

1. Purpose

Compliance and enforcement activities are part of the continuum of achieving and maintaining a healthy environment in the State of Missouri. The department will make every effort to assure that parties regulated by Missouri's environmental laws understand their responsibilities and receive appropriate compliance assistance where needed. In instances where noncompliance persists or presents a significant threat, the department will take prompt, consistent and effective action.

There are several purposes served by the department's compliance and enforcement role. The primary purpose is to achieve regulatory compliance with environmental laws. At a minimum, this protects public health and the environment. It also supports economic development opportunities and a favorable quality of life in Missouri. Since the department's capacity is limited, compliance and enforcement work also carries out the important function of acting as a visible deterrent to prevent noncompliance. Finally, compliance and enforcement actions help ensure a level playing field for those dealing with pollutants and contaminants – no one should make a profit at the expense of the health and resources of Missouri citizens.

This manual describes the processes used in compliance and enforcement work. The department will use these general processes as standard responses to noncompliance. The enforcement response should be timely and predictable, as well as achieve compliance. Each departmental entity conducting compliance and enforcement work is expected to follow the general framework of this manual. This is a general guide; actions taken in any particular matter may be selected based on the specific situation being addressed.

This manual complements the department's Operations Manual. The Operations Manual describes many facets of field activities, including inspections and investigations. The Compliance Manual describes procedures department staff will use when noncompliance is observed. Enforcement action may be initiated either by field or program staff, but is usually completed by the environmental protection programs. Field staff, however, still perform several tasks related to addressing noncompliance throughout the enforcement process. Together, all of this work constitutes the department's role in achieving and maintaining regulatory compliance. Whether a field or program staff member documents a violation, the department's response to noncompliance should not vary significantly.

In addition, each compliance and enforcement response should be appropriate to the violation – its severity, impact, frequency or other characteristic. By using a common response protocol that provides transparent and predictable reactions to violations, the department will further its effectiveness in achieving its mission and maximizing the productivity of its staff. In all of these actions, staff will continue to provide compliance assistance to the extent it may help the party in violation achieve and maintain compliance. While the department may insist on certain remedies to address noncompliance, such as the payment of a penalty, continuing compliance assistance does not conflict with the overall resolution of a violation.