

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
April 11, 2018

ITEM: 11

SUBJECT: Tentative Resolution: Endorsement of Regional Enforcement Priorities (Tentative Resolution No. R9-2018-0043) (*Chiara Clemente*)

PURPOSE: To determine annual regional enforcement priorities in accordance with section II.C of the [2017 Enforcement Policy](#) and learn about the State Water Board's enforcement priorities and resources.

RECOMMENDATION: Adopt Tentative Resolution No. R9-2018-0043

KEY ISSUES: N/A

PRACTICAL VISION: Selection of regional enforcement priorities is closely linked to the implementation of Practical Vision Chapter 1 (Strategizing for Healthy Waters) because both efforts are intended to ensure that the Board's work is aligned with the most important goals and highest priorities.

## DISCUSSION:

Advisory and prosecution staff members (led by the Executive Officer and Assistant Executive Officer, respectively) have developed recommendations for regional enforcement priorities for 2018. The current enforcement priorities were presented in the [April 2017 Executive Officer Report](#) and mentioned during the Executive Officer's verbal report at the April 2017 Board Meeting. Section II.C of the [2017 Enforcement Policy](#) recommends a new process for selection of regional enforcement priorities. In accordance with this suggested process, for 2018 the advisory and prosecution staff collectively recommend to continue to prioritize enforcement of violations that affected one or more [key beneficial use categories \(i.e. municipal water supply, fish and shellfish consumption, recreation, and ecosystem health\) in a key area for the specific use](#). Consistent with our Practical Vision goal of focusing work on the most important issues, this recommended approach to prioritizing enforcement ensures that violations which potentially do harm in the most important water body areas are not overlooked.

However, it is not the only determinate factor when selecting cases for formal enforcement. Other factors considered include statewide prioritization criteria listed in the 2017 Enforcement Policy, such as compliance history, magnitude of the impacts (i.e. degree of harm), strength of the evidence, available staff resources, and considerations for environmental justice and the human right to water.

In accordance with Section II.C of the 2017 Enforcement Policy, the proposed priorities were publically noticed using social media, lyrics, and the Water Board's webpage for a minimum of 30 days. The written comment period closed on March 15, 2018, and no comments were received. Board staff will provide a brief presentation with examples of what types of violations would be considered a regional enforcement priority. Staff from the Office of Enforcement has also been invited to speak on the State Board's enforcement priorities and the staffing resources and expertise they provide to the prosecution staff.

## LEGAL CONCERNS:

None.

## SUPPORTING DOCUMENTS:

1. Tentative Resolution No. R9-2018-0043

SIGNIFICANT  
CHANGES: N/A

COMPLIANCE  
RECORD: N/A

PUBLIC NOTICE: This item was announced electronically through the "Penalty Assessment Notices" lyris email group, posted on the Water Board's webpage, and social media on February 7, 2018. Additionally, notice was provided in the agenda for the April 11, 2018 Board Meeting.