

EPA Region 10 CWA Section 404 Enforcement Training

January 11, 2012

9 AM PST to 4:15 PM PST

VTC: EPA Idaho Operations Office (OO), EPA Oregon OO, EPA Alaska OO and EPA Seattle Office (15 NPQS)

DRAFT AGENDA

9:00-9:15 AM Welcome (purpose and goals?), Logistics and Agenda Review

9:15-10:00 AM The roles of the Corps and EPA regarding CWA Section 404 Enforcement

- Overview of the MOA and regional FLA
- Overview of the Corps Enforcement Program
- Programmatic goals of R10 EPA enforcement program

10:00-11:30 AM Overview of EPA's CWA Section 404 Enforcement "Tools"

- What is a CWA Section 404 violation? (elements of liability)
- How do we consider a case? (Statute of Limitations, litigation risk factors, etc)
- How do we collect evidentiary material related to a case? (site inspections, entry, CWA Section 308 letters)
- What are our regulatory tools for restoration?
- What are our regulatory tools for penalties?
- When do we involve DOJ and what does that require?

11:30 AM – 12:30 PM LUNCH

12:30 -1:30 PM Overview of the Corps' CWA Section 404 Enforcement "Tools"

- How does the Corps evaluate unauthorized discharges?
- What are the enforcement tools to address unauthorized discharges?
- How does the Corps secure warrants for site access?
- Relationship with DOJ? When does the Corps go to DOJ?

1:30-2:30 PM Overview of EPA's Criminal Enforcement Program

- Goals of the criminal program;
- What the criminal program considers in a case;
- Parallel proceedings between the criminal and civil program

2:30-3:45 Group Exercise- Case Studies

- Break out in to teams (depends on attendance- if low, can do it by each office, if high, then by a specific no. of people) and lay out different scenarios of violations. Let the groups discuss the best enforcement tool/lead to resolve the work, and how they would proceed to make that happen.

3:45-4:15 PM Wrap Up