



State of Connecticut  
Department of Environmental Protection

State's Solid Waste Enforcement Program

Presentation made to the  
State's Solid Waste Management Advisory Committee  
November 17, 2008

Frank Gagliardo, Supervising Environmental Analyst  
Waste Engineering and Enforcement Division  
Bureau of Materials Management and Compliance Assurance

# Solid Waste Enforcement Mission

- Protect human health and the environment by ensuring environmentally sound waste management practices and encouraging resource conservation. Inspect, regulate, monitor and initiate enforcement actions as necessary



# State's Permitted Solid Waste Enforcement Universe:

Two categories of permitted facilities:

Individual Permits = ~200; General Permits = ~81

## Individual Permitted Facilities

- MSW RRFs = 6
- Tire-to-Energy Plant = 1
- Intermediate Processing Facilities = 6
- Landfills = 33
- RRF Ash Residue Landfills = 2
- Transfer Stations:
  - Private TS (MSW) = 3
  - Municipal TS (MSW) = 113
- Volume Reduction Facilities:
  - Private VRF (C&D) + TS (MSW) = 10
  - Private VRF (C&D) = 22
- HHW Facilities = 5



# State's Permitted Solid Waste Enforcement Universe: General Permits

- Recycling General Permit Facility Types:
- GP for Contaminated Soil and/or Sediment Management – Staging and Transfer
- Storage and Processing of Asphalt Roofing Shingle Waste



# The Framework :

## Materials Management & Compliance Assurance

- Managing Environmental Compliance: requires an effective integration of three key elements – permitting, assistance and enforcement
  - Assistance provides appropriate forms of assistance and guidance to the regulated community
  - Permitting establishes the boundaries
  - Enforcement ensures compliance

# The Framework – Compliance Assistance Component

- Regulatory assistance
  - Training
  - Outreach
- Technical assistance (DEP, EPA)
  - Providing expert assistance on technical aspects of compliance with applicable law;
  - Includes opportunities for significant pollution prevention.

# The Framework: Permitting Component

- Through the issuance of permits and other licenses, the DEP establishes the boundaries within which activities that have the potential to negatively impact the environment may be safely conducted
- The DEP then monitors compliance with standards established in the permits
- Permits issued must be protective of the environment, clear, understandable and enforceable

# The Framework: Enforcement Component

## Primary Enforcement Tools:

- **Informal enforcement tools -**
  - Notice of Non-Compliance (NON) ( a pilot program)
  - Notice of Violation (NOV)
- **Formal enforcement tools -**
  - Consent Order (CO)
  - Unilateral Order (UO)
  - AG Referrals
  - Criminal Referrals
- **Imposing, where appropriate penalties**



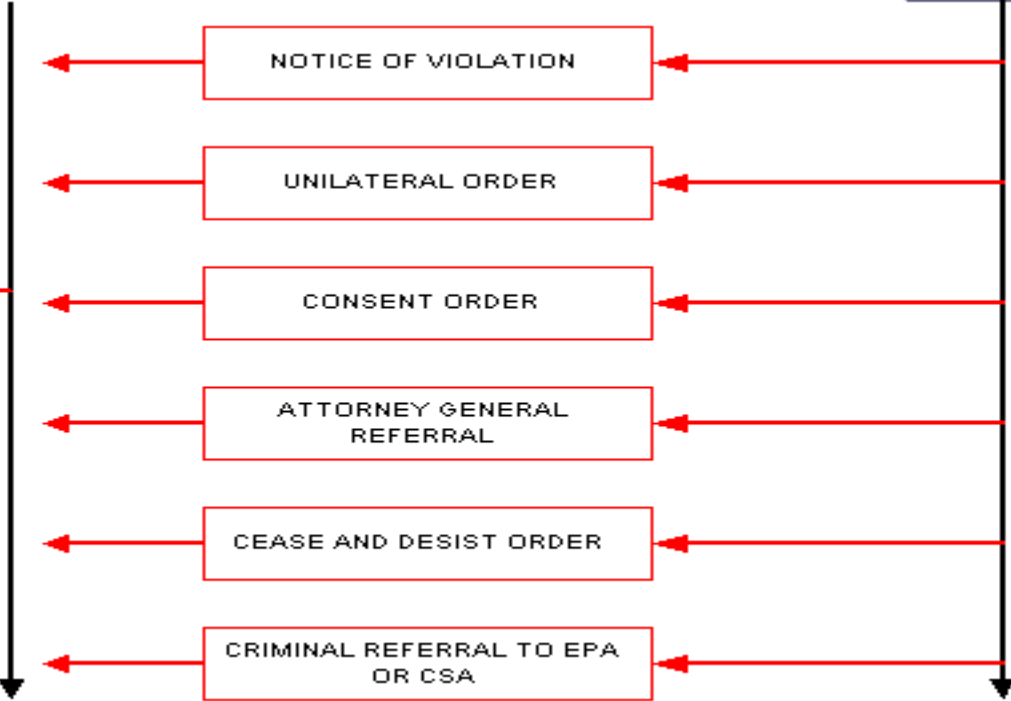
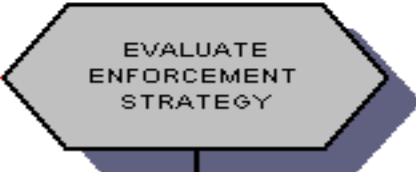


INSPECTION FILE OR DATA REVIEW  
OR SELF-REPORTING



COMPLIANCE

NONCOMPLIANCE



COMPLIANCE

IF NO - START PROCESS AGAIN



# The Framework – Enforcement Component

- State's Environmental Enforcement Policies
  - Enforcement Response Policy (ERP)
  - Civil Penalty Policy
  - Policy on Supplemental Environmental Projects (SEP)
  - Policy on Incentives for Self-Policing
  - Policy on Inspecting a Facility previously Subject to Formal Enforcement Action
  - Environmental Equity Policy
- Home page > Air, Land, Water > Enforcement > Enforcement Response Policy

# The Framework:

## Enforcement Component

### Enforcement Response Policy:

- sets forth a violation classification system and enforcement response procedures
- policies are intended for the guidance of the employees of the DEP
- policies are not intended to, nor do they, constitute rulemaking by the agency
- DEP may take an action that is at variance with the policies or procedures if appropriate in a specific case

# Managing Environmental Compliance: Approach

- Inspection Policy
  - Compliant facilities
    - RRFs
    - VRPs
    - TS s
- Inspections as a result of pending permit are based on compliance history review

# Managing Environmental Compliance: DEP's Approach

- Inspections as a result of complaints
  - Average 150 per year
    - Illegal dumping
    - Recycling violations in business and residential sector
    - Solid waste / recycling facility permit violations

# Managing Environmental Compliance: Prioritizing Enforcement Efforts

- Cases are evaluated for environmental risk and regulatory program harm.
- We'll take a closer look at:
  - Commercial activity
  - Multi waste stream
  - High volume facilities
  - Sites with known / suspected criminal connections
  - Landfills not closed in compliance with RCSA 22a-209-13
  - Recalcitrant violators

# Recycling Violations

## CGS Sec. 22a-241b



Operating without a Permit; CGS Sec. 22a-208a, Sec. 22a-208c





# Permit Violations; RCRA Solid Waste Regulations



# Illegal dumping and creation of solid waste disposal area; CGS 22a-248(12)



# LEAN - Continuous Process Improvements: Solid Waste Enforcement Program

- Problem Statement:
  - Current processes create extended processing times and inefficiencies,
  - Difficulty in meeting the DEP's ERP timeframes
  - Curtails undertaking new initiatives in compliance and enforcement

# LEAN - Continuous Process Improvements: Solid Waste Enforcement Program

- Goals –
  - To reduce average processing time between inspection and issuance of draft formal action by 30%
  - Develop new and revised SOPs for process
  - Increase inspection rates of permitted facilities including recycling facilities
  - Develop case management tracking system

# LEAN Process and Enforcement

- Outcomes
  - Solid Waste Enforcement Group Implementation Plan
    - Field NONs
    - Reduce caseload
    - Case management tracking for prioritizing
    - Improving complaint response
    - Implement inspection schedule
    - Define and resolve programmatic issues & regulatory problems
    - Increase field presence adding recycling field checklist to inspections
    - Incorporate CGS 241b(c) audits ( recycling) into all haz waste and solid waste consent orders

# Summary

- Heavy caseload
- Need to prioritize enforcement efforts
- Assessing current SOPs
- Will recommend revised SOPs / enforcement group work plan
- Implement work plan to increase effectiveness of the solid waste enforcement group

# CTDEP Solid Waste Permitting and Enforcement Program Contacts

Robert Isner, Director

(860) 424-3264    [robert.isner@ct.gov](mailto:robert.isner@ct.gov)

Diane Duva, Assistant Director

(860) 424 - 3271    [diane.duva@ct.gov](mailto:diane.duva@ct.gov)

Frank Gagliardo, Supervising Environmental Analyst

(860) 424-3130    [frank.p.gagliardo@ct.gov](mailto:frank.p.gagliardo@ct.gov)

Gaby Frigon, Supervising Environmental Analyst

(860) 424- 3795,    [gabrielle.frigon@ct.gov](mailto:gabrielle.frigon@ct.gov)

Solid Waste Help Line    (860) 424-3366

DEP Website: <http://dep.state.ct.us>