

History of RCRA Small Business Enforcement Policy (SBEP)

- Developed as a tool to increase the return to compliance rate amongst small business violators
- Penalty waiver expected to reduce time and money spent negotiating penalties and re-direct those resources towards investment in long-term compliance
- Pilot Effective June 14, 2013.

Overview of Provisions

- Policy allows a 100% waiver of the gravity-based penalty to businesses who:
 - Employ < 50 FTEs
 - Enter into a consent order with DEEP
 - Correct violations in a timely manner
 - Obtain and document compliance assistance
 - Are “first-time” violators
 - Exhibit good faith efforts to cooperate

Overview of Provisions

- And who do not:
 - Demonstrate a pattern or practice of non-compliance
 - Have violations that are willful, intentional, or deliberate
 - Have violations that posed or caused significant risk or harm
 - Have violations stemming from criminal behavior

Policy Performance

- Since June 2013, the policy has been used to resolve 4 out of 5 RCRA consent order cases
- 2 CESQGs, 3 SQGs
- Addressed a total of 47 violations
- Waived > \$170,000 in assessed gravity-based penalties
- Reduced the average time to issue an order by 40%
 - (1 year → 7 mos.)
- Reduced the average time to resolve an order by two-thirds
 - (> 1 year → 4 mos.)

Haz. Waste Mgmt Compliance Plan

- SBEP COs require Haz. Waste Compliance Plan
 - to promote future compliance
 - also included as injunctive relief in many orders to non-small businesses
- Plan template developed with the expectation:
 - encourage businesses to use in house exp. to evaluate waste mgmt. & implement the Plan
 - be used as a companion to the on-line training course
 - provide consistency in plans thereby reducing DEEP's review time

Haz. Waste Mgmt Compliance Plan continued

- Plan template @ www.ct.gov/deep/hazardouswaste
MS Word fillable form with interactive links and guidance to DEEP's HW homepage
- Used in a couple of recent CO cases
- Feedback from Respondents:
 - provide instructions to accompany the form or “what good looks like”
 - provide in PDF fillable format to reduce time spent in formatting