

# Department of Environmental Quality Enforcement Division Status Report

JULY 1, 2013 through JUNE 30, 2014

*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	35	Spills (not impacting water)	20.1%	195
Air Quality - Emissions	25	Solid Waste		65
Air Quality - Odors	4	Junk Vehicles		29
Air Quality - Open Burning	22	Septic Pumpers		4
Asbestos	98	Sewage		23
Indoor Air Quality	0	Hazardous Waste		20
<b>Total Air Quality Related</b>	<b>18.9%</b>	<b>184</b>		
Water Quality	81	Used Oil		17
Spills (impacting water)	38	Pesticide or Herbicide		8
310 or 318 Permit	8	Superfund		1
Watershed Management (TMDL)	0	<b>Total Waste Related</b>	<b>17.2%</b>	<b>167</b>
Release of Chemicals from Tanks*	0	Abandoned Mines		0
Release of Chemicals from Pipelines	175	Strip and Underground Mining		1
Municipal Wastewater Treatment Systems	4	Opencut Gravel Mining		15
Underground Storage Tank Regulation	10	Metal Mines		7
Subdivisions	32	<b>Total Mining Related</b>	<b>2.4%</b>	<b>23</b>
Animal Feedlot Operation	7	Major Facility Siting Act (MFSA)	0.0%	0
Concentrated Animal Feedlot Operations	1			
Surface Water (MPDES) Permits	18	<b>Other (Outside DEQ Authority)</b>	<b>1.4%</b>	<b>14</b>
Ground Water (MGWPCS) Permits	0			
Public Water Supply Systems	14			
<b>Total Water Related</b>	<b>40.0%</b>	<b>388</b>		
<b>TOTAL FOR ALL COMPLAINTS</b>				<b>971</b>

\*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)	174
Active Referred to Program (to DEQ program for investigation and follow-up)	3
Active Enforcement Case (complaint that led to an enforcement action)	9
Closed (resolved by ENFD)	344
Closed by Program (resolved by other DEQ program)	5
Closed No Violation (ENFD investigation determined no violation occurred)	73
Closed Referred (referred to outside agency for resolution)	233
Closed Referred to Program (to DEQ program for resolution)	91
Closed Not Enough Information (not enough information was provided or documented to validate)	39
<b>TOTAL</b>	<b>971</b>

\*Status as of 6/30/14. 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 FY13	Cases requested FY14**	Case Development	Settlement Offer	Litigation	BER Appeal	Under Order	Referred Cases	Vacated, Stayed or Suspended	Withdrawn	Closed
Asbestos Control Act	6	6	0		1			2				3
Clean Air Act of Montana	36	28	8	6	1		1	15	4			9
Metal Mine Reclamation Act	3	3	0			2		1				
Montana Hazardous Waste Act	4	4	0			1		1		1		1
Montana Solid Waste Management Act	14	9	5	2	1	2		7				2
Montana Underground Storage Tank Act	40	29	11	11	1	3		12			1	12
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	2	1	1					2				
Motor Vehicle Recycling & Disposal Laws	7	7	0			1		5				1
Opencut Mining Act	39	25	14	12		4		13			1	9
Public Water Supply Laws	127	101	26	13	3	4		54	14		1	38
Sanitation in Subdivision Laws	14	10	4	2			1	7		1	1	2
Septic Disposal and Licensure Laws	5	5	0					4				1
Strip and Underground Mine Reclamation Act	4	0	4		3							1
Water Quality Act	84	66	18	13	4	1		55	2		1	8
Water Treatment Plant Operations	0	0	0									
<b>TOTAL</b>	<b>385</b>	<b>294</b>	<b>91</b>	<b>59</b>	<b>14</b>	<b>18</b>	<b>2</b>	<b>178</b>	<b>20</b>	<b>2</b>	<b>5</b>	<b>87</b>

\*Status as of 6/30/14. Please note that case status changes as work progresses.

\*\*Fiscal Year 2014 (FY14) is July 1, 2013 through June 30, 2014.

### 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.

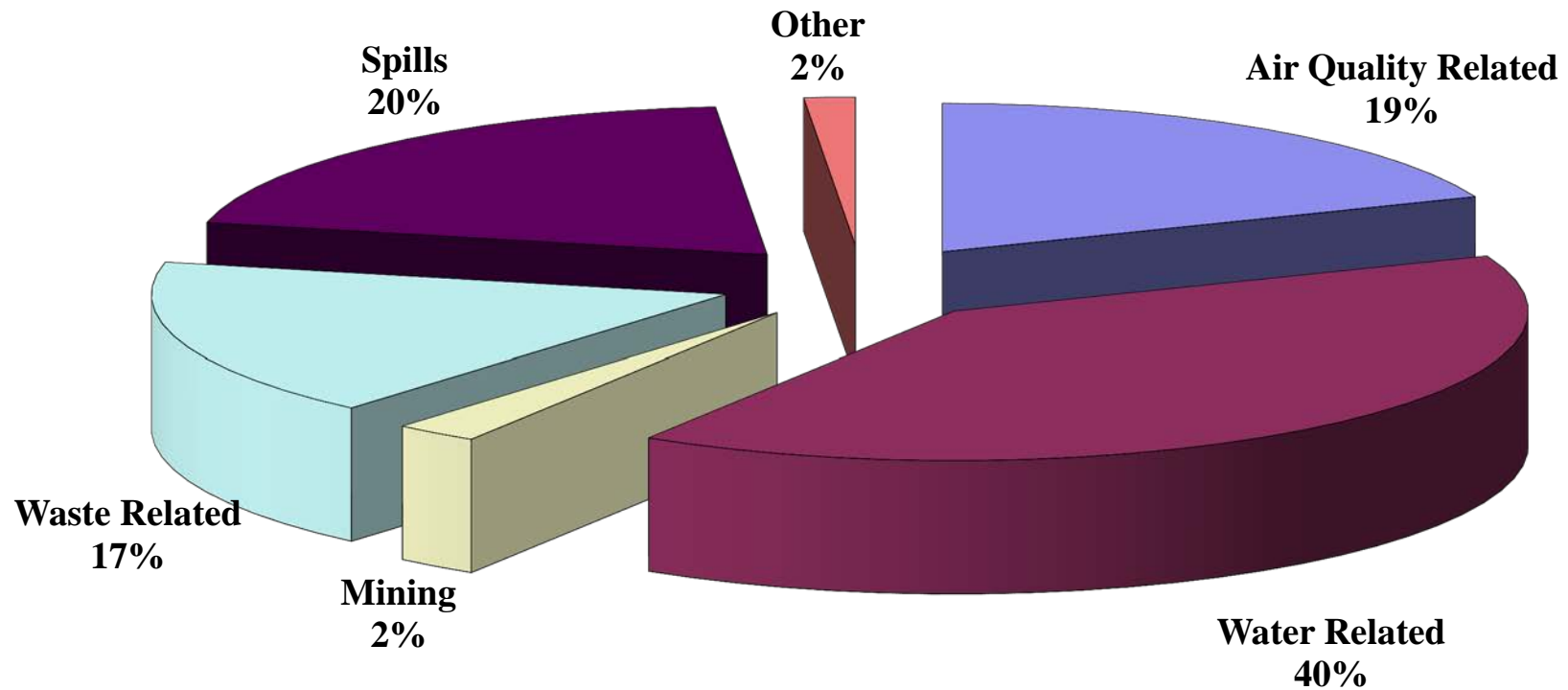
Enforcement Cases by Enforcement Action Type				
Statute	FY14 Caseload	Enforcement Action Type		
		Admin.	Civil	Referred
Asbestos Control Act	6	4	2	
Clean Air Act of Montana	36	17	7	12
Metal Mine Reclamation Laws	3	0	3	
Montana Hazardous Waste Act	4	3	1	
Montana Solid Waste Management Act	14	8	6	
Montana Underground Storage Tank Act	40	27	13	
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	2	2		
Motor Vehicle Recycling and Disposal Laws	7	1	6	
Opencut Mining Act	39	25	14	
Public Water Supply Laws	127	93	19	15
Sanitation in Subdivision Laws	14	14		
Septic Disposal and Licensure Laws	5	3	2	
Strip and Underground Mine Reclamation Act	4	4		
Water Quality Act	84	80	2	2
Water Treatment Plant Operations	0	0		
<b>TOTAL</b>	<b>385</b>	<b>281</b>	<b>75</b>	<b>29</b>

Penalty Statistics								
Statute	FY14 Orders with Penalties		Monetary Settlement Penalties		Monetary Penalties Collected		Penalties Suspended	Suppl. Env. Project
	Admin.	Civil	Admin.	Civil	Admin.	Civil		
Asbestos Control Act	1		\$1,500		\$2,310			
Clean Air Act of Montana	3	1	\$23,660	\$105,409	\$23,660	\$354,000		
Metal Mine Reclamation Laws								
Montana Hazardous Waste Act					\$1,400			
Montana Solid Waste Management Act	1	1	\$700	\$991	\$700	\$5,296		
Montana Underground Storage Tank Act	6	4	\$5,940	\$14,518	\$8,260		\$5,130	
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	1		\$358		\$358		\$357	
Motor Vehicle Recycling and Disposal Laws	1		\$1,300					
Opencut Mining Act	5	9	\$23,826	\$27,549	\$82,266	\$17,514		
Public Water Supply Laws	9	1	\$22,840	\$2,427	\$13,751	\$2,400	\$9,478	
Sanitation in Subdivision Laws	3		\$30,540		\$36,170		\$15,040	
Septic Disposal and Licensure Laws	1	1	\$33,000	\$575	\$33,000			
Strip and Underground Mine Reclamation Act	1		\$3,000		\$3,000			
Water Quality Act	40		\$54,845	\$60,000	\$38,578	\$20,000	\$76,475	
Water Treatment Plant Operations								
Subtotal*	72	17	\$201,509	\$211,469	\$243,453	\$399,210	\$106,480	
<b>TOTAL</b>	<b>89</b>		<b>\$412,978</b>		<b>\$642,663</b>			

\*The amount of Penalties Collected does not equal the Settlement Penalties because: 1) penalties were not due before the end of FY14; 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.

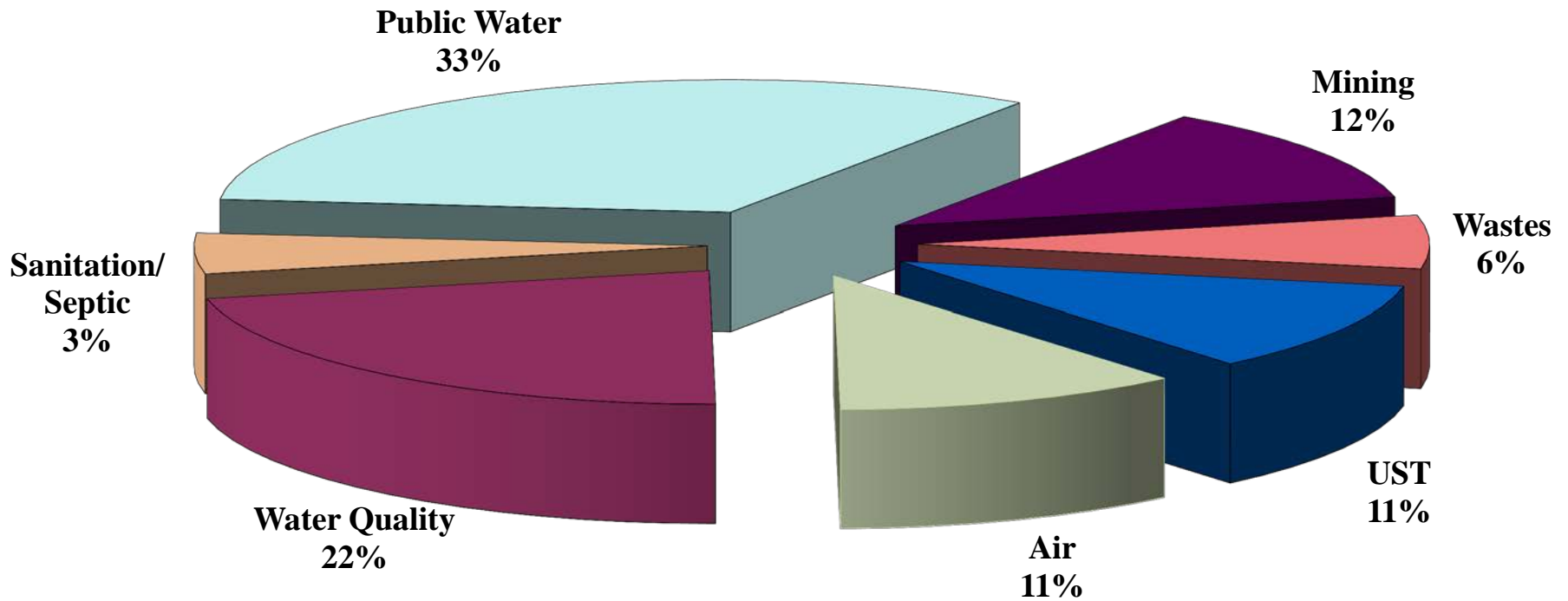
# Department of Environmental Quality Enforcement Division

## FY14 Citizen Complaints by Media



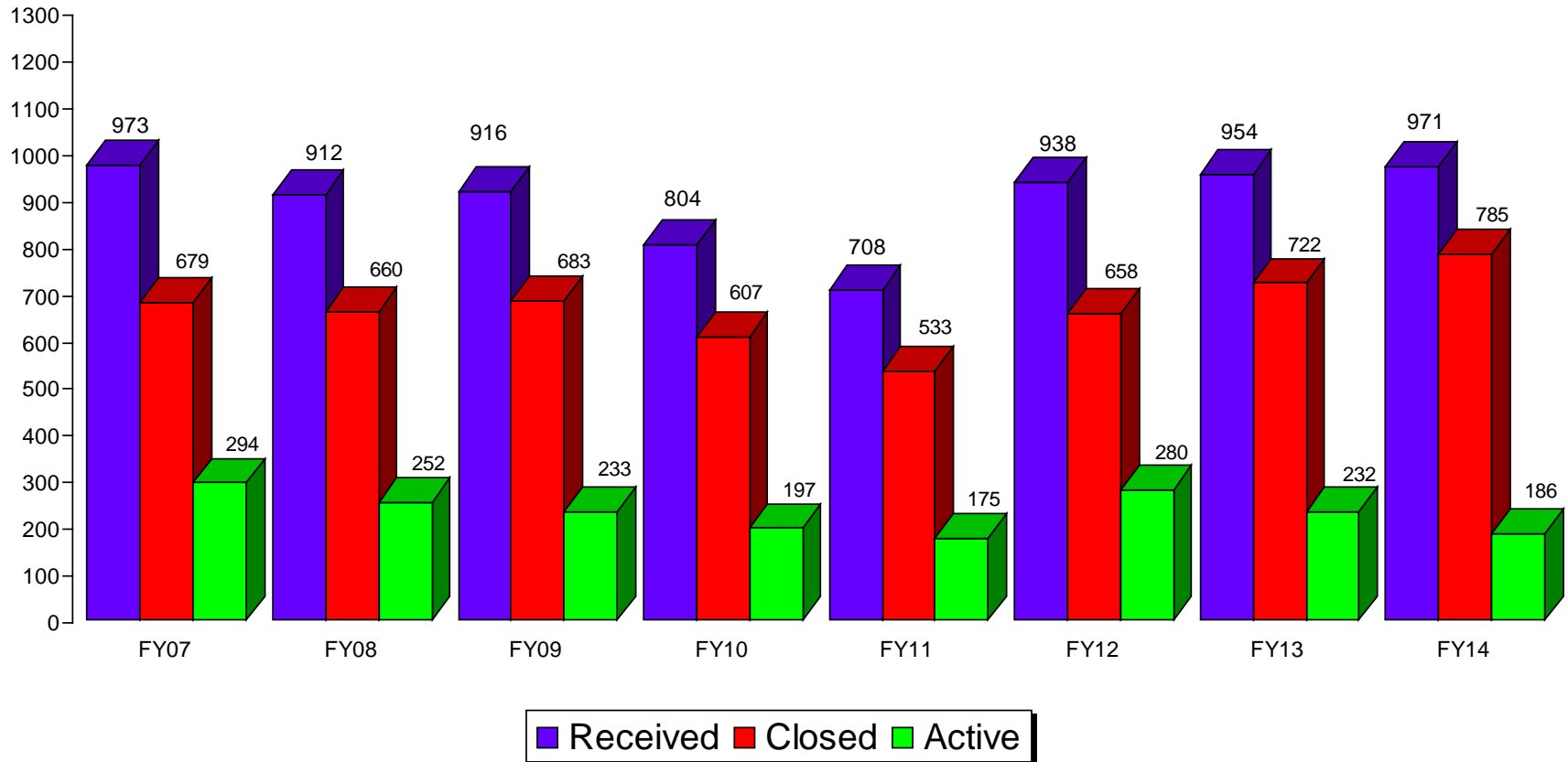
# Department of Environmental Quality Enforcement Division

## FY14 Formal Enforcement Cases by Media



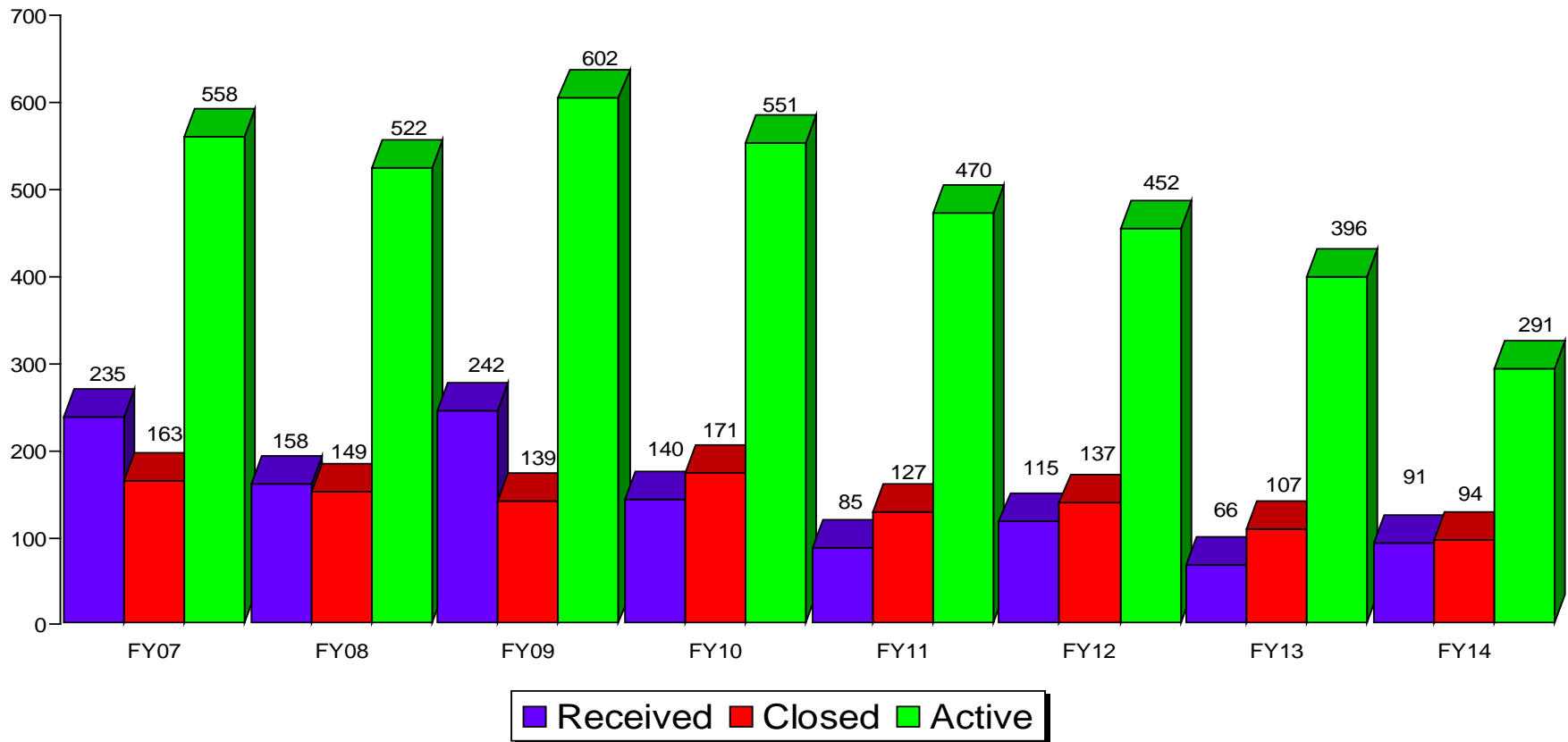
# Department of Environmental Quality Enforcement Division

## Citizen Complaints Managed FY07-FY14



# Montana Department of Environmental Quality Enforcement Division

## Formal Enforcement Cases Managed FY07-FY14



DEQ Enforcement Division cases received each state fiscal year by statute

