

Alpine Amador Butte Calaveras Colusa
Del Norte El Dorado Glenn Imperial Inyo
Lake Lassen Madera Mariposa Merced



Modoc Mono Napa Nevada Placer Plumas
San Benito San Luis Obispo Shasta Sierra
Siskiyou Sutter Tehama Trinity Tuolumne Yuba

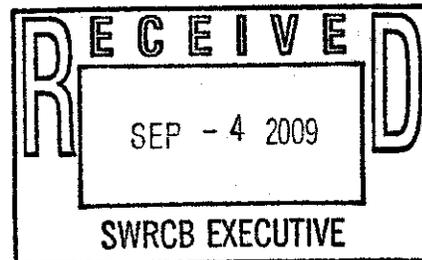
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September 1, 2009

Members, State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Attention: Jeanine Townsend, Clerk to the Board
Via e-mail: commentletters@waterboards.ca.gov



Re: Proposed Water Quality Enforcement Policy

Dear Chair Hoppin and Members of the Board:

On behalf of the thirty-one member counties of the Regional Council of Rural Counties (RCRC), I appreciate the opportunity to provide comments to the State Water Resources Control Board (State Water Board) on the proposed draft Water Quality Enforcement Policy (Enforcement Policy) dated July 14, 2009.

The State Water Board and State Water Board staff are to be commended on the process utilized to revise this very important policy. RCRC sincerely appreciates the multiple opportunities to present verbal and written comments on the various revised drafts of the Enforcement Policy. While not all of our comments have resulted in changes to the document, we have duly noted a number of changes that have been made that address our concerns. We will limit this comment letter to one issue of particular concern relating to small and/or disadvantaged communities.

In RCRC's comment letter dated May 26, 2009 on the May 6, 2009 revised draft, RCRC expressed appreciation for the change relating to small and/or disadvantaged communities made to the December 18, 2008 draft. This version clarified that small communities ("small and/or disadvantaged communities"), as well as disadvantaged communities, may benefit from informal enforcement and/or compliance assistance as the first step taken to return a community to compliance unless extenuating circumstances apply. It is with some dismay that we note that the July 14, 2009 draft proposed Enforcement Policy deleted the "and/or" (Section I.E., Fair, Firm, and Consistent Enforcement, Small Communities, Pages 3-4), thus limiting informal enforcement and/or compliance assistance to small disadvantaged communities.

RCRC believes that this change, which would limit informal enforcement and/or compliance assistance to small disadvantaged communities, is in direct conflict with the

State Water Board adopted Small Community Wastewater Strategy (Strategy). That Strategy states "Throughout this Small Community Strategy reference to small and/or disadvantaged communities is intended to denote both small and disadvantaged small communities. These communities tend to face similar issues, with disadvantaged small communities facing the additional burden of lower household incomes." (Page 1-1)

RCRC strongly believes that small, as well as small disadvantaged communities, based on the commitment on the part of the entity to achieve compliance, should be offered the opportunity to correct the violations in lieu of enforcement. This opportunity would only, of course, apply to discretionary enforcement actions and not to violations for which the Water Boards have no discretion i.e., assessing Mandatory Minimum Penalties (MMPs).

In conclusion, RCRC urges your reconsideration of this issue prior to the hearing and adoption of the Enforcement Policy on October 20, 2009. Please feel free to contact me at (916) 447-4806 or kmannion@rcrcnet.org if you have any questions.

Sincerely,

Kathy Mannion
Legislative Advocate