



GOVERNMENT OF THE DISTRICT OF COLUMBIA

**DISTRICT DEPARTMENT OF THE
ENVIRONMENT**



**ENVIRONMENTAL ENFORCEMENT
GUIDELINES**

**Prepared By
THE OFFICE OF ENFORCEMENT AND ENVIRONMENTAL JUSTICE**

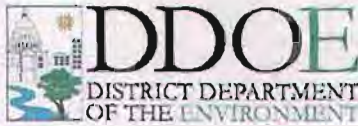
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DIRECTOR**

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MESSAGE FROM THE DIRECTOR

DDOE Team,

All of us play an important role in protecting the natural environment of the District of Columbia. Our air, water and wildlife are in excellent hands, thanks to the commitment and talent of the District Department of the Environment's professional staff.

When it comes to enforcement, the District has some of the nation's strongest environmental laws and regulations. The document you are about to read will help you ensure compliance with them. From a simple warning letter to a settlement of hundreds of thousands of dollars, all of the tools in our enforcement tool belt are explained in the following pages.

I want to thank the Office of Enforcement and Environmental Justice for assembling this manual, and all of you for your hard work every day to make the District a better place.

Sincerely,

A handwritten signature in green ink, appearing to read "George S. Hawkins". The signature is stylized and fluid.

George S. Hawkins, Esq.
Director

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DISTRICT DEPARTMENT OF THE ENVIRONMENT ENVIRONMENTAL ENFORCEMENT GUIDELINES

TABLE OF CONTENTS

I.	POLICY OVERVIEW AND GENERAL CONSIDERATIONS.....	1
	A. Introduction	
	B. DDOE Mission and Vision	
	C. DDOE Enforcement Policy	
	D. Enforcement Roles within DDOE	
	1. DDOE's Environmental Offices	
	2. The Office of Enforcement and Environmental Justice	
	3. The Office of the General Counsel	
	E. Other Entities That Support DDOE Enforcement	
	1. The District of Columbia Office of Administrative Hearings	
	2. The District of Columbia Metropolitan Police Department	
	3. The District of Columbia Office of the Attorney General	
	4. The District of Columbia Department of Consumer and Regulatory Affairs	
	5. The United States Environmental Protection Agency	
II.	THE ENFORCEMENT PROCESS.....	6
	A. Inspections and Compliance Audits	
	B. Elements of an Inspection Report	
	1. General Information	
	2. Purpose of the Inspection	
	3. Information About the Regulated Entity's Operations and Activities	
	4. Inspection Procedures Followed	
	5. Inspections Checklists	
	6. Collection of Evidence	
	7. Other Legal Considerations	
	8. Concerns and Recommendations	
	C. Post-Inspection Communications and Evaluation	
	D. The Enforcement Analysis	
	E. Enforcement Against the District and Federal Governments	
III.	DETERMINING WHETHER VIOLATIONS ARE MINOR OR SERIOUS.....	12
	A. Minor Violations	
	B. Serious Violations	

IV.	DETERMINING THE APPROPRIATE RESPONSE TO VIOLATIONS.....	14
	A. Administrative Actions	
	1. Warning Letters	
	B. Compliance Orders and Consent Agreements	
	1. What They are and When to Use Them	
	2. Approval of Compliance Orders and Consent Decrees	
	C. Emergency Orders	
	D. Notices of Infraction	
	1. General Usage	
	2. Class 1 and 2 Violations	
	3. Class 3 Violations	
	4. Class 4 and 5 Violations	
	5. Chart of Actions	
	6. Other Administrative Actions or Hearings	
	E. Judicial Actions	
	1. Civil	
	2. Criminal Actions	
	F. Referrals to EPA for Enforcement	
V.	DDOE PENALTY GUIDELINES.....	22
	A. Considerations in Assessing Penalties	
	B. Statutory Civil and Criminal Penalties	
	C. Civil Infractions Fines and Penalties	
VI.	SETTLING ENFORCEMENT ACTIONS	24
	A. Settlement Guidance	
	B. Settlement Considerations	
	1. Avoidance/Minimization of Litigation	
	2. Compliance History	
	3. Compliance Efforts	
	4. Mitigating Circumstances	
	C. Supplemental Environmental Projects (SEPs)	
	1. The Project Must Primarily Benefit Public Health or the Environment	
	2. The Project Must Meet All Other Legal Requirements	
VII.	CASE CLOSURE AND RECORD RETENTION.....	28
	A. Case Closure	
	1. Case Closure Memorandum	
	2. Case Closure Form	
	3. Case Closure Correspondence	
	B. Record Retention	
	GLOSSARY/ACRONYMS.....	30

DISTRICT DEPARTMENT OF THE ENVIRONMENT ENVIRONMENTAL ENFORCEMENT GUIDELINES

I. POLICY OVERVIEW AND GENERAL CONSIDERATIONS

A. Introduction

This document discusses regulatory enforcement by the District Department of the Environment (DDOE) or (the Department) and provides guidelines for DDOE staff to use in monitoring compliance, taking enforcement actions to address violations and assisting violators in returning to compliance. The policies and procedures stated herein do not carry the force of law and are intended solely to provide guidance. If a conflict were to arise between these guidelines and District of Columbia statutes and regulations, the statutes or regulations would control.

In some instances, program-specific Standard Operating Procedures (SOPs) may identify additional priorities and procedures not included in these guidelines. The programs must consult their SOPs to address timely and appropriate enforcement responses to violations that are designated as high priority violations (HPVs) or significant non-compliance (SNC). These SOPs may also identify special tracking systems for documenting suspected violations, including a time schedule for resolving such cases. Any conflicts between these general guidelines and the program-specific procedures should be brought to the attention of the Director of the Office of Enforcement and Environmental Justice (OEEJ), who will work with enforcement staff, their managers, and the Office of the General Counsel (OGC) to provide resolution.

B. DDOE's Mission and Vision

1. Mission

DDOE's mission is to protect and restore the environment; conserve natural resources; provide energy-related policy, planning, and direct services; and improve the quality of life in the District of Columbia.

2. Vision

As the nation's capital city, the District will become the model of environmental protection and sustainable environmental practices. DDOE will partner with other District agencies, the federal government, business groups, non-profit organizations and residents to help instill environmental awareness through innovation and best practices.

C. DDOE Enforcement Policy

DDOE was established to, among other things, improve the quality of District urban life and to streamline the enforcement and administration of District and federal environmental laws and regulations. Through its many enabling authorities and promulgated regulations, DDOE has developed and implemented processes that direct its limited resources to best advantage in order to provide assistance to the regulated community and achieve necessary compliance assurance. While enforcement is an important and valuable tool for assuring compliance with environmental laws and regulations, enforcement actions are not considered to be goals in and of themselves.

DDOE is committed to providing consistent, timely and appropriate enforcement actions that protect the public health and the environment while creating a credible deterrent to possible future violations. It is DDOE's practice to consider all enforcement options, select the most appropriate and effective option commensurate with the nature of the violation and assess fair and equitable penalties based on specific factors identified in the Department's penalty policies.

In implementing its regulatory enforcement responsibilities, DDOE seeks to:

- Ensure that facilities are complying with environmental requirements,
- Stop repeat violations and correct ongoing violations,
- Deter future violations,
- Remove the economic benefit of noncompliance,
- Remediate the environmental impact of past violations, and
- Take timely, appropriate, fair, consistent, and effective enforcement actions when necessary.

The District's Civil Infraction Schedule of Fines categorizes, or classifies, a substantial number of environmental regulations DDOE is authorized to enforce. Classifications are made according to the nature and severity of the violations and their potential to impact human and environmental health. Under the Schedule of Fines, Class 1 and Class 2 violations are considered the most egregious and serious violations. Class 3 violations contain mixed minor/serious violations and Classes 4 and 5 are generally minor violations. The Schedule of Fines is found in 16 District of Columbia Municipal Regulations (DCMR) Chapters 32 – 38 and is discussed in greater detail in other sections of this document.

The classifications in the Schedule of Fines provided a useful benchmark for these guidelines and were used to help establish appropriate enforcement responses and protocols for the Department. Proper execution of these guidelines will help DDOE to carry out its mission and achieve its vision for the city.

D. Enforcement Roles within DDOE

The following are the key DDOE offices and programs with enforcement responsibilities:

1. DDOE's Environmental Offices

The Offices of Environmental Protection, Natural Resources and Energy are the three primary offices within DDOE with environmental enforcement responsibility. Inspectors in these Offices are assigned to divisions and serve as the primary contacts for the regulated community and the public. These inspectors are the Department's first responders to instances of environmental noncompliance.

The divisions are further organized into branches and programs that address specific environmental areas. The Office of the Director and the managers of these divisions, in conjunction with the Director of the Office of Enforcement and Environmental Justice and the Office of the General Counsel, determine DDOE's enforcement priorities. DDOE divisions and branches with environmental mandates are as follows:

Environmental Protection Administration

Air Quality Division

- Permitting and Enforcement Branch
- Monitoring and Assessment Branch

Toxic Substances Division

- Land Remediation and Development Branch
- Hazardous Materials Branch

Lead and Healthy Housing Division

- Compliance and Enforcement Branch
- Childhood Lead Poisoning Prevention Branch

Natural Resources Administration

Water Quality Division

- Planning and Enforcement Branch
- Monitoring and Assessment Branch

Watershed Protection Division

- Inspection and Enforcement Branch
- Planning and Restoration Branch
- Technical Services Branch

Fisheries & Wildlife Division

- Fisheries Management Branch
- Wildlife Management Branch

Stormwater Management Division

Energy Division

- Conservation Division
- Energy Assistance Division

An agency reorganization is currently pending.

2. The Office of Enforcement and Environmental Justice

OEEJ supports DDOE's environmental programs and coordinates enforcement-related activities. OEEJ provides guidance to the divisions regarding enforcement matters by developing appropriate enforcement authorizations, policies and procedures. OEEJ assists the program offices by providing case-by-case strategies on key enforcement matters and by facilitating training of staff on enforcement and case management matters.

3. The Office of the General Counsel

OGC attorneys provide legal advice to DDOE's enforcement programs, including legal sufficiency reviews of documents such as correspondence, contracts, settlement agreements, rules, and legislation. OGC also provides litigation support and representation for administrative cases initiated by inspectors, cases referred to the Environmental Protection Agency ("EPA") and cases referred to the Office of the Attorney General for civil or criminal judicial prosecution.

E. Other Entities That Support DDOE Enforcement

1. The District of Columbia Office of Administrative Hearings

The District of Columbia Office of Administrative Hearings (OAH) is a central administrative body that processes Notices of Infraction (NOIs) issued under the civil infractions process and conducts formal adjudicatory hearings pursuant to the District's Administrative Procedures Act for several District of Columbia agencies, including DDOE.

2. The District of Columbia Metropolitan Police Department

The District of Columbia Metropolitan Police Department (MPD) is vested with authority to investigate and prosecute environmental crimes and is available to assist DDOE with such cases. The designation of an environmental violation as "criminal" may be based upon factors such as the knowledge, intent, or willfulness of the actor.

3. The District of Columbia Office of the Attorney General

Attorneys from the District's Office of the Attorney General (OAG) are assigned to DDOE's OGC. When matters require civil or criminal litigation in courts, rather than through an administrative process, OAG's litigation section will try the case with active support from DDOE's OGC and technical support from DDOE staff.

4. The District of Columbia Department of Consumer and Regulatory Affairs

The District of Columbia Department of Consumer and Regulatory Affairs (DCRA) issues professional and technical licenses and permits, conducts inspections, enforces building, housing, and safety codes, regulates land use and development, and provides consumer education and advocacy services. DCRA is vested with authority to implement and enforce several laws and regulations that impact DDOE activities mainly through licensure, permitting, and land use development. The two agencies proactively coordinate certain permitting functions and also reactively assist each other when investigating violations.

5. The U. S. Environmental Protection Agency

The U. S. Environmental Protection Agency (EPA) is the federal agency with primary environmental enforcement authority, except regarding matters such as hazardous wastes, underground storage tanks, and air quality where EPA has authorized the District to administer and enforce its own laws in lieu of the federal programs. In such instances, EPA may still conduct activities in the District, including initiating enforcement, and will notify District officials of its activities. EPA may also file its own federal actions even when the District has initiated an enforcement action when EPA feels the District's penalty is too low¹ or the District's enforcement has been inadequate such as when a facility/source has been on EPA's "Watch List" for an extended period without a District resolution. The District may also refer environmental violations to EPA for enforcement according to proper referral protocol.

¹ This is commonly referred to as "overfiling".

II. THE ENFORCEMENT PROCESS

A. Inspections and Compliance Audits

DDOE's first steps in enforcement may include a number of activities such as conducting a records review, audit or site inspection resulting from a scheduled or unscheduled compliance audit; or responding to a citizen complaint or an emergency. Such activities help to determine whether a facility is in compliance with all applicable permits, regulations and statutes.

As part of the inspection or compliance audit, an inspector may conduct a visual observation of a site or a facility's operations, review records, interview plant personnel, take samples, or any combination thereof. The results of any inspection activity and/or record review constitute the agency's findings.

Details such as who, what, when, where, why, and how help to provide an adequate picture of the inspection findings and should be addressed in the inspection report. The inspection report may also contain recommendations of additional review activity. Typical enforcement responses may include taking or requiring collection of additional samples or requesting the provision of additional documents, such as information regarding the ownership of the facility or financial assurance.

The inspector should consult the relevant statutes and regulations, program SOPs, and OEEJ SOPs before conducting the inspection and preparing the inspection report. An inspection report should be prepared as soon as possible after the inspection is completed or within 30 days, unless the relevant SOPs provide a different timeframe.

B. Elements of an Inspection Report

General guidelines for conducting inspections and preparing inspection reports will be provided in SOPs developed by OEEJ. Each program's SOP will identify the inspection procedures and protocols specific to the types of inspections it conducts. Program SOPs shall also specify the policies for supervisory review of inspection reports. It is important to prepare an inspection report thoroughly, accurately, and according to approved protocols, because inspection reports may be used as evidence in an enforcement action.

The following elements are generally included in an inspection report:

1. General Information

The general information establishes necessary site information, the responsible parties, witnesses, and points of contact for future inspections and related matters. General information to be included, should, at a minimum include the following:

- Date and time the inspection was conducted
- Location of the inspection
- Individual or business name, address, telephone and other contact information
- Name, title, address, telephone and other contact information for an appropriate contact person
- Names, titles, and contact information for all DDOE personnel, other government representatives, and facility or site personnel directly involved in the inspection

2. Purpose of the Inspection

An inspection report should clearly state the reason or reasons for the inspection. This allows the reviewer to understand the purpose and scope of the inspection, and to determine whether proper procedures were followed. DDOE may conduct inspections for some of the following reasons:

- Routine Compliance
- Follow-up/Re-inspection
- Complaint Investigation
- Emergency Response
- Oversight of regulated activity (e.g., installation, removal or closure of underground storage tanks)

3. Information About the Regulated Entity's Operations and Activities

An inspection report should discuss the nature of the business or activity being inspected and contain a site-specific discussion of the operations. This will help provide a better understanding of any potential regulatory requirements. Names and titles of the sources providing the information about the activities or operations should be identified.

4. Inspection Procedures Followed

An inspection report should identify the procedures the inspector used to conduct the inspection. These procedures should be in accordance with governing laws and regulations and approved SOPs.

5. Inspection Checklists

Approved inspection checklists may be used to facilitate conducting inspections where common elements of operations or documents must be reviewed to address statutory or regulatory requirements. Checklists may be appended to an inspection report; however, they are not substitutes for an inspection report.

6. Collection of Evidence

It is imperative that the inspector gathers sufficient evidence during the inspection that will be useful for building a case if it is later determined that further enforcement action is warranted. An inspector should use professional judgment regarding the amount and type of evidence needed. Useful evidence generally includes the following:

- **Photographs**

Photos should be taken as necessary to establish evidence of violations. Photos should include an object to show scale and should include the date and time the photo was taken using a time stamp, if available. The name of the photographer and identification of any persons in the photo should be provided. A precise description of the location where the photograph was taken (e.g., "8 foot deep pit in northwest corner of parking lot") should also be provided. The inspector should maintain a log of all photographs taken during his or her inspection and include the log in the inspection report.

- **Samples**

An inspector should be aware of the relevant statutes, regulations and program SOPs when taking samples. All laboratory reports and supporting documentation, including chain of custody related to samples, must be included in the inspection report. If these details are not available at the time the report is issued, a notation of this should be included in the report.

- **Documents**

Documents or copies of documents that support the alleged violations, such as permits and licenses obtained during the inspection, should be included or referenced in the inspection report.

- **Relevant Statements**

Any statements made during the course of the inspection that provide evidence for a violation or potential violation or describe an operational process in a unique manner should be documented. The source of the statement must be reported.

The inspection report should discuss the evidence collected during the inspection. When possible the evidence, such as photographs and laboratory results, should be appended to the inspection report. As stated, checklists used during an inspection may also be included as a part of an inspection report, but such tools are not to be considered as inspection reports in and of themselves.

7. Other Legal Considerations

An inspection report should contain sufficient documentation to establish that the inspector has appropriately addressed any legal issues that might otherwise invalidate the inspection report or compromise any subsequent enforcement action. The legal considerations are varied and should be discussed in detail with program attorneys; however, the inspectors should be mindful of one important consideration – that of consent to conduct the inspection to obtain necessary evidence.

Normally the authority to conduct the inspection is not an issue as the inspection authority is granted in governing laws and regulations and tied to the issuance of licenses and permits. In addition, owners, operators, or other persons normally grant consent to inspect at the site. In circumstances where some consent issues may be raised (such as when the owner or operator is absent from the premises), the inspector should clearly document that consent has been obtained from a person with authority to grant consent to conduct the inspection or to collect necessary evidence. Where inspectors are unable to obtain consent, they should consult with OEEJ and/or OGC regarding the possibility of obtaining access through alternative means (e.g., an administrative warrant). Inspections tied to suspected criminal activity may pose consent issues and should be authorized by a valid search warrant. In such circumstances, appropriate protective measures (such as being accompanied by MPD) should be followed.

8. Concerns and Recommendations

An inspection report should contain only objective statements regarding observed facts and concerns raised by those observations. It should not contain statements regarding conclusions or discussions about potential or specific violations. Inspectors who believe non-compliance issues are present or who have concerns that may warrant further review or enforcement action, may need additional documentation depending upon whether the inspection report findings suggest potential minor violations, potential minor/serious mixed violations or potential serious violations. Enforcement recommendations should not be made in the inspection report.

C. Post-Inspection Communications and Evaluations

Generally, once an inspector has completed his or her inspection report and concluded that a facility is in compliance with applicable laws and regulations, no further enforcement action is required. The inspector should clearly note in the inspection report when no concerns are observed and no recommendations made as a result of the inspection. The inspector may also prepare a written communication to an owner or operator that summarizes the inspection findings. Program SOPs should provide guidance on the appropriateness of sending other documentation such as sample results along with inspection results. Information related to the inspection should be entered into DDOE's tracking system and any other required national databases. Once cost-recovery tracking procedures are developed, information should be included in the tracking database to allow a determination of DDOE time and resources expended to address matters at a particular site or facility.

If, however, facts are observed or evidence is obtained which suggest non-compliance issues the inspector should prepare the appropriate post-evaluation analyses and/or take the appropriate enforcement action. Selecting the appropriate enforcement action will depend upon the nature and severity of the alleged violations and specific facts about the alleged violator.

Inspection reports should be reviewed by supervisors in accordance with program SOPs or for periodic quality consistency purposes. At a minimum, DDOE supervisors should review (and document the review of) inspection reports at high-profile sites, e.g., RCRA large-quantity generators, major air sources, facilities of interest to more than one program, repeat violators, or facilities that are the subject of an enforcement initiative (such as RCRA generators who are required to obtain District permits, or old Underground Storage Tank cases).

In some instances, an appropriate post-inspection evaluation will include a written Enforcement Analysis. The details of such analysis are discussed in greater detail below.

D. The Enforcement Analysis

A post-inspection Enforcement Analysis is a written document prepared by an inspector of record (or other personnel as appropriate) that addresses potential enforcement against an alleged violator based upon facts observed, documents received, and other evidence associated with an inspection or compliance audit.

An Enforcement Analysis represents an enforcement work product that is provided for inspector-supervisor and attorney-client deliberations and is prepared in anticipation of possible litigation. Therefore it should be marked "**Enforcement Confidential**". The Enforcement Analysis should, at a minimum, contain the following information:

1. Violation documentation - Each alleged violation that is identified must be adequately supported with the facts necessary to establish the elements of each violation. It is not enough to simply state that the law was violated. The details should be clear enough so that a third party can understand the nexus between the concerns raised and the violations alleged,
2. Evidence discussion- Evidence must be obtained to support all elements of the alleged violations and recorded in the report in conjunction with each violation. In many cases the inspector's properly documented observation of a violation provides sufficient evidence of a violation. In other situations additional evidence may be needed for enforcement follow-up,
3. The alleged violator's relevant compliance history including whether the alleged violator is a first-time or repeat offender, and
4. Recommendation(s) for enforcement action (including corrective actions and fines and penalties, if warranted).

Unless otherwise stated², an Enforcement Analysis should be prepared whenever:

1. Findings suggest that a Class 1 or Class 2 violation has been committed,
2. Findings suggest that a serious violation (as defined in section III of these Guidelines) has been committed,
3. Findings suggest that minor violations with fines exceeding \$10,000 have been committed,
4. Findings suggest non-compliance issues by the District or federal governments, or
5. OGC, OEEJ, or other appropriate supervisory personnel request the analysis to address a specific concern.

An Enforcement Analysis should be in writing and prepared within at least 30 days of the inspection, unless the violation poses an immediate threat to public health and the environment, in which case the inspector should not wait 30 days. Supervisors should make a decision on the appropriate enforcement action within 30 days of receipt of the Enforcement Analysis. The decision must be in writing and forwarded to OGC for further action. Enforcement action should generally be initiated within 90 days of the inspection.

OEEJ may exempt the requirement to prepare an Enforcement Analysis for certain types of violations for which the evidentiary requirement is relatively simple and proof of the violation can be addressed adequately by basic information in the inspection report.³ OEEJ will provide a list of such violations to the programs.

The inspector who prepared the Enforcement Analysis is responsible for ensuring that once an enforcement decision is made, the enforcement action is reflected in the enforcement tracking system and that all relevant documents and notations are included in the case file.

E. Enforcement Against the District and Federal Governments

Sovereign immunity and other similar issues may exist when the District seeks to take enforcement action against other District government agencies or offices or the federal government. Issues of non-compliance with sister agencies should be addressed in accordance with the DC Changes strategy developed by DDOE in April, 2008. In addition, no enforcement action should be taken against the District or federal government without the review and concurrence of OGC and OEEJ and the approval of the Director.

² An Enforcement Analysis does not have to be prepared if circumstances require that action must be taken quickly. In this case, however, a written document must be prepared to explain the justification for the quick action.

³ An example might be an exemption of the requirement to prepare Enforcement Analyses for Class 1 or 2 violations that involve failure to obtain required permits. In these instances the evidentiary requirements are fairly simple; the activity is or is not covered and a permit exists or does not exist. In such cases a well-written inspection report will provide sufficient evidentiary information to support a penalty enforcement action.

III. DETERMINING WHETHER VIOLATIONS ARE MINOR OR SERIOUS

A. Minor Violations

For purposes of this guidance, minor violations are defined as violations that have minimal potential to negatively affect human or environmental health and have not caused actual damage.⁴ These may include:

- Minor excursions from numerical standards which may be prescribed in program SOPs.
- Minor reporting and record keeping violations.
- First offenses that have minimal potential to negatively impact human or environmental health.
- Violations that have minimal potential to pose a threat to human or environmental health and can be corrected quickly.

Minor violations may be designated as serious violations if they are part of a recurring pattern or if they remain uncorrected. Determining whether minor violations will be treated as minor violations or elevated to the status of serious violations is left to the judgment of the inspector or supervisor in consultation with the OGC, as necessary. Factors for consideration include: past compliance history, willfulness of the violation, the degree of harm or potential harm, the ability of the violator to make timely corrections, and any other appropriate factors.

B. Serious Violations

Serious violations are defined as violations that have significant potential to harm human or environmental health or are otherwise flagrant and egregious. In addition, any fraudulent activity, such as intentional falsification of self-monitoring reports, or recalcitrant behavior are serious violations and may potentially be criminal (see Section V of these Guidelines). Other examples of serious violations are:

- Major excursions from numerical standards prescribed in program SOPs
- Major reporting and record keeping violations
- Offenses that pose a threat to public health or the environment
- Offenses that are part of a pattern of chronic, non-compliant behavior
- Offenses that require a significant amount of time, resources, or capital to correct

In addition, several federal regulations have specific definitions and criteria to distinguish between degrees of "seriousness." For instance, EPA's Enforcement Response Policies define

⁴ Actual damage that is *de minimus* may, in some cases, still be considered minor.

“high priority violation” (HPV) and “significant non-compliance” (SNC) See the program-specific SOPs or protocols for guidance on how to address these violations.

IV. DETERMINING THE APPROPRIATE ENFORCEMENT RESPONSE TO VIOLATIONS

DDOE's enforcement response to violations will depend upon a variety of factors and circumstances. Some of these criteria include: whether certain actions are prescribed by federal delegation or enforcement agreements or District laws or regulations, the severity of the violation, the degree of harm or potential harm to public health or the environment, the willingness of the facility to correct the violation, the past compliance history of the facility and the willfulness of the act. If a penalty is warranted other factors, such as those discussed in Section V, DDOE Penalty Policy, may be considered as part of the decision-making process. DDOE also has the option of choosing the most appropriate forum in which to pursue its enforcement action. Accordingly, DDOE can use either administrative or judicial actions to achieve compliance.

A. Administrative Actions

1. Warning Letters (Site Directives and Notices of Violation)

DDOE has available a number of non-penalty administrative enforcement tools that can be used as a preliminary approach to addressing minor issues of noncompliance. Depending on the program SOP, either a site directive⁵ or a notice of violation (NOV) may be used when an inspector observes facts that suggest that a noncompliance situation may exist. While NOVs can be issued for any degree of violation (minor or serious) and may be used in conjunction with other enforcement tools, NOVs are normally used in the following circumstances:

- The suspected deficiencies can usually be corrected within 30 days or less,
- The facility is an infrequent violator,
- The violation is minor and does not pose a threat to human or environmental health, or
- The facility is cooperative.

The warning letter should generally include the following:

- A statement of facts (not opinions, conclusions or conjectures),
- Citations to applicable laws or regulations,
- A specific request for corrective action including a compliance plan and schedule, if necessary,
- A date certain for performance,

⁵ These directives are alternatively called "corrective action notices" by some of the programs.

- A warning that failure to resolve the suspected problem may result in further enforcement activity, and
- Contact information for the appropriate DDOE representative.

All contacts and requests to the respondent must be documented in the case file. The inspector should continue to monitor the matter through appropriate document review or follow-up inspections until he or she has sufficient information to verify that the requested correction has occurred. The inspector may provide compliance assistance consistent with program SOPs to facilitate correction of violations.

The corrective action outcome should be memorialized in an inspection report/form or other document in accordance with program SOPs. All follow-up activities should be documented in the case file and entered into the enforcement database tracking system. If the noted deficiencies are corrected within the specified time, generally no penalties are assessed and no further enforcement action is required.⁶ No consent orders or agreements are required for NOV's and site directives and management may be only minimally involved above the inspector level.

If a respondent is unable to meet a compliance deadline, it may request a reasonable extension of the deadline provided that:

- It has exhibited good faith and diligence in its compliance efforts,
- The delay is caused by circumstances beyond its control, and
- The request is made prior to the due date for completion of the corrective action.

Any request for an extension of a corrective action deadline shall be in writing and shall specify the reason for the extension. Failure to meet a deadline without just cause or failure to notify DDOE of the inability to perform should result in an escalation of the type of enforcement pursued by the Department. A first extension to a corrective action deadline should not be granted without supervisory approval. A second extension should only be granted for compelling circumstances and with supervisory approval. Requests for extensions beyond a second extension may only be granted with the approval of OEEJ.

B. Compliance Orders and Consent Agreements

1. What They Are and When to Use Them

When serious violations occur or when the violations are persistent and ongoing, DDOE can work cooperatively with the alleged violator to develop and execute a compliance order. These orders are useful when the parties want to achieve compliance but avoid litigation. Compliance Orders are usually initiated through issuance of a DDOE Notice of Non-Compliance (NONC) and include:

⁶ However, complete and timely corrective action does not preclude an enforcement action levying a monetary penalty.

- Factual background information,
- The specific regulations which have been violated,
- An explanation of the nature of the violation,
- DDOE's statutory authority for enforcement, and
- A Proposed Consent Agreement containing corrective action and/or penalties.

Final Consent Agreements resulting from the NONCs are developed cooperatively between DDOE and the violator and are entered into by mutual agreement. They must include documented compliance plans and enforceable schedules, penalty provisions, and provisions mandating that failure to meet the terms of the agreement without just cause will result in further enforcement action.

For clarification, these Consent Agreements are not the same as court-approved consent decrees. Notices of Non-Compliance with attached Consent Agreements are administrative orders issued by DDOE whereas consent decrees are issued by OAH or by a court. The use of the NONC process is our primary vehicle for handling environmental deficiencies involving federal facilities and other District agencies.

Serious consideration should be given to use of a NONC, as opposed to initiation of an action before OAH, because the agreements are not published and respondents generally do not admit guilt or liability in Compliance Orders. This means that some NONC violations cannot be counted for purposes of escalating the penalty for subsequent violations or otherwise used as precedent.⁷

2. Approval of Compliance Orders and Consent Decrees

In addition to OGC and OEEJ approval, all compliance orders and consent decrees assessing fines or penalties must receive the following minimal level of management approval⁸:

\$1 - \$24,999	Branch Chief
\$25,000 - \$49,999	Associate Director
\$50,000 - \$99,999	Deputy Director
\$100,000 or above	DDOE Director

C. Emergency Orders

DDOE programs are authorized to issue stop work and cease and desist orders, or similar "Emergency Orders" when special circumstances exist that require immediate action to abate imminent and substantial injury or damage. Such Emergency Orders are the administrative

⁷ DDOE is exploring a systematic public notice of these agreements, such as a public notice in the D.C. Register, once they are concluded.

⁸ Issues of settlement authority will be further delineated in delegations currently being drafted by OEEJ in consultation with DDOE'S OGC.

equivalent of temporary injunctions and are considered serious enforcement actions. An Emergency Order is effective upon service and is issued without the consent of the facility to which it is directed. Often the facility is given little or no prior notice or opportunity to comment on the directives of the order. Each program's laws address the issuance of these Emergency Orders, including appeal and hearing rights of the recipients. Procedures for addressing emergency orders should be clearly addressed in program SOPs.

D. Notices of Infraction (Civil Infractions Ticket)

1. General Usage

The District's Civil Infractions Act of 1985, as amended, and the DDOE Establishment Act of 2006 authorize DDOE to issue Notices of Infractions or Civil Infractions Tickets to address violations of the District's environmental laws and regulations.

Issuing a Notice of Infraction (NOI) under the civil infractions regulations, (16 DCMR Chapters 32-38), is a common enforcement tool that is useful for penalizing violators and deterring future violations. Although NOIs can be used in many situations and for large fine amounts, DDOE's policy is to issue NOIs primarily for minor violations that total \$10,000 or less.⁹

The civil infractions program authorizes inspectors to write NOIs for specific violations of District environmental regulations that are listed or scheduled on the Civil Infractions Schedule of Fines. Effective October 1, 2008, OEEJ will process all of DDOE's NOIs. Matters for which respondents have requested a hearing or submitted an admit with explanation (a request for mail adjudication) will be forwarded to OAH for adjudication. Unanswered NOIs will also be forwarded to OAH for default adjudication. All settlements of NOIs must be approved by OEEJ.

The following guidelines should be followed when using the civil infractions process:

- NOIs may only be issued for violations listed on the Schedule of Fines covering DDOE's violations (16 DCMR Chapter 36)
- NOIs may only be issued on forms approved by OEEJ
- No NOIs may be issued for fines exceeding \$10,000¹⁰ without prior supervisory, OGC, or OEEJ approval.

2. Class 1 and 2 Violations

Violations that are classified as Class 1 or Class 2 violations on the Civil Infractions Schedule of Fines or are otherwise egregious and serious normally warrant enforcement

⁹ The decision to issue an NOI for amount larger than \$10,000 or for serious violations should be supported by an Enforcement Analysis.

¹⁰ This \$10,000 amount does not include any penalties that may later be assessed for respondent's failure to reply to the NOI.

actions that involve more than just a warning (NOV) or site directive. If the findings of an inspection report suggest Class 1 or 2 violations, or otherwise serious violations, the inspector should prepare the Enforcement Analysis, unless the violation has been exempted from the analysis, and make appropriate enforcement recommendations. A consultation with the inspector, his or her supervisors, OGC and OEEJ based on the Enforcement Analysis memorandum, will determine whether the NOI or another enforcement tool is most appropriate to address the matter.

3. Class 3 Violations

Class 3 of the Civil Infractions Schedule of Fines addresses violations that are of a mixed minor/serious nature. Although defined as serious in the schedule of fines, many of those violations would meet the definition of "minor violations" under this guidance. If the findings of an inspection report suggest non-compliance issues and potential Class 3 violations, the inspector should proceed directly with the issuance of a NOI for these alleged violations. The inspector will not need to prepare an Enforcement Analysis before issuing the Class 3 NOI.

If the inspector does not write the NOI, he or she must recommend another penalty-based enforcement action which must be supported by an Enforcement Analysis. The inspector may, at his or her discretion and in accordance with approved program SOPs, issue a NOV (warning letter), corrective action notice or directive in these cases.

If the inspector does not prepare an Enforcement Analysis for the matter, he or she should ensure that sufficient facts and evidence are documented to support the issuance of the NOV, directive or corrective action and/or the prosecution of the NOI, if applicable.

4. Class 4 and 5 Violations

If the findings of an inspection report suggest non-compliance issues and potential Class 4 or 5 violations, or otherwise minor violations, unless otherwise stated in the program SOPs, the inspector may issue a NOV, or corrective action or directive to address the non-compliance. In the alternative the inspector may issue an NOI. The NOI may be accompanied with a corrective action or directive. However, an NOV and NOI should not be issued together as one is a warning, and thus a reprieve, and the other is a penalty action. The Enforcement Analysis will not be required for enforcement actions taken to address Class 4 and 5 violations. The issuing inspector, however, should ensure that sufficient facts and evidence are documented to support the issuance of the NOV, directive or corrective action and/or the prosecution of the NOI.

5. Chart of Actions

To recap, the NOI process and Enforcement Analyses should be used in the following manner:

Class 1 or 2 or otherwise serious violations	Prepare an Enforcement Analysis unless the violation is exempted from the analysis requirement	If the violation is exempted from the analysis requirement, issue a NOI (not to exceed \$10,000 without further approval) If the violation is not exempted prepare the analysis and consult with OGC or OEEJ
Class 3 violations	Preparation of the Enforcement Analysis is discretionary	Issue a NOV or Issue a NOI (not to exceed \$10,000 without further approval)
Class 4 or 5 or otherwise minor violations	Preparation of the Enforcement Analysis is discretionary	Issue a NOV or Issue a NOI (not to exceed \$10,000 without further approval)

6. Other Administrative Actions or Hearings

Administrative actions, including hearings can be used whenever authorized in statutes. DDOE can also elect to request a hearing before OAH when a case has not been resolved by consent. Administrative hearings will be appropriate for the following situations:

- Where required by statute, including a respondent's request for a hearing after the receipt of a NOI, an appeal of the issuance of an Emergency Order, or a challenge to a directive¹¹,
- When DDOE seeks to revoke a permit or similar grant of right, or
- When the parties mutually agree that a hearing is appropriate.

E. Judicial Actions

1. Civil

¹¹ Some environmental statutes provide that challenges to directives may be appealed to the Department, in lieu of OAH. The inspector should consult with OGC and/or OEEJ to determine whether this route is authorized by statute or regulations.

After consideration of all relevant factors, DDOE may determine that court action is the most appropriate enforcement response. Court remedies include temporary and permanent injunctions, civil penalties, cost-recovery, and natural resource damages. Civil judicial actions are recommended when:

- A consent order or administrative order has been violated and/or has not yielded compliance
- A serious threat to human health and the environment has resulted and/or is present
- Violation are ongoing
- The party has a history of noncompliance
- DDOE has expended funds and wants to recover them
- The case is part of an enforcement initiative
- The case is one of first impression (the issue has never been brought before OAH, and/or has never been decided by a court)
- The case is multi-media (i.e., of interest to more than one program office)

Judicial actions may be selected by collaboration of OGC, program management, and OEEJ. The actions must be prepared by OGC and approved by the Director before they are sent to a litigating division of the Office of the Attorney General for further action.

2. Criminal Actions

Similarly, after consideration of all relevant factors, DDOE may determine that criminal enforcement is the most appropriate enforcement response. As a general matter, referral for criminal prosecution should be considered in cases in which:

- Sufficient evidence has been collected that make it likely that the occurrence of violations can be proved in court beyond a reasonable doubt
- The violations caused, or could have caused, significant harm to public health, safety, or welfare, or the environment
- The violations were the result of willfulness and/or indifference by the alleged violator

Because of the challenges of criminal prosecution, and the severe consequences of criminal convictions (harsh punishment and the stigma of a conviction), criminal cases are most appropriately pursued by OAG, EPA's Criminal Investigations Division (EPA/CID), or the U.S. Department of Justice. DDOE support for such cases is coordinated by OEEJ in consultation with OGC and program staff. The consequences of criminal convictions make criminal enforcement the most severe environmental enforcement option and, therefore, should represent the exception rather than the rule.

It should be noted that a criminal referral does not preclude DDOE from exercising its other administrative enforcement options. All Departmental compliance and enforcement activities may continue after the criminal matter is referred. Civil actions should proceed

unless written notification to contrary is provided by the Attorney General's Office and/or OEEJ. Efforts should be made to minimize interference and overlap.

F. Referrals to EPA for Enforcement

While DDOE uses all available means to address violations of the laws and regulations it is mandated to enforce, circumstances occasionally require that the agency decline further action and refer the case to EPA. Such referrals are made on a case-by-case basis, using the following criteria:

- All reasonable administrative options have been attempted and were unsuccessful
- DDOE has insufficient resources to pursue the matter adequately because of its nature and/or complexity
- The matter has interstate interests or is one of a national priority
- Federal remedies are more appropriate to address the matter
- The responsible party is out-of-state
- The matter involves multimedia interests

EPA and the District will occasionally take joint actions against a violator. OEEJ should be consulted and concur with a recommendation to refer a matter to EPA for enforcement before the referral is made.

V. DDOE PENALTY GUIDELINES

DDOE is committed to a consistent, timely and appropriate enforcement program, which is protective of public health and the environment while creating a strong, credible deterrent against future violations. DDOE seeks to assess fair and equitable penalties in keeping with factors specified in governing statutes and/or applicable case law, and commensurate with the nature of the violations. Thus, when calculating the penalty, DDOE considers the degree of violation, impact on the health and the environment due to the violation, and other relevant factors. Consideration is also given to the status of the facility's compliance history and other factors that DDOE program deems reasonable.

A. Considerations in Assessing Penalties

The penalty calculation and potential adjustment factors used in assessing penalties include:

1. Harm to human or environmental health, including the degree of injury to, or impairment of, the air, waters, or natural resources of the District
2. The extent to which the location of the violation, including the areas of human population, creates the potential for harm to sensitive ecosystems or vulnerable populations
3. The willfulness of the violation
4. Compliance history of the violator (regarding the same or similar type of violation)
5. Length of time of the violation
6. Violator's cooperation in mitigating the violation and/or impact thereof
7. The financial impact of a penalty on the violator
8. Removal of economic benefit of noncompliance, thereby placing the respondent in the same position it would have been if compliance had been achieved on time

DDOE programs consider each of these specific factors on a case-by-case basis. While all of these factors are considered, it is not necessary for all of them to be present before the statutory maximum penalty amount may be assessed. A single factor may warrant the imposition of the maximum penalty. Furthermore, all factors, even if applicable in a given case, are not necessarily weighed equally in determining a reasonable penalty. Individual programmatic SOPs may contain specific administrative penalty policies for calculating the gravity and economic benefit components of penalties assessed.

B. Statutory Civil and Criminal Penalties

The District's environmental laws generally authorize DDOE to levy civil as well as criminal fines and penalties for environmental violations. The civil fines and penalties are identified in

specific statutes. The criminal penalties are also identified in the specific environmental statutes and generally combine a penalty amount with a term of imprisonment upon conviction.

C. Civil Infractions Fines and Penalties

As previously stated, DDOE environmental programs are authorized to use civil infractions fines as an alternative to the statutory civil or criminal penalties. DDOE's civil infraction fines are "scheduled" or listed in 16 DCMR Chapter 36, which establishes the fines and penalties selected by the Mayor for violations of District's environmental laws and regulations.

The monetary fine for a first offense ranges from \$50 to \$2,000 depending upon the class of the violation. Violations that are considered egregious or imminently dangerous to health and welfare are scheduled as Class 1 violations (\$2,000 for the first offense). Violations that are considered a nuisance but not a threat to human or environmental health are Class 5 and the fine amount is \$50. Even though civil infraction fines may be relatively small compared to fines and penalties that can be imposed under environmental statutes, and frequently do not recover the economic benefit of a violation, they are a useful tool in achieving compliance.

Another important consideration in the imposition of fines under the civil infractions process is that the fine amount doubles for subsequent violations of the same regulation (second, third and fourth offenses) committed within a three-year period. Any subsequent violations of the same regulation, after the fourth offense within the three-year period, are fined at the same level as the fourth offense.

Penalties are assessed in the civil infractions process only after the respondent, without good cause, fails to timely respond to the notices of infraction issued.

VI. SETTLING ENFORCEMENT ACTIONS

A. Settlement Guidance

The following settlement guidance is proposed to govern the settlement of cases involving fines and penalties and to ensure that settlement amounts are appropriate. When a proceeding is before a court or administrative body, the judge will typically review a settlement before entering it as a final order to determine whether the settlement is fair, equitable, and in the public interest. This guidance is developed to ensure that violators are treated fairly, transparently, and predictably in the Department's settlement decisions.

B. Settlement Considerations

Decisions to settle cases should be made through a collaboration of the inspector of record, his or her managers, OEEJ, OGC, and in some instances, OAG. The Department Director should also be consulted for high profile or controversial matters. As a general rule, there should be no fine reductions or settlements without simultaneously obtaining compliance unless compliance is impossible, i.e., property has already been converted or sold. Factors to be considered in the evaluation of a settlement include:

1. **Avoidance/Minimization of Litigation**

This factor considers the efficiency and financial benefits of settlements. Although crafting and executing an appropriate settlement involves some work on the part of the parties, successful and timely settlement generally minimizes the time the parties spend addressing the matter, and the time, energy, and costs of litigation.

2. **Compliance History**

This factor considers a responsible party's previous history of compliance with environmental laws and regulations. A responsible party with good compliance history is a better candidate for settlement than a responsible party with a poor compliance history.

3. **Compliance Efforts**

This factor considers a responsible party's efforts to correct the violation and/or efforts to reduce the likelihood that the violation will occur again. Corrective efforts may include not only stopping the violation, but also taking measures such as installing technology (such as electronic monitoring systems) to prevent subsequent violations, and increasing staff training. The compliance and prevention efforts must be both appropriate and timely to impact a settlement decision.

4. Mitigating Circumstances

This factor considers circumstances generally beyond a responsible party's control that may have affected the ability to achieve compliance. Examples of mitigating circumstances may include, among other things, illness, insolvency, emergency during the infraction time, governmental intervention or acts of God. All claims of mitigating circumstances must be substantiated. A reduction in fines or penalties will not be considered for lack of knowledge of the regulations; DDOE will not accept ignorance of the law as a mitigating circumstance. A claim of lack of knowledge because someone within the respondent's organization did not provide information to responsible individuals also will not be accepted as a mitigating circumstance because responsible parties must maintain proper oversight of their operations that have the potential to negatively impact human or environmental health.

In each case the settlement considerations will be weighed against evidence of actual harm to humans, animals, or the environment as the result of violations. When there is evidence of actual harm some or all of the settlement considerations may not be applied.

C. Supplemental Environmental Projects

DDOE may use Supplemental Environmental Projects (SEPs) to satisfy a portion of fines or penalties assessed against an alleged violator. A SEP is part of the settlement of an enforcement action where the violator voluntarily agrees to undertake an environmentally beneficial project in exchange for a reduction in fines or penalties.

The SEP program is based on a long standing program developed by EPA in its enforcement programs. The use of SEPs may be appropriate in the settlement of an enforcement action for three reasons. First, SEPs are intended to achieve improvements in environmental conditions that could not otherwise be accomplished through the imposition of traditional fines and penalties. Second, the use of SEPs adds value to enforcement settlements because SEP resources inure directly to specific environmental projects. Lastly, SEPs require violators to go beyond actual technical compliance with recognized legal standards and thereby create a greater level of environmental stewardship. SEPs afford the alleged violator an opportunity to provide a benefit that is focused on improving the environment of the affected community as a whole.

In enforcement settlements in which the respondent commits to conduct a SEP, the final settlement amount (cash penalty + SEP value) must equal or exceed the value that the traditional penalty settlement would have been without the SEP. In many instances the method for determining the actual cost of implementing a SEP and the formula for determining the amount that the SEP mitigates the penalty amount may be established by the SEP Policy. EPA's SEP policy requires that a violator must pay at least 20% in fines and can mitigate up to 80% of the penalty. In general, federal and non-profit organizations can mitigate penalties 1:1, but private entities must mitigate penalties at the higher rate of 2:1, unless circumstances are present that would justify a different ratio.¹²

¹² For example, the ratio may be reduced for the implementation of an energy conservation SEP that might result in an additional economic benefit to the respondent such as reduced energy bills.

To be approved as a SEP, DDOE requires that the project meet the criteria set out below:

1. The Project Must Primarily Benefit Public Health or the Environment

A SEP must improve, protect, or reduce risks to public health, or the environment. While in some cases a SEP may provide the alleged violator with certain benefits, there must be no doubt that the project primarily benefits public health and/or the environment. To qualify as a benefit to public health/environment, a SEP must fit into at least one of the following categories:

- **Public Health** - include projects that address the health concerns of residents in a community and may include examining residents in a community or their health data to determine a pattern of health problem due to the violations.
- **Pollution Prevention** - involves changes in activities or operations so that a company no longer generates some form of pollution. For example, a company may make its operation more efficient so that it reduces or eliminates its hazardous waste stream.
- **Pollution Reduction** - reduces the amount and/or danger presented by some form of pollution, often by providing better treatment and disposal of the pollutant.
- **Environmental Restoration and Protection** - improves the condition of the land, air or water in the area damaged by the violation.
- **Emergency Planning and Preparedness** - includes projects that provide assistance to a District emergency response or planning entity to enable these types of organizations to fulfill their obligations under the federal Emergency Planning and Community Right-to-Know Act. Such assistance may include the purchase of computers and/or software, communication systems, chemical emission detection and inactivation equipment, HAZMAT equipment, or training. Cash donations to District emergency response organizations are not acceptable SEPs.
- **Assessments and Audits** - allow a violator to agree to examine its operations to determine if it is causing any other pollution problems or can run its operations better to avoid violations in the future. These audits go well beyond standard business practice.
- **Environmental Compliance Promotion** - allows an alleged violator to provide training or technical support to other members of the regulated community to achieve, or go beyond, compliance with applicable environmental requirements. For example, the violator may train other companies on how to comply with the law.
- **Other Types of Projects** - include proposed SEPs that have environmental merit but do not fit within the categories listed above. These types of projects must be fully consistent with all other provisions of the SEP Policy and be approved by the respective DDOE program.

2. The Project Must Meet All Other Legal Requirements

Since SEPs are part of an enforcement action, they must meet certain legal requirements, such as:

- There should be no direct relationship between the SEP and the underlying violation. Environmental improvements directly tied to the underlying violation are traditionally viewed as a correction action per se. Merely correcting a violation does not constitute a SEP. The SEP must represent improvements that go beyond compliance.
- A SEP must be voluntary, i.e., the project must not be one which the violator is legally obligated to perform under another law, regulation, administrative order or settlement document. SEPs may include activities which the violator will become legally obligated to undertake two or more years in the future, as long as the regulation or statute does not provide a benefit to the violator for early compliance.
- A SEP cannot have been committed to or started before DDOE identifies the violation(s) (e.g., issued a NOV, NONC, or complaint). This is because the primary purpose of this policy is to obtain environmental or public health benefits that may not have occurred "but for" the SEP.
- All SEPs must be defined in sufficient detail to meet the requirement of enforceability. There must be objective quantifiable deliverables, deadlines, and consequences. If a SEP is not completed satisfactorily, pursuant to the terms of the settlement, a stipulated penalty may be imposed for this failure. The determination of whether the SEP has been satisfactorily completed and whether the violator made a good faith, timely effort to implement the SEP is reserved to the sole discretion of DDOE program.
- A SEP's performance or its funding cannot be managed or controlled by a District agency. However, DDOE may perform oversight to ensure that a project is implemented pursuant to the provisions of the settlement. The District may have legal recourse if the SEP is not adequately performed.

Since SEPS will be part of the settlement process, the proposed SEP will normally be presented to program attorneys in OGC as part of settlement negotiations. Prior to their acceptance, however, the SEPs must be presented to the appropriate program personnel for technical analysis. The technical analysis and program approval of the SEP must be in writing. Final proposals of SEPS must be approved by the Division manager, the Administration Deputy, OEEJ, and OGC.

VII. CASE CLOSURE AND RECORD RETENTION

A. Case Closure

When no further action is required and satisfactory compliance has been achieved, a case is ready to be closed. In closing a case, program management determines, along with compliance and legal staff, if necessary, whether all terms of site directives, consent orders, compliance agreements, and other requirements have been met. This includes, among other things, confirming that permits have been obtained, closure plans have been implemented, civil charges have been paid, and that any other requirement imposed as part of the enforcement action have been completed. Case closure should be accompanied in all instances by a closeout memorandum to file and, in some instances, by closeout correspondence to the respondent.

1. Case Closure Memorandum

Within 30 days of the date that satisfactory compliance has been achieved, the inspector of record or other designated staff member should prepare a case closure memorandum for the file. This memorandum should contain sufficient information to provide an outside reader with information about the relevant matters in the case. The closure memorandum should, at a minimum, include the following information:

- The inspectors name, badge number, and telephone number,
- Case start and end dates,
- The name and address of the responsible party,
- The location of the site inspected,
- The violations addressed,
- Any corrective action performed,
- Dates and nature of enforcement actions taken,
- Dates of administrative or judicial actions taken, and
- Justification for the case closure.

2. Case Closure Form

For enforcement matters concluded by a final administrative order (such as an OAH final Order and Notice of Payment Order), the closure requirements above may be abbreviated and may be entered on a case closure form approved by OEEJ. The case closure form must include the following:

- Inspector's name, badge number and telephone number,
- The respondent's name,

- The location of the violation,
- The docket or other identifying case number,
- A brief summary of the nature of the case (i.e., Violation of 20 DCMR 900.1- engine idling),
- The date the final order was issued¹³,
- The date the case closure order was issued, and
- The judgment summary including any fines or penalties assessed.

The case closure form should also be completed within 30 days of date that satisfactory compliance (and complete payment) has been achieved.

Any relevant final administrative order and case closure order should be attached to the closure memorandum or form or easily identified in the case file. The enforcement staff and appropriate management should sign the case closure memorandum or form. Once the case closure memorandum and/or form is finalized, it should be placed prominently in the file identifying the case as closed.

3. Case Closure Correspondence

Unless a third party such as OAH or a judicial court provides a closure document (such as final notice of payment), the program should notify the respondent by letter that the case is closed for the reasons specified in the case closure memorandum. This letter serves as sufficient notice to a responsible party that the enforcement action has been terminated.

B. Record Retention

Unless otherwise noted, all documents relevant to an enforcement action such as inspection reports and notes, photographs and other evidence, correspondence and official documents (including directives and NOVs) should be maintained in the case file until the conclusion of the final appeal of the enforcement action. Specific retention periods may be prescribed by relevant statutes, grant requirements, District government record retention policies, or DDOE record retention policies.

¹³ OAH Final Orders generally do not close cases especially when liability is found and fines remain unpaid. OAH often issues Notices of Payment orders to close cases once the payments are made. OAH, will, however, occasionally issue a Final Order which also contains information about payments received. If the Final Order states that the judgment is paid in full then the case is closed.

GLOSSARY/ACRONYMS

DCMR - *The District of Columbia Municipal Regulations*

DDOE - *District Department of the Environment*

EPA- *Environmental Protection Agency*

OAG - *Office of the Attorney General*

OAH - *Office of Administrative Hearings*

OGC- *Office of the General Counsel*

NOI- *Notice of infraction*

NONC- *Notice of Non-Compliance*

NOV- *Notice of Violation*

OEEJ - *Office of Enforcement and Environmental Justice*

SOP - *Standard Operating Procedures*