



**DEPARTMENT OF ENVIRONMENTAL QUALITY
POLICY AND PROCEDURES**

SUBJECT: District Enforcement Review Discussions
Date: October 12, 2004

Number: 04-005
Page 1 of 2

ISSUE:

Compliance and enforcement goals of the Department of Environmental Quality (DEQ) include the early identification of criminal and multi-program (multi-media) enforcement cases. In addition, DEQ policy on parallel criminal and civil proceedings declares the intention of the department to utilize all enforcement tools at its disposal for appropriate enforcement cases. Establishment of monthly district enforcement review discussions will aid in the accomplishment of these goals. The multi-media coordinator (MMC) will chair the discussions. Each district supervisor (or the supervisor's designated representative) and a district environmental conservation officer will attend.

The discussions shall consist of a round-table examination of major violations detected by the program divisions and the Office of Criminal Investigations (OCI). Current DEQ Policy No. 09-002 (E. 1.) requires DEQ staff, upon notification of their supervisor, to refer all felony violations to the OCI and to refer misdemeanors to OCI in conformance with their division's compliance and enforcement policy. DEQ Compliance and Enforcement Policy No. 04-003 (5) states: "Coordination of enforcement actions between the DEQ divisions and offices should occur early in the process to ensure that all violations are appropriately addressed, and to avoid potential claim splitting." This policy further charges the multi-media coordinator with conducting the review of potential multi-media cases with district supervisors for coordination of enforcement actions.

Often, it is not clear which cases are multi-media and/or criminal in nature. This review process will ensure each major violation receives proper screening and action in conformance with the enforcement goals of the DEQ.

DEFINITIONS:

None.

POLICY:

1. The MMC will facilitate informal round-table enforcement discussions. These discussions shall be the first agenda item at monthly district supervisor meetings. Some violations or enforcement issues may necessitate interim meetings.
2. Each district supervisor, or their designee, and an environmental conservation officer will attend the enforcement review portion of the meeting.

DEQ POLICY AND PROCEDURES

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Page 2 of 2

3. The discussions will include, at a minimum, major new violations, new case referrals to compliance and enforcement sections (or other divisional enforcement units), and ongoing multi-media enforcement actions.
4. A “major new violation” includes all felony or suspicion of felony violations, high misdemeanor violations (punishable by up to a year in jail) which result in significant degradation or potential degradation to the environment or natural resources, or program division violations designated as “high priority” within their division.
5. The environmental conservation officer shall update attendees on the status of criminal cases referred by program divisions and shall discuss OCI initiated cases unless confidential by their nature, such as “undercover” or “sting” operations.
6. The enforcement review discussion shall normally conclude within an hour.

Approved: _____ Date: _____