Compliance & Enforcement

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Northeast District
The environment and the economy

- Florida’s economy depends on a healthy, sustainable environment.

- Two of our largest economic drivers—tourism and agriculture—are highly dependent on clean water, land, and air.

- A high priority is achieving positive environmental results and helping local communities.
It’s a wise investment!

- Investments in environmental protection create long term assets: a healthier, safer, cleaner and more livable environment.

- This is important in attracting new “high tech” firms and other businesses, new residents, high-profile events, etc.
So, how are we helping?

• First, we are focusing more on *outcomes*—and taking a much more active role in the process.

• This doesn’t mean we’re relaxing our standards.

• Instead, we’re looking more closely at what we do and ensuring that it makes sense for both the environment and the people of Florida.
New strategies

• We are using new approaches to drive better outcomes and improved environmental performance.

• Not rocket science!

• Just re-thinking how we get from A → B.
Closing the knowledge gap
Compliance Assistance

Targeted training

• Customized workshops

• Site visits

• Lots of problem solving!
Taking a **proactive** approach to compliance

- Making it easier to comply with environmental rules
- Aligns expectations
- Saves money and resources
- Improves compliance rates!
We’re reaching out to a wide range of diverse businesses and organizations including:

• manufacturers
• utilities
• service providers
• trade groups
• health care facilities
• real estate professionals
• contractors
• local governments and other organizations (to name just a few!)
Building trust

- Compliance assistance can be challenging and it takes time.

- Our day-to-day, informal interactions are some of the best opportunities to establish goodwill, trust and clear expectations.

- That helps improve the potential for compliance and good environmental stewardship.
Leveraging our resources

We are working closely with local programs to:

• share information and intel;

• find more opportunities to solve problems;

• collaborate, connect with more people

• cover a larger area more effectively.
• However, we also need to balance our efforts.

• Along with compliance assistance for the regulated community, we also need to maintain our obligations to EPA under the State Review Framework (SRF).

• This applies to CAA, CWA and RCRA.
• Where non-compliance does occur, despite our best efforts at education and outreach, our focus should still be on helping the facility return to compliance w/out enforcement.

• If compliance can be achieved w/out enforcement, the outcome is usually faster and less costly than formal measures.

• This allows both sides to fix the problem and achieve positive results.
Sometimes, different tools are needed

- Compliance assistance offer letter
- Warning Letter
- Notice of Violation (NOV)
- Case Report to OGC
From the DEP Enforcement Manual:

- “Our objective in enforcement is to apply the best method to resolve a violation and prevent further violations.”

- “Determining which method is best should include an assessment of the type of violation, its qualitative environmental impact, the behavior motivating the violation, the costs of pursuing different options, the likelihood of successful compliance, and reimbursement of our expenses.”
DEP Enforcement

- Most case-specific enforcement decisions are made at the district level
- 6 district offices
- Divisions and the Office of General Counsel (OGC) advise the district offices on enforcement matters
• District Director and Division conduct peer review of enforcement recommendations when noncompliance is found and formal enforcement is deemed necessary.
Purpose of Peer Review

- Consistent enforcement
- Appropriate and meaningful enforcement
- Check on Enforcement Managers and Management
- Provides an independent Division recommendation regarding enforcement to the District Director
- Ensures District staff understands Department’s enforcement goals, strategy, and process
Warning Letters

- Initiates formal enforcement
- Informs of potential violations that still exist
- Requests the responsible party to schedule a fact-finding meeting with Department
- Typically used if DEP plans to pursue a consent order and/or penalties
• Administrative remedy

• Typically used if violation is causing significant harm or because a program-specific deadline for initiating formal enforcement must be met.

• Notice of Violation issued to responsible party
  • Penalties pursuant to section 403.121, F.S
  • Corrective actions
  • Investigative costs and expenses
Settlement Options

- Consent Order
  - Appropriate in administrative actions and prior to the issuance of an NOV or the filing of a complaint
  - In lieu of penalties
    - In-kind or Pollution Prevention Project
    - Environmental Education Course for minor violations

- Consent Final Judgment
  - Appropriate in state court actions
Moving the needle

• We are seeing excellent results!

• We have some of the highest rates of compliance that we’ve ever measured.

• Compliance is now >90% across all of our major regulatory programs.
• With compliance assistance, direct engagement and new strategies, we are achieving a higher level of environmental performance.
Questions?

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