

Fundamentals (4.c): Permitting/Enforcement Question of Accommodation – ENFORCEMENT

Establish clear guidelines on key decision points within the enforcement process to ensure enforcement actions result in timely settlements with appropriate penalties and corrective actions.

Goal: Improve public confidence in enforcement decisions and actions by establishing clear guidelines for staff on critical decision points in the enforcement process to ensure our enforcement actions result in timely settlement with appropriate penalties and corrective actions.

DTSC has many options for enforcement actions against those who violate hazardous waste management requirements, and must ensure it is utilizing options appropriate for each violator. Where violations are egregious, or violators cannot or will not comply, Enforcement and Emergency Response Division (EERD) will take action to remove authorization or seek legal remedies to stop violations.

Timeline:

April – June 2013

- Develop and implement information feedback loop to Penalty Working Group to ensure that they are informed of the outcomes of cases for which they have calculated penalties to more effectively consider future fine calculations.

July – September 2013:

- Develop and implement internal guidance to speed settlement negotiations and maintain appropriate penalty amounts while ensuring timely compliance.
- Establish and implement guidelines to define when violations reach a level where EERD should remove a company's authorization to manage hazardous waste.
- Provide staff guidance on EERD's use of Consent Orders and civil referrals to ensure we are selecting the appropriate enforcement mechanisms.