



## NORTH SAN MATEO COUNTY SANITATION DISTRICT

a subsidiary of the City of Daly City

### OPERATION OFFICES

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Submitted on February 7, 2008, NOON by EMAIL to:

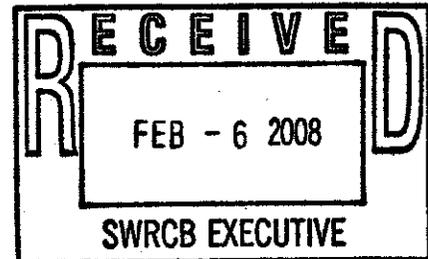
([commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov))

Water Quality Enforcement Workshop - 2/20/08  
and FAX: (916) 341-5620

(Original signed document on file and available upon request.)

February 7, 2008

Jeanine Townsend, Clerk to the Board  
Executive Office  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



Dear Ms. Her:

The City of Daly City and the North San Mateo County Sanitation District (NSMCSD) appreciates the opportunity to comment on the Water Quality Enforcement Policy. Both the City of Daly City and the NSMCSD are local government agencies, serving a City population of approximately 106,000 and for municipal wastewater treatment 120,000. We are governed by elected officials and managed by professionals who are dedicated to protecting our water environment and the public health.

We appreciate that the proposed policy presents an improved approach to setting enforcement priorities and will add clarity regarding the appropriate enforcement response to various types of violations, including better guidance on calculation and administrative civil liability amounts.

However, one key area of concern is the proposed redraft of the Policy provisions governing the use of Supplemental Environmental Projects (SEPs). The proposed policy would:

- Limit SEPs for other than mandatory minimum penalties to no more than 25% of the total ACL amount.
- Authorize Regional Waterboards to allow less than dollar for dollar credit for SEPs
- Eliminate SEPs for educational and outreach programs.
- Define the requisite nexus between a SEP and a violation to exist only if "the project remediates or reduces the probable overall environmental or public health risks to which the violation at issue contributes."

The City of Daly City and the NSMCSD urge the State Water Resources Control Board to reject the SEP provisions in the Water Quality Enforcement Policy as proposed. Instead, we support the detailed revisions/comments that were submitted by CASA and Tri-Tac as it is important to note from a public policy standpoint:

- SEPs provide an important mechanism for keeping local ratepayer dollars within the community and ensuring that the public that must ultimately pay the fine receives some of the benefit.

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- The availability of SEPs is an important factor in the ability and willingness of local governing boards to settle enforcement actions without a hearing before the Regional Water Board.
- Education and outreach programs are important tools to achieve the State's water quality goals. Some local examples for our agency include the focused examination in conjunction with the San Francisco Public Utilities Commission on the effects of stormwater discharge into the riparian habitat along the shoreline of Lake Merced to help restore lake levels. An SEP also provided seed monies to establish an Environmental Club at Benjamin Franklin Middle School in Daly City that included the construction of a sustainable garden and greenhouse demonstrating use of non-toxic pesticides, the importance of the water cycle and use of best management practices to keep pollutants out of storm drains, and purchase of microscopes for the Club and use in science class. The current language as proposed would eliminate these kinds of positive educational and outreach activities from taking place.
- The way in which the nexus requirement is expressed may make it difficult or impossible to use SEPs in the circumstances where they may be most appropriate – e.g., relatively minor violations with no quantifiable adverse water quality impacts.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me at (650) 991-8201, or the Manager of Technical Services Cynthia Royer at (650) 991-8203.

Sincerely,



Patrick Sweetland  
Director of Water and Wastewater Resources

L08-037

cc: Patricia Martel, City Manager  
Cynthia Royer, Manager of Technical Services