2/19/08 BdWrkshp Item 10
Water Quality Enf. Policy
Deadline: 2/7/08 by 12 p.m.

TREEPEOPLE

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SWRCB EXECUTIVE

February 7, 2008

State Water Resources Control Board
c/o Jeanine Townsend, Clerk to the Board
1001 I Street, 24th Floor
Sacramento, CA 95814

RE: Water Quality Enforcement Policy

Dear Chair Doduc and Board Members:

We appreciate the opportunity to offer these comments on the proposed revisions to the Water Quality Enforcement Policy, and specifically on the section regarding Supplemental Environmental Projects (SEPs).

TreePeople shares a strong mutual interest with the SWRCB in protecting and improving water quality in California. These issues, in fact, are crucial to our organizational mission and our vision for the future. We also share a mutual interest in educating youth and adults alike about the importance of our precious water resources, our watersheds, and the ways we must protect and properly manage them.

With this shared interest, I urge you to reconsider the elimination of public education and outreach projects as allowable SEPs, as well as the narrowly restrictive definition of a nexus between a violation and a SEP.

Educational programs provide a valid and very important means to achieving the State's water quality goals, by instilling in new generations a higher awareness and a strong ethic for environmental protection. For public agencies, educational SEPs offer a way to keep some enforcement dollars within the general area from which they are derived, thus providing some benefit back to the ratepayers who ultimately pay the fine.

As defined in the proposed policy revision, the nexus of a SEP to a water quality violation is very restrictive. In cases of relatively minor violations with minimal impacts on water quality, it may be impossible to establish so clear a nexus, yet this may be the very type of violation for which a SEP is the most appropriate remedy. Many valuable SEPs will be impermissible under such a restrictive definition.

TreePeople is currently building the Center for Community Forestry at Coldwater Canyon Park, in the very heart of Los Angeles. A sterling feature of the center is the educational Urban Watershed Garden.

TreePeople also currently conducts Eco-tours for more than 10,000 school children each year, which is an educational program currently on the SEP list. The new Garden will greatly enhance

these tours, allowing clean water and watershed management to comprise significant aspects of the learning objectives for the Center for Community Forestry. The Center for Community Forestry is a vital and vibrant tool we will use to educate the public in the Los Angeles region to appreciate, respect, and actively steward their watershed.

The Center's value as an educational tool has garnered support from multiple public and private funding sources, including California Propositions 40 and 50 funds, and the Eco-tour program is core to its success. This example, which has so much support in the region, demonstrates the value and public benefits from projects that fit into a broader definition of eligible SEP projects.

I would also like to suggest that the proposed reduction of SEP funds from 50 to 25 percent of the total penalty is too low. The State Water Resources Control Board, as well as the Regional Boards, may set such a limit as warranted in particular cases, but it is in the public interest for the water boards to retain the discretion to match the amount of a penalty allocated to a SEP to the specific circumstances.

Lastly, I would like to make an administrative suggestion related to the projects currently on the approved SEP project list. TreePeople's Eco-tours program has been on the SEP list for two years, but has not received SEP funding to date; however, we are required to provide quarterly reports on our tour activities, thereby creating administrative costs on our end as well as the Regional Board. There currently are no revisions to this process in the proposed policy amendments. I would be happy to provide more specific suggestions related to this issue if the Board wishes, to help make the SEP process more efficient for all concerned.

I appreciate the opportunity to comment on the proposed revisions of the enforcement policy. I would be happy to provide more detailed information or elaborate on these comments as needed. Thank you for your consideration.

Sincerely,

Andy Lipkis
President