

ENVIRONMENTAL ENFORCEMENT

Office of Enforcement and Environmental Justice



3 Ps OF ENVIRONMENTAL ENFORCEMENT

OPTION #1:

You can do whatever you want to, and **PRAY** you won't get caught.



OPTION #2:

You can **PLAY** by the rules and avoid fines and penalties.

OPTION #3:

You can **PAY** large fines and penalties for violations.



THE ENFORCEMENT TOOLBOX



1

Compliance Assistance

2

Notice of Violation (NOV)

3

Administrative Order/Directive

4

Permit/License/Certification Action

5

Notice of Infraction (NOI)

6

Judicial -- Civil/Criminal



NOI FINE AMOUNTS

We normally use the **Civil Infractions Schedule of Fines** which has five classes of violations and five fine amounts that vary depending on the severity of the violation.

Class 1 - For the first offense.....	\$2,000
Class 2 - For the first offense.....	\$1,000
Class 3 - For the first offense.....	\$500
Class 4 - For the first offense.....	\$100
Class 5 - For the first offense.....	\$50

NOI FINE AMOUNTS

Fines can multiply to up to \$16,000/day per violation for the fourth violation of the same Class 1 regulation committed by the same respondent within three calendar years.



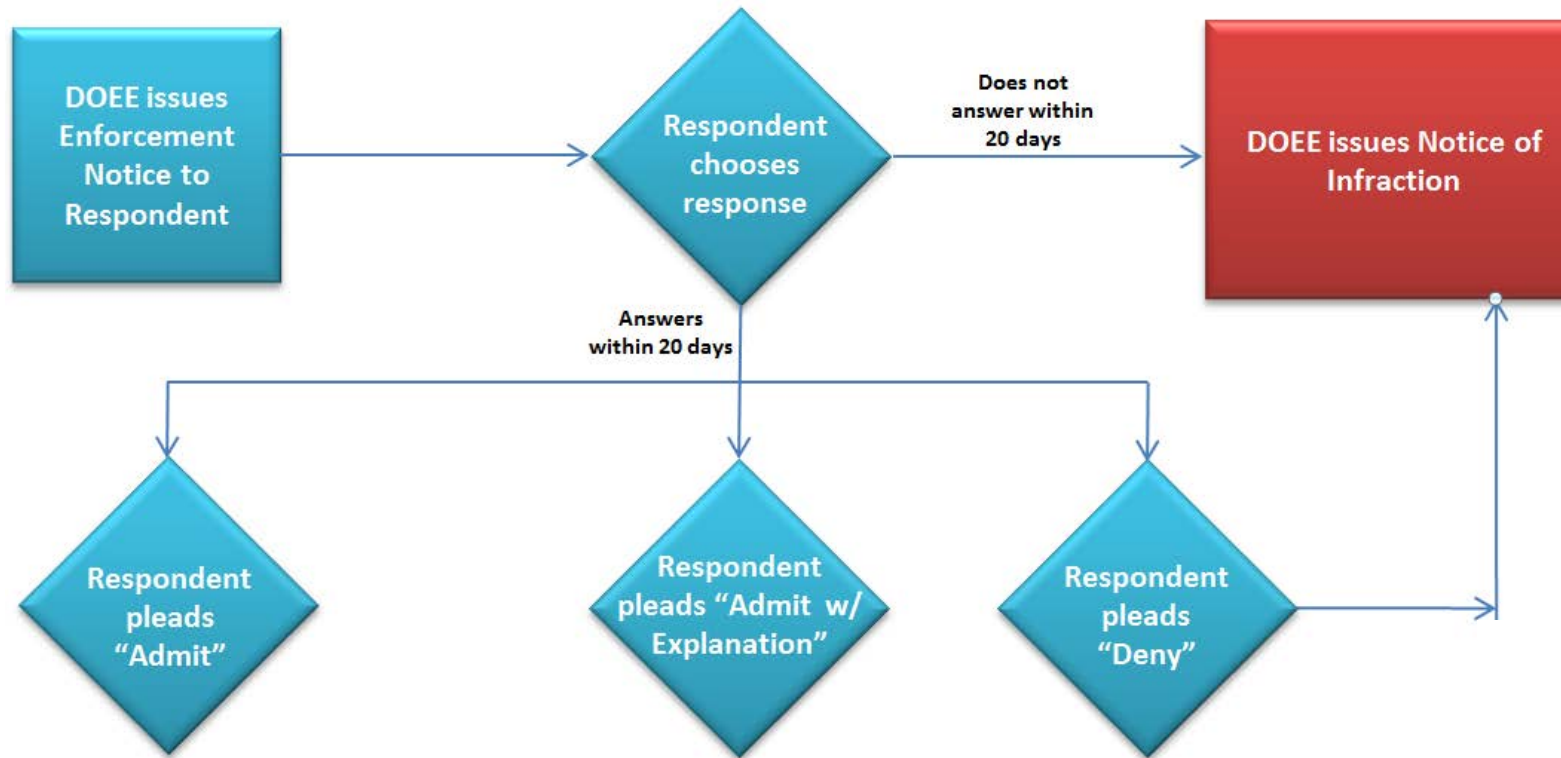
NOI FINE AMOUNTS

THEY ADD UP!

Fines can multiply to up to \$16,000/day per violation for the fourth violation of the same Class 1 regulation committed by the same respondent within three calendar years.



ACT 1: ENFORCEMENT NOTICE





GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Energy and Environment

ENFORCEMENT NOTICE

DOEE-17-A500825



Air Quality Division

Date of Service: August 21, 2017

You are violating or have violated the District of Columbia laws or regulations stated below. Answer and sign this Notice within twenty calendar days of the Date of Service. Before you answer this Notice, please review the "Instructions for Answering this Notice" on the second page.

LOCATION OF VIOLATION	NAME & MAILING ADDRESS	NAME & MAILING ADDRESS
Address [Redacted] Washington DC 20002 Ward: 6	[Redacted] Brandwine, MD 20613 [Redacted]	
Location Type: On street	Charge as Respondent: <input checked="" type="checkbox"/>	Charge as Respondent: <input type="checkbox"/>
Business License/Permit Type: USDOT Number		Business License/Permit No.: #1078270

DATE	LEGAL REQUIREMENT	DESCRIPTION OF VIOLATION	FINE	Write ANSWER Here
03-22-2017 9:45 - 9:57 AM	20 DCMR § 900.1	Idling engine for more than three (3) minutes.	\$500.00	

**"D.C. Code" means the District of Columbia Official Code
**"DCMR" means the D.C. Municipal Regulations

TOTAL AMOUNT: \$500.00

INSPECTOR'S CERTIFICATION: I declare under penalty of perjury that I observed and/or determined that the above violation(s) have been committed.			
Inspector's Printed Name	Inspector's Signature	Badge No.	Date
JENNINGS, RAFIQ		165	8/21/17
Comments: Huezo Trucking #508 was observed idling while waiting to enter the construction site at 140 M Street NE.			

DEADLINE AND WARNING: If you fail to answer this Notice within twenty calendar days of the Date of Service, the Department of Energy and Environment (DOEE) may refer this matter to an administrative court, the District of Columbia Office of Administrative Hearings. DOEE is offering you an opportunity to resolve the violation(s) before referral. For more information, visit doee.dc.gov/oej or contact DOEE at 202-741-2139 or DOEE.Enforcement@dc.gov.



FOR INFORMATION, CALL; Para obtener información llame al; Pour de plus amples renseignements, veuillez appeler le; ለመረጃ ይህንን ቁጥር ይደውሉ; 자세한 정보는 (202) 741-2139로 문의하십시오; *Dé* biét thém thông tin, vui lòng gọi; 詳情請致電 (202) 741-2139.

RESPONDENT'S DECLARATION: I declare under penalty of perjury that I have filled out this form to the best of my knowledge. Check one of the following boxes if answering ADMIT or AWE: I have ☐ CORRECTED or ☐ NOT CORRECTED (check only one) all violation(s) listed in this Notice.

Respondent's Name (print): _____ Respondent's Signature: _____ Date: _____
Street Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ E-Mail: _____

INSTRUCTIONS FOR ANSWERING THIS NOTICE

Answer each violation with a plea of ADMIT, ADMIT WITH EXPLANATION (AWE), or DENY.

- To Admit and Pay the Fine.** If you wish to admit liability for a violation, you must pay the fine at the same time. Write the word "ADMIT" in the *Write ANSWER Here* column and complete the *RESPONDENT'S DECLARATION*. Return this Notice to the address below, with a check or money order for the amount of the fine, payable to the "D.C. Treasurer." We cannot accept cash payments. Write the Notice number on your check or money order.
- To Admit with Explanation.** If you wish to admit liability for a violation, but want to submit an explanation that you would like DOEE to consider in deciding whether the fine should be reduced or suspended, write the letters "AWE" in the *Write ANSWER Here* column and complete the *RESPONDENT'S DECLARATION*. Submit any written explanation or other evidence explaining the circumstances surrounding the violation that you believe justify a fine reduction. DOEE will determine whether you have submitted sufficient relevant evidence to support a fine reduction or suspension. Return this Notice, along with your written explanation and any supporting documents, photographs, or other materials, to the address below. Write the Notice number on the front of any document you submit.
- To Deny the Violation(s).** If you wish to deny liability for a violation, write the word "DENY" in the *Write ANSWER Here* column and complete the *RESPONDENT'S DECLARATION*. At your option, submit a written explanation of the basis for your denial and any evidence supporting the explanation. Return this Notice, along with any optional written explanation, to the address below. Write the Notice number on the front of any document you submit.

DOEE will attempt to resolve with you any violation that you mark as "AWE" or "DENY," when an explanation is provided. If the violation cannot be satisfactorily resolved, you will receive a Notice of Infraction directing you to file your response with the District of Columbia Office of Administrative Hearings. **IMPORTANT:** Keep a copy of everything that you send to the Department of Energy and Environment.

SEND THIS COMPLETED AND SIGNED NOTICE AND YOUR CHECK OR MONEY ORDER, PAYABLE TO "D.C. TREASURER," TO:

Department of Energy and Environment
Office of Enforcement and Environmental Justice
1200 First Street, NE, 5th Floor
Washington, DC 20002

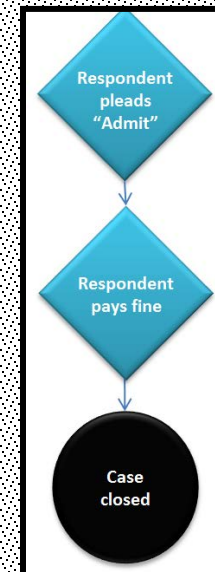
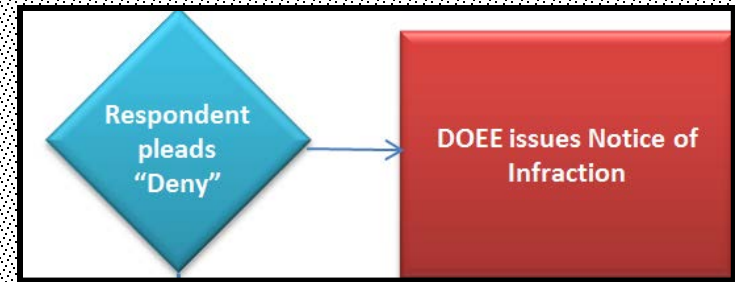
Completed and signed Notices, but not payments, may also be sent via fax to 202-535-2881 or e-mail (in PDF format) to DOEE.Enforcement@dc.gov.



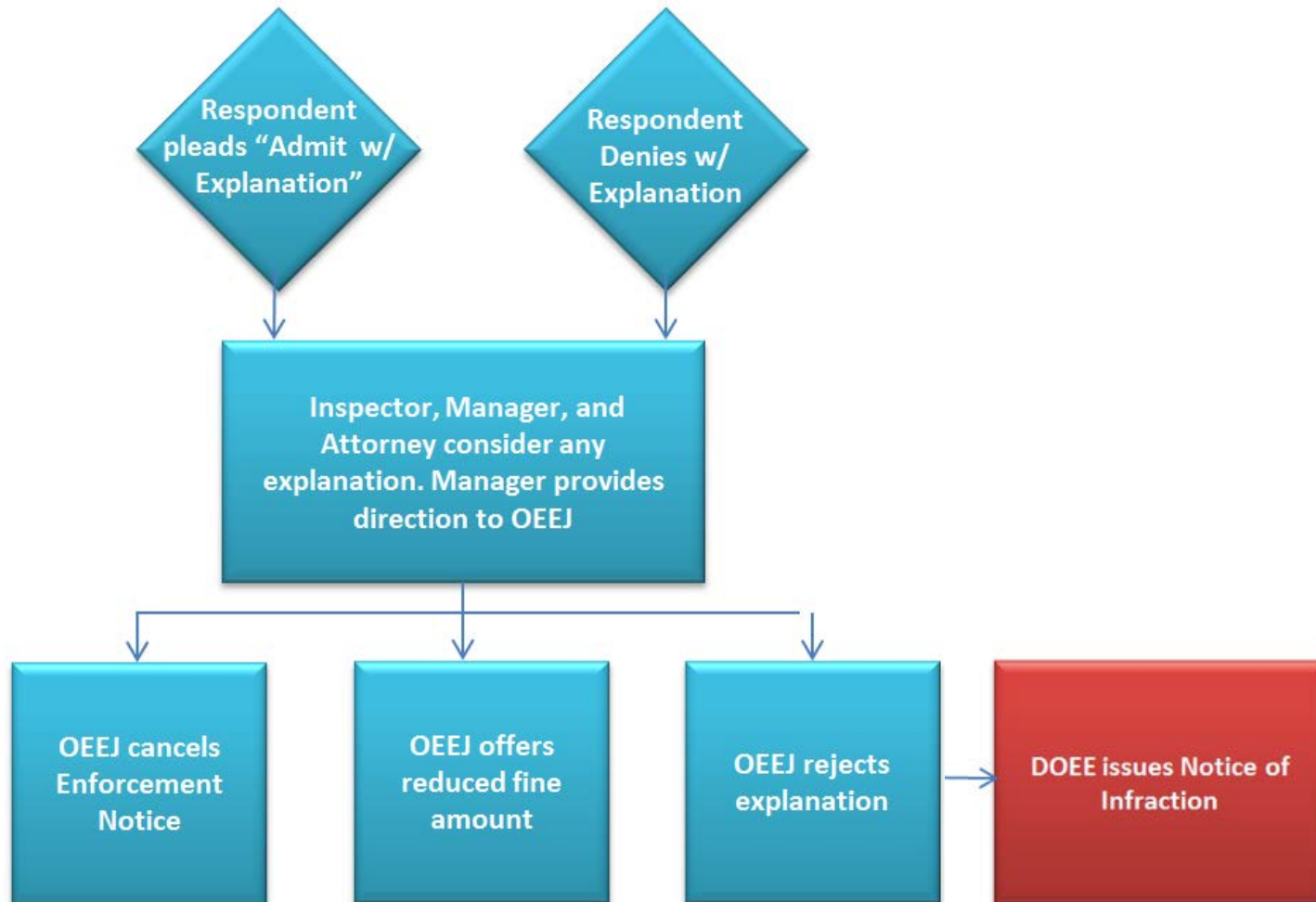
RESPONDING TO AN NOI

IT'S IMPORTANT!

- Be sure to respond in a timely manner
- All responses must be submitted in writing to DOEE's Office of Enforcement and Environmental Justice.
- Contacting the inspector, or issuing program, **does not** constitute a response.
- Failure to respond to a DOEE Enforcement Notice will lead to an NOI being filed with the Office of Administrative Hearings (OAH)



ENFORCEMENT NOTICE: EXPLANATIONS



ACT 2: NOTICE OF INFRACTION

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Energy and Environment
ENFORCEMENT NOTICE
DOEE-17-A500825



Air Quality Division

You are violating or have violated the District of Columbia laws or regulations stated below. Answer and sign this Notice within twenty calendar days of the Date of Service. Before you answer this Notice, please review the "Instructions for Answering this Notice" on the second page.

Date of Service: August 21, 2017

LOCATION OF VIOLATION	NAME & MAILING ADDRESS	NAME & MAILING ADDRESS
Address: [Redacted]	[Redacted]	[Redacted]
Location Type: On street	Charge as Respondent: <input checked="" type="checkbox"/>	Charge as Respondent: <input type="checkbox"/>
Business License/Permit Type: USDOT Number	Business License/Permit No.: #1078270	

DATE	LEGAL REQUIREMENT	DESCRIPTION OF VIOLATION	FINE	WRITE ANSWER HERE
03-22-2017 9:45 -9:57 AM	20 DCMR § 900.1	Idling engine for more than three (3) minutes.	\$500.00	
D.C. Code means the District of Columbia Official Code		TOTAL AMOUNT: \$500.00		
DCMR means the D.C. Municipal Regulations				

INSPECTOR'S CERTIFICATION: I declare under penalty of perjury that I observed and/or determined that the above violation(s) have been committed.	
Inspector's Printed Name	Inspector's Signature
JENNINGS, RAFIQ	[Signature]
Inspector's Printed Name	Inspector's Signature

Comments: Huzuo Trucking #508 was observed idling while waiting to enter the construction site at 140 M Street NE.

DEADLINE AND WARNING: If you fail to answer this Notice within twenty calendar days of the Date of Service, the Department of Energy and Environment (DOEE) may refer this matter to an administrative court, the District of Columbia Office of Administrative Hearings. DOEE is offering you an opportunity to resolve the violation(s) before referral. For more information, visit doee.dc.gov/doee or contact DOEE at 202-741-2139 or DOEE.Enforcement@dc.gov.



Notice of Infraction NOI No. DE-I-17-L500077

Date of Service: March 22, 2017

Infraction Address [Redacted] Washington, DC Ward: 1	Name & Mailing Address [Redacted] Washington, DC 20009 Telephone: Charge as Respondent: <input checked="" type="checkbox"/>	Name & Mailing Address Telephone: Charge as Respondent: <input type="checkbox"/>
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Business License/Permit Type: Business License/Permit No.:
Type of Location: Occupied apartment

You are charged with violating the District of Columbia laws or regulations stated below. You MUST SIGN and SEND IN this form within 15 calendar days of the date of service if served by hand, or 20 calendar days if served by mail. You must write your ANSWER next to each infraction to indicate whether you ADMIT (you must pay the fine), Admit With Explanation (AWE) (you must submit a written explanation), or DENY. If you DENY one or more of the infractions, you must appear for a hearing. You will receive a separate order from the Office of Administrative Hearings (OAH) advising you where and when to appear for your hearing. **ADDITIONAL INSTRUCTIONS ATTACHED.**

Infraction Details					
Date	Citation*	Nature of Infraction	Prior*	Actual Fine	Write ANSWER Here
08-23-2016	20 DCMR § 3318.6(a) / 16 DCMR § 4003.2(q)	Failure to comply with a DOEE order to apply interim controls, in conformance with D.C. Official Code § 8-231.15(a).	0	\$1,000.00	

* "D.C. Code" is the District of Columbia Official Code
* "DCMR" is the District of Columbia Municipal Regulations
TOTAL AMOUNT DUE: \$1,000.00

Inspector Comments:

I hereby declare under penalty of perjury that I have **CORRECTED** or **NOT CORRECTED** (check only one) all of the infractions(s) listed on the Notice that were **ADMITTED** or **ADMITTED WITH EXPLANATION**.

Name (print): _____ Telephone: _____ Email: _____

Street Address: _____ City: _____ State: _____ ZIP: _____

RESPONDENT'S SIGNATURE: _____ **DATE:** _____



NOTICE OF INFRACTION: RESPONSE TO OAH

WHERE TO ANSWER: Your answer must be received by the Office of Administrative Hearings by the deadline stated above. The Office of Administrative Hearings is an independent agency of the District of Columbia Government, and is separate from the agency that sent this Notice to you. You may answer by bringing or mailing your documents and check or money order to the following address:

**Clerk, Office of Administrative Hearings
Suite 450 North
One Judiciary Square, 441 4th Street, NW
Washington, DC 20001-2714**

Telephone (202) 442-9094 ▪ Fax (202) 442-4789

You may email your documents to oah.filing@dc.gov, along with the OAH cover sheet found at <http://oah.dc.gov/node/148662>, or fax the documents to (202) 442-4789. Payments must be made in person or by mail.



NOTICE OF INFRACTION: LEGAL CONSEQUENCES

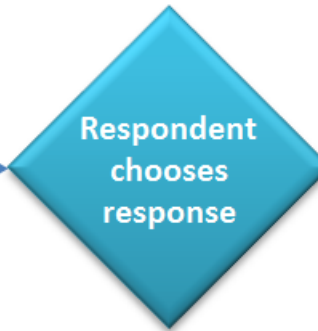
DEADLINE and WARNING: You are charged with violating the District of Columbia laws or regulations stated in this Notice. You must answer this Notice within 15 calendar days of the date of service listed on the top of the first page of this Notice (20 calendar days if you received this Notice by mail). If you do not answer on time, you will be subject to an order finding you in default and assessing both the fine stated at the end of the Infraction Details section, and an additional penalty equal to two times the amount of that fine. You also may be subject to other penalties and actions allowed by law, including suspension or non-renewal of any District of Columbia license or permit that you hold, the sealing of your business, and the placement of a lien on property that you own.

ACT 3: OAH CASE

ACT 2

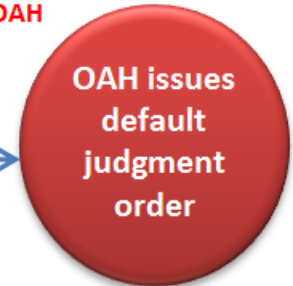


ACT 3 BEGINS

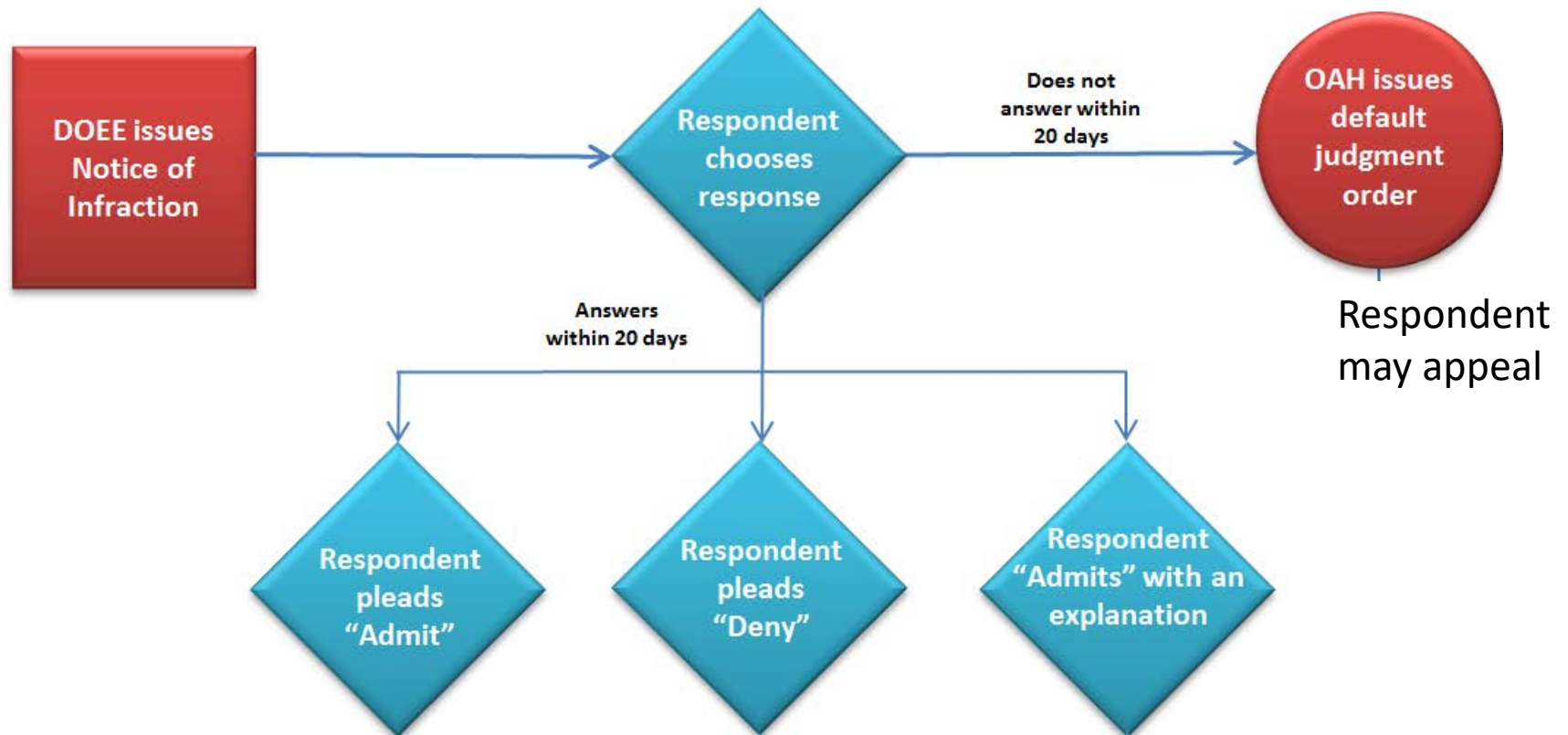


Does not
answer within
20 days

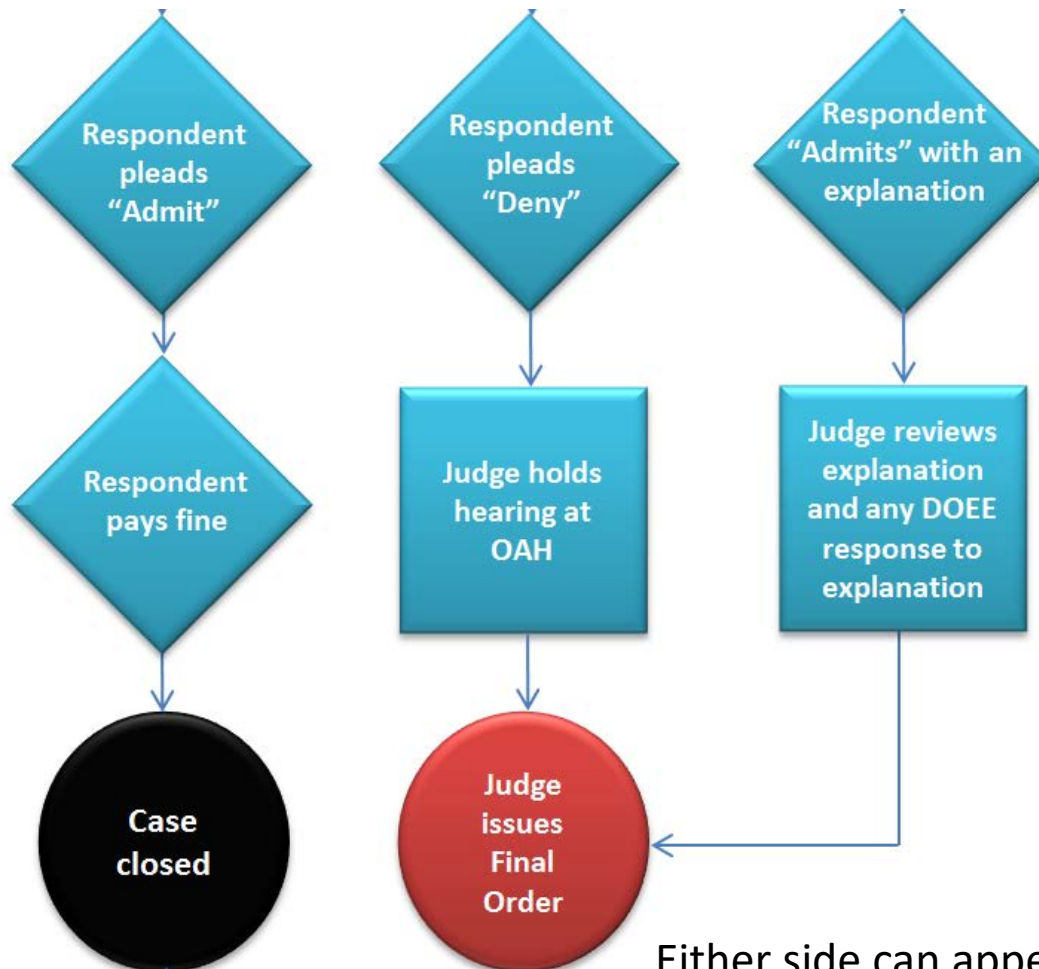
DOEE files
case at OAH



OAH CASE: RESPONDENT'S OPTIONS



OAH CASE: NEXT STEPS



Either side can appeal the final order

CONTACT:

Jacob Zangrilli
Office of Enforcement and Environmental Justice
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
202-535-2645
Jacob.Zangrilli@dc.gov