

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
May 14, 2014

ITEM: 7

SUBJECT: Informational Item: Briefing on the Statewide Policy on Supplemental Environmental Projects and the Water Quality Enforcement Policy (*Chiara Clemente*)

PURPOSE: To provide an overview of the State Water Resources Control Board's SEP Policy and Enforcement Policy and update on their implementation.

RECOMMENDATION(S): This is an informational item. No action will be taken by the San Diego Water Board.

KEY ISSUES: None.

DISCUSSION: The State Water Board or Regional Water Board may allow a discharger to satisfy part of the monetary assessment imposed in an Administrative Civil Liability (ACL) order by completing or funding one or more Supplemental Environmental Projects (SEPs.) SEPs are projects that enhance the beneficial uses of the waters of the State, that provide a benefit to the public at large and that, at the time they are included in the resolution of an ACL action, are not otherwise required of the discharger. California Water Code (CWC) sections 13385(i) and 13399.35 allow limited use of SEPs associated with certain types of penalties. In the absence of other statutory authority, Government Code section 11415.60 has been interpreted by the Office of Chief Counsel to allow the imposition of SEPs as part of the settlement of any ACL. The State Water Board adopted a [SEP Policy](#) in February, 2009. The intent of the SEP Policy is to provide clarity and statewide consistency on SEP qualification criteria and administration.

In November 2009, the State Water Resources Control Board adopted the Water Quality Enforcement Policy ([Enforcement Policy](#)). The goal of the Enforcement Policy is to protect and enhance the quality of the waters of the State by defining an enforcement process that addresses water quality problems in the most efficient, effective, and consistent manner. The Enforcement Policy provides a consistent approach in the analysis of the factors that determine monetary assessments in enforcement cases statewide.

The Director of State Water Board's Office of Enforcement, Cris Carrigan, will provide an overview of the two Policies and an update on the outcome of their implementation. The discussion will be focused on general concepts, and no specific pending enforcement cases will be discussed.

LEGAL CONCERNS:

None.

SUPPORTING DOCUMENTS:

1. Policy on Supplemental Environmental Projects
2. Water Quality Enforcement Policy

PUBLIC NOTICE:

Notice was provided with the current agenda distribution and posted on the San Diego Water Board's website.