



Connecticut Department of Energy and Environmental Protection



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

Using the Policy on Incentives for Self-Policing

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DEEP / Phoenix Auditorium



Connecticut Department of Energy and Environmental Protection

Policy on Incentives for Self-Policing

Purpose is to increase compliance by encouraging companies to voluntarily discover, disclose, correct and prevent violations of environmental requirements through the use of environmental audits

www.ct.gov/DEP/lib/dep/enforcement/policies/incentivesforselfpolicingpolicy.pdf



Incentives

- Full or partial waiver of penalties for violations.
- No recommendations for civil action or criminal prosecution.
- No routine requests for environmental audits.
- The 26 multi-media self-disclosures received since 2004 have not resulted in enforcement action or penalties by DEEP.
- Environmental compliance was achieved in all cases.



Systematic Discovery

- Due Diligence

An objective documented, systematic procedure or practice reflecting the regulated entity's efforts to prevent, detect and correct violations.



Voluntary Discovery

The violation was identified voluntarily, and not through a legally mandated monitoring, sampling or reporting requirement prescribed by statute, regulation, permit, administrative order, or judicial order.



Prompt Disclosure

The regulated entity fully discloses, in writing to the Department, a specific violation within 30 days (or such shorter period provided by law) after it has discovered that the violation has occurred, or may have occurred.



Specific Exclusions

Not ones which resulted in serious actual harm or may have presented an imminent and substantial endangerment to human health or the environment; or violates terms of a judicial or administrative order.

Must be identified and disclosed by the regulated entity prior to: commencement of federal, state or local agency inspection or investigation; report of violation by a “whistleblower” employee; notice of a citizen suit; or filing of a complaint by a third party.

Has not occurred within the past three years at the same facility, or is not part of a pattern of federal, state or local violations by the facility’s parent organization, which have occurred within the past five years.



Correction and Remediation

The regulated entity corrects the violation within 60 days of discovery, certifies in writing, and takes appropriate measures as determined by the Department to remedy any environmental or human harm due to the violation.



Prevent Recurrence

The regulated entity agrees to take steps to prevent a recurrence of the violation, which may include improvements to its environmental auditing or due diligence efforts.



Questions?

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