

# San Francisco Bay Conservation and Development Commission

As of May 7, 2020

## **Enforcement Committee Briefings/Discussions Topics**

After the State Auditor released her report on BCDC's enforcement program in mid-May 2019, the Commission's Enforcement Committee established a formal twice-monthly meeting schedule. Since then, the Committee has reviewed, analyzed, and discussed the issues listed below. More policy briefings are scheduled through the end of 2019 and into 2020. The Committee plans to update the full Commission on new procedural developments and make recommendations on how best to improve the program in Q1 and Q2 of 2020. Below is a list of those meetings and the issues that have been briefed and discussed; the numbers in parentheses correspond to the assigned number for the Auditor's 17 recommendations to the Commission:

<b><i>Meeting</i></b>	<b><i>Topics</i></b>
6/26/19	Initial post-audit meeting
7/1/19	Penalty policy overview (1) Case management approaches (1), (2), (5), (16) Administrative procedures and rulemaking process
7/24/19	Backlog – remedies and alternatives (2), (3), (14) Standardized fines (2), (5), (16)
8/8/19	Inactive cases update (3) Penalty policy development 1 – initial penalty amount (1) Violations with significant harm (1), (5), (15)
8/14/19	Penalty policy development 2 – economic benefits and deterrence (1), (3), (5) Database limitations and technology (13)
9/12/19	Richardson's Bay and Abandoned and Derelict Vessels
9/25/19	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)
10/1/19	Definition of significant harm (1), (3), (15) Calculation of violations (1), (2), (5), (13), (15)
10/17/19	Announcement of new Enforcement Policy Manager (Commission meeting)
10/23/19	Permits review Compliance improvements (1), (2), (3), (12)
11/14/19	Case management update (3), (5), (16) Supplemental Environmental Projects (1), (2), (15)
11/20/19	Richardson's Bay and Abandoned Vessels case update Union Point Park Restoration enforcement recommendation Workforce study scheduled CA Department of Finance (10)

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<b>Meeting</b>	<b>Topics</b>
12/12/19	Procedural improvements, including case management milestones; “Initial Contact” letters; case review Aged Case reports and Closed Case reports; Case prioritization (1), (2), (3), (4), (6), (15)
3/12/20	Oldest case resolution efforts (3) Delineation of violations (1), (2), (5), (13), (15) Union Point Park proposed uncontested cease and desist order
4/9/20	Summary of 2019 Case management and review case resolution results (1), (2), (3), (5), (16) Richardson’s Bay and Abandoned vessel management transition plan update
4/22/20	Union Point Park proposed uncontested cease and desist order amendments to extend deadlines at City request

## ***Issues Not Yet Discussed/Not Scheduled for Committee Discussion:***

- (7) Permit fees: Commission approved – Changes take effect July 1, 2020
- (8) Suisun Marsh Program: Completed compliance review January 31, 2020. In February 2020, the Commission started a collaborative process with the Suisun local governments and agencies to prepare a comprehensive review of the Marsh Plan and LPP for any needed amendments
- (9) Citizens Advisory Committee: Commission discussion on January 3, 2019 with decision not to reconstitute
- (10) Bay Fill Clean-up and Abatement Fund spending: State budget uncertain for FY 20-21
- (11) Workforce study: Review began through CA Department of Finance November 2019 ongoing; State budget uncertain for FY 20-21
- (12) New compliance position: State budget uncertain for FY 20-21; evaluation of enforcement cases related to permit non-compliance initiated