

Ecology's Water Quality Program using new enforcement tool

Inspectors from the Washington Department of Ecology (Ecology) Water Quality Program now carry ticket books and can issue \$500 to \$3,000 fines for water quality violations at sites covered by the state's Industrial, Construction, and Sand & Gravel Stormwater General Permits.

The approach is similar to how other Ecology programs handle pollution threats from underground storage tanks and oil spills.

Field tickets will provide near-immediate consequences for water quality violations, save state resources, and speed the enforcement process. They will help Ecology efficiently enforce the regulations already in the books to protect and restore water quality. Ecology's goal is to reduce the large numbers of common violations its inspectors regularly see at these sites. This new practice will benefit Puget Sound and waters across the state. The move helps cut the regulatory red tape, allowing Ecology to press to fix small but serious pollution problems early, while the pollution is still relevant.

Ecology's use of field tickets will help even the playing field with facilities already complying with permit requirements.

The tickets will help water quality inspectors give timely feedback to permitted facilities so they will know what to do – similar to traffic tickets that help teach speeders of the immediate consequences for their actions.

Early candidates for field tickets will be sites with a documented history of violations. If Ecology inspectors find the problems are not yet fixed, site owners could get a field ticket.

Ecology will monitor the success of the new approach. It will look at how quickly operators of permitted sites correct the violations. And, it will look at the overall number of violations Ecology continues to find. The Water Quality Program will phase in his new approach beginning in December 2008, and expects to fully implement the new tool by the winter of 2009-2010.

WHY IT MATTERS

Field ticketing streamlines water quality inspection enforcement. Ecology's aim is to reduce large numbers of common violations that permit inspectors see regularly.

Ticketing helps Ecology enforce regulations already on the books.



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Special accommodations:

If you need this publication in an alternate format, call the Water Quality Program at 360-407-6401. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Frequently Asked Questions

Q: What kinds of small violations may be subject to field tickets?

A: Small violations include:

- Untreated wastewater discharges.
- Spills of oil or other chemicals.
- Not having required pollution prevention plans on site.
- Allowing muddy runoff to discharge from construction sites.
- Not taking steps to prevent stormwater contamination.

Q: Will facilities have time to make fixes before they get a ticket?

A: Except for flagrant violations, Ecology inspectors will write tickets only after they have issued a written warning or noted the problem in a previous inspection report. This gives site operators time to make the fix.

Q: How much time might it take between the warning and the field ticket?

A: About two weeks.

Q: What happens if I get a field ticket?

A: A field ticket requires you to pay a fine and report back to Ecology that you have fixed the problem. The field ticket becomes part of the state's permanent record on the business or industry, and Ecology records the action in its enforcement database. If you have received a field ticket, you may apply to Ecology for relief from the penalty, and appeal the field ticket to the state Pollution Control Hearings Board.

Q: Why is Ecology taking this new approach?

A: Small, fixable problems that threaten water quality keep showing up in Ecology inspection reports year after year. Industries and businesses do not fix these problems because Ecology has not pushed them to do so. Although the violations may appear small, together they combine to represent a serious threat to Washington's water quality and to Puget Sound. Field ticketing gives Ecology a new tool to help industries and businesses make quicker corrections that benefit our downstream water quality.

Q: Why can't Ecology make industries fix these problems?

A: Ecology's Water Quality Program has a limited number of enforcement staff to respond to violations. Ecology's conventional enforcement process takes time and is resource intensive. Violations continue because permitted businesses and industries see little consequence for all but the most egregious violations.

Q: How does enforcement work at Ecology?

A: First and foremost, Ecology seeks voluntary compliance with the state's water quality regulations. When this is not achieved, Ecology pursues enforcement. Ecology carefully matches the significance of the violation to the type of enforcement actions we take. In most cases, Ecology uses cooperation-based solutions to solve environmental problems.

Ecology's Water Quality Program inspectors enforce water quality regulations at permitted facilities using an escalating menu of tools. A first step is often a written warning that clearly states what they must do and by when. If that doesn't work we will take an enforcement action by issuing a notice, order and/or penalty.

Ecology can issue a fine of up to \$10,000 per day, per violation, if necessary. Recipients of fines may appeal Ecology's enforcement actions.

Q: Will this new procedure save the state resources?

A: Prior to this tool, Ecology needed multiple inspections before it could issue a penalty for a permit violation. The field tickets allow Ecology to move quicker and help motivate industries fix environmental threats before they worsen.

Q: Where will the money collected go?

A: Money collected by Ecology from non-oil spill water quality violations goes into a water quality sub-account of the Coastal Protection Fund. Ecology awards this money to local governments through a competitive grant program for water quality enhancement or restoration projects. Local and tribal governments and state agencies are eligible for this funding. Ecology's regional offices request project proposals from eligible applicants one or more times each year to maintain a list of ready-to-fund projects since account balances fluctuate annually. To apply for this funding, contact your nearest Ecology office and ask for the watershed planning lead.

Q: How many facilities are subject to water quality inspection field tickets?

A: Nearly 4,400 facilities fall into the three permit categories where water quality field ticketing is beginning. This amounts to about two thirds of all Ecology water quality permits.

Q: What are permits?

A: Under the federal Clean Water Act, Washington and other states use “permits” as the primary tool to prevent water pollution. Industries, businesses, construction sites, and municipalities (for sewer and stormwater) must have permits to discharge wastewater or stormwater into our state waters. The permits set conditions to prevent their discharged water from harming our lakes, rivers, streams, and marine waters.

Permits set limits on discharges, management actions, or both. Most entities under permit must monitor and report the pollution levels in their water discharges. The discharges must fall within limits set by the permit. If discharges do not, the permitted entity is subject to Ecology enforcement. Along with the permits, Ecology inspects permitted facilities and entities, follows up on permit violations, and provides technical assistance or enforcement if necessary.

Q: Where can I get more information about enforcement at Ecology?

A: Online, go to: <http://www.ecy.wa.gov/enforce.html>. Or, if you have questions specifically about field ticketing, contact your nearest Ecology representative listed below.

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