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## Jeff Littlejohn: Compliance can protect environment

The Florida Department of Environmental Protection is charged with protecting Florida's natural resources, including our air, water and land. To do this effectively, the agency is divided into three primary areas — regulatory programs, land and recreation, and water policy and ecosystem restoration.

As deputy secretary for regulatory programs, I work with DEP's divisions of air, water, and waste and six regulatory districts statewide to promote environmental stewardship and assure compliance with Florida's environmental laws. These laws ensure projects and sites are developed, built and operated in ways that protect Florida's air, water and other natural resources, along with public health.

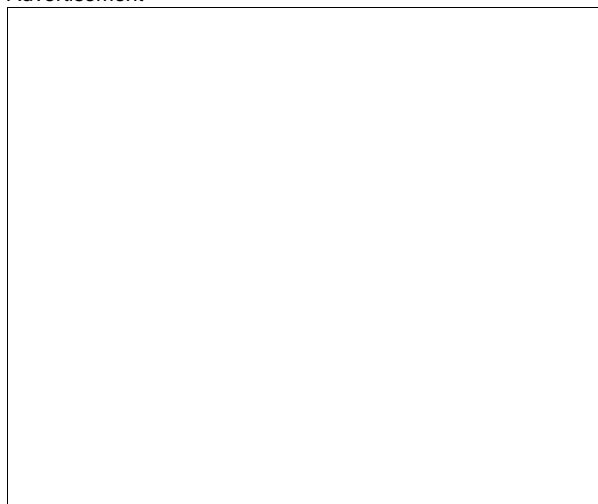
DEP's longstanding policy has been to promote compliance with the law, first and foremost, to prevent environmental harm from occurring. If we see an [opportunity](#) to prevent a violation or change a [behavior](#) before environmental harm occurs, we have an obligation to do so as quickly and practically as possible. We use a variety of preventive tools, including stronger permits, effective monitoring and environmental assessment and expanded compliance assistance and education.

Compliance rates across the department's regulatory programs are generally 90 percent or higher, and we continually evaluate them by conducting thousands of on-site inspections and reviewing hundreds of thousands of air and water quality data results every year.

Statewide, we've seen the rate for significant noncompliance in [hazardous waste](#) facilities drop from almost 10 percent in 2009 to about 2 percent so far this year. This improvement has been accomplished even as total penalty amounts in that program have decreased significantly. That doesn't mean that penalties are unimportant, but it certainly proves that good compliance can be achieved with a strong presence in the field, active compliance assistance and carefully targeted penalties that deliver a strong message.

Preventing noncompliance is the best way to enforce Florida's environmental laws. It makes more sense and saves money in the long run to prevent bad acts than to wait

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for them to happen and have to clean up the mess. And, as compliance goes up, overall penalty collections may, in fact, go down. DEP is not in the business of collecting money, but helping Floridians preserve and protect our resources.

This does not mean DEP isn't prepared to take strong enforcement actions. However, as responsible public servants, we also take into account how serious the violation was, whether it was a first-time or repeat offense, whether it was due to ignorance or negligence, and whether damage to the environment, if any, can be remediated quickly. While we did assess fewer total penalties last year, the average penalty amount was the third-highest in the last six years.

Enforcement is about more than simply assessing fines. Penalties have to be targeted, and we need to take other strong actions that change the behavior of the violator and deliver the message to others that environmental violations will not be tolerated. One way we're doing this is by directing our inspectors to facilities that have historically had compliance problems or that present a higher risk to the environment. We know this may lower our reported compliance rates in the short term, but it's important to focus our actions where they are most valuable to the environment and public health.

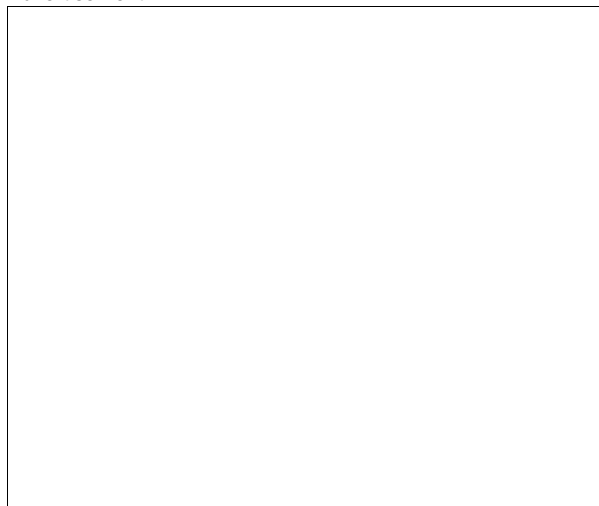
Across all districts and divisions, DEP is committed to following and enforcing Florida's laws. We're also committed to doing the right thing for our natural

resources and the taxpayers — prevent environmental harm as cost-effectively as possible through education, awareness and assistance and enforce strongly and swiftly against those unwilling to act responsibly.

## ABOUT THE AUTHOR

Jeff Littlejohn is deputy secretary for regulatory programs in the Florida Department of Environmental Protection.

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