

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2024-0027**

**ADOPTION OF AMENDMENTS TO APPENDIX D OF 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. The State Water Board adopted proposed revisions to the Water Quality Enforcement Policy at its board meeting on December 5, 2023.
5. The State Water Board submitted the Policy to the Office of Administrative Law (OAL) for review and approval on March 20, 2024.
6. OAL identified certain concerns with Appendix D: Determining Applicability of Enforcement Policy, and on April 29, 2024, the State Water Board withdrew the rulemaking file to address OAL's concerns.

7. Revisions to Appendix D of the Enforcement Policy were noticed for comment on June 3, 2024. The comment period closed on June 17, 2024. One comment was received, and no revisions were made in response to the comment.
8. 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.
9. The State Water Board anticipates that the adoption of revisions to Appendix D of the Enforcement 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.
10. Adoption of this policy is categorically exempt from the California Environmental Quality Act under California Code of Regulations, title 14, section 15321.
11. State Policy for Water Quality Control is subject to review by the OAL utilizing a special review process contained in Government Code section 11353.

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Adopts Appendix D to the Water Quality Enforcement Policy, as revised.
2. Authorizes the Executive Director or designee to re-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.

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 August 20, 2024.

AYE: Chair E. Joaquin Esquivel
Board Member Sean Maguire
Board Member Laurel Firestone
Board Member Nichole Morgan

NAY: None

ABSENT: Vice Chair Dorene D'Adamo

ABSTAIN: None



Courtney Tyler
Clerk to the Board