

Department of Environmental Quality Enforcement Division Status Report

JULY 1, 2012 through JUNE 30, 2013

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.

Number of Complaint / Spill Reports by Type (DEQ Program or Environmental Media) and General Group				
Air Quality - Dust	45	Spills (not impacting water)	21.1%	201
Air Quality - Emissions	47	Solid Waste		88
Air Quality - Odors	9	Junk Vehicles		18
Air Quality - Open Burning	14	Septic Pumpers		8
Asbestos	87	Sewage		14
Indoor Air Quality	1	Hazardous Waste		25
Total Air Quality Related	21.3%	Used Oil		20
Water Quality	81	Pesticide or Herbicide		4
Spills (impacting water)	39	Superfund		3
310 or 318 Permit	16	Total Waste Related	18.9%	180
Watershed Management (TMDL)	0	Abandoned Mines		0
Release of Chemicals from Tanks*	0	Strip and Underground Mining		2
Release of Chemicals from Pipelines	84	Opencut Gravel Mining		33
Municipal Wastewater Treatment Systems	2	Metal Mines		5
Underground Storage Tank Regulation	9	Total Mining Related	4.2%	40
Subdivisions	50			
Animal Feedlot Operation	5	Major Facility Siting Act (MFSA)	0.0%	0
Concentrated Animal Feedlot Operations	2			
Surface Water (MPDES) Permits	5	Other (Outside DEQ Authority)	1.5%	14
Ground Water (MGWPCS) Permits	1			
Public Water Supply Systems	22			
Total Water Related	33.1%	TOTAL FOR ALL COMPLAINTS		954

*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)	224
Active Referred to Program (to DEQ program for investigation and follow-up)	2
Active Enforcement Case (complaint that led to an enforcement action)	6
Closed (resolved by ENFD)	354
Closed by Program (resolved by other DEQ program)	23
Closed No Violation (ENFD investigation determined no violation occurred)	76
Closed Referred (referred to outside agency for resolution)	156
Closed Referred to Program (to DEQ program for resolution)	91
Closed Not Enough Information (not enough information was provided or documented to validate)	22
TOTAL	954

*Status as of 6/30/13. 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 FY12	Cases requested FY13**	Case Development	Settlement Offer	Litigation	BER Appeal	Under Order	Referred Cases	Vacated, Stayed or Suspended	Withdrawn	Closed
Asbestos Control Act	7	6	1		2			4				1
Clean Air Act of Montana	33	28	5	2				14	3			14
Metal Mine Reclamation Act	6	5	1			2		1			1	2
Montana Hazardous Waste Act	8	8				1		2		1		4
Montana Solid Waste Management Act	9	8	1	1		2	1	5				
Montana Underground Storage Tank Act	33	25	8	5	1	4		15			1	7
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	1	0	1					1				
Motor Vehicle Recycling & Disposal Laws	7	5	2	2				5				
Opencut Mining Act	46	37	9	1		8		16			1	20
Public Water Supply Laws	141	124	17	6	3	7		71	14	3	3	34
Sanitation in Subdivision Laws	15	5	10	3	1		1	5			2	3
Septic Disposal and Licensure Laws	5	4	1		1			3				1
Strip and Underground Mine Reclamation Act	7	7										7
Water Quality Act	77	67	10	3	5	1		54	1			13
Water Treatment Plant Operations	1	1										1
TOTAL	396	330	66	23	13	25	2	196	18	4	8	107

*Status as of 6/30/13. Please note that case status changes as work progresses.

**Fiscal Year 2013 (FY13) is July 1, 2012 through June 30, 2013.

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.

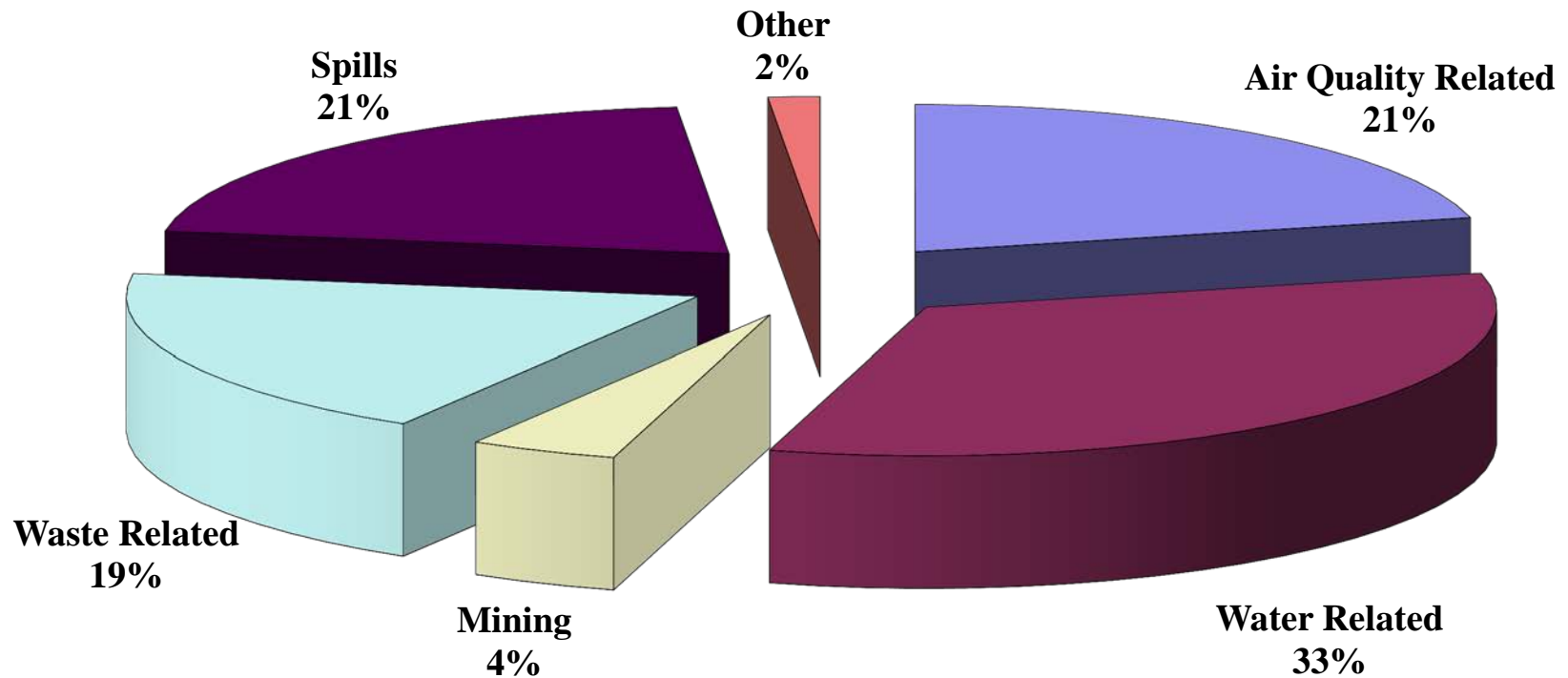
Enforcement Cases by Enforcement Action Type				
Statute	FY13 Caseload	Enforcement Action Type		
		Admin.	Civil	Referred
Asbestos Control Act	7	5	2	
Clean Air Act of Montana	33	14	8	11
Metal Mine Reclamation Laws	6	2	4	
Montana Hazardous Waste Act	8	6	2	
Montana Solid Waste Management Act	9	4	5	
Montana Underground Storage Tank Act	33	20	13	
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	1	1		
Motor Vehicle Recycling and Disposal Laws	7	2	5	
Opencut Mining Act	46	30	16	
Public Water Supply Laws	141	102	24	15
Sanitation in Subdivision Laws	15	14	1	
Septic Disposal and Licensure Laws	5	3	2	
Strip and Underground Mine Reclamation Act	7	7		
Water Quality Act	77	73	3	1
Water Treatment Plant Operations	1	1		
TOTAL	396	284	85	27

Penalty Statistics								
Statute	FY13 Orders with Penalties		Monetary Settlement Penalties		Monetary Penalties Collected		Penalties Suspended	Suppl. Env. Project
	Admin.	Civil	Admin.	Civil	Admin.	Civil		
Asbestos Control Act	1		\$15,000		\$15,810			
Clean Air Act of Montana	4	2	\$158,425		\$181,350	\$5		\$137,825
Metal Mine Reclamation Laws				\$250,408	\$3,000			
Montana Hazardous Waste Act					\$8,500			
Montana Solid Waste Management Act		1		\$1,015		\$1,024		
Montana Underground Storage Tank Act	4	2	\$6,943	\$2,338			\$1,395	
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	1		\$3,000		\$3,000			
Motor Vehicle Recycling and Disposal Laws								
Opencut Mining Act	16	5	\$137,153	\$160,822	\$91,733	\$269,978	\$12,587	
Public Water Supply Laws	12	2	\$16,990	\$9,927	\$3,632	\$10,965	\$7,759	
Sanitation in Subdivision Laws	6		\$48,365		\$15,120			
Septic Disposal and Licensure Laws	1	1	\$2,500	\$577	\$2,500	\$661		
Strip and Underground Mine Reclamation Act	3		\$34,838		\$39,738			
Water Quality Act	29		\$57,745		\$72,495			
Water Treatment Plant Operations	1		\$2,522		\$2,522			
Subtotal*	78	13	\$483,480	\$425,088	\$439,399	\$282,632	\$21,741	\$137,825
TOTAL	91		\$908,568		\$722,031			

*The amount of Penalties Collected does not equal the Settlement Penalties because: 1) penalties were not due before the end of FY13; 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.

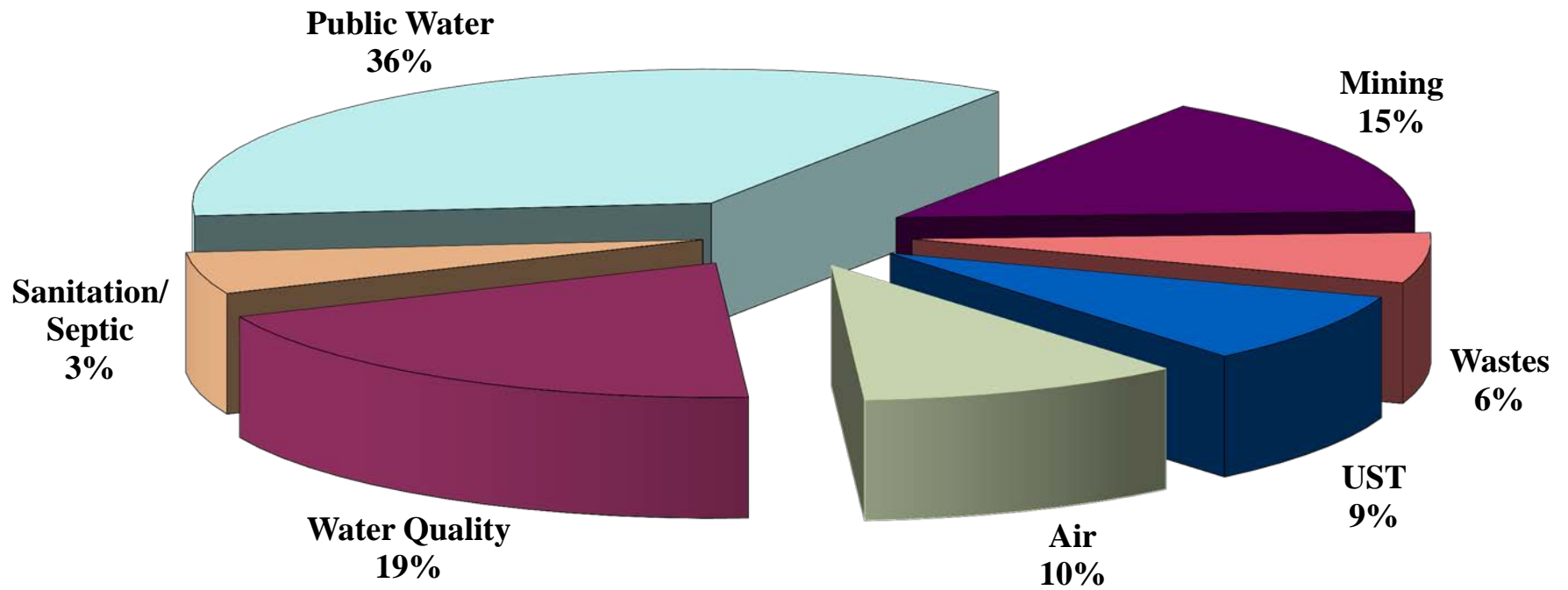
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FY13 Citizen Complaints by Media



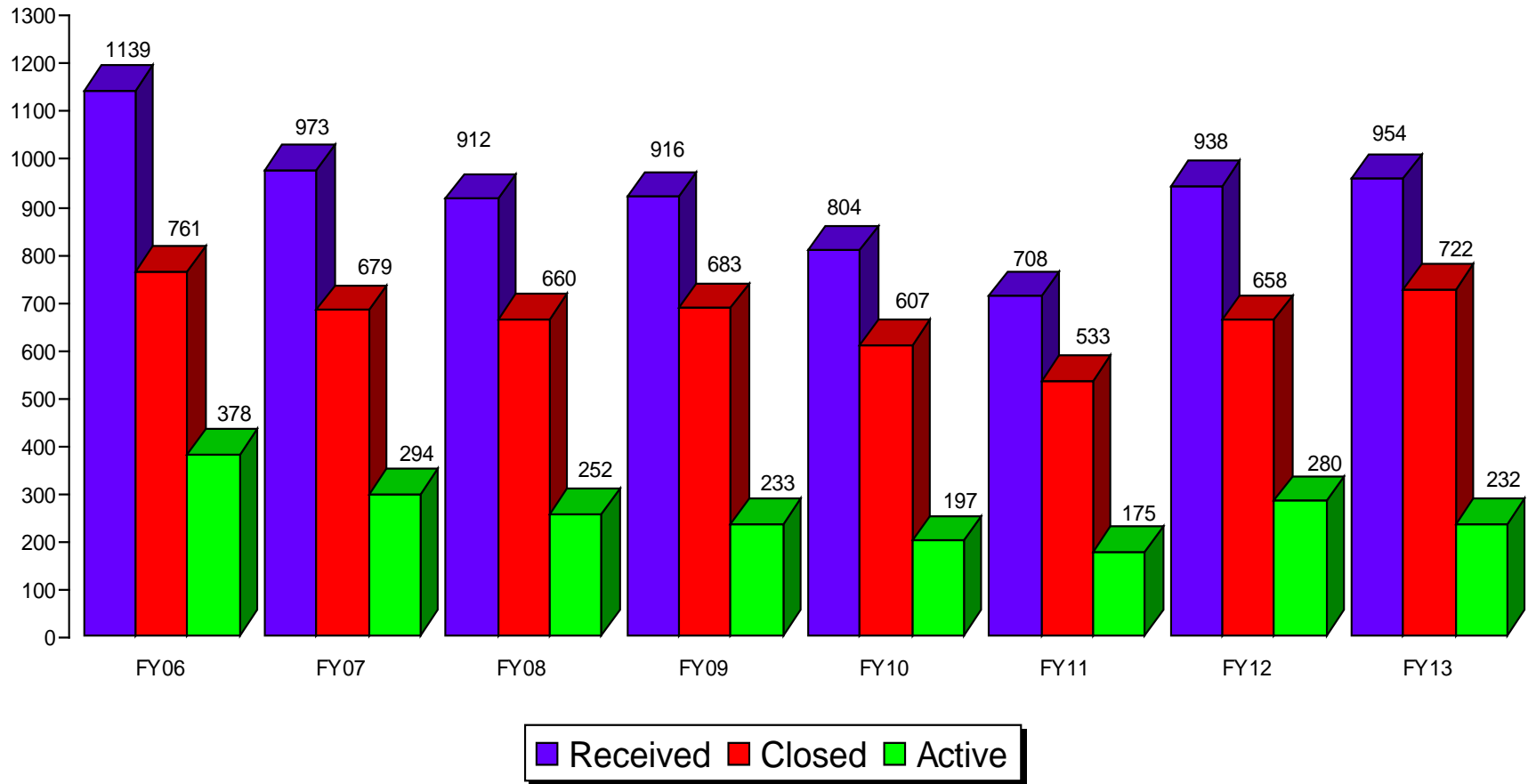
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FY13 Formal Enforcement Cases by Media



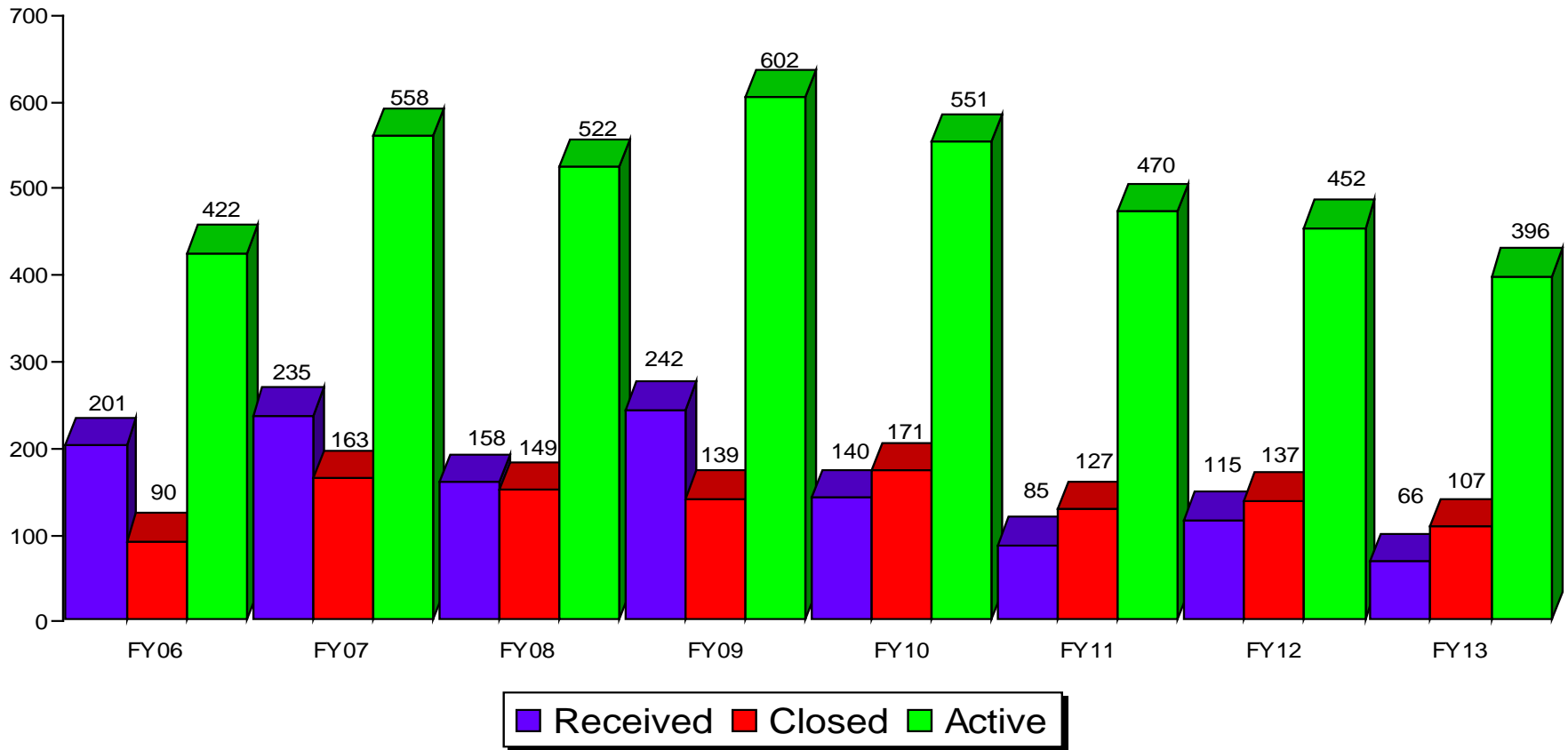
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Citizen Complaints Managed FY06-FY13



Montana Department of Environmental Quality Enforcement Division

Formal Enforcement Cases Managed FY06-FY13



DEQ Enforcement Division cases received each state fiscal year by statute

