



DEQ Policy Statement PS23-04

Leaking Underground Storage Tank (LUST) Program Penalty

Purpose

This document sets forth the Idaho Department of Environmental Quality's (DEQ's) policy for assessing administrative penalties under the "Water Quality Standards" (IDAPA 58.01.02.851-852), "Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites," (IDAPA 58.01.24), and "Rules Regulating Underground Storage Tank Systems" (IDAPA 58.01.07). The policy ensures that civil penalties are assessed in a fair and consistent manner; economic incentives for noncompliance are eliminated; persons are deterred from committing violations; and compliance is achieved.

Statement of Policy

This policy provides internal guidelines to aid DEQ compliance/enforcement personnel in assessing appropriate penalties. It also provides a mechanism whereby compliance/enforcement personnel may, within specified boundaries, exercise discretion in negotiating administrative civil penalties and otherwise modify the proposed penalty when special circumstances warrant it.

Responsibility

DEQ's underground and leaking underground storage tank program manager is responsible for maintaining this policy.

Implementation

This policy is effective immediately and will remain in effect for 5 years unless amended, replaced, or rescinded prior to expiration.

Dated this ____ day of _____, 2023

Jess Byrne
Director, Idaho Department of Environmental Quality