

# **UNIFORM ENVIRONMENTAL ENFORCEMENT ACT REPORT**

**10 V.S.A. § 8017**

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

February 15, 2019

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 Natural Resources, Fish, and Wildlife, and the Senate Committee on Natural Resources and Energy. The report shall be filed on or before February 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, the 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; 2017, No. 113 (Adj. Sess.), § 49d; 2017, No. 168 (Adj. Sess.), § 19, eff. May 22, 2018; 2017, No. 113 (Adj. Sess.), § 49d.)

# Table of Contents

I.	2018 SUMMARY .....	1
II.	BACKGROUND .....	1
III.	ENVIRONMENTAL ENFORCEMENT IMPLEMENTATION.....	2
	General Enforcement Process .....	2
	Detailed Enforcement Process .....	3
	Enforcement Options .....	3
IV.	2018 INITIATIVES AND OPPORTUNITIES .....	4
	Office of State Auditor Audit .....	4
	First Integrated Assistance and Enforcement Project .....	4
	Preventing Violations: A New Tool .....	5
	Updated DEC Compliance Procedure .....	5
	Training.....	5
	Lean Event: Media Releases .....	5
V.	TRANSPARENCY .....	6
VI.	COLLABORATION WITH STATE OF VERMONT ENTITIES .....	6
	Department of Forest, Parks and Recreation .....	6
	Department of Fish and Wildlife .....	6
	Department of Public Service .....	6
	Natural Resources Board .....	7
	Agency of Agriculture, Food and Markets .....	7
	Attorney General’s Office.....	7
	State’s Attorney, EPA, US Attorney.....	8
VII.	2018 ENFORCEMENT ACTIONS AND PENALTIES COLLECTED .....	8
	2018 Summary, Common Complaint and Violation Categories .....	8
	Long-Term Trends .....	10
	Penalty Collections .....	10
VIII.	CIVIL CITATIONS.....	11
IX.	COST OF ADMINISTERING ENFORCEMENT PROGRAM.....	11
X.	ATTACHMENTS.....	11
	Attachment A .....	12
	Attachment B .....	13
	Attachment C .....	14
	Attachment D .....	18
	Attachment E .....	22

## **I. 2018 SUMMARY**

In 2018, the Department of Environmental Conservation (DEC) within the Agency of Natural Resources (ANR) received a total of 2,744 incidents. The Environmental Compliance Division (ECD) serves as the primary center for compliance efforts for the Department. In 2018, 1879 incidents were submitted to the Environmental Compliance Division and 865 directly to air, water and waste programs.

All complaints received by the ECD were investigated. Approximately 70% of incidents investigated in 2018 by ECD were closed with no violation identified or voluntarily corrected as generally minor violations. Approximately 6% of incidents received by ECD resulted in formal enforcement action such as compliance directives or penalties.

Of the incidents where violations occurred, 54 cases were formally prosecuted via civil citations, Administrative Orders or Assurances of Discontinuance, and resulted in \$208,500 in penalties assessed for the year. This year there was one Supplemental Environmental Project in the amount of \$9,000. The total costs of the administering the Environmental Compliance Division Enforcement Section were \$1,286,848.

In 2018, the most common incidents (which includes complaints or violations that are self-reported to the Department) received by the Department are, in order: releases of hazardous waste materials, such as petroleum “spills”, unpermitted discharges to waters and solid waste dumping. The top categories of violations found and tracked in the Department were, in order: the release of hazardous materials, “red tagged” tanks (a new initiative for 2018), solid waste dumping, unpermitted discharges to waters of the state and wetland violations.

During 2018, several initiatives were undertaken. They include improvements made because of the Office of State Auditor Audit, the launching of the first integrated assistance and enforcement project, the creation of a new tool to address violations before they happen, an updated DEC Compliance Procedure, robust enforcement training throughout the Department and a Lean event to improve the efficiency of the issuance of press releases on enforcement actions.

The Department continued collaborative enforcement efforts with many other departments and agencies across state and federal government.

## **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; those actions are not included in this report, nor are incidents received by the Department of Forest, Parks and Recreation (DFPR) unless they are referred to ECD for investigation or involve one of the programs for which ECD handles DFPR violations (e.g. heavy cut violations).

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. 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 those alleged via citizen complaint) 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 as needed with Department of Fish and Wildlife Wardens.

The Agency of Natural Resources' (ANR) litigation section is housed within the Agency's 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.

Incidents and complaints are not the same thing. Incidents are entries into ECD's tracking system. An incident may be a complaint, observation, alleged violation, confirmed violation or an instance where no violation is found. A complaint, on the other hand, is an unconfirmed allegation of a violation received from the public, staff member, another agency etc. which is then recorded and investigated. Complaints, then, are a subset of incidents. All complaints are incidents, all incidents are not complaints.

### III. ENVIRONMENTAL ENFORCEMENT IMPLEMENTATION

#### General Enforcement Process

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

1. Incidents begin with either air, water, or waste program staff identifying violations or with Environmental Enforcement Officers responding to a complaint received by ECD.
2. Staff identify whether a violation has occurred or not and, if so, work with the 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 received from the public. Program-referred incidents 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. It is attended by designated staff who are engaged in enforcement matters, the Chief Environmental Enforcement Officer and 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 Enforcement staff work with the programs to ensure 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 and remains in use.

## **IV. 2018 INITIATIVES AND OPPORTUNITIES**

### **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](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/assets/Legislative-Reports/LegReport-2018-DEC-Enforcement-and-Compliance-Audit-Report-Final.pdf>.

DEC continues to implement the recommendations contained in the Audit.

### **First Integrated Assistance and Enforcement Project**

In 2018, ECD launched its first project that strategically integrated assistance and enforcement efforts to drive compliance rates: the Red Tag Initiative. This project, which utilized the skillsets of both the assistance and enforcement teams, focused on improving compliance rates on "red tagged" tanks. Fuel dealers red tag a tank during an inspection if they find issues with the tank such as cracks, leaks, no vent alarms, etc. After being red tagged, the owner's information is sent to the Department to be added to a list and the tank needs to be fixed before it can be filled by a fuel dealer again. ECD's Environmental Assistance Office contacted aboveground storage tank owners whose tanks had been red tagged to notify them of the requirement to fix their fuel tanks and provided information on possible funding available to assist.

ECD targeted approximately 300 residential tanks that were identified by the fuel dealers as having cracks, leaks, rust, or drips. EAO sent out two rounds of letters, resulting in just under half of the homeowners remedying the deficiency. The other half were referred to the Enforcement Section where compliance has been achieved in about 40% of the incidents that were referred.

Similarly, the Enforcement Section contacted 17 commercial, rental, and other tanks owners that were not eligible for funding. Thus far, 76% of those tanks have been fixed, and compliance is being pursued using enforcement tools for the remaining 24%.

## **Preventing Violations: A New Tool**

ECD occasionally receives complaints from the public regarding a violation that has yet to occur but is imminent. Because DEC's authority can only be exercised once a violation has been identified as occurring, ECD has limited tools to stop the violation from happening. An example includes a pile of material that appears that it will be burned in the near future, but has not yet been lit. To address these incidents, ECD created a new category for potential violations. By flagging these as preventative in nature, these incidents are forwarded to ECD's Environmental Assistance Office to make first contact to prevent the violation.

## **Updated DEC Compliance Procedure**

In 2018, DEC undertook an update to its 2001 Compliance Procedure. The Procedure has received final approval and will be implemented in 2019. This procedure:

- Establishes Department compliance philosophy and principles.
- Directs all DEC divisions to use a central tracking database to record complaints.
- Requires creation or update of enforcement procedures for all divisions.
- Provides a consistent approach for achieving compliance across divisions.

## **Training**

ECD continues to champion the value of and need for additional investigative training for DEC staff. In response to this need, ECD and OGC legal staff have developed several levels of trainings for DEC staff. Trainings on the enforcement database and on basic enforcement process and protocols are provided several times a year. In addition, ECD and OGC staff implemented a series of program-specific problem-solving sessions in 2018. 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 regularly offered and attended by DEC staff. In 2019, additional training subjects will be added, and the trainings opportunities will be extended to all Agency of Natural Resources staff.

In 2018, 53 DEC staff, three Public Service Department staff and three Agency of Agriculture, Food and Markets staff were trained.

## **Lean Event: Media Releases**

The Agency has an opportunity to issue press releases at the close of some enforcement cases. These press releases are valuable because they provide an opportunity to educate the public about Agency rules and program services, increase the general public and regulated community's awareness of the Agency's enforcement activities, and deter other potential violations.

ANR held a half-day Lean event to streamline the drafting, review, approval, and issuance process of press releases; to improve and maintain process tracking; and to ensure that every press release issued is timely.



The recommendations from this Lean event will be implemented in calendar year 2019, resulting in a much faster, more efficient process to ensure that press releases are issued and processed internally as quickly as possible in order to maximize relevance to the public.

## **V. 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 supplemental environmental projects (SEPs) are posted on this site.

ECD posts proposed settlements, orders, and citations for public comment. ECD evaluates all public comments prior to sending any settlement, order or citation to the Environmental Division. ECD continues to identify opportunities to improve transparency and to communicate with the citizens of Vermont; ECD created a social media account (@VTEnvCompliance) as a tool to inform citizens of pending and completed environmental enforcement actions.

## **VI. COLLABORATION WITH STATE OF VERMONT ENTITIES**

### **Department of Forest, Parks and Recreation**

ECD investigates Acceptable Management Practices (AMP) and Heavy Cut incidents for the Department of Forest, Parks and Recreation. ECD continues to actively work with DFPR to increase our collaborative effectiveness. No AMP cases were resolved in 2018.

### **Department of Fish and Wildlife**

DEC's 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.

### **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.

To facilitate coordination with DPS, ECD provided training to DPS staff in 2018.

## **Natural Resources Board**

Guided by our Memorandum of Understanding (MOU) with the Natural Resources Board (NRB), we share both investigative and legal resources in mixed NRB/ANR cases. During 2018, the NRB resolved five cases via AODs and issued four civil citations. One matter involved ANR violations or permit conditions directly related to ANR programs. In 2018, no mixed NRB/ANR cases were resolved by ANR and one was resolved by the NRB.

In 2018, ANR and the NRB finalized a revised MOU which delegates certain enforcement authority to the Board and outlines each entities' responsibilities when pursuing cases that involve both ANR and NRB violations.

## **Agency of Agriculture, Food and Markets**

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, the joint jurisdiction under two agency missions offers challenges to the enforcement process.

Each Agency has their own procedures for enforcement and, despite efforts by both agencies to establish them, 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.

A Lean event was held in 2017 to create a clear and consistent process for incident intake, updates, and closure of incidents; improve collective understanding of processes across agencies including roles, responsibilities, and timeframes; and adopt and standardize communication processes to allow time to be focused on investigations. The implementation of the measures identified at the Lean event have failed to be implemented. Our agency continues to struggle to identify how best to navigate the split jurisdiction and seemingly conflicting priorities, processes, and perspectives.

## **Attorney General's Office**

The Agency of Natural Resources continues to work closely and effectively with the Attorney General's Office (AGO), meeting with them and the Agency of Agriculture, Food and Markets each quarter to discuss agricultural incidents or potential cases. During 2018, the Agency of Natural Resources referred four enforcement cases to the Attorney General's Office. In addition, all criminal cases developed and investigated by the Agency of Natural Resources are referred to the Attorney General's Office. Three ANR-referred cases were closed by the AGO during the year.

The Agency of Natural Resources provides information on new cases to the Attorney General's Office on a weekly basis. The MOU between the two organizations is also reviewed annually to ensure its continued effectiveness.

A Memorandum of Understanding 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 for criminal prosecution this year.

## **VII. 2018 ENFORCEMENT ACTIONS AND PENALTIES COLLECTED**

### **2018 Summary, Common Complaint and Violation Categories**

Enforcement data is presented in the attachments that follow.

For 2018, approximately 70% of the incidents closed by the Environmental Compliance Division were closed after investigation either through achieving voluntary compliance or for lack of a violation being found. This highlights the benefit of having environmental enforcement officers (EEOs) investigate each complaint to determine whether a violation actually exists. It may also indicate 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 6% of incidents received resulted in formal enforcement action such as compliance directives or penalties.

This year there was one Supplemental Environmental Project in the amount of \$9,000.

In 2018, the most common incidents (which includes complaints or violations that are self-reported to the Department) received by the Department are, in order: releases of hazardous waste materials, such as petroleum "spills", unpermitted discharges to waters and solid waste dumping. These are presented in Figure 1 below.

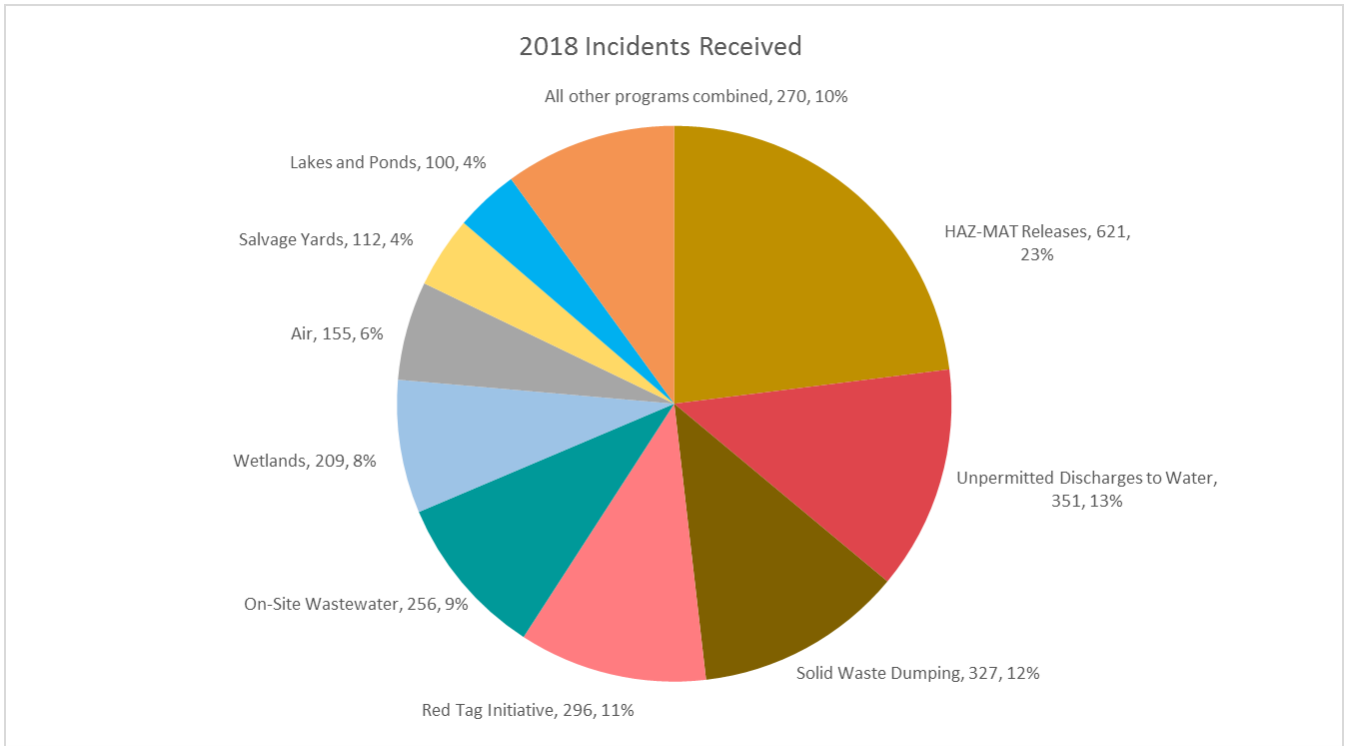


Figure 1. Major Categories of DEC Incidents Received in 2018.

The top categories of violations found and tracked in the Department were, in order: the release of hazardous materials, “red tagged” tanks (a new initiative for 2018), solid waste dumping, unpermitted discharges to waters of the state and wetland violations. These are presented in Figure 2.

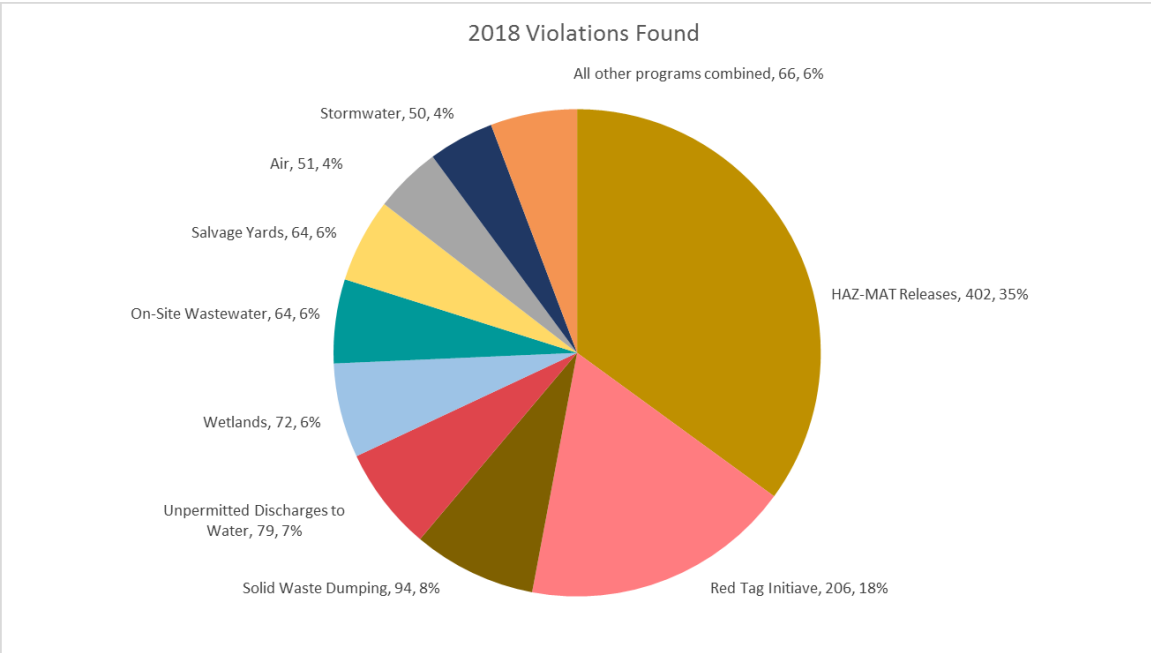


Figure 2. Major Categories of DEC Violations Found in 2018.

## Long-Term Trends

Looking at long-term data in the chart below, the number of incidents received each year is generally increasing. Because ECD has tracked this information since 1995, it is included for historical comparison. For 2018, we have added complaint information from DEC programs. This information will be tracked going forward, with improvements in reporting planned for 2019. In 2018, 1879 incidents were received by ECD and 865 incidents were received directly by media programs directly.

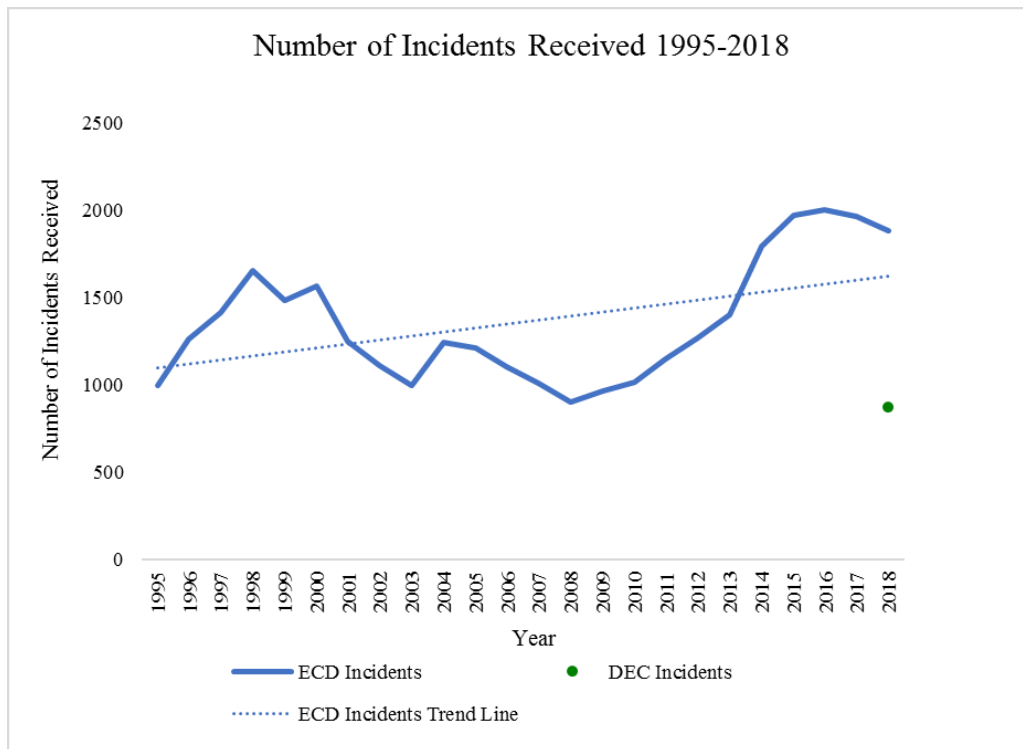


Figure 3. Incidents Received by Year. ECD data is presented since 1995, with a trendline indicating an upward increase in incidents. For the first time, incidents handled exclusively by program staff are reported as a green dot.

As previously noted, the Environmental Compliance Division tracks incidents that are reported to the division. As a result of the 2017 Audit, the Environmental Compliance Division has requested data from each of the programs in DEC’s air, water, and waste divisions. Where available, program data are presented as separate data in Attachments D and E. As the Department harmonizes reporting methods by all divisions, this report will increase in accuracy.

## Penalty Collections

ECD robustly tracks the collection of penalties assessed by the Department of Environmental Conservation. Collection tools include referral to a collection 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 2018, ANR assessed approximately \$208,500 in penalties and collected approximately \$273,905 in penalties. We sent three cases with \$62,766 of delinquent debt to the collection agency on retainer with ANR and 14 cases with \$280,562 of delinquent debt to Tax Setoff as an additional collections option.

DEC has continued its use of a Debarment List that contains entities that are subject to possible sanctions because of non-payment. This list facilitates the Department's requirement to deny the issuance of a new permit, grant or contract due to delinquent penalty or other payments to the Department.

## VIII. CIVIL CITATIONS

In late 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, 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 2018, 27 citations were issued.

## IX. 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 in fiscal year 2018 are reported, as follows:

**Interdepartmental Funds                      \$1,286,848**

## X. 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 Citations in 2018 (ANR data).
- Attachment B reflects Administrative Orders, Emergency Orders and Dismissed or Consolidated Cases in 2018. (ANR data).
- Attachment C summarizes all incidents received by or resolved by the Environmental Compliance Division in 2018. (ECD Data).
- Attachment D presents incidents received or resolved by DEC program staff outside of the Environmental Compliance Division. (DEC program staff data).
- Attachment E presents inspection data from DEC programs. This information provides a more comprehensive picture of DEC's enforcement efforts. (DEC program staff data).

**Attachment A**  
**Formal Court Actions; Assurances of Discontinuance and Civil Citations**  
**January 1, 2018 – December 31, 2018**

**Assurances of Discontinuance (AODs) and Civil Citations**

<b>Regulatory Programs</b>	<b># AODs Issued</b>	<b>\$ AOD Penalties Assessed</b>	<b>\$ AOD Penalties Collected</b>	<b># Citations Issued</b>	<b>\$ Value of Citations</b>	<b>\$ Citation Collected</b>
<i>Air Quality &amp; Climate Division</i>	3	\$27,260.00	\$16,010.00	4	\$1,500.00	\$1,500.00
<i>Environmental Compliance Division</i>	1	\$300.00	\$300.00	1	\$450.00	\$450.00
<i>Department of Fish and Wildlife</i>						
<i>Department of Forests, Parks, &amp; Recreation</i>	1	\$9,155.70	\$5,201.54			
<i>Drinking Water &amp; Groundwater Protection Division</i>	4	\$39,750.00	\$31,990.00	1	\$900.00	\$900.00
<i>Facilities Engineering Division</i>						
<i>Natural Resources Board</i>			\$6,750.00			
<i>Waste Management &amp; Prevention Division</i>	14	\$82,950.00	\$109,479.92	14	\$9,300.00	\$9,300.00
<i>Watershed Management Division</i>	3	\$8,200.00	\$10,543.75	7	\$9,750.00	\$3,750.00
<b>TOTALS</b>	<b>26</b>	<b>\$167,615.70</b>	<b>\$180,275.21</b>	<b>27</b>	<b>\$21,900.00</b>	<b>\$15,900.00</b>

## Attachment B

### Administrative Orders (AOs), Emergency Orders (EOs), & Dismissed or Consolidated Cases January 1, 2018 – December 31, 2018

Administrative Orders (AOs), Emergency Orders (EOs), & Informally Closed Cases					
Regulatory Programs	# AOs Issued	\$ AO Final Penalties	\$ AO Penalties Collected	# EOs Issued	Closed Informally*
<i>Air Quality &amp; Climate Division</i>					
<i>Environmental Compliance Division</i>					
<i>Department of Fish and Wildlife</i>					1
<i>Department of Forests, Parks, &amp; Recreation</i>					
<i>Drinking Water &amp; Groundwater Protection Division</i>	1	\$9,933.50	\$9,933.50		1
<i>Facilities Engineering Division</i>					
<i>Natural Resources Board</i>					
<i>Waste Management &amp; Prevention Division</i>			\$65,697.13		
<i>Watershed Management Division</i>			\$2,100.00		1
<b>TOTALS</b>	<b>1</b>	<b>\$9,933.50</b>	<b>\$77,730.63</b>	<b>0</b>	<b>3</b>

\*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 Incidents Received and/or Resolved as Recorded by DEC's Environmental Compliance Division January 1, 2018 – December 31, 2018

Regulatory Programs	Total Received 2018	Total Pending Of Those Received in 2018	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
<b>Air Quality &amp; Climate Division - 81 Closed</b>									
<i>Engineering Services</i>									
<i>Field Services</i>	96	31	44	1	7	23	4	2	81
<i>Technical Services</i>									
<i>Mobile Source Control</i>									
<b>Department of Forests, Parks, and Recreation - 7 Closed</b>									
<i>Forest Operations</i>	12	6	5			1		1	7
<b>Drinking Water &amp; Groundwater Protection Division - 208 Closed</b>									
<i>On-Site Program</i>	248	112	141	16		31	1	3	192
<i>Engineering &amp; Operations</i>									
<i>Compliance &amp; Support</i>	7	4	4	1		1			6
<i>Water Resources</i>	5	2	5						5
<i>Permit &amp; Licensing</i>	1	1					2		2
<i>Indirect Discharge</i>	8	6	2	1					3

Regulatory Programs	Total Received 2018	Total Pending Of Those Received in 2018	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
<b>Environmental Compliance Division - 496 Closed</b>									
<i>Unpermitted Discharges (HAZ)</i>	28	11	12			7	1	2	22
<i>Unpermitted Discharges (1259)</i>	229	62	161		2	25	8	3	199
<i>Unpermitted Discharges (AMPs)</i>	12	7	4			2			6
<i>Unpermitted Discharges (SED)</i>	8	3	5			1	2		8
<i>Unpermitted Discharges (AAPs)</i>	66	33	22			7	7		36
<i>Abandoned Boats</i>	2					1	1		2
<i>Assistance</i>	1		1						1
<i>PREvent</i>	7	5				2			2
<i>RED TAG Initiative</i>	296	76	14			206			220
<b>Facilities Engineering Division - 3 Closed</b>									
<i>Dam Safety</i>	4	1	3						3
<b>Natural Resources Board - 16 Closed</b>									
<i>A250 Districts</i>	35	24	13			2	1		16

<b>Regulatory Programs</b>	<b>Total Received 2018</b>	<b>Total Pending Of Those Received in 2018</b>	<b>Closed No Violation</b>	<b>Closed NOAV Issued</b>	<b>Closed Citation Requested/ Issued</b>	<b>Closed Voluntarily Corrected/ No Further Action Required</b>	<b>Closed Formal Action Requested/ Taken</b>	<b>Closed No Formal Action Taken*</b>	<b>Total Closed</b>
<b>Waste Management &amp; Prevention Division - 357 Closed</b>									
<i>Hazardous Materials - Releases</i>	107	34	46	1	6	31	10	3	97
<i>Salvage Yards</i>	48	28	18			4	1		23
<i>RCRA</i>	29	12	11			2	4	3	20
<i>AST/UST</i>	19	4	9	2	2	3	4		20
<i>Sites Management</i>	8	6	2						2
<i>Solid Waste Compliance Section</i>	242	89	120	6	4	30	13	14	187
<i>Solid Waste Certification</i>	4	1	4			1	1		6
<i>Solid Waste Materials Management</i>	2	2							
<i>Residuals Management</i>	4	3	2						2

<b>Regulatory Programs</b>	<b>Total Received 2018</b>	<b>Total Pending Of Those Received in 2018</b>	<b>Closed No Violation</b>	<b>Closed NOAV Issued</b>	<b>Closed Citation Requested/ Issued</b>	<b>Closed Voluntarily Corrected/ No Further Action Required</b>	<b>Closed Formal Action Requested/ Taken</b>	<b>Closed No Formal Action Taken*</b>	<b>Total Closed</b>
<b>Watershed Management Division - 225 Closed</b>									
<i>Lakes &amp; Ponds</i>	97	57		1	8	3			12
<i>Stormwater</i>	43	17	26	5	4	11	4		50
<i>VT Clean Water Initiative</i>									
<i>Monitoring, Assessment, &amp; Planning</i>									
<i>River Corridor Management</i>	39	8	31		2	2			35
<i>Wetlands</i>	148	77	79	7	2	22	7		117
<i>BOSS</i>									
<i>Wastewater</i>	24	15	6			5			11
<b>TOTALS</b>	<b>1879</b>	<b>737</b>	<b>790</b>	<b>41</b>	<b>37</b>	<b>423</b>	<b>71</b>	<b>31</b>	<b>1393</b>

\*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**

### **Incidents Received and/or Resolved as Recorded by 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 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.

#### *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 Vermonters by ensuring access to a safe supply of drinking water.

#### *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.

#### *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.

<b>Regulatory Program</b>	<b>Total Incidents Received 2018</b>	<b>Pending Of Those Received in 2018</b>	<b>Closed No Violation</b>	<b>Closed NOAV Issued</b>	<b>Closed Voluntarily Corrected/ No Further Action Required</b>	<b>Closed Formal Action Requested/ Taken</b>	<b>Closed No Formal Action Taken*</b>	<b>Total Incidents Closed</b>
<b>Air Quality &amp; Climate Division - 41 Complaints Closed</b>								
<i>Engineering Services</i>								
<i>Field Services</i>	59	15	31	1	4	2	3	41
<i>Technical Services</i>								
<i>Mobile Source Control</i>								
<i>Air Planning</i>								
<b>Drinking Water and Groundwater Protection Division - 21 Complaints Closed</b>								
<i>On-Site Program</i>	8		2	3	6	4		15
<i>Engineering &amp; Operations</i>								
<i>Compliance &amp; Support</i>	2	1	2			1		3
<i>Water Resources</i>								
<i>Permit &amp; Licensing</i>								
<i>Indirect Discharge</i>	2		1	1			1	3
<b>Environmental Compliance Division - 17 Closed (by program)</b>								
<i>Unpermitted Discharges (1259)</i>	2	1	2		5			8

<i>Unpermitted Discharges (AMPs)</i>	1	1						1
<i>Unpermitted Discharges (AAPs)</i>	5		1	1		6		8
<b>Facilities Engineering Division - 0 Complaints Closed</b>								
<i>Agency Facilities</i>								
<i>Infrastructure Engineering</i>								
<i>Infrastructure Financial Management</i>								
<i>Dam Safety</i>								
<b>Waste Management &amp; Prevention Division - 581 Complaints Closed</b>								
<i>Hazardous Materials - Releases</i>	514	143	23	4	291	1	55	374
<i>Salvage Yards</i>	64	43	43	14	35	4	6	102
<i>RCRA</i>	3		2		1	3		6
<i>AST/UST</i>	4					4		4
<i>Sites</i>	1					1		1
<i>Solid Waste Compliance Section</i>	85	17	54	6	19		2	81
<i>Solid Waste Certification</i>	4	1	2		1			3
<i>Solid Waste Materials Management</i>	12	5	2		5			7
<i>Residuals Management</i>	2		1	1		1		3
<b>Watershed Management Division - 101 Complaints Closed</b>								
<i>Lakes &amp; Ponds</i>	3	2	3		6		4	13
<i>Stormwater</i>	24	18	6	5	10	8	3	32
<i>VT Clean Water Initiative</i>	4	3	1		4			5
<i>Monitoring, Assessment, &amp; Planning</i>					1			1

<i>River Corridor Management</i>								
<i>Wetlands</i>	61	33	14	3	21	3	7	48
<i>BOSS</i>								
<i>Wastewater</i>	5	3	1			1		2
<b>TOTALS</b>	<b>865</b>	<b>286</b>	<b>191</b>	<b>39</b>	<b>409</b>	<b>39</b>	<b>81</b>	<b>761</b>



**Attachment E  
DEC Program Inspection Data**

<b>Regulatory Program</b>	<b>Total Inspections Conducted in 2018</b>	<b>Pending Of Those Conducted in 2018</b>	<b>Closed No Violation</b>	<b>Closed NOA V Issued</b>	<b>Closed Voluntarily Corrected/ No Further Action Required</b>	<b>Closed No Formal Action Taken*</b>	<b>Total Inspections Closed</b>
<b>Air Quality &amp; Climate Division</b>							
<i>Engineering Services</i>							0
<i>Field Services</i>	59		45	29	80		154
<i>Technical Services</i>							0
<i>Mobile Source Control</i>							0
<i>Air Planning</i>							0
<b>Drinking Water and Groundwater Protection Division</b>							
<i>On-Site Program</i>							
<i>Engineering &amp; Operations</i>		229					
<i>Compliance &amp; Support</i>		145		725			725
<i>Water Resources</i>							
<i>Permit &amp; Licensing</i>							
<i>Indirect Discharge</i>		7		28			28
<b>Facilities Engineering Division</b>							
<i>Agency Facilities</i>							
<i>Infrastructure Engineering</i>							
<i>Infrastructure Financial Management</i>							
<i>Dam Safety</i>							

<b>Waste Management &amp; Prevention Division</b>							
<i>Hazardous Materials - Releases</i>	563	143	23	1	341	55	420
<i>Salvage Yards</i>	20		15	5			20
<i>RCRA</i>	69	17	23	28	9		60
<i>AST/UST Sites</i>	330	4	269	22	39		330
<i>Solid Waste Compliance Section</i>							
<i>Solid Waste Certification</i>							
<i>Solid Waste Materials Management</i>							
<i>Residuals Management</i>							
<b>Watershed Management Division</b>							
<i>Lakes &amp; Ponds</i>	40	21	19				19
<i>Stormwater</i>							
<i>VT Clean Water Initiative</i>							
<i>Monitoring, Assessment, &amp; Planning</i>							
<i>River Corridor Management</i>							
<i>Wetlands</i>							
<i>BOSS</i>							
<i>Wastewater</i>							
<b>TOTALS</b>	<b>1082</b>	<b>559</b>	<b>394</b>	<b>838</b>	<b>469</b>	<b>55</b>	<b>1756</b>