

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF APRIL 17-18, 2025

Prepared on March 21, 2025

ITEM NUMBER: 8

SUBJECT: STATE WATER RESOURCES CONTROL BOARD OFFICE
OF ENFORCEMENT, ENFORCEMENT PRESENTATION

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ACTION: Informational/Discussion

SUMMARY

Enforcement is an important component of the State Water Resources Control Board's (State Water Board) and Regional Water Quality Control Boards' (together, Water Boards) authority to encourage the regulated community to anticipate, identify, and correct violations and the Water Boards have a variety of enforcement tools to use in response to non-compliance by the regulated community. The Water Boards follow a progressive enforcement approach and contemplates an escalating series of actions beginning with notification of violations and compliance assistance, followed by enforcement orders compelling compliance, and potentially a complaint for civil liabilities as appropriate and necessary. Central Coast Water Board enforcement staff follow the 2024 State Water Resources Control Board's Water Quality Enforcement Policy (Enforcement Policy)¹ when making enforcement-related decisions and calculating liabilities. The Enforcement Policy establishes an administrative civil liability assessment methodology to create a transparent, fair, and consistent statewide approach to assess liabilities.

Central Coast Water Board enforcement staff often reach resolution of administrative civil liabilities through settlement. As part of the settlement, the parties may agree to fund and carry out a supplemental environmental project (SEP), enhanced compliance action (ECA), or compliance project (CP).² The State Water Board's Policy on

¹ The State Water Board amended the 2017 Enforcement Policy on December 5, 2023, and those amendments became effective on November 7, 2024. The 2024 Enforcement Policy is at the following web address: https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/2024/2024-enforcement-policy.pdf.

² A SEP is an environmentally beneficial project that a person subject to an enforcement action voluntarily agrees to undertake or fund through an appropriate third party. An ECA is a project that enables a discharger to make capital or operational improvements beyond those required by law, and are separate from projects designed to merely bring a discharger into compliance. A CP is a project designed to address problems related to the violation and bring the discharger back into compliance in a timely manner and can only be considered where they are expressly authorized by statute.

Supplemental Environmental Projects (SEP Policy)³ establishes a framework for the Water Boards to determine appropriate SEPs during settlements and provides guidance for implementing SEPs and ECAs. The Enforcement Policy specifies conditions for which CPs, ECAs, and SEPs may be considered as part of a settlement.

The State Water Board Office of Enforcement is comprised of legal and investigative staff and includes attorneys that represent enforcement staff at the Central Coast Water Board in pursuing enforcement. Office of Enforcement attorneys assist in developing enforcement strategies, triaging potential enforcement cases, and bringing formal enforcement actions, such as administrative civil liability actions, before the Water Boards for consideration. In addition, the Office of Enforcement attorneys often function as liaisons to outside prosecutors, including in cases which have been referred to the Attorney General's Office for prosecution or to coordinate with actions being brought by other local and state agencies.

David Boyers, Assistant Chief Counsel, Paul Cicarelli, Attorney IV, and Catherine Hawe, Attorney IV, from the Office of Enforcement Regional Boards Branch will present on topics including the new 2024 Enforcement Policy, the SEP Policy, progressive enforcement, settlement considerations, and other general enforcement topics.

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³ State Water Board, 2017 Policy on Supplemental Environmental Projects, Effective May 3, 2018, https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/seps/20180503_sep_policy_a md.pdf