

**DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT DIVISION
FISCAL YEAR 2006 ENFORCEMENT STATUS REPORT
JULY 1, 2005 through JUNE 30, 2006**

The Enforcement Division (ENFD) is responsible for the implementation, coordination and tracking of Department of Environmental Quality (DEQ) enforcement activities, and for the investigation and response to spills and citizen complaints that allege impacts to human health and the environment. The Enforcement Division consists of the Complaint Management Section and the Case Management Bureau.

I. Complaint Management Statistics

Total number of complaint and spill reports received during the report period was 1,139.

In an effort to delineate areas of regulatory responsibility for complaints received by the Department, a complaint type is assigned that generally relates to program authority. The Complaint Management Section is responsible for the initial investigation of all complaints to determine their validity and to ensure proper follow-up occurs (if needed). Spills being recorded are typically associated with unauthorized material releases resulting from vehicle accidents, mechanical malfunctions, or human error.

Number of Complaint / Spill Reports by Type (DEQ Program or Environmental Media) & General Group				
Air Quality - Dust	69	Spills (not impacting water)	13.3%	152
Air Quality - Emissions	78	Clandestine Drug Lab		14
Air Quality - Odors	4	Historical Clandestine Drug Lab		223
Air Quality - Open Burning	45	Solid Waste		75
Asbestos	57	Junk Vehicles		33
Indoor Air Quality	1	Septic Pumpers		15
Total Air Quality Related	22.3%	254	Sewage	14
Water Quality	114	Septage From Drain Fields Etc		0
Spills (impacting water)	40	Hazardous Waste		18
318 Permit	4	Used Oil		37
Watershed Management (TMDL)	0	Pesticides		3
Release of Chemicals from Tanks *	0	Municipal Waste Water Treatment Systems		3
Release of Chemicals from Pipelines	34	Superfund		3
Suspect Hydrocarbon Release	0	Total Waste Related	38.5%	438
Underground Storage Tank Regulation	13	Abandoned Mines		0
Subdivisions	19	Strip and Underground Mining		1
Animal Feedlot Operation	4	Opencut Gravel Mining		14
Concentrated Animal Feedlot Operations	4	Metal Mines		0
Surface Water (MPDES) Permits	26	Total Mining Related	1.3%	15
Ground Water (MGWPCS) Permits	1	Major Facility Siting Act (MFSA)	0.0%	0
Public Water Supply Systems	14	Other (Outside DEQ Authority)	0.6%	7
Nonpoint Source	0			
Total Water Related	24.0%	273	TOTAL FOR ALL COMPLAINTS	1,139

* Note that these are releases reported through ENFD. The Hazardous Waste Site Cleanup Bureau received 49 leak reports directly during this time.

Status of complaint and spill reports received during reporting period:

Complaint reports are sent to the ENFD for initial investigation and database entry. Referral occurs when the determination is made that the complaint falls under a specific regulatory authority either within DEQ or an outside agency.

Status of Complaint Spill Reports *	
Active (under investigation by ENFD)	97
Active Referred (to other DEQ program for investigation and follow-up)	274
Active Enforcement Case (complaint that led to a request for enforcement action)	7
Closed (resolved by ENFD)	413
Closed by Program (resolved by other DEQ program)	145
Closed No Violation (ENFD investigation determined no violation occurred)	67
Closed Referred (referred to outside Agency for resolution)	110
Closed Not Enough Information (not enough information was provided or documented to validate)	26
	1,139

* Status as of 6/30/06. Please note that the status of complaints and spills can change on a daily basis as work progresses.

II. Case Management Statistics

The following tables provide various statistics concerning enforcement actions taken by the Department of Environmental Quality from July 1, 2005 through June 30, 2006.

Enforcement Actions Processed by Statute											
	Enforcement Requests			Status of Enforcement Requests							
	Total Caseload	Cases continuing FY05	Actions requested FY06	Case Development	Demand*	In Litigation**	Under Order	Referred Cases	Vacated, Stayed or Suspended	Withdrawn	Closed
Asbestos Control Act	10	6	4	3	0	1	5	0	0	0	0
Clean Air Act of Montana	30	18	12	2	0	1	12	1	0	0	9
Metal Mine Reclamation Act	6	4	2	1	0	0	2	0	0	1	2
Montana Hazardous Waste Act	10	8	2	1	0	0	6	0	1	0	1
Montana Solid Waste Management Act	12	10	2	1	0	2	7	0	0	0	2
Montana Underground Storage Tank Act	71	24	47	27	0	4	20	0	0	0	19
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	1	1	0	0	0	0	1	0	0	0	0
Motor Vehicle Recycling & Disposal Laws	12	11	1	1	0	1	9	0	0	0	0
Opencut Mining Act	43	13	30	15	0	0	12	0	0	2	8
Public Water Supply Laws	167	88	79	26	0	8	64	0	3	10	41
Sanitation in Subdivision Laws	10	5	5	4	0	1	3	0	1	0	0
Septic Disposal and Licensure Laws	2	2	0	0	0	1	1	0	0	0	0
Strip and Underground Mine Reclamation Act	7	4	3	0	0	0	2	0	0	0	5
Water Quality Act	40	27	13	5	0	1	21	0	3	3	3
Water Treatment Plant Operations	1	0	1	1	0	0	0	0	0	0	0
TOTAL	422	221	201	87	0	20	165	1	8	16	90

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.

Demand: Defendant and the Department are engaged in administrative settlement negotiations; e.g., a demand letter has been sent to the defendant, the defendant has been requested to consent to a draft administrative order, etc.

In Litigation: 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.

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, either by mutual agreement or by the court, and is 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: Case is closed. The defendant has satisfied the terms of the settlement agreement or order.

Analysis of Enforcement Actions by Enforcement Action Type					
Statute	2006 Case Load	Enforcement Action Type			
		Admin.	Civil	Criminal	Referred
Asbestos Control Act	10	4	6	0	0
Clean Air Act of Montana	30	18	11	0	1
Metal Mine Reclamation Laws	6	4	2	0	0
Montana Hazardous Waste Act	10	4	6	0	0
Montana Solid Waste Management Act	12	6	6	0	0
Montana Underground Storage Tank Act	71	57	14	0	0
MT Underground Storage Tank Installer and Inspector Licensing and Permitting Act	1	0	1	0	0
Motor Vehicle Recycling and Disposal Laws	12	2	10	0	0
Opencut Mining Act	43	39	4	0	0
Public Water Supply Laws	167	147	20	0	0
Sanitation in Subdivision Laws	10	8	2	0	0
Septic Disposal and Licensure Laws	2	1	1	0	0
Strip and Underground Mine Reclamation Act	7	7	0	0	0
Water Quality Act	40	37	3	0	0
Water Treatment Plant Operations	1	1	0	0	0
TOTAL	422	335	86	0	1

Penalty Statistics (in dollars)							
Statute	Orders w/ Penalties SFY2006	Monetary Settlement Penalties		Monetary Penalties Collected		Penalties Suspended	Suppl. Env. Project
		Admin.	Civil	Admin.	Civil		
Asbestos Control Act	4	\$85,500	\$26,000	\$5,500	\$1,000	\$9,000	
Clean Air Act of Montana	11	\$533,789	\$154,044	\$462,524	\$150,000		
Metal Mine Reclamation Laws	1	\$3,100			\$7,590	\$1,100	
Montana Hazardous Waste Act	1					\$8,510	
Montana Solid Waste Management Act	1		\$30,000		\$31,316		\$10,000
Montana Underground Storage Tank Act	21	\$31,550	\$5,000	\$33,739	\$5,424	\$13,600	
Montana Underground Storage Tank Installer and Inspector Licensing and Permitting Act	0						
Motor Vehicle Recycling and Disposal Laws	0						
Opencut Mining Act	14	\$13,310	\$15,000	\$13,710	\$15,000		
Public Water Supply Laws	66	\$61,824	\$247,500	\$42,166	\$258,592	\$281,916	
Sanitation in Subdivision Laws	0						
Septic Disposal and Licensure Laws	0						
Strip and Underground Mine Reclamation Act	5	\$4,560		\$4,560			
Water Quality Act	3	\$15,071		\$14,902		\$8,706	\$155,000
Subtotal*	127	\$748,704	\$477,544	\$577,101	\$468,922	\$322,832	\$165,000
TOTAL		\$1,226,248		\$1,046,023			

* The amount of Penalties Collected does not equal the Settlement Penalties because: 1) penalties were not due before the end of FY2006; 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.