



Alan C. Lloyd, Ph.D.
Agency Secretary

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

MEMORANDUM

TO: *Art*
Art Baggett, Chairman
State Water Resources Control Board

FROM: *Alan*
Alan C. Lloyd
Agency Secretary

DATE: March 23, 2005

SUBJECT: STATE WATER RESOURCES CONTROL BOARD (SWRCB)

During the past few weeks in my role as Secretary, I have come to understand the importance and complexity surrounding water quality and water rights issues as well as the need to improve how the programs and laws authorized by the Legislature are implemented. Clearly, protecting our state's water resources is one of this Administration's top priorities, as identified by Governor Schwarzenegger in his action plan for the environment.

I also fully recognize the authority and responsibility vested with the State Board and the Regional Water Quality Control Boards. Under the state's water quality laws and the Boards' action, significant progress has been made in cleaning up our state's waters. In order to continue the progress and take the actions necessary to meet the Governor's bold agenda, I am asking that SWRCB work with us at the Agency to address the following issues:

- Assure the appropriate integration of science in decision making including policies, regulations, basin plans, and permits. As you know, I have directed an agency wide effort to look at the use of science by all boards and departments that will be useful in assisting us on this matter.
- Develop an effective, consistent enforcement effort that is based on greatest risk to the environment, with a particular focus on activities that occur outside of the regulatory framework. I appreciate the challenges of dealing with nine regional boards, limited resources, and multiple priorities in dealing with enforcement issues. Nonetheless, I believe the following actions would be beneficial in regards to this matter:

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- o Measure compliance rates among all potential violators of water laws, filers and non-filers, and post information about violations and compliance rates on the Internet.
 - o Create clear division of duties between permitting and enforcement staff, including separating Board legal counsel from enforcement attorneys, and redirect more regulatory staff as enforcement activities are increased.
 - o Develop on a region-by-region basis, in coordination with other state (DPR, DTSC, DFG) regional and local enforcement agencies (APCD CUPA, LEA), and local prosecutors, a multi-media enforcement strategy to regularize and systematically assure that violations are promptly and consistently enforced and prosecuted. Develop dedicated enforcement units at each Regional Water Quality Control Board.
 - o Standardize permitting requirements and permit monitoring, and reporting terms to achieve efficiency, consistency, and enforceability.
 - o Standardize the imposition and collection of mandatory minimum penalties to maximize efficiency and minimize the resources needed to implement these requirements.
 - o Lead and develop a uniform program to identify and address chronic violators of the laws that govern all environmental media.
- Identification of appropriate non-regulatory and financial incentives to assist in achieving water quality objectives. This should include opportunities in the agricultural community.
 - Assure that the appropriate indicators are identified and appropriate data gathered and analyzed to determine our progress in protecting water quality.

Where appropriate to achieve water quality protection, numeric limits based on sound science should be incorporated into permits that define the allowable discharge of pollutants that the Boards determine are a high priority. I am encouraged by the initiative of the Board to seek guidance from nationally recognized scientists on this matter and look forward to interacting with you.

- Where Best Management Practices are considered the most appropriate method to achieve water quality protection, they should be based on sound science and adequate monitoring to insure effectiveness.

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- A review of the process used for awarding grants and a process developed to assure that funds are being deployed in the most effective and efficient manner possible. Currently, there is too much of a delay in getting funds to the appropriate entities.

I will be scheduling a meeting with your key staff, as well as my senior staff, in order to develop an action plan by June 1, 2005, to address these issues. By working together I hope we can show substantive improvement on these issues by the end of the calendar year. I look forward to working with you on these important matters and I am confident, that with your leadership and cooperation of the Board, we can show significant improvement in the performance of the Board.

cc: Mr. Arthur G. Baggett, Jr., Chair
State Water Resources Control Board

Mr. Peter S. Silva, Board Member
State Water Resources Control Board

Mr. Richard Katz, Board Member
State Water Resources Control Board

Ms. Tam Doduc, Board Member
State Water Resources Control Board

Mr. Jerry Secundy, Board Member
State Water Resources Control Board

Mr. William R. Massey, Chair
North Coast Regional Water Quality Control Board

Mr. John Muller, Chair
San Francisco Bay Regional Water Quality Control Board

Mr. Jeffrey Young, Chair
Central Coast Regional Water Quality Control Board

Ms. Susan Cloke, Chair
Los Angeles Regional Water Quality Control Board

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cc: Mr. Robert H. Schneider, Chair
Central Valley Regional Water Quality Control Board

Mr. Jack Clarke, Chair
Lahontan Regional Water Quality Control Board

Mr. Gary W. Johnson, Chair
Colorado River Basin Regional Water Quality Control Board

Ms. Carole H. Beswick, Chair
Santa Ana Regional Water Quality Control Board

Mr. John H. Minan, Chair
San Diego Regional Water Quality Control Board