

INTRODUCING THE OFFICE OF ENFORCEMENT

**Reed Sato
Director**

**Presentation to the
State Water Resources Control Board**

September 22, 2006

GOALS OF THE OFFICE OF ENFORCEMENT

- **SUPPORT THE WATER BOARDS MISSION WITH TOUGH AND CONSISTENT ENFORCEMENT**
- **MAINTAIN A PROFESSIONAL APPROACH TO ENFORCEMENT**
- **SPECIALIZED LEGAL AND INVESTIGATION ASSISTANCE TO REGIONAL BOARDS**
- **PRIMARY INTERFACE WITH CAL/EPA**
- **PRIMARY INTERFACE WITH USEPA ON STATE BOARD ISSUES, SECONDARY INTERFACE WITH USEPA ON REGIONAL BOARD ISSUES**

GOALS OF THE OFFICE OF ENFORCEMENT

(continued)

- **PRIMARY INVESTIGATION AND COORDINATION POINT FOR STATE BOARD-INITIATED ENFORCEMENT MATTERS**
- **ENFORCEMENT CONSULTANT TO STATE AND REGIONAL BOARD STAFF**
- **ENFORCEMENT OF LAWS SPECIFICALLY ASSIGNED TO THE OFFICE: TANK TESTER LICENSING AND OPERATOR CERTIFICATION**
- **ENFORCEMENT OF WATER RIGHTS VIOLATIONS**

UNITS WITHIN THE OFFICE OF ENFORCEMENT

- **UNDERGROUND STORAGE TANK ENFORCEMENT UNIT**
- **SPECIAL INVESTIGATIONS UNIT**
- **LEGAL SERVICES UNIT**

UNDERGROUND STORAGE TANK ENFORCEMENT UNIT

- **INVESTIGATIONS AT THE REQUEST OF LOCAL AGENCIES**
- **INVESTIGATION OF FACILITIES WITH MULTI-JURISDICTIONAL IMPACTS**
- **TECHNICAL ASSISTANCE TO PROSECUTING AGENCIES (CITY ATTORNEYS, DISTRICT ATTORNEYS, ATTORNEY GENERAL) ON UST MANAGEMENT ISSUES**
- **ENFORCEMENT OF TANK TESTER LICENSING PROGRAM**
- **INVESTIGATION OF UST CLEANUP FUND FRAUD OR BILLING IRREGULARITIES**

SPECIAL INVESTIGATIONS UNIT

- **INVESTIGATION ASSISTANCE TO REGIONAL BOARDS**
- **INDEPENDENT INVESTIGATIONS OF STATE BOARD ISSUES**
- **OPERATOR CERTIFICATION INVESTIGATION AND ENFORCEMENT**
- **DATA MANAGEMENT, TRACKING AND ANALYSIS OF ENFORCEMENT MATTERS BY STATE AND REGIONAL BOARDS, INCLUDING ENFORCEMENT PRIORITIZATION DATA BASE**
- **DEVELOPMENT OF PERFORMANCE MEASURES FOR ENFORCEMENT AND QUANTIFIABLE TARGETS (IN CONJUNCTION WITH ORPP)**

LEGAL SERVICES UNIT

- **PROSECUTION OF ADMINISTRATIVE ACTIONS**
 - **REGIONAL BOARD ADMINISTRATIVE ACTIONS AS REQUESTED**
 - **STATE BOARD ADMINISTRATIVE ACTIONS FOR OFFICE OF ENFORCEMENT PROGRAMS**
 - **COMPLEX ENFORCEMENT PROCEEDINGS**
- **ASSISTANCE IN THE PREPARATION OF ENFORCEMENT REFERRALS AND/OR INVESTIGATIONS TO LOCAL, STATE AND FEDERAL PROSECUTORS AND LEGAL POINT OF CONTACT FOR REFERRED AND INVESTIGATED MATTERS**

PREPARATION WORK UNDERTAKEN SO FAR

- **FILLED ATTORNEY AND ASSISTANT POSITIONS**
- **CONDUCTING REGULAR MEETINGS WITH STAFF AT THE STATE BOARD AND REGIONAL BOARDS**
- **MEETINGS WITH INDIVIDUAL EXECUTIVE OFFICERS AND REGIONAL STAFF TO DISCUSS AND ASSESS REGION-SPECIFIC GOALS AND NEEDS**
- **PARTICIPATING IN REGIONAL ENFORCEMENT PRIORITIZATION DISCUSSIONS**
- **DEVELOPING ENFORCEMENT PROTOCOLS**

SIGNIFICANT ENFORCEMENT ACTIVITIES UNDERWAY

- **LEGAL REPRESENTATION OF REGION 3 STAFF IN CONTESTED CDOs FOR BASIN PLAN VIOLATIONS**
- **SPECIAL INVESTIGATION ASSISTANCE TO REGIONAL BOARDS REGARDING MAJOR VIOLATIONS AT WASTE WATER TREATMENT FACILITIES**
- **COORDINATING MAJOR MULTI-JURISDICTIONAL UST INVESTIGATION WITH AG AND VARIOUS DAs**
- **REFERRAL OF OPERATOR INVESTIGATIONS FOR POSSIBLE CRIMINAL ACTION BY DISTRICT ATTORNEYS**

HOW DO WE INTEND TO ACCOMPLISH OUR GOALS?

- **PROMOTE THE FULL UTILIZATION OF ALL OF THE ENFORCEMENT AND INVESTIGATION TOOLS AVAILABLE**
- **ADVOCATE FOR THE ENHANCED USE OF THE CIVIL AND CRIMINAL ENFORCEMENT CAPABILITIES PROVIDED BY LOCAL PROSECUTORS AND THE ATTORNEY GENERAL'S OFFICE**
- **BE AGGRESSIVE ADVOCATES FOR CIVIL PENALTIES AND OTHER APPROPRIATE REMEDIES TO ADDRESS THE VIOLATIONS AT ISSUE IN ADMINISTRATIVE ACTIONS BEFORE THE STATE AND REGIONAL BOARDS**

HOW DO WE INTEND TO ACCOMPLISH OUR GOALS? (continued)

- **PROMOTE THE COORDINATION OF INVESTIGATIONS BETWEEN THE STATE BOARD AND THE REGIONAL BOARDS TO MAXIMIZE RESOURCES ON SIGNIFICANT ENFORCEMENT MATTERS**
- **DEVELOP POLICIES AND PROCEDURES TO MAXIMIZE THE IMPACTS OF OUR LIMITED ENFORCEMENT RESOURCES**
- **ANALYZE AND EVALUATE ENFORCEMENT DATA**
- **DEVELOP TEMPLATES AND MODELS FOR ADMINISTRATIVE ENFORCEMENT PROCEEDINGS INCLUDING:**
 - **INVESTIGATIVE DISCOVERY**
 - **DISCOVERY IN ADMINISTRATIVE PROCEEDINGS**
 - **BOILERPLATE SETTLEMENT/RESOLUTION LANGUAGE**

CWC 13385 ENFORCEMENT REPORT

DATA PRESENTED FOR NPDES DISCHARGES:

- **VIOLATIONS**
- **ENFORCEMENT ACTIONS**
- **VIOLATIONS RESULTING IN ENFORCEMENT**
- **MANDATORY MINIMUM PENALTY ISSUANCE**

CWC 13385 ENFORCEMENT REPORT

RECOMMENDED ACTIONS:

- **CONTINUE PERMIT STANDARDIZATION EFFORTS**
- **STANDARDIZE ISSUANCE OF MMP ACLS**
- **RELIANCE ON ESMR FOR DETERMINING COMPLIANCE AND RECORDING VIOLATIONS**

CWC 13385 ENFORCEMENT REPORT

RECOMMENDED ACTIONS (continued):

- **CONTINUED WORK ON PUBLIC REPORTS**
 - **DISINCENTIVE TO VIOLATORS**
 - **INCREASE PUBLIC AWARENESS**
 - **BUILD ENFORCEMENT PARTNERSHIPS**
- **MAKE ALL DATA PRESENTED IN REPORT AVAILABLE TO THE PUBLIC VIA LIVE REPORT ON THE INTERNET**

LIVE PUBLIC REPORTS

- **LISTING OF REGULATED FACILITIES**
- **NUMBERS AND TYPES OF STATEWIDE VIOLATIONS**
- **NUMBERS AND TYPES OF ENFORCEMENT ACTIONS**
- **TRACKING OF WATER BOARD RESPONSES TO VIOLATIONS**
- **TRACKING OF MANDATORY PENALTY ISSUANCE**

SB 729 REQUIRED REPORTS

- **LISTING OF ALL ENFORCEMENT ACTIONS TAKEN AND THE DISPOSITION OF THOSE ACTIONS**
- **RATES OF COMPLIANCE BY REGULATED FACILITIES**
- **IMPOSITION OF ACLS AS INITIALLY PROPOSED AND AS FINALLY IMPOSED**

CONCLUSION

- **MEASUREMENTS OF SUCCESS**
- **WHAT THE OFFICE BRINGS TO THE WATER BOARDS**