Connecticut Department of Energy and Environmental Protection
Policy on Incentives for Self-Policing

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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
• 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?

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