

US EPA ARCHIVE DOCUMENT

Indiana Environmental Stewardship Program

Confidential Site Visit

The Indiana Environmental Stewardship Program (ESP) requires a site visit to be performed at each applicant's facility during the application review period. The site visit is NOT an inspection. The site visit affords the ESP Project Manager to become familiar with the applicant's daily activities and processes, discuss the facility's environmental management system, and identify potential pollution prevention opportunities. The ESP Project Manager and any accompanying staff conduct the site visit according to the IDEM Compliance and Technical Assistance Program's Confidentiality Mandate.

The Compliance and Technical Assistance Program (CTAP) is Indiana's small business assistance program, statutorily authorized to operate under Indiana Code (IC) 13-28-1, 13-28-3, and 13-28-5-4. CTAP is a non-regulatory program that provides free, confidential compliance and technical assistance to regulated entities. CTAP was established to help Indiana businesses achieve compliance with environmental regulations.

CTAP Confidentiality Mandate

The Confidentiality Mandate for CTAP is outlined under IC 13-28-3-4 (IC 13-10-2-4 before recodification in 1996). Inquiries made to CTAP staff and activities and documents of the program that identify or describe an individual facility or operation are confidential, unless a clear and immediate danger to the public health or environment exists. Information concerning inquiries, activities, and documents of the program that identify or describe an individual facility or operation may not be made available for use by other divisions of the department without the consent of the person who:

1. made the inquiry;
2. participated in the activity; or
3. provided the document.

CTAP cannot by law, divulge your business-specific information to IDEM Enforcement unless something you are doing presents a clear and immediate danger to the public health or the environment. "Clear and immediate danger" is generally considered to be an acute danger, causing irreparable damage to public health or the environment. CTAP has responded to over 41,500 requests for phone and on-site assistance since its inception in 1995 and has never had to override confidentiality because a clear and immediate danger was present.

Additionally, the CTAP Quality Assurance Guarantee means that IDEM stands behind CTAP's compliance assistance. The guarantee assures customers that IDEM will not issue a Notice of Violation assessing a gravity-based penalty against a regulated entity that has sought out, received, and relied upon CTAP's written compliance assistance prior to the alleged violation.

For more information about ESP's confidential site visit, please contact the ESP Project Manager at 800.988.7901 or esp@idem.in.gov.

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