



## **Pollution Prevention Projects in Enforcement Process (P2 Credits, DEP Administrative Directive 923, Penalty Settlement Guidelines, Section 10)**

A Pollution Prevention Project in Enforcement (P2 PiE) is a project that meets the definition of *pollution prevention* (P2), and that a responsible party voluntarily agrees to perform as part of the settlement of an enforcement action. The civil penalty may be offset in whole or in part, if the company or individual chooses to implement a Department approved P2 PiE.

Approved P2 Projects (Projects) must improve, protect or reduce risks to the environment, or public health; through material or chemical source reduction; solid or hazardous waste, wastewater generation, or air emission minimization. P2 includes water and energy conservation. Environmental and economic benefits must be quantifiable on an annual basis.

The Department does not manage or control the monies for the Projects. The Respondent can use their own internal staff, or hire qualified consultants to identify P2 opportunities and prepare the required documentation. Model templates are provided for use. The Department only provides sufficient oversight to ensure that a project is implemented pursuant to the provisions of the settlement agreement, and has legal recourse if the P2 PiE is not adequately performed. ***Model language and documents exist in the OGC Enforcement Manual.***

### **Step 1: Project Eligibility**

- a. Cases with penalties  $\geq$  \$3,000 only, and
- b. SLERP – marinas only, no single-family lots  
Potable Water – Community, and commercial/industrial NTNC systems  $\geq$  100,000 GPD only  
Wastewater – All IW facilities and no DW package plants with capacity <100,000 GPD  
Tanks – No convenience stores/gas stations/road spills  
Other programs and thresholds, as warranted by the District

### **Step 2: Project Development**

- a. P2 Project Summary (*opportunities identified and Projects known*) – describes the facility operations or processes identified for P2 and specifies project details, estimates environmental and economic benefits, itemizes costs and expenses, and provides for a Final Report (Step 4) to be submitted confirming the same. *The completed Summary is attached as an Exhibit to SFCO, using the model SFCO.*
- b. P2 Project Plan (*opportunities and Projects unknown*) – provides facility background information and project descriptions, environmental and economic benefit estimates, costs and expenses itemization, schedule for implementation and a Progress/Final Report (Step 4). *The Plan is completed as a requirement of a LFCO.*
- c. LFCO-Model P2Paragraphs - to be inserted into the LFCO, using the model LFCO.

### **Step 3: Project Implementation**

The Respondent begins implementing the Summary or Plan, once approved. Project cost and expense documentation are required for submittal once implemented. The Respondent may be

required to submit quarterly reports to demonstrate that the project is moving forward as proposed.

**Step 4: P2 Progress/Final Reports**

P2 Project Final Report – (projects are completed) - The Respondent submits Reports that verify or correct information provided originally in the Summary or Plan. The P2 Project Final Report is required for all Projects. Progress Reports may be required for the LFCO process, and may be provide using the P2 Project Final Report template. The P2 Project requirements of the case are met when the P2 Project Final Report is approved.