



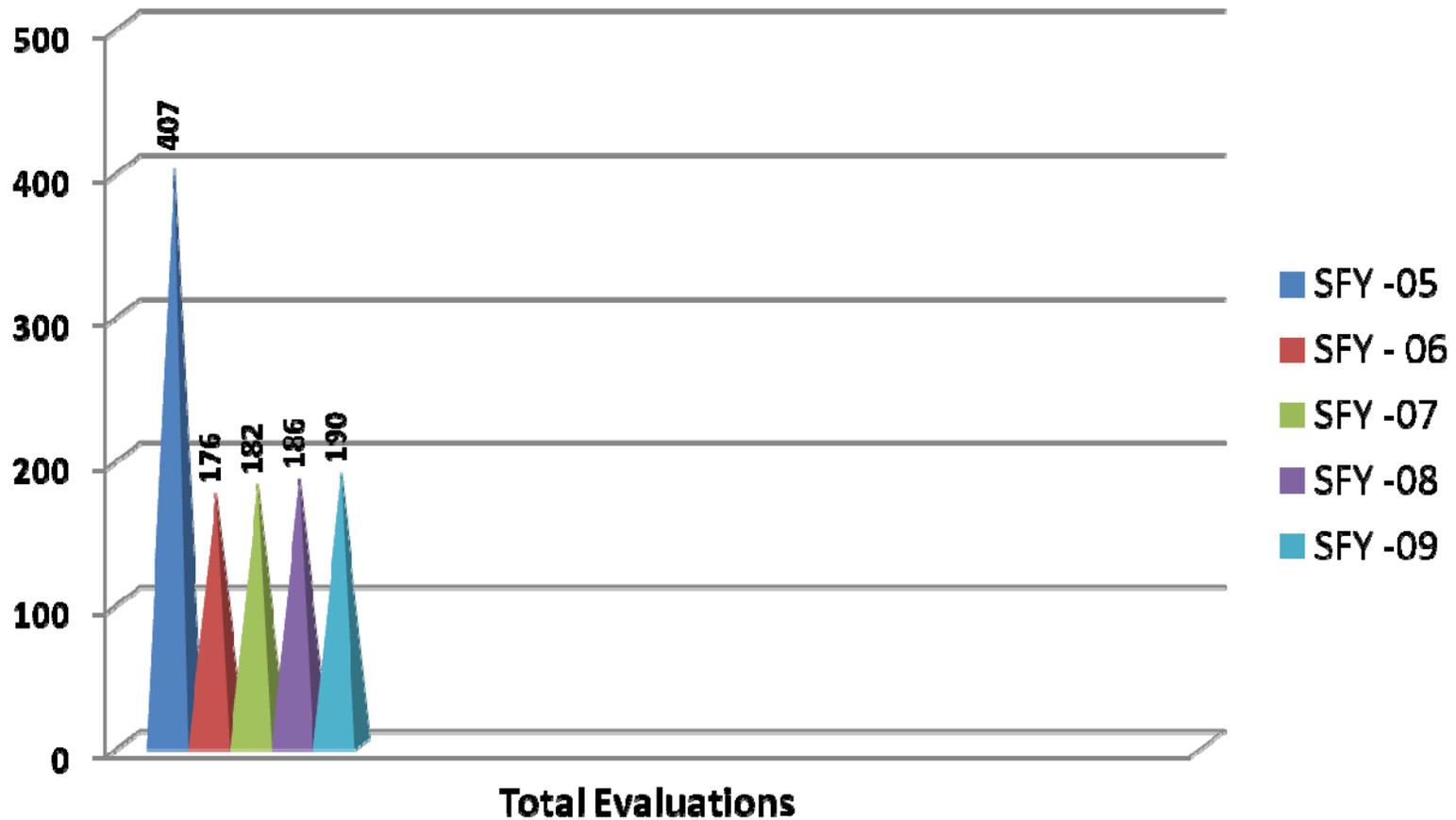
**Robert C. Isner**

**Director of Waste Engineering and Enforcement  
Division**

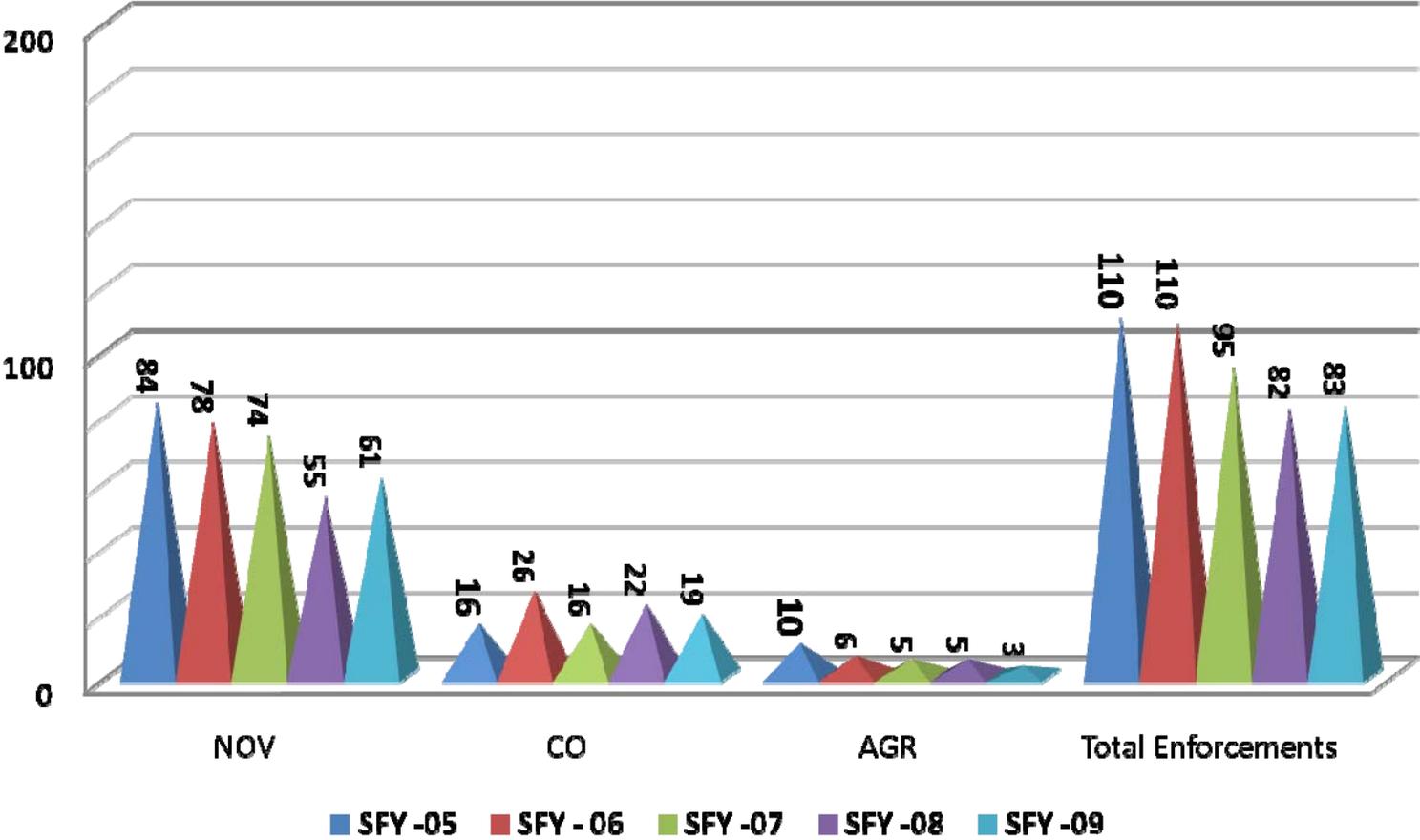
**(860) 424-3264**

**[Robert.isner@ct.gov](mailto:Robert.isner@ct.gov)**

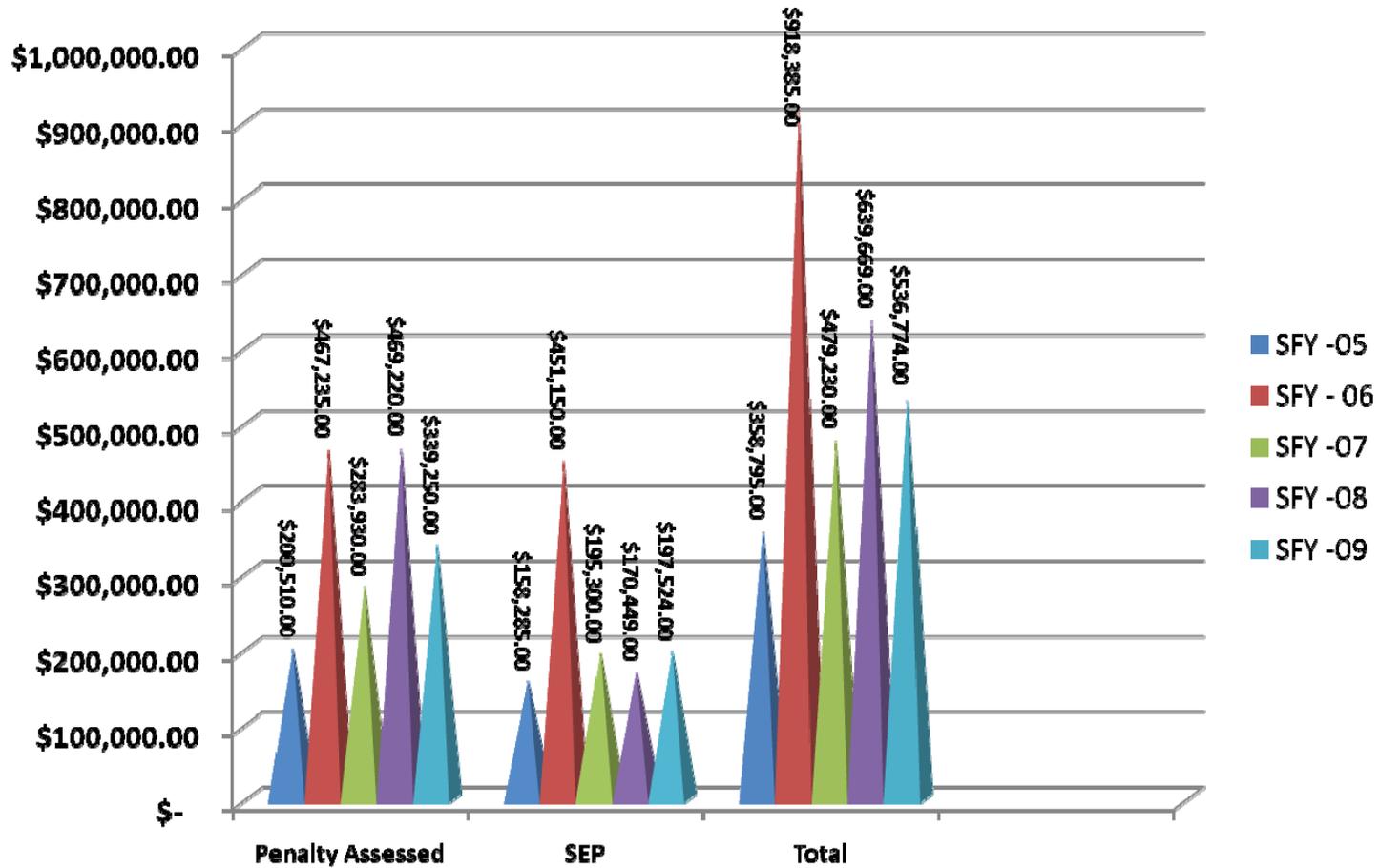
# Hazardous Waste Inspections 5 Year Average



# Hazardous Waste Enforcement Actions 5 Year Average

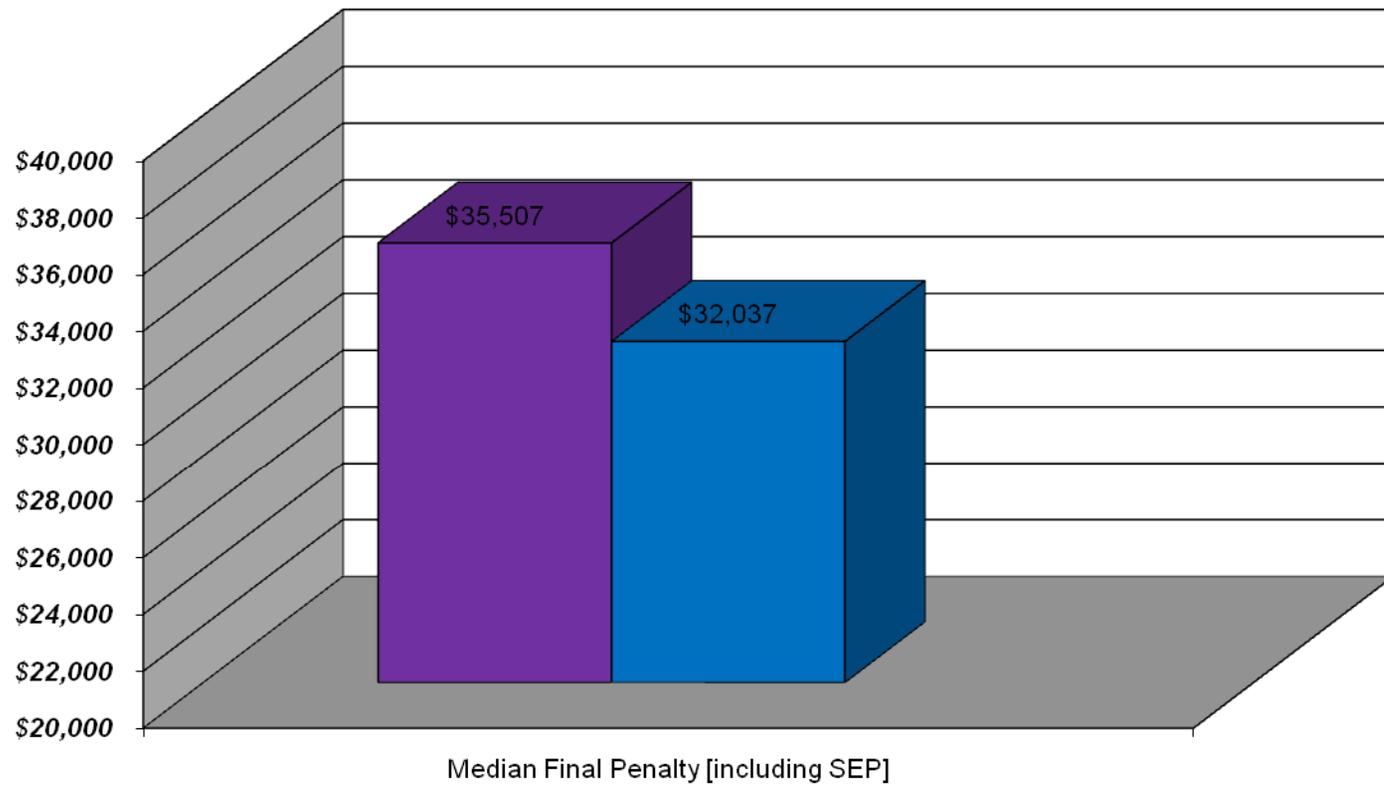


# Hazardous Waste Consent Order Penalties Assessed

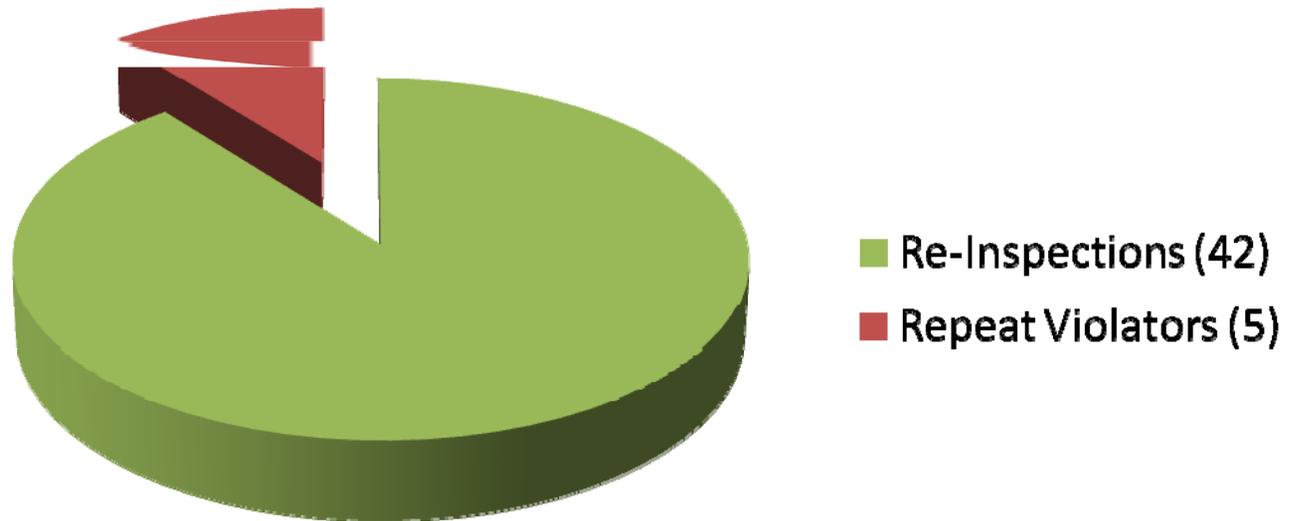


# Hazardous Waste Typical Penalty

## SFY05-SFY08 & YTD 09



Hazardous Waste Re-Inspections Resulting in Repeat Violations  
2006-present [88% in compliance 12% out of compliance]



# What are the Elements of a Consent Order?

1. Hire a Consultant
2. Correct the Violations
3. Submit Future Compliance Assurance Plan
4. Recycling Business Profile
5. Case Specific Remedies
6. Pay Penalty (Perform Supplemental Environmental Project)

# Why should I choose a Consent Order?

- More flexibility on findings, remedies, scope, schedule & penalty amount and structure
- Quicker return to compliance and lower administrative cost for both parties, reduce risk & liability (how much does it cost for your team of attorney & consultant (\$500 -\$1000/hr) + lost time of company officials & for what?)
- Shifting the enforcement paradigm – waiting is worse

# Incentivized Consent Order Summary

## Purpose/ Goal

- Saves time and money for DEP and Regulated Community
- Administrative resolution rather than through court system
- The sooner consent order is signed, the more money Respondent saves—in penalty and in legal fees
- Frees DEP resources to close out issued enforcement actions
- Documented schedule for return to compliance

## Focus

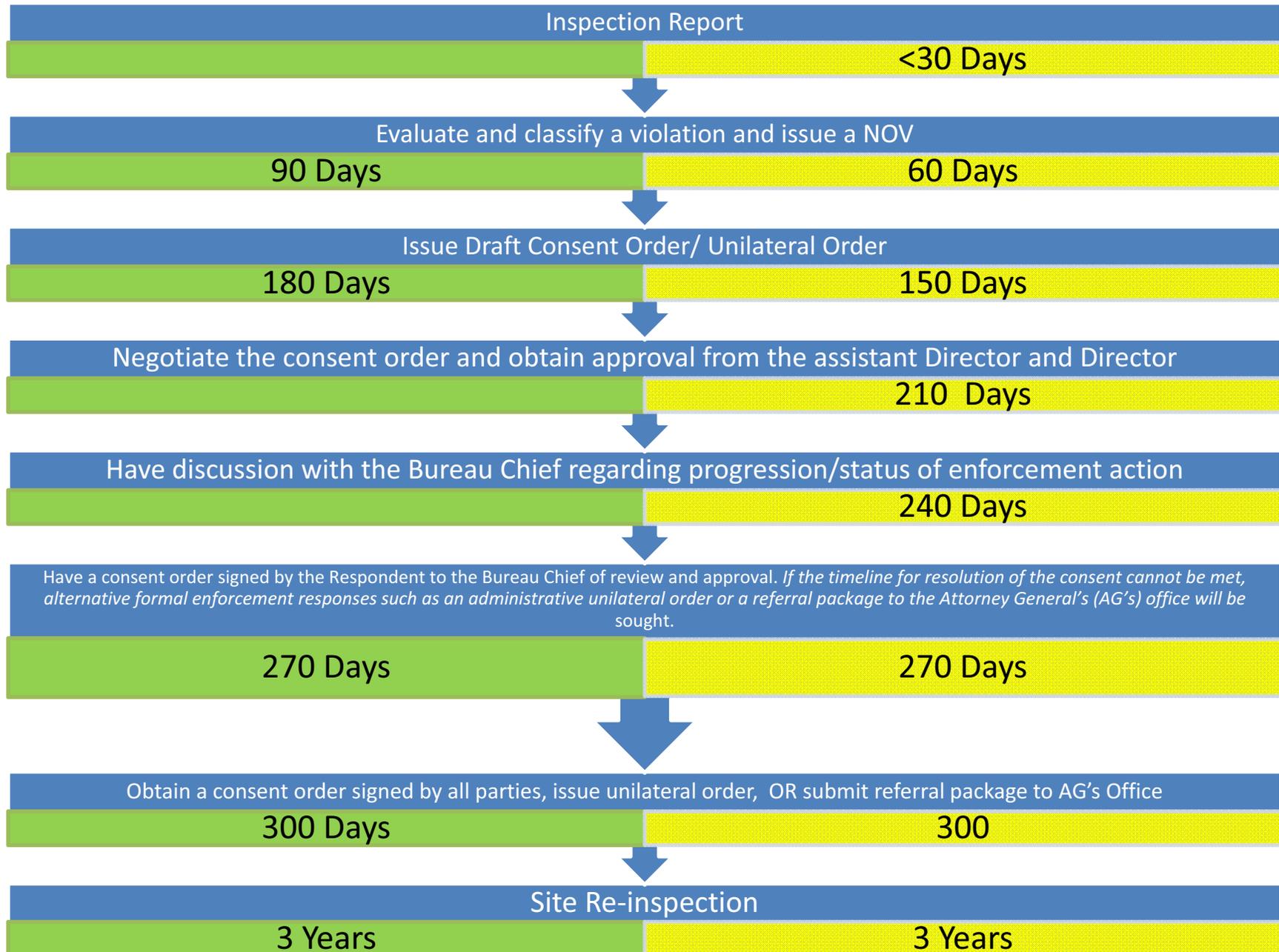
- Resolution of enforcement action

## Bottom line

- Eligible with calculated between penalty \$30k – \$80K
- Up to 40% reduction in gravity-based component of penalty

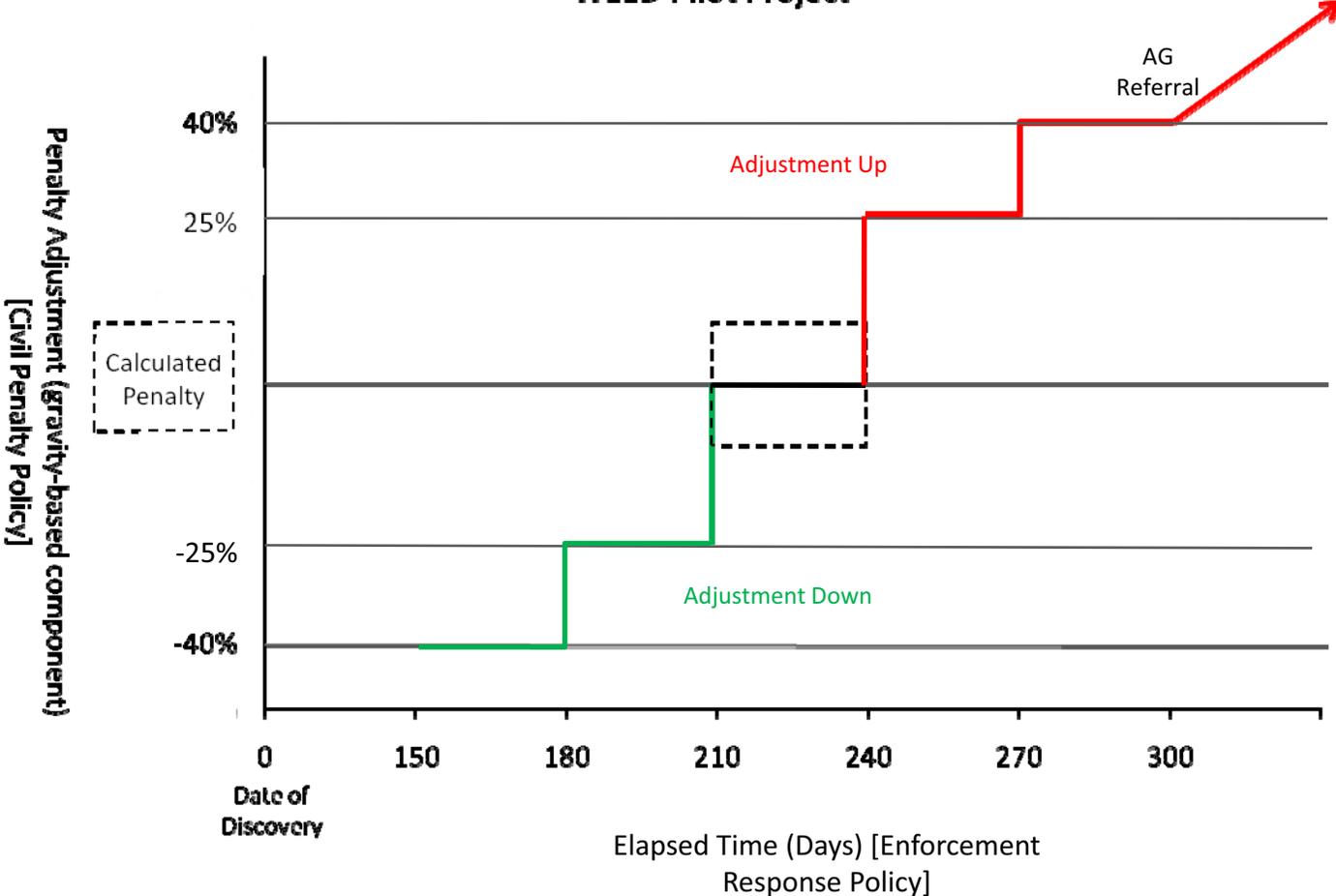
## DEP ERP Timeline

## WEED Incentivized Timeline

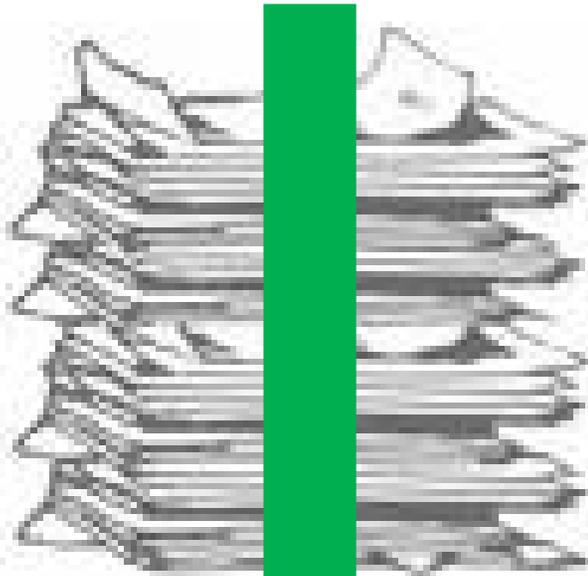


# Incentivized Consent Order Settlement Graph

## WEED Pilot Project

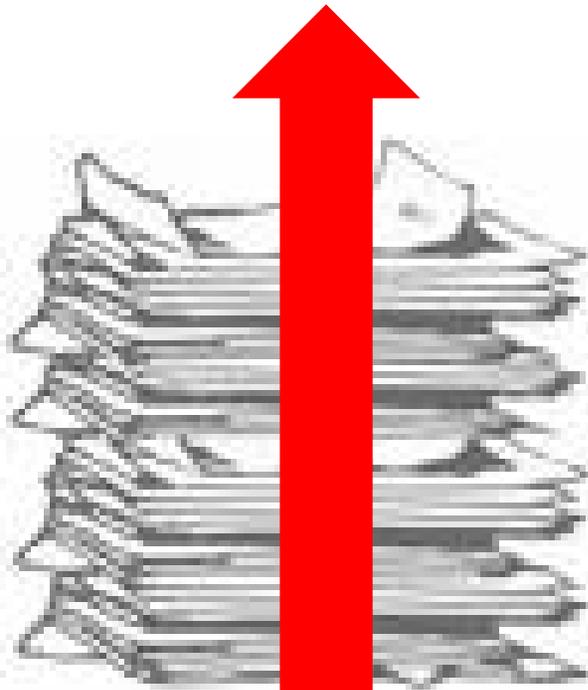


**Cooperative Respondents**



**Decreased CO Penalty**

**Increased CO Penalty**



**Reluctant Respondents**

# Enforcement Case Examples

## Cooperative:

- Company A – 1<sup>st</sup> time offender
  - 100 Employees
  - 10 Violations
  - Penalty: Proposed \$90,775  
Final Penalty \$60,200 [including \$30,000 SEP]

## Reluctant:

- Company Z – 1<sup>st</sup> time offender
  - 232 Employees
  - 13 Violations
  - Penalty: Proposed \$84,550  
Negotiated Final Offer \$40,000  
After AG Referral Penalty Demand \$100,000

# Any Questions?

**Contact:**

Robert Isner (860) 424-3264

OR

Compass (888)424-4193

