

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2009-0083**

ADOPTION OF THE WATER QUALITY ENFORCEMENT POLICY

WHEREAS:

1. California Water Code (WC) section 13001 provides that it is the intent of the Legislature that the State Water Resources Control Board (State Water Board) and each Regional Water Quality Control Board (Regional Water Board) shall be the principal state agencies with primary responsibility for the coordination and control of water quality. The State and Regional Water Boards are required to conform to and implement the policies of the Porter-Cologne Water Quality Control Act (Division 7, commencing with WC section 13000) and to coordinate their respective agencies so as to achieve a unified and effective water quality control program in the state;
2. WC section 13140 provides that the State Water Board shall formulate and adopt State Policy for Water Quality Control;
3. WC section 13142(c) provides that State Policy for Water Quality Control shall consist of principles and guidelines deemed essential by the State Water Board for water quality control;
4. WC section 13240 provides that Water Quality Control Plans (Basin Plans) shall conform to any State Policy for Water Quality Control;
5. The State and Regional Water Boards have broad authority to take a variety of enforcement actions under the Porter-Cologne Water Quality Control Act;
6. The Water Quality Enforcement Policy requires that it be reviewed and revised, as appropriate, not later than every five years;
7. The State Water Resources Control Board (State Water Board) solicited comments from stakeholders at three public workshops and created an Executive Steering Committee (comprised of State Water Board upper management and two Regional Water Board Executive Officers) to evaluate comments and provide input for the proposed Policy revisions;
8. The State Water Board published a public notice of the proposed policy on July 15, 2009, and accepted written comments until September 21, 2009. After consideration of the comments received, the proposed policy was revised;
9. Adoption of this policy is categorically exempt from the California Environmental Quality Act under California Code of Regulations, title 14, section 15321.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Rescinds [Resolution 2002-0040](#) adopting the February 19, 2002, Water Quality Enforcement Policy;
2. Adopts the November 17, 2009, [Water Quality Enforcement Policy \(WQEP\)](#);
3. Directs the Office of Enforcement, after two years following approval of the WQEP by the Office of Administrative Law (OAL), to evaluate and report on the use of the penalty calculation methodology, and,
4. If, during the OAL approval process, OAL determines that minor, non-substantive modifications to the language of the Policy are needed for clarity or consistency, the Executive Director or designee is directed to make such changes and inform the State Water Board of any such changes.

#### CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 17, 2009.

AYE: Chairman Charles R. Hoppin  
Vice Chair Frances Spivy-Weber  
Board Member Tam M. Doduc  
Board Member Arthur G. Baggett, Jr.  
Board Member Walter G. Pettit

NAY: None

ABSENT: None

ABSTAIN: None



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Jeanine Townsend  
Clerk to the Board