

## Enforcement Action Basics

The Wyoming Department of Environmental Quality (DEQ) uses the following tools to achieve compliance:

**Conference and Conciliation Discussions** – These are informal discussions between the staff or management level of DEQ and operators who have an existing or eminent compliance issue. These discussions can be face to face, by telephone, or via email. They are very common and occur daily throughout the department. No attempt is made to quantify these discussions.

**Letters of Violation** – Letters of Violation (LOVs) are sent via certified mail to operators who have been found to have relatively minor compliance problems. Typical examples are; failure to report sampling data on time, failure to post a required sign, minimal excursions of permit limits, etc.. The letters are usually signed by DEQ staff level personnel. These letters require the operator to address the compliance issue of concern within a specified time frame and provide DEQ with written documentation that the problem has been addressed.

**Notices of Violation and Orders** – Notices of Violation (NOVs) with Orders are formal enforcement actions that are signed by the department director and division administrator. NOVs clearly explain what provisions of the Environmental Quality Act (EQA), DEQ Rules and Regulations, or DEQ issued permit the operator is alleged to be violating. The Orders (which are attached to the NOVs) require compliance within a specified amount of time, but can be appealed to the Wyoming Environmental Quality Council (EQC). Typically NOVs and Orders are used in those situations where LOVs have not resolved a problem or where there is a first time violation that goes beyond the minor type of violation usually handled in a LOV. Penalties cannot be collected through the NOV and Order process.

**Notices of Violation** – NOVs (without orders) are used when the DEQ believes that the violation is serious enough to warrant payment of a penalty. These documents are signed by the department director and division administrator and identify which provisions of statutes, rules, or permit are alleged to be in violation. The cover letters on NOVs contain an offer to enter into negotiations on a settlement. Typically these actions are settled through payment of a penalty and agreement by the operator to come into compliance within a specified schedule. If settlement cannot be reached, the state files a complaint in state district court and the case is settled through the judicial process.