

Hazardous Waste Expedited Enforcement Offers

The Oregon Department of Environmental Quality now issues expedited enforcement offers in its Hazardous Waste Program. EEOs are an alternative to traditional formal enforcement actions. They can settle less serious hazardous waste violations and used oil violations that don't result in significant adverse impact on human health or the environment.

EEOs are part of DEQ's efforts to use more efficient and appropriate tools in its environmental law compliance and enforcement work. An EEO is a written offer by DEQ to settle an alleged violation or violations of environmental law for a reduced penalty. Oregon Administrative Rule 340-012-0170 authorizes and provides the framework for this alternative process.

DEQ's expedited enforcement effort is similar to programs used by the U.S. Environmental Protection Agency and other states. In addition to hazardous waste and used oil, DEQ uses expedited enforcement offers in its on-site (septic) and open burning programs, and applies a similar tool (field citations) in its tanks program. DEQ plans to expand use of EEOs to other programs.

Violations not eligible for EEOs

DEQ does not offer EEOs to settle certain hazardous waste or used oil violations, including those that:

- had a significant adverse impact on human health or the environment
- are Class I (most-severe level) violations repeated within the previous three years
- resulted in significant economic benefit to the violator as a result of not complying with the law
- were committed by permitted hazardous waste treatment, storage and disposal facilities
- were committed by what DEQ terms "significant non-compliers" – entities that have a significant record of past violations, among other things. (In determining significant non-compliers, DEQ also considers such factors as the violation's impact, whether the parties flagrantly or willfully violated a rule, whether they took responsibility for

their action, how far they deviated from the law.)

The EEO process

Upon discovery of violations that qualify for an expedited enforcement offer, DEQ will issue the EEO to the responsible party, which then has 30 days to accept or reject the offer. Acceptance of the offer includes payment of the penalty and agreement to correct all alleged violations within a specified timeframe determined by DEQ.

An accepted EEO becomes a final order, meaning that:

- the alleged violations are considered prior significant actions against the responsible party
- failing to correct the violations as agreed may result in further enforcement, including higher civil penalties
- the responsible party waives its right to appeal

If the responsible party declines an EEO, DEQ will enforce through traditional means by issuing a formal enforcement action with a higher civil penalty and the right to appeal.

Where to find more information

See the DEQ hazardous waste program specialist in your area:

Northwest Region office: 2020 SW Fourth Ave., Suite 400, Portland, OR 97201, 503-229-5263

Bend office: 475 Bellevue, Suite 110, Bend, OR 97701, 541-388-6146

Pendleton office: 800 SE Emigrant, Suite 330, Pendleton OR 97801, 541-276-4063

Salem office: 750 Front St. NE, Suite 120, Salem, OR 97310, 503-378-8240, ext. 253

Eugene office: 165 E. 7th Ave., Suite 100, Eugene OR 97401, 541-686-7838

Alternative formats

Alternative formats of this document can be made available. For more information, call 503-229-5696, Portland, or phone toll-free in Oregon



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Environmental
Quality

Hazardous Waste Program

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at 1-800-452-4011, ext. 5696. Hearing-impaired persons may call 711.