In compliance?

YES

NO

If regulated equipment or records review...

If a leak is determined from regulated or unregulated incident...

Internal record generated, no further action letter sent to responsible party (RP)

Response?

YES

NO

Revoke or deny renewal of permit?

YES

NO

Inspector sends Notice of Violation (NOV) to RP giving 30 days to correct

Regional Office Incident Manager sends Notice of Regulatory Requirement (NORR) to RP giving 60 - 120 days to respond

Response?

YES

NO

Adequate response?

YES

NO

Inspector sends "10-day letter" to RP

Inspector sends email to Permits and Inspection Branch (PIB) Head recommending revocation or a hold on permit issuance / renewal

Regional Supervisor sends Notice of Violation (NOV) to RP giving 30 days to correct

Response?

YES

NO

Adequate response?

YES

NO

Incident Manager sends "10-day letter" to RP

Incident Manager sends No further action letter sent to RP

Revoke or deny renewal of permit?

YES

NO

Further action required?

YES

NO

Regional Office Incident Manager sends Notice of Regulatory Requirement (NORR) to RP giving 60 - 120 days to respond

Response?

YES

NO

Adequate response?

YES

NO

Inspector sends "10-day letter" to RP

Adequate response?

YES

NO

Incident Manager sends No further action letter sent to RP

80% - 90% of the enforcement workload is with regulated units in the prevention program.

10% - 20% are incident management cases.

Incident management occurs for permitted facilities that are regulated and inspected or home heating oil units which are not regulated except when found leaking.

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Incident management occurs for permitted facilities that are regulated and inspected or home heating oil units which are not regulated except when found leaking.
Inspector prepares enforcement package and sends to Permits and Inspection Branch (PIB) Head for review.

PIB central staff reviews and revises if necessary.

PIB staff sends package to PIB Head for civil penalty assessment (CPA).

PIB Head assess penalty and sends package to Enforcement Coordinator for distribution and processing.

Enforcement Coordinator sends CPA to RP.

RP receives?

- YES
  - If RP pays...
  - If RP requests remission to the EMC...
  - If RP appeals...

- NO
  - Enforcement Coordinator sends CPA to the RP by Sheriff's Office.

Enforcement Package includes:
- Civil Penalty Assessment (CPA)
- Inspection Reports
- Photographs

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Dispositive motion filed?

NO

YES

ALJ conducts hearing on factual and legal issues.

Resolution?

NO

PRIVATE MEDIATOR OR ALJ MEDIATE A POSSIBLE SETTLEMENT

YES

ALJ gives recommendation to final agency decision maker [Environmental Management Commission (EMC)]

Final agency decision maker accepts or reverses the recommendation of the ALJ

final decision appealed?

NO

YES

Final decision upheld

Does RP pay?

NO

YES

Case closed

If moving straight to discovery and non-dispositive motions...

Parties file prehearing statements with ALJ and/or ALJ holds prehearing conference

Dispositive motion filed?

NO

YES

ALJ sets the calendar for hearing and issues a scheduling order.

If ALJ orders mediation...

Private mediator or another ALJ mediate a possible settlement

Resolution?

NO

YES

AGO drafts settlement agreement to be signed by facility and division director

ALJ assigns case to an Administrative Law Judge (ALJ)

General Counsel sends copy of petition to AGO for attorney assignment

Facility files contested case petition with the Office of Administrative Hearings (OAH) within 30 days of receiving CPA and serves petition on General Counsel for the Department of Environment and Natural Resources (DENR)

Does RP pay?

NO

YES

Case closed

If decision appealed...

Case goes to Superior Court Judicial Review

If decision appealed...

Case goes to Court of Appeals

If decision appealed...

Case goes to State Supreme Court

Depending on DENR program, Final Agency Decision maker is:
- Commission
- Department Secretary
- State Health Director

Final decision upheld