

# IPDES Guidance Development Meeting #6



April 26, 2016



# IPDES Enforcement Response Guide

- **Present and discuss ERG**
- **30-day comment period ends May 19**

# User's Guide to Permitting and Compliance

## Volume 1 – General Information

- **Navigate IPDES permitting and compliance**
- **Information applicable to all users**
  1. **Introduction**
  2. **CWA, NPDES, and IPDES Program**
  3. **Permit Descriptions By Type and Sector**
  4. **Individual Permit Application Process**
  5. **Individual Permit Development Process**
  6. **General Permit Development Process**
  7. **Permit Modification, Revocation, Reissuance, Termination and Transfer**
  8. **Variations, Waivers, and Intake Credits**

**Appendix A – 2016 NPDES Permits in Idaho**

**Appendix B – IPDES Permit Rating Work Sheet**

# **-Revisions-**

## **Sections 1 – 6, Appendices A & B**

- **Grammar, punctuation, and readability**
- **Committee discussion**
  - **Changes based on committee and AIC comments**

# **-New- Sections 7 & 8**

- **Present and discuss:**
  - **Section 7**
    - **Permit Modification, Revocation, Reissuance, Termination, and Transfer**
  - **Section 8**
    - **Variances, Waivers, and Intake Credits**
- **Comment period ends May 3**

# **-Outline-**

## **Sections 10 & 11**

- **2-group format to discuss:**
  - **Section 10**
    - **Enforcement**
  - **Section 11**
    - **Appeals Process**

# Meeting Dates

- **May 23**
  - Section 10 – Enforcement
  - Section 11 – Appeals Process
- ~~June 22~~  **June 21**
  - Section 9 – Compliance and Inspection
  - Glossary, Appendices, etc.
- **July 19**
  - Draft User's Guide – Volume 1
  - 2-week comment period
- **August 23**
  - Final User's Guide – Volume 1
  - Next Steps

# Summary

- **Comments by COB, May 3**
  - **New – Sections 7 & 8**
  - **Revisions – Sections 1 – 6, Appendix A & B**
  - **Outline – Sections 10 & 11**
  
- **Comments by COB, May 19**
  - **IPDES Enforcement Response Guide**

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# Enforcement Response Guide

## Purpose of Guide:

- Recommend timely and appropriate enforcement responses
- Ensure uniform application of enforcement responses

# Enforcement Response Guide

## Informal Responses

- **Compliance Assistance**
- **Notice of noncompliance**
- **Notice of deficiency**
- **Notice of intent to enforce**

# Enforcement Response Guide

## Formal Responses

- **Administrative**
  - Notice of Violation
  - Compliance Agreement Schedule
  - Compliance schedule order
  - Consent order
- **Civil Remedies**
  - Civil suit
  - Temporary restraining order/ preliminary injunction

# Enforcement Response Guide

## Escalation of an Enforcement Response

- **DEQ's response and timing depend on:**
  - Magnitude
  - Frequency
  - Duration
- **Response may be informal or formal, and require immediate action**

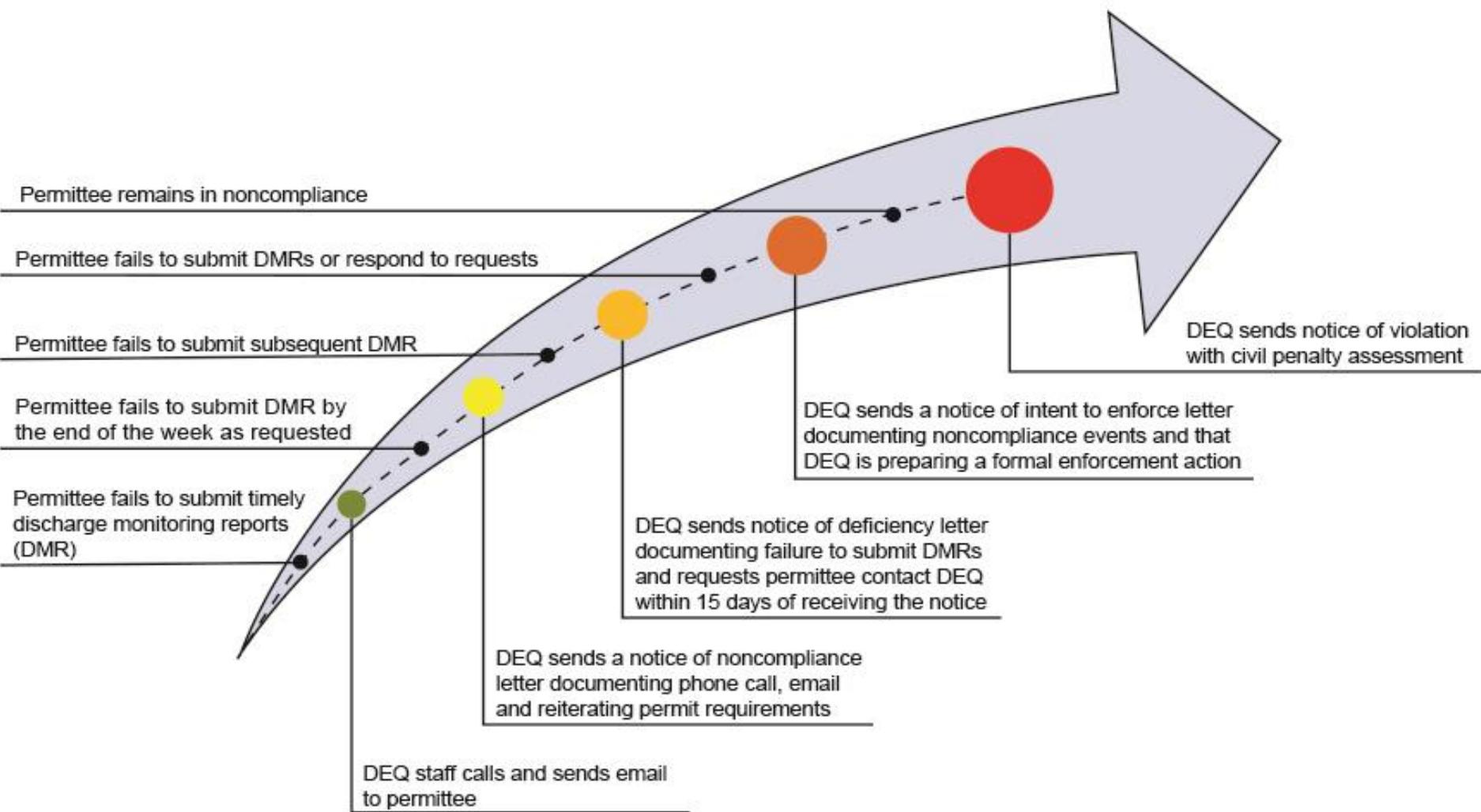


Figure1. Example of an Escalating Enforcement Response

# Enforcement Response Guide

## Immediate Formal Response

- **DEQ may initiate formal enforcement (Appendix A):**
  - **Failure to sample, monitor, or report**
  - **Reporting false information**



# Enforcement Response Guide

## **Technical Assistance:**

**The provision of advice, assistance, or training pertaining to the installation, operation, and maintenance of equipment**

**...as a conjunctive tool to enforcement**

# Enforcement Response Guide

## Examples of Technical Assistance

- **Site visits to teach skills**
- **Help solving problems related to the operation and maintenance of a treatment works**

# Enforcement Response Guide

## 30-Day Comment Period

Comments by COB, May 19, 2016

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Questions?