



**Department of Environmental  
Management**

**Office of Compliance & Inspection**

**2010 Annual Report**

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***Cover: Photograph of failure of Blue Pond dam in Hopkinton, RI on March 30, 2010 as a result of The Great Flood of 2010, so named by The Providence Journal***

***Photograph courtesy of Pare Corporation***

## *Who We Are*

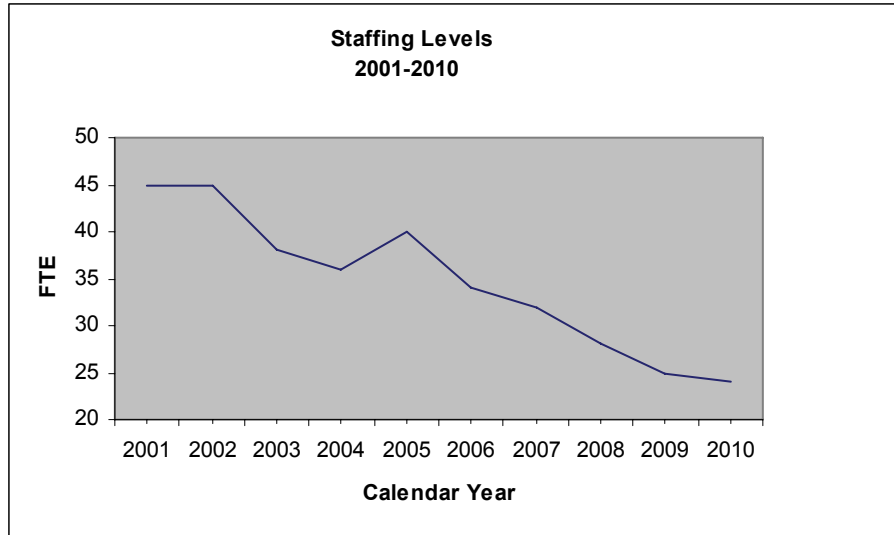
The Office of Compliance and Inspection (OC&I) is within the Rhode Island Department of Environmental Management (RIDEM) Bureau of Environmental Protection and is responsible for regulatory compliance and enforcement for the following programs: Air Pollution, Dam Safety, Freshwater Wetlands, Hazardous Waste, Onsite Wastewater Treatment Systems (i.e., Septic Systems), Solid and Medical Waste, Underground and Leaking Underground Storage Tanks, and Water Pollution.

## *What We Do*

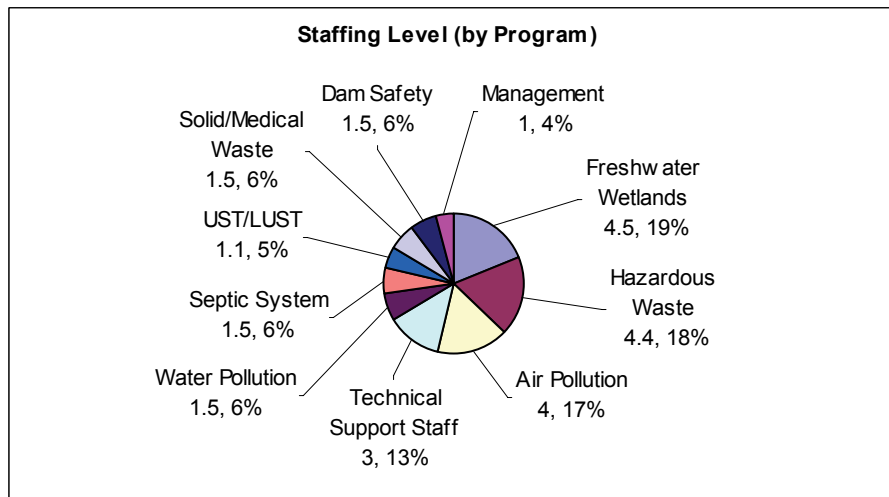
OC&I investigates citizens' complaints regarding alleged environmental violations and performs compliance monitoring inspections to determine compliance with environmental statutes and RIDEM regulations. OC&I issues informal or formal enforcement actions for violations that are identified and tracks compliance until environmental violations are corrected. **Informal enforcement** includes those actions that do not result in an enforceable order or assessment of a penalty. **Formal enforcement** is usually in the form of a Notice of Violation (NOV). Each NOV advises the responsible party of the alleged facts that support the violation, 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. Not all OC&I programs focus on compliance and enforcement activities in the same way. For example, one program may spend considerable time on citizens' complaint response while another may spend most of its time on compliance monitoring. In fact, much of our compliance and 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, Emergency Response, Water Resources, Waste Management and Legal Services and Division of Law Enforcement. 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.

# Staffing

At the beginning of 2010, the OC&I had a working staff of 25 full time equivalents (FTEs). OC&I lost 1 FTE during the year and ended 2010 with a working staff of 24 FTEs. The loss of the 1 FTE continues a downward trend that began in 2002, as illustrated by the graph below<sup>1</sup>.



The FTEs assigned to each program (by number and percentage) at the end of 2010 is illustrated by the chart below.



<sup>1</sup> In 2006 5 FTEs responsible for responding to releases of petroleum, hazardous materials and hazardous waste were formally transferred from OC&I to a newly created Office of Emergency Response.

# *Comprehensive Program Review*

As a result of reduced staffing and work hours, a review was undertaken in January/February 2010 to determine whether each program was meeting its overall objective of protecting public health and the environment. The review evaluated each program's timeliness in meeting the goals for six categories that are used to determine whether the overall objective is being met. The findings of that review are shown in the table below.

Category	Air Pollution	Hazardous Waste	Underground Storage Tanks	Solid Waste	Water Pollution	Freshwater Wetlands	Septic Systems	Dam Safety
Initial Response to Complaints Goal (on average 5 days)	T	T	T	I	I	I	I	T
Compliance Monitoring Inspections Goal (Targeted number per year)	---	T	T	---	---	---	---	I
Follow Up Investigation-No Enforcement Action Yet Taken Goal (on average 60 days)	T	T	T	T	I	I	I	T
Issuance of Informal Enforcement Actions-Investigation Complete Goal (on average 14 days)	T	T	T	T	T	T	T	T
Follow Up-Informal Enforcement Action Issued Goal (on average 60 days)	T	T	T	I	I	I	I	I
Issuance of Formal Enforcement Actions Goal (on average 90 days)	I	I	I	I	I	I	I	I

T= Timely

I=Improvement Needed

# *Strategy to Improve Performance*

After reviewing the findings, OC&I developed a strategy to improve its performance that centered on three areas:

- Simplify the process to issue formal enforcement actions
- Prioritize our response and enforcement of citizens' complaints
- Cross-training

## **Simply Formal Enforcement Process**

The process of issuing formal enforcement actions was not timely - 1+ years in some cases - and too often went through numerous re-writes, wasting hundreds of hours each year.

To improve this process, upper management decided to use LEAN. LEAN is a systematic approach to identifying and eliminating waste (non-value added activities) through the use of visual mapping tools.

LEAN identifies eight wastes that lead to downtime:

- Defects
- Overproduction
- Waiting
- Not Utilizing Employees (knowledge, skills, ability)
- Transportation
- Inventory
- Motion
- Excess Processing

OC&I managers were introduced to LEAN and provided training on how to use the visual mapping tools. A LEAN group was established that was comprised of all the OC&I managers, the Assistant Director for Air, Waste, & Compliance, and the Office of Legal Services. The LEAN group met monthly from June-October 2009.

The general consensus of the LEAN group was that the delays were the result of the following five wastes:

**Defects** - lack of proper documents in the file to support the violations/improper citations/incorrect facts

**Waiting** - files sitting on people's desks for weeks and months

**Not Utilizing Employees (knowledge, skills, abilities)** - unnecessary reviews and involvement

**Motion** - files getting passed back and forth multiple times

**Excess Processing** - stylistic/editorial corrections and too much detail required

The LEAN group identified seven ideas to improve the process:

- Develop a fast track formal enforcement action—pre-approved actions for straightforward, repetitive violations that can be issued without internal review
- Eliminate unnecessary internal reviews
- Develop completeness checklists that are attached to each file
- Eliminate stylistic edits
- Eliminate common errors by developing a master template and program specific templates that include standard language and guidance
- Develop standard forms that are included in each file
- Develop protocols for legal review

OC&I worked throughout 2010 to implement the ideas. The results have been impressive.

As of February 2011:

- The number of formal enforcement actions pending went from 69 to 47
- The age of the formal enforcement actions pending went down - the oldest case is 8 1/2 months
- The number of formal enforcement actions issued went from 83 in 2009 to 105 in 2010

## **Prioritize Complaint Response and Enforcement**

OC&I put into practice a policy to prioritize our investigation and enforcement of citizens' complaints for the following programs: Air Pollution, Freshwater Wetlands, Onsite Wastewater Treatment Systems (i.e., Septic Systems), Solid Waste, and Water Pollution.

The policy went into effect in April 2010. The policy applies to all new complaints received after the effective date of the policy and complaints that were under investigation in which an enforcement action had not yet been initiated as of the effective date of the policy.

For the **Air Pollution** program, the policy states:

- Investigation of complaints without specific information as to the location shall not be undertaken without approval of the Chief.
- Investigation of dust complaints (unless the complaint may pose a public health threat as determined by the program manager) shall not be undertaken without the approval of the Chief. Examples of complaints that require approval of the Chief prior to investigation include dust associated with non-active operations, truck traffic at construction sites, or interior building demolition.
- Investigation of odor complaints (unless the complaint may pose a public health threat as determined by the program manager) shall not be undertaken without the approval of the Chief. Examples of complaints that require approval of the Chief prior to investigation include odors associated with the Rhode Island Resource Recovery Corporation landfill, dumpsters, or shoreline vegetation.
- Enforcement of violations involving lead paint chips on the ground (unless the inspector directly observed that lead paint chips were the result of paint removal) shall not be taken without approval of the Chief.



For the **Freshwater Wetlands** program, the policy states:

- Investigation of complaints without specific information as to the location shall not be undertaken without approval of the Chief.
- Review of aerial photographs prior to April 2003 shall not be undertaken without approval of the Chief.
- Enforcement of violations involving permit noncompliance (unless the violation clearly adversely impacts wetlands or groundwater as determined by the program manager) shall not be taken without approval of the Chief. Examples of violations that require approval of the Chief prior to taking enforcement include failure to post signs, failure to record permits, or failure to construct storm water basins in accordance with the permit.
- Enforcement of violations involving solely fill in floodplain (unless the violation poses a clear threat to the health, welfare, or general well being of the public as determined by the program manager) shall not be taken without approval of the Chief. An example of a violation that requires approval of the Chief prior to taking enforcement is fill in floodplain that affects less than 5 properties.
- Enforcement of violations involving solely flooding (unless the violation poses a threat to the health, welfare, or general well being of the public as determined by the program manager) shall not be taken without approval of the Chief. An example of a violation that requires approval of the Chief prior to taking enforcement is flooding that affects less than 5 properties.
- Enforcement of violations involving solely < 5,000 square feet of alteration to buffer wetlands shall not be taken without approval of the Chief.

For the **Onsite Wastewater Treatment System** program, the policy states:

- Investigation of complaints involving failed septic systems (where the level of sewage is over the inlet pipe but no surface breakout of sewage is suspected or observed) shall not be undertaken without the approval of the Chief.
- Investigation of complaints involving renovations to a dwelling/building shall not be undertaken without the approval of the Chief.
- Investigation of complaints involving an outside shower shall not be undertaken without the approval of the Chief.
- Enforcement of violations involving unauthorized system alterations (unless the leachfield was altered) shall not be taken without the approval of the Chief.
- Enforcement of violations involving permit noncompliance (unless the violation poses a threat to the environment or public health as determined by the program manager) shall not be taken without the approval of the Chief.

For the **Solid Waste** program, the policy states:

- Enforcement of violations involving residences (unless the violation poses a threat to the environment or public health as determined by the program manager) shall not be taken without the approval of the Chief.

For the **Water Pollution** program, the policy states:

- Investigation of complaints involving filter backwash discharges from swimming pools shall not be undertaken without the approval of the Chief.
- Enforcement of violations involving sediment runoff (unless the violation directly impacts surface water) shall not be taken without the approval of the Chief.
- Enforcement of violations involving residential petroleum spills (unless the violation involves a direct discharge to a storm drainage system or poses a likely threat to groundwater as determined by the program manager) shall not be taken without the approval of the Chief.

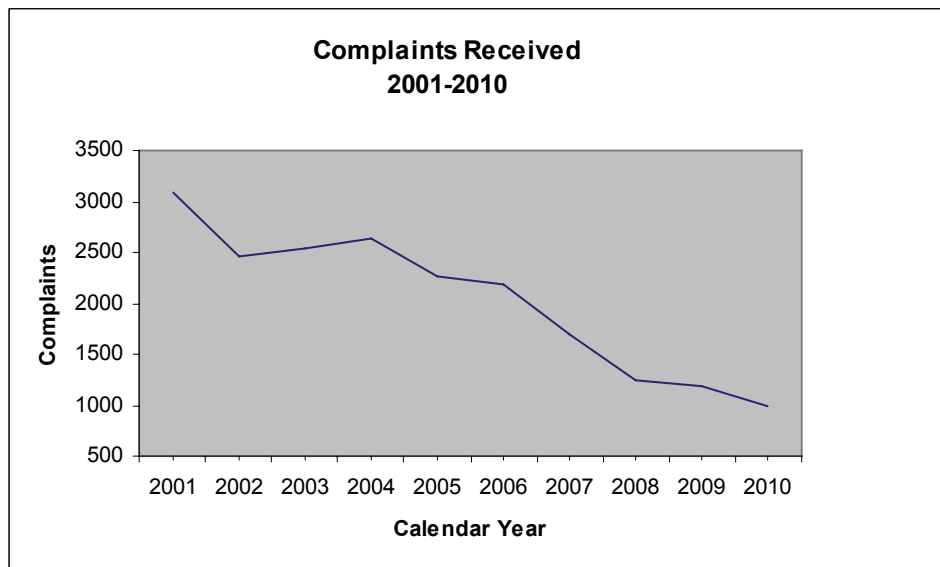
## Cross Training

It was recognized that cross training of staff within OC&I and other RIDEM offices was needed to meet the goals for the dam safety, freshwater wetlands, and solid waste programs.

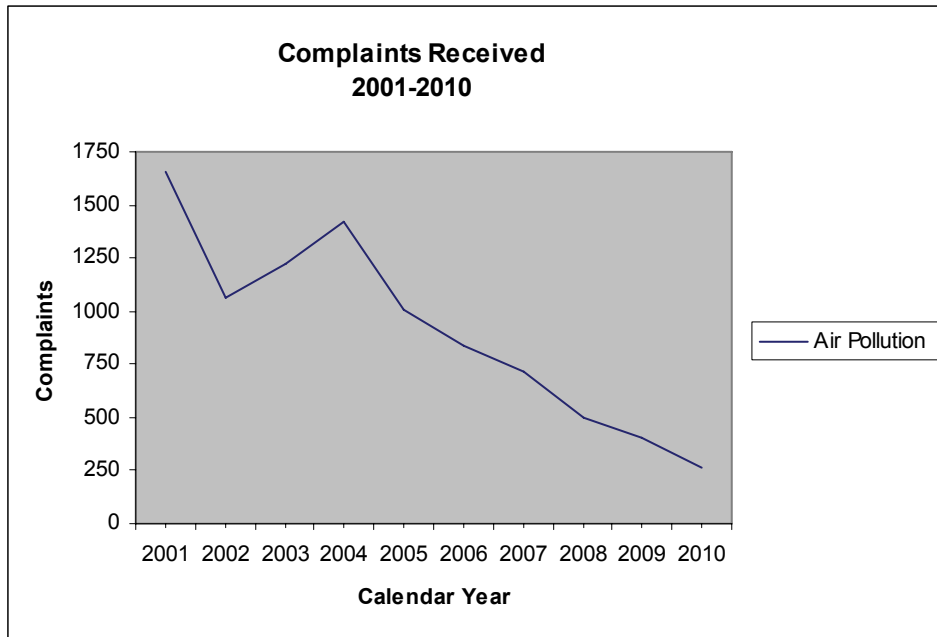
Two engineers within OC&I were trained to assist in compliance monitoring inspections for the dam safety program. Three environmental scientists within OC&I's hazardous waste program and two air quality specialists within OC&I's air pollution program were trained to assist in complaint inspections for the solid waste program. Six environmental scientists within RIDEM's Office of Water Resources were trained to assist in complaint inspections for the freshwater wetlands program.

## *Complaint Response*

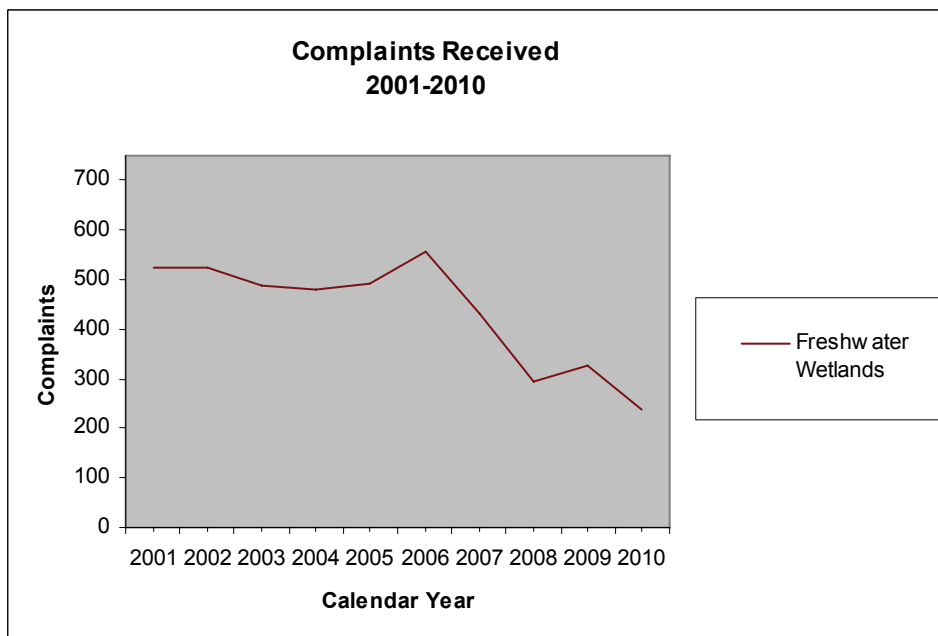
As noted earlier, OC&I is involved in extensive citizens' complaint related work. In 2010 OC&I received **1002** citizens' complaints. This is a reduction from the **1193** citizens' complaints received in 2009 and continues a downward trend that began in 2004, as illustrated by the graph below.



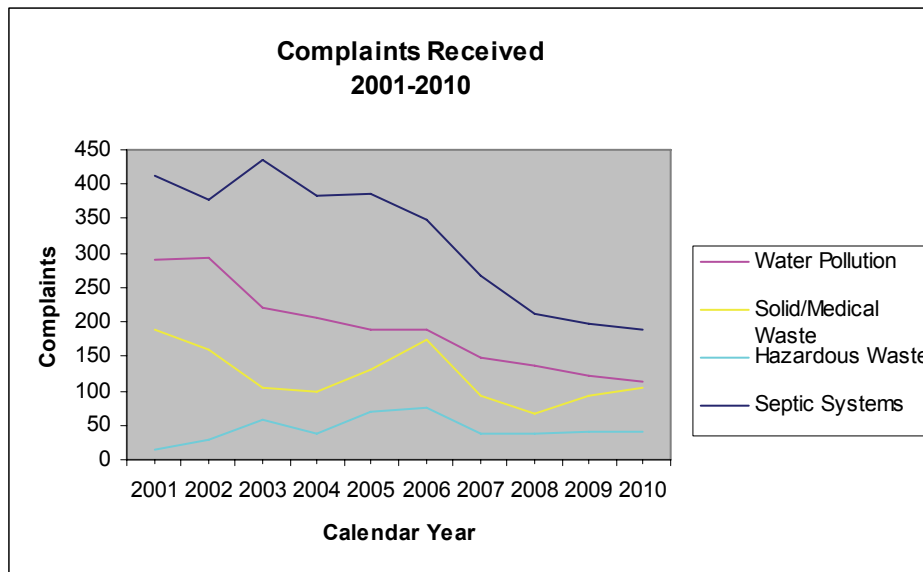
The air pollution program had the largest reduction in complaints received, as illustrated by the graph below. The number of complaints dropped from **408** in 2009 to **265** in 2010, a 35% reduction.



The freshwater wetlands program also had a substantial reduction, as illustrated by the graph below. The number of complaints dropped from **326** in 2009 to **249** in 2010, a 24% reduction.



The septic system, water pollution, solid waste/medical waste, and hazardous waste programs received a comparable number of complaints in 2010 compared to 2009, as illustrated by the graph below.



As a result of The Great Flood of 2010, we also received **37** complaints in the dam safety program. A report on the activities of the dam safety program in 2010 can be found on OC&I's web page

at <http://www.dem.ri.gov/programs/benviron/compinsp/pdf/damrpt10.pdf>.

A summary of the complaints investigated by OC&I in 2010 (by program), excluding the dam safety program, is as follows:

**Air Pollution** – The program responds to complaints involving visible emissions, odors, fugitive dust, and exterior lead paint removal. The program received **265** complaints and conducted **225** inspections. Of the complaints investigated<sup>2</sup>, **224** were unfounded (i.e., a violation could not be verified), **2** were closed as no action (i.e., a violation was identified but a decision was made to close the case with no enforcement action taken) and **6** 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

<sup>2</sup> Not all the complaints investigated in 2010 correspond to complaints received in that year. The statistics include complaints investigated and resolved that were received prior to 2010.

of resources. The program was unable to investigate **12** complaints; however, this was an improvement over 2009 when **18** complaints were not investigated. The reduction in complaints received may account for the program's ability to respond to more complaints.

**Freshwater Wetlands** – The program responds to complaints involving unauthorized alterations to freshwater wetlands such as filling, excavating, grading, clearing, or construction. The program received **249** complaints and conducted **462** inspections. Of the complaints investigated<sup>2</sup>, **82** were unfounded, **48** were closed as no action, and **0** were referred to another program, department or agency. The program was unable to initially investigate a substantial number of complaints due to among other factors lack of resources. Complaint investigation in this program is time consuming and complex due to the varied nature of wetlands, land conditions, land ownership and regulatory requirements.

**Hazardous Waste** –The program responds to complaints involving illegal disposal or mismanagement of hazardous waste. The program received **42** complaints and conducted **30** inspections. Of the complaints investigated<sup>2</sup>, **1** was unfounded, **0** were closed as no action and **7** were referred to another program, department or agency. The program was unable to initially investigate **8** complaints due to an inability to obtain permission to conduct the inspection.

**On-Site Wastewater Treatment System (OWTS or Septic System)** – The program responds to complaints involving septic system overflows or failures, septic odors, laundry discharges, illegal repairs, and renovations to dwellings without prior review by RIDEM to determine if the system is adequate for the proposed use. The program received **189** complaints and conducted **222** inspections. Of the complaints investigated<sup>2</sup>, **74** were unfounded, **3** were closed as no action, and **8** were referred to another program, department or agency. The program was unable to initially investigate **25** complaints due to an inability to obtain permission from the property owner to conduct the inspection.

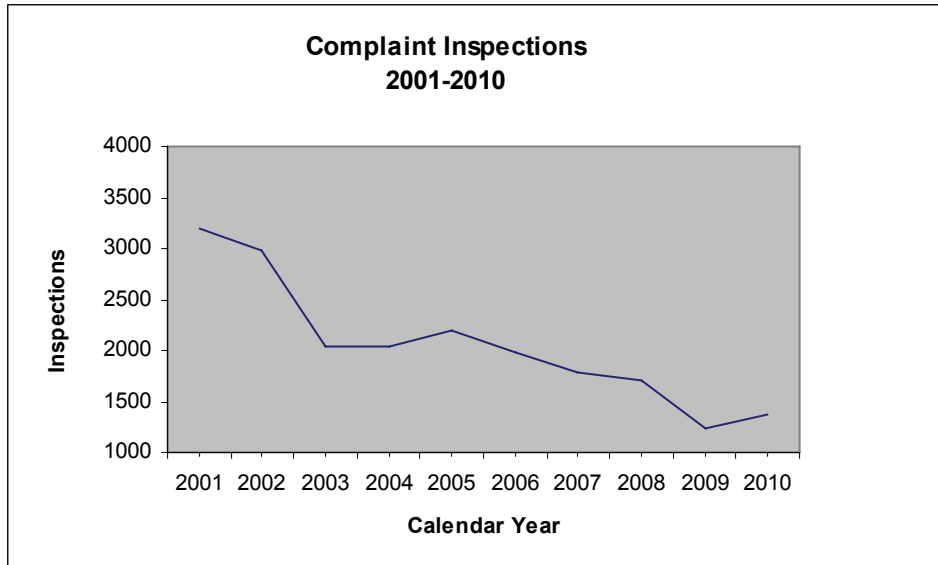
**Underground Storage Tanks (UST)/Leaking Underground Storage Tanks (LUST) –**

The program responds to complaints involving underground storage tanks such as leaking or abandoned tanks. The program received **3** complaints and conducted **1** inspection. Of the complaints investigated<sup>2</sup>, **1** was unfounded, **1** was not investigated, **0** were closed as no action, and **0** were referred to another program, department or agency.

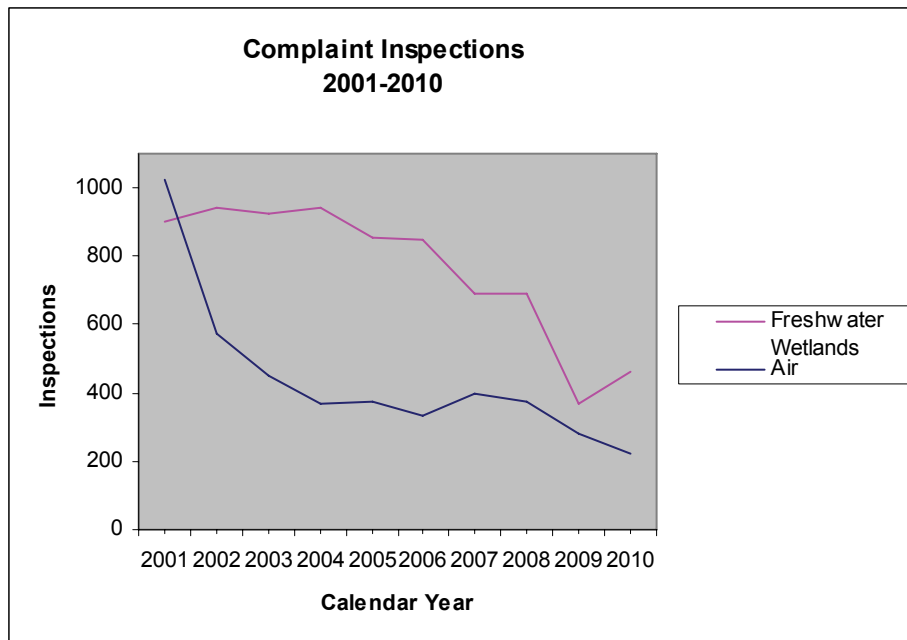
**Solid Waste/Medical Waste –** The program responds to complaints involving illegal disposal of solid waste and operation of unlicensed facilities handling solid waste, construction & demolition debris, compost or other forms of solid waste. The program received **105** complaints and conducted **263** inspections. Of the complaints investigated<sup>2</sup>, **52** were unfounded, **17** were closed as no action, and **17** were referred to another program, department or agency. The program was unable to initially investigate **5** complaints due to an inability to obtain permission from the property owner to conduct the inspection.

**Water Pollution –** The program responds to complaints involving discharges of pollutants to surface waters or ground waters or in a location likely to enter such waters. The program received **112** complaints and conducted **134** inspections. Of the complaints investigated<sup>2</sup>, **54** were unfounded, **2** were closed as no action, and **6** were referred to another program, department or agency.

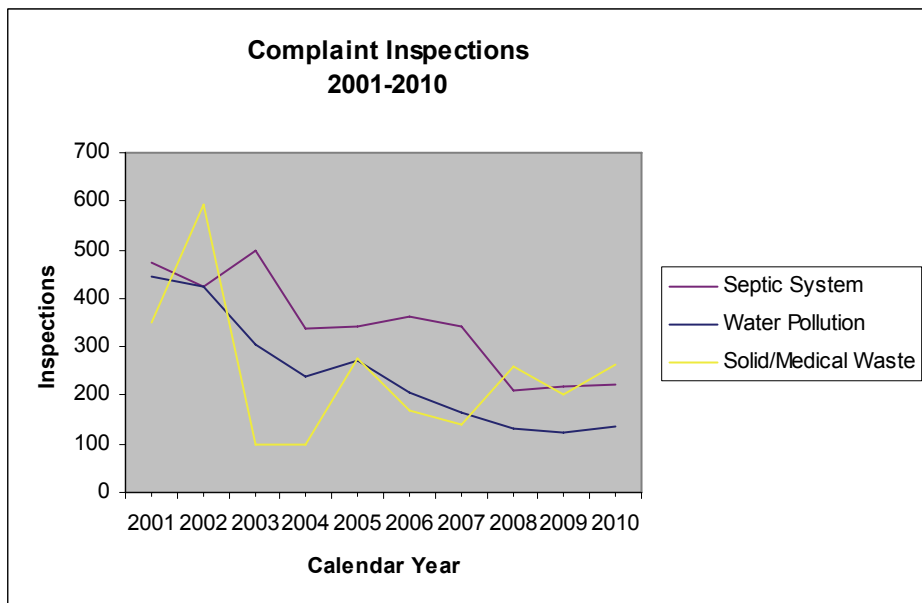
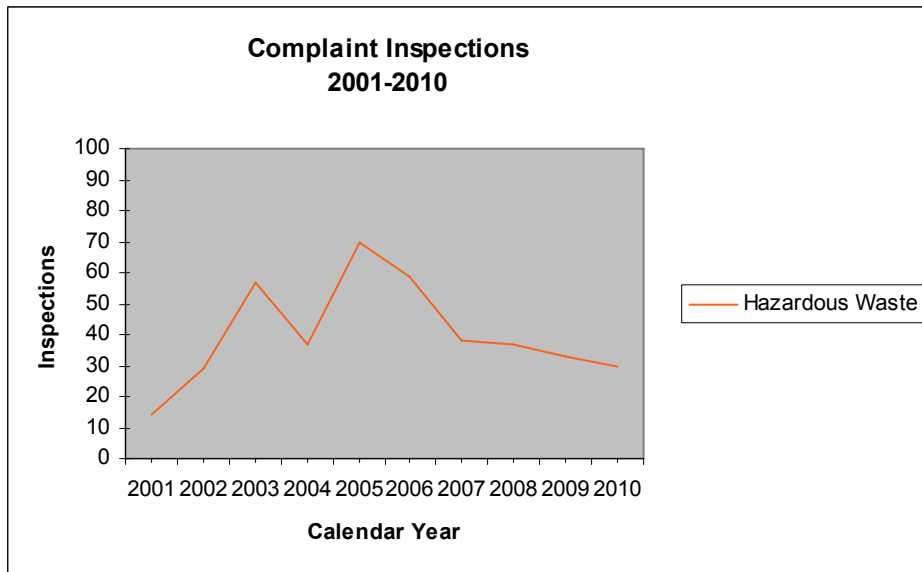
In 2010 OC&I conducted **1373** complaint inspections. This is an increase of **144** inspections from the **1229** complaint inspections conducted in 2009. The following graph shows the numbers of complaint inspections completed from 2001 through 2010.



The number of complaint inspections completed from 2001 to 2010 for the air pollution, freshwater wetlands, septic system, water pollution, solid waste/medical waste, and hazardous waste programs is illustrated on the graphs below.

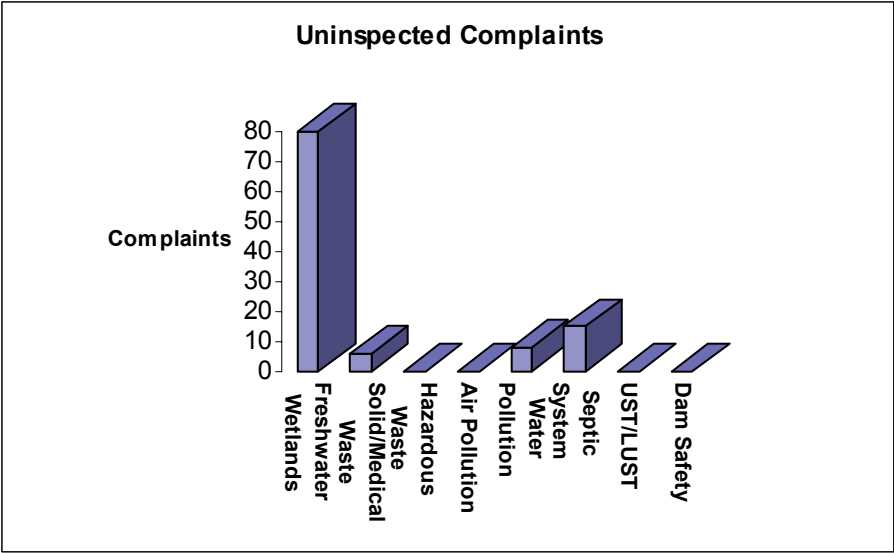






The number of complaints received and staff levels have dropped substantially from 2003 to 2010; however, prior to 2009 the number of inspections completed remained relatively consistent. The sharp reduction in 2009 reflected a continued drop in complaints and loss of staff and the imposition of reduced work hours. While these conditions persisted in 2010, the increase in inspections in 2010 reflects the results of the dam inspections performed in response to The Great Flood of 2010 and the performance improvement strategy described on page 6. Excluding the dams program, the two programs with the largest increase in 2010 compared to 2009 were the freshwater wetlands and solid waste programs, with increases of 93 inspections and 60 inspections, respectively.

With the exception of the freshwater wetlands program, all of the programs ended 2010 with a small number of uninspected complaints, as shown by the graph below. The backlog of uninspected complaints in the freshwater wetlands program decreased from **257** in 2009 to **80** in 2010. While still high, this reduction again reflects the results of the performance improvement strategy described on page 6.

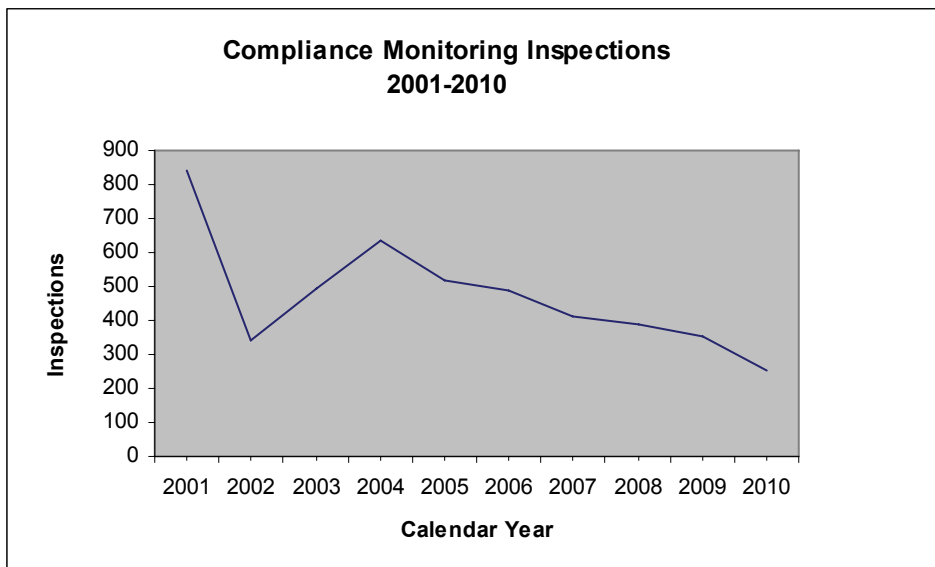


## *Compliance Monitoring*

Compliance monitoring refers to efforts by RIDEM to oversee closely regulated businesses and facilities. In many cases, State laws require businesses and facilities to be licensed by RIDEM or to obtain specific detailed conditional approvals. Such businesses and facilities are not allowed to operate unless they obtain these licenses or approvals in advance. In other cases, businesses and facilities may operate provided they are in compliance with specific regulations that set forth criteria that must be met. The businesses and facilities are not generally required to obtain a permit or license to operate. RIDEM’s Offices of Air Resources, Water Resources and Waste Management perform most compliance monitoring. OC&I’s compliance monitoring involves air pollution, dam safety, hazardous waste management, and UST/LUST facilities. OC&I generally targets a portion of the regulated community and conducts compliance evaluation inspections to determine whether compliance is being met. Since RIDEM is delegated regulatory authority and given grant money by EPA for air pollution, hazardous waste management and UST/LUST

facilities, RIDEM and EPA coordinate their efforts regarding types 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.

In 2010 OC&I conducted **252** compliance monitoring inspections. This is a reduction from the **355** compliance monitoring inspections conducted in 2009 and continues a downward trend that began in 2004, as illustrated by the graph below.



The reduction in 2010 from 2009 occurred in three programs: air pollution, hazardous waste and UST. 83 inspections were performed in the air program in 2010 compared to 113 in 2009, 62 inspections were performed in the hazardous waste program in 2010 compared to 103 in 2009 and 62 inspections were performed in the UST program in 2010 compared to 118 inspections in 2009. For the air program the reduction was the result of fewer on-going problem sites to inspect. For the hazardous waste and UST programs, the reductions were the result of a decision to cut back on the number of inspections in response to a loss of staff.

A summary of the compliance monitoring inspections conducted by OC&I in 2010 (by program) is as follows:

**Air Pollution** – The program is responsible for ensuring that the State’s businesses and facilities are being operated in a manner to prevent impacts to human health and the environment in compliance with RIDEM’s *Air Pollution Control Regulations*. The program seeks to meet that responsibility by performing compliance inspections and issuing enforcement actions. The majority of compliance monitoring inspections are conducted to verify compliance at businesses, facilities or sites with historic violations or potential violations. The program conducted **83** inspections of such businesses, facilities or sites to determine compliance. Of the inspections conducted, **2** violations were documented at **2** businesses, facilities, or sites. The violations observed in 2010 are listed below.

- 1 - improper lead paint removal
- 1 - objectionable odor

A list of the businesses, facilities or sites inspected is shown in Appendix A.

**Dam Safety** – The program is responsible for ensuring that the State’s **97** high hazard dams and **83** significant hazard dams are maintained in a safe condition in compliance with RIDEM’s *Rules and Regulations for Dam Safety*. The program seeks to meet that responsibility by performing compliance inspections, investigating complaints and issuing enforcement actions. The program conducted **45** inspections of such dams.

A comprehensive report on the activities of the program can be found at <http://www.dem.ri.gov/programs/benviron/compinsp/pdf/damrpt10.pdf>.

**Hazardous Waste Management** – The program is responsible for ensuring that the State’s thousands of hazardous waste generators are managing hazardous waste in a manner to prevent impacts to human health and the environment in compliance with the RIDEM’s *Rules and Regulations for Hazardous Waste Management*. The program seeks to meet that responsibility by performing compliance inspections, investigating complaints and issuing enforcement actions. Federal guidelines require states to inspect

at least 20% of the Large Quantity Generators (LQG) during the federal fiscal year. OC&I has followed EPA's target for the last few years to monitor the management of hazardous waste at facilities generating large volumes of waste on a regular basis. Given the current number of LQGs in Rhode Island, this equates to inspections at least once every three years at each facility. In addition to the target of 20% of known LQGs operating in Rhode Island, OC&I targeted any newly reporting LQGs and those that did not previously notify the RIDEM that they fall into this category.

The program inspected **15** LQGs (**19** in the 2010 federal fiscal year). Of those, **1** was determined to be in significant noncompliance, **10** were found to have secondary violations, and **4** were determined to have no violations.

For Small Quantity Generators (SQGs), the program's inspection efforts in 2010 did not concentrate on one particular manufacturing sector. Inspection targets involved multiple business types. OC&I inspected **28** known or suspected SQGs. Of those, **2** were determined to be in significant noncompliance, **17** were found to have secondary violations, and **9** were determined to have minor violations that were resolved immediately or were found to have no violations. Overall, the program completed **62** inspections of known or suspected hazardous waste generators to ensure that compliance with the regulations was being met.

A list of the businesses and facilities inspected is shown in Appendix B.

The following are the 5 violations most frequently observed in 2010:

- waste not properly characterized as hazardous waste (determined) by the generator
- labeling violations (lack of a required label on hazardous waste containers or containers not properly labeled)
- mismanagement of universal hazardous waste (containing mercury)
- no hazardous waste training for employees on managing hazardous waste
- contingency plan violations (in case of a release or spill of hazardous waste)

## **Underground Storage Tanks (UST)/Leaking Underground Storage Tanks (LUST) –**

The program coordinated with RIDEM's Office of Waste Management (OWM) to carry out its responsibilities for ensuring that the State's thousands of USTs and LUSTs used for petroleum products and hazardous materials are being operated and maintained in a manner to prevent impacts to human health and the environment in compliance with the RIDEM's *Rules and Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials*. The program seeks to meet that responsibility by performing compliance inspections, investigating complaints and issuing enforcement actions against owners and operators that are out of compliance with the regulations.

Inspection targets are determined based on a review of the UST Environmental Results Program (ERP). The UST ERP is a compliance assistance program administered by the RIDEM Office of Customer and Technical Assistance (OCTA). OCTA provides training workshops and plain language workbooks that clearly explain all of a facility's environmental obligations as well as proposed pollution prevention and health and safety practices. An owner/operator certifies every two years to OCTA that the facility is in compliance and will continue to be in compliance. If the facility is not in compliance, it must file a Return to Compliance Plan with a schedule for returning to compliance.

Facilities that do not submit certifications or submit certifications that appear to be erroneous are targeted for inspection by OC&I and OWM.

The program performed inspections at **58** UST facilities. **166** USTs are installed at these facilities. Of the inspections conducted, **39** UST facilities were found to be in violation (enforcement action was deemed to be warranted).

A list of the facilities inspected is shown in Appendix C.

The following are the 5 violations most frequently observed in 2010 (listed by frequency from highest to lowest):

- Failure to maintain spill containment basins, piping collection sumps and dispenser sumps free of liquids and/or solid debris.
- Failure to procure the services of a qualified person to perform annual certification or testing of leak detection equipment.
- Failure to compile and maintain inventory control records in accordance with the UST Regulations.
- Failure to perform annual groundwater evaluations (bail and check for visual and olfactory evidence of free product).
- Failure to procure the services of a licensed tightness tester to perform tightness testing of tanks and/or product pipelines.

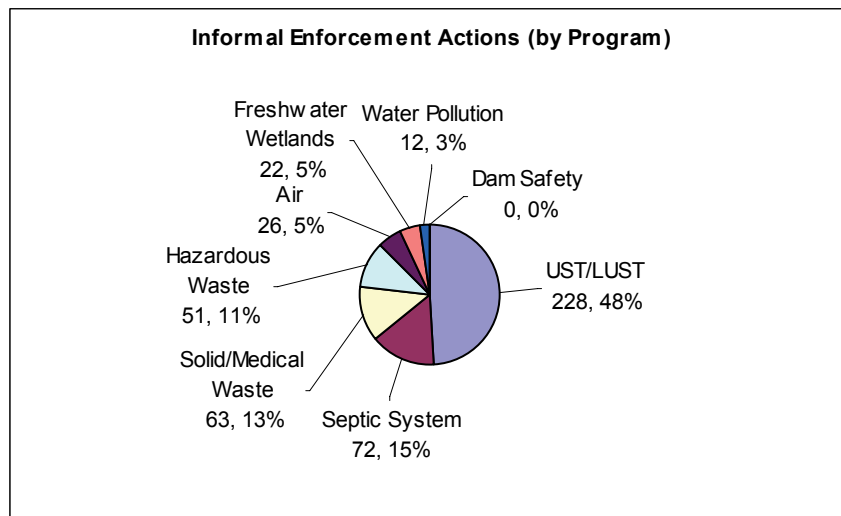
## ***Enforcement Response***

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. As described on page 3, 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 2010 OC&I began using a new type of informal enforcement action for UST violations called a Notice of Intent to Prohibit Delivery and a Notice of Delivery Prohibition. This is described further on page 42.

# *Informal Enforcement*

In 2010, OC&I issued **483** informal enforcement actions. Of the actions issued, **26** were for air violations, **24** were for freshwater wetland violations, **51** were for hazardous waste violations, **72** were for septic system violations, **63** were for solid waste violations, **235** were for UST/LUST violations, and **12** were for water pollution violations. Where performance is required, these informal enforcement actions include deadlines within which the owner or operator is expected to meet compliance.

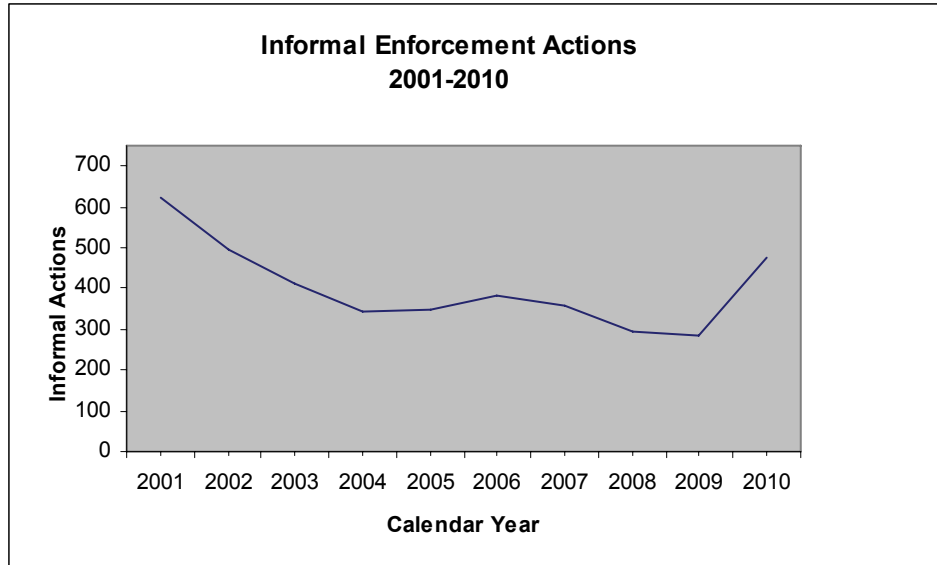
The informal enforcement actions issued by each program in 2010 (by number and percentage) are illustrated in the chart below.



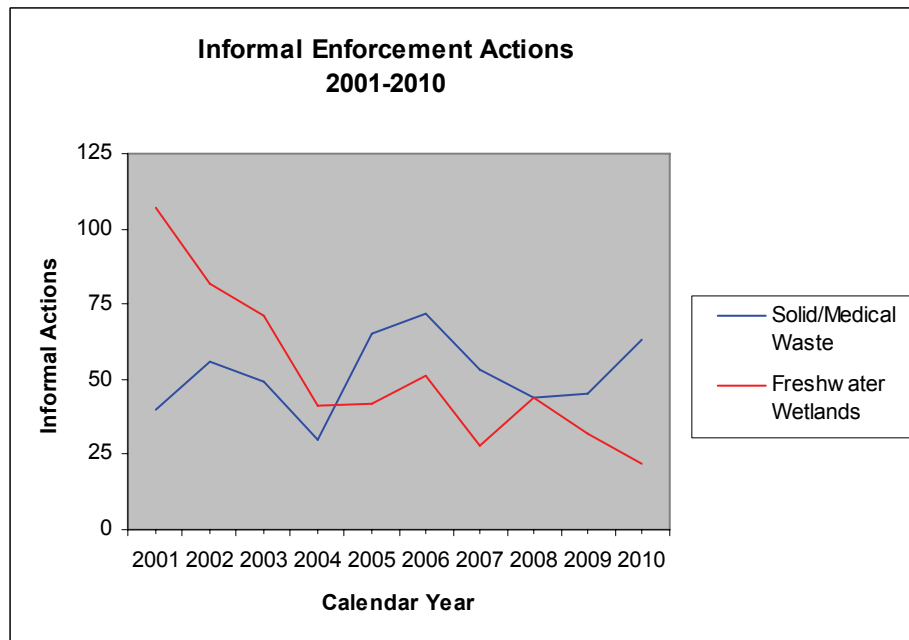
The **483** informal enforcement actions is a large increase from the **294** informal enforcement actions issued in 2009. This increase is attributable to the UST self certification program. Under the program, UST owners/operators are required to submit self certification forms to RIDEM every 2 years. OC&I issued **188** informal enforcement actions in 2010 as a result of the owners/operators failure to submit the self certification forms by the deadline. Excluding the UST self certification informal enforcement actions, the number of informal enforcement actions issued in 2010 is slightly lower than 2009.

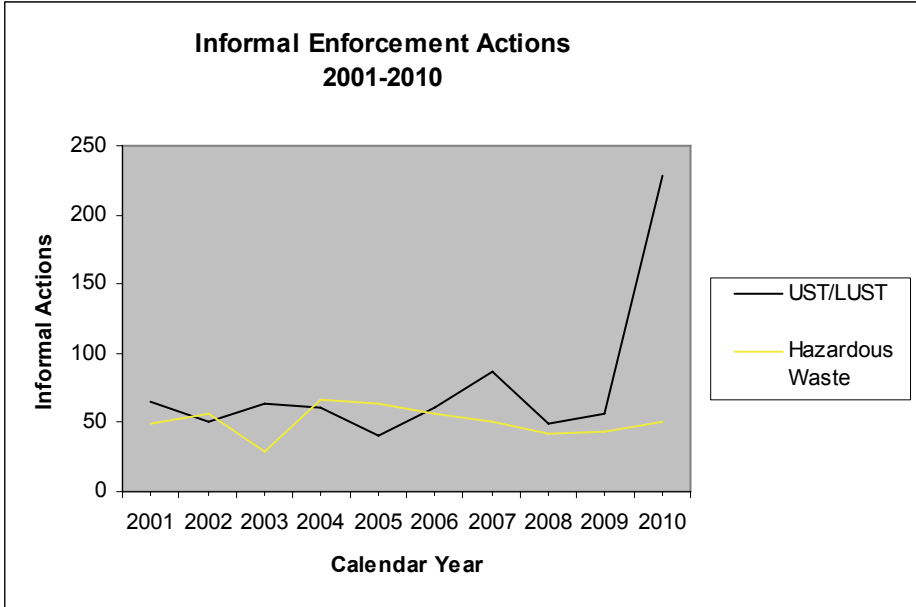
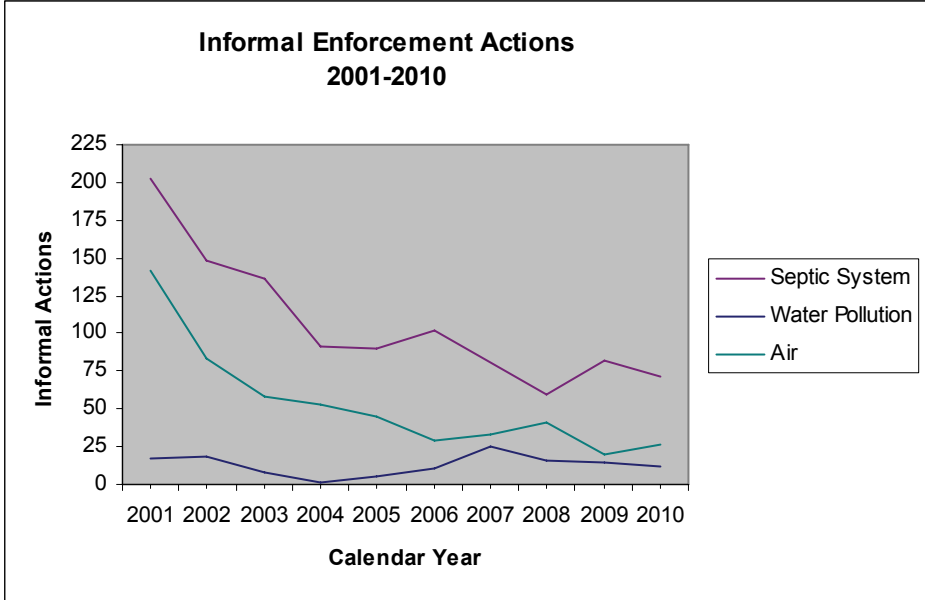


The number of informal enforcement actions issued since 2004 has been relatively consistent (again excluding the UST self certification informal enforcement actions issued in 2010), as illustrated by the graph below



The number of informal enforcement actions issued from 2001 to 2010 for the air pollution, freshwater wetlands, septic system, water pollution, solid waste/medical waste, UST/LUST and hazardous waste programs is illustrated on the graphs below.





OC&I obtains varied success with informal enforcement actions depending upon the program and the ability to issue formal enforcement actions. Overall, **248** informal enforcement actions were resolved in 2010 without formal enforcement.

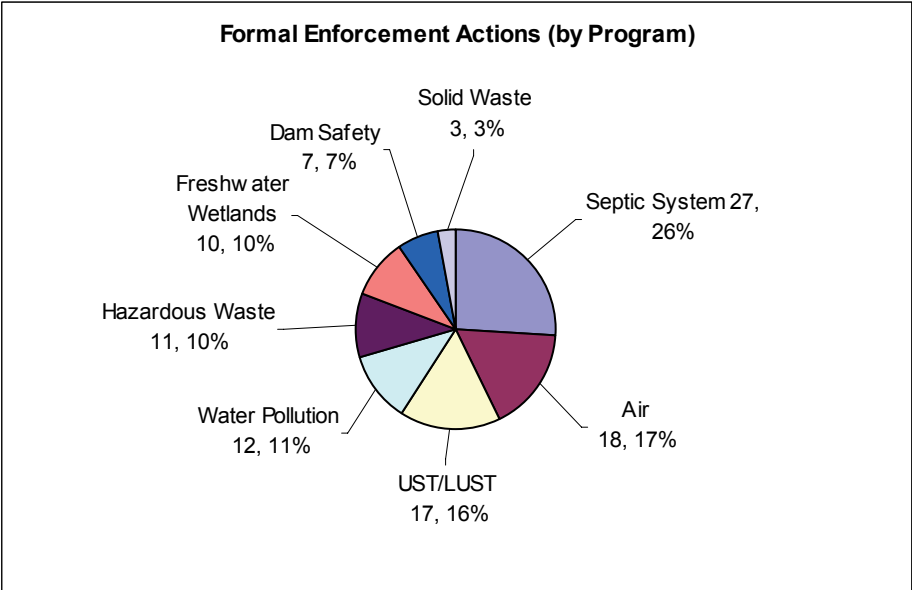
## ***Formal Enforcement***

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.

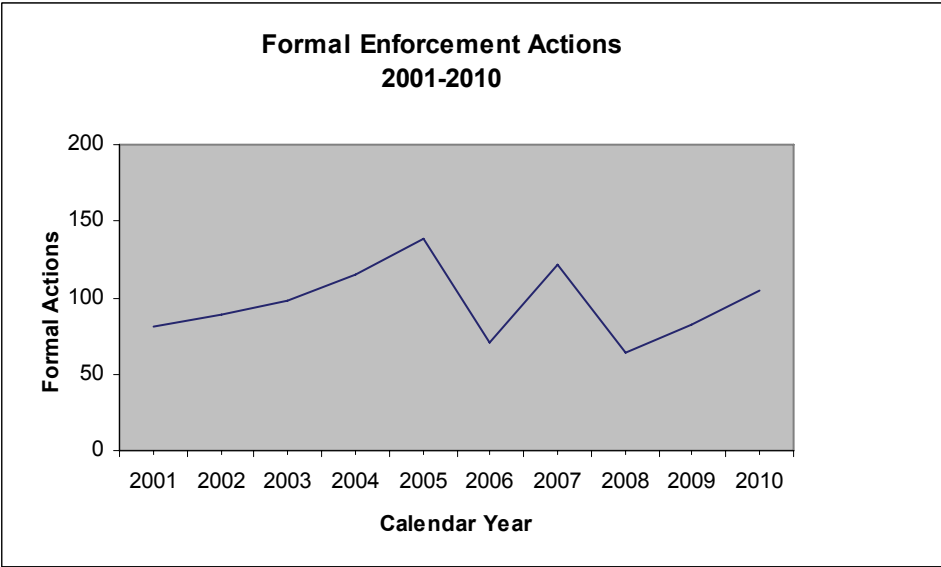
**Formal enforcement** is usually in the form of a Notice of Violation (NOV). Each NOV advises the respondent of the alleged facts that support the violation, the statutes and regulations that are alleged to have been violated, the requirements to meet compliance and usually include an administrative penalty. The requirements to meet compliance are set forth in the order portion of the NOV. The assessed penalty is developed in accordance with RIDEM's *Rules and Regulations for the Assessment of Administrative Penalties*, 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 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). Respondent/s have **20** days to appeal the NOV to the AAD. OC&I and the respondent/s may finalize a settlement of the outstanding enforcement action prior to, or even after a hearing commences. Upon completion of a hearing, the hearing officer issues a Final Decision and Order. Respondent/s or OC&I may file an appeal to contest the Final Decision and Order 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 2010, OC&I issued **105** formal enforcement actions. Each formal enforcement action can involve more than one program. Of the actions issued, **3** involved violations in more than one program. Overall, **18** were for air violations, **7** were for dam safety violations, **10** were for freshwater wetland violations, **11** were for hazardous waste violations (which includes site remediation and commercial oil pollution violations), **27** were for septic system violations, **3** were for solid waste violations, **17** were for UST violations, and **12** were for water pollution violations (which includes residential oil pollution violations).

The formal enforcement actions issued by each program in 2010 (by number and percentage) are illustrated in the chart below.



The **105** formal enforcement actions is a significant improvement over the **83** formal enforcement actions issued in 2009, as illustrated by the graph below. This improvement is a result of RIDEM’s efforts to simplify the process to issue formal enforcement actions (as described on page 6).

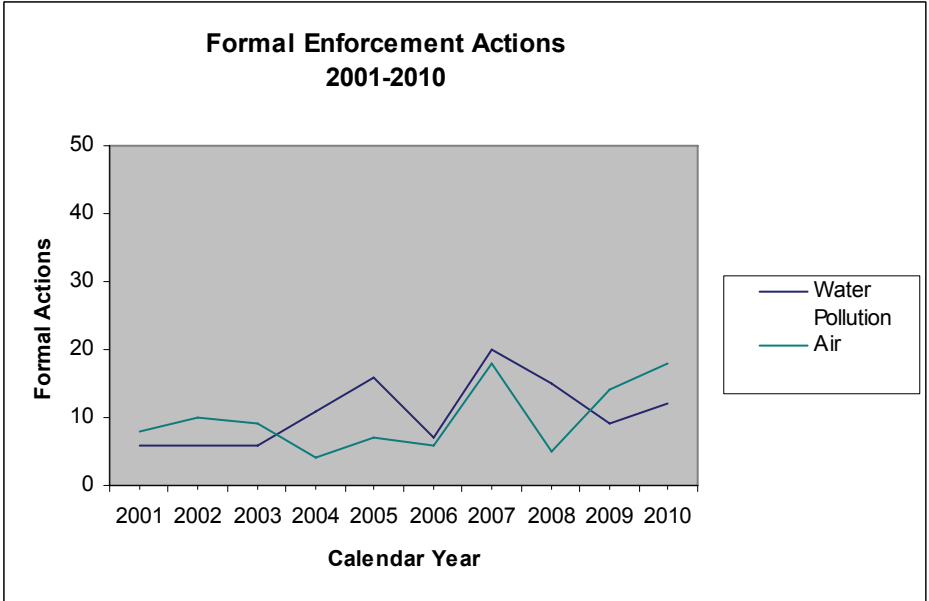
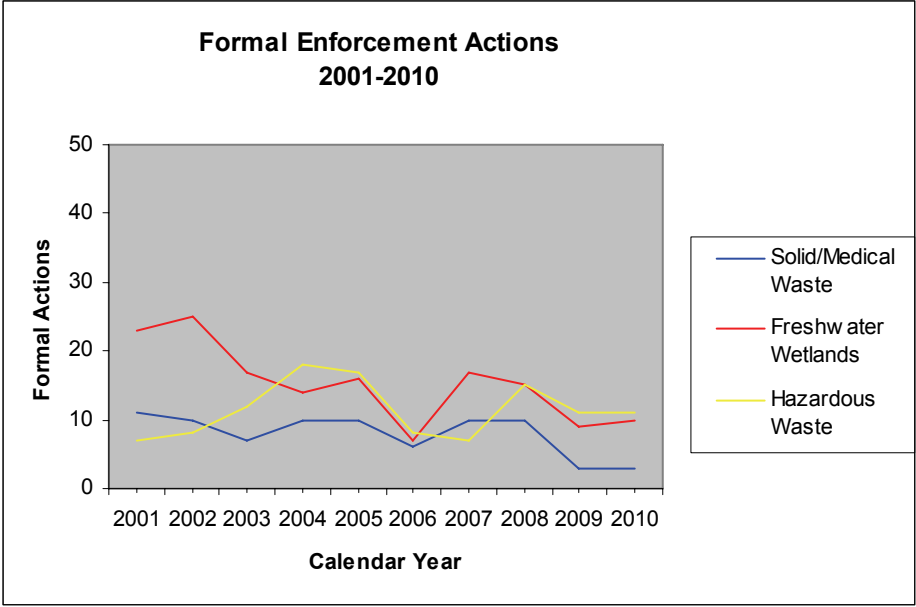


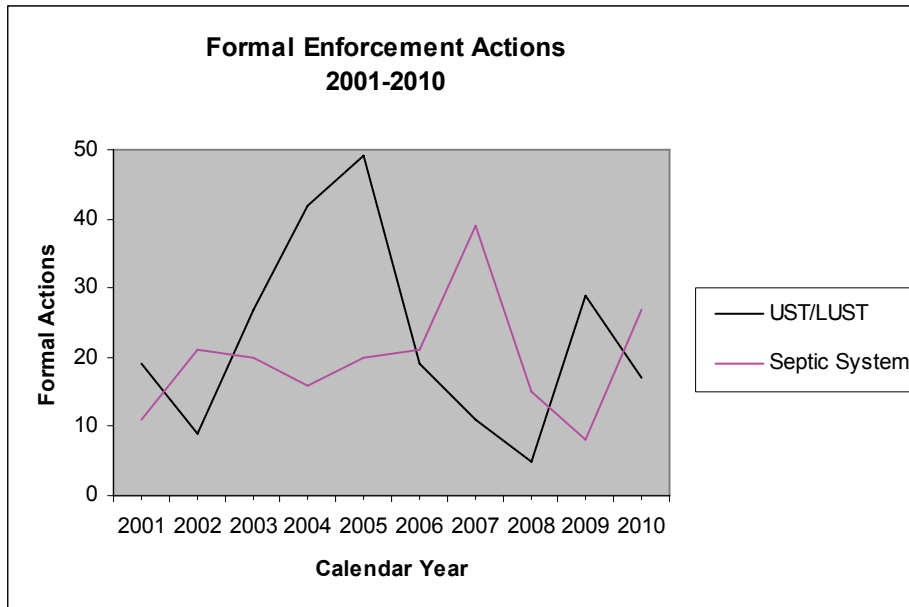
As the graph shows, sharp reductions occurred from 2005 to 2006 and from 2007 to 2008.

The sharp reduction from 2005 to 2006 was primarily the result of a reduction in the formal enforcement actions issued in the UST/LUST program from **49** in 2005 to **19** in 2006. As a result of revisions to the UST regulations adopted in 2005, owners/operators are now required to submit self certification forms to RIDEM every 2 years that evaluate the facility's compliance with the UST regulations and certify that the facility is in compliance, or if not, includes a plan to return to compliance. OC&I issued **21** formal enforcement actions in December 2005 as a result of the owners/operators failure to submit the self certification forms by the August 2005 deadline.

The sharp reduction from 2007 to 2008 was primarily the result of a reduction in the formal enforcement actions issued in the UST/LUST and the septic system programs. From 2001 to 2006 the UST/LUST program issued on average **22** formal enforcement actions per year (excluding the violations for failing to submit the self certification forms). In 2008 the program issued **5** formal enforcement actions. The reason for the reduction was a regulatory interpretation by the RIDEM Office of Legal Services (OLS) in 2007 that precluded OC&I from enforcing past noncompliance at UST facilities. The reduction in the septic system program is the result of a concerted effort in 2007 to reduce the backlog of formal enforcement cases pending issuance. The OLS agreed to forego reviewing formal enforcement actions for septic system violations based upon the extensive experience in OC&I in preparing these actions and the straightforward nature of the violations. As a result of this effort, OC&I was able to eliminate its backlog of formal enforcement actions in 2007. In 2008 the septic system program issued **15** formal enforcement actions, which is consistent with the average of **18** formal enforcement actions per year achieved from 2001 to 2006.

The number of formal enforcement actions issued from 2001 to 2010 for the air pollution, freshwater wetlands, septic system, water pollution, solid waste/medical waste, UST/LUST and hazardous waste programs are illustrated on the graphs below.



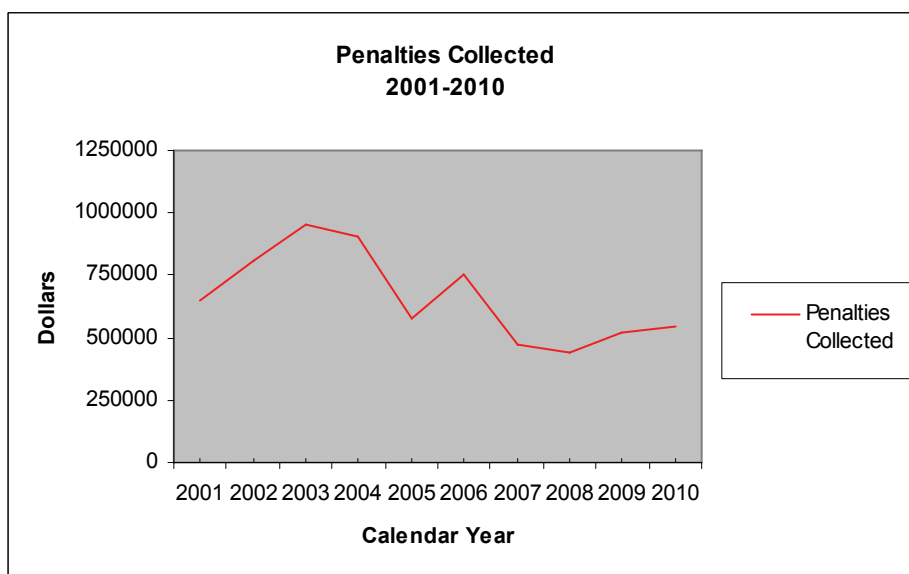
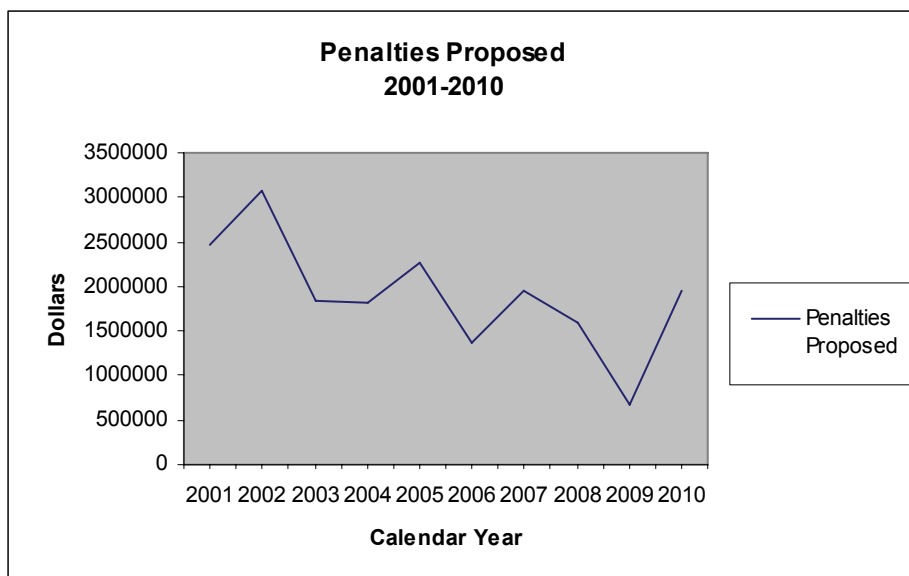


Overall, 47 formal enforcement actions were resolved and closed in 2010.

## *Administrative Penalties*

As part of the **105** formal enforcement actions issued in 2010, OC&I proposed total penalties of **\$1,950,386.60**. As a result of efforts to settle or to resolve formal enforcement actions issued over the last year or in previous years, respondent/s agreed to pay **\$663,618.00** in penalties in the form of cash and OC&I collected **\$545,430.26**.

The following graphs show the penalties proposed and collected from 2001 through 2010. The penalties proposed in 2010 is a sharp increase from 2009 and is the highest amount since 2005. The penalties collected in 2010 is slightly higher than in 2009.



OC&I also agreed to settle **2** enforcement cases by having the respondent/s conduct a **Supplemental Environmental Project (SEP)**. 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. SEPs agreed to in 2010 had an estimated value of **\$79,150.00**. For more details regarding SEPs, you can refer to RIDEM's *Policy on Supplemental Environmental Projects* in effect since April 5, 1996 and revised on July 15, 2004. The SEPs agreed to in 2010 are described in Appendix D.

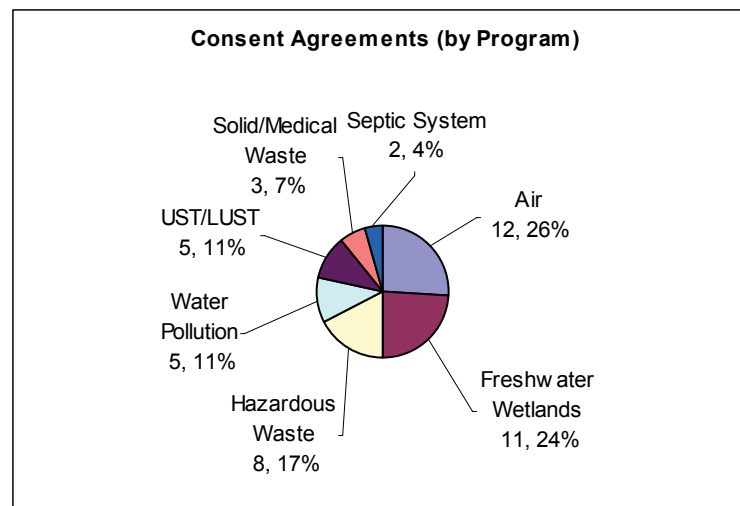


# Consent Agreements

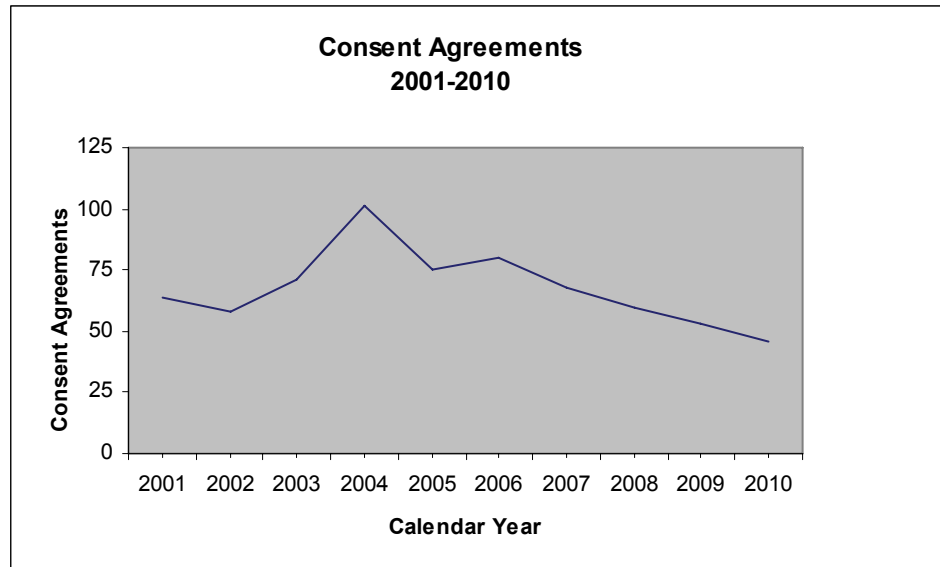
To resolve formal enforcement actions, OC&I often executes consent agreements with respondents. The purpose of such agreements is to have a document that is legally enforceable in court that sets forth how the formal enforcement action was resolved. Such documents identify what performance is required to comply with the RIDEM regulations and under what timelines the performance will be completed. Consent agreements also identify how the penalty assessed in the formal enforcement action was resolved and include a timeframe for payment of the penalty if necessary. In the event that a consent agreement requires performance, OC&I tracks the progress towards compliance.

In 2010, OC&I executed **46** consent agreements to resolve formal enforcement actions. Of the agreements executed, **12** were for air violations, **11** were for freshwater wetland violations, **8** were for hazardous waste violations (which includes site remediation and commercial oil pollution violations), **2** were for septic system violations, **3** were for solid waste violations, **5** were for UST violations, and **5** were for water pollution violations (which includes residential oil pollution violations).

The consent agreements executed by each program in 2010 (by number and percentage) are illustrated in the chart below.



The **46** consent agreements executed is a reduction from the **54** consent agreements executed in 2009 and is the lowest number of consent agreements executed since 2001, as illustrated by the graph below.



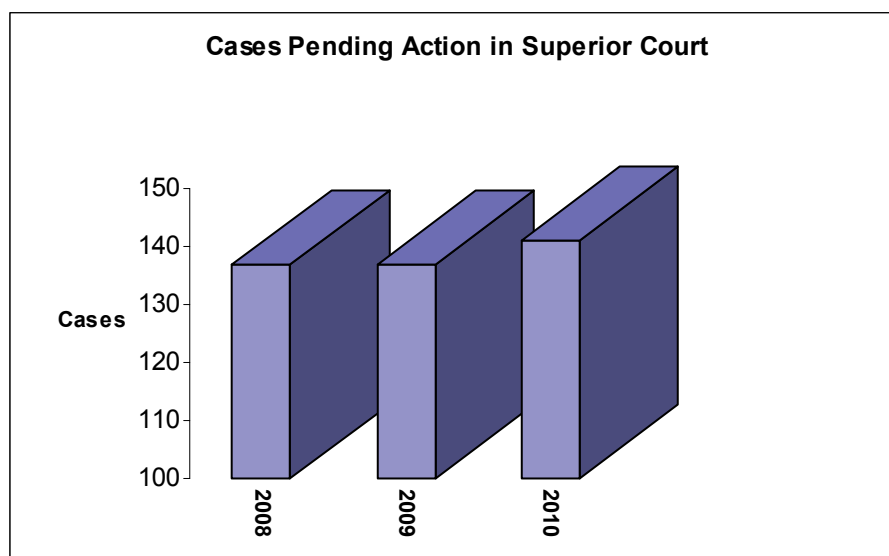
Part of the reason for the reduction in the number of consent agreements executed in 2010 was the reduction of administrative hearing officers at AAD from 3 to 1 in 2008. The loss of the 2 hearing officers delayed proceedings on contested cases, so respondents were under no pressure to settle with OC&I. One hearing officer was hired in June 2009. The second hearing officer was hired in July 2010.

## *Superior Court Activity*

At the beginning of 2010 RIDEM had a backlog of **137** cases that were pending court action. To further the effort that began in 2009 to address the backlog, OC&I developed a top 10 list of the most egregious cases. This list is updated each month and provided to RIDEM's attorneys. RIDEM and the Office of Attorney General (AG) met in March to discuss assistance that the AG could offer. The AG agreed to take the lead on **13** cases and work with OC&I and the RIDEM attorney to take the cases forward in

court. While **0** cases were filed in court in 2010, RIDEM made progress on several long-standing cases that were in court. In March RIDEM received a favorable ruling on a case involving a septic system violation. W. Michael Sullivan, Director, RIDEM vs. Ngar Chun Lew and OCWEN Loan Servicing, LLC. In October RIDEM received a favorable ruling on a case involving a UST violation. Pasco Raimondo and Susan Raimondo v. W. Michael Sullivan, Director, RIDEM. In addition, in December RIDEM and the AG received a favorable ruling on a case involving a freshwater wetland violation. W. Michael Sullivan, Director, RIDEM vs. John H. Tillinghast, Alfred E. Tillinghast and Anna Tillinghast.

Despite our efforts, no progress was made in reducing the backlog, as we ended 2010 with **141** cases. This case backlog is essentially unchanged since 2008, as shown by the graph below.



A summary of each formal enforcement action issued or resolved and Superior Court case issued or resolved since April 2000 is available at <http://www.dem.ri.gov/programs/benviron/compinsp/enfact/index.htm>.

## *Environmental Results*

So, what environmental results did the Office of Compliance and Inspection achieve in 2010?

### *Overall*

**Air Pollution** – The efforts of the program resulted in the correction of **37** air pollution violations (**16** exterior lead paint removal sites cleaned of lead paint chips and debris, **1** fugitive dust emission ceased, and **20** other violations corrected).

#### **2010 Highlight: Fast Track NOV Process**

In 2010, the Air Section of OC&I and RIDEM's Office of Air Resources fully adopted the Fast Track NOV process. This process allows NOVs to be issued in a timelier manner by eliminating some reviews by the Office of Legal Services and upper management prior to issuance. The process is used for cases where both the violation and required compliance is straight forward. Cases appropriate to the process include the failure to obtain minor source permits for boilers and/or generators and the failure to submit routine paperwork to RIDEM. Whether the violation was documented by RIDEM or self-reported by the company has a bearing on the severity of the administrative penalty assessed. For 2010, **5** Fast Track NOVs were issued with a combined penalty total of **\$7,131.00**. All of the companies cited are now properly permitted and **\$6,631.00** was collected. The expedited manner in which these NOVs were issued and in the timely manner in which the cases were settled, with the vast majority of the penalty being collected, shows that adoption of the Fast Track NOV process has been a success.

**Dam Safety** – A comprehensive report on the program accomplishments can be found at <http://www.dem.ri.gov/programs/benviron/compinsp/pdf/damrpt10.pdf>.

**2010 Highlight: The Arctic Dam, West Warwick, RI I.D. 148**

The Arctic Dam (RI ID No. 148) in West Warwick is a high hazard dam on the Pawtuxet River in West Warwick. In mid March, rain fell on the area, causing regional flooding. Over a two day period at the end of March, an additional 8 to 11 inches of rain fell on most of the State, resulting in massive flooding along the Pawtuxet River.

Conditions that affected the safety of the dam included the following:

- A river level that was typically within a few inches of the top of the earthen embankment, and reportedly rose to several inches above the dam at its peak
- Wooden flashboards, which added about 2 feet to the top of the stone spillway, were supposed to break away during an elevated river level, but failed to do so
- An overheated hydroelectric unit that shut down a couple of times during the flood conditions, causing the water level behind the dam to quickly rise by 1 or 2 inches
- Local officials that strongly resisted the dam owner's desire to manually break the flashboards to lower the river level behind the dam. The local officials were concerned with flooding conditions downstream of the dam.

The dam owner (NATCO), employees and/or their engineering consultant (RT Group, Inc.) continuously monitored the dam and spent thousands of dollars to protect the dam and downstream life and property. Actions taken included construction of a temporary bridge to allow equipment to access the left side of the dam (blocked by a building), placement of concrete blocks and several thousand sand bags on the embankment to protect the dam from overtopping and manual removal of the flashboards.



Arctic Dam on March 31, 2011

By the next day, the river level dropped about 1.5 feet below the dam. Severe erosion immediately upstream and downstream of the spillway was later discovered as a result of the flood.

**Freshwater Wetlands** – The efforts of the program resulted in the completion of **22** wetland restorations (**7.7** acres of biological wetland and **4.5** acres of regulated upland adjacent to biological wetlands). Restoration included 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.

**2010 Highlight: Wawaloam Campground, Gardiner Road, Richmond.** A violation that began with a citizen complaint in August 1999 was successfully resolved in 2010, when the owners of a private campground completed the restoration of approximately **8** acres of biological wetland (swamp, streams, forested wetland and a pond) and **3** acres of regulated upland adjacent to biological wetland that were altered as a result of their activities over a number of years. The alterations involved: excavating and expanding a

pond into the 50 foot perimeter wetland associated with the pond; filling, grading, and clearing within the perimeter wetland of the new pond to construct a dirt/gravel road; constructing a road, installing trailers/campsites with associated filling, grading, and clearing within a perimeter wetland associated with a swamp and within two 100-foot riverbank wetlands associated with two separate streams in the swamp; excavating, creating drainage ditches (in at least four locations), road construction, installation of trailers/campsites with associated filling, draining, grading, and clearing in a swamp; relocating/diverting a stream in the swamp through dredging, filling, and the placement of culverts; eliminating a portion of a second stream in the swamp through filling and relocating the remaining portion of stream; and discharging surface water and groundwater via unauthorized excavated drainage channels/ditches into the swamp, perimeter wetland, riverbank wetlands, and streams. The owners failed to comply with an informal enforcement letter that was issued by OC&I in March 2000, so in November 2003 OC&I issued an NOV and assessed a penalty of \$11,000.00. The owners filed an appeal of the NOV with AAD. Years of negotiation led to an agreement that was signed by the parties in April 2007. The owners removed the road and campsites from the swamp, recreated wetland in non-wetland areas, re-established the original stream courses, re-planted all wetland areas with trees, shrubs, and ground cover, and filed an application with RIDEM's Office of Water Resources to implement a plan to properly manage storm-water runoff from the campground. The owners paid a penalty of \$7,000.00.

**Hazardous Waste Management** – The efforts of the program resulted in **8** Large Quantity Generators of hazardous waste, **28** Small Quantity Generators of hazardous waste, and **12** other facilities that generate hazardous waste brought into compliance with the regulations.

**2010 Highlight: Horton Construction Company, Edmund Street, East Providence.**

In April OC&I received a referral from RIDEM's Office of Emergency Response regarding a large number of drums holding unknown materials stored outside on a potentially vacant property on Edmund Street in East Providence. OC&I inspected the property and observed from the road a large number of 55-gallon drums partially covered by a plastic tarp and numerous other containers strewn about the lot. The inspector noticed that several of the drums and containers were marked with U.S.

Department of Transportation labels indicated that the contents were originally hazardous materials. A “for sale” sign was posted on the premises. The inspector contacted the real estate agent who notified him that the property was formerly owned by Horton Construction Company, which was out of business. The inspector learned that the company had filed for bankruptcy protection and the drums and containers were on a separate lot from the building which formerly housed the construction company. A follow up inspection revealed 149 containers holding chemical materials stored on the lot. Several of these containers were marked with hazardous waste labels and many of the containers were heavily rusted and in poor condition. Samples collected from 13 containers determined that 11 held hazardous waste. OC&I directed the receiver to take immediate steps to properly remove the abandoned drums and containers from the property and ship them to a licensed hazardous waste treatment, storage and disposal facility. A total of approximately 149 drums and containers holding abandoned chemical materials were safely disposed.

**On-Site Wastewater Treatment System (OWTS or Septic System)** – The efforts of the program resulted in the correction of **42** septic system violations (**33** sewage overflows, **5** laundry discharges, **2** illegally installed septic systems, and **3** other violations).

**2010 Highlight: Sewage Overflow from an OWTS for a Dwelling/Commercial Building, Mapledale Street, Coventry.**

OC&I received complaints in late 2009 and early 2010 from residents and a State senator about the overflow of sewage onto the surface of the ground from an OWTS serving a 3 family dwelling and commercial building on Mapledale Street in Coventry. The overflow created a swath of sewage (ice at times) that drained into the street and into a storm drain that ultimately discharged to the south branch of the Pawtuxet River. The exact volume of sewage could not be determined; however, based on the size of the dwelling and commercial building and the forty foot swath of sewage ice that was observed by the OC&I inspector, the volume was significant. In May 2010 OC&I issued an NOV to the owner ordering correction of the violation. The owner complied with the order within three months, obviating the risk to human health to the residents in the neighborhood and the environmental impact to the Pawtuxet River.



**Solid Waste/Medical Waste** – The efforts of the program resulted in the correction of **83** solid waste violations (approximately **25,357** cubic yards of solid waste and **810** used tires were removed from the environment and properly disposed).

**2010 Highlight: Patriot Hauling Company, Inc. and Joseph and Nina Vinagro, Shun Pike, Johnston**

A violation that began with a citizen complaint in October 1999 was successfully resolved in 2010, when the owners obtained an approval from RIDEM to legally operate their solid waste management facility on Shun Pike in Johnston. OC&I documented that the owners were undertaking the following activities: landfilling solid waste; operating an unlicensed solid waste management facility including processing more than 50 tons per day of construction and demolition (C&D) debris; operating a facility that accepts or stores co-mingled recyclable materials including wood waste and C&D debris; and operating outside the confines of a closed structure. In May 2008 OC&I issued an NOV ordering the owners to cease operating a solid waste management facility and properly dispose of all waste on the property at a licensed facility. A penalty of \$300,000.00 was assessed. The owners filed an appeal of the NOV with AAD. Prior to an administrative hearing, the parties settled the case. The owners agreed to apply to RIDEM's Office of Waste Management for a license to operate the facility. OC&I agreed to allow the owners to operate on an interim basis in accordance with an interim operating plan, which included restrictions to protect public health and the environment. The owners also agreed to pay a penalty of \$150,000.00. The owners agreed to pay \$75,000.00 in cash and perform a SEP valued at \$75,000.00, which is described in Appendix D.

**Underground Storage Tanks (UST)/Leaking Underground Storage Tanks (LUST) –**  
The efforts of the program resulted in **45** UST facilities (**126** individual USTs) brought into compliance with the regulations.

### **2010 Highlight: Delivery Prohibition Process**

In 2010, the UST Section of OC&I and RIDEM's Office of Waste Management and Office of Legal Services adopted the Delivery Prohibition process. This process allows RIDEM to prohibit delivery of fuel to facilities that are non-compliant with specific requirements within RIDEM's UST regulations. The process is used for cases where the facility has failed to comply with an informal enforcement action in lieu of issuing a formal enforcement action. OC&I found that in many cases facilities were ignoring the formal enforcement action and that violations observed in prior inspections for which the facility was cited in the formal enforcement action years ago were continuing. The process starts with a Notice of Intent to Prohibit Delivery (NIPD). It identifies the violations and the actions necessary to bring the facility into compliance. Typically, the facility is given 60 days to comply with the NIPD. The NIPD states that if the facility fails to comply, RIDEM will proceed with prohibiting the delivery of fuel until the violations are corrected. To prohibit delivery, RIDEM issues a Notice of Delivery Prohibition (NDP) to the facility operator and the owner and affixes locks and red tags to the fill ports of the USTs that are non compliant. The NDP states that the locks and tags will remain affixed to the fill ports until the facility comes into compliance. For 2010, **7** NIPDs and **2** NDPs were issued. All of the facilities cited quickly came into compliance, which shows that adoption of the Delivery Prohibition process has been a success.

**Water Pollution** – The efforts of the program resulted in the correction of **17** water pollution violations (involving discharges of soil/sediment, sewage, storm water, and other pollutants).

**2010 Highlight: Sewage Discharge from Atlantic Mill, Manton Avenue, Providence**

OC&I received a complaint on April 8, 2010 from employees at a medical building about odors and sewage discharging directly to the Woonasquatucket River from a sewer line that served a mill with multiple industrial/commercial tenants on Manton Avenue in Providence. The OC&I inspector determined that the cause of the discharge was a broken sewer line suspended to the underside of a bridge that crossed over the river. The duration and volume of the discharge could not be determined; however, based on the size and use of the mill building, the volume was significant. The OC&I inspector spoke with a representative for the owner on April 29th and advised the representative that the pipe required immediate repair. The owner responded immediately, and the sewer line was repaired on May 10th.

## ***Around the State***

OC&I's activities in 2010 occurred in every city and town. One case from each city and town has been highlighted to give the reader a sense of the types of activities that OC&I regulates.

**Barrington:** In May OC&I inspected a property on Lantern Lane in response to a complaint about improper removal of lead paint from a house. The inspector identified a violation and required the contractor to clean the property. The property was cleaned up within 3 days.

**Bristol:** In October OC&I resolved a long-standing hazardous waste violation on property located on Wood Street. The violation involved abandoned containers of hazardous waste. As part of settlement of the case, the containers were properly removed and disposed.

**Burrillville:** In January OC&I inspected a property located on Buck Hill Road. The inspection revealed alterations to a swamp, pond and perimeter wetland. The inspector advised the owner of the actions needed to restore the wetlands, and the work was completed by May.

**Central Falls:** In August OC&I resolved a long-standing solid waste violation on property located on Bagley Street. The owner removed and properly disposed of 62 cubic yards of solid waste deposited on the ground.

**Charlestown:** In August OC&I resolved a long-standing solid waste violation on property located on Prosser Trail. The owner removed and properly disposed of 155 cubic yards of solid waste deposited on the ground.

**Coventry:** In August OC&I resolved a long-standing septic system violation on property located on Hopkins Hill Road. The violation involved the overflow of sewage from the system to the ground surface. The property was foreclosed, and the bank connected the dwelling at the property to town sewers.

**Cranston:** In May OC&I inspected a property on Betsey Williams Drive in response to a complaint about improper removal of lead paint from a house. The inspector identified a violation and required the contractor to clean the property. The property was cleaned up within 10 days.

**Cumberland:** In June OC&I resolved a long-standing freshwater wetland violation on property located on Eagle Drive. The violation involved alterations to an Area Subject to Storm Flowage (ASSF). The owners allowed the ASSF to naturally recover.

**East Greenwich:** In June OC&I inspected a property on South County Trail in response to a complaint about fugitive dust. The inspector did not identify a violation at the time of the inspection.

**East Providence:** In February OC&I resolved a hazardous waste violation/s at NERL Diagnostics. A compliance monitoring inspection revealed violation/s that were quickly corrected by the company.

**Exeter:** In June OC&I resolved a long-standing solid waste violation on property located on Nooseneck Hill Road. The owner removed and properly disposed of 106 cubic yards of solid waste deposited on the ground.

**Foster:** In February OC&I resolved a long-standing septic system violation on property located on Danielson Pike. The violation involved the overflow of sewage from two separate systems to the ground surface (one for a dwelling and the other for a 6 unit motel). The owners repaired the systems and paid the administrative penalties that were assessed.

**Glocester:** In October OC&I resolved a long-standing freshwater wetland violation on property located on Waterman Lake Drive. The violation involved alterations to a wetland complex and perimeter wetland adjacent to Waterman Lake. The owner restored the altered wetlands to resolve the violation.

**Hopkinton:** In April OC&I resolved a septic system violation on property located on Hillside Avenue. The violation involved the discharge of laundry waste to the ground surface. The owner resolved the violation by connecting the washing machine to the main building drain.

**Jamestown:** In December OC&I resolved UST violations at a marina owned by Conanicut Marine Services on Walcott Avenue. A compliance monitoring inspection revealed violation/s that were quickly corrected by the company.

**Johnston:** In September OC&I resolved a water pollution violation on property located on Plainfield Pike. The violation involved the discharge of oil and other pollutants from an auto body shop into an underground injection control (UIC) system that was installed without approval by RIDEM. The owner resolved the violation by properly closing the UIC system.

**Lincoln:** In July OC&I inspected a property on Pleasant Street in response to a complaint about improper removal of lead paint from a house. The inspector identified a violation and required the contractor to clean the property. The property was cleaned up within 30 days.

**Little Compton:** In April OC&I resolved a long-standing solid waste violation on property located on Colebrook Road. The owners removed and properly disposed of 327 cubic yards of solid waste deposited on the ground.

**Middletown:** In December OC&I resolved a hazardous waste violation/s at Bruce Beard Automotive on West Main Road. A compliance monitoring inspection revealed violation/s that were quickly corrected by the company.

**Narragansett:** In March OC&I resolved a hazardous waste violation/s at DeWal Industries on Ray Trainor Drive. A compliance monitoring inspection revealed violation/s that were quickly corrected by the company.

**Newport:** In June OC&I inspected a property on Bayview Avenue in response to a complaint about improper removal of lead paint from a house. The inspector identified a violation and required the contractor to clean the property. The property was cleaned up within 1 day.

**New Shoreham:** In December OC&I resolved UST violations at Champlin's Marina. on Westside Road. A compliance monitoring inspection revealed violation/s that were corrected by the company within 3 months.

**North Kingstown:** In June OC&I resolved UST violations at Wickford Service, a gasoline service station on Boston Neck Road. A compliance monitoring inspection revealed violation/s that were quickly corrected by the company.

**North Providence:** In January OC&I resolved a hazardous waste violation/s at North American Auto Sales Annex on Charles Street. A compliance monitoring inspection revealed violation/s that were quickly corrected by the company.

**North Smithfield:** In November OC&I resolved a long-standing water pollution violation located on property on Branch Avenue. The violation involved an overflow pipe that was connected from a septic system and was discharging to a suspected surface water. The owner resolved the violation by removing the pipe.

**Pawtucket:** In December OC&I resolved a septic system violation on property located on Lauder Avenue. The violation involved an overflow of sewage to the ground surface from a septic system. The owner resolved the violation by connecting the plumbing for the dwelling to the city sewers.

**Portsmouth:** In August OC&I resolved longstanding UST violations at Homestead Service Station, a gasoline service station on Prudence Island. A compliance monitoring inspection revealed the violation/s. The owners corrected the violations and paid the administrative penalties that were assessed.

**Providence:** In January OC&I resolved a water pollution violation at Glens Falls Lehigh Cement Company located on Terminal Road. The violation involved the failure to comply with its water discharge permit, specifically, its failure to timely submit discharge monitoring reports to RIDEM. The company submitted the required reports and paid an administrative penalty to resolve the violation.

**Richmond:** In November OC&I resolved a long-standing water pollution violation at Kenyon Industries located on Sherman Avenue. The violation involved the failure to comply with its water discharge permit, specifically, its failure to meet discharge limits for various pollutants. The company installed equipment to meet its discharge permit limits, paid an administrative penalty and completed two Supplemental Environmental Projects (SEPs) to resolve the violation.

**Scituate:** In January OC&I resolved UST violations at the Providence Water Supply Board (PWSB) water treatment facility located on North Road. A compliance monitoring inspection revealed violation/s that were corrected by the PWSB.

**Smithfield:** In December OC&I resolved an air pollution violation at ACN Providence, a company located on George Washington Highway. The violation involved the failure to comply with its air permit, specifically, its failure to use a coating product that complied with the permit. The company changed its coating product and paid an administrative penalty to resolve the violation.

**South Kingstown:** In October OC&I resolved a solid waste violation on property located on Broad Rock Road. The owners removed and properly disposed of 304 cubic yards of solid waste deposited on the ground.

**Tiverton:** In June OC&I resolved a septic system violation on property located on Main Road. The violation involved an overflow of sewage to the ground surface from a septic system. The owner resolved the violation by installing low flow fixtures and removing the washing machine. A subsequent evaluation of the system by a licensed septic system designer determined that the system was functioning properly.

**Warren:** In June OC&I resolved a solid waste violation on property located on Market Street. The owners removed and properly disposed of 1028 cubic yards of solid waste deposited on the ground.

**Warwick:** In November OC&I resolved a water pollution violation at Rhode Island Mall located on the corner of Bald Hill Road and East Road. The violation involved the failure to comply with its water discharge permit, specifically, its failure to timely submit discharge monitoring reports to RIDEM. The company submitted the required reports and paid an administrative penalty to resolve the violation.

**West Greenwich:** In December OC&I resolved a long-standing freshwater wetland violation on property located on Victory Highway. The violation involved alterations to a swamp and perimeter wetland. The owner restored the altered wetlands and paid an administrative penalty to resolve the violation.



**Westerly:** In December OC&I resolved an air pollution violation at Bradford Printing & Finishing, a company located on Bradford Road. The violation involved the failure to comply with its air permit, specifically, its failure to limit its use of certain equipment only during an emergency. The company disabled the equipment to prevent its use in the future and paid an administrative penalty to resolve the violation.

**West Warwick:** In January OC&I resolved a long-standing freshwater wetland violation on property located on Greenhill Street. The violation involved alterations to a riverbank wetland. The owner restored the altered wetlands to resolve the violation.

**Woonsocket:** In July OC&I resolved a long-standing water pollution violation involving Cass Pond, which is located adjacent to Cass Avenue and is owned by the city. The violation involved the discharge of water containing iron from a rusted water control valve in the pond. The discharge was causing the formation of iron fixing bacteria in a stream below the pond and a reddish growth within the stream. The city removed the valve to resolve the violation.

## ***Training***

OC&I staff attended **17** separate training courses in 2010. The courses were provided by the Rhode Island Department of Administration Office of Training and Development (OTD), the Northeast Environmental Enforcement Project (NEEP), the Rhode Island Fire Academy, the Rhode Island Emergency Management Agency (RIEMA), the New England Interstate Water Pollution Control Commission (NEIWPC), Eastern Technical Associates (ETA), the Environmental Protection Agency (EPA), the Federal Emergency Management Agency (FEMA), the Association of State Dam Safety Officials (ASDSO), the New England Consortium, and the Northeast Waste Management Officials Association (NEWMOA). A list of the courses and number of staff who attended each course is shown in Appendix E.

## ***Questions***

Questions on 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: 401.222.1360 ext. 7400).

## **Appendix A: Facilities Inspected for Compliance Monitoring—Air Pollution Program**

<b>Facility Name/Site/Address</b>	<b>City/Town</b>	<b>Fully Compliant at the Time of the Inspection</b>
8 Devonshire Drive	Barrington	Yes
8 Lantern Lane	Barrington	Yes
299 Hope Street	Bristol	Yes
14 Betsey Williams Drive	Cranston	Yes
PJ Keating 875 Phenix Avenue	Cranston	Yes
Annina Sand & Gravel 162 Colvintown Road	Coventry	Yes
Centre of New England Lydia Road (area of)	Coventry	Yes
T. Miozzi 75 Airport Road	Coventry	Yes
181 Grand Avenue	Cranston	Yes
273-275 Oaklawn Avenue	Cranston	Yes
62 Sefton Drive	Cranston	Yes
Todd Enterprises 530 Wellington Avenue	Cranston	Yes
City of Cranston WWTF 140 Pettaconsett	Cranston	Yes
North Eastern Tree Service 1000 Pontiac Avenue	Cranston	Yes
PVR Windup 1 Dexter Road	East Providence	Yes
RI Resource Recovery Corp 65 Shun Pike	Johnston	Yes
Florida Power & Light 24 Shun Pike	Johnston	Yes

**Appendix A: Facilities Inspected for Compliance Monitoring—Air Pollution Program**

<b>Facility Name/Site/Address</b>	<b>City/Town</b>	<b>Fully Compliant at the Time of the Inspection</b>
15 Dove Street	Providence	Yes
16 Elmway Street	Providence	Yes
16 Hammond Street	Providence	Yes
182-184 Rochambeau Avenue	Providence	Yes
Parillo, GA Construction 14 Priscilla Lane	Johnston	Yes
Vinagro Pig Farm 23 1/2 Green Hill Road	Johnston	Yes
44 Pleasant Street	Lincoln	Yes
Stone House Restaurant 122 Sakonnet Point	Little Compton	Yes
10-12 Bayview Avenue	Newport	Yes
121 Rhode Island Avenue	Newport	Yes
Dwyer Insurance 38 Bellevue Avenue	Newport	Yes

## Appendix A: Facilities Inspected for Compliance Monitoring—Air Pollution Program

Facility Name/Site/Address	City/Town	Fully Compliant at the Time of the Inspection
City of Newport WWTF 250 J.T. Connell Road	Newport	Yes
Senesco 10 McNaught Street	North Kingstown	Yes
21 Towanda Drive	North Providence	Yes
Lowes 1730 Mineral Spring Avenue	North Providence	Yes
76 Basswood Avenue	North Providence	Yes
1 Hooker Street	Providence	Yes
102 Ontario Street	Providence	Yes
120-122 Calvery Street	Providence	Yes
128-130 Lexington Avenue	Providence	Yes
232 Carleton Street	Providence	Yes
43-45 Hudson Street	Providence	Yes
47 Woodbury Street	Providence	Yes
49 Tabor Avenue	Providence	No
54 Sycamore Street	Providence	Yes
55 Murray Street	Providence	Yes
567-569 Pleasant Valley Parkway	Providence	Yes
59 Netop Drive	Providence	Yes

## Appendix A: Facilities Inspected for Compliance Monitoring—Air Pollution Program

Facility Name/Site/Address	City/Town	Fully Compliant at the Time of the Inspection
710 River Street	Providence	Yes
72 Hope Street	Providence	Yes
72 E Manning Street	Providence	Yes
82 Marshall Street	Providence	Yes
Brian's Repair Shop 303 Bailey Court	Providence	Yes
Capco Steel 33 Acorn Street	Providence	Yes
Capco Auto Body 30 Acorn Street	Providence	Yes
Eastern Butcher Block 25 Eagle Street	Providence	Yes
Licht Properties Kinsley Street (area of)	Providence	Yes
Geoff's Deli 163 Benefit Street	Providence	No
Narragansett Improvement Co 223 Allens Avenue	Providence	Yes
Freeman's Food Service 10 Rosario Drive	Providence	Yes
Promet Marine Services Corp 242 Allens Avenue	Providence	Yes
Deborah Street and Mullen Street (area of)	Warwick	Yes
Graham Street (area of)	Warwick	Yes
30 Corona Street (area of)	Warwick	Yes
7 Margin Street	Westerly	Yes
Town of West Warwick WWTF 1 Pontiac Avenue	West Warwick	Yes

## Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste Program

Facility Name/Address	City/Town	LQG/SQG	Fully Compliant at the Time of the Inspection
Charisma Manufacturing Co. 400 Broad Street	Central Falls	LQG	No
Portola Tech International 35 Martin Street	Cumberland	LQG	No
Teknicote Inc 2 Titus Street	Cumberland	SQG	No
Cumberland Collision 1400 Diamond Hill Road	Cumberland	SQG	No
E.H. Ashley Co 1 White Squadron Road	East Providence	SQG	No
Carla Construction 33 Sutton Avenue	East Providence	SQG	No
Matrix Inc 1 Catamore Boulevard	East Providence	SQG	Yes
Organic Dyestuffs Corp 66 Valley Street	East Providence	SQG	No
W.R.Cobb Company 800 Waterman Avenue	East Providence	SQG	No
Signature Printing, Inc 5 Almeida Avenue	East Providence	SQG	No
The Real Reel Corp 50 Taylor Drive	East Providence	SQG	No
Omni Color Printing 331 North Broadway	East Providence	SQG	No
Tahoe Jewelry Inc 20 J Medeiros Way	East Providence	SQG	No
Hope Valley Auto Body 894 Main Street	Hopkinton	SQG	No

## Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste Program

Facility Name/Address	City/Town	LQG/SQG	Fully Compliant at the Time of the Inspection
American Kuhne, Inc. 401 Main Street	Hopkinton	SQG	No
National Grid George Washington Highway	Lincoln	LQG	Yes
Chemart Company 11 New England Way	Lincoln	LQG	No
INSCO Inc 17 Powder Hill Road	Lincoln	SQG	No
Mandeville Signs, Inc 676 George Washington Highway	Lincoln	SQG	No
Crowther Auto Body 3 Lower Road	Lincoln	SQG	No
Neurotech USA 701 George Washington Highway	Lincoln	SQG	No
Symmetry Products 55 Industrial Circle	Lincoln	SQG	No
Bruce Beard Automotive 1180 West Main Road	Middletown	SQG	No
University of Rhode Island South Ferry Road	Narragansett	LQG	No
SENECO Marine 1390 Roger Williams Way	North Kingstown	LQG	No
Electric Boat Corp 165 Dilabur Avenue	North Kingstown	LQG	No
Auto Service Auto Body 165 Frenchtown Road	North Kingstown	SQG	No
Blue Sun Super Service 165 Frenchtown Road	North Kingstown	SQG	No
New England Testing Lab 1254 Douglas Avenue	North Providence	SQG	No

## Appendix B: Facilities Inspected for Compliance Monitoring—Hazardous Waste Program

Facility Name/Address	City/Town	LQG/SQG	Fully Compliant at the Time of the Inspection
Providence Metalizing Co 51 Fairlawn Avenue	Pawtucket	LQG	No
BLD Specialties 86 Harris Street	Pawtucket	SQG	Yes
Hasbro, Inc 1027 Newport Avenue	Pawtucket	SQG	No
Memorial Hospital 111 Brewster Street	Pawtucket	SQG	No
National Grid 280 Melrose Street	Providence	LQG	Yes
National Grid 642 Allens Avenue	Providence	LQG	Yes
Brown University Main Campus 164 Angell Street	Providence	LQG	Yes
Monarch Metal Finishing Co 189 Georgia Avenue	Providence	LQG	No
Modern Industries 242 West Exchange Street	Providence	SQG	No
University of Rhode Island 177 Plains Road	South Kingstown	LQG	No
R & A Auto Body, LLC 207 Stafford Road	Tiverton	SQG	Yes
Pease & Curran Inc 75 Pennsylvania Avenue	Warwick	LQG	No
New England Union Company 107 Hay Street	West Warwick	LQG	No
Polyurethane Molding Industries 100 Founders Drive	Woonsocket	SQG	No



## Appendix C: Facilities Inspected for Compliance Monitoring—UST Program

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Shell Service Station 242 County Road	Barrington	96	Yes
Cumberland Farms #3867 390 Metacom Avenue	Bristol	3701	Yes
Khout Gas 1051 Lonsdale Avenue	Central Falls	1477	No
King's Service Center 890 Dexter Street	Central Falls	3197	No
Broad Street Shell 957 Broad Street	Central Falls	914	No
Hess #39500 475 Reservoir Avenue	Cranston	874	Yes
Arkwright Advance Coating 538 Main Street	Coventry	1484	No
Cumberland Farms #3844 1600 Nooseneck Hill Road	Coventry	772	No
Cumberland Farms #3841 436 Knotty Oak Road	Coventry	770	No
Murphy's Mobil 2291 Flat River Road	Coventry	2722	No
Coventry Mart 1100 Main Street	Coventry	766	No
Hess #39210 764 Tiogue Avenue	Coventry	304	Yes
Coventry Xtra Mart 851 Tiogue Avenue	Coventry	615	Yes
Trailside Marina 19 Indian Trail	Coventry	1861	Yes
Town of Coventry Highway Dept 1668 Flat River Road	Coventry	1396	No
Shell Service Station 866 Tiogue Avenue	Coventry	786	Yes
Cumberland Farms #3869 3440 Mendon Road	Cumberland	3699	Yes

## Appendix C: Facilities Inspected for Compliance Monitoring—UST Program

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Equity National 50 Jordan Street	East Providence	2573	Yes
Citizens Bank One Citizens Drive	East Providence	2998	No
Crescent Park Manor 243 Crescent View Avenue	East Providence	18203	No
Conanicut Marine Services One Ferry Wharf	Jamestown	1866	No
Thames Street Shell 560 Thames Street	Newport	802	Yes
Coffey's Service Station 48 Touro Street	Newport	734	No
Newport Xtra Mart 27 Memorial Boulevard	Newport	586	Yes
Champlin's Marina West Side Road	New Shoreham	1186	No
Ballard's Service Center 596 Corn Neck Road	New Shoreham	720	No
Wickford Service 590 Boston Neck Road	North Kingstown	3237	No
Brewer Wickford Cove Marina 65 Reynolds Street	North Kingstown	473	No
7-Eleven #33099 7330 Post Road	North Kingstown	18924	Yes
New England Motor Freight 400 Division Street	Pawtucket	1948	No
Goff Gas 75 Goff Avenue	Pawtucket	544	No
Landry & Martin Oil Co, Inc 362 Central Avenue	Pawtucket	281	No

## Appendix C: Facilities Inspected for Compliance Monitoring—UST Program

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Jeha's Citgo 76 Newport Avenue	Pawtucket	431	No
Fogarty Manor 175 Broad Street	Pawtucket	Not registered	No
Kennedy Manor 175 Broad Street	Pawtucket	3540	No
Irving 3302 East Main Road	Portsmouth	1969	No
Cory's Citgo 716 Hartford Avenue	Providence	3035	No
Fleet Master 9 Hylestead Street	Providence	659	No
Brown University 11 Benevolent Street	Providence	18398	Yes
Brown University 171 Meeting Street	Providence	3015	Yes
Mobil #13179 389 Elmwood Avenue	Providence	1522	Yes
Coletta's Downtown Auto Service 425 Richmond Street	Providence	395	Yes
The Federal Center 380 Westminster Street	Providence	3681	No
Bank of America 125 Dupont Drive	Providence	1879	Yes
Rhode Island Hospital 593 Eddy Street	Providence	3008	Yes
Women & Infants Hospital 101 Dudley Street	Providence	2875	No

## Appendix C: Facilities Inspected for Compliance Monitoring—UST Program

Facility Name/Address	City/Town	Facility I.D. No.	Fully Compliant at the Time of the Inspection
Ravi 1348 Chalkstone Avenue	Providence	612	No
Cory's Service Station 676 Putnam Pike	Smithfield	456	No
Point Judith Marina 360 Gooseberry Road	South Kingstown	139	Yes
Snug Harbor Marina 410 Gooseberry Road	South Kingstown	1841	No
Wakefield Service 186 Main Street	South Kingstown	2779	No
South County Hospital 100 Kenyon Avenue	South Kingstown	2857	No
Kingston Convenience Mart 2360 Kingstown Road	South Kingstown	307	No
Valero 623 Metacom Avenue	Warren	3083	No
Valero 855 Post Road	Warwick	1622	No
Green Valley Oil Station #68003 1015 Sandy Lane	Warwick	901	No
Centrex Distributors 119 Hopkins Hill Road	West Greenwich	2820	No
Route 126 Mart 1023 Social Street	Woonsocket	288	No

## **Appendix D: SEPs Agreed to in 2010**

### **SEP #1 –Patriot Hauling Co., Inc and Joseph L. and Nina Vinagro**

The SEP pertains to the sponsoring of Earth Day cleanups in 2010 and 2011. The SEP consists of financial and in-kind support for various Earth Day clean up projects undertaken by independent third party organizations throughout Rhode Island. Projects were selected for funding by a panel consisting of one person from RIDEM, one person selected by the respondents, and one person from an independent organization selected jointly by RIDEM and the respondents. Maximum funding for a single project was limited to \$2,000.00. The total cost of the SEP was estimated at \$75,000.00.

### **SEP #2 – Sakonnet Point Club**

The SEP pertains to flood mitigation in and around Pennsylvania Road in the town of Little Compton. The SEP consists of payment of funds to the town of Little Compton to complete the following work: removal of excess vegetation and sediment from a storm water drainage swale located adjacent to Pennsylvania Road that is owned by RIDEM; treatment of the swale with an appropriate rate of Fusilade to reduce the occurrence of grasses in the swale after the restoration is completed; and overseeding the swale with broadleaf perennials after the treatment is completed. The total cost of the SEP was estimated at \$4,150.00.

## Appendix E: Training Completed by Staff in 2010

Month	Course Title	Number of Staff Attended	Trainer
February	Interpersonal Communication Skills	1	<a href="#">OTD</a>
March	RCRAInfo National Users Group Conference	1	<a href="#">EPA</a>
	Dam Safety Technical Seminar on Vegetation and Wildlife	3	<a href="#">FEMA</a>
April	Visible Emission Evaluator	2	<a href="#">ETA</a>
	Public Issues & Conflict Management	3	<a href="#">NOAA</a>
	71st NEEP Membership meeting	1	<a href="#">NEEP</a>
May	Psychology in the Workplace	1	OTD
June	2010 Hurricane Conference "Interdependencies"	4	<a href="#">RIEMA</a>
	15th Annual New England Planning meeting for Enforcement, Compliance & Assistance	3	EPA
	EPA-NEWMOA Advanced Hazardous Waste Inspector Training	3	<a href="#">NEWMOA</a>
September	Annual Dam Safety Conference	1	<a href="#">ASDSO</a>
	22nd Annual National Underground Storage Tanks Conference	1	<a href="#">NEIWPC</a>
	Hazwoper 8 hour Refresher Course	10	<a href="#">RI Fire Academy</a>
October	Visible Emission Evaluator	2	ETA
	72nd NEEP Membership Meeting	1	NEEP
November	FRMAC Ingestion Pathway Training Exercise	1	RI EMA
	OSHA 40-hour Training	1	<a href="#">New England Consortium</a>

## Appendix F: Enforcement Activity in 2010

<b>Complaints</b>	<b>Air Pollution</b>	<b>Dam Safety</b>	<b>Freshwater Wetlands</b>	<b>Hazardous Waste</b>
Received	265	37	249	42
Investigations Conducted <sup>1</sup>	250	38	347	21
Unable to Investigate	12	0	2	8
Unfounded	224	22	129	1
No Action	2	15	59	0
Inspections	225	36	462	30
Referred <sup>2</sup>	6	0	0	7
<b>Compliance Monitoring</b>				
Inspections	83	45	---	62
<b>Enforcement Actions</b>				
Informals-issued	26	0	24	51
Informals-resolved	19	0	17	48
Formals-issued <sup>3</sup>	18	7	10	11
Formals-closed	18	0	8	2
Consent Agreements executed	12	0	11	8
Penalties Proposed (NOVs)	\$670,874	\$59,747	\$62,150	\$443,303
Penalties Assessed (Consent Agreements)	\$352,705	\$0	\$33,837	\$97,415
Penalties Collected	\$190,501	---	\$44,662	\$84,451
SEP Agreed to	0	0	0	0
SEP Monetary Value	---	---	---	---
AAD Hearings Held	0	0	3	0
Superior Court Complaints Filed	0	0	0	0
Criminal Investigation Case Assists	0	0	0	0

<sup>1</sup> Complaint Investigations are counted only once even though one investigation may address multiple complaints received

<sup>2</sup> Referred to other program, department or agency

<sup>3</sup> Multi-media NOVs issued=3, these are included in the program counts

## Appendix F: Enforcement Activity in 2010

<b>Complaints</b>	<b>OWTS</b>	<b>Solid/Medical Waste</b>	<b>UST/LUST</b>	<b>Water Pollution</b>	<b>Total</b>
Received	189	105	3	112	1002
Investigations Conducted <sup>1</sup>	201	98	1	90	1046
Unable to Investigate	25	5	1	0	53
Unfounded	74	52	1	54	557
No Action	3	17	0	2	98
Inspections	222	263	1	134	1373
Referred <sup>2</sup>	8	17	0	6	44
<b>Compliance Monitoring</b>					
Inspections	---	---	62	---	252
<b>Enforcement Actions</b>					
Informals-issued	72	63	235	12	483
Informals-resolved	29	82	44	9	248
Formals-issued <sup>3</sup>	27	3	17	12	105
Formals-closed	12	1	1	5	47
Consent Agreements executed	2	3	5	5	46
Penalties Proposed (NOVs)	\$42,300	\$29,375	\$218,449	\$424,189	\$1,950,387
Penalties Assessed (Consent Agreements)	\$400	\$115,400	\$49,911	\$13,950	\$663,618
Penalties Collected	\$17,256	\$31,049	\$90,170	\$87,340	\$545,430
SEP Agreed to	0	1	0	1	2
SEP Monetary Value	---	\$75,000	---	\$4,150	\$79,150
AAD Hearings Held	2	2	0	0	7
Superior Court Complaints Filed	0	0	0	0	0
Criminal Investigation Assist Cases	0	0	0	0	0

<sup>1</sup> Complaint Investigations are counted only once even though one investigation may address multiple complaints received

<sup>2</sup> Referred to other program, department or agency

<sup>3</sup> Multi-media NOVs issued=3. These are included in the program counts.