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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2023-

ADOPTION OF AMENDMENTS TO THE WATER QUALITY ENFORCEMENT POLICY

WHEREAS:

1. California Water Code section 13001 provides that it is the intent of the Legislature that the State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (Regional Water Boards), (together, Water Boards) shall be the principal state agencies with primary responsibility for the coordination and control of water quality. The Water Boards are required to conform to and implement the policies of the Porter-Cologne Water Quality Control Act (Division 7, commencing with Water Code section 13000) and to coordinate their respective agencies so as to achieve a unified and effective water quality control program in the state.
2. Water Code section 13140 provides that the State Water Board shall formulate and adopt State Policy for Water Quality Control.
3. Water Code 13142(c) provides that State Policy for Water Quality Control shall consist of principals and guidelines deemed essential by the State Water Board for water quality control.
4. Water Code section 13240 provides that Water Quality Control Plans shall conform to any State Policy for Water Quality Control.
5. The Water Boards have broad authority to take a variety of enforcement actions under the Porter-Cologne Water Quality Control Act.
6. The Water Quality Enforcement Policy intends that it be reviewed and revised, as appropriate, not later than every five years.
7. The State Water Board solicited comments from the Regional Water Boards and evaluated comments and provided input for the proposed Policy revisions.
8. The State Water Board published a public notice of the proposed Policy revisions on February 10, 2023, and accepted written comments until April 28, 2023.

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9. The State Water Board conducted a public hearing on April 18, 2023, to receive oral comments on the proposed policy revisions. The State Water Board carefully considered comments received and responded to comments. The responses to comments do not add significant new information that is material to the State Water Board's determination or that would otherwise warrant action that is not a logical outgrowth of the proposed amendments that were previously subject to a written comment period. Therefore, it is not necessary to provide interested persons with another written comment period.
10. After consideration of the oral and written comments received, the proposed policy was further revised. Changes made after the April 18, 2023, hearing are shown in green, bold, and double underlined, in Attachment A. Cumulative changes proposed to the existing 2017 Water Quality Enforcement Policy are shown in Attachment B.
11. The State Water Board has satisfied the outreach requirements set forth in Water Code section 189.7 by conducting meaningful civic engagement to potentially affected disadvantaged and tribal communities concerning the policy. Specifically, the State Water Board circulated the public notice, initial proposed revisions, response to comments and final proposed revisions to a broad list of tribes, disadvantaged communities, and other environmental justice stakeholders. Representatives from the Office of Enforcement participated in IVAN (Identifying Violations Affecting Neighborhoods) meetings to discuss the proposed revisions.
12. Pursuant to Water Code section 13149.2, the State Water Board reviewed readily available information and information raised to the Board by interested persons concerning environmental justice impacts resulting from adoption of this Policy. The Board also considered the environmental justice concerns within the Board's authority and raised by interested persons with regard to those impacts.
13. The State Water Board anticipates that the adoption of this Policy will not result in any water quality impacts or environmental justice concerns. Any impacts to tribes, disadvantaged communities and environmental justice communities resulting from the Policy are expected to be beneficial.
14. Adoption of this policy is categorically exempt from the California Environmental Quality Act under California Code of Regulations, title 14, section 15321.

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15. State Policy for Water Quality Control is subject to review by the Office of Administrative Law (OAL) utilizing a special review process contained in Government Code section 11353.

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Adopts the 2023 Water Quality Enforcement Policy.
2. Authorizes the Executive Director or designee to submit the updated Water Quality Enforcement Policy to OAL for review and approval consistent with Government Code section 11353.
3. Directs the Executive Director or designee to make minor, non-substantive modifications to the language of the proposed policy revisions, if OAL determines during its approval process that such changes are needed, and inform the State Water Board of such changes.
4. Rescinds Resolution 2017-0020 adopting the 2017 Water Quality Enforcement Policy, effective upon OAL's approval of the 2023 Water Quality Enforcement Policy.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 5, 2023.

Courtney Tyler
Clerk to the Board