The Carrot & The Stick:
What Drives Environmental Compliance in VT

SEAN J. MCVEIGH, CHIEF ENVIRONMENTAL ENFORCEMENT OFFICER
ED ANTczAK, ENVIRONMENTAL ASSISTANCE PROGRAM MANAGER
ENVIRONMENTAL COMPLIANCE DIVISION - DEC/ANR
Who are we?

Environmental Compliance Division

- Director

Enforcement Section

- Chief EEO (C EEO)
  - 7 EEOs
  - Administrative Assistant

Assistance Office

- Program Manager
  - 3 Compliance Assistance Specialists
  - 4 Permit Specialists
EEOs

Eight Environmental Enforcement Officers
EAO Staff

- Ed Antczak – Program Manager
- Lynn Metcalf – Environmental Analyst
- Celia Riechel – Environmental Analyst
- Catherine Coteus – Environmental Analyst
- Rick Oberkirch – Permit Specialist (Rutland Office)
- Jeff McMahon – Permit Specialist (Essex Jct. Office)
- Pete Kopsco – Permit Specialist (Montpelier, St. J. Office)
- John Fay – Permit Specialist (Springfield Office)
What do we do?

ECD works to maintain, gain, and exceed compliance goals in Vermont’s:

- environmental statutes
- regulations
- rules
- permits
What do we do?

- Investigations of reports of alleged violations
- Recognition programs: Vermont Green Business Program, Governor’s Awards
- On-site assistance for businesses and municipalities
- School laboratory clean out
- Project Review Sheets
How do we do it?

- We receive a complaint – citizen, outside agency, internal referral
- We go to the site or we observe it from off-site
- We find and interview witnesses
- We find and interview the respondents - in person and on site
- We collect evidence - usually photographic
How do we do It?

We assess if there is a violation – most of the time there is not.

We try to gain voluntary compliance – stop the harm – we often end here.

We bring in our program experts - complicated = more site visits.

We write reports - lots of reports.
2017 Enforcement Numbers

- 1786 complaints closed
  - Waste management 573
  - §1259, AMPs, AAPs (§1259) 394
  - Watershed Management 373
  - Drinking Water 246
  - Air 166
2017 Enforcement Numbers

〜90% of complaints investigated and closed either through voluntary compliance by the violator or a lack of violation found

70 cases were formally prosecuted and $476,000 in penalties assessed

- 34 AODs ~ $285,000
- 14 AOs ~ $177,000
- 22 Citations ~ $14,000
How do we do it?

- On-site assessments
- Trainings
- Workshops
- Fact sheets
- EAO Hotline
How do we do it?

- Pollution Prevention
- TURA – 60 Vermont businesses must submit plans for chemical management and toxics use reduction
- Assist Vermont businesses in reducing energy and water use, proper treatment and disposal of high-strength wastewater, resources for green cleaning
- Pollution Prevention (P2) Grant from EPA targeting technical assistance to breweries, specialty food producers and value-added dairy producers
How do we do it?

- Recognition Programs
- Funded through the P2 EPA Grant - Vermont Green Business Program - over 230 businesses that have met specific criteria and gone above and beyond in their sustainability efforts
- Governor’s Awards for Environmental Excellence - businesses or other organizations that demonstrate significant positive environmental/financial impacts for a specific project
2018 Permit Specialist Numbers

<table>
<thead>
<tr>
<th>Activity</th>
<th>Count</th>
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<tbody>
<tr>
<td>Project Reviews</td>
<td>1,689</td>
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<tr>
<td>Project Review Sheets</td>
<td>1,072</td>
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<tr>
<td>Phone Calls</td>
<td>2,581</td>
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<tr>
<td>Correspondence</td>
<td>4,158</td>
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<tr>
<td>State Meetings Attended</td>
<td>63</td>
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<tr>
<td>Public Meetings Attended</td>
<td>68</td>
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<tr>
<td>Municipal Visits</td>
<td>100</td>
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2018 Assistance Numbers

- Conditionally Exempt Generator Workshops – over 80 attendees
- Northeast Dairy Summit – over 80 attendees
- Brewery Day – over 90 attendees
- School Chemistry Lab Cleanouts – 4
- Hot Line Calls – 336
- Assisting with Internal DEC Projects – 6
Whom do we work with?

- Department of Environmental Conservation
- Air Quality & Climate Division
- Drinking Water & Groundwater Protection Division
- Facilities Engineering Division
- Waste Management & Prevention Division
- Watershed Management Division
Whom do we work with?

- **The Natural Resources Board (A250)**
- **Department of Forests, Parks & Recreation**  
  (mostly with regard to the forest)
- **Department of Fish & Wildlife**  
  (mostly with regard to the fish)
Whom do we work with?

- The Department of Health including Town Health Officers
- Other State Government Agencies/Departments
- Municipal Officials, Fire Departments
- State Police, Local Police, Environmental Protection Agency
- Businesses, Non-Profits, Colleges, and Other Community Stakeholders
- Regulated Community
Red Tag Project

- AST Fuel Oil Initiative with WMPD 04 – Tanks

- Phase I: ~150 Red Tagged Tanks
- Contacted property owners to try to bring tanks into compliance
- EAO Closed 60 – Carrot
- ENF Closed 30 – Stick, 60 Pending
- ~60% compliance rate thus far for Phase 1

- Phase 2 underway with another ~150 Red Tagged Tanks
PREvent

ECD receives a complaint

Incident occurred

ENF investigates

Incident has not occurred

EAO investigates

Compliance
What does assistance look like?

- Working with DEC Programs on Education and Outreach
  - 15 minute video on Septic Systems
  - Hardwick Wastewater
  - Village Wastewater
  - Fluorescent Bulb Disposal
  - Floodplain and River Corridor
  - Spills
What does a violation look like?

- Air Quality & Climate Division
  - AQCD 01 - Engineering Services
  - AQCD 02 - Field Services
  - AQCD 03 - Technical Services
  - AQCD 04 - Mobile Source Control
  - AQCD 05 - Air Planning
What does a violation look like?

- Drinking Water & Groundwater Protection Division
  - DWG PD 01 - ON-SITE PROGRAM
  - DWG PD 02 - ENGINEERING & OPERATIONS
  - DWG PD 03 - COMPLIANCE & SUPPORT SERVICES
  - DWG PD 04 - WATER RESOURCES
  - DWG PD 05 - PERMITS & LICENSING
  - DWG PD 06 - INDIRECT DISCHARGES
DWG PD 01 – ON-SITE PROGRAM
What does a violation look like?

- DWG PD 01 - ON-SITE PROGRAM
  - Most common - Failed Septic
    - Confirm the failure
    - Notify the landowner – NOAV
      - Failure has occurred
      - Safety issues – limit access to area etc.
      - Directive to obtain a permit from DEC
      - Timeframe to apply for the permit
      - Timeframe to obtain the permit
      - Timeframe to complete construction
      - Later....
  - Verify compliance
What does a violation look like?

- Facilities Engineering Division
  - FED 01 - AGENCY FACILITIES
  - FED 02 - CONSTRUCTION
  - FED 03 - FINANCIAL MANAGEMENT
  - FED 04 - DESIGN
  - FED 05 - DAM SAFETY
Unpermitted Discharge &

FED 05 -
DAM SAFETY
What does a violation look like?

- Waste Management & Prevention Division
  - WMPD 01 - HAZ-MAT Releases
  - WMPD 02 - Hazardous Materials
  - WMPD 03 - RCRA
  - WMPD 04 - Tanks
  - WMPD 05 - SITES MANAGEMENT
  - WMPD 06 - Solid Waste Compliance Section
  - WMPD 07 - Solid Waste Certification Section
  - WMPD 08 - Solid Waste Materials Management Section
  - WMPD 09 - Residuals Management & Emerging Contaminants Program
WMPD 01 - HAZ-MAT Releases
What does a violation look like?

- Watershed Management Division
  - WSM D 01 - LAKES & PONDS
  - WSM D 02 - STORM WATER
  - WSM D 03 - VT CLEAN WATER INITIATIVE
  - WSM D 04 - MAP
  - WSM D 05 - RIVER CORRIDORS
  - WSM D 06 - WETLANDS
  - WSM D 07 - BUSINESS & OPS SUPPORT
  - WSM D 08 - WASTEWATER MANAGEMENT
Unpermitted Discharge &

WSMD 01 -
LAKES & PONDS

WMPD 06 -
Solid Waste
Unpermitted Discharge

WSMD 05 - RIVER CORRIDORS
Unpermitted Discharge

WSMD 06 - WETLANDS
Questions?

- Environmental Enforcement
  - 802-828-1254

- Environmental Assistance
  - 800-974-9559