



Connecticut Department of Energy and Environmental Protection



Policy on Incentives for Self-Policing

August 10, 2017
Rickey Bouffard
SIPRAC



Connecticut Department of Energy and Environmental Protection

Purpose

- Designed to encourage greater compliance with laws and regulations
- Encourage environmental auditing
- Provides incentives for companies to self disclose violations
- Full or partial waiver of penalties
- Modeled after EPA's Audit Policy





- Policy only – applied with discretion from the Commissioner
- Title V sources not able to get relief from penalties
- Policy doesn't allow company to gain economic benefit from violation
- Company must meet criteria to apply policy



Criteria – Total of nine

- 1) Systematic discovery
 - Environmental Audit – Periodic objective review
 - Process of determining compliance with requirements
 - Documented procedure to prevent, detect, and correct violations
 - Evaluate the effectiveness of environmental management systems
 - Can be done by plant manager, employee, EH&S, consultant



Criteria cont.– Total of nine

- 2) Voluntary Discovery
 - Can't be a violation that's mandated through:
 - Permit
 - Consent Order
 - Regulation or Statute
 - Required CEM emissions violation



Criteria cont.– Total of nine

- 3) Prompt disclosure
 - Full disclosure within 30 days of discovery
 - EPA gives 21 days
 - Discovery occurs when any officer, director, or employee of the facility has a reasonable basis for believing that a violation has occurred



Criteria cont.– Total of nine

- 4) Independent discovery & disclosure
 - Before DEEP inspects the facility
 - Before information from a whistleblower
 - Before the filing of a complaint by a third party
- 5) Correction and remediation
 - Facility corrects the violation within 60 days
 - Notify DEEP before 60 days if more time needed
 - May have to enter into Consent Order if the issues are complex



Criteria cont.– Total of nine

- 6) Prevent recurrence
 - Facility agrees in writing to take steps to prevent recurrence
- 7) Repeat violations
 - The specific violation has not occurred within last 3 years



Criteria cont.– Total of nine

- 8) Certain violations are ineligible
 - Violations that result in serious actual harm
 - Violations that may have presented imminent and substantial endangerment to human health & Environment
- 9) Cooperation
 - The facility shall cooperate by providing whatever information is necessary and requested by DEEP



Incentives

- No gravity-based penalties
 - If all nine criteria are satisfied
- Gravity-based penalty reduced by 75%
 - If the last eight criteria are satisfied



Incentives cont.

- No Civil or Criminal Referrals
 - DEEP may issue consent orders to accomplish the purposes of this policy
 - As long as violation does not involve
 - Prevalent management practice that concealed or condoned the violation
 - High-level corporate officials' conscious involvement in the violation
 - DEEP reserves right to recommend prosecution of individual managers or employees





- No routine request for audit
 - DEEP will not use information to investigate
- Economic Benefit
 - Cannot be waived unless it's insignificant



Questions?

Rickey Bouffard

Supervising Environmental Analyst

Rickey.bouffard@ct.gov

(860) 424-3682

<http://www.ct.gov/deep/lib/deep/enforcement/policies/incentivesforselfpolicingpolicy.pdf>



Connecticut Department of Energy and Environmental Protection