



State Water Resources Control Board

**REVISED- CONSIDERATION OF ADOPTION HAS BEEN POSTPONED**

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT, PUBLIC HEARING AND CONSIDERATION OF ADOPTION**

**OF PROPOSED AMENDMENTS TO THE STATE WATER RESOURCES CONTROL BOARD'S WATER QUALITY ENFORCEMENT POLICY**

**WRITTEN COMMENTS DUE NO LATER THAN April 28, 2023, by 12:00 P.M. (NOON)**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board or Board) will accept public comments on proposed amendments to the Water Quality Enforcement Policy (Enforcement Policy). Information on the comment period and how to submit written comments are detailed in the "SUBMISSION OF WRITTEN COMMENTS" section below.

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board will hold a public hearing to receive written and/or oral comments relevant to the proposed amendments to the Enforcement Policy. The "PROCEDURAL MATTERS" section below outlines the hearing participation procedures. The public hearing will occur during a meeting of the State Water Board; the anticipated date, time and location of the meeting are provided below:

<p><b>State Water Board Hearing</b> <b>Tuesday, April 18, 2023</b> <b>9:30 A.M.</b> <b>Joe Serna Jr. CalEPA Headquarters Building</b> <b>Coastal Hearing Room</b> <b>1001 I Street, Second Floor Sacramento, CA 95814</b></p>
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**Video and Teleconference Option:** This meeting will occur with both a physical meeting location and an option for the public to participate from a remote location.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

- For those who only wish to watch the meeting, the webcast remains available at either <https://www.youtube.com/user/BoardWebSupport/> or <https://video.calepa.ca.gov/> (closed captioning available) and should be used UNLESS you intend to comment.
- For members of the public who wish to comment on an agenda item or are presenting to the Board, additional information about participating telephonically or via the remote meeting solution is available here: [https://www.waterboards.ca.gov/board\\_info/remote\\_meeting/](https://www.waterboards.ca.gov/board_info/remote_meeting/)

**NOTICE IS ADDITIONALLY HEREBY GIVEN** that the State Water Board will consider adoption of proposed amendments to the Enforcement Policy at its August 15, 2023, Board meeting. The “PROCEDURAL MATTERS” section below outlines the meeting participation procedures. If the amendments to the Enforcement Policy are adopted, it will be sent to the Office of Administrative Law (OAL) for approval and would become effective on or about November 1, 2023. The location and start time of the Board meeting are provided below:

<p style="text-align: center;"><b>State Water Board Meeting</b> <del>Tuesday, August 15, 2023</del> <b>POSTPONED</b> 9:30 A.M. Joe Serna Jr. CalEPA Headquarters Building Coastal Hearing Room 1001 I Street, Second Floor Sacramento, CA 95814</p>
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**Video and Teleconference Option:** This meeting will occur with both a physical meeting location and an option for the public to participate from a remote location.

- For those who only wish to watch the meeting, the webcast remains available at either <https://www.youtube.com/user/BoardWebSupport/> or <https://video.calepa.ca.gov/> (closed captioning available) and should be used UNLESS you intend to comment.
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**POTENTIAL CHANGES TO THE NOTICED ITEMS**

Any changes regarding the noticed items and the dates of the State Water Board meetings will be noticed through the email distribution list. Any person desiring to receive future updates must sign up for the email distribution list by accessing the [E-mail List Subscription Form](#) and selecting the “Enforcement” checkbox under the “Enforcement” header.

## **PROCEDURAL MATTERS**

You can access the State Water Board Meeting agenda information, in-person or remote participation procedures, and any meeting changes at the [State Water Board Information and Calendar webpage](#).

**April 18, 2023 Public Hearing:** At the April 18, 2023 public hearing, members of the public will be given an opportunity submit written comments and/or provide oral comments on the proposed amendments to the Enforcement Policy. During the hearing, there will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. The Board may limit time for oral presentations to ensure a productive and efficient meeting.

~~**August 15, 2023 Board Meeting:** At the August 15, 2023 board meeting, State Water Board staff will summarize the comments received and outline any proposed revisions to the Enforcement Policy made in response to the comments. Members of the public will be given an opportunity to comment orally at the board meeting. There will be no sworn testimony or cross-examination. However, the Board and its staff may ask clarifying questions. Although public comment will be allowed at the Board meeting, the Board will not accept any additional evidence into the record. The Board may limit time for oral presentations to ensure a productive and efficient meeting.~~

Recommendations on making presentations before the Board can be found on the [Board Presentations Webpage](#).

## **BACKGROUND AND SUMMARY OF PROPOSED REVISIONS**

### **INTRODUCTION**

The Legislature adopted the Porter-Cologne Water Quality Control Act (Wat. Code sections 13000 et seq.), which grants the State Water Board and the Regional Water Quality Control Boards (Regional Water Boards) (together Water Boards) the authority to implement and enforce water quality laws, regulations, plans, and policies, to protect the groundwater and surface waters of the State. The State Water Board adopted the Enforcement Policy to further its mission to protect and enhance the quality of the waters of the State by defining an enforcement process that addresses water quality problems in the most firm, fair, efficient, effective, and consistent manner. The Enforcement Policy provides guidance that enables Water Boards staff to expend its limited resources in ways that openly address the greatest needs, deter harmful conduct, protect the public, and achieve maximum water quality benefits. The Enforcement Policy was last amended in 2017.

### **BENEFITS OF PROPOSED AMENDMENTS**

The amendments would clarify certain principles that are central to the Enforcement Policy, helping to ensure more transparent and consistent application of the statutory factors outlined in California Water Code (Water Code) sections 13327 and 13385, subdivision (e) that the Water Boards must consider when assessing a civil liability. The

amendments would also establish a template for procedures for evidentiary hearings to consider imposition of administrative civil liability, re-organize several sections to improve efficiency and flow, and add clarifications to a variety of provisions to enhance transparency to the Water Boards' enforcement process and penalty methodology application. Non-substantive technical amendments would increase comprehensibility.

## **SPECIFIC PURPOSE OF EACH SUBSTANTIVE AMENDMENT**

The specific purpose of and rationale for each substantive amendment, organized by section of the Enforcement Policy, is as follows:

### **Introduction**

The proposed amendments would eliminate confusion regarding when progressive enforcement is appropriate. Specifically, the current language could be read as limiting the scenarios when progressive enforcement should be used. The amendments are necessary to clarify that the examples listed in the existing language are not exclusive.

### **Section I. Fair, Firm, and Consistent Enforcement**

The proposed amendments would delete current sections I.A. "Standard Enforceable Orders" and I.B. "Determining Compliance." Deleting Section I.A. is appropriate because any final order issued should be based on the unique evidence and argument received; mandating consistency in enforcement orders is unnecessary. Deleting Section I.B. is warranted because the Water Boards have broad discretion and a wide variety of tools available for verifying compliance; mandating consistency here is unnecessary. These amendments will provide enhanced flexibility to the Water Boards in their program administration.

The current Enforcement Policy discusses, in section I.E., the Water Boards' commitment to conducting enforcement in a manner that ensures the fair treatment of people of all races, cultures and income levels, giving consideration to the impacts from pollution on environmental justice and disadvantaged communities. The proposed amendments would incorporate statutory definitions for these terms, and reference CalEnviroScreen as a resource for determining whether a community is disadvantaged. This amendment is necessary to achieve consistency and transparency in the enforcement process and to clarify current practices at the Water Boards.

The proposed amendments would establish a new subsection in Section I, titled "California Native American Tribes," to encourage engagement with California Native American Tribes on a government-to-government basis when enforcement impacts or threatens to impact tribal lands, tribal interests, or tribal cultural resources. This amendment is necessary to achieve consistency and greater efficiency in the enforcement process.

## **Section II. Enforcement Priorities for Discretionary Enforcement Actions**

The current Enforcement Policy in section II.A. requires the Water Boards to prioritize cases for formal discretionary enforcement and sets forth a list of certain violations that qualify as “Class A” priority violations. One of the categories of Class A violations are “unauthorized discharges of sewage regardless of level of treatment, within 1,000 feet of a municipal water intake.” This category of violations fails to recognize that some sewage spills may be entirely captured and cleaned up before reaching a water of the state, eliminating any risk of harm, and mitigating the need for enforcement. The proposed revision clarifies that only unauthorized discharges which impact the use of municipal drinking water supply should be prioritized for enforcement as a Class A violation. The proposed amendment is necessary to achieve consistency and greater efficiency in the enforcement prioritization process.

The proposed revisions would expand the list of Class A violations where there is a discharge of construction materials and discharges causing turbidity from only waters having beneficial uses of COLD, WARM or WILD to those having beneficial uses of BIOL, RARE, or SPAWN as well. This proposed amendment is necessary to protect waters with more sensitive beneficial uses.

The current Enforcement Policy in section II.B. requires the Water Boards to prioritize cases against specific entities and sets forth a list of factors that should be considered. The proposed revisions would add a consideration of whether a violation impacts or threatens to impact environmental justice or disadvantaged communities. This amendment is consistent with existing enforcement priorities and is necessary to provide better protection to overburdened communities.

Section II.C. of the Enforcement Policy requires that the State Water Board Office of Enforcement propose statewide enforcement priorities every two years—some of which may become statewide enforcement initiatives—and mandates that the initiatives be documented in an annual enforcement report. The proposed amendments would provide greater flexibility to the Office of Enforcement in carrying out this task. The designation of statewide enforcement priorities should occur as needed rather than on a fixed schedule and the manner of disseminating the list of initiatives should be more flexible as well, to best inform the regulated community and the public.

The proposed amendments include reorganizing certain sections of the Enforcement Policy for readability and ease of use. One of these proposed revisions would move current language in Step 4 of the penalty calculation methodology relating to “Multiple Violations Resulting from the Same Incident” to Section II. This is necessary because this language relates to determining which violations should be alleged in an administrative civil liability complaint. The decision about which violations to allege needs to be made prior to considering the violations under the penalty calculation methodology.

**Section IV. State Water Board Enforcement Action**

The current Enforcement Policy provides that one of the instances where the State Water Board may take enforcement in lieu of the Regional Water Boards is when “an enforcement matter involves both water rights and water quality violations, and the water rights violations are predominant.” The proposed revision would delete the phrase “and the water rights violations are predominant.” This is necessary to provide greater discretion to the State Water Board in enforcement matters involving both water quality and water rights violations.

**Section VI. Monetary Assessments in Administrative Civil Liability Actions**

The proposed amendments to this section include reorganizing certain elements of the Enforcement Policy for readability and ease of use. One of these proposed revisions would move current language in Step 4 of the penalty calculation methodology relating to “Multiple Day Violations” to Step 3 of the penalty calculation methodology. This is necessary because this language relates to determining how many days of violation should be considered when calculating the initial liability amount, which logically occurs during Step 3. Additional proposed language would clarify that collapsing days of violation in accordance with the “Multiple Day Violations” provisions only applies to non-discharge violations, not discharge violations.

The proposed revisions clarify in footnote 1 that the Enforcement Policy establishes a minimum liability amount of economic benefit, plus ten percent for all discretionary liability cases. This change is necessary for consistency and to ensure that enforcement has a sufficient deterrent effect and that liabilities are not seen as simply the cost of doing business.

Another proposed organizational revision would switch Step 6 (Ability to Pay) in the penalty calculation methodology with Step 8 (Other Factors as Justice May Require). This amendment is necessary because adjustments to the proposed liability can occur under Step 8 and consideration of the discharger’s ability to pay should be based on the final proposed liability amount.

Water Code penalty provisions require the Water Boards to consider the degree of toxicity of a discharge. When analyzing this statutory factor, the existing Enforcement Policy requires the Water Boards to consider the characteristics of the discharge based on the physical, chemical, biological, and/or thermal nature of the discharge, waste, fill, or other material and the risk of damage the discharge could cause to the potential receptors. The proposed revisions would clarify that examples of “potential receptors” include human health, aquatic life, habitat, etc. This amendment is necessary to increase consistency in the methodology’s application.

The current Enforcement Policy includes language under Step 2 of the penalty calculation methodology regarding circumstances where it may be appropriate to

impose a higher liability via discretionary enforcement for violations that give rise to mandatory minimum penalties. The proposed revisions would delete this language because it is out of place in Step 2 and unnecessary because Section VII of the Enforcement Policy already provides that violations subject to mandatory minimum penalties may be subject to higher liability, up to the maximum allowed by statute.

Water Code sections 13327 and 13385, subdivision (e), require the Water Boards to consider whether a discharger has “any prior history of violations” when considering the appropriate liability amount. The existing Policy does not define the term “violation.” The amendments would define the term as including only those violations that are self-reported by the discharger, stipulated to by the discharger, or adjudicated by the Water Boards or the courts. This is necessary to provide transparency and consistent application of this statutory factor. The existing Enforcement Policy also notes that where the discharger has no history of violations, this factor should be 1.0. The proposed revisions add further clarity to specify that under no circumstances shall this factor ever be below 1.0. This revision is also necessary to provide transparency and consistent application of this statutory factor.

Water Code penalty provisions require the Water Boards to consider “the degree of culpability” and “any voluntary cleanup efforts taken” when considering the appropriate liability amount. The existing Policy describes how these factors should be considered. The proposed revisions would clarify that a discharger’s failure to timely respond to a notification of the violation may be relevant to both the discharger’s culpability for violations that continue after the notice, as well as cleanup and cooperation if the discharger fails to take action in response. This revision is necessary to provide transparency and consistent application of the statutory factors.

Water Code penalty provisions require the Water Boards to consider the economic benefit, or savings, if any, resulting from the violation. The proposed amendments would clarify that the economic benefit should be estimated for the “acts” that constitute the violation(s) rather than for “every violation.” This amendment is necessary to be consistent with the statutory language and to recognize that not every violation will have an economic benefit amount that can be measured. The proposed revisions would also clarify that actions that should have been taken both to prevent or mitigate the violation should be considered when determining the economic benefit amount, and that it is never appropriate to adjust the economic benefit in consideration of expenditures by the discharger to abate the effects of the violation or to come into or return to compliance. These amendments are necessary to ensure consistent and transparent application of this factor.

Water Code penalty provisions require the Water Boards to consider “other matters that justice may require.” The existing Policy grants the Water Boards

authority to adjust a proposed liability based on express, evidence-supported findings that application of the other statutory factors results in an unjust penalty. The existing Policy grants the Water Boards discretion to add the costs of investigation and enforcement to the total liability under this factor. The amendments would strongly encourage recovery of staff costs in the administrative civil liability action. This amendment is necessary because staff costs related to investigation of enforcement of violations should be borne by the discharger(s), and recovery of staff costs will enhance the Water Boards ability to pursue enforcement actions and create a sufficient deterrent against future violations.

The existing Enforcement Policy provides a footnote regarding the applicability of laches as a defense to the imposition of liability in administrative enforcement proceedings. In *Malaga County Water District v. State Water Resources Control Board*, the Fifth District Court of Appeal held that the defense of laches could be asserted in mandatory minimum penalty actions. (*Malaga County Water District v. State Water Resources Control Board*, 58 Cal.App.4th 447, 272 Cal.Rptr.3d 548 [5th Dist. 2020].) Because the footnote is no longer accurate, it is proposed to be deleted.

## **VII. Mandatory Minimum Penalties for NPDES Violations**

Section VII.A. of the existing Enforcement Policy specifies that the Water Boards should issue mandatory minimum penalties (MMPs) within eighteen months of the time that the MMPs “qualify” as MMP violations. The proposed amendments clarify the term “qualify” by specifying that MMPs should be issued within eighteen months from the date the violation was discovered or reported, whichever is earlier. This amendment is necessary to clarify when MMPs should be issued and to create consistency in the application of this section. The proposed amendments would create an exception to this general expectation for MMPs assessed for stormwater violations. This revision is necessary because violations of stormwater permits are reported to the SMARTS database rather than the CIWQS database, and the SMARTS database does not readily generate reports of violations that qualify for MMPs, like the CIWQS database. This results in staff having to manually search the SMARTS database for MMP violations, which can take a significant amount of time.

Section VII.B. of the existing Policy discusses the imposition of MMPs, including the option of allowing a compliance project, against small communities with a financial hardship and outlines the process by which the determination can be made as to whether a community qualifies as one “with a financial hardship” pursuant to Water Code section 13385, subdivision (k). The proposed revisions would move the section regarding rural communities to improve flow and would make minor amendments to ensure consistency with the statute.



### **VIII. Compliance Projects**

Section VIII of the existing Enforcement Policy discusses the use of compliance projects, as permitted by Water Code section 13385, subdivision (k). The proposed amendments remove language that does not apply to compliance projects relating to “injunctive terms,” and clarify that compliance projects are only available through settlement. These amendments are necessary to improve readability and clarity and to ensure consistent application of the Policy.

Water Code section 13385, subdivision (k) provides that in lieu of “assessing” a portion of an MMP, the Water Boards may allow the discharger to complete a compliance project when the discharger is a POTW serving a small community with a financial hardship. The proposed amendments would clarify that an MMP is “assessed” at the time of adoption of the order imposing MMPs, and that a POTW must be serving a small community with a financial hardship as of the date of adoption to qualify for a compliance project. This revision is necessary to interpret the statute and ensure consistency in its application.

### **IX. Enhanced Compliance Actions**

Section IX of the existing Policy discusses the use of enhanced compliance actions (ECAs), as permitted by Government Code section 11415.60. The existing Policy states that ECAs are available in settlement of “discretionary” liabilities but is silent on whether ECAs are available when settling MMPs. The proposed amendments clarify that ECAs are not available to offset an MMP. The proposed revisions also clarify that the rules and allowances for deviation from the rules relating to SEPs also apply to ECAs. These amendments are necessary to ensure consistency in the use of ECAs in settlement.

### **X. Corrective Action Projects**

The proposed revisions would establish a new type of project that can be allowed in settlement, as permitted by Government Code section 11415.60. Specifically, for settlements relating to violations of cleanup and abatement orders, the amendments would allow up to 50% of the administrative civil liability to be used on projects to bring the discharger back into compliance with the cleanup and abatement order. These projects have been termed as “Corrective Action Projects.” These projects would only be allowed if a discharger shows it is unable to pay the liability and perform the required corrective action. The proposed revisions establish these, and other requirements for Corrective Action Projects. This revision is necessary because there are strong policy considerations for offsetting penalty dollars in exchange for cleanup of waste that impacts or threatens to impact water quality. Allowing part of the penalty money to be used to pay for cleanup when the discharger is unable to pay a penalty and perform cleanup will benefit water quality and save taxpayers from having to fund the cleanup.

### **Appendix A: Enforcement Actions**

Section A of Appendix A of the current Enforcement Policy provides that enforcement orders and hearing procedures should be standardized to the extent appropriate to provide consistency. Section A also states that the State Water Board will create model enforcement orders and standardized hearing procedures for use by the Regional Water Boards. The proposed revisions would delete Section A. The current language requiring model enforcement orders is unnecessary. Any final order should be based on the unique evidence and argument received for the enforcement matter so mandating consistency here is unwarranted. The language regarding standardized hearing procedures has been moved to new Appendix E, which establishes template hearing procedures for all administrative civil liability matters.

Section C.2. of Appendix A of the current Policy discusses the issuance of Notices of Violation (NOV). The proposed revisions would specify that orders requiring submittal of technical or monitoring reports pursuant to Water Code sections 13267 and/or 13383 should be separate from the NOV. This revision is necessary because orders issued pursuant to Water Code sections 13267 and/or 13383 may be petitioned, but NOVs may not. It is important that the NOV be separate from the 13267 and/or 13383 requirement(s) to avoid any confusion about whether the NOV may be petitioned.

Section D.1. of Appendix A of the current Policy discusses Notices to Comply issued pursuant to Water Code section 13399 et seq. The proposed revisions bring the Policy language in alignment with the Water Code by adding language from section 13399, subdivision (g) regarding “chronic” or “recalcitrant” violators, clarifying that a Notice to Comply is not the only means of commencing an enforcement action, and removing the records violation from the list of those that are typically considered “minor.” These revisions are necessary to ensure consistency among the Water Boards when deciding whether to issue a Notice to Comply.

Section D.3. of Appendix A of the current Policy discusses technical/monitoring reports. The proposed revision would delete language regarding including a citation to Water Code sections 13267 and/or 13383 in cleanup and abatement orders, cease and desist orders, and time schedule orders. This revision is necessary to avoid any conflict or confusion with what the Water Code authorizes.

Section D.4. of Appendix A of the current Enforcement Policy discusses cleanup and abatement orders. The proposed revisions would clarify that the term “discharger” as used throughout the Policy includes both “dischargers” who may be ordered to perform corrective action pursuant to Water Code section 13304 and “responsible parties” who may be ordered to perform corrective action pursuant to Health and Safety Code section 15196.10. This revision is necessary to provide clarity on the use of the term “discharger” in the Policy.

### **Appendix D: Determining Applicability of Enforcement Policy**

The proposed revisions would add a new Appendix D regarding the application of the various versions of the Enforcement Policy to enforcement matters. The new Appendix D explains that revisions that are mere clarifications may be used immediately to assist the Water Boards in interpreting previous versions of the Policy, while procedural changes may be applied to new or pending enforcement matters once the Policy is effective. Appendix D also explains that substantive changes can only be applied prospectively to violations which occur on or after the Policy's effective date unless a discharger consents to their retroactive application. Appendix D includes a legal analysis of the basis for the guidance, as well as a chart which sets forth the type of change for each significant revision. These revisions are necessary to ensure consistent application of the Enforcement Policy to pending enforcement matters and to provide clear direction to the Water Boards and regulated community regarding which version of the Enforcement Policy applies.

### **Appendix E: Template Hearing Procedure**

The proposed revisions would add template hearing procedures to standardize the process for conducting hearings to consider the imposition of administrative civil liability. The template provides standardized language for all proceedings, as well as placeholders for language that should be inserted that is specific to each case. The procedures outline the regulatory framework that governs the hearing, including the applicable evidentiary standards and prohibitions on *ex parte* communications. Among other things, the procedures specify how they are to be issued, set forth the roles and responsibilities of the staff advising the relevant Water Board and the parties to the action, and establish the process for submitting evidence and argument. The procedures formalize the process of separating functions of staff advising the board from staff that are prosecuting the matter to satisfy due process and ensure a fair and impartial hearing. Finally, the procedures include a table that includes each important event with a corresponding deadline so that the hearing can be expediently heard within 90 days from the date of issuance of the complaint, as required by law. These revisions are necessary to streamline the issuance of hearing procedures and create a consistent process by which administrative civil liability matters are heard.

### **General Cleanup and Clarifications**

Updates to the Enforcement Policy also include minor clean up and clarifications. Proposed updates to the Enforcement Policy are shown in **blue bold/underline** for new text and **~~blue bold/strike-out~~** for deleted text.

### **DOCUMENT AVAILABILITY**

The proposed amended Enforcement Policy is available to view or download on the State Water Board website at:

[http://www.waterboards.ca.gov/public\\_notices/comments/index.shtml](http://www.waterboards.ca.gov/public_notices/comments/index.shtml), or under the Enforcement link at:

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement](http://www.waterboards.ca.gov/water_issues/programs/enforcement)

Those without internet access may request a paper copy of the proposed amended Enforcement Policy by calling Renae Maher, Office of Enforcement at (916) 341-5273.

### **SUBMISSION OF WRITTEN COMMENTS**

The State Water Board will accept written comments on the proposed amendments to the Enforcement Policy. Written comments that are unrelated to the proposed amendments will not be accepted.

Written comments must be received not later than **12:00 p.m. (noon) on April 28, 2023**, and addressed to:

Courtney Tyler, Acting Clerk to the Board  
State Water Resources Control Board  
Box 100, Sacramento, CA 95812-2000 (Mail)  
1001 I Street, 24<sup>th</sup> Floor, Sacramento, CA 95814 (hand delivery)

Please indicate in the subject line: “**Comments – Water Quality Enforcement Policy.**”

Comment letters may be submitted electronically, in PDF text format is less than 15 megabytes in total size, to the Clerk to the Board via email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes in total size, the comment letter may be submitted via mail, hand delivery, or fax to (916) 341-5260. U.S. mail must be received (not postmarked) at the State Water Board offices by the close of the comment period.

Note: All hand-delivered submittals must arrive and be date and time-stamped prior to 12:00 p.m. (noon) on April 28, 2023. Couriers delivering hard copies of comment letters must check in with lobby security personnel, who can contact the Clerk’s office at (916) 341-5600.

Please provide a courtesy copy of your comments to: Shari Malejan Jochem  
State Water Resources Control Board, 801 K Street, Suite 2300, Sacramento, California 95814 or [Shari.MalejanJochem@waterboards.ca.gov](mailto:Shari.MalejanJochem@waterboards.ca.gov).

**CALIFORNIA PUBLIC RECORDS ACT**

Please note that your written and oral comments, attachment(s), and associated contact information (e.g., your address, phone number, email address, etc.) can be released to the public upon request.

**CONTACT PERSONS**

Inquiries concerning this notice or the proposed amendments to the Enforcement Policy may be directed to:

Daniel S. Kippen, Attorney IV  
(916) 323-6848 / [Dan.Kippen@Waterboards.ca.gov](mailto:Dan.Kippen@Waterboards.ca.gov), or

David Boyers, Assistant Chief Counsel  
(916) 341-5276 / [David.Boyers@Waterboards.ca.gov](mailto:David.Boyers@Waterboards.ca.gov)

\_\_\_\_\_  
Date August 9, 2023

  
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Courtney Tyler  
Clerk to the Board