

# Enforcement Policies

## An overview of agency policies

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# Enforcement Policy Elements

- **Recognition of value of well-developed compliance monitoring system**
  - Assists in identifying and correcting violations
  - Establishes a presence for the regulated community
  - Helps to target efforts
- **Recognition of the value of strong enforcement in deterring violations**
- **Environmental Justice**
- **Settlement**

# Programmatic Elements

- **Process for prioritizing**
  - Enhances ability to leverage scarce resources
  - May focus on types of violations
- **Progressive Enforcement**
  - Escalating, beginning with notification and culminating with formal proceedings
  - Some cases not appropriate for escalation
- **Methodology/Matrix for assessing administrative civil liability**
- **Devoting penalty money to beneficial projects (SEPs)**
- **Documentation and reporting**

# Penalty Matrix/Methodology

## General Policies

- **Recognizes that each case is unique**
- **Requires that economic advantage and unfair competitive advantage from noncompliance must be fully eliminated**
- **Establishes that penalties should bear a reasonable relationship to the gravity of the violation**
- **Recognizes that penalties designed to deter both the specific violator and similarly situated persons in the regulated community**

# Steps to calculating penalty

- **EPA Clean Water Act Settlement Penalty Policy**

- Penalty = (Economic Benefit) + (Gravity) +/- (Gravity Adjustment Factors) – (Litigation Considerations) – (Ability to pay) – (SEPs)

- **SWRCB Steps**

- Start with harm calculation and adjustment to determine base amount, then go to ability to pay, other factors as justice may require, with final calculation including examination of statutory maximum/minimum and economic benefit

Questions?