

Enforcement

I. GENERAL

A. Goals

The following goals underlie the DEQ's enforcement procedures:

1. Deployment of DEQ resources to the most significant problems within its jurisdiction
2. Consistent responses to violations
3. Constant movement of enforcement actions toward resolution
4. Efficient tracking of enforcement actions
5. Effective internal communication regarding enforcement actions

B. Targeting for Maximum Environmental Results

Priority of inspections and enforcement actions should be principally based on four criteria: risk reduction, pollution prevention or waste minimization, preservation of the integrity of the regulatory structure, and deterrence.

Each Division should assure that it identifies and addresses the most significant violations. Relevant considerations include facility characteristics (size, location, compliance history, etc.), the specific type of violation (potential for direct environmental impact, impact on regulatory integrity, etc.), and the level of enforcement response to be made (*i.e.*, escalating based on seriousness of violation and compliance history).

C. Creative Use of Enforcement Tools

Within the legal constraints of the various agency programs, careful use of non-traditional enforcement and compliance approaches is encouraged. For example, when developing consent orders and in settlement processes, consider including environmental auditing provisions (see Section III(C)(3), below). These provisions can help identify root causes of noncompliance (improper management practices as well as technical inadequacies) and prevent future environmental harm.

When possible, consent orders and settlements should be used to encourage efforts to improve physical and aesthetic conditions at facilities and for pollution prevention conditions which, although not necessarily related to the original cause of noncompliance, provide environmental benefits (*e.g.*, a commitment to phase out the use of a pollutant over a specified period of time; see Section III(C)(1), below). While encouraging such conditions where appropriate, agency staff must be mindful that the ultimate goal of an enforcement action is to correct the violation as expeditiously as possible.

II. ENFORCEMENT PROCESS

A. Violations

The usual means of identifying violations are inspections, complaints, file reviews, and self-reporting. Identified violations are divided into at least two categories. Level I violations (sometimes referred to as “Significant Non-Compliance” or “SNCs”) are deviations from permit, order, statutory or regulatory requirements such that either (a) there is actual significant harm or a substantial potential risk of significant harm to human health or the environment, or (b) the ability of the regulatory program to protect human health and the environment from actual significant harm or substantial potential risk is fundamentally impaired. Each Division should develop a list of examples, by program, of violations that commonly meet either or both of these criteria. Non-Level I violations are also tracked; it is within each Division’s discretion to determine the number and nature of categories into which non-Level I violations will be placed.

B. Enforcement Options¹

1. Notice of Violation: Enforcement options vary from program to program and may be influenced by delegation and enforcement agreements with EPA. When Level I or non-Level I violations are identified, normally a Notice of Violation (NOV)/Warning Letter is issued, notifying the responsible party of the violation(s) and specifying a time period within which compliance is expected.² All violations identified during or as the result of an inspection should be noted on the inspection report.
2. Administrative Compliance Order & Consent Orders: If substantial compliance is not achieved within the time period specified in the NOV (or any approved extensions), normally either an Administrative Compliance Order (ACO) will be issued or a Consent Order (CO) will be negotiated and executed. An ACO is a unilateral order issued by the DEQ; a CO is entered by mutual agreement of the DEQ and the respondent.
 - a. An ACO or CO specifies time periods within which compliance *must* be achieved, and specifies penalty amounts to be assessed for failure to comply within those time frames. An ACO or CO may also assess penalties for violations which have already occurred.
 - b. A CO is effective from the date of final execution unless otherwise specified. Because an ACO is unilateral, due process requires an opportunity for hearing; if a hearing is timely requested, the ACO is not “final” until the administrative hearing process is completed and the decision is affirmed, with or without modification, by the Executive Director.
3. Assessment of Fine: If a respondent does not comply with a CO or a final ACO within the specified time frame(s), the Division may apply to the Administrative Law Judge for the assessment of a fine. This should be done soon after the expiration of the specified time

¹ Some programs employ “Requests for Information” (“RFIs”) as a means to formally gather information from regulated entities to help determine whether or what kind of enforcement action is appropriate. Because of their nature, RFIs are not included as an “enforcement” action in this enforcement options listing, but they remain a valid tool for use by the programs as needed.

² The Hazardous Waste Program is authorized by statute to proceed directly to an Order, skipping the NOV step, in cases involving more serious violations. Other programs are authorized to issue an Emergency Order without a preceding NOV when circumstances dictate immediate response.

Oklahoma Department of Environmental Quality
Standard Operating Procedures

frame(s) to avoid any suggestion or inference that the Division is purposely allowing the potential fine to mount. In addition or as an alternative to seeking a fine, the Division may pursue an action in District Court for an injunction to require the respondent to comply.

4. **Suspension of License:** In addition to any other relief sought in an ACO, the DEQ may seek to revoke or suspend the license or permit of the respondent. An action to revoke or suspend usually is reserved for especially serious or longstanding Level I violations.
5. **Criminal Prosecution:** The Executive Director of the DEQ can ask the Attorney General or the District Attorney to pursue a criminal prosecution in District Court in cases involving very serious violations in which the violator knew or clearly should have known what the requirements were. Normally criminal referrals are made only if the violation is or may be a felony, but referrals for misdemeanors may be made if aggravating circumstances, such as a pattern of repeated violations, are present. The DEQ has an Environmental Crime Investigation Team (ECIT), chaired by the General Counsel, which provides both investigative and legal input and resources in cases in which a Division believes a criminal action may be warranted. Potential criminal cases should be referred to the ECIT by memo (with supporting information) through the Division Director or Assistant Division Director.
6. **Civil Enforcement Action:** Occasionally, the DEQ may refer a case to the Attorney General or the District Attorney for civil enforcement action (an injunction and/or civil fines). Such referrals normally will be based on a determination that the case is especially complex or that it is otherwise beyond the resources of the DEQ. The DEQ may also directly refer a case to EPA for enforcement action under such circumstances.³

C. Drafting and Approval of Enforcement Documents

The inspector, a member of the Division enforcement staff or an attorney normally drafts Warning Letters or NOV's. Enforcement staff or an attorney drafts ACOs or COs and their cover letters. Attorneys draft petitions or referrals for civil judicial action and penalty assessment orders. Attorneys or ECIT criminal investigators draft referrals for criminal prosecution.

Excluding Warning Letters, drafts must be reviewed by at least a supervisor, a member of the enforcement staff, and an attorney. Draft ACOs, COs, petitions and referrals must also be reviewed by the Division Director or Assistant Division Director.

D. Issuance of Enforcement Documents

1. **Notice of Violation:** NOV's are signed by the Division Director, Assistant Division Director, or a designee approved in writing by the Executive Director, and are mailed (certified mail, return receipt requested) by the Division. The Division should provide a copy of the NOV to Central Records upon mailing and should provide a copy of the green card when returned.
2. **Administrative Compliance Orders & Consent Orders:** ACOs and COs must be signed by the Executive Director, or by the Executive Director's designee in the absence of the

³ The "Enforcement Options" discussion is intended to serve as general guidance on appropriately measured enforcement responses. In all cases, applicable enforcement agreements with EPA must be taken into account. In a given case, the enforcement action taken may vary from the above for other reasons. In particular, the "normal" enforcement response may be downgraded or deferred due to factors such as evidentiary or proof problems, other urgent priorities, personnel constraints, or overall evaluation of prosecutorial merit. The Office of General Counsel is ultimately responsible for making these types of determinations, but with input from enforcement staff and the Division Director.

Oklahoma Department of Environmental Quality
Standard Operating Procedures

Executive Director. They should be routed through the Division Director to the Executive Director with a short cover memo when ready for signature. After signature, the Administrative Law Clerk file-stamps and files the original, makes the necessary mailings, and provides a copy to the Division. Unless advised by the DEQ attorney that the respondent has agreed that an uncertified copy is sufficient, the Administrative Law Clerk will certify the copy of the fully executed CO that is mailed to the respondent.

3. Petitions: An attorney must sign petitions filed by the DEQ in District Court. A file-stamped copy should be requested; it should be filed in Central Records, with a copy to the Division.
4. Referrals: Referrals to the Attorney General or to a District Attorney for civil or criminal action must include a cover letter or memo signed by the Executive Director, or by the Executive Director's designee.
5. Time Frames: Enforcement action should be taken within the time frames established in the respective program agreement between the State and EPA, or if none, then normally within 30 days of the violation identification date for Warning Letters or NOVs and 90 days for other enforcement actions (ACO, CO, district court action for fine or injunction, referral for criminal prosecution). Especially complex actions may require longer.

E. Evaluating the Need for a Fine

An administrative fine will be assessed when required by an applicable memorandum of understanding or agreement with EPA. A fine should also be assessed for Level I violations in the following instances, unless unusual circumstances strongly indicate otherwise:

1. The noncompliance is intentional or the result of serious neglect, inattention or indifference. The relative size, resource base and sophistication of the respondent may be considered.
2. The noncompliance is part of a pattern of similar violations indicating a lack of good-faith effort to comply.
3. The noncompliance is a substantial violation of the terms of a CO or final ACO.

F. Determining the amount of fine

1. Proposed Penalty: Once a decision has been made that an administrative penalty is appropriate, it is necessary to determine what the "proposed" penalty should be. The proposed penalty is the penalty amount to be inserted in the ACO (if employed), and which is the starting point for negotiations if the DEQ and the respondent pursue a CO in lieu of an ACO. Stated another way, the proposed penalty is the penalty that will be assessed if the respondent does not pursue a hearing or settlement.
2. Hearing: In most cases a respondent will pursue a hearing or negotiations, or both. If there is a hearing, the Administrative Law Judge and the Executive Director will determine whether the proposed penalty should be sustained, modified or eliminated. If negotiations are pursued, the parties must determine the amount for which they will settle. The penalty amount (cash amount plus credited dollar amount of any Supplemental Environmental Project) in either a final order of the Executive Director or in an executed CO is the "assessed" penalty. An assessed penalty is legally enforceable; a proposed penalty is not.
3. Amount of Administrative Penalty: The general administrative enforcement section of the Oklahoma Environmental Quality Code and the specific administrative enforcement sections within several of the Acts (e.g. the Clean Air Act, the Hazardous Waste

Oklahoma Department of Environmental Quality
Standard Operating Procedures

Management Act, and the OPDES Act) list slightly different criteria for the agency to consider in determining the amount of an administrative penalty.

- a. Taking the various statutory provisions together suggests the following as the kinds of factors the agency should consider in determining the amount of a fine:
 - i. Nature, circumstances and seriousness of the violations
 - ii. Good-faith efforts to comply
 - iii. History of similar violations
 - iv. Degree of culpability
 - v. Economic benefit to violator, if any
 - vi. Ability to pay
 - vii. Other factors established by rule, if any
 - viii. Other matters as justice may require

Generally, the Environmental Quality Code limits administrative fines to a maximum of \$10,000 per day. The Oklahoma Clean Air Act and the OPDES Act allow up to \$10,000 per day *per violation*, and the Hazardous Waste Management Act allows up to \$25,000 per day per violation.

- b. Economic Benefit: In determining an appropriate fine, the starting point is to estimate the economic benefit (if any) which has accrued to the respondent by virtue of the noncompliance. Unless the respondent clearly demonstrates an inability to pay, the proposed fine and the assessed fine should at least recover the economic benefit of noncompliance.
- c. Gravity-Based Penalty: With the economic benefit figure as a floor, the determination of the proposed penalty should include calculation of a “gravity-based penalty”. The gravity-based penalty is that amount which is deemed appropriate based solely on the seriousness of the violation itself. The seriousness of the violation involves two components: the extent of deviation from compliance with statutory and regulatory requirements, and the relative risk to human health and the environment and/or the effectiveness of the regulatory system caused by the violation(s).⁴
- d. Benefit of Noncompliance: Subject to the applicable statutory maximum and the normal “benefit of noncompliance” minimum, the gravity-based penalty may be adjusted upward or downward based on other criteria identified above. Such adjustments may be made as part of the process of determining the proposed penalty when available information suggests the appropriateness of doing so, but normally the burden will be on the respondent to raise and support mitigation factors at the settlement stage. The most common adjustment is for good-faith efforts to comply. The percentage adjustment attributable to degree of effort to comply normally should not exceed 25%. In some cases other adjustment factors may be considered relevant. The final figure resulting from all adjustments either upward or downward normally should not vary more than 35% from the gravity-based penalty amount, except that in a case in which the violator has previously been fined for the same violation, the final figure generally should be adjusted upward by an order of magnitude (not to exceed the statutory maximum). The gravity-based penalty as adjusted is the proposed penalty.
- e. Final Penalty Amount: The amount for which the DEQ will settle depends on a variety of factors, including the degree of effort of the respondent to promptly and conscientiously correct the violations cited in the NOV and/or Order; the DEQ’s

⁴ An effective means to identify a reasonable gravity-based penalty is to use a matrix with the two “seriousness” components on the axes.

Oklahoma Department of Environmental Quality
Standard Operating Procedures

judgment as to the relative strength of the case should it proceed to hearing; whether the respondent is a government or nonprofit agency or institution; the sophistication of and informational resources available to the respondent; and ability to pay. While there is no hard and fast rule concerning a minimum settlement figure, repeated settlements representing only a minute fraction of the proposed penalty undermine the agency's credibility. It is thus important to the process that the proposed penalty be carefully deliberated and rational. It should represent a reasonable "first offer" in settlement negotiations. In cases in which the agency tentatively decides to settle for less than 50% of the proposed penalty for any reason other than clearly demonstrated inability to pay, the case attorney for DEQ must discuss the proposed settlement with the Division Director(s) of the involved program(s) and with the Deputy General Counsel and the supervising attorney for the Division and receive their concurrence.

4. Division Responsibilities: Each Division is responsible for creating an internal guidance document, consistent with the above principles, for each of its regulatory programs to help provide reasonable objectivity in determining penalty amounts.

Note that the DEQ has a rule (OAC 252:4-9-5) providing for elimination or mitigation of penalties for self-reported violations. The foregoing discussion is subject to the provisions of that rule. However, special note should be taken of subsection (c) of that rule regarding federal/state agreements.

G. Disclosure of Penalty Calculations

The DEQ sometimes receives requests for copies of its penalty calculations, especially from counsel for respondents. The agency should take a uniform approach in responding to these, similar to that laid out by the EPA in its RCRA Civil Penalty Policy.

1. Administrative Compliance Order: If the DEQ has issued a unilateral ACO, the DEQ attorney will (upon request) disclose to the respondent the components of the proposed total fine; *i.e.*, the proposed fine amounts associated with each of the cited violations. We will not share the penalty calculation worksheet unless and until directed to do so by the ALJ or a court of competent jurisdiction.⁵ We will not routinely share the thought processes associated with the penalty calculation worksheet, but on a case-by-case basis the individual DEQ attorney may choose to divulge some or all of the contents or thought processes when to do so may advance settlement negotiations.
2. Consent Order: If the DEQ has tendered a proposed CO or is negotiating toward a possible CO, we will not routinely disclose how we arrived at any proposed settlement amount. Such information generally would compromise our legal strategy for the case and is privileged as attorney work product.⁶ However, we will divulge the fine amount that we intend to seek if it becomes necessary to issue a unilateral ACO (the "proposed fine"; see II.F. above), and the breakdown of that fine by violation.

⁵ To help ensure the penalty calculation worksheet can be protected, the enforcement attorney should direct its preparation by memorandum to the person preparing the worksheet. The worksheet should be marked as confidential and as attorney work product and stored accordingly.

⁶ On a case-by-case basis the individual DEQ attorney may choose to divulge the thought processes behind a proposed settlement amount when he or she believes that to do so will materially advance the settlement negotiations.

Oklahoma Department of Environmental Quality
Standard Operating Procedures

H. Tracking of Enforcement

Each program is responsible for maintaining an enforcement tracking mechanism which ensures that all NOV, Warning Letters, ACOs, COs and court cases are monitored for compliance within established deadlines. The Office of General Counsel will also track penalty milestones with its Legal Docket file. At least once per quarter, enforcement personnel in the program and the enforcement attorney(s) for that program should compare information to ensure consistency and to ensure that needs for follow-up or escalation are timely addressed. Should a facility be found to be in substantial noncompliance with established deadlines, the facility shall be returned to (or placed on) the Level I list. A facility should be tracked until all violations (not just those which are Level I violations) cited in the NOV, Warning Letter, ACO or CO are corrected.

I. Closing Enforcement

Upon a determination that the respondent has substantially complied with the requirements imposed upon it by an NOV/Warning Letter, the Division will promptly send a letter to the respondent acknowledging compliance and advising that the enforcement action is being closed. Upon a determination that the respondent has substantially complied with the requirements imposed upon it by an ACO or CO, the assigned DEQ attorney will promptly send a letter to the respondent acknowledging compliance and advising that the enforcement action is being closed. Upon a determination that the respondent has substantially complied with the requirements imposed upon it by a civil judicial action, the assigned DEQ attorney will cooperate with the respondent's counsel and the court to enter an appropriate order. Whenever the program or the Office of General Counsel closes a case, it is responsible for providing a copy of the documentation to the other. The program enforcement personnel and the attorney are responsible for promptly closing the case on their tracking mechanisms.

J. Level I List

The Level I list identifies and tracks priority enforcement actions and is maintained according to the following procedure:

1. Monthly, each Division will review inspections performed by Division personnel, internal enforcement tracking lists, and reports or other information received during that month to determine if Level I violations have occurred. Each Division shall have written procedures to determine placement of violations on the Level I list.
2. When an inspection performed by a local ECLS representative reveals one or more critical violations, he/she shall check "Notice to Comply" at the bottom of the inspection sheet and inform the facility representative that a follow-up inspection will be performed within two weeks. At the time of the follow-up inspection, an inspection form will be completed with "Follow-up" checked at the bottom of the form. The inspector will document compliance or noncompliance for the critical violations noted on the previous inspection. If significant progress toward compliance is demonstrated, the local environmental specialist may extend the deadline by an additional two weeks. If the follow-up shows noncompliance with no significant effort toward compliance, the local environmental specialist will send a letter to the facility citing the critical violations and stating that the facility is being referred to the

Oklahoma Department of Environmental Quality
Standard Operating Procedures

appropriate Division of the agency for further action. The local environmental specialist will complete the Level I Referral Form, attach copies of the two inspections and a copy of the letter to the facility and send the entire packet to the ECLS central office for routing to the appropriate Division.

3. If a Level I violation is identified, the person or facility is placed on the Division's Level I list. At a minimum, the Level I list includes the name of the violator, the county where the violation(s) occurred, the date(s) the violation(s) were identified, and actions taken and/or proposed by the respective Division to resolve the violation(s). A determination of action to take on each Level I violation should be made after a consideration of the severity of the violation and available manpower. The Level I list includes cases of significant noncompliance which have not received a formal enforcement action. The Level I process also includes individuals or facilities found to be in violation of previously issued formal enforcement actions that are thus targets for enforcement escalation. No later than the last Thursday of the month, the draft Level I list, with changes from the previous Level I list clearly identified, is submitted to the Division Director for his or her review and/or comment before being finalized.
4. ECLS is responsible for distributing the finalized lists from each Division to the Deputy Executive Director and Deputy General Counsel.
5. A case can be removed from the Level I list only under the following conditions as determined by each Division.
 - a. The violator receives a formal enforcement action⁷;
 - b. An NOV has been issued, if that is to be the final enforcement action taken for the cited violations; or
 - c. There is a finding that the violator has corrected the violations which placed the violator on the Level I list, or that the violations were erroneously cited.

K. Reporting Penalty Figures

1. Purpose: In addition to tracking the progress of enforcement cases to resolution, the DEQ tracks penalties assessed and collected in its enforcement actions. In addition to its use for internal purposes, this information is used in reports to the Governor and Legislature, and is required as part of the agency's electronic sharing of data with EPA. For the validity of these reports, it is important that all DEQ regulatory programs use the same terms in the same way.
2. Definitions:
 - a. As used by the DEQ, the "proposed penalty" and the "assessed penalty" are as defined in Section II.F. above.
 - b. The "penalty collected" is the "cash" amount actually paid by the respondent, in one or more installments, credited as received.
 - c. "Supplemental environmental projects" are as described in Part III, below. The term supplemental environmental projects includes environmental enhancement projects.

⁷ A "formal enforcement action" includes an administrative action to revoke or suspend a license or permit; an administrative compliance order; a signed consent order; a court action; or an accepted referral to the DEQ Environmental Crimes Investigation Unit or the Attorney General or District Attorney for criminal investigation and prosecution.

Oklahoma Department of Environmental Quality
Standard Operating Procedures

3. Division Responsibilities: Each Division should track these four penalty categories for each case, and to the extent there are specific fields for them should report them in the EPA databases. The figures which the DEQ has determined to report to EPA in *every* case, however, are the “assessed penalty” figure and the credited Supplemental Environmental Project figure. The DEQ has concluded that these figures give the most accurate picture of the penalties in a given case. To the extent that an EPA database is not set up to receive these figures in retrievable fields, the respective Division is to arrange with EPA to designate a dedicated field for each of these. Each Division has the discretion to report penalties proposed and penalties collected in optional or comment fields in the EPA databases when no specific field is assigned.

III. SUPPLEMENTAL ENVIRONMENTAL PROJECTS

A. Definition

Penalties may be settled by a combination of a cash penalty and a supplemental environmental project (SEP). A supplemental environmental project is an environmentally beneficial project that a respondent agrees to undertake in connection with the settlement of an enforcement action, *the performance of which is not otherwise legally required of the respondent*. The consideration of supplemental environmental projects as a settlement option in any given case is strictly at the discretion of the DEQ; it is not mandatory.

B. Guidelines

The following are general guidelines and should not be construed to be applicable in all cases. Specific program restrictions and federal/state agreements will prevail. Unless otherwise approved by the Deputy General Counsel, is expected that no more than 75% of the assessed penalty will be satisfied through supplemental environmental projects.⁸ Repeat violators may be considered as not qualifying for supplemental environmental projects or will be given less credit for projects. In order to receive credit for a project, documentation of the actual cost must be submitted to the DEQ.

C. Examples

Some possibilities for supplemental environmental projects are listed below. The appropriateness of each to a given case will vary due to the circumstances involved. All projects should include provisions for project signage or, in the case of printed materials, a written reference on the cover that the project is being undertaken as a part of the settlement of an enforcement action.

⁸ It is within the discretion of the Division whether to award dollar-for-dollar credit for expenditures for SEPs, or some fraction that is less than dollar-for-dollar. For example, the Division may require the expenditure of two dollars for every dollar credited.

Oklahoma Department of Environmental Quality
Standard Operating Procedures

1. Pollution Prevention or Reduction: Projects that reduce the generation of pollution by reducing the amount and/or toxicity of any hazardous substance, pollutant or contaminant entering any waste stream or being released to the environment. (For a project to qualify as a pollution prevention or reduction project, there should be an overall decrease in the amount and/or toxicity of pollution released to the environment, not merely a transfer of pollution among media). Examples:
 - a. Reduce/remove contaminants from the wastewater stream received by a treatment facility
 - b. Reduce/eliminate point or non-point source contaminants in a watershed or groundwater recharge zone
 - c. Change treatment processes to further reduce pollutant loading
 - d. Construct stormwater drainage systems beyond what is required
 - e. Install equipment for in-process recycling of waste constituents and/or wastewater
 - f. Install a baghouse or electrostatic precipitator to reduce particulate matter emissions
 - g. Retrofit engines with a clean burn kit or a catalytic converter
 - h. Install a scrubber to further reduce emissions
 - i. Fund installation of a sewer collection system to an unsewered area
 - j. Repair or replace failing private sewage systems for individuals with a demonstrated inability to afford it
 - k. Sponsor a household hazardous waste collection day
 - l. Fund the establishment or operation of a household hazardous waste collection facility
 - m. Replace a solvent parts-washing system with an aqueous-based system
 - n. Make technological process changes to reduce waste generated (*e.g.* powder painting instead of spray painting; HVLP guns instead of conventional spray guns; closed loop and counter-current rinsing on a plating line)
 - o. Install improved waste spill protection and recovery equipment
 - p. Install/improve centrifuges that will segregate hazardous waste from wastewater
 - q. Switch from oil to gas for firing an incinerator
 - r. Use lower sulfur fuel in combustion devices
 - s. Replace fluorescent or other lighting fixtures with more energy-efficient fixtures
 - t. Implement “housekeeping” improvements
 - u. Fund process changes to allow use of “waste” as a feed material
 - v. Retrofit heaters or boilers with low NO_x burners
2. Environmental Restoration and Protection: Projects that enhance or restore the condition of the ecosystem or immediate geographic area adversely affected by the violation. Also projects which provide for the protection of endangered species. Examples:
 - a. Coordinate with local county commissioners to identify roadside dumps, clean them up, construct access controls, and restore the sites to their natural state
 - b. Restore and enhance a pond to make it a more viable habitat
 - c. Repair/build retaining walls and use plantings to naturally prevent sediment erosion into rivers
 - d. Clean up an illegal dump on an innocent landowner’s property
 - e. Install a high chain-link fence around a solid waste disposal site as an additional litter barrier
 - f. Purchase wood chippers for a town or group of small towns
 - g. Improve physical and aesthetic conditions at the facility

Oklahoma Department of Environmental Quality
Standard Operating Procedures

3. Assessments and Audits: Projects within this category include pollution prevention audits, environmental quality assessments, and compliance audits. Examples:
 - a. Conduct a waste minimization study, including: (1) identification, characterization and reduction evaluation of sources; (2) historical performance review and data collection for performance evaluation; (3) evaluation of key process blocks including comparisons of design rates vs. current operating conditions
 - b. Institute periodic environmental audits of the company's compliance with environmental requirements
4. Environmental Compliance Promotion: Projects that promote compliance by providing training or technical support and go beyond compliance by reducing the generation, release or disposal of pollutants beyond legal requirements. Examples:
 - a. Provide training in pollution prevention and compliance for similar facilities
 - b. Sponsor training workshops or seminars that are designed to educate the regulated community about particular regulations
 - c. Sponsor third-party training for landfill personnel on the recognition of hazardous, radioactive, PCB and biomedical wastes
 - d. Fund an environmental education program in the local school district
 - e. Fund a storm sewer stenciling project
5. Public Health: Projects that provide diagnostic, preventive and/or remedial components which relate to the actual or potential damage to human health caused by the violation. The primary benefit of the project should be the population that was harmed or put at risk by the violation. Examples:
 - a. Fund blood lead testing in a population potentially impacted by lead contamination
 - b. Fund brochures and other information to citizens in a lead-impacted area regarding the dangers of lead and means to minimize exposure
 - c. Fund biomonitoring efforts, *e.g.* fish tissue sample collection, in a potentially impacted area
 - d. Fund health studies in a potentially impacted community
 - e. Sponsor a medical education seminar for health professionals in a geographical area where contamination may have affected a significant segment of the population
 - f. Extend drinking water lines into an unserved or inadequately serviced area
6. Emergency Planning and Preparedness: Projects that provide assistance in emergency planning and preparedness to responsible governmental entities and planning entities. Projects may include providing equipment, computers, software, communication equipment and training. Examples:
 - a. Assist Local Emergency Planning Committees (LEPCs) through the donation of computers, software (*e.g.* CAMEO), and training
 - b. Assist local response agencies (*e.g.* fire departments) through the donation of safety equipment (*e.g.* detection equipment) and training
 - c. Assist LEPCs through the donation of cash awards to support statewide and region-wide LEPC training
 - d. Provide a person to serve as chairman of an inactive LEPC for a period of three years
 - e. Provide haz-mat training to fire departments and the LEPC for specific on-site hazards
7. Other Environmental Enhancements: There are other projects that may be determined to have environmental merit which do not fit in the above categories. Projects will be reviewed by each program based upon the merits of each project and the constraints of that program.

Oklahoma Department of Environmental Quality
Standard Operating Procedures

ADOPTED by:

Steven A. Thompson, Executive Director

Date Signed: September 4, 2007
