



State Water Resources Control Board

REVISED

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT, BOARD WORKSHOP, PUBLIC HEARING, AND ADOPTION MEETING

PROPOSED AMENDMENT TO THE
POLICY ON SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) will accept public comments on the *Draft Policy on Supplemental Environmental Projects* (SEP Policy Amendment). Information on the comment period and how to submit written comments is detailed below under "Submission of Written Comments."

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a Board workshop as detailed below.

Wednesday, August 16, 2017 – 9:30 a.m.
Joe Serna Jr. CalEPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

The purpose of the Board Workshop is for State Water Board staff to present information and answer questions on the Draft SEP Policy Amendment and Staff Report. A quorum of the State Water Board may be present at the workshop, but no State Water Board action will be taken.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold a public hearing to receive oral comments regarding the proposed SEP Policy Amendment. The public hearing will be held as detailed below.

Wednesday, September 20, 2017 – 9:30 a.m.
Joe Serna Jr. CalEPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

The State Water Board will consider adoption of the proposed SEP Policy Amendment at the Board's November 7, 2017 State Water Board meeting. The location and start time of the Board meeting are provided below:

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Tuesday, November 7, 2017 – 9:30 a.m.
Joe Serna Jr. CalEPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814

Additional information on Board meetings, hearings, and workshops is available at:
http://www.waterboards.ca.gov/board_info/calendar/.

BACKGROUND

The State Water Board and the nine Regional Water Quality Control Boards (Regional Boards, collectively Water Boards) are governed by a statewide Policy on Supplemental Environmental Projects (SEP Policy), adopted in 2009. The Water Boards may allow a discharger to satisfy part of the monetary assessment imposed in an administrative civil liability (ACL) order arising out of a settlement by completing or funding one or more eligible SEPs.

Assembly Bill 1071 (AB 1071), passed into law in October 2015 as Public Resources Code section 71118 (a)(3), defines a SEP as “an environmentally beneficial project that a person subject to an enforcement action voluntarily agrees to undertake in settlement of the action and to offset a portion of a civil penalty.”

The SEP Policy amendment is needed to fulfill the requirements of AB 1071, now Public Resources Code section 71118 (b), which requires each board, department, or office (BDO) within the California Environmental Protection Agency (CalEPA) to establish a policy on SEPs that benefit disadvantaged communities, and must include, but need not be limited to, all of the following:

- (1) A public process to solicit potential SEPs from disadvantaged communities.
- (2) Allowing the amount of a SEP to be up to 50 percent of an administratively imposed civil liability brought under the jurisdiction of a BDO within CalEPA.
- (3) An annual list of SEPs that may be selected to settle a portion of an administratively imposed civil liability brought under the jurisdiction of a BDO within CalEPA.
- (4) A consideration of the relationship between the location of the violation and the location of the proposed SEP.

The SEP Policy has also been amended to: apply not only to the State Water Board and the nine Regional Water Boards, but also to enforcement actions prosecuted by the Division of Drinking Water and its Districts, and the Division of Water Rights; include human right to water considerations; align with the State Water Board’s April 4, 2017, revision of the Water Quality Enforcement Policy (Enforcement Policy); and clarify certain principles that are central to the SEP Policy and improve transparency in Policy implementation based on stakeholder input.

DOCUMENT AVAILABILITY

The Draft SEP Policy Amendment and Staff Report are available on the State Water Board’s SEP webpage: https://www.waterboards.ca.gov/water_issues/programs/enforcement/sep.shtml. Those without internet access may request a paper copy of the Draft SEP Policy Amendment and Staff Report by calling Jasmine Oaxaca at (916) 322-5327.

SUBMISSION OF WRITTEN COMMENTS

Interested persons are encouraged to submit their written comments electronically. Comment letters **must be received by 12:00 p.m. (noon) on Wednesday, September 20, 2017 Monday, September 25, 2017.**

Send comments by email to commentletters@waterboards.ca.gov (**must be no more than 15 megabytes**); fax to (916) 341-5620; or mail or hand delivery to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000 (mail)
1001 I Street, 24th Floor, Sacramento, CA 95814 (hand delivery)

Please indicate in the subject line: "Comment Letter – SEP Policy Amendment".

Staff may propose changes to the draft Policy amendment following close of the public comment period and provide a subsequent opportunity to comment on those changes. Notice of future opportunity to comment on such proposed changes will be circulated as described below under "Future Notice."

PROCEDURAL MATTERS FOR THE PUBLIC HEARING

At the Public Hearing, participants will be given an opportunity to present oral comments to the State Water Board. To ensure a productive and efficient hearing in which all participants have an opportunity to participate, oral presentations will be time-limited. Participants planning to use a Power Point presentation must submit the file electronically, in .ppt format, to the Clerk via email at commentletters@waterboards.ca.gov, no later than 12:00 p.m. (noon) on Thursday, September 14, 2017. Please indicate in the subject line "Power Point Presentation – SEP Policy Amendment."

PROCEDURAL MATTERS FOR THE ADOPTION MEETING

At the adoption meeting, participants will be given an opportunity to summarize their written comments in oral presentations. Comments at the adoption meeting will be limited to changes made to the final draft Policy issued to the public as a result of the oral comments received at the September 20, 2017 public hearing. To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations will be time-limited. Participants planning to use a Power Point presentation must submit the file electronically, in .ppt format, to the Clerk via email at commentletters@waterboards.ca.gov, no later than 12:00 p.m. (noon) on Thursday, November 2, 2017. Please indicate in the subject line "Power Point Presentation – SEP Policy Amendment."

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. CalEPA Building and public parking information, please refer to the map on the State Water Board web site at: <http://calepa.ca.gov/headquarters-sacramento/location/>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five working days prior to the meeting. Telecommunications device for the deaf (TDD) users may contact the California Relay Service at: (800) 735-2929 or voice line at (800) 735-2922.

Video and audio broadcasts of the public workshop, hearing, and adoption meeting will be available via the Internet and can be accessed at: <https://video.calepa.ca.gov/>.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for security clearance.

FUTURE NOTICE

The State Water Board workshop, public hearing, and adoption meeting will be at the times and places noted above. Any change in the date, time, and place of the workshop, public hearing, or adoption meeting will be noticed on the State Water Board's SEP webpage:
https://www.waterboards.ca.gov/water_issues/programs/enforcement/sep.shtml.

Any person desiring to receive future notices concerning the proposed Amendments, including any changes to the notice of public hearing and consideration of adoption, may sign up for the Lyris e-mail list. To sign up for the Lyris list, access the E-mail List Subscription form, select the box for 'Enforcement' (located within the section also entitled 'Enforcement'), and provide the required information. The subscription form is located at:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml.

ADDITIONAL INFORMATION

If you have any questions or concerns regarding this notice, please contact:

Jasmine Oaxaca at (916) 322-5327 or Jasmine.Oaxaca@waterboards.ca.gov; or
Matthew Buffleben at (916) 341-5891 or Matthew.Buffleben@waterboards.ca.gov.

August 23, 2017

Date

Jeanine Townsend
Jeanine Townsend
Clerk to the Board