

Water Quality Enforcement Policy

Board Hearing

October 20, 2009



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Office of Enforcement

Policy Development

- February 2002 – Current Enforcement Policy
- June 2007 – Staff Workshop
 - September 2007 – Stakeholder Meeting
 - February 2008 – Board Workshop
 - Formed Exec Steering Committee
 - January 2009 – Staff Workshop
 - February 2009 Adopted SEP Policy
 - June 2009 - Board Workshop



Overview

- Sect 1E – Facilities Serving Small Communities
- Sect 2 – Enforcement Priorities
- Sect 6 – Monetary Assessments in ACLs
- Sect 7 – Mandatory Minimum Penalties
- Sect 8 – Compliance Projects

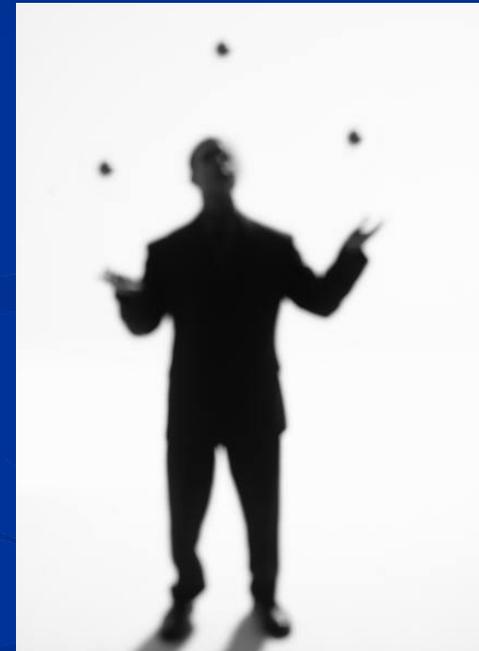
Facilities Serving Small Communities

- Definition
Consistent with
Small Community
Wastewater Strategy
- Not Applicable to
MS4s



Enforcement Priorities for Discretionary Actions

- Framework for Prioritizing Violations: 3 Classes
- Criteria Based on Threat to Human Health, Water Quality, or Integrity of Regulatory Program
- Annual Enforcement Priorities



Calculation Methodology for Determining ACL Amounts

- Clarified Language in Response to Comments
 - Factors 1&2
 - Deviation from Requirement
- Recovery of Economic Benefit
- Standard of Review
- Proposed Amendment to Resolution



Mandatory Minimum Penalties

- 18 Month Timeframe for Issuance
- Policy Statement Defining “Serious Violation” Where Effluent Limit is Less Than or Equal To Quantitation Limit



Eligibility for Compliance Projects

- Only Where Expressly Authorized By Statute - MMPs
- Regional Boards to Make Determinations For Facilities that Depend on Residential Fees
- State Board to Make Determinations For All Other Facilities, eg.:
 - Community Colleges
 - School Districts



Change Sheet #1

- **Page 8, Section III. Enforcement Actions**
 - For every enforcement action taken, **where appropriate**, the discharger's return to compliance should be tracked in the Water Board's enforcement database.

- **Page 40, Section C.9., ACLs**
 - It is the policy of the State Water Board that a 30 day public comment period **should shall** be posted on the Board's website prior to the settlement or imposition of any ACL, including mandatory minimum penalties, and prior to settlement of any judicial civil liabilities.