

# STORMWATER ENFORCEMENT WORKSHOP

WATER BOARD ENFORCEMENT  
LEGAL PERSPECTIVES

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# TOPICS

WRITING THE ACL COMPLAINT

WRITING THE STAFF REPORT

DOCUMENTING A VIOLATION

KEY 13385(E) FACTORS

ECONOMIC BENEFIT

ABILITY TO PAY

# WRITING THE COMPLAINT

BACKGROUND (NOI, PERMIT, PROPERTY OWNERSHIP, SWPPP)

- FACTS (WHAT, WHEN, WHERE, WHO)
- ISSUE OF VOLUME
- LAW (WATER CODE SECTIONS)

HOW DETAILED SHOULD THE COMPLAINT BE?

(compare inspection report, staff report and complaint)

# WRITING THE STAFF REPORT

- NARRATIVE EXPLANATION OF THE SAME INFORMATION PROVIDED IN THE COMPLAINT
- MORE DETAILED THAN THE COMPLAINT
- "REGIONAL BOARD STAFF" VS INSPECTOR'S ACTUAL NAME
- "DISCHARGER SUPERVISOR" VS SUPERVISOR'S ACTUAL NAME

# DOCUMENTING THE OBSERVED VIOLATIONS

- SITE PHOTOS AND VIDEOS FROM:

STAFF INSPECTIONS

CITY OR COUNTY INSPECTIONS

CITIZENS

PRESS ACCOUNTS

# San Diego construction s/w case



# San Diego construction s/w case



# San Diego construction s/w case



# INSPECTION REPORT

SHOULD BE DETAILED WITH NAMES OF STAFF, DATES, NAMES OF ALL PERSONS INTERVIEWED, PHOTOS AND VIDEOS TAKEN, DESCRIBE OBSERVATIONS ON THE GROUND AND WEATHER CONDITIONS

SHOULD DISCUSS SWPPP

# NUMBER OF VIOLATIONS

DAYS OF VIOLATION

FAILURES TO COMPLY WITH SWPPP

IF CAO INVOLVED, INSTANCES OF  
NONCOMPLIANCE

PLUS VOLUME, IF APPLICABLE

# VOLUME OF DISCHARGE

- METERS ARE NOT AVAILABLE
- ESTIMATES CAN BE MADE BASED ON RAINFALL AND ACREAGE
- ESTIMATED GALLONS X \$10 IS MAX.

# ECONOMIC BENEFIT/SAVINGS

- WHAT AMOUNT OF MONEY DID THE DISCHARGER SAVE BY NOT TAKING ACTION, INCLUDING INSTALLING MEASURES TO PREVENT THE DISCHARGE OR TO COMPLY WITH THE CAO
- COMPLAINT MUST RECOVER *AT MINIMUM* THE TOTAL AMOUNT OF ECONOMIC SAVINGS

# COST OF PREVENTIVE MEASURES

- ESTIMATE COST OF BMPS NOT INSTALLED
- ESTIMATE COST OF BMPS NOT MAINTAINED

# ABILITY TO PAY

USE AVAILABLE INFORMATION SUCH AS:

VALUE OF SUBJECT LAND AND PROJECT

VALUE OF OTHER KNOWN ASSETS

ANY INFORMATION PROVIDED BY DISCHARGER

INFORMATION FROM TAX ASSESSOR'S OFFICE

CONCERNING OTHER LAND AND PROJECTS

The background of the image is a serene ocean scene. The top half shows a bright blue sky with wispy white clouds. A bright sun is visible on the left side, creating a shimmering reflection on the water's surface. The bottom half of the image is dominated by the deep blue, rippling surface of the ocean.

THE END

THAT'S ALL FOLKS