

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE

RESOLUTION NO. R9-2018-0043

ENDORSEMENT OF REGIONAL ENFORCEMENT PRIORITIES

WHEREAS:

1. The San Diego Regional Water Quality Control Board (San Diego Water Board) adopted Resolution No. R9-2013-0153, A Resolution in Support of the San Diego Water Board Practical Vision¹ titled “*Healthy Waters, Healthy People*” (dated 13 November 2013).
2. The first Chapter of the Practical Vision² titled “Strategizing for Healthy Waters” is focused on ensuring that the staff, funding, authority, tools, and influence of the Board are put to the best possible use for the purpose of restoring the chemical, physical, and biological integrity of the waters in the San Diego Region. This is accomplished, in part, by aligning the Board’s work with its highest priorities.
3. The San Diego Water Board adopted Resolution No. R9-2017-0030³ (dated 15 March 2017) supporting the use of key beneficial uses and key areas as a concept to help identify the areas of highest priority. Key beneficial uses are the individual beneficial uses and categories that are most critical to protecting human health and the environment (i.e. drinking water supply, fish and shellfish consumption, recreation, and habitats and ecosystems). Key areas are the waters and places where protection and restoration of the chemical, physical, and biological integrity of waters is most important for a key beneficial use.
4. In consideration of Practical Vision Chapter 1, and the concept of prioritizing using key beneficial uses and key areas, the advisory and prosecution staff members (led by the Executive Officer and Assistant Executive Officer, respectively) jointly agreed that when selecting formal enforcement cases the prosecution staff should prioritize enforcement of violations that affect one or more key beneficial uses in one or more key areas. This was communicated to the Board and public in the April 2017 Executive Officer Report.⁴

¹ http://www.waterboards.ca.gov/sandiego/water_issues/Practical_Vision/

² https://www.waterboards.ca.gov/sandiego/water_issues/programs/practical_vision/docs/PV_1_Strategizing_for_Healthy_Waters_Dec2013.pdf

³ https://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/2017/R9-2017-0030.pdf

⁴ https://www.waterboards.ca.gov/sandiego/publications_forms/publications/docs/executive_officer_reports/2017/EOR_04-12-2017.pdf

5. Other factors considered when selecting cases for formal enforcement include statewide prioritization criteria listed in the State Water Resource Control Board (State Water Board) Enforcement Policy, such as compliance history, magnitude of the impacts (i.e. degree of harm), strength of the evidence, available staff resources, and considerations for environmental justice and the human right to water, among others.
6. The State Water Board adopted a revised Water Quality Enforcement Policy⁵ (4 April 2017) that became effective 5 October 2017. Section II.C recommends, in part, that “on an annual basis, enforcement staff for each Regional Water Board seek input at a regularly noticed public meeting of the Regional Water Board and consider identifying general enforcement priorities based on input from members of the public and Regional Water Board Members within thirty days thereafter.”
7. In January 2018 advisory and prosecution staff convened again to discuss the regional enforcement priorities for the upcoming year. Staff collectively recommend to continue to prioritize enforcement of violations that affect one or more key beneficial use categories (i.e. municipal water supply, fish and shellfish consumption, recreation, and ecosystem health) in a key area for the specific use.
8. In accordance with the process suggested in the 2017 Enforcement Policy, the San Diego Water Board noticed the opportunity to comment on the proposed regional enforcement priorities electronically through the “Penalty Assessment Notices” lyrics email group, posting on the Water Board’s webpage, and social media on February 7, 2018. Additionally, notice was provided in the agenda for the April 11, 2018 Board Meeting.

THEREFORE, BE IT RESOLVED THAT:

1. The San Diego Water Board endorses prioritizing formal enforcement for violations that affect one or more key beneficial uses in a key area for that use, and directs its prosecution staff to consider this as a primary driver when discussing and selecting enforcement cases.
2. The San Diego Water Board acknowledges that there are other factors to consider when selecting cases for formal enforcement, such as those specified in the 2017 Enforcement Policy, and directs its prosecution staff to consider these other factors as secondary drivers when discussing and selecting enforcement cases.
3. The San Diego Water Board further directs its prosecution staff to implement these regional enforcement priorities indefinitely, and to report back to the Board the outcome of implementing these regional enforcement priorities.

5

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf

4. The Executive Officer shall, on an annual basis, inform the Board at a public meeting whether the Executive Officer proposes any changes to existing enforcement priorities, in order for the Board to direct whether to bring proposed changes to the Board for endorsement or to provide such discretion to the Executive Officer.

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, San Diego Region, on April 11, 2018.

David W. Gibson
Executive Officer