



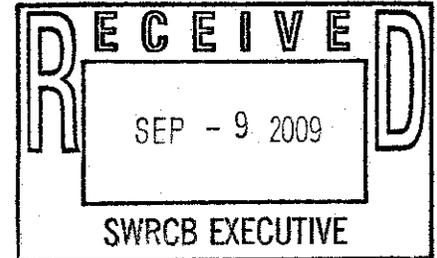
CITY OF LA VERNE CITY HALL

3660 "D" Street, La Verne, California 91750

September 8, 2009

VIA USPS AND EMAIL (commentletters@waterboards.ca.gov)

Mr. Charles Hoppin, Chairman
Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Re: **Comment Letter - Proposed Water Quality Enforcement Policy**

Honorable Chairman Hoppin:

Thank you for providing the City of La Verne with the opportunity to submit comments on the proposed "Water Quality Enforcement Policy" dated July 14, 2009. Our comments are focused on Section VII, Mandatory Minimum Penalties (MMP) for NPDES Violations and are as follows:

1. **Page 25, Section A, Timeframe for Issuance of Mandatory Minimum Penalty.** The City strongly objects to both the 18-month time limit and the \$30,000 threshold before a MMP should be issued. The opening sentence of Section VII.A clearly states the intent of MMPs - "...to assist in bringing the State's permitted facilities into compliance with WDRs." The City therefore recommends a much-reduced period to consider noticing a violator and issuing MMPs if the purpose is truly to gain compliance. The \$30,000 threshold is also artificial and will do nothing to promote the prompt issuance of MMPs.
2. **Page 28, Section D, Defining a Discharge Monitoring Report.** The City is supportive of the language that distinguishes between those "discharge monitoring reports" that are associated with discharges to surface waters and those that are not. However, the City objects to the text of the third paragraph of Section D.2, which currently reads:



"As a matter of practice, however, if such a report (of no discharge has not been received, the Regional Water Board may presume that there were discharges during the relevant monitoring period and should consider imposing MMPs for the failure to timely submit a discharge monitoring report. The Regional Water Board shall not take final action to impose the MMP if the discharger submits a written statement to the Regional Water Board, signed under penalty or perjury in accordance with 40 CFR 122.41(k) and 40 CFR 122.22(a)(1), stating: (a) That there were no discharges to surface waters during the relevant monitoring period; and (b) the reason(s) the required report was not submitted to the Regional Water Board by the deadline."

This paragraph should be deleted in its entirety due to the presumption of guilt implied. It serves no real purpose other than to place the affected parties in an adversarial position.

The City of La Verne is committed to improving the environment and appreciates the opportunity to submit comments on this draft enforcement policy. If you should have any questions or require further information, please feel free to contact the undersigned Monday through Thursday between 8:00 a.m. and 6:00 p.m. at (909) 596-8741.

Sincerely,



Daniel W. Keeseey
Director of Public Works