

POLLUTION PREVENTION IN ENFORCEMENT SETTLEMENTS

1. PURPOSE

This directive is intended to improve the information flow to and the education of enforcement staff concerning pollution prevention projects and to encourage and provide support to enforcement staff in their efforts to significantly increase the use of pollution prevention projects in enforcement settlements. As a companion to this directive, the Pollution Prevention Credit section of the Department's Settlement Guidelines for Civil Penalties has been modified to clarify when and how pollution prevention credits can be used to offset civil penalties.

2. AUTHORITY

Sections 403.061, 403.121 and 403.161, Florida Statutes

3. POLICY

The Department's Waste Reduction Assistance Program (WRAP) staff should prepare reports on all industry processes that have already been evaluated for possible pollution prevention opportunities in a user friendly format for distribution to all enforcement staff.

Enforcement staff should make requests to the WRAP staff to evaluate pollution prevention opportunities concerning certain industry processes that have not yet been evaluated for pollution prevention opportunities. The Divisions should provide guidance to the WRAP staff concerning the priorities for evaluating Certain industry processes. The WRAP staff should conduct ongoing evaluations of pollution prevention opportunities based upon the input of the enforcement staff and Division guidance concerning the priorities. Reports on newly evaluated pollution prevention opportunities should be regularly distributed to the enforcement staff.

A field will be added to the Compliance/Enforcement Tracking system (COMET) to allow for the tracking of all cases in which a pollution prevention project is being considered. The value of approved pollution prevention projects will be tracked separately in Legal Case Tracking system (LCT) in the same manner as in-kind penalties.

A copy of the sample waste audit report and the sample pollution prevention project plan will be included in the appendix of the Department's Enforcement Manual.

The role of the Department's WRAP staff in supporting the use of pollution prevention in enforcement will include the following:

- A. Proactively assessing and reporting pollution prevention opportunities.
- B. Evaluating the technical merits and estimated costs of pollution prevention proposals made by responsible parties.
- C. Assisting responsible parties in conducting waste audits.
- D. Consulting with responsible parties concerning the implementation of approved pollution prevention projects.
- E. Preparing a document that describes what should be included in a waste audit, opportunity assessment and conceptual pollution prevention proposal, and a sample waste audit report.
- F. Preparing a document that describes what should be included in the pollution prevention project plan and a sample pollution prevention project plan.