

Agency's Assistance Programs: What are They & What Should be the Focus?

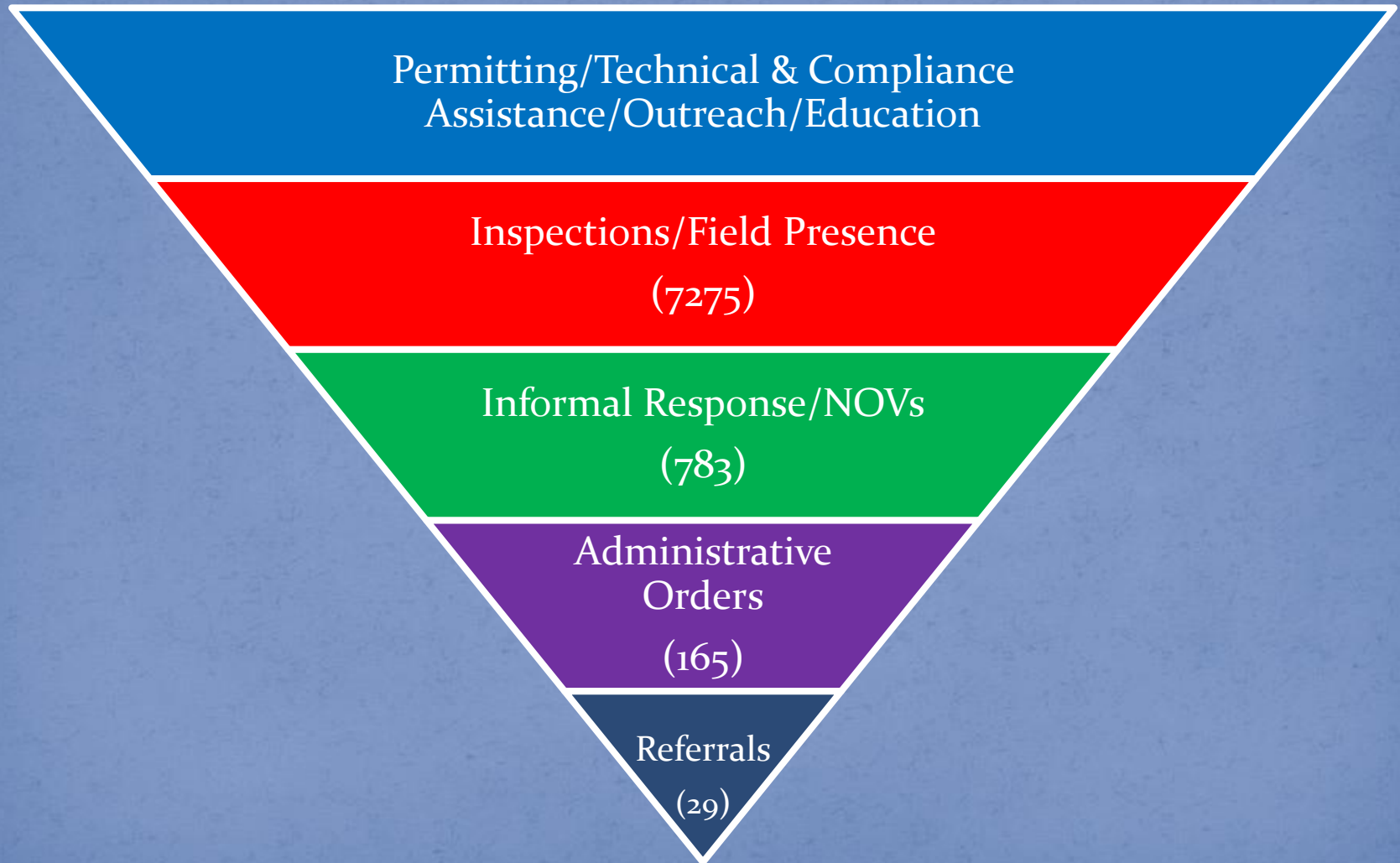
State Implementation Plan Revision
Advisory Committee (SIPRAC)
November 10, 2011

Compliance Assurance

Use permit, compliance assistance and enforcement tools and resources in an integrated, balanced manner to maximize protection of the environment and public health and safety.

Progressive Compliance Assurance

Preferred Path to Compliance- Five Year Average FY2006-2010



Public Act 10-158 – An Act Concerning the Permit and Regulatory Authority of the DEEP

- Section 8 – By September 1, 2010 negotiate with EPA to create/allow for a consulting services program within DEEP
- By October 31, 2010 reallocate existing resources and adjust policies to implement a consultant services program in accordance with EPA requirements

If EPA requirements are incompatible with the creation of a consulting services program, DEEP shall consult with representatives from regulated entities to implement alternative programs to provide compliance assistance for business and municipalities

Negotiations with EPA

- EPA is receptive to work with DEEP but has concerns regarding the need for DEEP to keep within the statutory and regulatory bounds of its delegations and the EPA/DEEP Performance Partnership Agreement/Grant
- EPA wants enforcement discretion emphasized as opposed to the potential amnesty or legal immunity that is suggested by section 8

Stakeholder Input

- Meetings with CBIA's Environmental Policies Council and Small Business/Manufacturing Advisory Council
 - Learned about the areas or sectors where environmental compliance assistance is needed
 - Described existing hazardous waste management COMPASS program
 - Shared EPA's comments, and
 - Provided a preliminary proposal for DEEP's on-site compliance assistance

Stakeholder Input

- Feedback
 - Small businesses, in particular within the manufacturing sector, need assistance – they may not be able to afford to hire environmental consultants
 - Need for DEEP to improve how regulatory information is made available on Department's website
 - Questions arose regarding the degree of enforcement discretion DEEP will exercise if violations discovered, the timeline to correct the violations and potential cost of compliance

RCRA Pilot for On-site Assistance

- On-site assistance offered through RCRA Hazardous Waste COMPASS Program for FY 2011
 - Only 2 requests for on-site assistance received
 - Both companies had no violations
 - If violations found, may be corrected during audit or within 30 to 90 days

Expansion of On-Site Compliance Assistance Pilot

- By the upcoming year, DEEP will expand the pilot on-site assistance for the air quality and the water quality discharge and stormwater programs
- Highest priority will be given to requests from small businesses, new or expanding businesses, permit transfers or businesses with new managers
- Offer a central point of contact within DEEP to request assistance either on-line or by phone

Additional Compliance Assistance Program Improvements

- Enhance DEP Web site – improve accessibility and content of compliance assistance and sustainability information
- Increase E- Government opportunities - On –Line Hazardous Waste Training course
- Develop business and municipal newsletters – improve outreach and education
- Small Business Assistance – Small Quantity Generator (SQG) RCRA Hazardous Waste training

HWAC Feedback, Oct. 27, 2011

- "I attended the session yesterday, which was terrific. The topics covered in the morning program were timely, informative, and interesting. I also stayed for the SQG training, which I must say was far better than some of the sessions I've actually paid for in the past! The engineers bring a different perspective and it's always interesting to hear about actual cases they've encountered. Please keep doing this, you are providing an invaluable service to the regulated community" -
CT Mid-sized Mfr

HWAC Feedback, October 27, 2011

- “Three of us were at the afternoon session yesterday for the RCRA training and found the session very helpful. If you need us to complete a form or send other information to support continuing these sessions please let us know. They definitely would be very helpful to assist companies in the state comply with the regulations.” - CT Small Mfr

Permitting Assistance

- Continue to offer pre-permit application meeting opportunities and have staff available to answer permitting and compliance questions by phone
- Create standard operating procedures for the application review process
- Templates for all forms used by DEEP staff- e.g., Notice of Sufficiency
- Streamline application forms by deleting unnecessary or duplicate questions

Permitting Assistance

- Provide applicants with examples of model applications
- Electronic submittals—eliminates paper and results in faster distribution
- Post permit status/action on the website for applicants to reduce status question phone calls
- Outreach to constituent groups about new permitting procedures to educate and solicit feedback (e.g., HWAC, SWAC and SIPRAC meetings)

Streamlined Permitting Through Lean

- **Water Discharge Pilot** (*11/10 Lean event*)
 - E-Government permitting system developed for general permit registration applications for the industrial and construction stormwater general permit.
 - System will be expanded to include other general permits.
- **Optimizing Municipal NPDES Permit Renewal Processing** (*5/11 Lean event*)
 - Simplified process to reduce approval time for basic, uncomplicated permit renewals by 75%
 - Identify permits facing more complex environmental challenges and develop an expedited approach to reduce processing time by 50%.
 - A similar LEAN for the industrial NPDES wastewater program was conducted – reducing the time to process permits by 85% (925 days to a current average of 135 days).

Streamlined Permitting Through Lean

- **Expediting the New Source Review Permit Review Process**
 - Standard Operating Procedures (SOPs) improved the processing time for the sufficiency and technical review of the permit application
 - Streamlined the BACT analysis through the creation of a BACT database and manual to aid applicants.
- **Streamlining the Solid Waste Facility Individual Permitting Process**
 - Process to place permit renewals and certain activities aligned with the prioritization of the state's Solid Waste Management Plan (e.g., recycling facilities, especially those processing organics) in the fast lane for processing. The goal of reducing the backlog of permit applications by 20% is at 28%.

E-Gov at DEEP

- Making it easier to report on environmental performance
 - Air Title V emissions (EMIT)
 - GPLPE and Title V compliance certifications
 - Water Discharges (Net DMR)
 - NPDES and pretreatment permittees
 - Registrants for storm water general permits
 - Subsurface water discharge permittees (e-DMR)
- Public access to consent orders on DEEP website
- Benefits
 - Electronic reporting of data/streamlined reporting
 - Improved data quality
 - Instant access to data and enforcement actions
 - Reduced reporting burden

Expedited Permit Process

- Wastewater Pretreatment Discharge Permit Program
 - Regulates over 3,000 discharges to municipal sewage treatment plants usually under general permits
 - 234 are individually permitted
 - Developed an industrial pretreatment general permit for metal finishing and electroplating discharges
 - Consolidated 9 general permits into one general permit for miscellaneous discharges
 - Developed performance based terms and conditions to allow certification by a Professional Engineer in lieu of submitting plans and specifications for DEEP review

Policy on Incentives for Self-Policing

Purpose is to increase compliance by encouraging companies to voluntarily discover, disclose, correct and prevent violations of environmental requirements through the use of environmental audits

Disclose and Correct Violations

- Prompt Disclosure
 - Regulated entity fully discloses violations, in writing to the Department within 30 days after it has discovered that violations have occurred, or may have occurred.
- Correction and Remediation
 - Violations corrected within 60 days of discovery, certifies in writing, and takes appropriate measures as determined by the Department to remedy any environmental or human harm due to the violation.

Incentives

- Full or partial waiver of penalties.
- No recommendation for formal enforcement action.
- 26 multi-media self-disclosures since 2004 have not resulted in enforcement action or penalties.
- Environmental compliance was achieved in all cases.

What should be the focus of Agency's Assistance Programs?

Questions?

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