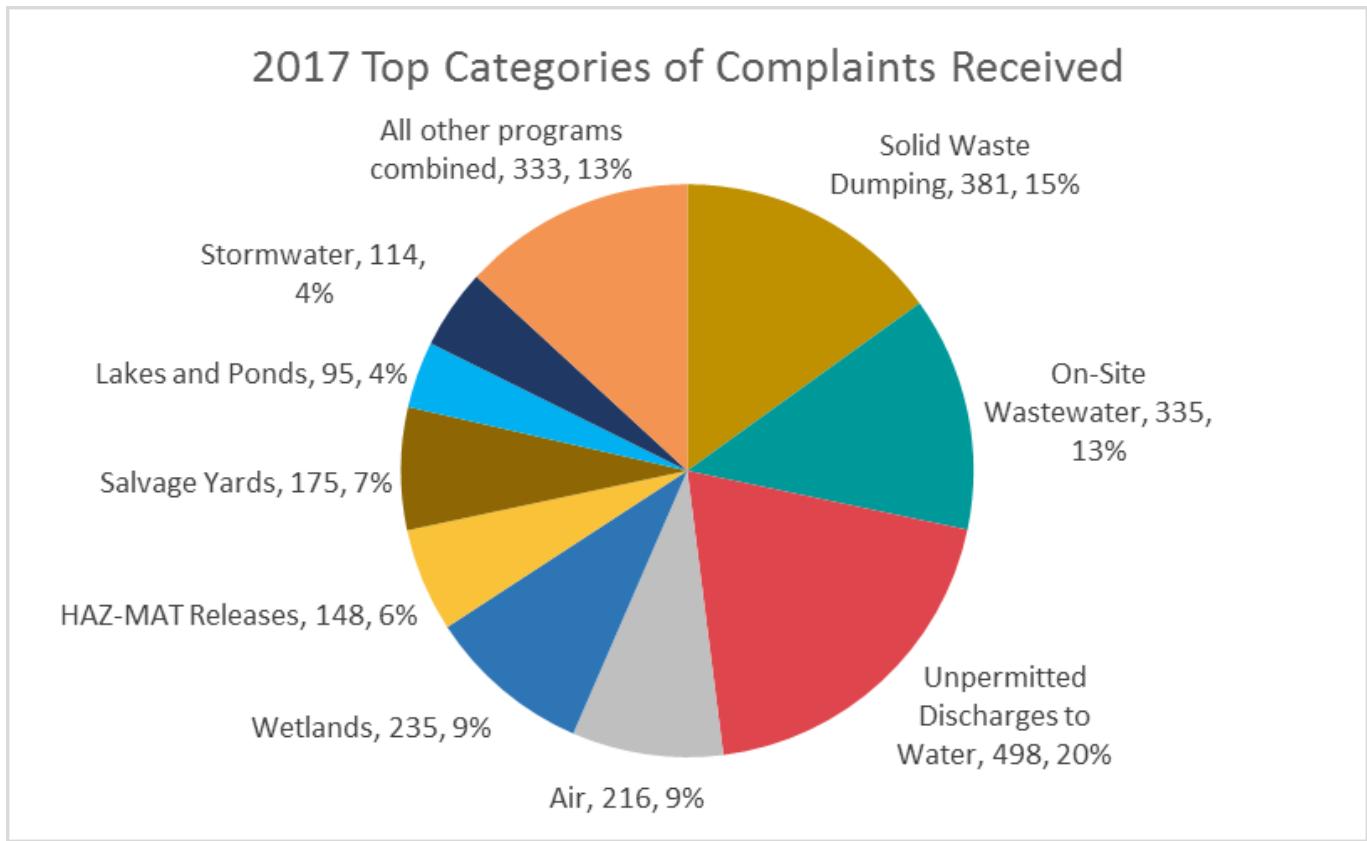


Figure 1. Major Categories of Complaints Received in 2017.

The top categories of *violations* found and tracked in the Environmental Compliance Division's database in 2017 were, in order: solid waste dumping, on-site wastewater (e.g. residential septic failure), and unpermitted discharges to waters of the state. These are presented in Figure 2.



Figure 2. Major Categories of Violations Found in 2017.

Looking at long-term data in the chart below, the number of complaints received each year is generally increasing. There is a general increase in the number of complaints received each year. For 2017, 1,962 complaints were received by ECD and 252 complaints were received directly by media programs.

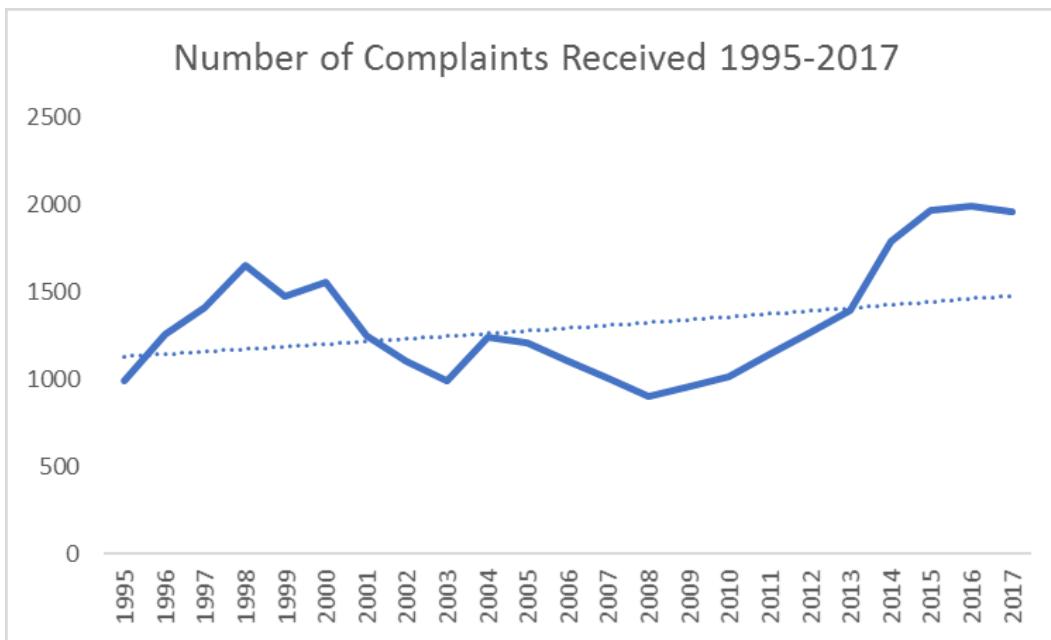


Figure 3. Complaints Received by Year.

VI. CIVIL CITATIONS

In November 2011, a rule to implement expanded civil citation authority went into effect. The rule allows civil citations to be issued in all program areas in which ANR has jurisdiction to bring an enforcement action. In total over 500 violations are listed for possible issuance of a civil citation, with penalties up to a maximum of \$3,000. Penalty payment is tracked and appeals of these citations are heard by the Environmental Division of the Superior Court.

During 2017, a total of 22 citations were issued. Several other violations were referred for citations but were either converted to formal cases or were withdrawn. As we gain experience with the civil citations process we have identified areas of the law that need clarification and improvement. ECD plans to address these areas in 2018.

VII. COLLABORATION WITH STATE OF VERMONT ENTITIES

Natural Resources Board

Guided by our MOU with the Natural Resources Board (NRB), we have a collaborative and productive relationship sharing both investigative and legal resources in mixed NRB/ANR cases. During 2017, the

NRB resolved 22 cases via AODs and issued one civil citation. Several matters involved ANR violations or permit conditions directly related to ANR programs. In 2017, three mixed NRB/ANR cases were resolved by ANR and one was resolved by the NRB.

ANR has begun to update the MOU between the NRB and ANR.

Department of Forest, Parks and Recreation

Our relationship with the Department of Forests, Parks and Recreation (DFPR), for whom we handle both Acceptable Management Practices and Heavy Cut cases, remains strong and cooperative. ECD is actively working with DFPR to increase our collaborative effectiveness. No AMP cases were prosecuted in 2017.

Department of Fish and Wildlife

DEC EEOs coordinated with Fish and Wildlife Wardens on multiple issues over the course of the year. The Wardens and the EEOs have a long history of coordination on issues relating to many aspects of both DEC and DFW jurisdiction. Some of these areas include sharing information related to potential violations and providing assistance to each other in the field.

Attorney General's Office

We continue to work closely and effectively with the Attorney General's Office (AGO), meeting quarterly to discuss active cases. During 2017, we referred five enforcement cases to the AGO which are currently active. The AGO closed two ANR-initiated environmental enforcement actions. The OGC provides information on all new cases to the AGO Environmental Division on a weekly basis. The MOU between the two organizations is also reviewed yearly to ensure its continued effectiveness. The AGO also prosecutes criminal cases that have been developed and investigated by ECD.

A Memorandum of Understanding (MOU) between ANR, the Attorney General's Office and the Agency of Agriculture Food and Markets (AAFM) was updated in 2016.

State's Attorney, EPA, US Attorney

Typically, smaller criminal cases where a strong local interest is demonstrated are referred to State's Attorneys for criminal prosecution. We also work and coordinate our efforts with the Environmental Protection Agency (EPA) on matters of federal and state interest, including both civil and criminal matters. Finally, where appropriate we coordinate with the U.S. Attorney's office on both civil and criminal matters. No cases were referred to the State's Attorney's Office for criminal prosecution this year.

Department of Public Service

Under Act 130 in 2016, the Vermont State Assembly directed the Department of Public Service (DPS) to establish and implement a complaint protocol. The Department of Public Service investigates complaints about the alleged failure of a CPG holder to comply with the terms and conditions of a CPG issued by the Public Utility Commission under 30 V.S.A. §§ 248 or 248a. Occasionally, those terms and conditions overlap with ANR permits, so coordination between the two entities is required.

In 2017 DEC responded to DPS' request to draft a *Protocol for Handling Complaints about a Violation of the Terms and Conditions of a Certificate of Public Good*. This document establishes a process between multiple state entities for sharing information/complaints. While complaints are routinely shared between DEC and DPS depending on primacy of jurisdiction, DEC also reports quarterly to DPS on complaints received during that time.

To facilitate coordination with DPS, ECD provided a training exercise to DPS staff in 2017 that enabled the two teams to identify opportunities to coordinate.

Agency of Agriculture, Food and Markets

During 2017, ECD staff worked extensively with the Agency of Agriculture, Food and Markets to improve communication and ease areas of conflict, as well as to identify the agency with primacy for identified violations.

A significant amount of time and resources were invested in increasing the quality of this relationship. Regularly scheduled check-ins between the two agencies related to environmental violations were established in 2016 and continued in 2017. This resulted in a number of agricultural discharge matters being referred and prosecuted by both DEC and the Attorney General's office (see [ANR and AAFM Performance Measures Report](#)).

The Memorandum of Understanding between ANR and AAFM was updated in 2017.

VIII. COST OF ADMINISTERING ENFORCEMENT PROGRAM

The Environmental Compliance Division's budget includes both assistance and enforcement efforts. For purposes of this report, the enforcement component of the budget and operating expenditures for enforcement efforts only were funded in fiscal year 2017 as follows:

Interdepartmental Funds	\$1,316,830
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IX. ATTACHMENTS

In further response to the requirements of 10 V.S.A. § 8017 (Annual Report), the following Attachments are provided.

Attachment A summarizes Formal Court Actions including Assurances of Discontinuance and Civil Complaints to in 2017. There were four Supplemental Environmental Projects implemented in 2017 that are not included in this table.

Attachment B reflects Administrative Orders, Emergency Orders and Informally Closed Cases in 2017.

Attachment C summarizes citizen complaints received by or resolved by the Environmental Compliance Division and, to some degree, DEC air, water and waste programs as well as the present status of complaints and the types of closure for all complaints received and/or closed in 2017.

Attachment D presents program-specific enforcement data including complaints received that are not captured in Attachment C, inspections conducted and issues resolved by the programs without ECD's involvement.

X. TRANSPARENCY

Information regarding enforcement actions is available to the public via our updated web page <http://dec.vermont.gov/enforcement>. Staff contact information, how to file a complaint (anonymous, if desired), media releases, enforcement actions and a list of SEP projects are posted on this site. In 2017, we will continue to identify ways to increase transparency of our investigations and their outcomes.

ECD posts proposed settlements, orders, and citations for public comment. All public comments received are considered prior to sending any order to the Environmental Division. ECD is continuing to identify additional opportunities to improve transparency and to communicate with the citizens of Vermont. We are exploring the use of social media as a tool to inform citizens of pending and completed environmental enforcement actions. ECD continues to utilize media releases in enforcement actions to inform the public and to maintain a level of general deterrence amongst the regulated community and public.

Attachment A
Formal Court Actions; Assurances of Discontinuance and Civil Citations
January 1, 2017 – December 31, 2017

Assurances of Discontinuance (AODs) and Civil Citations						
Regulatory Programs	# AODs Issued	\$ AOD Penalties Assessed	\$ AOD Penalties Collected	# Citations Issued	\$ Value of Citations	\$ Citation Collected
Air Quality & Climate Division	3	\$17,750.00	\$17,000.00	4	\$2,650.00	\$1,650.00
Environmental Compliance Division	0	\$0.00	\$0.00	2	\$750.00	\$730.00
Department of Fish and Wildlife	0	\$0.00	\$22,859.00	0	\$0.00	\$0.00
Department of Forests, Parks, & Recreation	0	\$0.00	\$729.16	0	\$0.00	\$0.00
Drinking Water & Groundwater Protection Division	4	\$12,900.00	\$17,899.00	0	\$0.00	\$0.00
Facilities Engineering Division	1	\$9,750.00	\$23,625.00	0	\$0.00	\$0.00
Natural Resources Board	0	\$0.00	\$661.29	0	\$0.00	\$0.00
Waste Management & Prevention Division	18	\$197,115.00	\$192,571.35	8	\$6,150.00	\$6,130.00
Watershed Management Division	8	\$47,160.00	\$65,947.50	8	\$4,750.00	\$3,750.00
TOTALS	34	\$284,675.00	\$341,292.30	22	\$14,300.00	\$12,260.00

Attachment B
Administrative Orders (AOs), Emergency Orders (EOs), & Informally Closed Cases
January 1, 2017 – December 31, 2017

Administrative Orders (AOs), Emergency Orders (EOs), & Informally Closed Cases					
Regulatory Programs	# AOs Issued	\$ AO Final Penalties	\$ AO Penalties Collected	# EOIs Issued	Closed Informally*
<i>Air Quality & Climate Division</i>	2	\$9,390.00	\$2,500.00	0	0
<i>Environmental Compliance Division</i>	1	\$9,000.00	\$5,300.00	0	0
<i>Department of Fish and Wildlife</i>	0	\$0.00	\$0.00	0	0
<i>Department of Forests, Parks, & Recreation</i>	0	\$0.00	\$0.00	0	0
<i>Drinking Water & Groundwater Protection Division</i>	3	\$11,522.15	\$30,000.00	0	2
<i>Facilities Engineering Division</i>	0	\$0.00	\$0.00	0	0
<i>Natural Resources Board</i>	0	\$0.00	\$0.00	0	0
<i>Waste Management & Prevention Division</i>	8	\$147,247.13	\$7,250.00	0	2
<i>Watershed Management Division</i>	0	\$0.00	\$1,547.00	0	3
TOTALS	14	\$177,159.28	\$46,597.00	0	7

*e.g. an enforcement attorney was able to obtain compliance without the need for formal, legal action, or further investigation may reveal that an enforcement action was no longer needed or appropriate, or one case is consolidated with another and closed.

Attachment C
Summary of Complaints Received and/or Resolved as Recorded by DEC's Environmental Compliance Division
January 1, 2017 – December 31, 2017

Regulatory Programs	Total Received 2017	Total Pending Of Those Received in 2017	Closed No Violation	Closed NOAV Issued	Closed Citation Requested/ Issued	Closed Voluntarily Corrected/ No Further Action Required	Closed Formal Action Requested/ Taken	Closed No Formal Action Taken*	Total Closed
Air Quality & Climate Division - 166 Closed									
<i>Engineering Services</i>			2						2
<i>Field Services</i>	145	50	100	4	2	32	5	20	163
<i>Technical Services</i>					1				1
<i>Mobile Source Control</i>									
Department of Forests, Parks, and Recreation - 11 Closed									
<i>Forest Operations</i>	17	7	8			2	1		11
Drinking Water & Groundwater Protection Division - 246 Closed									
<i>On-Site Program</i>	259	126	123	33	2	36	9	6	209
<i>Engineering & Operations</i>	1		1	1					2
<i>Compliance & Support</i>	24	7	14			3	4	1	22
<i>Water Resources</i>	7	3	4				1		5
<i>Permit & Licensing</i>	5	2	2					1	3
<i>Indirect Discharge Permits</i>	7	4		2		3			5

Regulatory Programs	Total Received 2017	Total Pending Of Those Received in 2017	Closed No Violation	Closed NOAV Issued	Closed Citation Requested/ Issued	Closed Voluntarily Corrected/ No Further Action Required	Closed Formal Action Requested/ Taken	Closed No Formal Action Taken*	Total Closed
Environmental Compliance Division - 394 Closed									
<i>Unpermitted Discharges (HAZ)</i>	43	7	30			5	2	1	38
<i>Unpermitted Discharges (1259)</i>	295	67	225	5		40	8	4	282
<i>Unpermitted Discharges (AMPs)</i>	19	1	15			7	2		24
<i>Unpermitted Discharges (Erosion)</i>	26	7	18			1	2		21
<i>Unpermitted Discharges (AAPs)</i>	49	22	26				2	1	29
<i>Assistance</i>	1	1							
Facilities Engineering Division - 4 Closed									
<i>Dam Safety</i>	5	1	2			2			4

Regulatory Programs	Total Received 2017	Total Pending Of Those Received in 2017	Closed No Violation	Closed NOAV Issued	Closed Citation Requested/ Issued	Closed Voluntarily Corrected/ No Further Action Required	Closed Formal Action Requested/ Taken	Closed No Formal Action Taken*	Total Closed
Natural Resources Board - 19 Closed									
A250 Districts	26	16	13			3	2	1	19
Waste Management & Prevention Division - 573 Closed									
Hazardous Materials - Releases	128	42	70		5	21	4	6	106
Hazardous Material	4		4						4
Salvage Yards	110	69	52	7		18	20	9	106
Resource Conservation Recovery Act	12	5	12		1	1	1	1	16
Underground Storage Tanks (UST)	12	4	3		2	1	4		10
Sites Management	5	2	3			1	1	1	6
Solid Waste Management Practices	303	88	170	18	1	80	7	17	293
Certification & Technical Assistance	16	8	9	5		9	1	1	25
Material Management	2		2						2
Residuals Management & Emerging Contaminants	8	4	3				2		5

Regulatory Programs	Total Received 2017	Total Pending Of Those Received in 2017	Closed No Violation	Closed NOAV Issued	Closed Citation Requested/ Issued	Closed Voluntarily Corrected/ No Further Action Required	Closed Formal Action Requested/ Taken	Closed No Formal Action Taken*	Total Closed
Watershed Management Division - 373 Closed									
Lakes & Ponds	75	34	48	2		10	1		61
Stormwater	87	46	34	14	3	9	7	1	68
Ecosystem Restoration	12	12	5			3	2	1	11
Monitoring, Assessment, & Planning	1	1				1			1
River Corridor Management	69	8	64	1	3	6			74
Wetlands	175	90	89	7	2	29	14	4	145
Administration & Compliance			3						3
Discharge Permits	14	7	3	1		5	1		10
TOTALS	1962	741	1157	100	22	328	103	76	1786

*Reflects complaints closed through other means, e.g. lack of evidence, lack of cooperation from complainant, referred to the appropriate regulatory program or NRB, unable to respond, or violation found/enforcement action not pursued

Attachment D

Complaints Received and/or Resolved as Recorded by Other DEC Programs

As noted in the text above, this annual report now contains enforcement information for other non-Environmental Compliance Division DEC programs. A summary of each program is presented below and its data follows.

Air Quality and Climate Division

The Field Services Section of the Air Quality and Climate Division ascertains compliance with the Air Pollution Control Regulations as well as individual Air Pollution Control Permits, performing both informal and formal enforcement when appropriate. The following programs are regulated by the Field Services; Clean Air Act stationary sources, wood heating devices, open burning/ fire training, perchloroethylene dry cleaning, gasoline vapor control and recovery, as well as complaint response. Enforcement of these programs is necessary to maintain ambient air quality standards, protecting the health of Vermonters.

Regulatory Program	Incidents			Status of Incidents				
	Total Received 2017	Total Complaints Closed in 2017	Total Inspections Conducted in 2017	Total Pending Of Those Received in 2017	Closed No Violation	Closed NOAV Issued	Closed Voluntarily Corrected/ No Further Action Required	Closed No Formal Action Taken*
Air Quality & Climate Division								
Engineering Services								
Field Services			84	7		44	24	
Technical Services								
Mobile Source Control								
Air Planning								

Drinking Water and Groundwater Protection Division

The Drinking Water and Groundwater Protection Division (DWGWPD) regulates Vermont's drinking water supplies, protects the quality and quantity of Vermont's groundwater resources, and regulates wastewater disposal activities that could adversely affect groundwater and surface water. The following programs are administered by the DWGWPD; Wastewater System and Potable Water Supply (commonly referred to as on-site, or residential "septic"), Indirect Discharge, Underground Injection Control and Public Water Supply. DWGWPD ascertains compliance with the applicable state and federal regulations, provides on- site technical and regulatory assistance, issues individual and general permits, performs inspections and site visits, and performs both formal and informal enforcement where appropriate. Enforcement of these programs is necessary to protect surface water and

groundwater quality and the health of Vermonter's by ensuring access to a safe supply of drinking water.

Regulatory Program	Incidents			Status of Incidents				
	Total Received 2017	Total Complaints Closed in 2017	Total Inspections Conducted in 2017	Total Pending Of Those Received in 2017	Closed No Violation	Closed NOAV Issued	Closed Voluntarily Corrected/ No Further Action Required	Closed No Formal Action Taken*
Drinking Water and Groundwater Protection Division								
On-Site	88	62	40	22	18	7	29	12
Engineering & Operations			235					
Compliance & Support			76			790		
Water Resources			8					
Indirect Discharge/UIC	1	4	15	1	1	3	1	

Facilities Engineering Division

No additional compliance activities beyond those reported elsewhere in this report.

Waste Management and Prevention Division

The Waste Management and Prevention Division is responsible for ensuring that hazardous and solid waste is managed responsibly to ensure that public health and the environment is protected. This includes the Solid and Hazardous Waste Programs, Underground Storage Tanks, Salvage Yards, and the Site Cleanup Program (Superfund, RCRA, Brownfields, LUST). These programs conduct regular inspections and compliance oversight and follow up with both informal and formal enforcement when appropriate.

Regulatory Program	Total Received 2017	Total Complaints Closed in 2017	Total Inspections Conducted in 2017	Total Pending Of Those Received in 2017	Closed No Violation	Closed NOAV Issued	Closed Voluntarily Corrected/ No Further Action Required	Closed No Formal Action Taken*
Waste Management and Prevention Division								
Haz-Mat Releases/Spills								
Salvage Yards			25	2	18	4	1	
RCRA			70	4	27	39		
UST			360	2	290	15	53	
Sites								
Solid Waste			86	4	56	6	17	
Certification & Technical Assistance								
Residuals Management & Emerging								

Watershed Management Division

The Watershed Management Division is responsible for protecting and restoring the quality of Vermont's surface waters, including Vermont's 800 lakes and ponds, 23,000 miles of rivers and streams, and 300,000 acres of wetlands. The Division includes three media-specific programs – Wetlands, Rivers and Lakes – that manage these resources through monitoring and assessment, education and outreach and the issuance of permits for Shoreland Protection, Lake Encroachments, Aquatic Nuisance Control, Stream Alteration, Floodplain Protection, and Wetlands. These three media programs use both informal and formal enforcement when appropriate. The Division also administers federally delegated Stormwater and Wastewater Permitting programs. The Wastewater Program is responsible for permitting direct discharges to surface waters, including wastewater treatment facility and industrial discharges and also permits industrial wastewater generators that discharge to municipal wastewater treatment facilities. The Stormwater Program issues permits for stormwater discharges associated with construction-related activities, impervious surfaces, municipal and state roads and facilities and industrial facilities. These two programs also conduct regular inspections and compliance oversight and follow up with both informal and formal enforcement when appropriate.

Regulatory Program	Incidents			Status of Incidents				
	Total Received 2017	Total Complaints Closed in 2017	Total Inspections Conducted in 2017	Total Pending Of Those Received in 2017	Closed No Violation	Closed NOAV Issued	Closed Voluntarily Corrected/ No Further Action Required	Closed No Formal Action Taken*
Watershed Management Division								
Lakes and Ponds	71	65	50	76	40	2	5	2
Stormwater								
Ecosystem Restoration								
Monitoring, Assessment, and Planning								
River Corridor Management	14	14	728		5		9	
Wetlands	45	27		18	9		10	8
Administration & Compliance								
Residuals Management								
Wastewater Management/ Discharge	33	33	47			3		