

Compliance Assurance Strategy FY 10-12

A. Introduction

Making “Doing the Right Thing” the “Path of Least Resistance”

Compliance Assurance Goal: Maintain and further enhance environmental protection in CT by using permitting, assistance and enforcement resources in an integrated manner to solve the environmental problems identified as priorities.

Compliance Assurance Objectives: Achieve the highest level of environmental compliance through predictable, timely and consistent enforcement and effective compliance assistance where appropriate. Identify and reduce significant non-compliance in high priority program areas, while maintaining a strong enforcement presence in all regulatory areas. Promote voluntary compliance within the regulated community where appropriate through education and outreach, incentives and compliance assistance.

“Smart Enforcement”: The Department embraces the principles of the Environmental Protection Agency’s (EPA) “Smart Enforcement” in all aspects of its implementation. This approach is comprised of five components that, in combination, lead to a strategic and focused program. These components include:

- addressing significant environmental problems;
- using data to help make strategic decisions for better resource utilization;
- using the most appropriate tool to achieve the best possible outcome;
- assessing the effectiveness of program activities to ensure continuous improvement and desired program performance; and
- effectively communicating the environmental, public health and compliance outcomes of our activities to enhance program effectiveness.

Through our efforts to achieve the overarching goal of environmental compliance, CT DEP and EPA will pursue the following five goals for their enforcement and compliance assistance programs:

- Maintain an adequate compliance monitoring capacity;
- Maintain an adequate capacity for enforcement response;
- Maintain communications between CT DEP and EPA;
- Utilize compliance assistance as a compliance tool; and
- Consider crosscutting multi-media activities and planning to supplement programmatic implementation.

The maintenance of communication and coordination between CT DEP and EPA is essential to the success of achieving compliance within Connecticut. Each partner

agrees to communicate and coordinate with the other during enforcement proceedings, especially at the preliminary stages when contemplating entering into an enforcement action, and during compliance assistance activities.

According to EPA's national enforcement policy, implementers of programs to enforce the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act are required to identify and address significant noncompliers (also called significant violators) to minimize or eliminate risk to human health and the environment. CT DEP commits to (1) undertake targeting strategies and inspection protocols designed to identify significant noncompliance, (2) identify detected significant noncompliers in national enforcement databases, (3) communicate and coordinate with EPA on the enforcement action undertaken in response to the significant noncompliance, and (4) address these identified facilities with enforcement responses sufficient to ensure compliance and recovery of penalties. Monetary penalties recovered should be in accordance with federal and state penalty policies, but in most cases no less than the economic benefit of noncompliance and consideration of an appropriate gravity-based penalty sufficient to deter further noncompliance. The above-referenced goals are pursued by the CT DEP through its Enforcement Response Policy, Enforcement Coordination Plan, Compliance Assurance Policy, Civil Penalty Policy, Supplemental Environmental Projects Policy, and Multimedia and Cross-Training Policy, including a multimedia checklist.

B. Planning and Pursuit of Enforcement and Compliance Priorities

The CT DEP utilizes a focused problem solving approach that defines the issues and environmental footprint upfront, outlines the compliance tools that will be applied and the performance measures that will be used to evaluate compliance and communicate measurable environmental and performance results. An analysis of compliance patterns and rates, environmental data, EPA national program guidance and EPA NE identified strategic priorities is conducted across the Department's compliance programs to identify sectors or geographic areas where there are environmental problems or areas of high noncompliance that need to be addressed. Available permitting, assistance and enforcement tools are then evaluated to determine the appropriate application and integration of tools to resolve the problem. To the extent possible, CT DEP incorporates the EPA guidance into inspection targeting and formally negotiates with EPA on the use of federal funds to meet mutually agreeable objectives through planning inspections.

The CT DEP Office of Enforcement Policy and Coordination convenes enforcement, permitting and assistance managers on a monthly basis to assist in planning, coordinating and targeting inspections and compliance initiatives across the agency's compliance programs. In addition, CT DEP media enforcement programs meet individually on a monthly basis along with EPA and the Attorney General's Office to review tracking of existing enforcement cases, review inspection targets and to discuss proposed enforcement actions and make decisions in coordinating which agency is best suited to take the lead on a new case. CT DEP will work with EPA on necessary enforcement

issues and will continue to seek feedback from EPA on issues and priorities of particular concern and work cooperatively to address them. In addition, CT DEP will continue to attend and participate in the monthly conference calls and quarterly EPA/NE States enforcement/compliance management meetings including the Annual Planning meeting.

1. Air Compliance

Permit Priorities

Permitting efforts have been largely driven by state level energy legislation. The Air program has seen an increase in permit applications for new energy projects including baseload power plants, peaking units and combined heat and power projects. The Air program has been able to keep pace with the incoming applications and anticipates it will be able to continue to do so through FY10 - FY12. Title V permit renewal reviews continue to focus on compliance assurance monitoring (CAM) and maximum achievable control technology (MACT) for standards promulgated between permit cycles. The New Source Review program will continue to perform top-down best available control technology (BACT) reviews and ensure they are memorialized in the RACT/BACT/LAER Clearinghouse. CT DEP is committed to the Clearinghouse and realizes an up-to-date comprehensive database of nationwide decisions is essential to lower emissions that in turn drive technology. As appropriate, permit modifications and revisions will continue to streamline and eliminate unnecessary conditions and strengthen ambiguous and unenforceable requirements so that permittees and compliance efforts focus on what is important in doing the right thing.

Title V and GPLPE

The owners and operators of Title V and General Permit to Limit Potential to Emit (GPLPE) sources are responsible for the largest air pollution emitting facilities in the State of Connecticut, so compliance assurance will continue to focus on these sectors. The workplan for FY10 - FY12 not only focuses on meeting inspection targets, but also in assuring that the regulated community sees that compliance and going beyond compliance is the path of least resistance. New challenges being faced for FY10 – FY12 include following up rigorously with owners and operators that failed to register under the GPLPE prior to expiration, essentially no longer capping these facilities out of Title V. The owners and operators of these facilities will be pursued for Title V for the period that their emissions are not capped below Title V thresholds. All Title V and GPLPE reporting submissions continue to be reviewed by staff for inconsistencies, errors, and violations, and this effort enhances traditional inspections and more robust full compliance evaluations and any subsequent enforcement actions. As part of a LEAN initiative, the permitting and enforcement sections have been enhancing their coordination to ensure that Title V permits are written such that field enforcement staff are equipped with a tool that will increase inspection effectiveness.

Stage I Enforcement Enhancement

As the onboard vapor recovery systems become prevalent on vehicles in New England, the Air Management Bureau (Bureau) will gradually shift resources for FY10 - FY12 from a predominately Stage II focused presence to Stage I inspections and testing of volatile organic compounds (VOC) controls at gasoline terminals where there may be room for reductions of VOC and hazardous air pollutants (HAP) emissions. At this time, the Bureau continues to assess compliance throughout the fuel storage/delivery/filling process, and to check gasoline delivery vehicle vapor tightness testing markings, observe Stage I filling procedures, observe Stage II testing, and perform inspections of Stage II systems. Modifications to the Stage I and Stage II regulatory programs will be explored during FY10 - FY12.

Key VOC Reduction Strategy—Control Technique Guidelines

During FY10 - FY12 the Bureau intends to complete rulemaking for the Control Technique Guidelines (CTG) issued by EPA. Rules will be submitted for Industrial Cleaning Solvents, Offset Lithographic Printing and Letterpress Printing, Flexible Printing Paper, Film, and Foil Coatings, Metal Furniture Coatings, Large Appliance Coatings. Revisions will be made as necessary to existing CTG Miscellaneous Metal Products and Plastic Parts Coating.

Consumer products and architectural coatings rule implementation will continue. During FY10 - FY12, the Bureau will continue to work with the Ozone Transport Commission control measures work group to evaluate the potential to expand the list of products to achieve further VOC reductions from these sectors. The Bureau is preparing some summary sheets and holding some internal training sessions to facilitate implementation of the new consumer products and architectural coatings regulations. During FY10 – FY 12 an education and outreach effort will occur followed by strong enforcement.

NOx Reduction Strategy - Clean Air Interstate Rule (CAIR) and its Replacement

The Bureau will continue to implement the Clean Air Interstate Rule (CAIR), a regional NOx trading program mandated by EPA, until a CAIR replacement rule is adopted. CAIR includes the same universe of sources that are included in the NOx Budget Program and also adds Exeter Energy. During FY10-12 the Bureau will implement a compliance assurance system for this program.

Mercury Reductions – Lessons Learned

Compliance assurance activities will continue through FY10 - FY12 in the form of mercury (Hg) stack testing done at both municipal waste combustors (MWC) and Sewage Sludge Incinerators (SSI) on an annual basis to ensure compliance with applicable emission limits and measure the Hg control equipment efficacy. CT DEP will pursue the application of lessons learned concerning Hg controls to SSIs in Connecticut.

PM Reductions

The Bureau has developed an interim policy to address particulate matter less than 2.5 microns (PM2.5) in new source review technology assessments and dispersion modeling in recognition of the revised the national ambient air quality standards (NAAQS) for PM2.5 and will continue to implement it in FY10 - FY12. Connecticut has monitored ambient levels of PM2.5 higher than the new standard of 35µg/m³. While EPA has not yet fully provided implementation rules or guidance for these revised standards, this interim strategy will better protect public health and to help provide for attainment of revised PM2.5 NAAQS during FY10 - FY12.

NSR permit applicants must consider PM2.5 as a criteria pollutant and address PM 2.5 NAAQS compliance in preparing permit applications. These interim procedures will serve the policy goal of public health protection by minimizing PM2.5 ambient air impacts from new stationary sources, particularly in Fairfield and New Haven Counties, which are designated as nonattainment for PM2.5.

During FY10- FY12 CT DEP's compliance focus will continue beyond the existing SOx regulation and opacity compliance assurance to include strict open burning enforcement and trying to effectively control siting and operation of outdoor woodburning furnaces in Connecticut.

Diesel Emission Reductions- Focus on Environmental Outcome

During FY10 - FY12 the CT DEP will continue to implement diesel reduction strategies in the Clean Diesel Plan and in accordance with grants awarded under the American Recovery and Reinvestment Act and EPA's Clean School Bus USA program. DEP continues to work in partnership with Department of Motor Vehicles (DMV) to evaluate diesel reduction opportunities for trucks including EPA's Smartway program.

Carbon Dioxide Reduction Strategy –In Response To Climate Change

Connecticut, with the other northeast and mid-Atlantic states has launched the first ever regional cap and trade program for carbon, including the first auction of significant quantities of carbon allowances to fund additional energy efficiency and clean energy projects in Connecticut. During FY10-FY12, the Bureau anticipates continuing outreach efforts to promote energy efficiency as a cost-effective emission reduction strategy. The Bureau will seek to continue to implement PA 08-98, An Act Concerning Connecticut Global Warming Solutions.

High Electric Demand Day Strategy – To Reduce Ozone Season Emissions

High electric demand days (HEDD) are typically hot humid summer days when air quality is at its worst. In 2007, Connecticut worked with the Ozone Transport Commission (OTC) to design a HEDD strategy. While Connecticut has begun working on the development of a HEDD regulation, the energy sector has adopted an integrated resource planning process (IRP). The IRP recognizes and takes into account the overall impact that market effects and environmental regulation will have on the state's EGU

fleet. Through FY10-12, the Bureau will continue to identify smaller electric generating units (EGUs) that are operating in a price response mode when LMP is high. If these units are determined to be subject to NOx emission standards, air emissions from these units will be assessed for compliance.

2. Water Compliance

General

During the FY 10-12 period, the Water Permitting and Enforcement Division (WPED) will continue to deviate from its commitment to inspect 100% of all NPDES majors and 80% of the Significant Industrial Users. Inspection resources have been reduced by 40% and the remaining staff will be redirected based on recent compliance rate statistics to those activities determined to have a greater potential for causing pollution. There are three main reasons for modifying our inspection commitment:

- 1) over the last several years, certain facilities have maintained an excellent compliance record;
- 2) due to budget constraints, WPED lost two positions in the Field Compliance and Enforcement Group. One of the positions was the Supervising Environmental Analyst. WPED has reassigned an Environmental Analyst 3 as the lead for this group. His role as lead requires that he remain in the office the majority of the time. As a result, there are just three staff currently conducting inspections. This situation is expected to continue at least through FY 10;
- 3) other program areas, such as stormwater, CAFOs and general permit compliance are emerging as high priority areas in need of attention.

No less than 50% of NPDES Majors and 50 % of Significant Industrial Users will be inspected annually.

NPDES-Majors

Defer inspections for the following reasons:

- Permit has been reissued within the previous year with a detailed review by the permits and toxicity staff, and there is a high level of confidence by Permits/Compliance staff in anticipated compliance.
- Permit was not reissued within the previous year but all of the following criteria are met:
 1. maintained a good DMR record for the last year;
 2. no NOV's were issued within the previous 2 years;
 3. large amount of dilution;
 4. low level of toxicity;

5. high level of compliance confidence from Permits/Compliance staff;
and
6. no present enforcement actions (with exception of permit/order).

Significant Industrial Users

Defer inspections for the following reasons:

- Permit has been reissued within the previous two years with a detailed review by the permit staff, and there is a high level of confidence by Permits/Compliance staff in anticipated compliance.
- Permit was not been reissued within the previous year, but all of the following criteria are met:
 1. maintained a good DMR record for the last year;
 2. no NOV's were issued within the previous 2 years;
 3. no present problems at the receiving POTW due to non-sewage contaminants;
 4. no present enforcement actions (with exception of permit/order); and
 5. discharges small volume compared with dilution available in POTW.

Priority Inspection Areas

CT DEP will target inspections of the following facilities:

- The CT DEP Bureau of Materials Management and Compliance Assurance proposes to continue several compliance initiatives for FY 10-12. Specific attention will be directed toward compliance assurance for the following targeted industries with the worst storm water monitoring results for that category: auto salvage/junkyard operations, marina/boatyard or boat building, and construction related industries (i.e. cement/concrete manufacturing, sand and gravel operations).
- Facilities known or suspected to have highly toxic stormwater discharges to small streams or other critical watersheds.
- Construction sites known or suspected to be significant sources of erosion.
- Agricultural sites known or suspected to have potential for runoff problems containing significant levels of nutrients or human health related contaminants.
- Facilities with poor compliance records in the last two years.
- Inspection results from last fiscal year will be used to assist targeting inspections for this fiscal year.

Wet Weather Initiatives

As demonstrated above as part of CT DEP's inspection focus for water compliance, wet weather initiatives such as stormwater issues are emerging as high priority areas in need of attention. CT DEP continues to focus some of its limited enforcement resources on national wet weather priorities, specifically stormwater and Combined Sewer Overflows (CSOs), as opposed to addressing violations that have already been resolved without formal enforcement action, or those involving the CT DEP Nitrogen Trading Program. CT DEP will continue to track state enforcement actions that address CSO issues and joint state and federal enforcement actions that address Sanitary Sewer Overflows (SSOs). In addition, CT DEP will continue to track and report in the WPED's Quarterly Permit and Enforcement Report program elements, which include: stormwater inspections, CAFO inspections, general permit compliance audits, NOV's and formal enforcement actions.

3. RCRA Hazardous Waste Compliance

This document summarizes projected FY 10 - 12 compliance activities for the RCRA Hazardous Waste Program in Connecticut. The CT DEP will continue to address the EPA RCRA National inspection goals of 20% large quantity generators (LQG) inspected or utilize EPA's LQG flexibility alternatives and, 50% Treatment and Storage Facilities (TSF) inspected. DEP proposes to implement initiatives to improve inspection visibility, efficiency and further safe waste management in Connecticut.

For FY 10-12 the RCRA program is proposing to reduce the inspection commitment to more accurately align with the grant funding provided to the State. The RCRA portion of the PPG has remained level funded throughout the PPG years, as well as for many years prior to the PPG, while under the categorical grant structure. The weakened value of the PPG combined with the significant reduction in DEP staff resulting from the Retirement Incentive Program offered to state employees in 2009 has necessitated this realignment of both grant and non-grant commitments. For example, the total number of proposed inspections for FY 10 is 129, about 20% less than the current FY 09 commitment of 159.

Generators

CT DEP has a Large Quantity Generator (LQG) universe of 282 generators which generate approximately 33,000 tons of hazardous waste annually based on the number of biennial reports submitted in FY 08. For FY 10, DEP proposes to deviate from the standard requirement to inspect 20% of the LQG universe (56 LQG's) and implement EPA's preapproved flex alternative #3 and inspect 10% of the LQG universe or 28 LQG's and redirect remaining resources. The reason for the reduction is that most of the LQG's have had multiple inspections and enforcement actions and now have a higher degree of compliance and proper waste management than sites with few or no inspections. In recent years only 11% of LQG inspections have resulted in formal enforcement actions. In addition little environmental benefit would be realized by these inspections. Therefore, as part of the pre approved alternative, DEP is proposing to direct

its remaining resources to inspect the following areas of high potential for non-compliance:

1. DEP proposes to continue to screen its manifest database and inspect facilities that appear to be operating out of their notified status. DEP identifies SQG's, CESQG's and non-notifiers operating as LQG's and shipping greater than 1000 kg of hazardous waste without complying with applicable requirements. As a result of this initiative, typically 64% of these facilities inspected have received formal enforcement actions. These facilities are commonly inspected as LQGs, generally they come back into compliance with their SQG, CESQG, or non-notifier status which results in safer management of smaller quantities of waste. Even though the number of these sites have been decreasing (currently we are inspecting about 1/3 the initial number of sites identified) it is still a valuable tool for identifying potential violators. DEP proposes to inspect 10 manifest initiative sites in FY 10.
2. In the above strategy, enforcement actions will be taken pursuant to DEP's ERP to compel compliance. DEP will also provide compliance assistance as necessary at the time of the inspection. The quantitative measure would be the amount of waste improperly managed. This will be determined for non-notifiers, CESQG's and SQG's as follows:

For non-notifiers this is the total amount (lbs/yr) of hazardous waste generated that is being mismanaged or is being improperly managed.

For CESQG's and SQG;s operating as LQG's this is the amount (lbs/yr) of hazardous waste accumulated greater than 1000kg (2,200lbs) that is being improperly managed (managed out of generation status).

The amount of hazardous waste being mismanaged or improperly managed will be determined at the time of the field inspection and recorded in the waste profile section of the inspection report or calculated at a later time if a hazardous waste determination is necessary. The environmental benefit that will result from proper hazardous waste management (returning to compliance and operating within the RCRA system) would be a reduced likelihood of spills, fires or explosions and improved protection of human health and the environment.

CT DEP proposes to conduct inspections at individual major waste generating sites and at major waste generating sectors such as metal coating and plastic product manufacturing as determined by a review of the 2007 hazardous waste biennial report with respect to the amount of waste generated and NAIC codes.

CT DEP will conduct key indicator inspections at 5 SQG sites, in sectors to be determined. As described in prior PPAs, key indicator inspections are a resource efficient tool to help screen for significant noncompliance whereby if the inspector observes no violations of the indicators, the inspections will be concluded. However, if

violations of any of the indicators are found a full Compliance Evaluation Inspection (CEI) will be conducted. DEP proposes to pilot a new initiative to promote COMPASS, our compliance assistance program, and to respond to feedback from the Hazardous Waste Advisory Committee formed in FY 08. CT DEP will conduct 5 compliance assistance inspections at SQG sites which have notified for the first time within the past 1-3 years. Typically, in the past, CT DEP has notified generators of the opportunity to have a compliance assistance inspection but the result has been little or no response from the sites contacted. Therefore, CT DEP will conduct the compliance assistance inspections for first time notified SQG's on an unannounced basis. CT DEP will select appropriate newly notified SQG candidates and conduct a full RCRA SQG compliance assistance inspection. During the inspection out briefing, the findings of the inspection will be shared with the site contact along with fact sheets and guidance. A narrative summary report will be provided when completed and the compliance assistance inspection will be entered into RCRA INFO as a compliance assistance visit.

CT DEP will continue to conduct Compliance Scheduled Evaluations (CSE) inspections for those sites where an informal or formal enforcement action has been issued, but not yet been noted in compliance. The CSE inspection will focus on specific regulatory areas to ensure that the company has come into and continues to be in compliance with the applicable regulations. Outstanding violations found to be in compliance during the CSE will be noted in compliance in the RCRA INFO database. Any outstanding violations found not to be in compliance may be linked to further enforcement actions. CSE inspections are a valuable tool in bringing both informal and formal enforcement actions to closure by observing compliance, documentation of which may have not been submitted to the Department. CSE inspections are used to strengthen CT DEP's enforcement position when escalating an enforcement action by documenting continuing areas of non-compliance. If a large number of regulatory areas are to be checked or if the inspector deems appropriate, a CEI will be conducted and logged into RCRA INFO as such.

Under CT DEP's Policy on "Inspecting a Facility Previously Subject to Formal Enforcement Action" dated February 1, 2002, CT DEP must re-inspect a facility not more than three years following closure of a formal enforcement action. Re-inspection of these subject facilities will assure continued compliance with the environmental requirements. In FY 06, FY07, and FY08 out of a total of 32 re-inspections, 13% (4) resulted in a formal action. The remaining sites had no or minor violations. Re-inspection evaluations will be logged into RCRA INFO as a focus inspection or occasionally as a CEI. CT DEP proposes to conduct 15 re-inspection evaluations in FY 10- 12.

It has been CT DEP's experience that auto recyclers are frequently found to be out of compliance with environmental regulations and best management practices. These violations include soils stained with petroleum products, improper storage of used oil, waste gasoline and spent batteries on soil, containers and tanks of waste in poor condition run-off of petroleum-contaminated rainfall, and large stockpiles of scrap tires in wetlands. In 2005 and 2006, the Waste Engineering and Enforcement Division (WEED)

and the Water Permitting and Enforcement Division (WPED) developed and exchanged inspection checklists for auto recyclers, better enabling each program to evaluate the highest-priority concerns of the other program. These checklists improved inspection efficiency by serving as a useful multimedia screening tool and by allowing one inspection to serve the needs of both programs. For example using the new WPED inspection checklist, WEED inspectors in addition to checking for RCRA violations also checked for water discharge permits, storm water pollution prevention plans, evidence of run-off channels and oily sheens. Using the new WEED checklist, WPED inspectors in addition to checking for water violations also checked for proper vehicle draining prior to crushing, used oil requirements, universal waste requirements, and waste shipping records. In 2005 and 2006, 63% of auto recyclers inspected were found to have waste management violations which resulted in the issuance of informal enforcement actions. As a result, DEP proposes in FY 10 to continue its multimedia inspections at auto recyclers and inspect five (5) auto recyclers located in environmentally sensitive areas, such as designated aquifer protection zones, GAA groundwater classification areas, and wetlands. The WPED inspectors will also conduct auto recycler inspections.

Working from the success and efficiency with cross-training and utilizing multimedia inspections for the auto recycling sector, the RCRA (WEED) & Water (WPED) programs will be using the same strategy within the Marina sector. CT DEP proposes in FY 10 to conduct multimedia inspections at Marinas with five (5) inspections by WEED and five (5) additional inspections by WPED.

CT DEP's underground storage tank (UST) program must inspect all federally regulated UST's in CT every 3 years. There are approximately 3000 UST's in CT. Federally regulated UST's contain gasoline, waste oil, diesel fuel and CERCLA hazardous substances (product storage). CT DEP when inspecting RCRA regulated handlers will gather information on UST's with regard to active use of tank, tank size, and contents in tank in support of DEP's UST program. CT DEP proposes to conduct at least 5 UST inspections as part of the scheduled site inspections.

Facilities

DEP will continue to inspect treatment and storage facilities (TFS) in accordance with RCRA national goals. DEP has a universe of 8 active TSF (3 commercial and 5 non-commercial) sites. DEP will conduct full CEI inspections at 1 permitted commercial TSFs' handling significant quantities of waste and 4 non-commercial TSFs in FY10. These inspections meet the RCRA national goal of inspection of 50% of the TSF universe annually.

As a result of an EPA contractor review of financial assurance mechanisms for RCRA TSDFs, many financial assurance mechanisms were found to be deficient. DEP proposes to conduct 16, detailed record reviews of deficient financial mechanisms to determine the cause of the deficiency and take appropriate follow-up enforcement action as necessary to bring the mechanisms into compliance. This program will assure that facilities have set

aside funds in valid mechanisms to assure that proper cleanup of releases to the environment is conducted.

Transporters

DEP is proposing to conduct 5 inspections at state permitted (hazardous waste) transporters. The transporter sector has been selected based on the current trend of hazardous waste transporters conducting truck-to-truck transfers, and activity which requires a specific permit under Connecticut law (CGS 22a-454). Many complaint investigations have revealed that transporters were conducting regulated truck-to-truck transfers without the appropriate 454 permits. The lack of permit safeguards increase the risk of a release to the environment. In addition to truck-to-truck transfers, the inspections will target any waste off-loaded from vehicles, storage of waste on vehicles for greater than 72 hours, and other potential areas for non-compliance.

Complaints

Complaint investigations will remain a high priority because some complaints have resulted in major enforcement actions. The actual number of inspections in this category cannot be predicted accurately. In cases when a full RCRA CEI inspection is conducted, the inspection is reported as an additional inspection and not as a complaint. DEP anticipates conducting, site investigations, typically including a site inspection, for at least 65 complaints and to process at least 100 additional complaints in FY10- 12.

Other

As resources allow, non-mandatory inspections will be conducted in order to support environmental programmatic priorities. Among the categories of inspections or investigations included here are conducting waste soil sampling as necessary to obtain evidence for case development, sites going or that have gone out of business, referrals from other Divisions, inspections of non-notifiers, title searches and record reviews, and other inspections not specifically identified through the current compliance strategy such as compliance assistance, selected sectors, and focus inspections. Seasonal resources may be utilized as appropriate for an increased presence with CESQG, SQGs, and Resource Conservation Challenge (recycling) visits, as well as for support projects including database clean-up and caseload reduction efforts. RCRA training for trade groups and other state groups such as park employees will also be provided.

4. Pesticides Compliance

It is the goal of the State of Connecticut's Pesticide Programs to ensure protection of human health and the environment from risks resulting from pesticide manufacture, registration, use, and disposal, while recognizing the benefits that pesticides offer to society. Further, Connecticut's pesticide management programs seek to: prevent pollution; reduce risk from pesticides; protect human health, the land, air and water, and both plant and animal non-target species; and show positive human health or

environmental results. The Pesticide Program has four program areas supported by federal funds: pesticide enforcement, groundwater protection, worker protection, and applicator certification. The plans for each of the four program areas for FY 10 through 12 are as follows:

Pesticide Enforcement

Assuring compliance and avoiding environmental damage from pesticide misuse has been a longstanding goal of the program. CT DEP also has a compliance assistance program that offers non-enforcement inspections to assist applicators in complying with the variety of pesticide laws. As an incentive, CT DEP offers re-certification credit to those individuals who volunteer for these inspections. Connecticut will continue to maintain adequate inspection, compliance monitoring and enforcement capacity to encourage the regulated community and pesticide users to properly produce, store, use and dispose of pesticides. The highest priority for enforcement cases has been, and will continue to be incidents of pesticide misuse that result in environmental damage or human health effects. The next highest priority for enforcement is actions against uncertified applicators. Integrated pest management will continue to be promoted to help decrease the overall use and environmental impact of pesticides. Although Connecticut currently does not register 25(b) exempt pesticides, marketplace inspections are used to assure that product composition and labeling meets the requirements of the federal rule. Violative labels will be referred to EPA for action, and mechanisms to stop sale on a state level will be explored. The Department is actively moving toward registration of such products, which will make state actions easier. In FY 07 EPA adopted pesticide container and containment regulations. These regulations began to be effective in August of 2009. The DEP submitted a plan for enforcement of these regulations to EPA. This plan was accepted by the regional office in June of 2008. There are relatively few agricultural dealers within Connecticut that fall under the bulk storage and re-packaging requirements of the rule, but any that do will be inspected for compliance. EPA had several areas of interest in the prior grant cycle, including fumigation, and return centers. To the extent possible, DEP will address these priorities in forthcoming years.

Water Quality Protection

The CT DEP pesticide program will continue to monitor surface and ground water for the presence of pesticides deemed likely to contaminate this resource, concentrating on areas where prior detections have occurred. To date the priority has been certain herbicides used in corn. Based on sampling results here and throughout the country, these pesticides are likely to remain the highest priority. The results will be evaluated with an eye toward the possibility of the state taking unilateral action to control them if necessary. The pesticide program will continue monitoring surface water in suburban/urban areas to determine if pesticide runoff from these areas is contaminating these waters. Aquatic application of pesticides is an area of water quality that has been addressed for years by means of a permit program. While this program is not federally mandated, it certainly has a bearing on water quality issues. Invasive plants are frequently referred to as “biological pollution” and aquatic invasives can be counted as some of the worst. The plants are often best controlled with herbicides, but this use must be balanced with the desire to minimize impact to water bodies from the chemicals themselves. The discovery of

pyrethroid insecticides in sediments in California has generated concern that these compounds may have an environmental impact greater than that previously thought. The pesticide program began sampling Connecticut sediments for these compounds in FY 06. To date CT DEP has not found any of these compounds in local sediment, but sampling will continue if analytical methods can be refined to reduce detection limits. Because the climatic conditions in New England are dramatically different than those in California, it is possible that the impact on sediments in New England is less than on the west coast. The CT DEP has entered data on the POINTS system to track water quality efforts conducted under this PPA. As information becomes available CT DEP will keep that database updated.

Worker Protection

In FY 2010 - 12 enforcement for violations of the Worker Protection Standard (WPS) will be carried out as these violations are discovered and the case merits. Connecticut will continue to implement mechanisms to provide revised WPS information to affected parties and to assist affected parties in complying with the WPS requirements. The Pesticide Management Program will also ensure that a mechanism is in place so that those growers wishing to act as trainers are provided with appropriate educational material. Additionally, Pesticide Management Program staff will be prepared to provide information to EPA on WPS provisions that work well when implemented at grower establishments, provisions that are not well understood or are not workable in Connecticut, information obtained from any compliance assistance audits performed, and areas found through this mechanism where compliance should be improved.

Applicator Certification

The pesticide certification program is a key part of the preventative nature of the pesticide program. By assuring that commercial applicators are competent with respect to their handling of pesticides, CT DEP hopes to avoid misapplications that harm people or the environment. CT DEP has developed a law and regulation examination to give to persons who hold out-of-state certification from states with comparable certification procedures. This will allow the Department to have greater confidence that the individual not only has adequate knowledge of pesticides and pests, but also of the particular state statutes and regulations that must be followed in Connecticut. The Pesticide Applicator Certification Program will be maintained and, where appropriate, upgraded or modified to ensure competency of certified applicators. Mechanisms will continue in place to monitor training and to ensure coordination between the Pesticide Management Program and training providers. Mechanisms will remain in place to use knowledge gained through inspections and investigations to target modifications to the program. Existing mechanisms to ensure that training providers have information necessary to target training on those topics needing special attention based on the applicant's knowledge of actual use practices within Connecticut will remain in place. Examinations will be updated as necessary, and mechanisms to validate these exams will be explored and implemented as they become feasible.

The state plan for certification has been updated and entered into the website created by EPA for that purpose, and any necessary changes will also be entered on that website.

5. PCB Compliance

The PCB Program will continue to provide an inspection field presence as a mechanism to encourage the regulated community to adhere to the applicable PCB laws and regulations, including those pursuant to TSCA. In connection with this effort, a Neutral Selection Scheme (NSS) has been prepared in order to guide the targeting and selection of inspections. The State of Connecticut draws PCB inspection sites primarily from complaints/tips/spill reports and the NSS. In keeping with DEP's Operational Plan as well as EPA Guidance, the PCB Program will continue to investigate PCB use violations as well as spills and releases.

For FY 10-12, the CT DEP expects to conduct 45-65 PCB inspections. The actual number of inspections conducted will depend, in large part, on the complexity and duration of PCB sites and removal work which require review and oversight.

The State shall review the quality and sufficiency of all evidence gathered in the course of any of the inspectional, laboratory and investigative activities performed under the cooperative agreement. The CT DEP will continue to forward all TSCA violative cases to EPA for possible enforcement. Where evidence reveals a possible violation of Federal law, the State shall immediately forward the information to the EPA Regional Office and provide witnesses for hearings and appearances in court upon request by EPA.

In addition, the PCB Program will continue to pursue state enforcement actions under Connecticut authority for violations of state requirements in accordance with Connecticut's Enforcement Response Policy (ERP). This will include the addition of Field NOV's as an additional enforcement tool for the State.

The PCB Program has undertaken initiatives to proactively remove PCBs from areas which are particularly vulnerable to releases of PCBs. The State and EPA have been in contact on these initiatives to assure that they meet our common goals and protect both human health and the environment. One of these projects involves targeting and, when necessary, removal of PCB-containing electrical equipment from abandoned facilities using Supplemental Environmental Project (SEP) funds towards any actual removal activities. The other initiative is to identify schools which have PCBs in their clock timing devices and, again where necessary, perform removals using available SEP funds.

6. Underground Storage Tank Compliance

Connecticut has been updating and enhancing its programs regulating underground storage tanks (USTs). These changes include improvements in the mechanism for funding UST cleanups, compliance monitoring, and remediation of releases. Many of these changes have come about as a result of the Department working with a stakeholders group including DEP; the Chairman of the UST Cleanup Up Account Review Board; representatives from the regulated community, including gasoline dealers and large oil companies; attorneys; environmental groups; and consultants.

USTs were first regulated by the Department in the mid-1980's. This regulatory scheme has evolved into several areas including compliance monitoring/assistance and enforcement, remediation, and funding for cleanups. Those three areas have come to exist as separate, but complementary programs.

The compliance monitoring/assistance and enforcement program which operates as the Storage Tank Enforcement Unit, the Department has, in an effort to comply with the federal Energy Policy Act requirement that UST facilities be inspected every 3 years, undergone a LEAN process aimed at streamlining the inspection and enforcement activities conducted by the Unit through increasing efficiency, decreasing redundancy, and utilizing a new, fully electronic inspection and registration system. The ability of the Department to meet the new three-year requirement is being facilitated by additional EPA STAG and LUST Prevention funding for staff, IT, and other necessary elements over the next few years. Since the LEAN kick-off event in October 2008, the Unit has increased its UST inspection output by more than 200%. In addition, the program continues to utilize its authority for a 'red tag' process whereby UST systems are disabled from use if certain significant violations are discovered. As an additional enforcement/compliance tool, the new electronic inspection system has the capability of generating field Notices of Violation (NOVs) on-site at the time of the inspection in order to streamline the enforcement process and enhance the inspection outcomes.

In addition, the Storage Tank Enforcement Unit has worked with a newly-formed stakeholder group, consisting of the regulated community, environmental bar, and regulators (DEP and EPA) in order to develop major revisions to Connecticut's UST regulations in order to comply with the Energy Policy Act requirements for states to implement secondary containment requirements and operator training. These draft amendments are working their way through the regulatory review process and final approval and implementation are expected in the spring of 2011.

The funding program, which operates as the UST Clean-up Account Program, was established to meet federal financial assurance requirements. A portion of the tax on gross receipts on petroleum products is used to provide funding for the remediation of contaminated UST sites. Recently enacted changes establish standardized procedures for reviewing claims, increased deductibles, limited payments for attorney's fees, create incentives for facilities to come into compliance, and require periodic compliance reviews as part of continuing funding requests. Another important change requires that funding be approved only when certain specific milestones have been achieved consistent with the State's remediation goals. As part of this provision, Licensed Environmental Professionals (LEPs) are now authorized to perform much of the technical review of the site clean-ups. LEPs are already licensed by DEP to verify clean-ups of sites under other programs within the Department. Their involvement in UST sites will help to streamline the process. The new law also establishes a maximum window of time over which a site is eligible for funding for both new and existing claims. This creates an incentive to complete the clean-up as quickly as possible, thereby eliminating extended claims that drag out over many years.

With regard to remediation, the Department is also in the process of drafting needed changes to the UST compliance regulations that will mirror some of the substantive changes already enacted in the Clean-up Account Fund statute, including the milestone requirements and the use of LEPs.

C. Enforcement Policies and Practices

- ***Lean – More Efficient Processes for Water, Waste, Underground Storage Tanks and Air programs:*** During 2008, CT DEP began to apply Lean principles and practices to improve the way the Department conducts business. Lean is a process improvement approach and set of methods that seek to eliminate non-value activities or waste. The Lean process provides the ability to eliminate waste, save time, standardize workflow, reduce backlogs and decrease process complexity. By applying Lean practices, the goal is for CT DEP to become more efficient while maintaining environmental requirements and as a result, increase the capacity to address new environmental challenges as they arise.

To date, CT DEP has undertaken 23 projects – about two thirds of those projects address enforcement and permitting program improvements. In FY 10-12, CT DEP will focus on implementing the recommendations of the Lean projects specifically within the following areas: water, UST, solid waste and air enforcement processes; air permit modeling; and coastal management, inland water and wastewater discharge programs permit application review processes; and enforcement cross-media database.

- ***Ensuring Return to Compliance – Enforcement Follow-up:*** Once a formal enforcement action is issued there are often times a number of compliance steps that need to be implemented by the Respondent and monitored by the Department to ensure a return to compliance. The schedule for returning to compliance may take several years. This is an area of enforcement workload that is not prominently recognized as a priority. Most often, the focus of priorities and enforcement review is on the front end of the enforcement process – inspection, case development and issuance of informal and formal action.

In FY 10-12, CT DEP will continue to focus on monitoring final enforcement actions to ensure a return to compliance. Certificates of Compliance or an alternate instrument that the Department deems appropriate will be issued by the Department to signify the closure of the enforcement action.

- ***Enforcement Desk Reference*** - Continue to rely upon the Department's Enforcement Desk Reference ("EDR") as a valuable enforcement tool. The EDR is an electronic enforcement resource library located on the Department's intranet site to give all staff immediate access to the most current enforcement policies,

formats, forms and instructions needed to develop and complete enforcement actions. The EDR assists in the implementation of a consistent and predictable enforcement program across all air, water and materials management programs.

- ***E-Government Improvements*** –Continue to implement the submittal of electronic Discharge Monitoring Reports (DMRs) for water discharge permits and the submittal of electronic DMRs for Alternative Treatment Technology (ATT) on-site wastewater treatment and renovations systems. Also, continue to develop electronic learning tools via the web site to enhance the Department’s compliance assistance training opportunities in areas such as hazardous waste materials management.
- ***Response to Complaints*** - Complaint investigations will continue to be a high priority for the agency. A high proportion of complaints result in the identification of violators and pursuit of civil and criminal enforcement cases.
- ***Delivery of Effective and Consistent Enforcement Actions through Continued Reliance on Enforcement Policies*** - Continue to pursue the delivery of timely, consistent, predictable enforcement action through the reliance on the following Department enforcement policies: Enforcement Response Policy; Civil Penalty Policy; Supplemental Environmental Project Policy; Compliance History Policy and Compliance Assurance Policy.
- ***Self-Policing Policy*** – Continue to support the use of the Department’s Self-Policing Policy to promote voluntary compliance. The Department will continue to coordinate with EPA on the audit responses. Depending upon the extent State resources are consumed by the audits, EPA and DEP must adjust PPA outputs to reflect and accommodate demands made by the audit submissions
- ***Improve the Department’s Field Presence: Introduce Alternative and Innovative Inspections*** in the regulated community to more efficiently and effectively address noncompliance. For example, it has been CT DEP’s experience that auto recyclers are frequently found to be out of compliance with environmental regulations and best management practices. These violations include soils stained with petroleum products, improper storage of used oil, waste gasoline and spent batteries on soil, containers and tanks of waste in poor condition run-off of petroleum-contaminated rainfall, and large stockpiles of scrap tires in wetlands. In 2005 and 2006, the Waste Engineering and Enforcement Division (WEED) and the Water Permitting and Enforcement Division (WPED) developed and exchanged inspection checklists for auto recyclers, better enabling each program to evaluate the highest-priority concerns of the other program. These checklists improved inspection efficiency by serving as a useful multimedia screening tool and by allowing one inspection to serve the needs of both programs. For example using the new WPED inspection checklist, WEED inspectors in addition to checking for RCRA violations also checked for water discharge permits, storm water pollution prevention plans, evidence of run-off

channels and oily sheens. Using the new WEED checklist, WPED inspectors in addition to checking for water violations also checked for proper vehicle draining prior to crushing, used oil requirements, universal waste requirements, and waste shipping records. In 2005 and 2006, 63% of auto recyclers inspected were found to have waste management violations, which resulted in the issuance of informal enforcement actions. As a result, CT DEP proposes to continue its multimedia inspections at auto recyclers and prioritize auto recyclers located in environmentally sensitive areas, such as designated aquifer protection zones, GAA groundwater classification areas, and wetlands. (*See Auto Recycling Compliance Initiative below*).

Working from the success and efficiency with cross-training and utilizing multimedia inspections for the auto recycling sector, WEED and WPED programs will be using the same strategy within the Marina sector. CT DEP proposes in to conduct multimedia inspections at Marinas (*See Marinas Compliance Initiative below*).

D. Cross-media Compliance Assurance Targets and Initiatives

The Department applies an integrated problem solving approach that defines compliance problems up front, outlines the most effective compliance assurance tools to address the problem and identifies the measures that will be used to evaluate compliance and demonstrate environmental and performance improvements as a result of the initiative. For some sectors the Department delivers traditional compliance assistance in the form of outreach and education e.g. guidance materials, workshops and training. For other sectors that have more widespread compliance problems, the Department has developed cross-media compliance assurance initiatives that include a broad range of compliance assurance components including compliance assistance, inspection, compliance assessment, enforcement follow-up and measurable results e.g. compliance rates, environmental benefits.

Over the last several years the Department has continued to develop compliance rates. Compliance rate analysis moves the agency one step away from output measures and towards outcome measures by reflecting behavioral changes within specific industrial sectors or facility types within the regulated community at large. Data reflecting the underlying rate of compliance by sector and facility type will allow the Department to make better, more effective use of existing resources.

The following are sectors or areas where the Department has developed broader cross-media compliance assurance initiatives. Each compliance initiative is comprised of multiple phases. The following initiatives will be pursued as Compliance Assurance priorities for FY 10-12. CT DEP recognizes that each media program has EPA specified targets or core program commitments they must meet e.g. **number of inspections for CWA- NPDES majors and Significant Industrial Users; RCRA- LQG's , SQG's; CAA – Title V, etc.** Within those parameters CT DEP makes a determination regarding either the tools that may be applied to achieve

compliance or the geographic area or sector where those tools may be deployed. Some of the areas identified below are not reported to EPA through the national databases for RCRA, Air Title V sources or the NPDES program. Nevertheless, they are valuable efforts that CT DEP encourages EPA to recognize as resource commitments that can be balanced against other commitments through the PPA negotiation process:

- ***Environmental Justice:*** The CT DEP’s Environmental Justice Program is one of the oldest environmental justice programs in the nation. Since its creation in 1993, CT DEP has developed a policy and strategies in response to the needs identified by local community groups, residents and the municipalities it serves. The Environmental Justice Program strives to ensure that minorities and historically excluded communities have meaningful access to the Department as well as to ensure a healthy environment and that opportunities to enjoy natural resources are available in urban neighborhoods. The CT DEP is committed to incorporating the principles of environmental justice into its program development and implementation, its policy making and its regulatory activities. One of the primary objectives of CT DEP’s environmental justice program is to educate communities regarding their rights to ensure they have opportunities to participate in CT DEP’s ongoing operations and program development, including but not limited to inclusion on the agency’s advisory boards and commissions, regulatory review panels, and planning and permitting activities.

In support of CT DEP’s Environmental Justice Policy which maintains “that no segment of the population should, because of its racial, ethnic or economic makeup, bear a disproportionate share of the risks and consequences of environmental pollution or be denied equal access to environmental benefits,” it has been the Department’s past practice as part of the notice requirement for certain facilities to require submittal of an Environmental Equity Plan. Public Act 08-94 “An Act Concerning Environmental Justice Communities” was implemented by CT DEP in 2009. This Act expands the notice requirements of CT DEP to provide more meaningful public participation for specifically defined permit applications for new facilities and expansions of such facilities located in environmental justice communities.

- ***Small Business Assistance Initiative:*** In accordance with CT Public Act 10-158 section 8, as part of the FY 11 PPA discussions regarding priorities and commitments, CT DEP will negotiate with EPA regarding the creation of a “consulting services program” within CT DEP.
- ***Auto Recycling Compliance Initiative:*** Approximately five years ago the Department began a coordinated compliance assistance initiative aimed at improving the environmental compliance with the Auto Recycling Industry. It has been CT DEP’s experience that auto recyclers are frequently found to be out of compliance with environmental regulations and best management practices. These violations include soils stained with petroleum products, improper storage of used oil, waste gasoline

and spent batteries on soil, containers and tanks of waste in poor condition run-off of petroleum-contaminated rainfall, and large stockpiles of scrap tires in wetlands. As part of the compliance assistance effort, the Department developed an environmental compliance guide specifically tailored for the auto recycling industry.

In 2005 and 2006, the Waste Engineering and Enforcement Division (WEED) and the Water Permitting and Enforcement Division (WPED) developed and exchanged inspection checklists for auto recyclers, better enabling each program to evaluate the highest-priority concerns of the other program. These checklists improved inspection efficiency by serving as a useful multimedia screening tool and by allowing one inspection to serve the needs of both programs. For example using the new WPED inspection checklist, WEED inspectors in addition to checking for RCRA violations also checked for water discharge permits, storm water pollution prevention plans, evidence of run-off channels and oily sheens. Using the new WEED checklist, WPED inspectors in addition to checking for water violations also checked for proper vehicle draining prior to crushing, used oil requirements, universal waste requirements, and waste shipping records. As a result, CT DEP proposes in FY 10-12 to continue its multimedia inspections at auto recyclers and, if necessary, follow-up with enforcement.

- ***Wet Weather - Industrial Stormwater General Permit Compliance Initiative:*** CT DEP is continuing its efforts to improve compliance with its General Permit for the Discharge of Stormwater Associated with Industrial Activity (“industrial stormwater general permit”). In FY06-07 the Department began targeting facilities in the **auto recycling, marina and construction sectors** that had stormwater monitoring results that demonstrated their discharges to be in excess of discharge goals contained in the general permit. Multi-media inspections were conducted for the above-referenced sectors and follow-up enforcement action will continue to be taken in FY 10-12 as necessary. (See *Auto Recycling Industry Compliance Initiative above*) (See *Marina Compliance Initiative and Construction Stormwater General Permit Compliance Initiative below*)
- ***Marinas Compliance Initiative:*** In FY 10-12 the CT DEP will undertake a targeted compliance initiative for marinas to bring them into compliance with a specific area of environmental concern – power washing. At the same time, the Department will continue to support ***CT’s Clean Marina Certification Program***. Connecticut's Clean Marina Program is a voluntary program that encourages inland and coastal marina operators to minimize pollution by certifying as “Clean Marinas” those marinas, boatyards, and yacht clubs that operate at environmental standards above and beyond regulatory compliance. This certification program will continue in FY 10-12.
- ***Pharmaceutical Disposal:*** Appropriate disposal methods for pharmaceuticals need to be established and enforced across states. Pharmaceuticals discharged to POTWs are subject to variability in their treatment. The majority are passed through the POTW system untreated and discharged directly into public waters, threatening both human drinking water supplies and aquatic organisms. Disposing of prescription and

nonprescription medication down the sink or toilet, for instance, causes water pollution and has adverse effects on septic systems, sewage treatment plants, fish and other aquatic life. This problem persists within both distribution/retail sales, as well as within the hospitals and health care sectors.

CT DEP has specific, case examples with preliminary evidence of mismanagement and improper disposal of pharmaceuticals. The waste falls into at least three general categories: pharmaceutical, spent photo-processing, and non-saleable consumer products. In FY 11-12 wants to continue to discuss with EPA the opportunity to partner with the states to pursue this issue as a national enforcement and compliance priority as there are thousands of pharmaceutical retail locations, and hospitals and health care facilities, including sites in most if not all counties of all states.

- ***UST/SQG Compliance Initiative:*** About four years ago the Department implemented an innovative inspection initiative to strategically increase the Department's field presence in the regulated community to address noncompliance. The two areas of focus were the Resource Conservation and Recovery Act ("RCRA") small quantity generators ("SQGs") and Underground Storage Tank ("UST") Programs where additional information was needed to target compliance efforts effectively. In FY 10-12 this initiative will be continued through an identification of areas where additional compliance assistance is needed as well as identification of where enforcement action for RCRA and UST violations is necessary based upon the inspection results from previous years.

Based upon the lessons learned from the SQG site visits and an analysis of where additional areas of compliance assistance is needed, the Department has been developing a compliance assistance initiative for SQG's. In FY 10-12 a training program along with guidance material will be conducted and distributed. In addition, an e-government tool, an electronic learning course for generators of hazardous waste, will be developed and accessible on the Department's web site.

- ***Construction Industry***

Construction and Demolition Guidance: The construction and demolition industry generates waste wood products contaminated with lead based paint or chemical residues. Commercial and industrial sites may have process chemicals, oils, cleaning products or other chemical products stored onsite. These products may be classified as hazardous waste or must be shipped to a permitted facility or require special waste disposal. CT DEP has and will continue in FY 10-12 to provide outreach materials to this industry also with the opportunity for a DEP inspector audit, thereby ensuring safe waste management practices in the future.

Construction Stormwater General Permit Compliance Initiative: Recognizing the ongoing need to protect streams, wetlands and other important habitats from construction related impacts, the Department has made substantial efforts to ensure that developers are aware of the need to employ appropriate erosion control and stormwater management measures at construction sites. Despite these

efforts, the Department identifies many construction sites each year that have significant compliance problems. These cases are often times difficult and time-consuming to resolve, which can over burden limited staff resources.

In response, in FY 08-09 the Department developed an expedited compliance approach aimed at streamlining its efforts to respond more quickly to sedimentation problems, and to ensure compliance with erosion control and stormwater management requirements at construction sites greater than 5 acres. In FY 10-12, on a pilot basis as part of a LEAN initiative the CT DEP may further enhance this expedited compliance approach through the issuance of a field Consent Order.

- ***Retail Home Improvement/Small Commercial Entities(Hardware Stores/Garden Centers) Compliance Assistance*** - As a follow-up to the lessons learned from the Home Depot enforcement actions and the best management practices that were developed for improved hazardous waste, pesticides and stormwater management, in FY 10-12 the Department will be providing compliance assistance to the retail home improvement sector/small commercial entities. In FY 09 the compliance initiative included research to determine the stakeholder and regulated universe and research and development of training and guidance material. In FY 10-12 outreach and a training program will be conducted including surveys of the training participants and others included in the regulated universe; compliance indicators to determine environmental performance will be developed; and a number of formal inspections to assist in determining areas where compliance assistance or follow-up enforcement is needed will be conducted.
- ***Recycling*** – The RCRA hazardous and solid waste program will continue to pilot the use of an abbreviated recycling inspection checklist as a supplement to certain RCRA and Solid Waste Facility inspections. The checklist provides a quick assessment of whether the inspected sites have recycling programs in place, and whether mandated recyclables are being properly managed. Use of the checklist will not add a substantive amount of time to inspections, so it should not affect RCRA or Solid Waste inspection goals. This project is intended as a pilot for later use Department-wide.

In FY 09, on a pilot basis the RCRA hazardous and solid waste programs developed a template for requiring a recycling business profile or audit as part of enforcement settlements. This pilot will continue in FY 10-12. This initiative will increase the regulated entities understanding of the recycling requirements and increase compliance with the state's recycling requirements. In addition, the Department will continue to enhance the recycling material available on the website. This will broaden the Department's outreach efforts beyond the generators and facilities that the RCRA hazardous and solid waste program normally inspects; but, will also reach out to sectors such as institutions, large office buildings and businesses, and malls and other retail establishments.

- ***Electronic Equipment Recycling*** – In FY 10-12, CT DEP will continue to implement the electronic equipment recycling law that was passed in 2007. A central component of which is the development of regulations by the Department. Final regulations have been approved. Under the new law, residents will have convenient and free opportunities for recycling their computers, televisions and monitors. The financial burden for recycling electronic waste will rest with the manufacturers while the towns will have their electronic waste picked up and recycled at no expense. By 2011, computers, televisions and monitors will be banned from solid waste disposal facilities in CT.
- ***Financial Assurance:*** In FY 05, the Department was the first state to volunteer to participate in an EPA pilot program to review potential compliance issues with RCRA Subpart H financial assurance requirements. The pilot was spurred by notable recent corporate defaults and scandals, such as Safety-Kleen and Enron, and has resulted in a national enforcement priority. In FY 10-12, this program will continue to assure that facilities have set aside funds in valid mechanisms to insure proper cleanup of releases to the environment is conducted.
- ***Air Toxics - Anti-Idling Strategy: Diesel emission reductions:*** As a complement to the Department's Clean Diesel Plan, the Department is implementing an anti-idling strategy to address the problem of excessive motor vehicle idling. Key elements of this strategy involve educating the public, improving enforcement tools and targeting key sectors. The major effort in this area is the Department's anti-idling signage program, which provides notice to drivers and is critical to educating the public and improving compliance rates.
- ***Food Preparation Establishments*** - The uncontrolled discharge of fats, oils and grease into sanitary sewer systems has been the cause of significant numbers of raw sewage overflows resulting in both public health and adverse impacts to Connecticut waterways. As a follow-up to the Department's issuance of the General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments (FOG), in FY 10-12 the Department is going to continue to provide compliance assistance through a community outreach program to educate dischargers of fats, oils and grease on the public health risks and adverse impacts to CT waterways. Guidance and recommendations to eliminate such discharges will be presented. Surveys will be conducted to measure the compliance and success of strategies implemented as a result of the training seminars. As necessary, follow-up enforcement action will be pursued.
- ***Projects to Promote Low Impact Development and Engage Communities in Urban Watershed Management*** – Two SEP projects are instrumental in meeting these goals – a North Park River Watershed Project to develop a watershed-based plan in an urban, combined sewer watershed and a Farmington River low impact development (LID) project to allow communities to review their ordinances and development regulations and revise them to accommodate LID techniques. Combined sewer

overflow volumes are exacerbated by the connection of roof leaders, sump pumps, yard drains, curtain drains and other sources of rain water to the sewer age systems, whether the sewerage system is a separate sanitary sewer or a combined sanitary and storm water sewer. As a follow-up to the Hartford EPA/DEP MDC settlement requiring the Metropolitan District Commission (MDC) of Hartford to stop all sanitary sewage overflows, reduce its combined sewage overflows, and reduce nitrogen releases into the CT River, in FY 09 the Department awarded a project to develop a watershed-based plan in the North Park Watershed in Hartford/West Hartford. The project will develop and emphasize an educational outreach program to communicate with, and engage, the public and other officials that illicit connections to the sewerage system are harmful to the public health and to identify the means to eliminate the illicit connections and prevent future connections being made. In the Farmington River, 11 communities have proposed projects, and were funded, to review their local authorities and determine how LID can be promoted in new development and redevelopment projects. These efforts will likely be models for similar change in communities throughout the state, and can contribute to CSO abatement efforts in CSO areas.

- *Additional Compliance Assistance and Pollution Prevention Initiatives in Priority Sectors*

Mercury Action

The CT DEP continues its efforts to eliminate the discharge of anthropogenic mercury to the environment including efforts to implement many of the provisions of the Mercury Reduction and Education Act (Public Act 02-90) as well as development of other regulatory measures aimed at minimizing mercury emissions. In 2006 CT's General Assembly improved the State's mercury reduction laws by adding enforcement provisions that establish specific penalties for violating laws governing sale, distribution, labeling and collection of mercury and mercury-added products. The 2006 revisions also added more banned mercury items. Efforts for FY 10-12 include the following:

Dental mercury: The CT DEP in partnership with the Connecticut State Dental Association and Wastewater Treatment Facilities Operators finalized Best Management Practices (BMP) for Dental Offices Waste Handling in Connecticut in October 2003. This was done as part of an effort to help dental practitioners and dental schools meet the requirements of the Mercury Reduction and Education Act. Among other requirements, a primary component of the BMPs is the installation of an amalgam separator to trap and remove mercury amalgam at the dental practice. Amalgam separators are required to meet the ISO 11143 standards with a mercury amalgam removal rate of 95% or higher. Effective January 11, 2006, the department modified its "Best Management Practices for Mercury Amalgam" in an effort to: 1) require dental offices to make available to patients information about mercury amalgam fillings by prominently displaying a brochure prepared by the DEP and 2) clarify the

responsibilities of dental offices in the storage, handling and disposal of mercury amalgam.

The CT DEP has initiated a program requiring dental practitioners to certify that they are in compliance with the dental amalgam BMPs, especially the installation of amalgam separators that meet the ISO 11143 standards. In FY 08-09 the CT DEP started a coordinated effort of inspecting dental offices for compliance with BMPs and familiarizing newly licensed dentists with what is expected of them as it relates to the use and handling of mercury amalgam to further assure compliance with the dental provisions of the Mercury Reduction and Education Act.

Phase-out and increased recycling of certain mercury containing products: According to the Mercury Reduction and Education Act, effective July 1, 2004, the sale or distribution of mercury-added products containing more than one gram or 250 parts per million of mercury is prohibited, unless the product is specifically exempted from the statutory phase-out requirements. In 2006 the phase-out requirements for mercury-added products became even more restrictive. Effective July 1, 2006, the sale or distribution of mercury-added products containing more than 100 milligrams or 50 parts per million of mercury is prohibited, unless the product is specifically exempted from the statutory phase-out requirements. The CT General Assembly, through the Public Act 06-76 also improved the states mercury reduction laws by adding enforcement provisions and additional banned items e.g., button cell batteries. In particular, the Act expands the coverage of the RCRA Universal Waste Rule in CT to include mercury-containing devices. To further enhance recycling of hazardous waste through the Universal Waste Rule, the Department will develop CT-specific requirements regarding mercury-containing devices, and include them in its RCRA regulation update package.

In FY 10-12 there will be an assessment of compliance of the manufacturers subject to the phase-out requirements for the sale or distribution of mercury-added products. Compliance assistance will be provided through the distribution of phase-out alert notices and guidance on meeting statutory obligations. Follow-up enforcement response will be pursued as appropriate for non-responsive manufacturers and non-compliant manufacturers. Measures will be developed to report compliance assistance activities, compliance rate of impacted manufacturers, enforcements activities and estimated environmental improvements.

Limiting Mercury Emissions: Based on the 2004 NESCAUM mercury inventory, the most significant source of mercury in Connecticut is Municipal Waste Combustors (MWC). Commensurate with the New

England Governor's Mercury Action Plan, the Department is working to reduce mercury emissions by 75% from the 1998 base year by 2010. Compliance assurance activities support this by assessing the mercury stack testing done at both MWCs and Sewage Sludge Incinerators (SSI) on an annual basis. MWC mercury emissions have been reduced by over 90%. However, due to the nature of the emission stream from the sewage sludge incinerators mercury controls that have proven effective on coal burning plants are not effective on the sludge incinerators. DEP will continue to explore the possible technologies available for reducing mercury emissions from these types of sources.

Hospitality – CT Green Lodging

The Department launched the CT Green Lodging program in May, 2009. The program is based on Maine's green lodging initiative, which has been operating for 3 years. It encourages facilities to become more efficient in the use of resources and to consider environmental implications of daily decisions. An online workbook is completed by lodging owners and sent electronically to the CT DEP and the Commission on Culture and Tourism. The workbook is scored and those facilities earning 100 points or more earn the green certification. The workbook contains over 400 possible points so it serves as an educational tool to encourage continuous improvement. To date, 15 lodging facilities have been certified so far. Training will be offered to CT facilities during FY 10-11 to help them upgrade their operations.

Toxics in Packaging Compliance

The Department has been working with the Toxics in Packaging Clearinghouse (TPCH) and its member states since 1992 to eliminate the use of cadmium, lead, hexavalent, chromium, and mercury in packaging. In FY 08, with grant support from EPA, the DEP again participated in a TPCH program to screen packages for the presence of these four restricted metals using a portable x-ray fluorescence analyzer.

This more recent study found somewhat improved compliance with Connecticut's toxics in packaging law. However, a continuing problem was lead and cadmium in flexible PVC packaging products imported from Asia. This is used to package items such as home furnishings, cosmetics, inexpensive toys, and pet supplies. Lead, mercury and chromium were also a problem in inks and colorants used on plastic shopping and mailing bags, also largely from imported products.

Follow up contacts by the TPCH with companies identified as non-compliant are ongoing from this round of screening. As with the previous screening, some companies were referred by the TPCH to states for enforcement. Two cases were referred to DEP, and NOV's were issued. Both companies responded to the NOV's and returned to compliance. Outreach to the packaging industry was done, and

continues, to ensure the entire supply chain is informed of the existence of Toxics in Packaging laws and the need for changes in their procedures to achieve compliance.

Dry Cleaners

The Department will continue to work with the Korean-American Dry Cleaning Association and DECD to educate business owners in this sector on alternatives and other pollution prevention and best management practices. Guidance manuals and pollution prevention checklists were provided to the Korean-American Dry Cleaning Association for distribution to their members at their annual meeting.

Vehicle service industry

The Department developed the “Pit Stop” guidance manual and an environmental checklist and has held numerous training sessions for the vehicle service industry. The Department partners with the Department of Motor Vehicles (DMV) to collect compliance data from this sector. The Department continues to review the environmental checklist for violations noted.

Schools

As of January 1, 2009, State-funded building projects need to meet green standards. The Department will continue to provide outreach to schools on green practices through the High Performance Schools Initiative with the Connecticut Green Building Council.

Hospitals/Healthcare

The Department chairs the Connecticut Hospital Environmental Round Table along with Hartford Hospital, Connecticut Children’s Medical Center and Practice GreenHealth (formerly Hospitals for a Healthy Environment, H2E). The Department participated in the Connecticut Hospital Association’s “Going Green” forum in March, 2009. This Forum was held to help hospitals get started with environmental initiatives, such as forming a green team, environmentally preferable cleaning products, green building, pharmaceutical disposal, serving local food, and energy efficiency. Another forum, “Hospitals Step Up To The Plate: Serving Healthy, Local Food” featured speakers from Health Care Without Harm and New Milford Hospital and their Plow To Plate Program.

The Department continues to provide technical assistance to the health care facilities and includes information useful to this sector in publications such as P2 View newsletter and through the agency’s website. In addition, a flyer was developed and distributed to hospitals and water companies about the problems associated with flushing disposable wipes.

The Department continues to work on the issue of consumer pharmaceutical disposal with Department of Consumer Protection, water companies, and business by posting information about medicine collections and instructions for disposing of pharmaceuticals safely on the agency's website.

DEP's Pollution Prevention (P2) Office won H2E's Champions for Change Award in 2006 and 2007 in recognition of its efforts to promote environmentally responsible health care.

Organic Land Care

In conjunction with one of the specific recommendations of the Climate Change Action Plan, the Department promotes awareness of organic land care practices and their environmental benefits. CT DEP co-sponsored two half-day workshops on organic land care with the University of Connecticut Plant Science Department and the CT Northeast Organic Farming Association in May and June. The training was developed to help towns maintain quality turf while complying with the upcoming pesticide prohibition on K-8 school grounds. Ten private landscapers and 15 officials from 13 towns attended the two workshops.

At the first workshop, municipal parks and recreation, public works, and education staff along with land care professionals interested in working with towns learned in detail about testing the soil, interpreting the results, and developing a practical organic land care plan for recreational fields.

The second workshop held at UCONN's Research Farm, featured new research on organic land care and nutrient management as well as an overview of the DEP organic land care pilot projects in Manchester and Watertown. The focus of this session was on how to implement an organic land care plan within the town's budget, including discussion of amendments, cultural practices and equipment.

Greening DEP with a Conservation Plan

The Department has had a "green" team since 1995. Originally known as the Pollution Prevention (P2) Work Group, it recently changed its name to the DEP Green Team to reflect its current mission to implement the Commissioner's Conservation Plan (Plan). The goals of the Plan are to reduce energy, waste, and greenhouse gas emissions, measure progress and make DEP a model for other state agencies.

DEP's Green Team is made up of volunteers from a cross-section of departments and jobs. They work very closely with the building manager and cleaning crew to ensure that the recycling, composting, and special projects like building-wide cleanouts, achieve the highest results. The Green Team is further organized into committees that correspond with sections of the Plan. The committees currently

include Energy Efficiency, Green Purchasing, Education, Building Improvements, Reducing Water, the ReSupply Center, and Floor Teams. While the full Green Team meets monthly, committees meet individually and work on specific projects.

The Department will continue to act as a model for others by incorporating sustainable practices and principles into the Department's operations. Actions that the Green Team has initiated to green the agency include: implementation of the Commissioner's Conservation Plan; encouraging recycling of mandated and numerous other items; composting food scraps; establishing a native plant garden; reducing paper use by defaulting copiers to double-side; establishing a ReSupply Center for office supplies; purchase of environmentally preferable computers (EPEAT); devising strategies to improve employee use of alternatives to single occupancy vehicle commuting; tracking the success of the building clean-out days; and tracking the use of energy at 79 Elm in concert with installation of energy-saving practices.

Green "Less-Toxic" Cleaning

In an effort to improve air quality in schools and make them healthier places for students, teachers, and staff, Governor Rell signed into law Public Act 09-81 requiring schools to use environmentally preferable, "green" cleaning products.

The DEP Office of Pollution Prevention is continuing its outreach efforts on green cleaners for the home by giving presentations, including at the Connecticut Green Cleaning Conference. A display showing environmentally preferable and homemade alternatives to toxic cleaning products was loaned to a variety of organizations for use at events, such as environmental festivals and employee health and safety fairs.