

Water Quality Enforcement Policy

WORKSHOP

State Water Resources Control Board
February 19, 2008

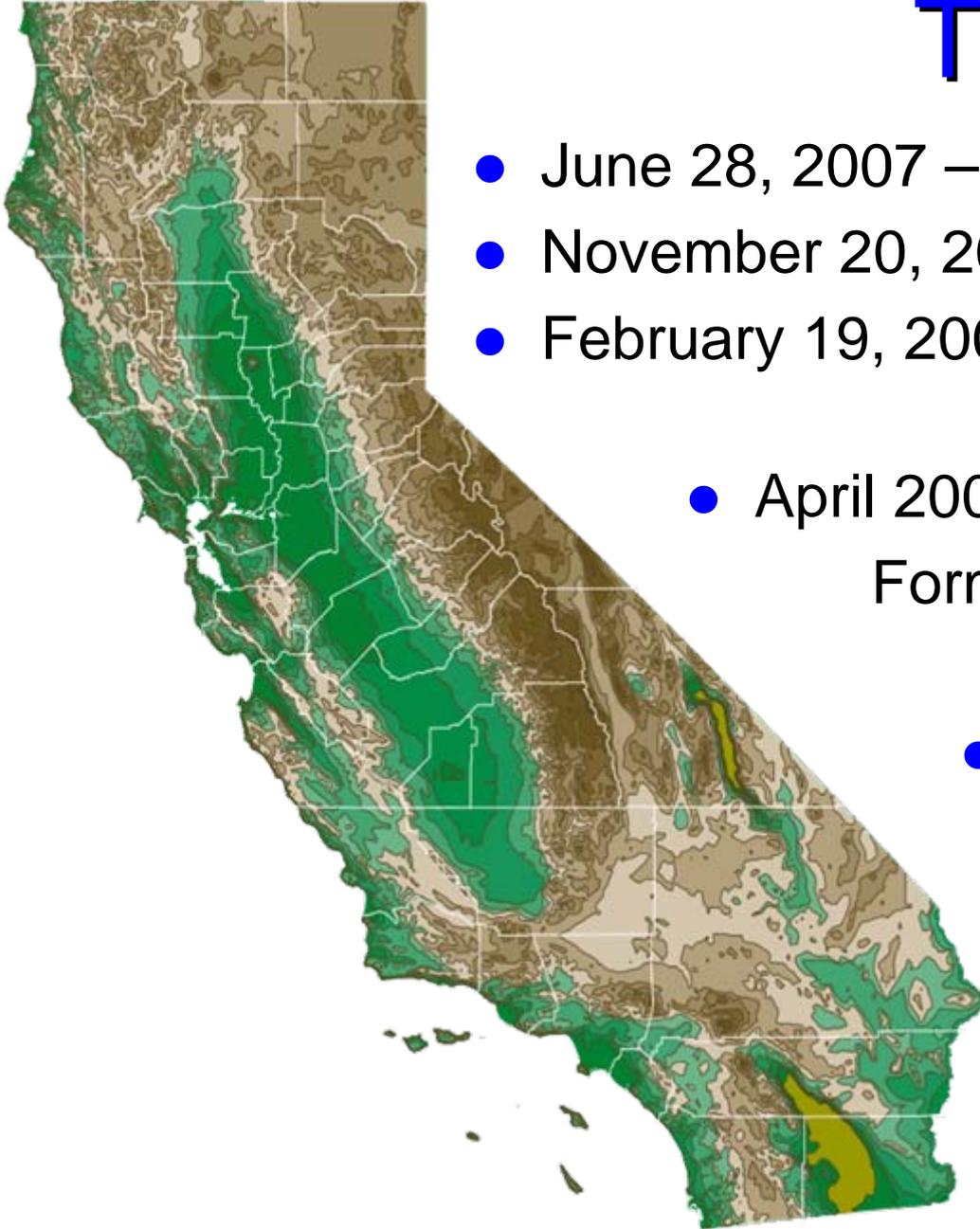


Reed Sato

Chief, Office of Enforcement

Timeline

- June 28, 2007 – Workshop #1
- November 20, 2007 – Stakeholder Meeting
- February 19, 2008 – Workshop #2
- April 2008 - Projected Release
Formal 60-Day Comment Period
- August 2008 – Projected
Adoption Hearing



Overview of Significant Changes

- Enforcement Priorities
- Monetary Assessments in ACLs
- Supplemental Environmental Projects
- Compliance Projects and Enhanced Compliance Actions
- Definition of Small Communities with Financial Hardship (SB 1733)



New Prioritization Scheme

- Goal
- Summary of revisions
 - Framework for Highlighting Violations Needing Immediate Response
 - Class I Priority Violations - Threat to Water Quality, Human Health, or Integrity of Program
 - Class II and Class III Violations



Monetary Assessments in ACLs

- Goal
- Summary of Revisions
 - Removes Mathematical Formula
 - Emphasizes the Deterrent Purpose
 - Identifies Elimination of Economic Benefit as a Core Principle
 - Introduces “*Probability of Detection*” Factor



Supplemental Environmental Projects

- Goal
- Summary of Revisions
 - Generally Limits SEP to 25% of Assessment and gives the State Water Board review opportunities
 - Annual Reporting on SEP Status
 - Eliminates General Education SEPS
 - Eliminates Maintenance of SEP List by SWRCB
 - Requires Recovery of Economic Benefit for Punitive Portion of Monetary Assessment
 - Other Amendments



Compliance Projects (CPs) and Enhanced Compliance Actions

- Goal
- Summary of Revisions
 - Removes Authority for Allowing CPs in ACLs Unless Provided For in Statute
 - Provides Direction to Use Appropriate Orders
 - Enhanced Compliance Actions



What's Next?

- Prepare Revised Draft for Internal Comment from State and Regional Boards
- Re-release Draft For Public Comment and State Board adoption



Small Communities with Financial Hardship (SB 1733)



Gerald Horner

Research Program Specialist

Office of Research, Planning and Performance

Existing Policy Definition

- Small Community
 - Municipality – Population of 10,000 or less; or,
 - Rural County
- Financial Hardship
 - Median Household Income less than 80% CA Median Household Income

SB 1733 Requirements

- Small Community
 - Publicly Owned Treatment Works Serving 10,000 Population or Less; or,
 - A Rural County
- Financial Hardship
 - Median Income of the Residence
 - Rate of Unemployment
 - Low Population Density

Proposed Policy Change

- Small Community
 - County Designated as Rural or:
 - Community of 10,000 Population or less
- Financial Hardship
 - Median Household Income less than 80% CA Median Household Income, or
 - Unemployment rate of 10% or More, or
 - 30% of Residents Below the US Census Poverty Level

Questions ?

Current and Draft Enforcement Policies

www.waterboards.ca.gov/enforcement/policy_revisions.html

