
State Water Resources Control Board

NOTICE OF OPPORTUNITY TO COMMENT ON REVISIONS TO APPENDIX D OF WATER QUALITY ENFORCEMENT POLICY UPDATE

**WRITTEN COMMENTS DUE NO LATER THAN
June 17, 2024, by 12:00 P.M.**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board or Board) will receive written public comments on proposed revisions to clarify Appendix D in the proposed update 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.

BACKGROUND

The State Water Board adopted proposed amendments to the Enforcement Policy at its board meeting on December 5, 2023. The rulemaking file was submitted to the Office of Administrative Law (OAL) on March 20, 2024. OAL identified certain concerns with Appendix D: Determining Applicability of Enforcement Policy and, on April 29, 2024, the rulemaking file was withdrawn to address OAL’s concerns.

CLARIFICATION AND REVISION OF APPENDIX D

Appendix D of the Enforcement Policy summarizes key Policy revisions and categorizes them as “clarification,” “procedural” or “substantive”. OAL noted that several of the revisions identified in Appendix D as non-substantive clarifications were in fact substantive clarifications and needed OAL approval before they could take effect. The narrow revisions now proposed to Appendix D are intended to address the concerns raised by OAL. Specifically, the revisions:

1. Note that changes identified as “clarifications” refer to regulatory amendments that eliminate potential ambiguities in the 2017 Enforcement Policy,
2. Clarify that revisions identified as “procedural” are those that affect the conduct of adjudicative proceedings, including principles of discovery, and
3. Delete revisions that are merely restatements of existing statutory requirements or are mere clarifications without regulatory effect.

PROCEDURAL MATTERS FOR THE COMMENT PERIOD

At this time, the State Water Board will accept comments **only on changes** to Appendix D of the updated Enforcement Policy, which are identified in **blue bold/underline** for new text and **blue/bold/strike-out** for deleted text. Written comments that are unrelated to the proposed revisions to Appendix D will not be accepted.

DOCUMENT AVAILABILITY

The draft proposed revisions to Appendix D of the Enforcement Policy are online and available to view or download on the State Water Board website at:

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

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

Written comments must be received no later than **12:00 p.m. on June 17, 2024**, and addressed to:

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

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

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. 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. on June 17, 2024. 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

CONTACT PERSONS

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

Catherine Hawe, Attorney III
(916) 322-3538 or Catherine.Hawe@waterboards.ca.gov

David Boyers, Assistant Chief Counsel
(916) 341-5276 or David.Boyers@waterboards.ca.gov

May 31, 2024
Date


Courtney Tyler
Clerk to the Board