

# Minnesota Pollution Control Agency Compliance and Enforcement Measures

Annual Report



Minnesota Pollution Control Agency

October 2010

## Legislative Charge

*2009 Session Laws, Chapter 37, Article 1, Section 3*

*By October 1, 2009 and 2010, the commissioner shall report to the chairs of the legislative committees having primary jurisdiction over environment and natural resources policy and finance on the effectiveness of enforcement actions in the previous fiscal year in preventing water pollution.*

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## Minnesota Pollution Control Agency

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# Executive Summary

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Compliance and enforcement activities at the Minnesota Pollution Control Agency (MPCA) are designed to ensure that compliance is achieved and maintained by Minnesota's business and nonprofit entities in order to protect and preserve the environment for all Minnesotans. To that end, the MPCA has designed and implemented a program of compliance assurance that uses assistance efforts, compliance guidance tools such as fact sheets and program technical information, inspections and complaint responses, and formal and informal enforcement actions to assist, educate, observe and ensure environmental protection.

## Measuring an effective compliance and enforcement program

The MPCA measures progress in the efforts of compliance and enforcement in three significant areas that we have identified herein, namely:

- compliance rates and opportunities;
- compliance and enforcement efforts in program outputs such as inspections, penalty actions, and penalty totals; and
- environmental benefits of compliance and enforcement activities.

By looking at all three measurements, the MPCA's compliance and enforcement programs can specifically target noncompliance and/or those areas that will have the greatest impact on the preservation and enhancement of Minnesota's environment.

Providing an effective deterrent and promoting compliance for all organizations on a level playing field is the primary goal of the regulatory compliance program at the MPCA.

## Multifaceted approach to compliance and enforcement

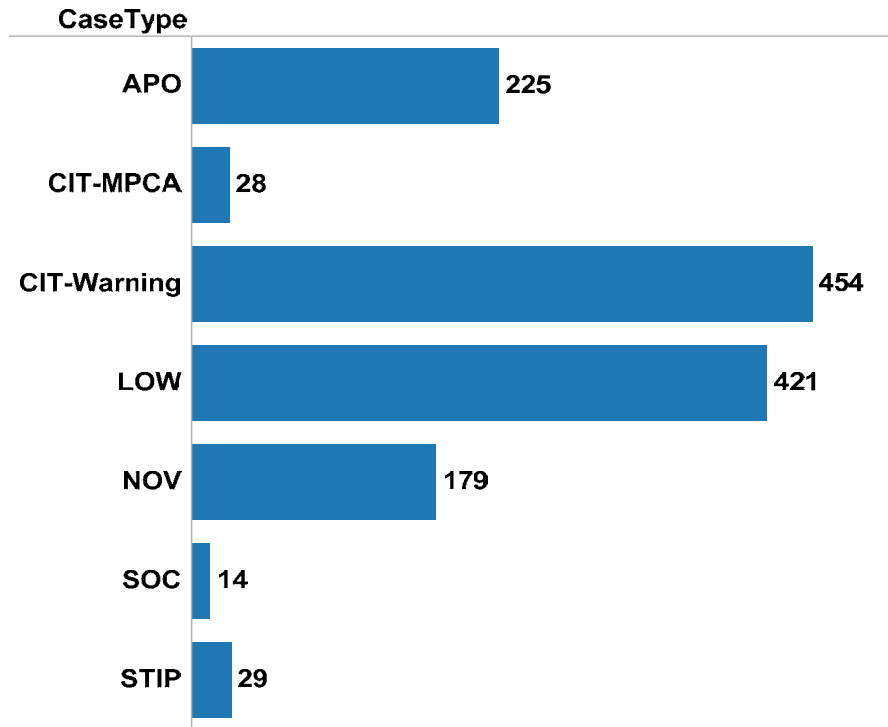
Compliance and enforcement at the MPCA is an integrated approach that includes activities from providing technical assistance to formal enforcement actions including the assessment of monetary penalties. The MPCA compliance and enforcement report shows that the vast majority of regulated parties comply as shown by the compliance rates from MPCA inspections and required submittals in the various programs.

# All Media and Programs Summary

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## Enforcement cases by action type in state fiscal year (SFY) 2010

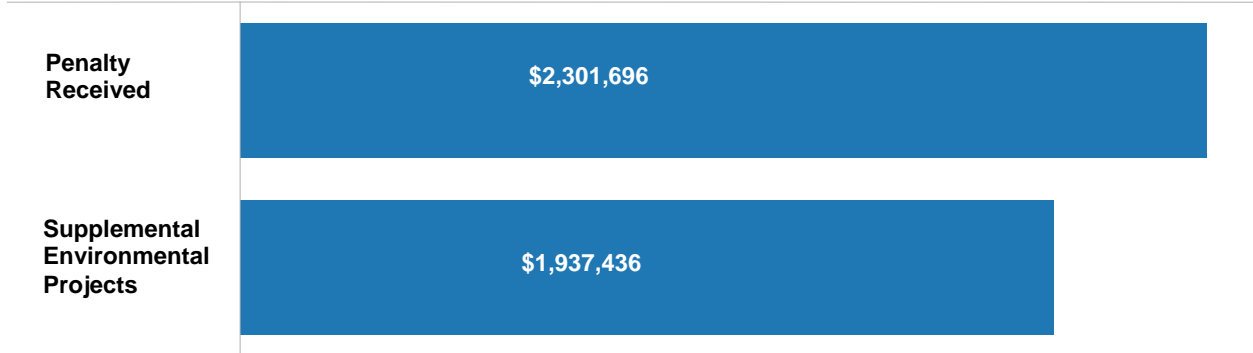
This table shows the compliance and enforcement tools used to address all media program violations at the MPCA.



APO = Administrative Penalty Orders  
CIT-MPCA = Citations that include a penalty  
CIT-Warning = Citations that do not include a penalty  
NOV = Notice of Violation  
LOW = Letter of Warning  
SOC = Schedule of Compliance  
STIP = Stipulation Agreement

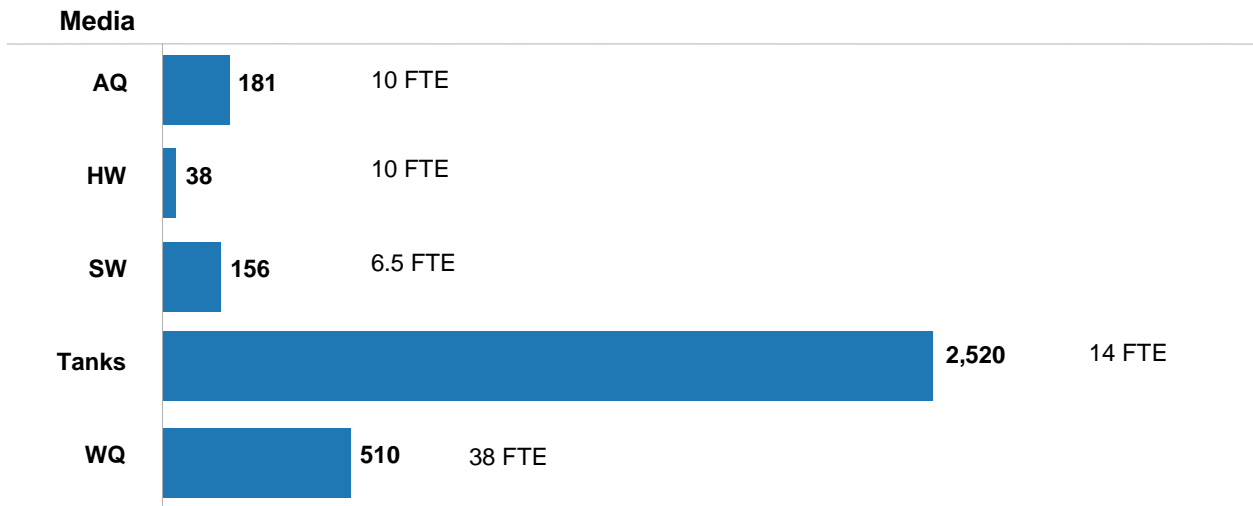
## All MPCA SFY 2010 penalties

Supplemental Environmental Projects (SEP) are used to reduce a penalty by having the regulated party perform an environmentally beneficial project that is above and beyond that which is required by law.



## All MPCA SFY 2010 inspections

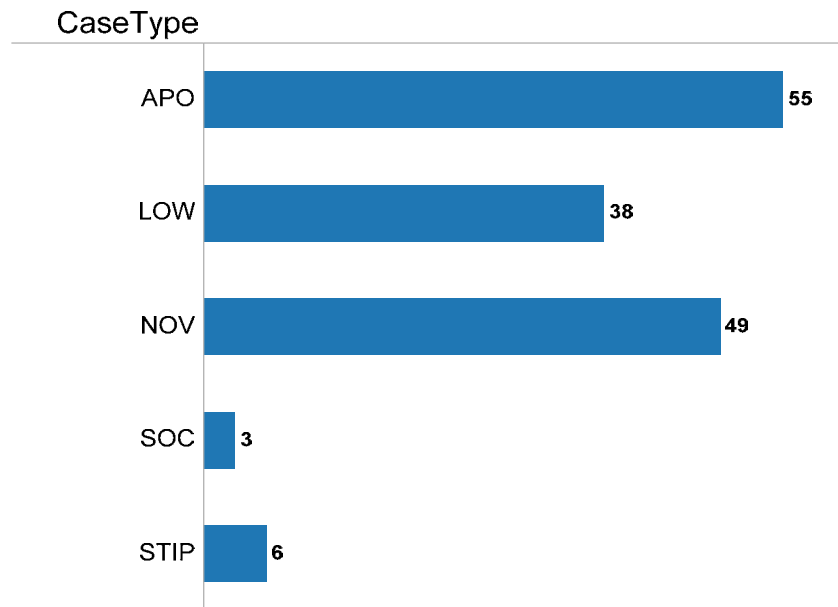
This table shows the overall inspections performed by MPCA staff in all media programs and the full time equivalent (FTE) staff in those programs.



# Air Quality Program Summary for SFY 2010

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## Air quality SFY 2010 cases



APO = Administrative Penalty Orders

LOW = Letter of Warning

NOV = Notice of Violation

SOC = Schedule of Compliance

STIP = Stipulation Agreement



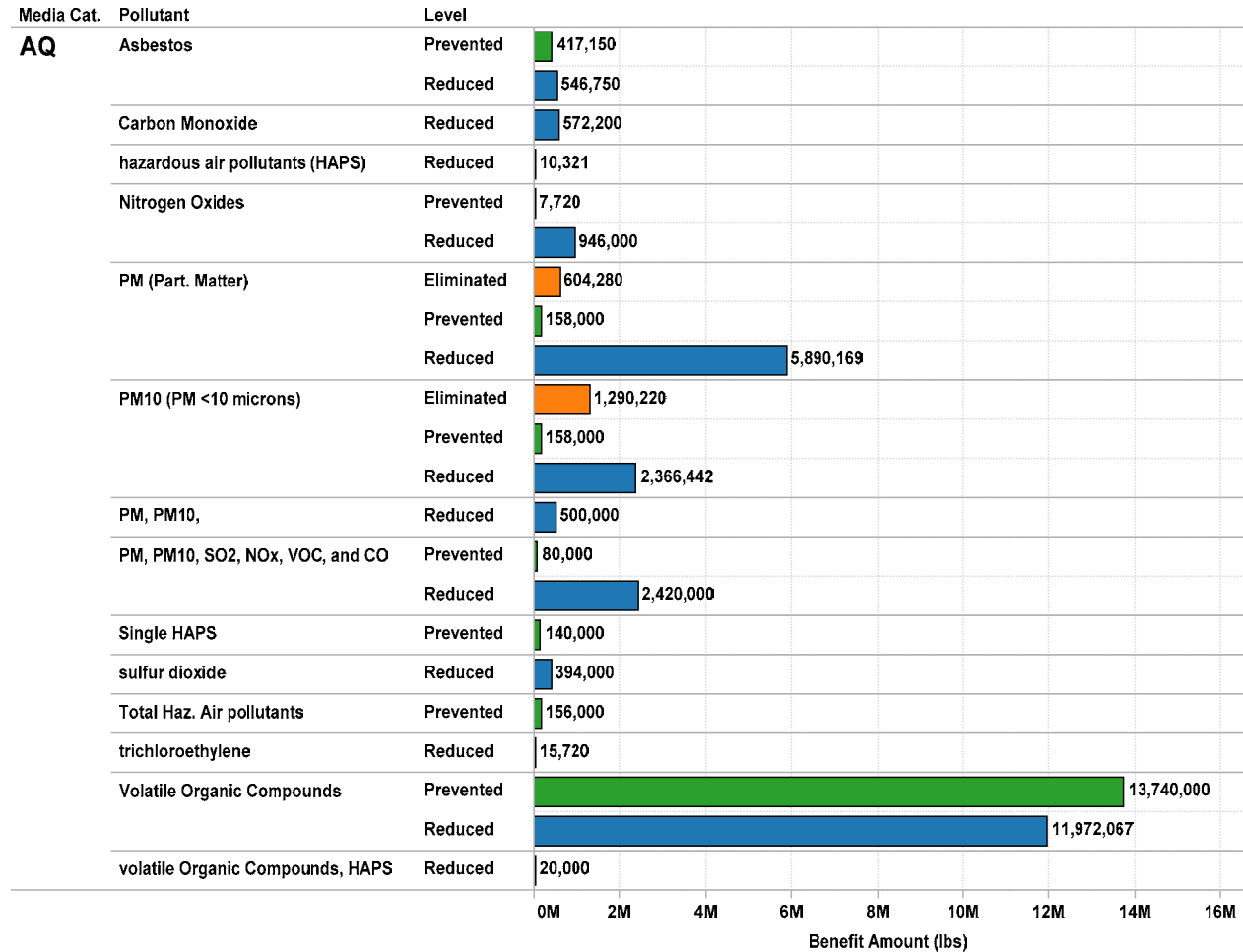
## SFY 2010 enforcement and air benefits (lbs.)

This graph shows the environmental benefits from compliance and enforcement efforts at the MPCA.

Eliminated means an emission into the air was stopped and is no longer occurring.

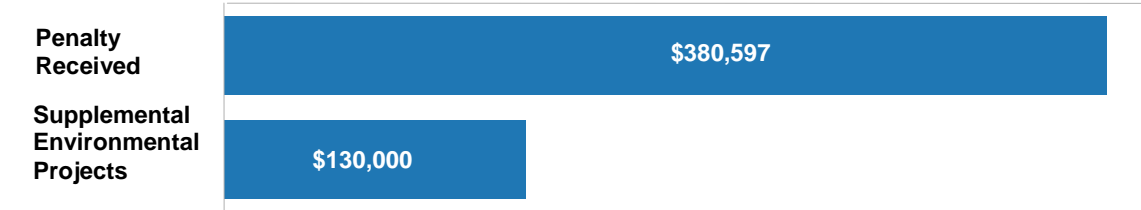
Prevented means an emission into the air that could have occurred but was stopped by the enforcement action.

Reduced means that an emission into the air was in excess of a limit or rule and the enforcement action led to compliance by reducing their emissions.



## Air quality SFY 2010 penalties

Supplemental Environmental Projects are used to reduce a penalty by having the regulated party perform an environmentally beneficial project that is above and beyond that which is required by law.



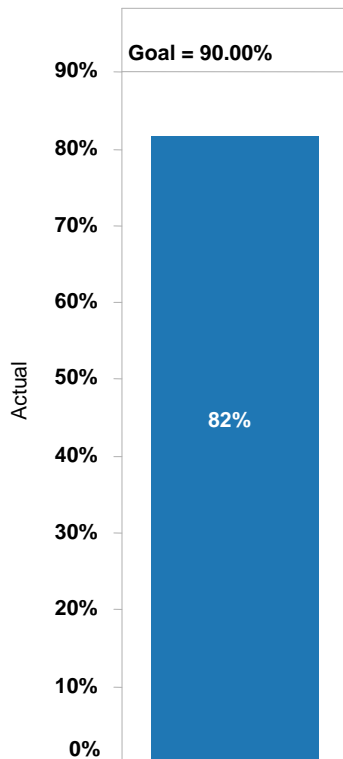
## Air quality SFY 2010 inspections

This table shows the number of inspections of air quality (AQ) facilities. There are approximately 300 major air facilities in Minnesota.



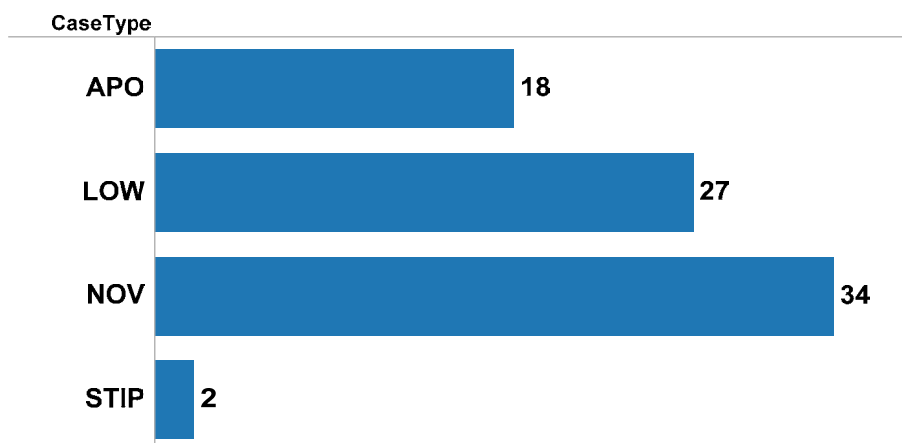
## Air quality SFY 2010 inspection compliance rate

This chart shows the overall compliance rate for AQ facilities that were inspected by MPCA staff.



# Hazardous Waste Program Summary for SFY 2010

## Hazardous waste SFY 2010 cases



APO = Administrative Penalty Orders  
 LOW = Letter of Warning  
 NOV = Notice of Violation  
 STIP = Stipulation Agreement

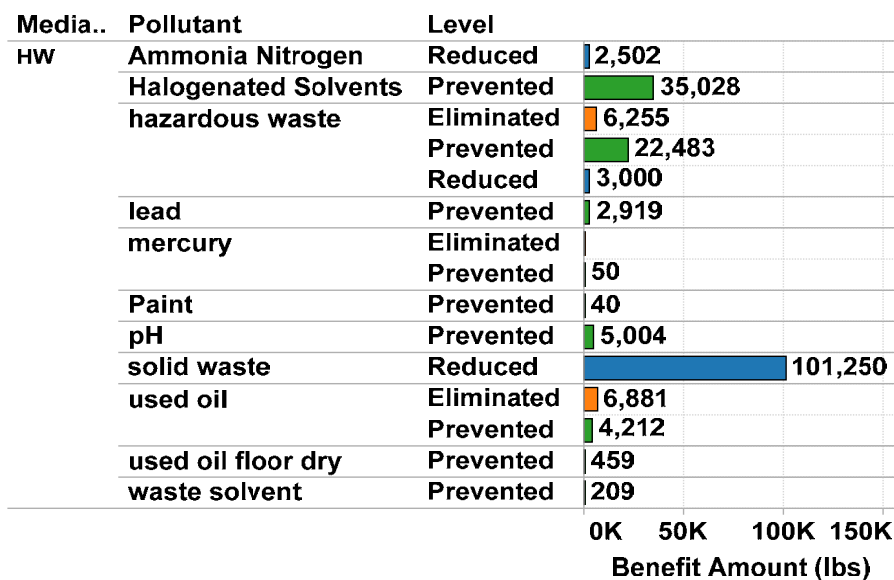
## SFY 2010 enforcement and hazardous waste benefits (lbs.)

This graph shows the environmental benefits from compliance and enforcement efforts at the MPCA.

Eliminated means an improper disposal of waste was stopped or no longer used by the facility.

Prevented means an improper disposal of waste could have occurred but was stopped by the enforcement action.

Reduced means an improper disposal of waste that was in excess of a limit or rule and the enforcement action led to compliance.



## Hazardous waste SFY 2010 penalties

Penalty

\$380,597

## Hazardous waste SFY 2010 inspections

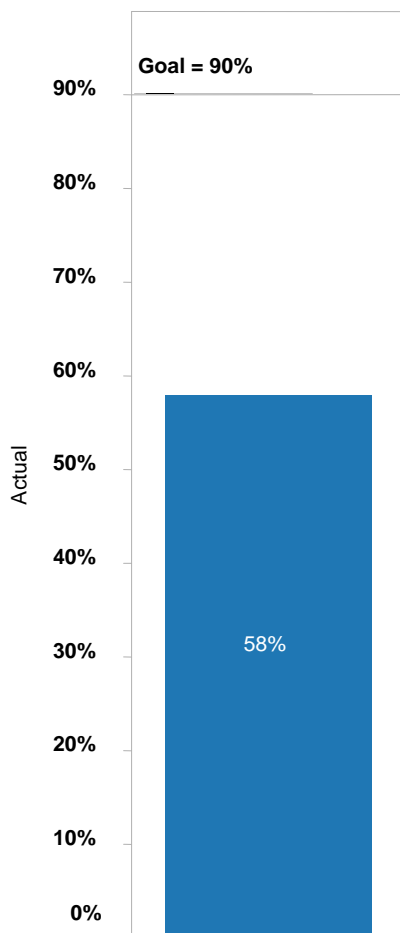
This table shows the number of inspections of Large Quantity Generators. There are approximately 250 Large Quantity Generators in Minnesota.

38

10 FTE

## Hazardous waste SFY 2010 inspection compliance rate

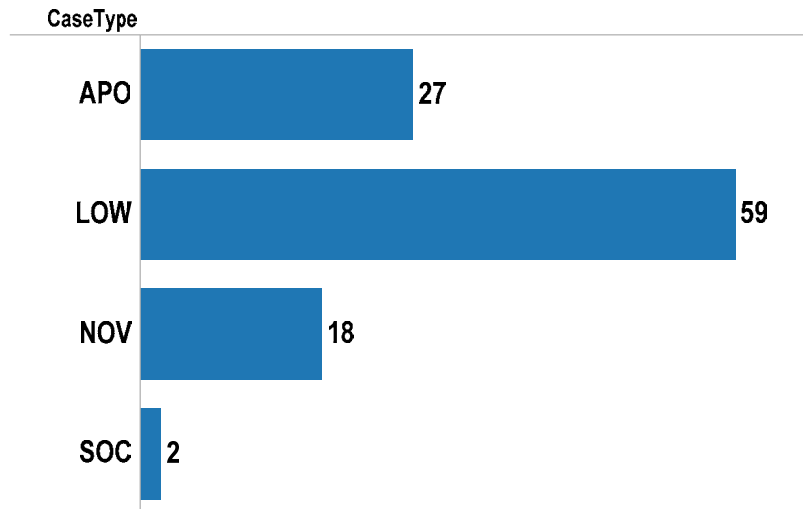
This chart shows the overall compliance rate for the Large Quantity Generators that were inspected by MPCA staff.



# Solid Waste Program Summary for SFY 2010

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## Solid waste SFY2010 cases



APO = Administrative Penalty Orders

LOW = Letter of Warning

NOV = Notice of Violation

SOC = Schedule of Compliance

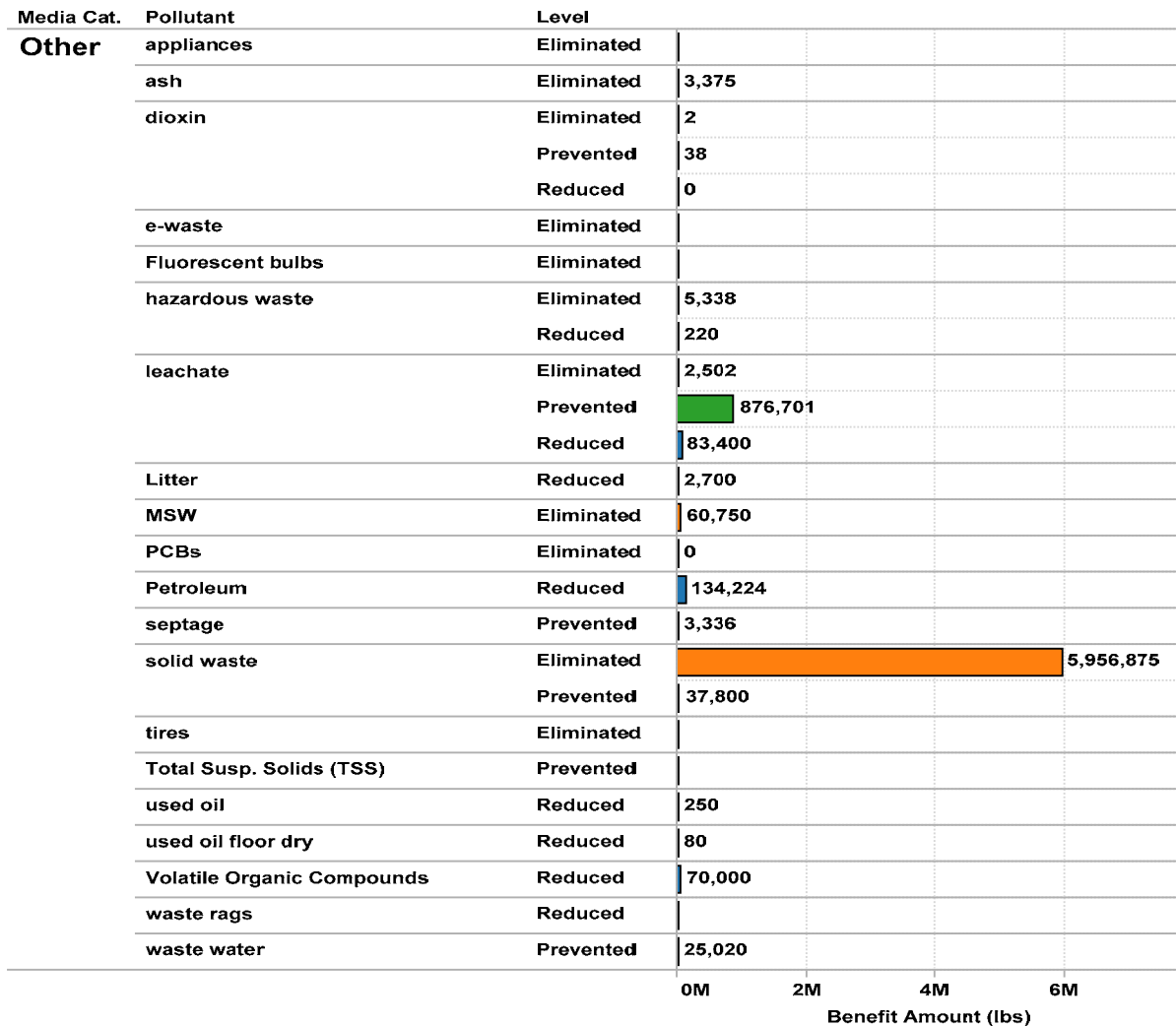
## SFY 2010 enforcement and solid waste benefits (lbs.)

This graph shows the environmental benefits from compliance and enforcement efforts at the MPCA.

Eliminated means an improper disposal of waste was stopped.

Prevented means an improper disposal of waste could have occurred but was stopped by the enforcement action.

Reduced means an improper disposal of waste that was in excess of a limit or rule and the enforcement action led to compliance.



## Solid waste SFY2010 penalties

Penalty

\$91,624

## Solid waste SFY2010 inspections

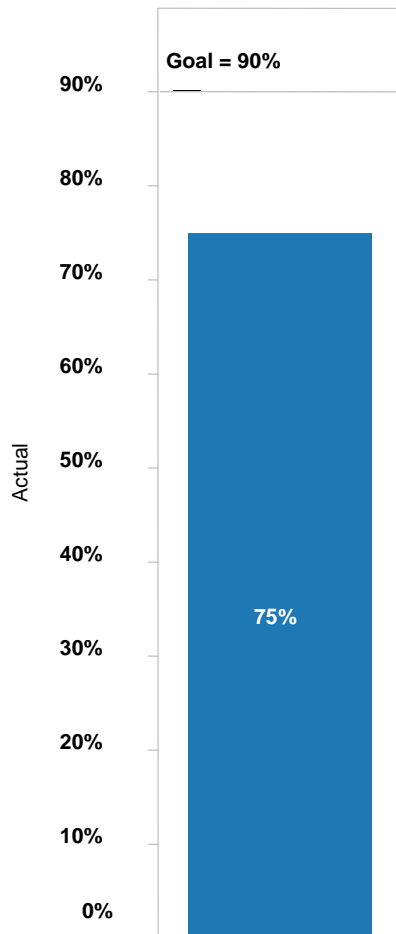
This table shows the number of inspections of solid waste management facilities and dump sites. There are approximately 21 landfills and 100 transfer or processing facilities in Minnesota.

156

6.5 FTE

## Solid waste SFY2010 inspection compliance rate

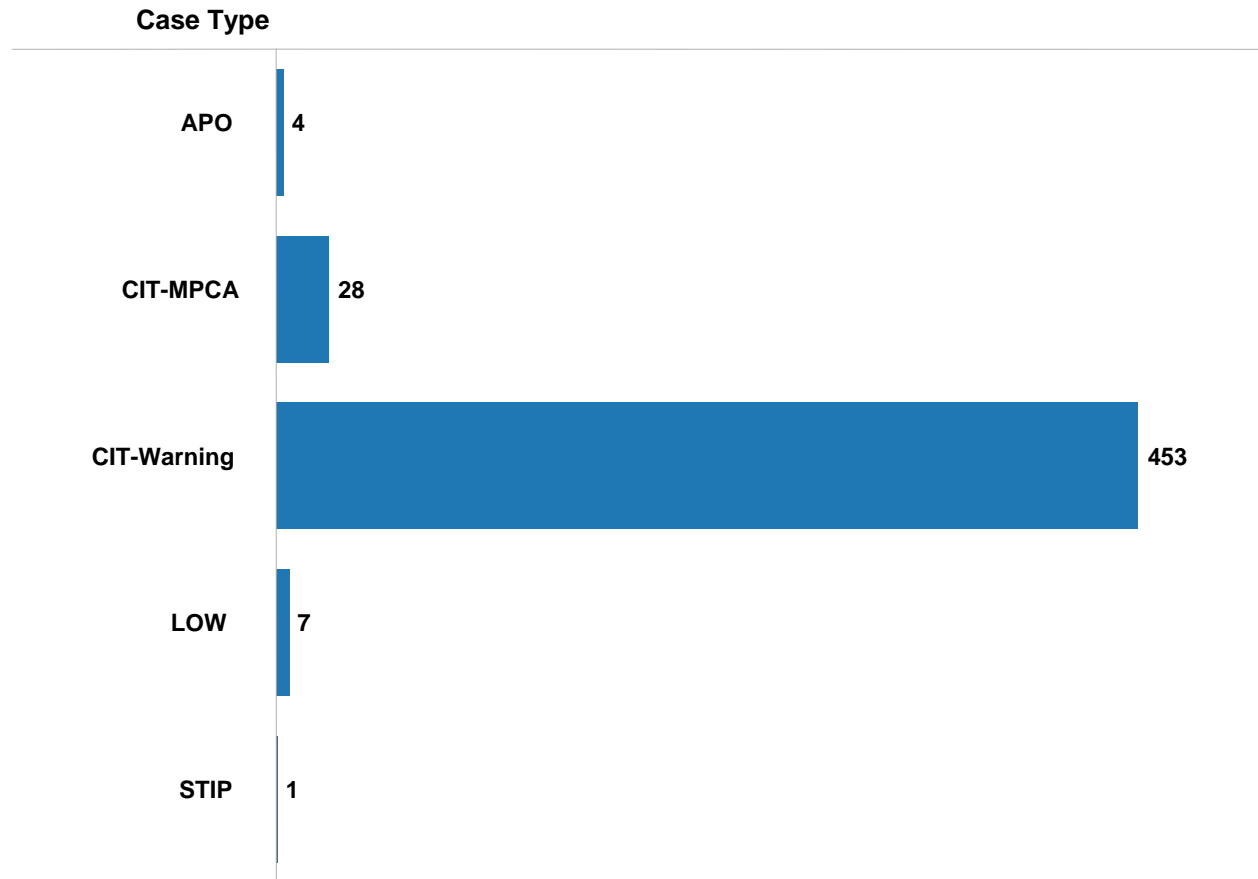
This chart shows the overall compliance rate for solid waste facilities and dump sites as determined by the MPCA inspections.



# Tanks Program Summary for SFY 2010

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## Tanks SFY2010 cases



APO = Administrative Penalty Orders  
CIT-MPCA = Citations that include a penalty  
CIT-Warning = Citations that do not include a penalty  
LOW = Letter of Warning  
STIP = Stipulation Agreement

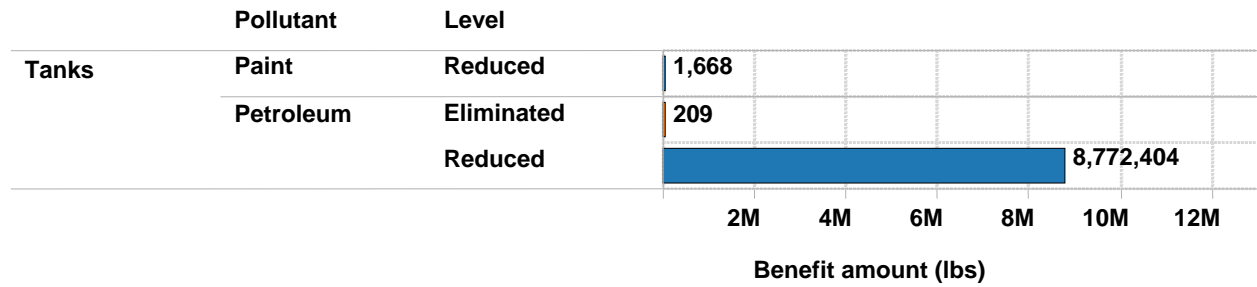


## SFY 2010 enforcement and tanks benefits (lbs.)

This graph shows the environmental benefits from compliance and enforcement efforts at the MPCA.

Eliminated means a release was stopped and is no longer occurring.

Reduced means that a potential release from an underground storage tank was stopped by the enforcement action.



## Tanks SFY2010 penalties



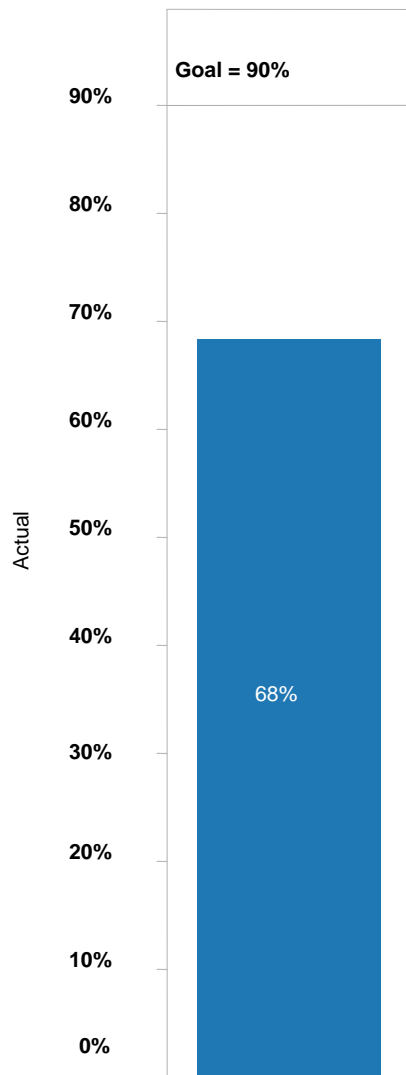
## Tanks SFY2010 inspections

The MPCA is on a three year inspection cycle for approximately 8,000 underground storage tank systems in Minnesota.



## Tanks SFY2010 inspection compliance rate

This graph shows the overall compliance rates of those facilities inspected by MPCA staff.

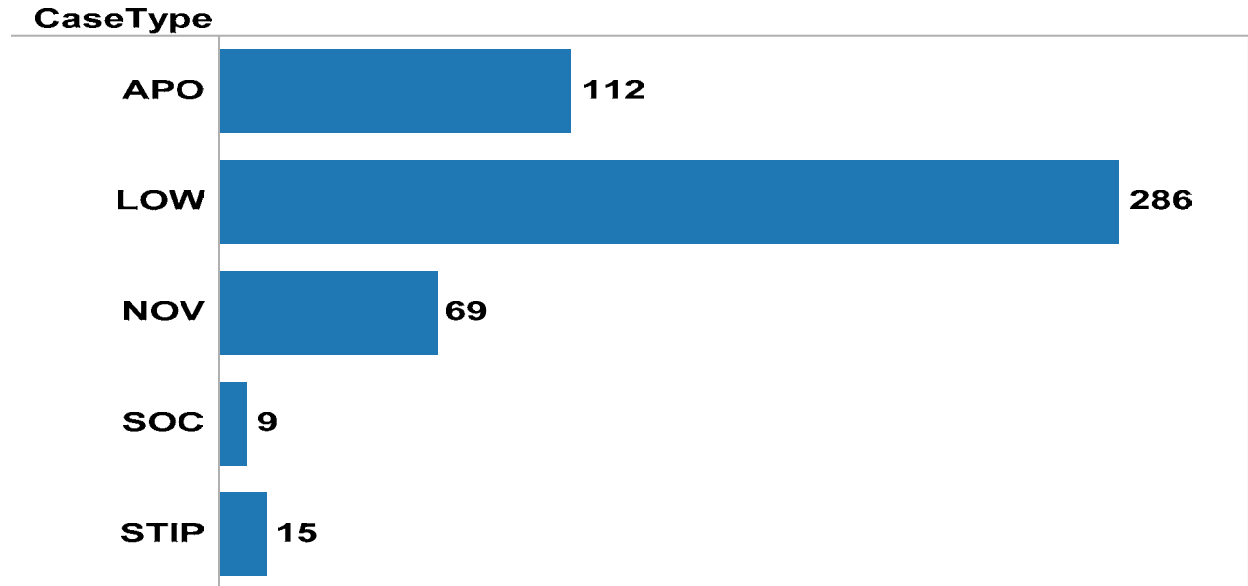


# Water Quality Program Summary for SFY 2010

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## Water quality SFY2010 cases

Includes all Water Quality programs such as feedlots, wastewater (both industrial and municipal), and stormwater (including construction, municipal, and industrial).



APO = Administrative Penalty Orders  
NOV = Notice of Violation  
LOW = Letter of Warning  
SOC = Schedule of Compliance  
STIP = Stipulation Agreement

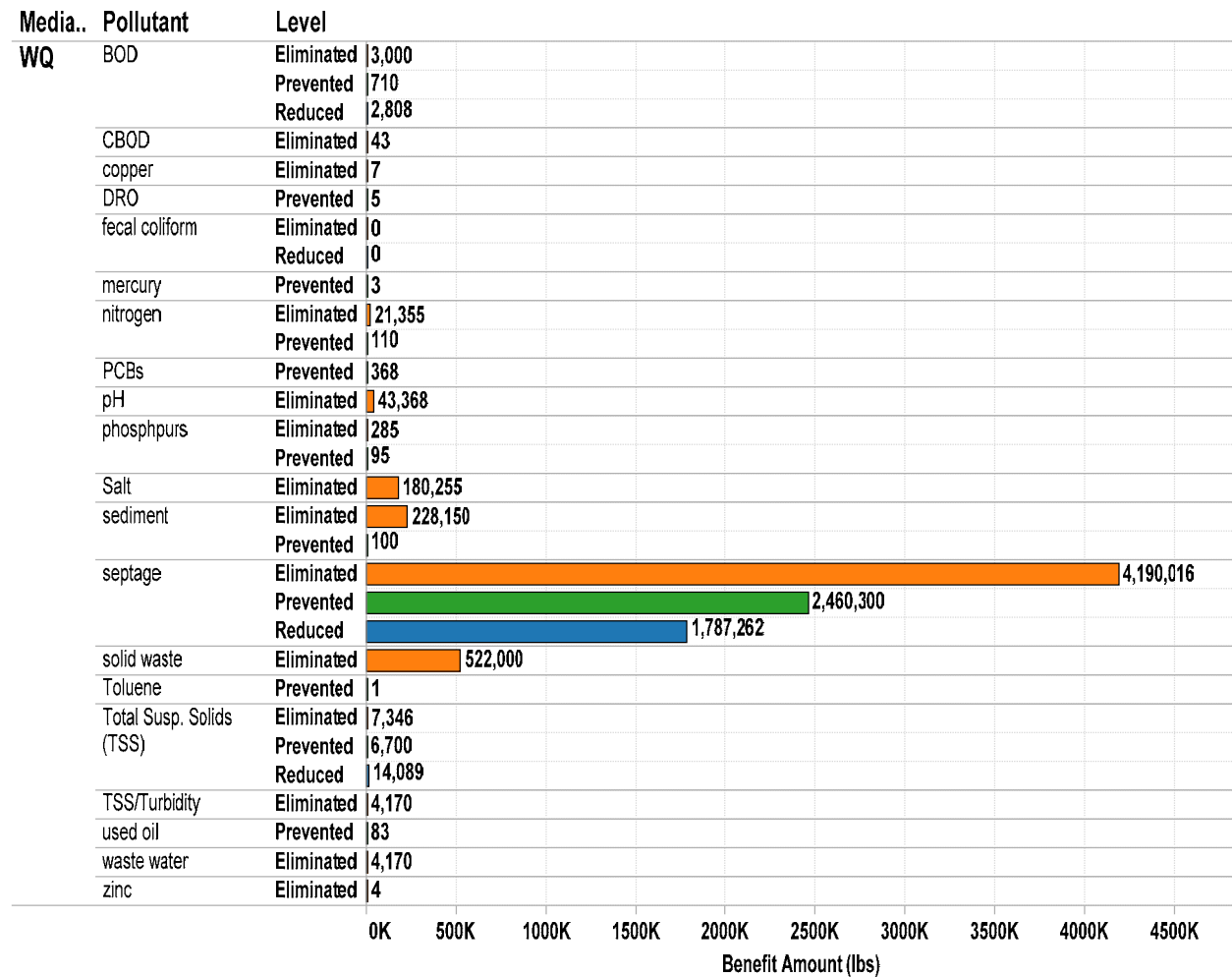
## SFY 2010 enforcement and water quality benefits (lbs.)

This graph shows the environmental benefits from compliance and enforcement efforts at the MPCA.

Eliminated means a discharge was stopped and is no longer occurring.

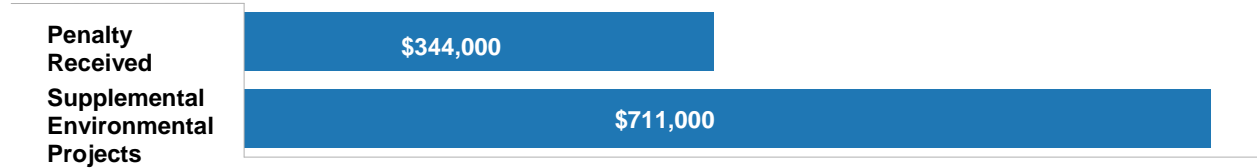
Prevented means a discharge that could have occurred but was stopped by the enforcement action.

Reduced means that a discharge was in excess of a limit or rule and the enforcement action led to compliance.



## Water quality SFY2010 penalties

Supplemental Environmental Projects are used to reduce a penalty by having the regulated party perform an environmentally beneficial project that is above and beyond that which is required by law.



## Water quality SFY 2010 inspections

This table shows the number of inspections of water quality facilities such as water treatment facilities, industrial facilities, feedlots, and septic systems.



## Water quality SFY 2010 inspection compliance rate

This graph shows the overall compliance rate for Water Quality regulated facilities such as feedlots, water treatment and industrial facilities, and septic systems.

