

DEM5 Office of Compliance and Inspection (OC&I)

DEM5.1 Complaint Investigation Case Files – No Action

Files document handling of complaints received from other Department of Environmental Management (DEM) programs, other state agencies, and from members of the public relating to possible violations of environmental law. Files contain documentation of cases where DEM deems action unwarranted. (For files where action is warranted, see DEM5.2). Contents of complaint files depend on case. Unfounded/No Action files contain DEM complaint forms and inspection reports, including photos and videotape, with findings that complaint is unfounded. Founded/No Action files contain complaint forms, investigation reports and documentation supporting findings and reports in which a violation is identified, but action deemed unnecessary at the time due to minimal environmental impact. (Documentation may be used in the future to take action against repeat offenders.)

Retention: Retain five (5) years after case is closed.

DEM5.2 Complaint Investigation Enforcement Action Case Files – Founded

Files document handling of complaints received from other DEM programs, other state agencies, and from members of the public where DEM's investigation confirm violations of environmental laws or regulations and result in departmental action. Files contain documentation described in DEM5.1 and, depending on course of the case, can also include records documenting increasingly formal enforcement processes and measures. Records may include, but are not limited to, telephone discussion forms, informal correspondence, meeting notes, warning letters, letters of deficiency, cease and desist orders, documentary proof of remediation submitted by violators, remediation verification inspection reports, letters of non-compliance, immediate compliance orders, notices of intent to enforce, notices of violation, penalty payment documentation, consent agreements, notes, memos, court proceedings documentation, and case-related information from other programs.

Note: For records relating to cases involving administrative adjudication or mediation, see DEM3 Office of Administrative Adjudication Records Retention Schedule.

a) Resolved informal cases

Retention: Retain five (5) years after case closed.

b) Resolved formal cases

Retention: Retain seven (7) years after case closed or until of no further legal value, whichever is later.

DEM5.3 Complaint Forms – Database

Yellow copy of the three-part complaint form. Form is used for data entry. The initial written record of a complaint from the public is placed with the complaint file (See DEM5.1 and DEM 5.2). OC& I's complaint forms may consist of the following information: complainant (person calling in the complaint), the alleged location of complaint (owner/site address), contractor name (if applicable), nature of the complaint and directions to the alleged site.

a) Yellow data entry copy

Retention: Retain one (1) year.

b) Digital data

Retention: Retain ten (10) years.

DEM5.4 Inspection, Compliance, and Enforcement Tracking System (ICE)

ICE is an automated system designed to help DEM manage its regulatory enforcement business process and workflows. Its main functions are to monitor, track, and store histories of the handling of enforcement cases from the receipt of complaints through to resolution. System also tracks targeted compliance inspections and captures results from assignment to resolution. This system is comprised of a tracking application and a database. The system allows linking of multiple related complaints and targets to a single enforcement case and enables DEM to collect and store case-by-case process information in the automated case history. In addition to standard template information, screens allow personnel to enter notes and comments on each case. This includes storage of inspection results and accumulation and storage of compliance history data, including information about formal and informal enforcement actions. System can be queried to generate regular reports and custom reports and statistics on enforcement efforts and performance.

System's user interface is a web-based browser linked to a dynamic database with query capability. System enables DEM units across the agency to share information about cases. Level of access and authority is role-dependent.

a) ICE case tracking system data

Retention: Retain until of no further administrative value.

b) Official DEM records of individual case action

Retention: See DEM5.1 and DEM 5.2.

c) Application/system documentation

Retention: Retain for life of application.

Note: System reports: See General Records Schedule (GRS1 and GRS5) for retention of agency program reports.

DEM5.5 Dams Case Files

OC&I inspects public and private dams in the state to monitor safety conditions, and to advise dam owners of unsafe conditions. DEM makes scheduled inspections of dams, conditions, and reviews and approves plans for dam construction or significant alteration. Dams fall into one of three classes: high hazard (probability of significant loss of life), significant hazard (probability of significant property damage), and low hazard (no probable human or economic loss). Dams maintenance files include dam inspection reports, and may also include surveys, photos, plans, and correction recommendations correspondence or orders to take corrective action. Partial breach dams currently impounding water are operable and included in these files.

a) High hazard dam case files

Retention: Permanent.

Note: Retain twenty-five (25) years following complete dam breach, when dams failed to impound any water, removal of dam and/or where dam no longer exists. Then transfer to RI State Archives.

b) Significant hazard dam case files

Retention: Permanent.

Note: Retain twenty-five (25) years following complete dam breach, when dams failed to impound any water, removal of dam and/or where dam no longer exists. Then transfer to RI State Archives.

c) Low hazard dam case files

Retention: Retain ten (10) years following complete dam breach, when dams failed to impound any water, removal of dam and/or where dam no longer exists.

Note: In accordance with General Records Schedule series GRS1.6 Special Plans, Publications, Studies and Reports, at least one copy of all dam management related documentation in the form of reports and studies requires permanent retention.

DEM5.6 Dams Inventory Database

Database contains inventory of state's dams dating from the 1950s. Information includes dam name(s), owner, location, condition, classification, dimensions, I.D. number, and storage and discharge capacity.

Retention: Permanent.

DEM5.7 Hazardous Waste Generator Files

Files document activities related to monitoring hazardous waste generators by site location to ensure compliance with federal and state laws and regulations. Files include federal Environmental Protection Agency ID application documentation, inspection reports, site investigation reports, photos, contingency plans, training certificates, required company biennial reports and corresponding documents, completed Authorized Manifest Signers forms, and copies of waste generator documentation. Inspections that result in finding of non-compliance may also generate documentation related to informal enforcement actions. Investigations can also result in complaints and pursuit of formal compliance and enforcement measures (see DEM 5.2 and DEM 5.3).

Retention: Retain seven (7) years after business/company closes or notifies DEM that it is no longer generating hazardous waste.

Note: For documentation related to spills or releases of hazardous waste and/or emergency incidents, see DEM6 Office of Emergency Response Records Retention Schedule.

DEM5.8 Hazardous Waste Generators Temporary EPA Identification Forms

OC&I maintains state specific data in its Hazardous Waste Temporary EPA Identification Number database. Includes documentation of temporary identification numbers provided to new hazardous waste generators or for one time clean up of spills or releases of hazardous waste. The temporary number is used only until a permanent federal Environmental Protection Agency (EPA) Identification Number is issued. Information also includes profile of business, type(s) of waste, volume for transport, and waste transportation details.

a) Identification number paper document

Retention: Retain until document is entered into OC&I's Temporary ID database.

b) Electronic data

Retention: Retain ten (10) years after business closes or ceases to exist.

DEM5.9 Certificates of Records Destruction

Certification of Records Destruction forms (PRA 003) signed by the authorized agency official and submitted to, and signed by the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable records retention schedules. (RIGL §38-1-10, §38-3-6(j), and §42-8.1-10.)

Retention: Permanent.