

# Harrowing Tales of Non-Compliance



## The Criminal Charges Haunting

A resource by **ENCAMP**

*It was a dark and stormy night...*

Ok, it really wasn't. But imagine it's nightfall, and you're sitting around a campfire telling stories about... EHS compliance and Tier II & EPCRA nightmares. Or worse, missed deadlines and non-compliance.

When these stories are true, they can scare the #\*^+ out of you.

Fines for Tier II non-compliance can be menacing. Criminal charges, however, tell an organization they should be terrified. When a company is found guilty of criminal acts for non-compliance, enforcement officials can make them surrender assets and other financial resources. That's the law, and the punitive and legal costs of a criminal charge can be crushing.

In a non-compliance case, if a business's leaders or employees are charged with criminal behavior, they should personally be afraid. Very afraid. Jail time and paying legal fees is scary.

### A horror story

CAA & RCRA violations: Do the math. A company's environmental manager was found guilty of 11 counts of violating the CAA and three counts of violating the RCRA. The offenses resulted from the company's facility releasing coke oven gas containing benzene via an unreported pressure relief valve. Related violations stemmed from a lack of baffles in the facility's coke-quenching tower, which Title V of the CAA requires. Still another RCRA no-no was mixing coal tar sludge, a listed hazardous waste, on the ground without a required permit to treat, store and dispose of it.

Meanwhile, the environmental manager instructed an employee to conceal the issues during an EPA inspection. Add one count of obstruction of justice. Along with more than \$200 million in fines, the charges carried a maximum combined penalty of up to 75 years in prison.

## Face your fears

Take these compliance audit precautions to keep your business out of court.

Know every state and federal regulation that applies to your business.

- EPCRA, FIFRA, RCRA, CERCLA/Superfund, TSCA, CWA/SDWA, CAA, WPS, etc., etc.
- Identify non-compliance threats before they blindside you — stay aware of updates and changes to each regulation...

Research regulations that might have changed.

- Regulations aren't always concrete. They can change over time, and often do. What if an updated regulation renders your enforcement policies out of date? Hello, criminal charges and civil suits.
- Two words: continuous research.

List all the policies that enforce regulations and ensure compliance.

- Keep a running inventory of every policy in your organization. It can help ensure all points are covered and no regulation is overlooked.
- To business leaders, you should especially be aware of the policies your business has in place. If you aren't, it's impossible to ensure compliance with any regulation.

## No more nightmares

At all times, [Encamp's end-to-end platform](#) lets you know exactly where you are in your compliance process. In one calendar, you know every state and federal compliance due date. Then you assign tasks to users, set reminders, and track reporting progress. Call it your Stay Out of Jail Free card.

