



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JAN 20 2009

REPLY TO THE ATTENTION OF: R-19J

Thomas W. Easterly, P.E., DEE, QEP  
Commissioner  
Indiana Department of Environmental Management  
100 N. Senate Avenue  
Mail Code 50-01  
Indianapolis, IN 46204-2251

Dear Mr. Easterly:

It has come to our attention that the Indiana Department of Environmental Management (IDEM) has made or is planning to make several changes to its enforcement program. These changes include eliminating the Office of Enforcement, revising the Compliance and Enforcement Response Policy (CERP), and eliminating funding for local air authorities. The United States Environmental Protection Agency Region 5 would like to discuss the nature, extent and status of these changes with IDEM so that we can evaluate their impact on the State's federally authorized, delegated and/or approved environmental programs.

Some of the topics we would like to discuss include:

- State program submittals and revisions.
- The details and status of IDEM's elimination of the Office of Enforcement and redistribution of enforcement resources.
- The October 31, 2008 pending Compliance and Enforcement Response Policy (CERP) (Policy No. 08-006-NPD), including:
  - Its current status and the opportunity to comment;
  - Whether criminal investigations are addressed under a different policy or set of practices, as appears to be the case based on sections 2.0 and 6.7;
  - Whether the three violation "classes" cover all civil violations that may occur in federally authorized, delegated and/or approved environmental programs;
  - Whether we should consider other IDEM policies or standard operating procedures with the CERP when reviewing it in relation to EPA enforcement policies;
  - The scope of the violations covered by section 6.2.1.1.D., and the "specific exceptions" referred to in that section; and
  - Indiana Code 13-30-7-1, referenced at section 6.2.1.3 of the CERP, and the extent of IDEM's discretion to seek higher penalties for violations that fall within that section.

OPTIONAL FORM 99 (7-98)

**FAX TRANSMITTAL**

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To: **G. H. Cassen**

From: **Dr. W. J. P. Carter**

Dept/Agency: **Y054 - T115**

Phone: **US EPA**

Fax #: **219-648-3249**

5010-101

GENERAL SERVICES ADMINISTRATION

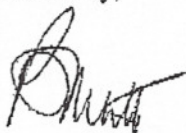
NSV 754C-01-517-7328

- January*
- IDEM's assumption of local air agency responsibilities, as discussed in Assistant Commissioner Murray's ~~June~~ *January* 13, 2009 notice to EPA, and any resulting modifications to air programs (e.g. changes in staffing, activities, organization, functions, authorities for activities previously performed by local agencies, resources, funding needs, and the distribution of federal funds).

We would be pleased to meet with you at a convenient time in Indianapolis to discuss these and any other changes the state is planning with respect to its federally authorized, delegated and approved environmental programs.

I look forward to hearing from you. Please do not hesitate to call me at (312) 886-3000 if you have any questions or concerns.

Sincerely,



Bharat Mathur  
Acting Regional Administrator