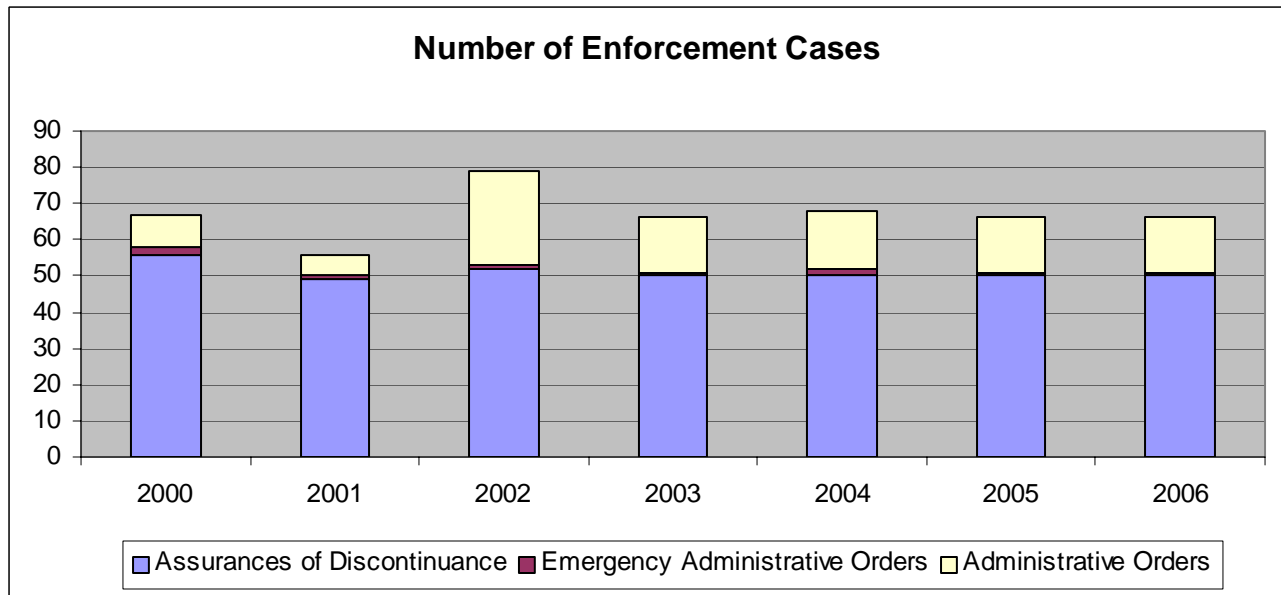


Results

Compliance with environmental laws. Fair, efficient, and effective enforcement of environmental laws.

Key Indicators

To be developed, compliance rate for multiple programs.



Story behind the base line performance

One of our primary concerns is assuring that all people comply with environmental and public health requirements (including state and federal statutes, regulations, permit conditions, enforcement actions, etc.) that are the responsibility of the Department of Environmental Conservation.

Compliance comes from a number of different sources. First and foremost, compliance is the result of a citizenry that understands the environmental and public health reasons for federal and state requirements. Second, compliance comes from the compliance programs that are administered by the Department and EPA. These programs provide an oversight both for permitted activities and for regulated non-permitted activities. The last source of compliance comes from formal enforcement actions.

Where voluntary compliance efforts, when deemed appropriate, do not produce adequate results, formal enforcement action is taken by the staff of the Enforcement Division. The Enforcement Division provides additional complaint investigation and formal legal actions to all of the Agency of Natural Resource's programs, including the Department of Environmental Conservation. This division has twelve positions; three attorneys, a chief investigator, seven field investigators, and one administrative staff. Priorities for enforcement fall into a three-tier system. The first, or highest priority for enforcement, is for alleged violations which may threaten, or pose a threat to, public health. The second tier consists of those alleged violations which adversely affect the environment. The third tier includes alleged violations which do not directly affect either public health or the

environment, but which do violate a statute, regulation, permit, court order or other regulatory document, and often affect regulatory program integrity.

Strategies/ Performance Measures / Proposed Accomplishments

Regulation, Compliance Assistance, and Enforcement

The Department intends to continue with its past level of enforcement activities during FFY 05. In general, the Enforcement Division has accepted all referrals from the Department 's operating divisions, and that level of service is expected to continue in FFY 05. The Department completed the development and adoption in FFY 01 of a compliance policy to assure a consistent approach to enforcement across all media. During FFY 05 the Department and EPA, Region I will continue to engage in regular compliance related communications to assure a coordinated approach to enforcement efforts. The Department will continue its practice of investigating tips and complaints quickly to ensure compliance. We have found that, given the compliance monitoring source base in Vermont, our current practices ensure an even coverage of compliance monitoring efforts throughout the state.

The Enforcement Division expects to enter into about 50 formal Assurances of Discontinuance, issue approximately 10 formal Administrative Orders, and 1 or 2 Emergency Orders for programs covered by this Agreement during FFY 05. At midyear and end-of-year, the Enforcement Division will report existing information about the number of settled or resolved enforcement actions and final assessed penalties for each category of enforcement action. Actions taken in FY 2004 year to date, by program are listed below.

Performance Measure	P = Projected Values A = Actual Values	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Total Assurances of Discontinuance	P					50	50	50	50	50	50	50
	A					61	46	53	49	44		
Total Emergency Administrative Orders	P					1	1	1	1	1	1	1
	A					3	1	1	1	2		
Total Administrative Orders	P					5	5	5	15	15	15	15
	A					12	7	23	13	18		

Update to this table to be provided in Mid Year Report

Performance Measure	P = Projected Values A = Actual Values	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Air Pollution	P											
Assurances of Discontinuance	A					11	5	13	12	7		
Air Pollution	P											
Emergency Administrative Orders	A											
Air Pollution	P											
Administrative Orders	A					2	9	6	2	2		
Hazardous Waste	P											
Assurances of Discontinuance	A					6		3	4	8		
Hazardous Waste	P											
Emergency Administrative Orders	A							1				
Hazardous Waste	P											
Administrative Orders	A					2		3	1	1		
Solid Waste	P											
Assurances of Discontinuance	A					4	9	5	9	11		
Solid Waste	P											
Emergency Administrative Orders	A									1		
Solid Waste	P											
Administrative Orders	A					2	2	4	4	5		
Water Quality	P											
Assurances of Discontinuance	A					13	11	10	10	17		
Water Quality	P											
Emergency Administrative Orders	A					1			1	1		
Water Quality	P											
Administrative Orders	A					1	2	4	2	5		
Water Supply	P											
Assurances of Discontinuance	A					8	8	12	5	1		
Water Supply	P											
Emergency Administrative Orders	A											
Water Supply	P											
Administrative Orders	A					1	2	4	1	2		
Wastewater Mgt	P											
Assurances of Discontinuance	A					14	7	9	4	5		
Wastewater Mgt	P											
Emergency Administrative Orders	A					1						
Wastewater Mgt	P											
Administrative Orders	A					1		5		1		