

**Endorsement of
Regional Enforcement Priorities
Tentative Resolution No. R9-2018-0043**



Chiara Clemente

Item 11

April 11, 2018

The Big Picture

- **Why do we do enforcement?**
 - Minimize harm to the environment
 - Prevent similar occurrences
 - Eliminate benefits of non-compliance
 - Deter other dischargers
- **How do we do enforcement?**
 - Programs do compliance assessments
 - ACOG meetings to discuss priorities
 - COG Meetings to prioritize cases

...In accordance with the Practical Vision



Key Areas for the Key Beneficial Use of:

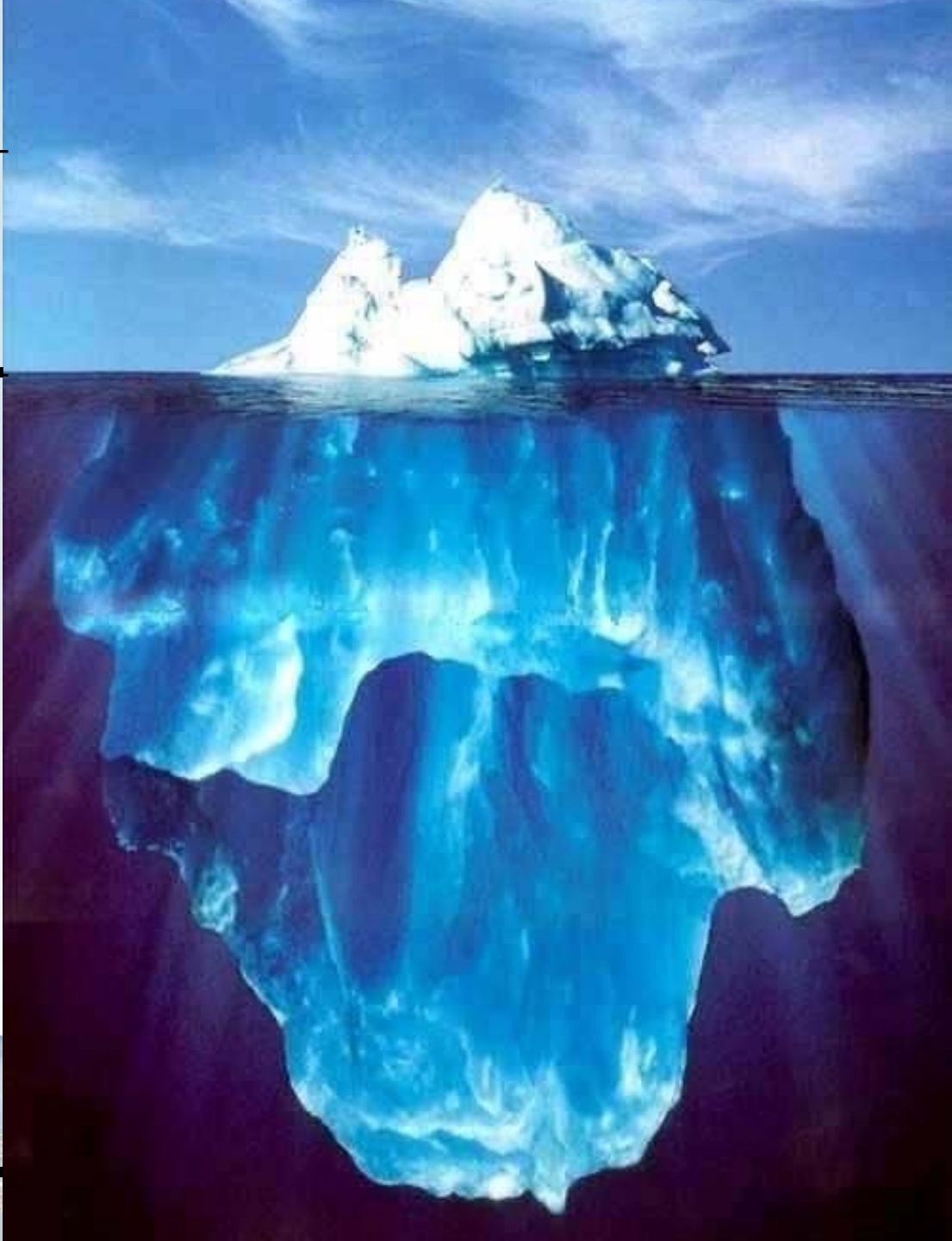
		DRINKING WATER	FISH & SHELLFISH CONSUMPTION	RECREATION	HABITATS & ECOSYSTEMS
Key Water Body Types for the Key Beneficial Use	First (highest) rank	Drinking Water Reservoirs	Ocean	Oceans & Bays	Oceans, Bays, Lagoons, Estuaries, Stream systems
	Second rank	Groundwater	Bays	Harbors	Stream mouths
	Third rank	XX	Harbors, Lagoons & estuaries	Lagoons & estuaries, Stream systems, Stream mouths	Ponds, Harbors

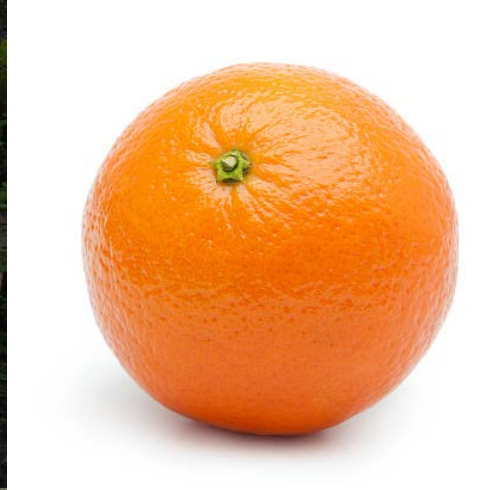
Total Volume ¹	Total Reaching Surface Waters ³	Total Reaching Separate Storm Drain and Recovered ⁴	Total Discharged to Land ⁵	Surface Water Body Affected
(Gallons)				
5	0	0	5	-
62	0	0	62	-
59,331	54,831	4,500	0	Kit Carson Creek
36	0	0	36	-
500	500	0	0	Pacific Ocean
300	0	0	300	-
208	0	0	208	-
300	0	0	300	-
160	0	0	160	-
250	250	0	0	n/a
4,050	0	0	4,050	-
20,000	3,000	0	17,000	Lusardi Creek
800	300	500	0	n/a
86,002	58,881	5,000	22,121	-
0	0	0	0	-



**COG
prioritization**

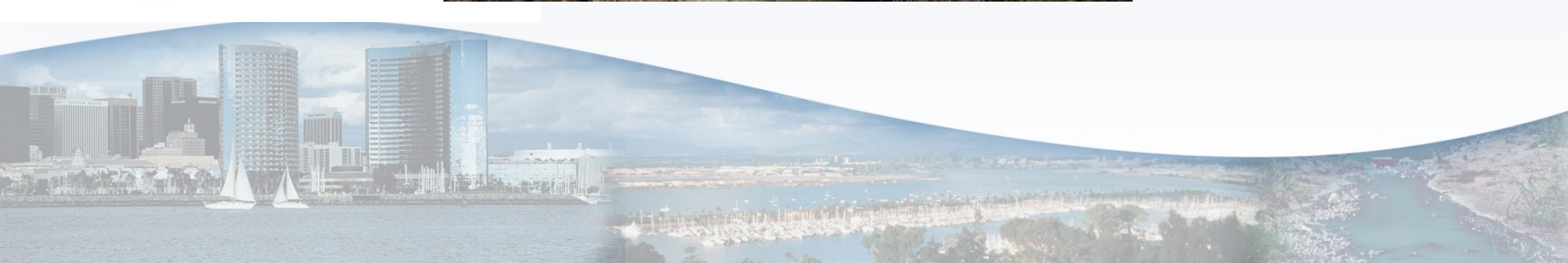
**Program
prioritization**





SECONDARY DRIVERS INCLUDE

- Compliance history
- Magnitude of impacts
- Strength of evidence
- Staff resources
- Environmental justice
- Human right to water



STATE WATER RESOURCES CONTROL BOARD

WATER QUALITY ENFORCEMENT POLICY

Adopted April 4, 2017
Effective October 5, 2017

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

“...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.”



THE CITY OF SAN DIEGO

REGULATIONS

Beaches, Cliffs, Walkways, Park Areas and Adjacent Parking Lots

- NO ALCOHOL
- NO GLASS CONTAINERS
- NO SMOKING
- NO LITTERING
- NO DISTURBING NOISE
- EMERGENCY CALL 9-1-1

- NO BEACH FIRES
- NO DOGS
- NO OVERNIGHT SLEEPING, CAMPING OR PARKING

San Diego Parks Department
Wildlife Emergency
Call 619-594-7000



The background is a light blue gradient with several realistic water droplets of various sizes scattered across it. The droplets have highlights and shadows, giving them a three-dimensional appearance. The title text is centered in the middle of the page.

STATE WATER BOARD ENFORCEMENT PRIORITIES

Dr. Matthew Buffleben

Supervising Engineer

Office of Enforcement

ENVIRONMENTAL JUSTICE AND DISADVANTAGED COMMUNITIES

Promote enforcement and compliance assistance in Disadvantaged Communities and communities with financial hardship

- CalEPA Environmental Justice Task Force
 - Two main components: interagency coordination and community partnerships
 - CalEPA agencies coordinating efforts with federal and local agencies
 - Fresno, Los Angeles (Boyle Heights and Pacoima), Oakland, Pomona, Imperial Valley
- Supplemental Environmental Projects Policy
 - Amendments approved in 2017

NITRATE CONTAMINATION

Focus on using all available regulatory tools, including enforcement tools, to compel responsible parties to provide replacement water to those whose drinking water supply is contaminated by nitrate.

- Salinas Valley Water Replacement Order
 - Replace drinking water supplies for all impacted households located within the Salinas Valley
- Eastern San Joaquin Valley Water Replacement Order
 - Working with three local agricultural coalitions
- SB 623: Safe and Affordable Drinking Water Fund
 - provide funding to address impacted drinking water supplies

STORMWATER ENFORCEMENT

Focus on a method for prioritizing and prosecuting enforcement cases for discharge violations of the industrial and construction general stormwater permits.

- Third-Party Citizen Suits
 - Clean Water Act allows citizens to enforce the Act
 - Ensure that citizen suits include measures to improve water quality
- Inspection Prioritization Tool
- Shift Enforcement Focus
 - Current focus on enrollment and reporting to Best Management Practices being used

US EPA PRIORITIES

Reducing the percent of facilities in Significant Noncompliance (SNC)

- Facilities with individual National Pollutant Discharge Elimination System (NPDES) permits
 - Historically, California has been better than the national average
 - However, the last few years, our percentage has increased
 - Focus on data and reporting issues first

OE Legal



David Boyers, Assistant Chief Counsel
Office of Enforcement

Background

2006 – OE Established

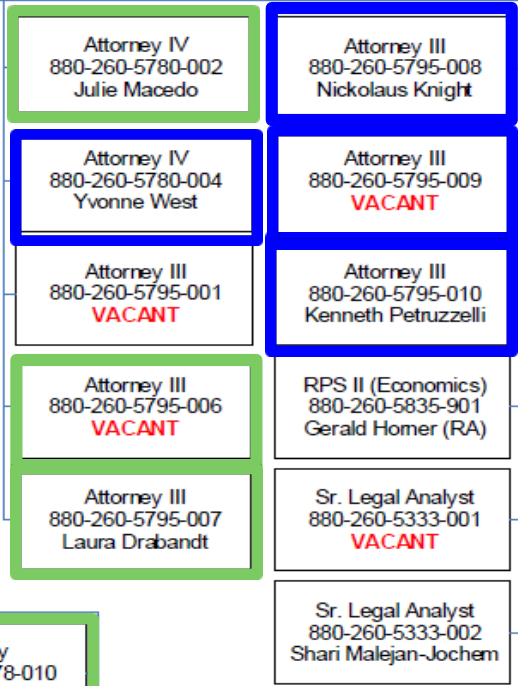
- **Goals:**
 - Professionalize Enforcement
 - Create clear structural division between Prosecution & Advisory attorneys:
“Separation of Functions”

Separation of Functions

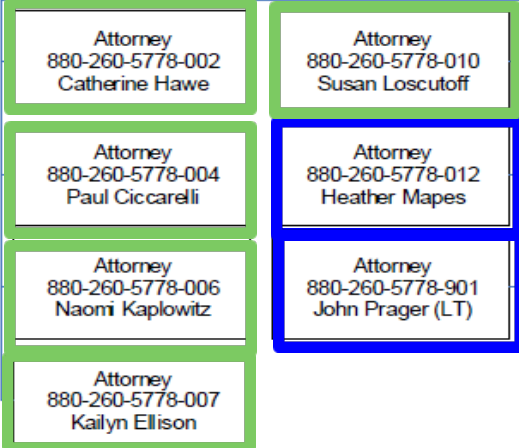
- Water Boards serve as decision-makers in quasi-adjudicative proceedings
- Due Process – Requires Fair & Impartial Hearing
- **Separate Functions – Prosecution / Advisory**
 - Ensures that those staff advocating for a certain result do not also advise the board on the appropriate decision to be rendered

OE Legal

LEGAL UNIT
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 Mayumi Okamoto



- Regional Board Programs:
- NPDES
 - Storm Water
 - Irrigated Ag
 - Cleanups
 - 401/404
 - Landfills
 - Etc.

- State Board Programs:
- USTs
 - UST Cleanup
 - Fund Fraud
 - ELAP
 - Water Rights
 - Cannabis
 - Operator Certification

OE Attorney Assistance

- Attorney Liaisons
- Enforcement Training
- Enforcement prioritization
- Investigations
 - Subpoenas
 - Administrative Discovery
- Prosecutions
 - Enforcement Tools
 - Application of Penalty Methodology
 - Legal Briefs
 - AG Referrals
- Writ Support



QUESTIONS?