

# Enforcement Assessment 2000

Released February 22, 2000

KEY ISSUE: Compliance is the goal. Enforcement is one of many tools to achieve compliance

RECOMMENDATION 1: Create a set of Departmental Guiding Principles on Enforcement by April 1, 2000

RECOMMENDATION 2: Develop Meaningful Measures of DENR's Enforcement Efforts by May 1, 2000



*North Carolina Department of  
Environment and Natural Resources*

## **Enforcement Assessment**

**2000**

# STEP Team Charter

Launched February 23, 2000

Chartered to create an enforcement framework to implement the recommendations of the enforcement assessment and to integrate enforcement with other compliance tools

Coached through the School for Managing and Leading Change (Peter Block)

Built on the original initiatives by Secretary McDevitt

Developed under leadership of Secretary Holman

## STEP TEAM CHARTER (Stewardship Through Enforcement Principles)

### OPPORTUNITY...

- Effective enforcement influencing compliance
- Consistent enforcement methods
- Formal guidance (principles)/common framework
- Defined enforcement effectiveness measures
- Improved internal/external communication processes
- Leveraging department resources for environmental benefit
- Defined linkage between enforcement and other compliance tools

### PROJECT MISSION...

Build on the enforcement assessment findings, develop a framework to implement priority recommendations and integrate enforcement with other seven compliance tools.

### PROCESS DESCRIPTION...

Enforcement is compelling the observance of a law or rule. The enforcement process begins when inspections, complaints, or self monitoring reveal non compliance. The problem is identified and a timeframe is established to return to compliance. Failing voluntary return to compliance, punitive measures are taken to compel return to compliance. Follow up monitoring ensures continued compliance.

### BACKGROUND...

In August of 1997, Wayne McDevitt, Secretary of the Department of Environment and Natural Resources directed the department's water quality program to strengthen enforcement against water quality violators. A new enforcement policy was made effective July 1, 1998 resulting in a noticeable change in the regulated community, yet without a system of measurement to assess the effectiveness of the compliance program beyond the anecdotal.

In January of 1999, Secretary McDevitt communicated the need to Bill Holman, then Assistant Secretary for Environmental Protection, for DENR to expand on the experience with the Division of Water Quality and strengthen enforcement in DENR's other regulatory agencies. At that time, Assistant Secretary Holman had initiated a department-wide assessment of enforcement activities.

On September 1, 1999, Bill Holman became the Secretary of the Department of Environment and Natural Resources. Under his leadership, the enforcement assessment was completed and released to the public on February 22, 2000. The priority recommendations from the assessment include:

- creating a set of departmental principles to guide enforcement;
- developing meaningful measures to demonstrate the effectiveness of enforcement; and
- improving access to information from DENR divisions as well as the public.

There needs to be radical change in the way DENR approaches enforcement to effectively implement the assessment recommendations.

# STEP Team Charter

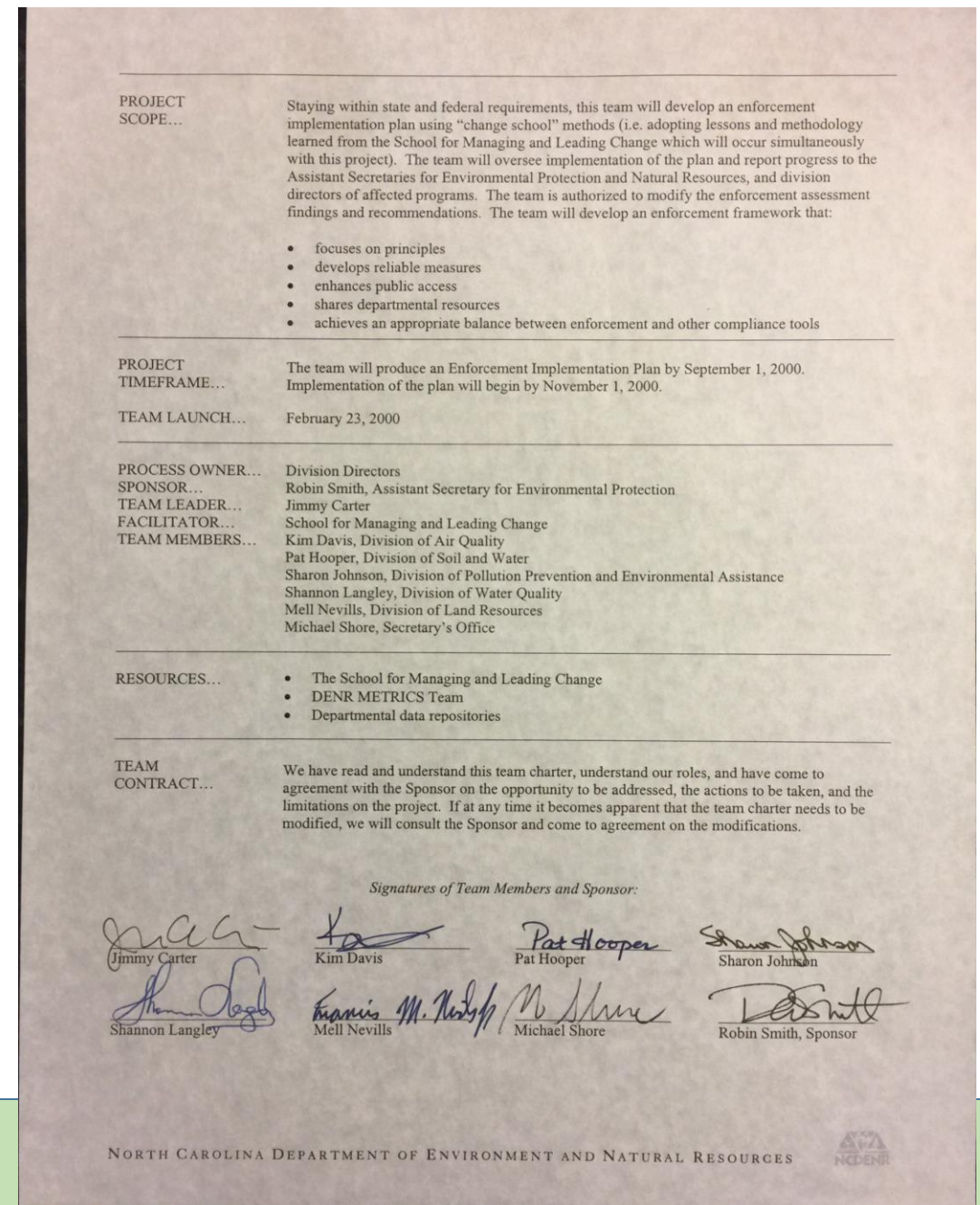
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# Principles of Enforcement

Released March 31, 2000

1. Enforcement will be balanced with education, technical assistance, and incentives to achieve compliance and encourage stewardship.
2. DENR will support the development and use of alternative tools to traditional enforcement that achieve compliance and encourage going beyond compliance.
3. DENR will foster partnerships internally and externally to realize shared responsibilities in environmental stewardship.

In an ideal world, regulation is replaced by stewardship; an inherent respect for the environment. In this concept of stewardship, everyone takes responsibility for their actions and the use of resources for the benefit of the community. In the real world, stewardship is sometimes compromised by conflicting capabilities, priorities, values, and perspectives. This creates the need for regulation and enforcement.

The challenge for regulators is to balance the use of compliance tools with the recognition of stewardship efforts. Regulated entities must be made aware of the conditions for compliance, made to feel the consequences of non-compliance, and provided an opportunity to demonstrate behavior beyond compliance. When enforcement is necessary, it should be fair, focused, visible, and timely.

The following principles are embraced to meet this challenge:

1. Compliance is the first step toward the ultimate goal of stewardship.
2. Enforcement will be balanced with education, technical assistance, and incentives to achieve compliance and encourage stewardship.
3. Enforcement will be an effective deterrent against future violations.
4. Enforcement actions will increase in severity for regulated entities with poor compliance histories.
5. The cost of non-compliance should be greater than the cost of compliance.
6. Resources will be used proportional to the potential impact on human health and the environment and in keeping with statutory responsibilities.
7. DENR will support the development and use of alternative tools to traditional enforcement that achieve compliance and encourage going beyond compliance.
8. DENR will trust, empower, and support its employees to make enforcement decisions and use enforcement discretion where appropriate.
9. DENR will ensure that its employees are well trained and informed to make enforcement decisions which are measurably consistent.
10. Enforcement policies, procedures, pertinent data, and other critical information will be accessible to any interested party.
11. Enforcement decisions will be defensible, documented, and proportional to the degree of potential harm.
12. DENR will foster partnerships internally and externally to realize shared responsibilities in environmental stewardship.

# Compliance Report

First Released Nov 14, 2001

New Administration | New Initiatives

Implemented under leadership of Secretary Ross

Baseline Year 2000 (reports thorough 2008).

Create common standards across all regulatory programs  
(Metrics Team)

Recognized enforcement was one aspect – later reports  
included metrics for compliance assistance, education,  
and performance incentives

## North Carolina Department of Environment and Natural Resources

Environmental Regulatory  
Compliance Activity  
in Calendar Year 2000

Readers are invited to send  
comments, questions and  
improvements.

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November 14, 2001

# Compliance Report (cont.)

## Background

1. STEP Team produced an implementation plan
2. DENR support for alternative tools to traditional enforcement that achieve compliance and encourage going beyond compliance.
3. DENR partnerships to realize shared responsibilities in environmental stewardship.

## BACKGROUND

Nearly four years ago, the Department of Environment and Natural Resources (DENR) began looking at how we ensure compliance with North Carolina environmental regulations. In the Division of Water Quality (DWQ), a new enforcement policy took effect July 1, 1998, resulting in a measurable improvement in compliance rates. As fines increased in the NPDES program, the compliance rate rose from a threshold barrier of 80% in 1998 to 88.4% in 2000 [see Figure 4, page 12].

Early in 1999, DENR decided to build on the success in DWQ to strengthen enforcement in DENR's other regulatory agencies. Senior management initiated a department-wide enforcement assessment designed to better understand DENR's strengths and weaknesses and identify opportunities for improvement.

The enforcement assessment was completed and released to the public on February 22, 2000 and called for DENR to create a set of departmental enforcement principles, develop meaningful performance measures, and improve public access to enforcement information.

On February 23, 2000, DENR chartered a team to develop a framework from which enforcement programs could implement the major recommendations. The team brought together DENR staff from various program perspectives within the department, all experienced practitioners in enforcement and compliance assistance. The team became known as the STEP Team, an acronym for Stewardship Through Enforcement Pinciples.

The STEP Team produced an implementation plan that provides a schedule to act on the major recommendations of the February 2000 assessment. The implementation plan also develops several stewardship strategies that will be implemented over the next several years.

Since the beginning of 2001, departmental enforcement received continuing support from the new administration. Bill Ross was named as secretary of DENR, and enforcement is strong among his priorities. In April of 2001, Secretary Ross directed staff to prepare this compliance report and establish calendar year 2000 as a baseline year to begin annual reporting.



# Environmental Stewardship Initiative

April 2002

Formalized a program of recognition

Early Stewards set a high bar

Not based on regulatory incentives, but rather met two expectations of early adopters:

- Recognition
- Access (to the Secretary)

Program has achieved critical mass - 4 Governors, 5 Department Secretaries, 15 years

