

Environmental Compliance in Connecticut
Executive Summary
February 1, 2000

It is the mission of the Department of Environmental Protection to conserve, improve, and protect the natural resources and environment of the State of Connecticut; to control air, land and water pollution in order to protect the health, safety and welfare of the people of Connecticut; and to preserve and enhance the quality of life for present and future generations.

- The Department strives to achieve the highest level of environmental protection for the citizens of Connecticut by use of traditional regulatory controls - a combination of establishing standards, authorizing activities and enforcing compliance with those standards and authorizations - together with financial, regulatory, and technical compliance assistance. The Department is committed to enforcing applicable law by means of administrative orders and lawsuits when serious violations or chronic or recalcitrant violators are involved, while at the same time promoting compliance assistance in its planning, permitting, and enforcement programs.
- This past year the Department has managed to fulfill its traditional permitting, enforcement and compliance assistance responsibilities while juggling myriad new initiatives. One new effort is the design and development of a comprehensive information management system capable of meeting the permit and enforcement business needs of the agency. The stated goal of the newly named Environmental Data & Geographic Exchange ("EDGE") project is to design and implement a comprehensive environmental management system which will integrate agency information, geographic information, and business processes across program and organizational lines and provide improved access to environmental information.
- Overall, the most current enforcement statistics available reflect the Department's continued reliance on traditional enforcement tools. In 1999, as in calendar year 1998, combined enforcement outputs for the Air, Waste and Water Bureaus exceed the running five year average in every significant statistical measure:

| Activity | 1995 | 1996 | 1997 | 1998* | 1999* | Five Year Average |
|-----------------------|------|------|------|-------|-------|-------------------|
| Referrals(AG/EPA/CSA) | 34 | 62 | 73 | 67 | 66 | 60 |
| Orders | 103 | 119 | 115 | 124 | 146 | 121 |
| Notices of Violations | 648 | 714 | 1247 | 1293 | 1439 | 1068 |

*Including the Office of Long Island Sound Programs

- In 1999 the Department collected over \$1.07 million in combined administrative fines and supplemental environmental projects, and, with the assistance of the Attorney General, caused nearly \$1.9 million in civil penalties to be assessed in civil judgments following referral for civil action (the amount actually collected may be less). In addition, the Chief State's Attorney's Office, working closely with the Department's Waste Engineering and Enforcement Division, successfully prosecuted a number of cases for illegal disposal of hazardous waste.
- By Public Act 98-229, the General Assembly transferred regulatory authority to license arborists (tree care professionals) to the Department's Pesticide Management Program. Also enacted at that time was a new penalty statute (now codified at Conn. Gen. Stat. Section 23-61f) which established a minimum penalty of one thousand dollars for persons performing or advertising arboriculture without a license. During calendar year 1999, personnel from the Pesticide Management Program spent considerable time and effort in effectuating the program transfer from the Department of Consumer Protection and in enforcing the new program. As a result, twenty-eight individuals were found to be providing arboriculture services without a license and each was penalized one thousand dollars. In seven additional cases the alleged unlicensed arborist refused to enter into an administrative consent order and has been referred to the Office of the Attorney General for the filing of a civil action. Not coincidentally, demand to take the exam to become a licensed arborist has increased dramatically. In response, the Pesticide Management Program has offered the written exam more frequently and the Tree Protective Examining Board has been compelled to add two extra test dates to accommodate the number of persons seeking to take the requisite oral exam.
- Through regulations, permits, licenses, authorizations, and certifications, among other tools, the Department allows and controls the discharge and emission of potential pollutants, allows the construction of structures or other alterations of the landscape, and regulates the operation of certain facilities in a manner that avoids adverse environmental impacts and poses the minimum threat to the environment. Currently, there are over 86,000 activities authorized in some way by the Department.
- In 1998 the Department's Inland Water Resources Division aggressively pursued a post-permit inspection program for Department of Transportation ("DOT") activities authorized pursuant to inland wetlands and watercourses permits. The Department found that approximately 17% of all DOT projects inspected after construction was completed required corrections or revisions. In an effort to reduce permit non-compliance, a program of inspecting DOT projects while under construction was initiated for the 1999 construction season. Twenty-eight projects were included in the initiative. As a result of these regular inspections, only one of the projects required post-completion follow up. In addition, the quality of erosion controls at DOT sites has greatly increased, compliance with monthly monitoring requirements jumped from 75% to 100% and DOT staff is generally more aware of their environmental obligations.

- In 1999 the DEP looked inward at Department facilities to expand pollution prevention activities at field sites. Some of the results of this effort include: eliminating the purchase of chlorinated and fluorinated solvents; substituting water based paints, stains and solvents for more toxic products; expanding the continued use of integrated pest management techniques; phasing out the use of aerosol cans to reduce hazardous waste disposal; including electric vehicles in the fleet at several parks; initiating a recycling program for nicad (nickel-cadmium batteries) and alkaline batteries; and installing composting toilets at certain parks and forest campgrounds.
- In August 1999 Connecticut became one of eight states (out of over 30 applicants) to be awarded funding for a compliance measurement pilot project sponsored by EPA. The pilot reflects ongoing efforts at EPA to begin to measure compliance activities as opposed to enforcement activities. The proposal submitted by the Department will develop statistically valid baseline compliance rates for select general permits and evaluate the effectiveness of compliance assistance and enforcement on overall compliance with general permits.
- The Department has begun tracking inspections and compliance by categories consistent with commitments made in its Environmental Performance Partnership Agreement (“PPA”) with EPA. For example, in the 2000-2001 PPA, the Air Management Bureau has committed to inspect in each of the next two federal fiscal years one third of the 371 facilities licensed under its General Permit to Limit Potential to Emit. The Air Management Bureau has also committed to audit monitoring and test data from another 36 of these facilities in each of the federal fiscal years. Over the course of each year, the Air Bureau will monitor and track its success against commitments contained in the PPA. Detailed compliance information will allow the Department to make better, more effective use of existing resources. It will also allow the Department to direct compliance assistance and enforcement to sectors where they are most needed and disinvest from areas where a high rate of compliance has been achieved and sustained.
- Traditional strategies of ensuring environmental compliance continue to be augmented by compliance assistance efforts. There are many forms of compliance assistance, some of which are: providing information and assistance on regulatory requirements, conducting seminars and workshops, or financial assistance. The Department sponsors high-quality, low-cost seminars for the regulated community and the public on a wide variety of environmental topics.
- The Department continues to work closely with stakeholders through the Air, Waste, and Water advisory committees. Some of the major issues discussed this past year included emission and effluent trading, solid waste management planning, management of household hazardous waste, implementation of the universal waste rule, reduction of mercury in the environment, and aquifer protection.