

ENFORCEMENT UNIT BIMONTHLY UPDATE

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Outline

- Program Improvement Committee Discussions
- Cases for Commission Decision in Early 2020
- Calendar Year 2019 Case Resolution
- Calendar Year 2020 Case Recoveries
- Calendar Year 2020 Case Resolution
- Anticipated Commission Actions

Program Improvement Committee Discussions

Meeting	Topics (numbers are based on audit recommendations)
7/1/2019	Penalty policy overview (1); Case management approaches (1), (2), (5), (16); Administrative Procedures Act and rulemaking
7/24/2019	Backlog – remedies and alternatives (2), (3), (14); Standardized fines overview (2), (5), (16)
8/8/2019	Inactive cases update (3); Penalty policy development I – initial penalty amount (1); Violations resulting in significant harm (1), (5), (15)
8/14/2019	Penalty policy development 2 – economic benefits and deterrence (1), (3), (5); Database and technology limitations (13)
9/12/2019	Briefing on Richardson’s Bay and Abandoned Vessels

Program Improvement Committee Discussions

Meeting	Topics (numbers are based on audit recommendations)
9/25/2019	Case management update (3), (5), (16); Case prioritization (2), (3), (4), (6), (14); Penalty policy development 3 – ability to pay, voluntary resolution, degree of culpability (1), (5)
10/1/2019	Definition of significant harm (1), (3), (5); Calculation and delineation of violations (1), (2), (5), (13), (15)
10/23/2019	Permitting overview; Compliance improvements (1), (2), (3), (12)
11/14/2019	Case management update (3), (5), (16); Voluntarily undertaken environmental projects discussion (1), (2), (15)
11/20/2019	Richardson’s Bay and Abandoned Vessels case update; Union Point Park Restoration enforcement recommendation; Workforce study scheduled CA Department of Finance (10)
12/12/2019	Case management update (3), (5), (16); Backlog resolution update (2), (3), (14)

Cases for Commission Decision in Early 2020

Union Point Park

- Hearing before Enforcement Committee early 2020. Commission action on/about April 2020.

Richardson's Bay

- Ongoing Enforcement Committee discussion early 2020. Commission action on/about May 2020.

Middle Harbor Shoreline Park

- Hearing before Enforcement Committee early 2020. Commission action on/about April 2020.

Calendar Year 2019 Case Resolution

Year	Caseload	Cases Opened	Cases Closed	Open Cases
2017	226	55	33	138
2018	261	60	18	183
2019	282	71	48	163

Calendar Year 2019 Case Recoveries

- Fines and civil penalties collected:
 - FY 2019 \$191,383
 - FY 2020 \$88,000

- Bay Fill Clean-Up and Abatement Fund Balance 06/30/2019
 - FY 2019 \$125,283
 - Total Fund Value 06/30/2019 \$1,451,432

Calendar Year 2020 Case Resolution

Methods to Improve Case Resolution Timeframes:

- Reviewed by date opened
- Combined by violator

Methods to Improve Case Resolution Stagnation:

- Resolution Status Reports
- Closed Case Reports

Anticipated Commission Actions

- Action on Union Point Park and Middle Harbor Shoreline Park
- Action on Richardson's Bay cases
- Internal Guidance on:
 - 1) Criteria for Violation Delineation (When to combine and/or separate violations, Commission action mid-2020); and
 - 2) Supplemental Environmental Projects (in negotiated settlements), Commission action mid-2020
- Internal Policy on Penalties

Questions?