

MODEL LANGUAGE

CONSENT ORDER

POLLUTION PREVENTION PARAGRAPHS

[Instructions for using this model (delete these from the final document): if a pollution prevention (P2) project is to be part of the requirements of a consent order, please use the following model language along with the P2 Project Plan template Exhibit, which is available in the Enforcement Manual.]

(#). In lieu of making cash payment of \$# in civil penalties as set forth in Paragraph #, Respondent may elect to off-set the amount of \$# by implementing a Pollution Prevention (P2) Project, which must be approved by the Department. P2 is a process improvement that reduces the amount of pollution that enters the environment; by conserving resource (including water, raw materials, chemicals, and energy) use, or by minimizing waste generation (including domestic and industrial wastewater, solid and hazardous waste, and air emissions). A P2 Project must reduce pollution or waste within the process beyond what is required by federal, state, or local law, in order to be eligible for civil penalty offset under this Order. If Respondent chooses to implement a P2 Project, Respondent shall notify the Department of its election by certified mail within 15 days of the effective date of this Order. Within 30 days of the effective date of this Order, Respondent must pay a total of \$#; \$# for the remaining civil penalties, and \$# for costs and expenses incurred by the Department, during the investigation of this matter, and the preparation and tracking of this Order.

(#). If Respondent elects to implement a P2 Project as provided in Paragraph #, Respondent shall submit a completed P2 Project Plan (Plan) within # days of the effective date of this Order.

The Plan must be completed using Exhibit #, "P2 Project Plan" template.

(#). In the event the Department requires additional information to process the Plan described in Paragraph #, Respondent shall provide a modified Plan containing the information requested by the Department within # days of the date of the request.

(#). If any balance remains after the entire P2 credit is applied to the allowable portion of the civil penalty, Respondent shall pay the difference within 30 days of written notification by the Department to Respondent that the balance is due.