

From: [BACHMAN Jeff](#)
To: [ROOT Jenny](#)
Subject: FW: Division 12 Rulemaking - TMDL Implementation Plan HSPIG Manager Recommendation
Date: Tuesday, January 07, 2014 12:30:23 PM

Jeff Bachman
Office of Compliance and Enforcement
Oregon Dept. of Environmental Quality
(503) 229-5950

From: HICKMAN Jane
Sent: Tuesday, September 18, 2012 12:30 PM
To: BACHMAN Jeff
Subject: FW: Division 12 Rulemaking - TMDL Implementation Plan HSPIG Manager Recommendation

Jeff, Violating an order to adopt and implement a TMDL is a Class II violation, despite the umbrella violation of violating a Department order that would normally make that a Class I violation. I proposed to the managers that we make failure to adopt or implement a TMDL a Class I violation, but the managers rejected this proposal. Could you please put this in with your Division 12 rulemaking records just in case we need it someday? Thanks. Jane

From: FOSTER Eugene P
Sent: Friday, September 14, 2012 2:55 PM
To: NOMURA Ranei; HICKMAN Jane
Cc: NIGG Eric; LOBOY Zach; MRAZIK Steve; BORISENKO Aaron; FOSTER Eugene P
Subject: Division 12 Rulemaking - TMDL Implementation Plan HSPIG Manager Recommendation

Hi Ranei and Jane

It is the consensus of the HSPIG Managers that TMDL implementation plan violations should remain a Class 2 violation.

Some of the reasons for this are:

1. We want to encourage collaboration and cooperation from NPS's including DMAs;
2. A Class 2 violation allows us more flexibility in working with DMAs;
3. We will still have the option of sending them a PEN and referring them to OCE for civil penalty if they fail to comply with a WL that we would have to have sent previously

And the next time we revise Division 12, we can consider this again. That's likely to be a number of years and we may be ready to beef up enforcement if appropriate.

Let us know if you have any questions or want to discuss.

thanks
Gene