Use of the Plan

Effective 08/15/97 Revised 04/21/16

Department of Energy and Environmental Protection Enforcement Coordination Plan

Introduction

The planning and coordination of inspections, enforcement and corrective actions between programs within the Department of Energy and Environmental Protection (DEEP) are critical components of an effective Enforcement Coordination Plan. This plan facilitates the efficient use of state resources and promotes effective communication between divisions. Planning and coordination of programs as referenced in this document relate to addressing violations and corrective actions, coordination of compliance and enforcement actions and staff training.

This plan discusses the procedures which DEEP will use to coordinate the inspection and enforcement activities of programs within the Department. The plan outlines the following:

- 1) Coordination on inspections, violations and environmental problems that fall within the responsibility of more than one program;
- 2) Coordination on compliance and enforcement actions and possible multi-media enforcement actions;
- 3) Coordination on corrective actions that involve activity that is regulated by other programs;
- 4) Coordination on staff trainings; and
- 5) Coordination with EPA and other agencies.

Use of the Plan

To assure successful enforcement coordination, managers, supervisors and staff should take an active role in assuring that this plan is used. They should familiarize themselves with this plan, its use, and participate in the training provided. They should ensure that staff integrate the plan into their standard operating procedures for field compliance activities. When pursuing enforcement actions, they should ensure that all necessary coordination has occurred and is properly documented. Effective enforcement depends on taking into consideration referrals from other programs and following-up with the referring program in a timely fashion.

The policies in this document are intended solely for the guidance of employees of DEEP. They are not intended to, nor do they, constitute rulemaking by the Agency, and the policies may not be relied upon to create a right or benefit, substantive or procedural, enforceable as law or in equity, by any person. The Department may take an action that is at variance with the policies or procedures contained in this document if appropriate in a specific case.

1) Coordination on Inspections, Violations and Environmental Problems

All staff must use the Multi-Media Checklist for every inspection they conduct and forward it to the appropriate program for any affirmative observations as determined by enforcement staff, supervisors and/or managers (See Appendix D, Multi-Media Checklist). See also Appendix B for a list of additional potential violations or environmental problems which fall within the purview of the various enforcement programs/divisions. The Multi-Media Checklist should be supported by photo-documentation of potential violations or environmental problems when possible.

Periodically, there may be a targeted compliance initiative identified for a particular program that will require completion of only a portion of the checklist or another checklist entirely for the targeted initiative.

The Multi-Media Checklist will be used to determine whether conditions exist at a site which are of interest to other programs. If such conditions are found, staff (any staff member in the field who observes a condition which would yield an affirmative answer on the checklist) must inform the relevant program contact on the Multi-Media Checklist as soon as possible, but not later than on or before 15 days from the date of discovery and document that contact on the checklist. Referrals will be directed to the appropriate contact person as provided on the Multi-Media Checklist and/or attached list (see Appendix A).

<u>In the case of an urgent matter</u>, the referral will be made first by telephone, and then followed up by the checklist. Uncontrolled releases and imminent threats to public health or the environment must be reported immediately to the Emergency Response and Spill Prevention Division.

Any program receiving a referral must acknowledge receipt within 5 business days and provide additional updates as deemed appropriate. Staff are encouraged to communicate results of referrals to referring staff so that the referring program is kept informed of the anticipated outcome of the referral.

Programs which share an inspection universe should evaluate the need and opportunities to coordinate inspections and inspection efforts. Where there are ongoing problems or investigations being considered for multi-media enforcement such as joint orders or combining cases referred to the Attorney General, programs should evaluate the need to conduct joint inspections, coordinate schedules, and/or utilize the Multi-Media Checklist which they can use to share information with one another.

All programs must enter enforcement data into SIMS and/or subsequent case management systems as they are developed. Consistent use of multi-media databases will streamline the enforcement coordination process.

2) Coordination on Compliance and Enforcement Actions

When a program decides to issue an enforcement action (**order**, **consent order or referral to the Attorney General or State's Attorney**), they will contact each enforcement program listed in Appendix A which may also have dealings with the respondent. This coordination must be documented by completing and forwarding the Intradepartmental Enforcement Action Referral Form (See Appendix C). The purpose of this contact is to **inquire whether other enforcement programs are planning or ready to take a similar action** and whether they feel that a joint (multi-media) action would be appropriate. It is not necessary to contact every program on the list, but rather only those with potential involvement with the respondent. A preliminary search of an appropriate agency-wide enforcement database (i.e., SIMS) may provide initial assistance with the inquiry.

The receiving party should respond within 5 business days in order to notify the sending party that they wish to join in the action. If no response is received within 10 business days, the action will go forward.

A record documenting the coordination efforts should be included in the Enforcement Action Summary (EAS). In the case of an Attorney General or State's Attorney referral, the same attorney should be contacted if there is more than one program with issues regarding the same respondent.

3) Coordination on Corrective Actions that Involve Other Programs

Prior to or as soon as possible, when a corrective action, such as a closure or remediation, is planned or anticipated and issues (examples in Appendix B) are found which fall under the responsibility of another program or programs, the appropriate staff (See Appendix A) must be contacted. The subsequent remedial activities should be coordinated among all affected programs.

4) Coordination on Staff Trainings

Common training for inspectors and enforcement staff will be coordinated by the Offices of Enforcement Policy and Coordination and Legal Counsel, and participants from compliance programs will be required to attend.

Training offerings may include Multi-Media Enforcement Coordination, Enforcement Response Policy, Civil Penalty Policy, Supplemental Environmental Project Policy and negotiation skills.

5) Coordination with EPA and Other Federal Agencies

Programs will coordinate appropriate enforcement activities with EPA and other relevant agencies consistent with Department policy and any requirements or grant agreements with such agencies.

Appendix A

COORDINATION PLAN CONTACTS

PROGRAM	CONTACT	TELEPHONE	
BUREAU OF AIR MANAGEMENT			
Compliance & Field Operations			
Complaints	Air complaint line	424-3436	
Field Operations	Mark Potash	424-3547	
Compliance/Enforcement Information	Rickey Bouffard	424-3682	
Radiation Division	Denny Galloway	424-3525	
BUREAU OF MATERIALS MANAGEMENT AND			
COMPLIANCE ASSURANCE (MMCA)			
Emergency Response & Spill Prevention			
Division	24-Hour #	404 2220	
Emergency Spill Reporting	24-Hour #	424-3338	
Marine Terminal Program			
Enforcement (incl. clean-up)	Phil Wilde	424-3339	
Field Operations -Licensing	David Keating	g 424-4186	
UST Enforcement Program			
Enforcement (incl. cleanup)	Phil Wilde	424-3339	
Field Operations	George Purple	424-3364	
Leaking Underground Storage Tank Program	Paul Clark	424-3345	
PCB Program			
Enforcement	Gary Trombly	424-3486	
Field Operations	Janet Kwiatkowski	424-3330	
Waste Engineering and Enforcement Division			
Compliance Assistance Help Line (COMPASS)	Daily staff	(888) 424-4193	
Pesticide Program	Diane Jorsey	424-3328	
Hazardous Waste, Solid Waste and Recycling	Joseph Schiavone 424-3206		
	(Western CT)	121.2607	
	Kevin Barrett	424-3697	
	(Eastern CT)		
Water Permitting and Enforcement Division			
Wastewater discharge including stormwater	Kim Hudak	424-3396	
BUREAU OF WATER PROTECTION AND LAND			
REUSE (WPLR)			
Planning and Standards Division			
Aquifer Protection Area Program	Kim Czapla	424-3335	
Inland Water Resources Division – Dam Safety	Art Christian	424-3880	
Remediation Division			
Central District	David Ringquist	424-3573	
Eastern District	Bill Warzecha	424-3776	
South Central District	Tom RisCassi	424-3781	
South Western District	Peter Hill	424-3912	
North Central District		Rob Robinson 424-3775	
North Western District	Pat DeRosa 424-3501		
Office Of Long Island Sound	D : C : : : :	10.1.00.5	
Enforcement	Brian Golembiewski	424-3867	
Field Operations	Kevin Zawoy	424-3626	

Appendix B

Referral List of Potential Violations

Air Management

- Opacity Black or white smoke from industrial or large residential (apartments, condos, hotel) stacks.
 - Note: Detached plume indicates steam, not smoke
- O Deteriorating, malfunctioning or absence of air pollution control equipment on a chromium or nickel plating tank.
- O Significant dust which crosses property line and which is due to road construction, sand and gravel operations or uncovered piles.
- o Significant odor beyond property line of industrial facility or site of an air stripper.
- Uncovered containers of solvent or solvent containing coatings (e.g. MEK, xylene, paint, polyurethane).
- Heavy solvent odors in an industrial facility.
- Vapor degreasing failure to use power cover or hand-operated cover when not in use or solvent spillage from degreased parts due to failure to let drip dry over degreaser.

Contact: Air Complaint Line 424-3436

Pesticide Management Program

- o Pesticide spills or discharges to streets, storm sewers, water courses, etc.
- Pesticide disposal sites (dumps, burial sites, containers adjacent to or in surface water, containers in open fields or around commercial buildings).
- Questionable pesticide storage areas (large volumes, storage of pesticide products near food or feed, broken or leaking containers).
- o Pesticide related ground water or well contamination.
- Pesticide related wildlife or fish kills.
- Unpermitted aquatic pesticide applications.

Contact: Diane Jorsey, 424-3328

PCB Management Program

- o PCB spills, discharges or contamination of any material by PCBs.
- Off-line or abandoned equipment containing PCBs (transformers, capacitors, contaminated articles, including light ballasts).

- Storage of PCB items, waste or debris (electrical equipment which is off-line or out-of-service awaiting disposal, including light ballasts).
- Disposal/dumping of PCB contaminated soil, items and other articles
- o PCB related potable well contamination.
- Unauthorized PCB use including building materials including school demolition/renovation.

Contact: Gary Trombly 424-3486 (or Lori Saliby 424-3329)

Recycling Program

- O Clean, Designated Recyclable (DR) items in the trash. (As of the date of this plan, current designated recyclable items include: 1. glass and metal food containers; 2. residential and non-residential high grade white office paper; 3. old newspaper; 4. scrap metal; 5. old corrugated cardboard; 6. waste oil; 7. motor vehicle storage batteries (e.g. lead acid storage batteries); 8. Ni-Cd rechargeable batteries; 9. leaves; 10. grass clippings; 11. HDPE and PETE plastic containers; 12. boxboard; 13. magazines; and 14. colored ledger paper. Please check the DEEP Recycling webpage (www.ct.gov/deep/recycling) for an up to date list.)
- o Only one bin/dumpster for both trash and DR items. (Including the collection of only one designated recyclable.)
- The following DR items in a single stream container (all recyclable paper fibers and containers together in one bin)
 - Scrap Metal (incl. appliances)
 - Ni-Cd rechargeable batteries
 - o Lead-acid batteries (from vehicles)
 - o Used oil (e.g., crankcase oil)
 - o Grass
 - o Leaves
 - Residential Covered Electronic Devices (TVs, monitors, computers & printers)
 - o Source-Separated Organic Material (SSOM) from large commercial generators

Contact: Joseph Schiavone 424-3206 (Western District) or Kevin Barrett 424-3697 (Eastern District)

Terminal Program

• Any observation of leaks or spills around above ground storage tank or loading racks at petroleum terminals.

Contact: Phil Wilde 424-3339 or David Keating 424-4186 (or Lori Saliby 424-3329)

Underground Storage Tank Program

- Any release of oil, petroleum products or chemicals emanating from an underground storage tank (In addition to the UST contact below, please contact Paul Clark 424-3345 of the Leaking Underground Storage Tank Program and the Emergency Response and Spill Prevention Division 424-3338 and if the UST is in an APA, see below, contact Kim Czapla 424-3335).
- USTs abandoned or otherwise taken out of service without confirmation of soil samples of the tank grave.
- o Commercial UST facilities/systems not indicated on the Underground Storage Facility Notification (EPHM-6) Form maintained on site.
- o USTs in use beyond life expectancy (30 years).
- o USTs not properly maintained or without required leak detection systems.

Contact: Phil Wilde 424-3339 (or Lori Saliby 424-3329)

Emergency Response and Spill Prevention Division

- Oil or chemical spills onto soil or into surface water, groundwater, or storm/sanitary sewers.
- Chemical vapor emission passing beyond property line (eg. chlorine gas leak at sewage treatment plant).
- o Leaking or reacting drums of known or unknown chemical or hazardous waste.
- O Leaking underground storage tank (In addition to contacting the Emergency Spill Division, please contact Paul Clark 424-3345 of the Leaking Underground Storage Tank Program and Phil Wilde 424-3339 or Lori Saliby 424-3329 of the UST Program, and if the LUST is in an APA, see below, contact Kim Czapla 424-3335).
- o Fires involving tires, PCBs, pesticides or other chemicals.
- Accidents involving transportation of chemicals, oil or other petroleum products.
- o Illegal disposal or handling of asbestos, biomedical waste or hazardous waste.

Contact: Emergency Spill Reporting 424-3338 <u>Aquifer Protection Area Program</u>

Aquifer Protection Areas (APAs) are land areas that provide direct ground water recharge to a large public water supply well. For sites in APAs, any condition that may result in a release of contaminants to the ground water system is a concern.

- Observation of any spills or releases that may contaminate ground water or evidence of spills such as stained soil, including oil, gasoline, solvents or other contaminants (Also contact the Emergency Spill Reporting 424-3338).
- Observation of floor drains or other structures that may discharge contaminants directly to the ground.
- o Any release of oil, petroleum products or chemicals emanating from an underground storage tank (Also contact UST, LUST and Emergency Spill Reporting).
- Observation of improperly stored or handled hazardous materials (i.e. hazardous materials should be stored inside or under a roof, on an impermeable surface, with containment) (Also contact Hazardous Waste).

Contact: Kim Czapla 424-3335

Office of Long Island Sound Programs

- O Any ongoing work in tidal wetlands (areas which border on or lie beneath waters subject to tidal action and containing specified plants) or waterward of the high tide line indicated by a line or mark on beach or surrounding objects showing the intersection of the land with the maximum water height of a rising tide.
- o Any activity causing adverse environmental impacts such as sedimentation, erosion, destruction of wetland vegetation.
- o Structures or other obstructions which are a hazard to navigation.
- o Blocked or altered tide gates or clogged culverts.
- o Dredging observed in LIS during summer months.

Contact: Brian Golembiewski 424-3867 or Kevin Zawoy 424-3626

Dam Safety

- o Any deteriorated dam, dike or spillway structure showing boils, sink holes, seepage through or immediately downstream from the structure.
- A recent breach of, or erosion of the crest or embankment of a dam or dike or a dam with an obstructed spillway.
- o Construction or reconstruction of a dam, dike or detention basin.

Contact: Art Christian 424-3880

Hazardous Waste Management

o Containers with contents that are severely rusted or corroded, may be leaking, or lack a label to identify the chemical.

- Abandoned sites with containers, roll-offs, tanks or piles of industrial materials or contaminated soil.
- Containers or tanks with contents lacking a secondary containment system or without an impervious base, storage in cluttered congested area, or outdoor storage.
- o Staining of soil, asphalt or concrete outside of buildings.
- o Industrial waste in regular trash.

Contacts: Joseph Schiavone 424-3206 (Western District) or Kevin Barrett 424-3697 (Eastern District)

Solid Waste Management

- Piles greater than 10 cubic yards of solid waste including: land clearing debris, insulating materials, hardboard siding (transite shingles, Caution: may contain asbestos) discarded furniture and carpeting, construction or demolition debris.
- o Demolition, construction, or land clearing debris and/or other solid waste which is partially or fully covered over or near excavation pits, trenches or holes.
- o Tire piles and debris greater than 10 cubic yards.
- o Waste operations at refuse hauling companies with large numbers of dumpsters/roll-offs with refuse, or any solid waste in piles on the ground.
- o Excessive dust or refuse spillage, uncontrolled leachate from leaking dumpsters/roll-offs at refuse handling facilities.

Contact: Joseph Schiavone 424-3206 (Western District) or Kevin Barrett 424-3697 (Eastern District)

Water Permitting and Enforcement Division

- Fish kill, personal injury, illness or other significant environmental or health impact that is related to a discharge or operation of a wastewater collection or treatment system.
- o Bypass or upset of or significant damage to an industrial wastewater treatment system, a publicly owned treatment works ("POTW") or a sewer system.
- Heavily discolored discharges to or discoloration of a surface water body, storm drain or wetland.
- Spills of a significant amount of material that reach a storm drain, surface water body, sanitary sewer system and/or the groundwater that may cause a significant environmental impact.

- O Significant erosion/siltation problems, as may be caused by off-site tracking of a significant amount of dirt from a construction site, lack of silt fence or improperly installed silt fence, turbid discharge from a detention basin, or heavy downstream turbidity after a rain event.
- Failing subsurface disposal systems/septic tanks >5000gal. per day or community systems [Note: Failing means surface discharge of sewage].
- Vehicle washing or building power washing at industrial, commercial or municipal establishments.
- o Open or leaking dumpsters.

Contact: Kim Hudak 424-3296

Remediation Division

- o Recent change in ownership for an auto body shop, dry cleaner, furniture stripper, or other know hazardous waste establishment.
- Broken, malfunctioning, or compromised measures designed to prevent exposure to soil or groundwater pollution? Such as warning fences and signs, warning layers buried in the ground, vapor control systems, monitoring well, road boxes and/or other environmental controls.
- Any residential activity on an industrial site. Residential activity also includes schools, hospitals, day cares, playgrounds and outdoor recreational areas.

Contact: Claire Foster 424-3709

Public Utilities Regulatory Agency

o **Call Before You Dig** – Excavation without markings (spray paint, stakes, or flags) for underground utility facilities.

Contact: Karl Baker 827-2661

Appendix C

Intradepartmental Enforcement Action Referral Form To: Program: From: Program: Extension: Date of this referral: Date of previous referral (if any): Site Name: Site Address: Please reply to this referral in the required 5 days: Details of Proposed Enforcement Action/Observations/ Possible Violation(s):

Appendix D



Connecticut Department of Energy and Environmental Protection Multi-Media Checklist

Instructions: To be considered while conducting all field activities. For sites which have a "YES" answer, forward this form by e-mail to the appropriate contact.

Facility/site Name:	Facility/site Contact:			
Address:				
Telephone #:	Facility/site Type:			
Name of DEEP staff completing checklist:		Telephone		
Program/Division:]	nspection	Date:	
Observation Depending on the severity of the situation, you can either call the DEEP's e-mail for all staff is: first name.lastname@ct.gov Have you observed any of the potential violations listed below			Referred to & Date Referred	Comment
Recycling (Western: Joseph Schiavone 424-3206 & Eastern:		<u>. </u>	<u>u</u>	
Business lacking an established recycling program to ensure (mandatory) Recyclable (DR) items and trash within the faci recycling bin(s) located throughout the facility where the rec generated? DRs include Corrugated Cardboard, Boxboard, N & Colored Office Paper, Glass, Metal & Plastic (#1 and #2).	separation of Designated lity? Are there a lack of yclable materials are being lewspaper, Magazines, Whi	te		
 Business lacking more than one container at the "back of the items separately from trash. Focus on containers EMPTIED 96-gallon wheeled cart). 				
3. More than an incidental or inadvertent amount of clean DR i container (dumpster or wheeled cart).	tems visible in the trash			
Air Engineering & Enforcement (Mark Potash 424-3547)				
Black or white smoke emitted from industrial or large reside hotel) stacks. Note: Detached plume indicates water vapor, in the control of the control o				
2. Significant dust plume emanating from crushing/screening or piles, or a construction site, that is crossing property line. A out onto a paved road?				
3. Objectionable odors detected beyond property line.				
Pesticides/FIFRA * (Diane Jorsey 424-3328)				
Pesticide spills or discharges to streets, storm sewers, waterco	ourses.			
2. Pesticide disposal sites (dumps, burial sites, containers adjac containers in open fields or around commercial buildings).	ent to or in surface waters,			
3. Questionable pesticide storage areas (large volumes, storage food or feed, broken or leaking containers).	of pesticide products near			
Hazardous Waste/RCRA * (Western: Joseph Schiavone 424-3206 & Eastern: Kevin Barrett 424-3697)				
Containers/roll-offs/tanks with contents stored outdoors that open or unlabeled.	are corroded or leaking or			
2. Containers/tanks with contents lacking secondary containme	nt or an impervious base.			
3. Abandoned sites with waste containers/roll-offs/tanks.				
Solid Waste * (Western: Joseph Schiavone 424-3206 & Easte	ern: Kevin Barrett 424-369	7)		
Greater than 10 cubic yards of solid waste including municip waste (BW), construction/demolition waste, or land clearing any other waste dumped on the ground.	waste (stumps), and tires or			
2. Containers of solid waste at abandoned sites greater than 10	cubic yards.			
3. Excessive dust, litter, or other debris from a solid waste facil	ity.			
Terminal Management * (David Keating 424-4186)				
Leaks or spills around above ground storage tank or loading rack	s at petroleum terminals.			

PCB/TSCA * (Janet Kwiatkowski 424-3330)				
Evidence of spills or leaks from transformers, capacitors, other liquid-filled electrical equipment, or any other source that may contain PCBs.				
2. Any off-line or abandoned equipment containing PCBs (transformers, capacitors,				
machinery, etc.) or any PCB items, waste, or debris in storage for disposal or dumped. 3. Renovation or demolition at a building (especially a school) which was built prior to				
1978.				
UST * (George Purple 424-3364)				
1. Any release at facility of oil, petroleum products or chemicals emanating from an underground storage tank system.				
2. UST facility (such as gas station) that is abandoned or out of use.				
Water – Permitting and Enforcement * (Kim Hudak 424-3396)				
1. Any dry weather or discolored discharge to a watercourse, storm drain, sanitary sewer, or the ground.				
2. Water pollution in a watercourse or in a discharge to a watercourse (discoloration, foam, odor, fish kill).				
3. Heavily discolored discharges to or discoloration of a surface water body, storm drain or				
wetland (during a rain event). Or, any spills of a significant amount of material that could reach a storm drain, surface water body or wetland during a rain event.				
Inland Water Resources (Art Christian 424-3880)	l l			
Any deteriorated dam, dike or spillway structure (may be indicated by areas of seepage	ГПГ			
downstream from such structures); obstructed spillways or any new dam or dike construction. Describe.				
Oil & Chemical Spill Response *				
Any uncontrolled releases or threatened releases to the environment which pose or can be reasonably be expected to pose an imminent threat to public health or the environment. Report immediately-Emergency Spill Reporting 424-3338.				
Office of Long Island Sound Programs (Kevin Zawoy 424-3626)				
Any construction, placement of fill or discharge of sediment within tidal, coastal or navigable waters and/or tidal wetlands.				
*Aquifer Protection If referring an observation to one of those * programs above, also refer to Aquifer Protection Area Program. (Kim Czapla 424-3335)				
Radiation Protection (Denny Galloway 424-3525)				
Suspected presence of radiological material without any signs, labels, placards or markings indicating presence of radioactive material? (examples of notification include trafeil symbol.				
trefoil symbol ▲ and the word "Radioactive") 2. Uncontrolled releases or threatened radiological releases to the environment which pose				
or can be reasonably be expected to pose an imminent threat to public health or the environment. Report immediately-Radiation Incident Reporting 424-3338.				
Remediation (Claire Foster 424-3709)				
1. Recent change in ownership for an auto body shop, dry cleaner, furniture stripper, or other know hazardous waste establishment.				
2. Broken, malfunctioning, or compromised measures designed to prevent exposure to soil or groundwater pollution? Such as warning fences and signs, warning layers buried in the ground, vapor control systems, monitoring well, road boxes and/or other environmental controls.				
3. Any residential activity on an industrial site. Residential activity also includes schools, hospitals, day cares, playgrounds and outdoor recreational areas.				
Public Utilities Regulatory Agency (PURA) - Call Before You Dig (Karl Baker 827-2661)				
Excavation without markings (spray paint, stakes, or flags) for underground utility facilities.				

Additional Comments/Explanation of "YES" Answers: