2023 Enforcement Unit Overview

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Enforcement Program Goals

▪**Deterrence**:   Remove incentive to violate BCDC laws, policies and regulations.

▪**Transparency**:   Clearly communicate expectations and ensure that processes are known and understood.

▪**Consistency**:   Maintain a clear, documented enforcement process that is publicly transparent and consistently applied.

▪**Fairness**:   Treat violations similar in nature and impact to the Bay and public access similarly (will not necessarily equate to the same outcome) and remove any competitive advantage gained from noncompliance.

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2023 Case Management Improvements

Close coordination with Compliance Unit

o Compliance has been instrumental in assuming compliance monitoring of issued orders and settlements

o Compliance has been instrumental in managing reports of impending and possible violations and resolving many issues without formal enforcement action

Milestone Tracking

o   Use technology to organize data and track deadlines
o   ~34/71 cases in the queue as of 12/31/23 are subject to milestone tracking system

Enforcement Regulations revisions

o   2023 was the first full year managing the caseload under the new regs (eff. 10/1/22)
o   Facilitated more efficient communication (electronic), systematic adm. civil penalty calculations (Appendix H)

New and Improved Tools

o   Formal Enforcement Docket – improvements to the formulas made to ensure cases are moved through the process timely and all regulatory requirements are met
o   Draft administrative civil penalty calculator developed/tested to make efficient use of civil penalty procedure in Reg. Appendix H

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Case Management Data

- In 2023, BCDC Enforcement opened 70 new cases and resolved 50 of those cases.

- Overall, we closed 88 cases in 2023 ➔

    o   Vast majority opened in the last two years

    o   Includes the oldest case in the queue from 1990.

Year	Count
1990	1
2002	1
2004	1
2009	1
2010	1
2014	1
2018	3
2019	2
2021	7
2022	20
2023	50

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Progress on "Old" & "Oldest" Cases

Our case management procedure defines **old cases** as those opened in 2016 and prior, and defines **oldest cases** as those opened in 2000 and prior.

Currently, the number of oldest cases is 1 and the number of old cases (inclusive of oldest case) is 19. In 2023, we reduced the number of oldest cases by 2 and reduced the number of old cases by ~14.

Old and oldest cases comprise approximately 52% of the total year-end caseload (71). In 2024, we are prioritizing oldest/old unresolved cases for resolution.

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Available Resources

ArcGIS (BayRAT)—ongoing data integration to track cases and case resolution progress

1DocStop

Fully electronic enforcement recordkeeping (SharePoint)

Template letters and forms

Bay Development and Design Analysts

Engineer

Calls, emails, Teams and Zoom

Program Highlights

- ➤ 2023 ended with the lowest case count since beginning of the program's re-invigoration effort in 2019. (~71)
- o Kudos to Compliance staff for stepping up as partners
- o Kudos to the Enforcement Committee for its support and guidance
- o Kudos to Adrienne Klein for her dedication and hard work
- o Kudos to Rachel Cohen for her stellar record of growth and accomplishment as our newest analyst
- o Kudos to Greg and Larry for their support and direction
- o Kudos to Margie Malan for keeping us all on task and stepping up to take ownership over her critical role on the team
- ➤ In 2023, BCDC Enforcement collected a approx. $425k in penalties deposited into the Bay Cleanup and Abatement Fund
- ➤ BCDC Enforcement has been selected as an honoree for the 2023 Geo for Good Award by Google for its use of Google's mapping tools to assist in investigation, research and monitoring of site around the Bay, particularly those that would be inaccessible to us due to their remoteness

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2024 Aims

Ongoing hearings on cases before the Enforcement Committee and the Commission

Coordinated enforcement with permitting and compliance units

Refine existing, and develop new, procedures and best practices based on lessons learned in 2023

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Questions?

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