

ENFORCE

ENFORCEMENT ACTIONS

GROUP: ENFORCEMENT ACTIONS ALL PROGRAMS

MEASURE: PENALTIES ALL PROGRAMS

MESSAGE: *Substantial penalties were assessed in FY 09-10. The NPDES program assessed the larger number of actions and 41% of penalties.*

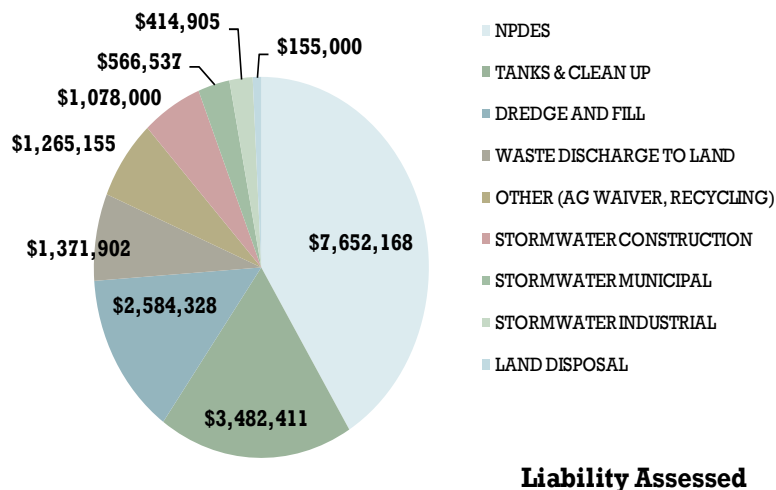
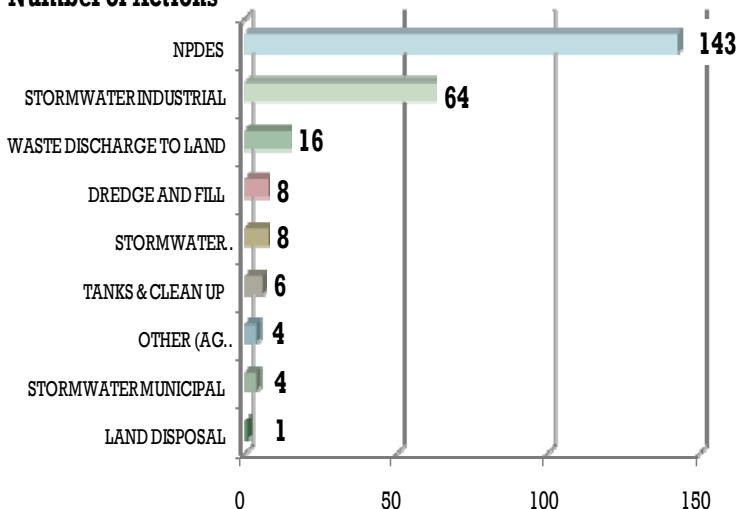
KEY STATISTICS FOR FY 2009-10

PENALTIES ASSESSED: \$18,570,406
 PENALTIES COLLECTED: \$6,462,202
 SEPS/PROJECTS APPROVED: \$494,687

MEASUREMENTS:

PROGRAM	Number of Administrative Civil Liability Actions	Total Liability Assessed	Cash Liability Collected	Projects Approved	Percentage of Liabilities Resolved
NPDES	143	\$ 7,652,168	\$ 3,474,222	\$ 325,702	49.7%
WASTE DISCHARGE TO LAND	16	\$ 1,371,902	\$ 446,547	\$ 65,635	37.3%
STORMWATER CONSTRUCTION	8	\$ 1,078,000	\$ 612,000	\$ -	56.8%
STORMWATER INDUSTRIAL	64	\$ 414,905	\$ 259,390	\$ -	62.5%
STORMWATER MUNICIPAL	4	\$ 566,537	\$ 291,641	\$ -	51.5%
DREDGE AND FILL	8	\$ 2,584,328	\$ 291,597	\$ -	11.3%
LAND DISPOSAL	1	\$ 155,000	\$ 155,000	\$ -	100.0%
TANKS & CLEAN UP	6	\$ 3,482,411	\$ 800,000	\$ -	23.0%
OTHER (AG WAIVER, RECYCLING)	4	\$ 1,265,155	\$ 131,805	\$ 103,350	18.6%
TOTAL	254	\$ 18,570,406	\$ 6,462,202	\$ 494,687	37.5%

Number of Actions



WHAT THE MEASURE IS SHOWING:

During fiscal year 2009-2010 a significant number of Administrative Civil Liability actions were issued under all programs in part as the result of the recently created [Office of Enforcement](#). This large number of actions assessed a significant penalty amount in FY 09-10 specially under the NPDES program patially due to the assessment of mandatory minimum penalties.

WHY THIS MEASURE IS IMPORTANT:

California law and the Water Boards enforcement policy establish the circumstances for which violations must receive a penalty and in what amount. In certain cases, the Water Boards have the discretion of imposing administrative civil liabilities after considering certain factors. For other types of violations, mandatory minimum penalties must be imposed and settlement conditions for those violations are also limited. The Regional Boards must consider whether the discharger should be allowed to satisfy some or all of the monetary assessment by completing or funding one or more compliance or supplemental environmental projects or by depositing the penalty amount in a specified fund. Preparing each case for prosecution requires a significant amount of time and resources. This measure describes a significant workload for the enforcement program.

TECHNICAL CONSIDERATIONS:

- Data Source: CIWQS. Period July 1, 2009 to June 30, 2010. Extracted on July 17, 2010.
- Unit of Measure: Number of enforcement actions and penalties assessed during FY 09-10 and the progress of those penalties.
- Data Definitions: **Penalties Assessed:** Amounts assessed in an ACL complaint or order. **Penalties Resolved:** Amount of penalties assessed that have been either paid or approved as a SEP.
ACL report available at: <http://ciwqs.waterboards.ca.gov/ciwqs/readOnly/aclReport.jsp>
- Enforcement and compliance assurance information is available at: http://www.waterboards.ca.gov/water_issues/programs/enforcement/
- The Water Boards' enforcement policy is also available at: http://www.waterboards.ca.gov/plans_policies/docs/wqep.doc
- State Water Board SEP Policy: http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/rs2009_00_13_sep_finalpolicy.pdf

GLOSSARY:**Supplemental Environmental Project**

Supplemental environmental projects *are* defined as **environmentally beneficial projects** which a defendant/respondent agrees to undertake in **settlement of** an **enforcement** action, but which the defendant/respondent is **not** otherwise **legally required to perform**. Environmentally beneficial means a SEP must improve, protect, or reduce risks to public health, of the environment at large. While in some cases a SEP may provide the alleged violator with certain benefits, there must be no doubt, that the project primarily benefits the public health or the environment

Compliance Project

A Compliance Project (CP) is a project designed to address problems related to the violation and bring the discharger back into compliance in a timely manner. CPs can only be considered where they are authorized by statute. At this time, CPs are authorized by statute only in connection with MMPs if the POTW serves a small community with a financial hardship.