



Florida Department of Environmental Protection

Compliance & Enforcement

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Northeast District**





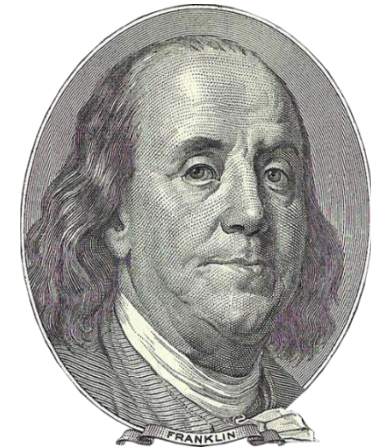
The environment and the economy

- 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.





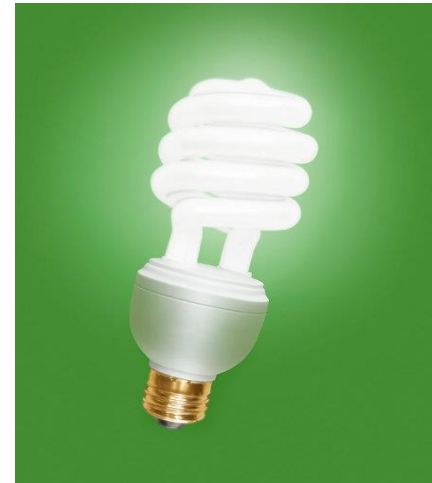
So, how are we helping?

- 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!





Compliance Assistance

Taking a **proactive** approach to compliance

- Making it easier to comply with environmental rules
- Aligns expectations
- Saves money and resources
- Improves compliance rates!





Target audience

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.





Need to strike a balance

- 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.



What if ... ?

- 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.





Non-compliance

Sometimes, different tools are needed

- Compliance assistance offer letter
- Warning Letter
- Notice of Violation (NOV)
- Case Report to OGC



Objective in enforcement

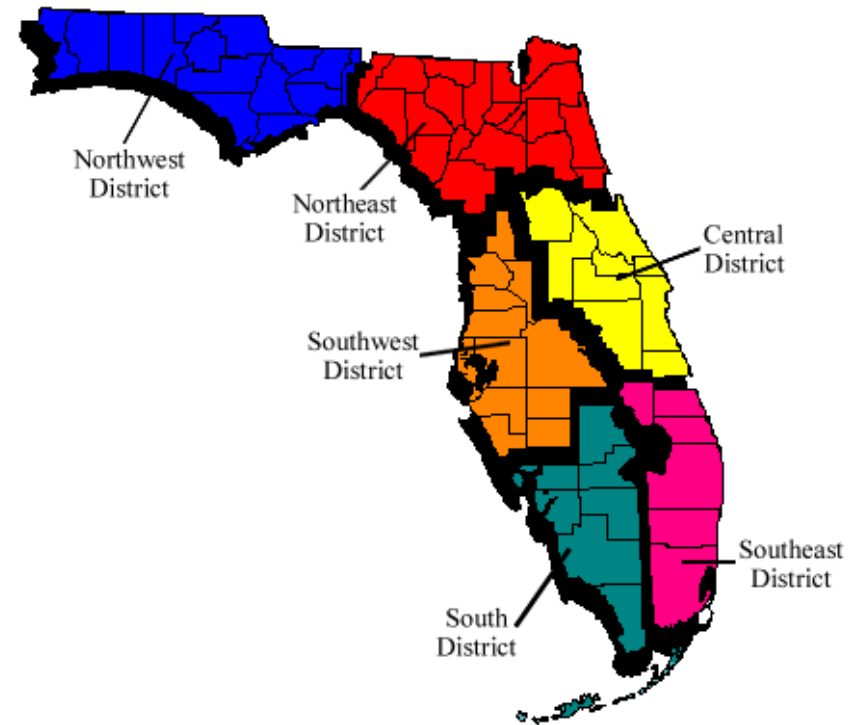
From the DEP Enforcement Manual:

- “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





Peer Review process

- 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



Notice of Violation

- 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.



Conclusion

- With compliance assistance, direct engagement and new strategies, we are achieving a higher level of environmental performance.



Questions?

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