

Department of Environmental Quality Enforcement Division Status Report

JULY 1, 2015 through JUNE 30, 2016

The Enforcement Division (ENFD) is responsible for the implementation, coordination, and tracking of Department of Environmental Quality (DEQ) enforcement activities, including the response to spills and the investigation of citizen complaints that allege violations of laws and rules regulated by DEQ to protect human health and the environment.

I. Complaint Statistics

Number and type of complaint and spill reports received during the report period.

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Number of Complaint / Spill Reports by Type (DEQ Program or Environmental Media) and General Group			
Air Quality - Dust	48	Spills (not impacting water)	165
Air Quality - Emissions	30	Solid Waste	59
Air Quality - Odors	7	Junk Vehicles	27
Air Quality - Open Burning	17	Septic Pumpers	8
Asbestos	69	Sewage	8
Indoor Air Quality	0	Hazardous Waste	4
Total Air Quality Related	24.0% 171	Used Oil	17
Water Quality	78	Pesticide or Herbicide	3
Spills (impacting water)	32	Superfund	0
310 or 318 Permit	2	Total Waste Related	40.9% 291
Watershed Management (TMDL)	0	Abandoned Mines	0
Release of Chemicals from Tanks*	0	Strip and Underground Mining	0
Release of Chemicals from Pipelines	48	Opencut Gravel Mining	18
Municipal Wastewater Treatment Systems	3	Metal Mines	3
Underground Storage Tank Regulation	10	Total Mining Related	2.9% 21
Subdivisions	19		
Animal Feedlot Operation	1	Major Facility Siting Act (MFSA)	0.0% 0
Concentrated Animal Feedlot Operations	2		
Surface Water (MPDES) Permits	6	Other (Outside DEQ Authority)	0.6% 4
Ground Water (MGWPCS) Permits	0		
Public Water Supply Systems	24		
Total Water Related	31.6% 225	TOTAL FOR ALL COMPLAINTS	712

*Note that these are releases reported through ENFD; the Hazardous Waste Site Cleanup Bureau also receives underground storage tank leak reports directly.

Status of complaint and spill reports received during the reporting period:

Status of Complaint Spill Reports*	
Active (under investigation by ENFD)	133
Active Referred to Program (to DEQ program for investigation and follow-up)	0
Active Enforcement Case (complaint that led to an enforcement action)	3
Closed (resolved by ENFD)	284
Closed by Program (resolved by other DEQ program)	4
Closed No Violation (ENFD investigation determined no violation occurred)	67
Closed Referred (referred to outside agency for resolution)	109
Closed Referred to Program (to DEQ program for resolution)	92
Closed Not Enough Information (not enough information was provided or documented to validate)	20
TOTAL	712

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*Status as of 6/30/15. Please note that the status of complaints and spills can change on a daily basis as work progresses.

II. Enforcement Case Statistics

The following tables provide various statistics on formal enforcement cases during the reporting period:

Enforcement Cases Processed by Statute												
	Caseload			Case Status*								
	Total Caseload	Cases continuing FY15	Cases requested FY15**	Case Development	Settlement Offer	Litigation	BER Appeal	Under Order	Referred Cases	Vacated, Stayed or Suspended	Withdrawn	Closed
Asbestos Control Act	2	2						2				
Clean Air Act of Montana	37	30	7	3	1			17	3			13
Metal Mine Reclamation Act	4	3	1	1		2		1				
Montana Hazardous Waste Act	5	5				1		3		1		
Montana Solid Waste Management Act	13	12	1		1	4		6			1	1
Montana Underground Storage Tank Act	43	39	4	3	4	3		15			3	15
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	4	4						2				2
Motor Vehicle Recycling & Disposal Laws	7	7				1		4				2
Opencut Mining Act	45	28	17	2		1	2	15			10	15
Public Water Supply Laws	121	94	27	14	6	2	1	64	11	2	6	15
Sanitation in Subdivision Laws	12	10	2	1	1	1		7		1		1
Septic Disposal and Licensure Laws	5	4	1					4				1
Strip and Underground Mine Reclamation Act	5	4	1								1	4
Water Quality Act	84	76	8	3	4		6	55	1		1	14
Water Treatment Plant Operations	0	0										
TOTAL	387	318	69	27	17	15	9	195	15	4	22	83

*Status as of 6/30/16. Please note that case status changes as work progresses.

**Fiscal Year 2016 (FY16) is July 1, 2015 through June 30, 2016.

Case status explanations

Case Development: Case is being developed in the Enforcement Division and/or Legal Unit. Activities include: 1) preparation and review of files and evidence; 2) preparation of administrative and judicial enforcement documents; and 3) preparation of penalty calculations.

Settlement Offer: Defendant and the Department are engaged in administrative settlement negotiations; e.g., a settlement offer letter has been sent to the defendant, the defendant has been requested to consent to a draft administrative order, etc., or Defendant and the Department are engaged in pre-complaint settlement negotiations; e.g., the defendant has been requested to stipulate to a draft consent decree, etc.

Litigation: The Department has filed a complaint in District Court.

BER Appeal: Defendant has formally requested a hearing with the Board of Environmental Review regarding a Department-issued order.

Under Order: Violator is subject to a legally-enforceable administrative or judicial order.

Referred Case: Case referred to another agency for case management.

Vacated: Case was vacated and closed.

Stayed: Case in which the Department refrains from enforcing an administrative order against a violator.

Suspended: Case that is discontinued temporarily or permanently, but is not closed.

Withdrawn: Enforcement Request was withdrawn before case development began.

Closed Enforcement Case is closed. The defendant has satisfied the terms of the settlement agreement or order.

Enforcement Cases by Enforcement Action Type

Statute	FY16 Caseload	Enforcement Action Type		
		Admin.	Civil	Referred
Asbestos Control Act	2		2	
Clean Air Act of Montana	37	19	6	12
Metal Mine Reclamation Laws	4	1	3	
Montana Hazardous Waste Act	5	3	2	
Montana Solid Waste Management Act	13	4	9	
Montana Underground Storage Tank Act	43	30	13	
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	4	4		
Motor Vehicle Recycling and Disposal Laws	7	1	6	
Opencut Mining Act	45	32	13	
Public Water Supply Laws	121	93	16	12
Sanitation in Subdivision Laws	12	11	1	
Septic Disposal and Licensure Laws	5	3	2	
Strip and Underground Mine Reclamation Act	5	5		
Water Quality Act	84	82		2
Water Treatment Plant Operations	0			
TOTAL	387	288	73	26

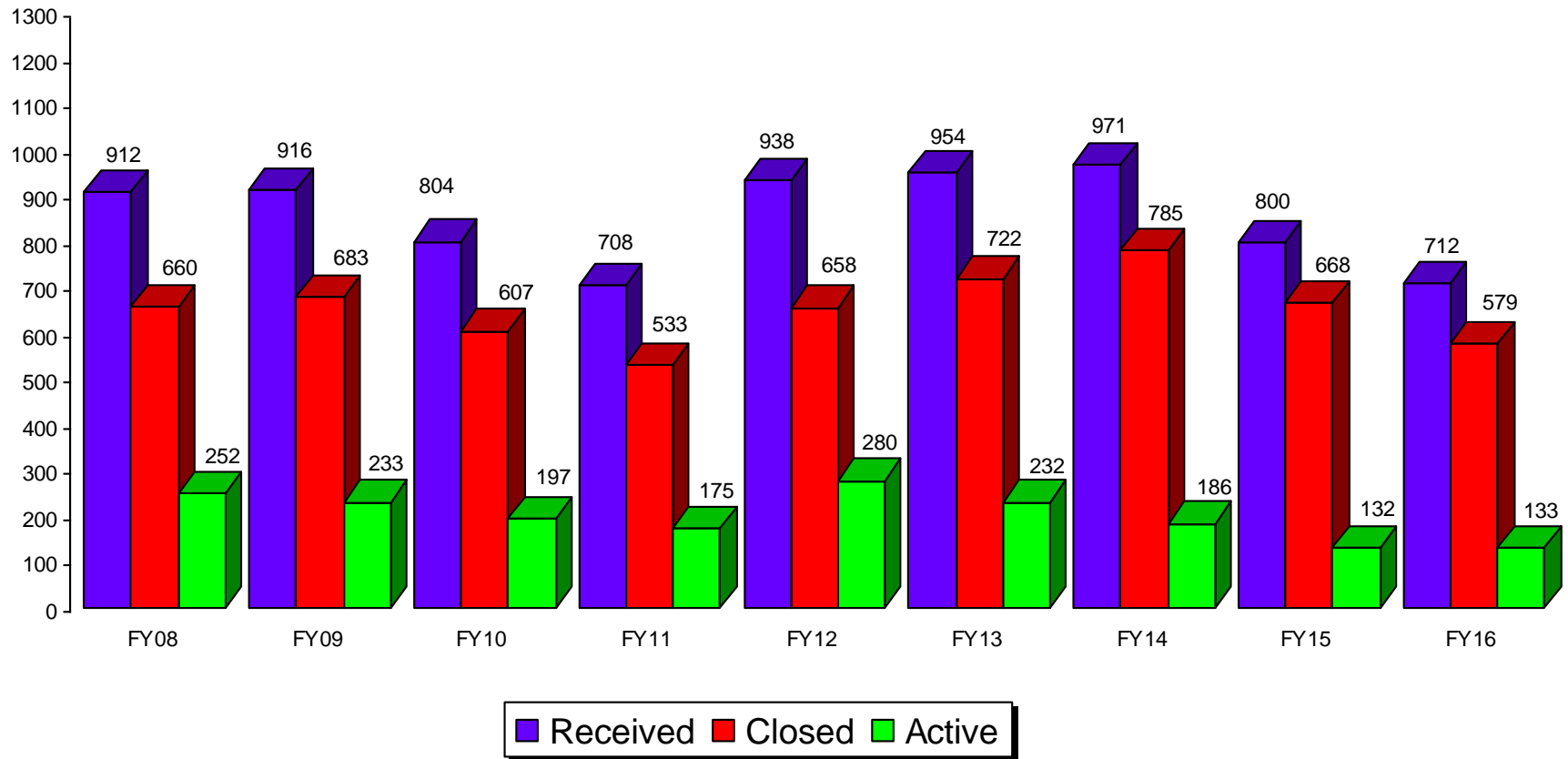
Penalty Statistics

Statute	FY16 Orders with Penalties		Monetary Settlement Penalties		Monetary Penalties Collected		Penalties Suspended	Suppl. Env. Project
	Admin.	Civil	Admin.	Civil	Admin.	Civil		
Asbestos Control Act		2	\$118,397					
Clean Air Act of Montana	7		\$441,950	\$101	\$447,250	-\$6,655	\$1,000	
Metal Mine Reclamation Laws								
Montana Hazardous Waste Act		2		\$11,565		\$5,179		
Montana Solid Waste Management Act	1	1	\$1,500	\$80,319	\$1,500	\$4,321		
Montana Underground Storage Tank Act	7	1	\$6,990	\$192,770	\$13,845		\$8,160	
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act				\$0				
Motor Vehicle Recycling and Disposal Laws		2		\$36,632				
Opencut Mining Act	7		\$181,136	\$69,498	\$79,886	\$161,404	\$58,841	
Public Water Supply Laws	16	1	\$16,799	\$36,249	\$11,500	\$2,200	\$14,553	
Sanitation in Subdivision Laws	3		\$20,700		\$9,475		\$7,250	
Septic Disposal and Licensure Laws	1	1	\$2,408	\$13,780	\$2,408	\$40		
Strip and Underground Mine Reclamation Act	1		\$7,150		\$7,150			
Water Quality Act	34	1	\$65,075	\$15	\$103,360	\$20,021	\$55,149	
Water Treatment Plant Operations								
Subtotal*	77	11	\$862,105	\$440,928	\$676,374	\$186,511	\$144,953	
TOTAL	88		\$1,303,033		\$862,884			

*The amount of Penalties Collected does not equal the Settlement Penalties because: 1) penalties were not due before the end of FY15; 2) penalties are being paid under a payment schedule; 3) portions of penalties have been suspended; 4) the violator has failed to pay the penalty; 5) the violator has appealed the penalty order; or 6) the violator is or may be insolvent. In instances where the violator has not paid a penalty that is owed, the Department is actively pursuing collection.

Department of Environmental Quality Enforcement Division

Complaints and Spills Managed FY08-FY16



Montana Department of Environmental Quality Enforcement Division

Formal Enforcement Cases Managed FY08-FY16

