

STANDARD OPERATING PROCEDURES FOR COMPLIANCE & REPORTING FOR MULTI-AGENCY INSPECTION

STEP 1 – COMPLIANCE CHECK

- Create list of permitted projects for review and weekly monitoring
- Identify permits that are near expiration date. Draft letter to Permittee to submit request or notify DCRM if project is complete.
- Identify projects for weekly monitoring especially construction projects. Schedule at least twice a month inspection for the same project.
- Review file and permit conditions especially special conditions.
- Prepare Project Inspection Checklist and equipment for site inspection. Bring your own CITATION BOOKLET.
- If necessary, schedule with Permittee for site inspection. Notify other regulatory agencies for site inspection (at least once a month).

STEP 2 – CONDUCT SITE INSPECTION

- Assess the project site and its current condition. Refer to inspection checklist
- Note all of your assessment on the checklist
- Take photos of project site's current condition especially violations or non-compliance of permit conditions
- Interview Project Manager regarding the conditions of the project site. Ask questions! Note down status and project updates per Project Manager.
- Inform Project Manager your intent to continue monitoring project for compliance. Do not give exact date but potential dates for site inspection.
- **Issue citation ticket for each violation and gather evidences**
- Notify Project Manager or violator of corrective actions required and deadline to comply.

STEP 3 – SCHEDULE MONITORING FOR CORRECTIVE ACTION

- Enter 7-Day deadline in the Enforcement Calendar with "Notification" warning
- If necessary, schedule monitoring with other regulatory agencies. Send "Invite" to applicable "point of contact" from each agency.
- If project is mitigated with corrective action(s), indicate in 2nd inspection report as: "*As of "Date of Inspection", name of project has complied with all necessary corrective action(s)*"

identified under Citation No. ___ and is now in compliance with its permit conditions stipulated under Coastal Permit No. _____.”

- If project is not in compliance, take note of status and condition of the violation with photos and statement from the Project Manager.

FOR NON-COMPLIANCE OF WARNING OF VIOLATION(S) REQUIRING CORRECTIVE ACTION(S)

- Complete report and update Chief Enforcement on the status of the project’s non-compliance.
- Complete “Notice of Enforcement & Fines” with all evidences and statements collected from the 1st site inspection to the date of violation including non-compliance of citation warning for corrective action(s). Forward “draft” to Chief for review and final draft.
- Final draft is sent to the legal counsel for review and approval to proceed with “Enforcement Action with Fines” and 45-day notice to request for enforcement hearing. Request must include “Statement of Argument” objecting specific violations stipulated in the NOE.
- Signed NOE is hand-delivered and mailed to Permittee. Hand-delivered must stamp copy as received, initialed and name of person receiving document, and date of receipt. Mailed NOE must be sent by certified mail ONLY.

STEP 4 - Preparation for Enforcement Hearing

- If Permittee responds without “Statement of Arguments”, DCRM replies indicating that hearing request is insufficient and cannot schedule an enforcement hearing. If response include “Statement of Arguments”, DCRM schedules a hearing date.
- DCRM identifies potential candidates for Hearing Presiding Officer (PO). Once candidate is selected and both parties agree, DCRM drafts the following document:
 - ✓ Sends letter of request to selected candidate
 - ✓ If candidate accepts, DCRM’s legal counsel drafts Delegation of Presiding Officer (signed by Director of DCRM) and Memorandum of Understanding between DCRM and selected candidate – signed by both parties. This service normally requests for pro-bono (no charge) service. Otherwise, if appointed PO requests for payment, DCRM must go through procurement requirement and process.
 - DCRM prepares for Enforcement Hearing. PO stipulates procedures and materials with DCRM Enforcement, legal counsel, and Director.
 - ✓ Collects all evidences, materials, and statements from Project Managers, witnesses, officer(s) in charge, and all other materials requested by DCRM’s legal counsel, PO, and Defendant’s Legal Representative.

STEP 5 – Case Closed/Permittee is in compliance

- Final service and/or payment is completed.
- If project is ongoing, process is repeated from STEP 1 until project is completed.
- If project is completed, Permittee shall submit a letter of completion to DCRM. Monitoring is scheduled every six months thereafter.
- Every Site Inspection shall follow each step of the process even if the project is abandoned, closed, or in-active. DCRM's permits and its conditions are perpetual (forever and ever!).

Terms to know for MIAT purposes only:

- Site Inspection – *Site assessment of a permitted project or activity*
- Site Investigation – *Site assessment of an unpermitted project or activity*
- Non-compliance – *a permitted action or inaction against a permit condition*
- Violation – *an action or activity/project that is unpermitted by DCRM*
- Notice of Enforcement – *Action taken against continued violation or non-compliance. Action to pay fines and opportunity to request for an enforcement hearing within 45 days for permitted projects (non-compliance) and 30-days for unpermitted activities (violations).*
- Formal Enforcement Hearing – *An administrative hearing requiring legal representation of both parties, witnesses, evidences, statements, and all other procedural requirements that is typically required for a court hearing and ruling. Formal Enforcement Hearings are recorded. Presiding Officer is required.*
- Informal Enforcement Hearing – *a non-procedural hearing between both parties (DCRM & Permittee) without any legal representations, procedural requirements typically required for a court hearing/ruling. Similar to an out-of-court settlement. No Presiding Officer is required.*

Enforcement Action Work Flow Chart for Permitted Activities

