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| State of Alaska<br>Department of Environmental Conservation   |                              | POLICY AND PROCEDURE<br>NUMBER<br><br><b>05-04-01</b>                   | PAGE<br><br><b>1 of 3</b> |
|  <b>Policy and Procedure</b> |                              | EFFECTIVE DATE<br><br><b>June 15, 2006</b>                              |                           |
| SUBJECT<br><b>Water Division Staff Credentials for Inspector / Enforcement Officer</b>                        |                              | SUPERCEDES<br><b>All previous policy</b>                                |                           |
| SECTION<br><b>Division of Water</b>   | CHAPTER<br><b>Compliance</b> | APPROVED BY<br><i>Lynn J. Tomich Kent</i><br><b>Lynn Kent, Director</b> |                           |

## PURPOSE

Water Division staff that have completed prescribed training in the ADEC Enforcement Manual are eligible to obtain an ADEC Inspector or Enforcement Officer credential. This policy identifies Division staff who should complete the training, the minimum requirements necessary to obtain Inspector or Enforcement Officer credential, and the Division's procedures for implementing this policy.

## POLICY

### 1) Water Division Staff required to obtain the department-approved enforcement training

All staff whose Position Description identifies inspections, complaint response, and/or other enforcement as work duties are required to take the appropriate enforcement training. All new staff with enforcement responsibilities are required to take the enforcement training at the earliest opportunity. See the list of positions below.

### 2) Eligibility for Inspector Credential or renewal

To be eligible for an ADEC Inspector credential, a staff person must meet the following minimum requirements:

- a) Occupy a position classified as an Environmental Program Technician (EPT), Environmental Program Specialist (EPS), Environmental Engineer Assistant (EE Asst.), Environmental Engineer Associate (EE Assoc.), Environmental Engineer, Technical Engineer, or Environmental Program Manager (EPM).
- b) Work in a position with identified inspection, complaint response, and enforcement work duties.
- c) Successfully complete the ADEC Basic Enforcement Training (3-day course).
- d) Obtain Section Manager approval.
- e) To renew the Inspector credential, successfully complete the ADEC refresher/ in-service training requirements in accordance with *ADEC Enforcement Manual*, October 2005 (pg 12-4) in addition to meeting the above minimum requirements.

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A manager may require more frequent refresher/in-service training for staff than specified in the *ADEC Enforcement Manual*, October 2005 (pg 12-4).

After obtaining Section Manager, Program Manager, and Division Director's approval, all requests for waivers of the required enforcement training must be submitted in writing, with the justification, to the Director of the Division of Information and Administrative Service (DIAS) as outlined in the *ADEC Enforcement Manual*, page 12-4. With an approved waiver, a new staff person can obtain a one-year Inspector credential, without the required ADEC Basic Enforcement Training. To renew the Inspector credential, the staff person must successfully complete the ADEC Basic Enforcement Training (3-day course).

### **3) Eligibility for Enforcement Officer credential or renewal**

To be eligible to obtain an ADEC Enforcement Officer credential, a staff person must meet the following minimum requirements:

- a) Occupy a position classified as an EPS III, EPS IV, EE Assoc. I, EE Assoc. II, EE I, EE II, Technical Engineer, or EPM I, II, or III.
- b) Work in a position with identified inspection, complaint response, and enforcement work duties.
- c) Successfully complete the ADEC Basic Enforcement Training (3-day course).
- d) Have a minimum of two years experience conducting compliance field inspections for a Division at ADEC or other regulatory agency.
- d) Obtain Section Manager, Program Manager and Director approval.
- e) To renew the Enforcement Officer credential, successfully complete the ADEC refresher/in-service training requirements in accordance with *ADEC Enforcement Manual*, October 2005 (pg 12-4) in addition to meeting the minimum requirements.

To maintain an Enforcement Officer credential, a staff person's manager may require more frequent training than the minimum training specified in the *ADEC Enforcement Manual*, October 2005 (pg 12-4).

At their discretion, a supervisor may recommend a change in a staff person's credential status at any time. The supervisor's recommendation to upgrade credentials from inspector to Enforcement Officer is reviewed and approved/denied by the Program Manager, and the Division Director makes the final recommendation to the Commissioner on a change in credential status. The supervisor may determine that credentialed staff no longer need the credentials at which time the credential is to be returned to the Director of DIAS.

### **AUTHORITY**

The Division Director assumes the responsibility for determining which staff will receive enforcement training and which staff are credentialed as an Inspector or an Enforcement Officer. (*ADEC Enforcement Manual*, October 2005, (pg 12-2)

Enforcement Officers and Inspectors are required to comply with the most current *Water Division Delegation of Authority* when preparing administrative remedies. Approval from the Section Manager must be obtained before any official action is taken. (*ADEC Enforcement Manual*, October 2005 (pg 12-2).

### **IMPLEMENTATION RESPONSIBILITY**

Division Director, Water Quality Program Managers and Section Managers, and staff.

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Staff that are credentialed as Inspectors or Enforcement Officers are responsible for timely action to:

- take refresher/in-service training to maintain their credential;
- submit required credential appointment paperwork to their Section Manager;
- conduct site inspections and perform duties commensurate with their type of credential; (Note: Inspectors should consult with their supervisor to determine whether they should be accompanied by an Enforcement Officer when inspecting a facility/site where enforcement action is anticipated) ; and
- discuss and submit enforcement recommendations (Inspector) or draft enforcement paperwork (Enforcement Officer) to their Section Manager for review and approval.

The Section Managers are responsible for timely action to:

- supervise and review their staff inspection and enforcement work and reports;
- review and approve recommended formal administrative remedies prior to initiation. Notify Program Manager prior to distribution to affected parties.
- maintain Position Descriptions that accurately reflect staff inspection and enforcement work duties;
- identify work performance issues, needed performance improvements, or additional training;
- identify the need for a change in credential status either for cause or because of a staff person's change in job class;
- verify that staff meet the minimum requirements for the credential appointment sought; and
- provide to the Program Manager a complete Inspector Appointment Recommendation form or Enforcement Officer Appointment Recommendation form necessary for their staff.

The Program Managers are responsible for timely action to:

- maintain division-wide Inspector and Enforcement credentials that are current;
- coordinate with their Section Managers and the Environmental Crimes Unit Chief Investigator to identify staff needing training and credential renewals;
- provide to the Division Director a complete Inspector Appointment Recommendation form or Enforcement Officer Appointment Recommendation form necessary for their staff; and
- ensure that a credential is returned to the Environmental Crimes Unit Chief Investigator when a staff member departs or no longer performs a duty requiring credentials.

The Division Director is responsible for timely action to:

- review and approve/deny an Inspector Appointment Recommendation form or Enforcement Officer Appointment Recommendation submitted by a Program Manager; and
- submit to the Environmental Crimes Unit Chief Investigator an approved Inspector Appointment Recommendation form or Enforcement Officer Appointment Recommendation form.