

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**MEETING OF JUNE 19-20, 2013  
Lee Vining**

**ITEM: 20**

**SUBJECT: DISCUSSION OF LAHONTAN WATER BOARD ENFORCEMENT PROGRAM**

**DISCUSSION:** During the Lahontan Water Board's March 13-14, 2013 meeting, staff presented background information, questions, and ideas regarding the Water Board's Enforcement Program. The purpose was to start a discussion with the Water Board and receive Water Board insight and direction on the Enforcement Program's purpose, priorities and strategies, and opportunities for improved effectiveness. During the subsequent discussion, it was recognized that the ideas and questions presented by staff warranted significantly more time and attention than could be scheduled during one Water Board meeting. Another key theme that developed during the discussion was the desire to develop what amounts to a "fix-it ticket" (i.e., a small monetary liability) for repeated failure to implement construction storm water best management practices and related measures.

Following the discussion, the Water Board created a subcommittee (Water Board members Peter Pumphrey and Eric Sandel) that would meet with Water Board staff (both Advisory and Prosecution Team members), and staff from the Office of Chief Counsel and Office of Enforcement (collectively, the Subcommittee Group). This group's initial task was to continue working on the issues discussed during the March 13-14, 2013 Board meeting. The Water Board directed the subcommittee and staff to provide a progress report to the entire Water Board during its June 19-20, 2013 meeting. The Subcommittee Group has met twice since the March Board meeting.

The meetings have discussed several key program elements. The Subcommittee Group used the Key Questions for Discussion (Enclosure 1) to help initiate dialogue on many of the program elements, below.

- **Hearing Procedures and Management** – The subcommittee group discussed the benefits of templates for hearing procedures and there was consensus to focus on developing a long version suited to contentious hearings (see Enclosure 2 for Hearing Procedures Outline and an example template from Region 5).

The hearing procedure template will provide consistency and efficiency in the hearing process where all parties have ample opportunity to inform the Water Board members of their positions/opinions, and Water Board members have the opportunity and flexibility to obtain additional information and to deliberate upon that information prior to making a final decision.

- **Violations and Enforcement Actions** – The types and numbers of violations staff encounters (Enclosure 3) and the enforcement tools available for addressing those violations (Enclosure 4) were shared with the Subcommittee Group. Returning dischargers to compliance was identified as the primary objective of enforcement, and achieving this objective at the lowest, effective enforcement level is preferable. Providing replacement drinking water to affected residents was also identified as a priority. There is recognition that some violations do require an initial higher-level enforcement action due to the nature of impacts to beneficial uses (e.g., a Cleanup and Abatement Order for a nitrate-contaminated drinking water supply). Considering the objectives of enforcement, the nature and numbers of violation types, and available enforcement response actions will assist the Subcommittee Group in developing or better defining enforcement strategies.
- **Settlement** – There is a clear recognition that settlement should always be an option when the Prosecution Team is pursuing administrative civil liabilities. Confidential negotiations have value in promoting very open discussions, but can also limit how much information can be publicly shared when the Water Board is considering a proposed settlement. Providing as much information as possible regarding the basis of the proposed settlement was identified as being beneficial to all considering the proposed settlement. The options Water Board members have when considering a proposed settlement were also discussed (e.g., accept as proposed, request modifications and allow time for the parties to develop and submit a revised settlement proposal; postpone a decision and take under advisement; or reject with the option of considering a new settlement proposal or an ACL hearing).

- **Supplemental Environmental Projects (SEPs)** – The Subcommittee Group has identified substantial upgrades for this Enforcement Program element. Ideas for improvement include more active solicitation of potential SEPs, improved presentation of the Water Board's potential SEP List, and asking the Water Board annually to identify its priority SEPs.
- **Improving Enforcement Efficiency, Effectiveness, and Transparency** – There is recognition that the Water Board and its staff are currently encountering more violations than it can respond to and our processes and enforcement tools are often not clearly described to the public.

Improvements may be accomplished by:

- using enforcement action templates;
- maintaining and using existing databases to track, prioritize, and follow up on violations and enforcement actions;
- training staff on procedures for enforcement strategies, databases, and templates, so that staff know how to respond to the various violation scenarios it regularly encounters;
- posting on our public website the templates, procedures and enforcement strategies.

The Water Board may provide direction to staff on the program elements summarized above and any additional issues discussed. This may include direction on the following issues:

1. Does the Water Board want to formally adopt template Hearing Procedures at a future Board meeting? Regions 2 and 5 have done this.
2. Does the Water Board want to formally adopt an Enforcement Program Guiding Principles document, which would likely include responses to some of the questions presented in the Key Issues for Discussion document (Enclosure 1)?
3. Does the Water Board want to set annual enforcement priorities (i.e., dairies)?
4. Does the Water Board want to prioritize SEP projects and/or develop prioritization criteria for SEPs?

**RECOMMENDATION:**

This is a discussion item only. The Water Board may give direction to staff regarding this item.

**ENCLOSURE:**

<b>Enclosure</b>	<b>Description</b>	<b>Bates Number</b>
1	Key Questions and Answers for Discussion	<b>20-7</b>
2	Hearing Procedures Outline and Example Template	<b>20-15</b>
3	Types of Violations Addressed by the Water Boards	<b>20-27</b>
4	Water Board Actions and Authorizations	<b>20-31</b>
5	Quarterly Violations Report – First Quarter 2013	<b>20-35</b>

# **ENCLOSURE 1**

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**FOR DISCUSSION PURPOSES ONLY**

**LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD  
ENFORCEMENT PROGRAM**

**Key Questions and Answers for Discussion**

**June 3, 2013**

**1. Objectives of Enforcement**

- a. What is/are the Board's objectives with enforcement? Is it deterrence, compliance, punishment, or other purpose?**

The primary purpose of enforcement is to return the discharger and its facility/project to compliance with water quality protection laws, regulations (e.g., Basin Plan prohibitions, water quality standards), permit requirements, and prior enforcement actions. The Board uses both informal (e.g., verbal direction, staff enforcement letters, notices of violation) and formal (e.g., notices to comply, cleanup and abatement orders, cease and desist orders, time schedule orders) enforcement actions towards this purpose.

Enforcement can also serve as a deterrent to future violations, either by the current violator or other potential violators. Penalties assessed through the Administrative Civil Liability process or as a result of referring the violations to the Office of the Attorney General are the primary mechanism for creating the deterrent effect.

- b. If the objective is helping dischargers come into compliance, how much time should staff spend helping dischargers comply before initiating enforcement?**

There is often a time period of compliance assistance provided to the non-compliant party prior to Water Board staff initiating any enforcement action. Water Board staff's typical initial approach towards addressing non-compliance is to provide compliance assistance and use informal enforcement actions, or formal enforcement actions when appropriate, to document the non-compliance and manage the discharger's pathway back to compliance.

Water Board staff's initial enforcement approach typically involves:

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- Working with the non-compliant party to identify the non-compliance and its cause(s), the measures required to return to compliance, and a compliance schedule;
- Use informal, or formal when appropriate, enforcement actions to document in writing:
  - the violations, the corrective measures, and compliance schedule;
  - the additional negative consequences associated with the initial violation and continuing violations; and
  - that the violator's response will play a significant role in determining the nature and extent of additional enforcement in the future.

### 2. Penalties

**a. How effective are large penalties (fines) at deterrence? In what kind of enforcement matters are large penalties most effective at deterrence? When are they not effective?**

Large penalties are effective in certain conditions. The purpose of penalties is two-fold. Penalties should remove any incentive or benefit that could result from non-compliance and/or a failure to respond to a non-compliant condition in a timely and effective manner. Penalties also impose an additional negative consequence to violations of standards/requirements, acting as an incentive to the specific discharger and the community at large to make certain their actions are compliant with applicable laws, regulations, and requirements.

**b. How should the cost of staying in business be considered in enforcement?**

Compliance is required of all dischargers. Financial hardships are not a license to violate applicable laws and/or regulations. If a particular party cannot operate in compliance while also within its financial means, then it may be necessary for the party to prepare to cease operations and address any adverse environmental impacts resulting from past or ongoing non-compliance. It is also imperative for the Water Board and its staff to assess its regulatory requirements to verify that they are appropriate to the circumstances.

Additionally, violators and the community at large need to understand that many violations, especially those that adversely affect the beneficial uses of natural resources, come with negative financial impacts for the violator's bottom line that are independent of any potential fines that may also accompany the violations. Water Board staff need to highlight the costs associated with non-compliance when announcing the resolution of enforcement actions. The result of such

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information should be an improved awareness of the significant negative consequences that come with a violator's non-compliant conduct. In many cases, the cost of addressing the adverse environmental impacts is greater than any fine the Water Board can impose. An understanding of this situation should result in improved compliance and water quality protection.

### **c. Penalties v. Compliance – Is there a trade off? When is one more important than the other?**

Compliance is more significant because without it, the situation remains unresolved, environmental degradation continues, violations continue, and potential penalties continue to accrue, making it more challenging to establish a truly appropriate penalty. Repairing environmental damage and restoring beneficial uses should be a higher priority than simply assessing penalties.

### **3. Other**

#### **a. How do you address hardship and disadvantaged communities in enforcement?**

Compliance schedules are likely the Water Board's most effective mechanism for addressing non-compliance that involves a party experiencing hardship conditions and/or disadvantaged communities. Justice may require reducing penalties in consideration of financial hardship. The schedule can take into account the time necessary to obtain adequate funding to implement compliance measures. Additionally, Water Board staff can investigate and share information regarding potential funding sources and low-cost/free technical support resources.

#### **b. How do you measure good faith efforts to comply?**

This involves a fair amount of judgment. Water Board staff typically will extend compliance dates if it sees progress has been made towards compliance, but unforeseen circumstances develop or staff has misjudged the actual time it takes to complete a specific activity. However, if a pattern of delays develops (e.g., 2<sup>nd</sup> or 3<sup>rd</sup> reoccurrence), and such a pattern cannot be honestly justified, then enforcement needs to be elevated. To assist Water Board staff in assessing a violator's effort to return to compliance, it is important to clearly provide the violator with the following information in writing (e.g., notice of violation, cover letter for cleanup and abatement order):

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- The nature and extent of additional enforcement that will likely be initiated if the violations are not addressed according to the schedule established by the informal or formal enforcement action;
- That the clock started ticking on the first day of violation, and continues to accrue additional days of violation until the violation is fully addressed. Further explain that each day of violation is subject to additional enforcement, and in many cases, subject to fines; and
- Attempting to mislead the Water Board regarding the violator's ability to address the violations and their impacts will have severe consequences.

### c. How can the SEP Program be more effective?

There is room for improvement in three areas:

- More actively solicit potential SEPs from throughout the region. This could involve, either annually or semi-annually, mailing out requests for proposed projects to known interest groups and posting the same request on-line. An emphasis would be placed on projects that are ready to implement and are simply waiting for funding.
- Potential SEPs could then be categorized and prioritized by staff and the Water Board. The SEP portion of the Water Board's web site could then be updated to reflect the Water Board's SEP categories and priorities. This would make it easier for dischargers to identify SEPs that may be appropriate for their situation.
- Place a priority on accepting settlements involving SEPs that are ready for implementation and can be easily monitored by an independent third party, limiting staff's follow-up time.

## 4. Settlement

### a. When is settlement appropriate?

Pursuing settlement is always appropriate. The finders of fact should respect the parties' knowledge of the facts and, when they are acting in good faith, the ability of the parties to assess and evaluate options. The parties should be prepared to share some of the logic behind the proposed settlement, even though it can present some challenges for the parties. Effective settlement requires an atmosphere of trust among all of the players including the Board itself.

High profile cases are still appropriate for settlement. There is a need at all times for transparency in the process of presenting and evaluating the proposed settlement. This includes making a showing that the settlement is in line with

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Board policies. There are situations in which stakeholders are not likely to be satisfied with any resolution, so that is not necessarily useful as a factor in evaluating settlement. There are times when it can be productive for the parties to keep the finder apprised of the settlement process to the extent that this is allowable.

### 5. Enforcement Process

#### a. What is the role of informal enforcement?

Informal enforcement enables people of good will to do the right thing more quickly and efficiently. It lets people avoid the negatives of becoming true adversaries, particularly if they have to work with one another in the future. Informal resolution processes allow more cases to be processed, especially those with similar fact situation and resolution parameters. If the Board can set some understandable informal enforcement policies, a great many more matters can be dealt with since they would not have to move toward Board level.

#### b. Should we better coordinate with other regulatory agencies and local enforcement entities and, if so, when and how?

We need to coordinate with anyone who has jurisdiction over a given situation so that all tools which can be used to obtain compliance, resource protection and resolution are available. Other schemes may have benefits in terms of leverage, initial response speed. This coordination should begin as soon as a violation or potential violation becomes known. In some jurisdictions or for a group of similar compliance issues, a task force approach has been utilized with some success. Proposed resolutions need to be coordinated so that all compliance options remain available for use.

#### c. How do we better engage the public and gain their input?

The public needs to understand what we enforce, how we do it, what our policies are, the reasons why we regulate and the objectives we are seeking to achieve. This is true of the public at large and especially those in the regulated community. The public needs to understand that we have uniform approaches, criteria, penalty policies and processes which are used in our regulation. They also need to understand and be involved in opportunities to shape our policies before the policies find their way into regulatory action. When developing enforcement policy/priorities, it could be done in a workshop environment where the public and regulated community are invited to participate.

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**d. When is rapid escalation of enforcement appropriate versus progressive enforcement?**

Depends on the severity of the consequences to the resource, imminent danger of further damage to the resource, and the attitude of the party involved toward the situation and their willingness to acknowledge responsibility and respond appropriately.

**e. How important is consistency in enforcement?**

Consistency is important. It can be attained if there is consistency of circumstances among violations. This may not be so easy to find in such a large and diverse geographical area with such a small population of people and potential dischargers. Consistency in enforcement will require consistency in all of the other aspects of the Board's activities.

**f. If resources are not available to allow staff to address all significant violations, how should staff prioritize enforcement matters?**

Currently, high priority is assigned to violations that have already adversely impacted beneficial uses, especially those associated with human health protection. Additional criteria can be used such as affected population size, availability of alternative actions to protect public health, potential for delay to result in significant expansion of adverse impacts.

**g. How can process and procedures be improved?**

The development and use of templates to limit the amount of original writing to the specific facts of each case. Use of existing databases to track, prioritize, and follow up on violations and associated enforcement actions. Doing so will allow proper allocation of resources to effectively follow up and follow through on active enforcement cases. This will help prevent compliance dates from falling through the cracks, which undermines the Board's reputation of being an agency that will see a case to the end. Training to inform all staff involved with enforcement in both offices of the processes and procedures that are in place, so that time is not wasted unnecessarily creating a new process/format and less time understanding what the processes are for the various enforcement scenarios we encounter.

# **ENCLOSURE 2**

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**FOR DISCUSSION PURPOSES ONLY**

**Lahontan Regional Water Quality Control Board  
Hearing Procedures Outline  
May 17, 2013**

- I. Currently developing three Hearing Procedures templates to be posted on Lahontan Water Board web site.
  - a. **Hearing Procedures Long** – Full hearing for contested enforcement actions such as Arimol Group ACL, North Tahoe Public Utility ACL, Adelanto CDO. (Template is based upon the Central Valley Water Board’s Hearing Procedures template.)
  - b. **Hearing Procedures Short** – Less-formal hearing that does not include cross-examination of participants. Spalding Tract ACLs and CDOs are examples of when these procedures would be used.
  - c. **Interested Party Input** – Intended to be used in non-controversial enforcement actions such as rescinding Spalding Tract CDOs. These procedures are very simple and are intended to solicit written comments on the pending action from interested parties prior to the hearing.
  
- II. Proposed Modifications to the Hearing Procedures Long Template
  - a. Emphasize that the actual hearing is more of a “paper hearing” in nature and acknowledge that the Water Board members will have read the pre-hearing materials prior to the actual hearing.
  - b. Clarify the purpose and nature of the pre-hearing materials “Designated” and “Interested” parties are required to submit.
  - c. Clarify what documents can be incorporated into the Administrative Record by reference and explain the process for doing so.
  - d. Expand the explanation of how and where the public can participate in the hearing process.
    - i. Highlight within or as an attachment to the hearing procedures.
    - ii. Highlight within the Important Deadlines table.
    - iii. Create a flowchart to illustrate the public participation elements of the hearing process.
  - e. Inform hearing participants that the Water Board may (1) continue the hearing to the to the second day of the Water Board’s meeting, (2) continue the hearing to a future Board meeting, and/or (3) close the hearing, but make a final decision at a future Board meeting.

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- f. Emphasize the Water Board's preference for pre-hearing materials to be electronically submitted and limited to 10 MB.
- g. Adjust submittal deadlines to ensure adequate time for public participation.

Central Valley Regional Water Quality Control Board

HEARING PROCEDURE  
FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT  
R5-201x-XXXX

ISSUED TO  
[FACILITY]  
[COUNTY] COUNTY

SCHEDULED FOR [DATE]

PLEASE READ THIS HEARING PROCEDURE CAREFULLY. FAILURE TO COMPLY WITH THE DEADLINES AND OTHER REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF YOUR DOCUMENTS AND/OR TESTIMONY.

**Overview**

Pursuant to Water Code section 13323, the Executive Officer has issued an Administrative Civil Liability (ACL) Complaint to [Discharger(s)], alleging violations of Water Code section(s) [13267, 13350, 13385] by [briefly describe violations]. The ACL Complaint proposes that the Central Valley Water Board impose administrative civil liability in the amount of \$XXXX. A hearing is currently scheduled to be conducted before the Board during its [date] meeting.

The purpose of the hearing is to consider relevant evidence and testimony regarding the ACL Complaint. At the hearing, the Central Valley Water Board will consider whether to issue an administrative civil liability order assessing the proposed liability, or a higher or lower amount. The Board may also decline to assess any liability, or may continue the hearing to a later date. If less than a quorum of the Board is available, this matter may be conducted before a hearing panel. The public hearing will commence at 8:30 a.m. or as soon thereafter as practical, or as announced in the Board's meeting agenda. The meeting will be held at:

11020 Sun Center Drive, Suite 200, Rancho Cordova, California.

An agenda for the meeting will be issued at least ten days before the meeting and posted on the Board's web page at:

[http://www.waterboards.ca.gov/centralvalley/board\\_info/meetings](http://www.waterboards.ca.gov/centralvalley/board_info/meetings)

**Hearing Procedure**

The hearing will be conducted in accordance with this Hearing Procedure, which has been approved by the Board Chair for the adjudication of such matters. The procedures governing adjudicatory hearings before the Central Valley Water Board may be found at California Code of Regulations, title 23, section 648 et seq., and are available at

<http://www.waterboards.ca.gov>

Copies will be provided upon request. In accordance with Section 648(d), any procedure not provided by this Hearing Procedure is deemed waived. Except as provided in Section 648(b) and herein, Chapter 5 of the Administrative Procedures Act (Gov. Code, § 11500 et seq.) does not apply to this hearing.

The Discharger shall attempt to resolve objections to this Hearing Procedure with the Prosecution Team BEFORE submitting objections to the Advisory Team.

### **Separation of Prosecutorial and Advisory Functions**

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Board (the “Prosecution Team”) have been separated from those who will provide legal and technical advice to the Board (the “Advisory Team”). Members of the Advisory Team are: [List all the members of the Advisory Team, with Titles]. Members of the Prosecution Team are: [List all the members of the Prosecution Team, with Titles].

Any members of the Advisory Team who normally supervise any members of the Prosecution Team are not acting as their supervisors in this proceeding, and vice versa. Pamela Creedon regularly advises the Central Valley Water Board in other, unrelated matters, but is not advising the Central Valley Water Board in this proceeding. Other members of the Prosecution Team act or have acted as advisors to the Central Valley Water Board in other, unrelated matters, but they are not advising the Central Valley Water Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with the members of the Central Valley Water Board or the Advisory Team regarding this proceeding.

### **Hearing Participants**

Participants in this proceeding are designated as either “Designated Parties” or “Interested Persons.” Designated Parties may present evidence and cross-examine witnesses and are subject to cross-examination. Interested Persons may present non-evidentiary policy statements, but may not cross-examine witnesses and are not subject to cross-examination. Interested Persons generally may not present evidence (e.g., photographs, eye-witness testimony, monitoring data). At the hearing, both Designated Parties and Interested Persons may be asked to respond to clarifying questions from the Central Valley Water Board, staff, or others, at the discretion of the Board Chair.

The following participants are hereby designated as Designated Parties in this proceeding:

1. Central Valley Water Board Prosecution Team
2. DISCHARGER

### **Requesting Designated Party Status**

Persons who wish to participate in the hearing as a Designated Party must request designated party status by submitting a request in writing so that it is received no later than the deadline listed under “Important Deadlines” below. The request shall include an explanation of the basis for status as a Designated Party (i.e., how the issues to be addressed at the hearing affect the person, the need to present evidence or cross-examine witnesses), along with a statement explaining why the parties listed above do not adequately represent the person’s interest. Any objections to these requests for designated party status must be submitted so that they are received no later than the deadline listed under “Important Deadlines” below.

### **Primary Contacts**

#### **Advisory Team:**

[Advisory Team Head]  
11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670  
Phone: (xxx) xxx-xxxx  
[e-mail]

[Advisory Attorney], [Senior] Staff Counsel  
State Water Resources Control Board, Office of Chief Counsel  
Physical Address: 1001 I Street, Sacramento, CA 95814

Mailing Address: P.O. Box 100, Sacramento, CA 95812  
Phone: (xxx) xxx-xxxx; fax: (xxx) xxx-xxxx  
[e-mail]

**Prosecution Team:**

[Prosecution Team Primary Contact Only]  
11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670  
Phone: (xxx) xxx-xxxx; fax: (xxx) xxx-xxxx  
[e-mail]

[Prosecuting Attorney], [Senior] Staff Counsel  
State Water Resources Control Board, [Office of Chief Counsel/Office of Enforcement]  
Physical Address: 1001 I Street, Sacramento, CA 95814  
Mailing Address: P.O. Box 100, Sacramento, CA 95812  
Phone: (xxx) xxx-xxxx; fax: (xxx) xxx-xxxx  
[e-mail]

**Discharger**

[Discharger Name and Address]  
[Discharger Attorney Name and Address, if known]

**Ex Parte Communications**

Designated Parties and Interested Persons are forbidden from engaging in ex parte communications regarding this matter. An ex parte communication is a written or verbal communication related to the investigation, preparation, or prosecution of the ACL Complaint between a Designated Party or an Interested Person and a Board Member or a member of the Board's Advisory Team (see Gov. Code, § 11430.10 et seq.). However, if the communication is copied to all other persons (if written) or is made in a manner open to all other persons (if verbal), then the communication is not considered an ex parte communication. Communications regarding non-controversial procedural matters are also not considered ex parte communications and are not restricted.

**Hearing Time Limits**

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: each Designated Party shall have a combined 30 minutes to present evidence (including evidence presented by witnesses called by the Designated Party), to cross-examine witnesses (if warranted), and to provide a closing statement. Each Interested Person shall have 3 minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Participants who would like additional time must submit their request to the Advisory Team so that it is received no later than the deadline listed under "Important Deadlines" below. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the Board Chair (at the hearing) upon a showing that additional time is necessary. Such showing shall explain what testimony, comments, or legal argument requires extra time, and why it could not have been provided in writing by the applicable deadline.

A timer will be used, but will not run during Board questions or the responses to such questions, or during discussions of procedural issues.

**Submission of Evidence and Policy Statements**

The Prosecution Team and all other Designated Parties (including the Discharger) must submit the following information in advance of the hearing:

1. All evidence (other than witness testimony to be presented orally at the hearing) that the Designated Party would like the Central Valley Water Board to consider. Evidence and exhibits already in the public files of the Central Valley Board may be submitted by reference, as long as the exhibits and their location are clearly identified in accordance with California Code of Regulations, title 23, section 648.3. Board members will not generally receive copies of materials incorporated by reference unless copies are provided, and the referenced materials are generally not posted on the Board's website.
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the Designated Party intends to call at the hearing, the subject of each witness' proposed testimony, and the estimated time required by each witness to present direct testimony.
4. The qualifications of each expert witness, if any.

Prosecution Team: The Prosecution Team's information must include the legal and factual basis for its claims against each Discharger; a list of all evidence on which the Prosecution Team relies, which must include, at a minimum, all documents cited in the ACL Complaint, Staff Report, or other material submitted by the Prosecution Team; and the witness information required under items 3-4 for all witnesses, including Board staff.

Designated Parties (including the Discharger): All Designated Parties shall submit comments regarding the ACL Complaint along with any additional supporting evidence not cited by the Central Valley Water Board's Prosecution Team no later than the deadline listed under "Important Deadlines" below.

Rebuttal: Any Designated Party that would like to submit evidence, legal analysis, or policy statements to rebut information previously submitted by other Designated Parties shall submit this rebuttal information so that it is received no later than the deadline listed under "Important Deadlines" below. "Rebuttal" means evidence, analysis or comments offered to disprove or contradict other submissions. Rebuttal shall be limited to the scope of the materials previously submitted. Rebuttal information that is not responsive to information previously submitted may be excluded.

Copies: Board members will receive copies of all submitted materials. The Board Members' hard copies will be printed in black and white on 8.5"x11" paper from the Designated Parties' electronic copies. Designated Parties who are concerned about print quality or the size of all or part of their written materials should provide an extra nine paper copies for the Board Members. For voluminous submissions, Board Members may receive copies in electronic format only. Electronic copies will also be posted on the Board's website. Parties without access to computer equipment are strongly encouraged to have their materials scanned at a copy or mailing center. The Board will not reject materials solely for failure to provide electronic copies.

Other Matters: The Prosecution Team will prepare a summary agenda sheet (Summary Sheet) and will respond to all significant comments. The Summary Sheet and the responses shall clearly state that they were prepared by the Prosecution Team. The Summary Sheet and the responses will be posted online, as will revisions to the proposed Order.

Interested Persons: Interested Persons who would like to submit written non-evidentiary policy statements are encouraged to submit them to the Advisory Team as early as possible, but they must be received by the deadline listed under "Important Deadlines" to be included in the Board's agenda package. Interested Persons do not need to submit written comments in order to speak at the hearing.

Prohibition on Surprise Evidence: In accordance with California Code of Regulations, title 23, section 648.4, the Central Valley Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Board Chair may exclude evidence and testimony that is not submitted in accordance with this Hearing Procedure. Excluded evidence and

testimony will *not* be considered by the Central Valley Water Board and will not be included in the administrative record for this proceeding.

Presentations: Power Point and other visual presentations may be used at the hearing, but their content shall not exceed the scope of other submitted written material. These presentations must be provided to the Advisory Team at or before the hearing both in hard copy and in electronic format so that they may be included in the administrative record.

Witnesses: All witnesses who have submitted written testimony shall appear at the hearing to affirm that the testimony is true and correct, and shall be available for cross-examination.

### **Evidentiary Documents and File**

The ACL Complaint and related evidentiary documents are on file and may be inspected or copied at the Central Valley Water Board office at 11020 Sun Center Drive, Rancho Cordova, CA 95670. This file shall be considered part of the official administrative record for this hearing. Other submittals received for this proceeding will be added to this file and will become a part of the administrative record absent a contrary ruling by the Central Valley Water Board's Chair. Many of these documents are also posted on-line at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/tentative\\_orders/index.shtml](http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/index.shtml)

Although the web page is updated regularly, to assure access to the latest information, you may contact [Prosecution Team Head] (contact information above) for assistance obtaining copies.

### **Questions**

Questions concerning this proceeding may be addressed to the Advisory Team attorney (contact information above).

## IMPORTANT DEADLINES

*All required submissions must be received by 5:00 p.m. on the respective due date.*

[Issue Date]	<ul style="list-style-type: none"> <li>▪ Prosecution Team issues ACL Complaint, Hearing Procedure, and other related materials.</li> </ul>
[Objection Deadline]	<ul style="list-style-type: none"> <li>▪ Objections due on Hearing Procedure.</li> <li>▪ Deadline to request “Designated Party” status.</li> </ul> <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney</p> <p><u>Electronic and Hard Copies to:</u> Prosecution Team Primary Contact, Advisory Team Primary Contact</p>
[Opposition Deadline]	<ul style="list-style-type: none"> <li>▪ Deadline to submit opposition to requests for Designated Party status.</li> </ul> <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney</p> <p><u>Electronic and Hard Copies to:</u> Prosecution Team Primary Contact, Advisory Team Primary Contact</p>
[Waiver Deadline]	<ul style="list-style-type: none"> <li>▪ Discharger’s deadline to submit <i>90-Day Hearing Waiver Form</i>.</li> </ul> <p><u>Electronic or Hard Copy to:</u> Prosecution Team Primary Contact</p>
[Advisory Team Rulings]*	<ul style="list-style-type: none"> <li>▪ Advisory Team issues decision on requests for designated party status.</li> <li>▪ Advisory Team issues decision on Hearing Procedure objections.</li> </ul>
[Prosecution’s Evidence Deadline]*	<ul style="list-style-type: none"> <li>▪ Prosecution Team’s deadline for submission of information required under “Submission of Evidence and Policy Statements,” above.</li> </ul> <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons</p> <p><u>Electronic and Hard Copies to:</u> Advisory Team Primary Contact, Advisory Team Attorney</p>
[Comment Deadline]*	<ul style="list-style-type: none"> <li>▪ Remaining Designated Parties’ (including the Discharger’s) deadline to submit all information required under “Submission of Evidence and Policy Statements” above. This includes all written comments regarding the ACL Complaint.</li> <li>▪ Interested Persons’ comments are due.</li> </ul> <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney</p> <p><u>Electronic and Hard Copies to:</u> Prosecution Team Primary Contact, Advisory Team Primary Contact</p>
[Rebuttal Deadline]*	<ul style="list-style-type: none"> <li>▪ All Designated Parties shall submit any rebuttal evidence, any rebuttal to legal arguments and/or policy statements, and all evidentiary objections.</li> <li>▪ Deadline to submit requests for additional time.</li> <li>▪ If rebuttal evidence is submitted, all requests for additional time (to respond to the rebuttal at the hearing) must be made within 3 working days of <i>this</i> deadline.</li> </ul> <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons, Prosecution Team Attorney, Advisory Team Attorney</p> <p><u>Electronic and Hard Copies to:</u> Prosecution Team Primary Contact, Advisory Team Primary Contact</p>
[Agenda Deadline]*,†	<ul style="list-style-type: none"> <li>▪ Prosecution Team submits Summary Sheet and responses to comments.</li> </ul> <p><u>Electronic or Hard Copies to:</u> All other Designated Parties, All known Interested Persons</p> <p><u>Electronic and Hard Copies to:</u> Advisory Team Primary Contact, Advisory Team Attorney</p>
[Hearing Date]*	<ul style="list-style-type: none"> <li>▪ Hearing</li> </ul>

\* Dischargers have the right to a hearing before the Board within 90 days of receiving the Complaint, but this right can be waived (to facilitate settlement discussions, for example). By submitting the waiver form, the Discharger is not waiving the right to a hearing; unless a settlement is reached, the Board will hold a hearing prior to imposing civil liability. However, if the Board accepts the waiver, all deadlines marked with an “\*” will be revised if a settlement cannot be reached.

† This deadline is set based on the date that the Board compiles the Board Members’ agenda packages. Any material received after this deadline will not be included in the Board Members’ agenda packages.

**Timing – This Page Is Not to Be Included In Mail-out**

[Issue Date]	72-90 Days before <i>last</i> day of the Board Meeting
[Objection Deadline]	Approximately 10 days after Issue Date (no less than 5 working days)
[Opposition Deadline]	Approximately 5 days after Objection Deadline (no less than 3 working days)
[Waiver Deadline]	14-30 days after Issue Date
[Advisory Team Rulings]	At least 2 working days after the Waiver Deadline, so the Advisory Team can check to see whether the Hearing is still proceeding
[Prosecution's Evidence Deadline]	Approximately one week after Advisory Team Rulings
[Comment Deadline]	At least 20 days after Prosecution's Evidence Deadline
[Rebuttal Deadline]	At least one week after Comment Deadline
[Agenda Deadline]	21 days before the <i>first</i> day of the Board Meeting
[Hearing Date]	

*If less than 72 days before the Board meeting, the Prosecution Team shall propose a Hearing Timeline, which will be subject to comments by the Discharger and revision by the Advisory Team*

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# **ENCLOSURE 3**

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## TYPES OF VIOLATIONS ADDRESSED BY THE WATER BOARDS

- Reporting – Deficient Reporting: incomplete report, failure to notify per requirement
- Reporting – Failure to Notify (spills)
- Reporting – Late Report
- Deficient Monitoring: missing or incorrect sample/analysis method, location, QA/QC
- Fees: late or not paid in full
- Best Management Practices: BMPs not maintained, deficient, or not implemented
- Order Conditions: violation of prohibitions, provisions, conditions, other requirements of WDR, NPDES permit, Waiver or Water Quality Certification
- Effluent Water Quality – Acutely Toxic
- Effluent Water Quality – Chronic
- Effluent Water Quality – Group I: e.g., Biochemical Oxygen Demand, Total Suspended Solids, aluminum, nitrate
- Effluent Water Quality – Group II: e.g., chlorine, copper, cyanide
- Effluent Water Quality – Other
- Pretreatment: failure to implement pretreatment program for Wastewater Treatment Facility
- Unauthorized Discharge: discharge without WDRs, waivers, 401 certification, or general order enrollment
- Receiving Water Quality – Groundwater
- Receiving Water Quality – Surface Water
- Sanitary Sewer Overflow
- Basin Plan Prohibition
- Enforcement Action: violation of enforcement order
- Other Water Code Section: such as for Operator Certification violations

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# **ENCLOSURE 4**

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## REGIONAL BOARD ENFORCEMENT ACTIONS AND AUTHORIZATIONS

TYPE OF ENFORCEMENT ACTION	LOWEST LEVEL OF AUTHORIZATION
<b>Informal Enforcement Actions</b>	-
Oral/Verbal Communication	Staff
Staff Enforcement Letter (includes email)	Staff
Notice of Violation	Staff
<b>Formal Enforcement Actions</b>	-
Notice to Comply (13399 et seq.)	Staff
Notice of Storm Water Noncompliance (13399.25 et seq.)	Staff (1 <sup>st</sup> notice), EO (2 <sup>nd</sup> )
Order for Technical Reports and Investigations (13267, 13383)	AEO (delegated from EO)
Cleanup and Abatement Order (13304)	AEO (delegated from EO)
Time Schedule Order (13300)	AEO (delegated from EO)
Time Schedule Order w/ stipulated penalty (13308)	AEO (delegated from EO)
Cease and Desist Orders (13301)	Board
Administrative Civil Liability Complaints (13323)	AEO (delegated from EO)
Administrative Civil Liability Orders (13261, 13265, 13268, 13308, 13350, 13385, 13399.33)	Board; EO (when hearing waived)
Referral to the California Attorney General (13262, 13304, 13331, 13340, 13350, 13385)	Board; EO for emergencies, viol. of CAO
Settlements	EO; Board by request
<b>Other</b>	-
Referral/Coordination with Other Regulatory/Prosecuting Agencies	Staff

For controversial orders or settlements that are authorized to be signed by EO or AEO, it is desirable to post a draft to receive discharger and public comments, and it may be appropriate to bring before the Board for its consideration. Certain actions require posting before final action.

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# **ENCLOSURE 5**

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Lahontan Regional Water Quality Control Board

## MEMORANDUM

**TO:** LAHONTAN WATER BOARD MEMBERS

**FROM:** LAURI KEMPER  
ASSISTANT EXECUTIVE OFFICER

**DATE:** May 30, 2013

**SUBJECT: QUARTERLY VIOLATIONS REPORT, 1ST QUARTER 2013**

Attached is the Quarterly Violations Report for January 1, 2013 – March 31, 2013 (1<sup>st</sup> Quarter, 2013). There is a new column in this report (**Facility Violations 1/1/12-12/31/12**) identifying the number of violations for the preceding four quarters that are related to each facility identified in the current report. Many of the prior violations are minor in nature (e.g., late reporting, minor reporting deficiencies). There are also a number of facilities whose prior violations are more significant in nature and/or number. Those facilities are identified and discussed below.

### Prior Violations of Interest

**Barstow WTF Mojave River Bed** – This facility is the City of Barstow’s wastewater treatment facility. The 11 prior violations are all related to the groundwater nitrate pollution linked to the City’s past discharge practices. As stated in the Quarterly Violations Report, the City has proposed and is preparing to implement a groundwater remediation plan. Water Board staff completed a Cleanup and Abatement Order and has received comments from the City that have been resolved and incorporated into a final Order. I anticipate the Water Board Executive Officer will sign the final Cleanup and Abatement Order to formally accept the proposed remediation plan and implementation schedule in early June 2013.

**N & M Dairy** – The 14 prior violations are related to groundwater nitrate pollution, waste management and disposal, and nuisance conditions resulting in waste discharge requirement (WDR) violations and Cleanup and Abatement Order violations. The Lahontan Water Board’s Prosecution Team is currently in settlement talks with the Discharger to resolve the conditions responsible for the past and current violations. I anticipate a settlement agreement and proposed Order will be circulated for thirty days public review (including the Water Board members) in late June.

**Heavenly Ski Resort** – The 25 prior violations are related to storm water discharges from the facility’s parking lot storm water treatment system. The Discharger and Lahontan Water Board staff are working together to evaluate the data and identify the necessary treatment system modifications to optimize the system’s performance. Lahontan Water Board staff anticipates continuing to participate in this adaptive management process, and does not see a need for enforcement action at this time.

**Oak Tree Inn (highlighted in orange)** – This facility had 290 daily flow limit violations last year; however, no water quality-related effluent limitation violations were identified. In the past (mid-2010 into 2011), this facility experienced a similar series of flow-related violations, which were eventually addressed by making appropriate adjustments to the flow monitoring equipment. It is unclear at this time if this series of violations is related to equipment maintenance, or if the facility’s flows have increased and are actually exceeding the WDR-specified flow limitation. At this time, Lahontan Water Board staff anticipates being able to address this latest series of violations with informal enforcement or permit revisions.

**Molycorp Minerals LLC’s Mountain Pass Mine Operations and Evaporation Ponds** – These two facilities had a combined total of 30 spill-related violations last year. Lahontan Water Board staff issued a series of Notices of Violation and Verbal (informal enforcement actions) in response to many of the individual discharges. Additionally, staff issued another Notice of Violation January 29, 2013, initiating a more comprehensive approach to the ongoing series of spills that are largely related to facility operations and maintenance. In the January 29, 2013 Notice of Violation, staff informed Molycorp Minerals LLC that Lahontan Water Board staff will likely initiate additional enforcement action if the spills continue. There have been two additional spills since the January 29, 2013 Notice of Violation was issued, and staff is continuing to monitor the Discharger’s performance and evaluate the need for additional enforcement.

### 1<sup>st</sup> Quarter 2013 Violations Synopsis

In the 1<sup>st</sup> Quarter 2013 Quarterly Violations Report, 174 violations are identified. Four of the 174 violations are Rank 1 priority violations involving two facilities. Lahontan Water Board staff is actively engaged with enforcement activity on all four of these violations.

Rank 2 priority violations comprise 153 of the 174 violations and involve 22 facilities. One hundred and two of these violations are associated with Oak Tree Inn facility. Lahontan Water Board staff has taken some type of enforcement action in response to 21 of the violations, and is actively working on several others.

Rank 3 priority violations comprise 17 of the 174 violations and involve 16 facilities. All but three of the Rank 3 violations (deficient reporting, order condition-deficient maintenance, and effluent limitation) are related to late reports. Lahontan Water Board staff recorded three informal enforcement actions, two of which addressed the deficient reporting and deficient maintenance violations.

Lahontan Water Board’s enforcement actions identified in the report continue to be dominated by informal enforcement activity. Twenty-four out of the 27 enforcement actions identified in the report are informal enforcement actions (e.g., verbal, staff enforcement letters, notices of violation). This is consistent with the Lahontan Water Board staff’s overall approach to enforcement (progressive enforcement) as discussed during the Lahontan Water Board’s March 2013 meeting.

There were three formal enforcement actions identified in the report and all three are linked to the City of Barstow’s wastewater treatment facility/groundwater pollution. These enforcement actions were issued several years ago, but continue to effectively address the ongoing violations related to groundwater quality. While not shown in the report, staff is currently working on a number of formal enforcement actions intended to address either past violations or some of the violations identified in the 1<sup>st</sup> Quarter 2013 Quarterly Violations Report. Those pending formal enforcement actions are identified in the table below.

**Pending Formal Enforcement Cases**

Below is a list of pending formal enforcement cases that may be scheduled for Lahontan Water Board action at a public meeting or may be handled through issuance of an order and/or acceptance of a settlement agreement by the Executive Officer after a public review period or may be issued by Assistant Executive Officer.

<b>Facility</b>	<b>Alleged Violations Summary</b>	<b>Scheduled Action (Quarter/Year)</b>
Susanville CSD WWTP, Lassen County	<ul style="list-style-type: none"> <li>Exceeding effluent limitations. Subject to MMPs.</li> </ul>	2 <sup>nd</sup> Quarter, 2013
N & M Dairy, Helendale, San Bernardino County	<ul style="list-style-type: none"> <li>Failure to submit technical reports required by Cleanup and Abatement Order.</li> <li>Failure to implement corrective actions required by a Cleanup and Abatement Order.</li> </ul>	4 <sup>th</sup> Quarter, 2013
Pacific Gas and Electric – Hinkley Compressor Station, San Bernardino County	<ul style="list-style-type: none"> <li>Ongoing chromium groundwater contamination</li> </ul>	4 <sup>th</sup> Quarter 2013/1st Quarter 2014
Various Landowners, Spalding Tract Subdivision – Eagle Lake, Lassen County	Failure to abandon or to connect on-site wastewater disposal systems as required by Cease and Desist Orders	4 <sup>th</sup> Quarter 2013
Harmsen Dairy, Hinkley, San Bernardino County	Nitrate pollution in groundwater	2 <sup>nd</sup> Quarter 2013

Arimol Group, LLC, Serenity Lodge, San Bernardino County	Discharge of fill to waters of the U.S.	2 <sup>nd</sup> Quarter 2013
Molycorp, San Bernardino County	Failure to clean up historical releases of salt, nitrate and other constituents to soil and groundwater	2 <sup>nd</sup> Quarter 2013

Attachment: Quarterly Violations Report – 1st Quarter, 2013

## Quarterly Violations Report January 1, 2013 - March 31, 2013

Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (1/1/12 - 12/31/12)	County
1	Barstow City	Barstow WTF Mojave River Bed	946188	Water Quality -> Receiving Water -> Groundwater	WDR	1/22/2013	Exceeded Nitrate as N MCL (10 mg/L) in two monitoring wells. Violates Board Order R6V-1994-0026, WDR I.B.5.	Well 3-4 [Nitrate as N 11.9 mg/L], Well 7-1 [Nitrate as N 15.4 mg/L]	The City is preparing to implement a groundwater remediation project. CAO to be issued to formally accept implementation schedule.	13267 Letter (2)/ Cleanup and Abatement Order	11	San Bernardino
1	Barstow City	Barstow WTF Mojave River Bed	946557	Water Quality -> Receiving Water -> Groundwater	WDR	2/25/2013	Exceeded Nitrate as N MCL (10 mg/L) in two monitoring wells. Violates Board Order No. R6V-1994-0026, WDR I.B.5.	Well 3-4 [Nitrate as N 11.8 mg/L], Well 7-1 [Nitrate as N 15.5 mg/L]	The City is preparing to implement a groundwater remediation project. CAO to be issued to formally accept implementation schedule.	13267 Letter (2)/ Cleanup and Abatement Order	See Above	San Bernardino
1	Barstow City	Barstow WTF Mojave River Bed	947559	Water Quality -> Receiving Water -> Groundwater	WDR	3/18/2013	Exceeded Nitrate as N MCL (10 mg/L) in three monitoring wells. Violates Board Order No. R6V-1994-0026, WDR I.B.5.	Well 2-3: 10 mg/L; Well 3-4: 13.4 mg/L; Well 7-1: 17.1 mg/L.	The City is preparing to implement a groundwater remediation project. CAO to be issued to formally accept implementation schedule.	13267 Letter (2)/ Cleanup and Abatement Order	See Above	San Bernardino
1	Devries, Neil & Mary	N & M Dairy	944523	Enforcement Action	WDR	2/19/2013	WB staff observed ponding of water/manure/urine within the southern-most corral of Dairy No. 1. Also observed ponding of manure/urine mixture at feeding line area that extended beyond the concrete pad. Violates CAO No. R6V-2011-0056, Req. No. 7	Ponding at the feeding line and near the middle of the southern most corral indicates corral is not graded to prevent ponding. CAO requires corrals to be graded to prevent ponding by 12/15/2012. WB staff observed similar ponding during 1/17/2013 inspection. Discharger representative stated during 1/17/2013 inspection that ponding near middle of corral was likely due to broken water pipe.	As of the February 19th inspection, both ponding conditions have not been corrected.	null	14	San Bernardino
2	American Organics	Victor Valley Regional Compost	947396	Water Quality -> Receiving Water -> Groundwater	WDR	3/13/2013	Arsenic (MCL 10 ug/L) was found in excess of PMCLs for two wells, violates Board Order R6V-2000-0065 WDR section I.B.1.c.	MW-3 Arsenic 30 ug/L and MW-7 Arsenic 12 ug/L		null	3	San Bernardino
2	Devries, Neil & Mary	N & M Dairy	944496	Order Conditions	WDR	2/19/2013	Washwater ponding outside of milking barn at Dairy No. 1. Constitutes discharge of waste to unauthorized location in violation of Board Order No. 6-01-38, WDR I.C.4.e.	Water Board staff believes cause of ponding wash water is due to either a malfunctioning sump pump or blocked sump pump discharge line. Discharger was not present during the inspection.	The Discharger had not taken or proposed any corrective action as of 02/19/2013.	null	See Above	San Bernardino
2	Furnace Creek Inn & Ranch	Furn Crk Inn & Ranch Pack STP	947579	Deficient Monitoring	WDR	1/1/2013	Missing their instantaneous flow data violates Board Order R6V-1995-0068 MRP section I.A.4.	Discharger states "We are not equipped to measure instantaneous flow. This would require a chart recorder to be installed before the flow enters the EQ basin."	Discharger states "A Chart meter will be purchased and installed in our 2013 capital improvements."	null	1	Inyo
2	Furnace Creek Inn & Ranch	Furn Crk Inn & Ranch Pack STP	947577	Water Quality -> Effluent -> CAT1	WDR	3/27/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average (Mean) limit is 30 mg/L and reported value was 122 mg/L.	Malfunctioning pump created irregular flows and turbulence that "muddied" clarifier effluent. Violates Board order R6V-1995-0068 WDR section I.A.3.	Malfunctioning pump has been replaced and April monitoring indicates facility is returning to normal operations.	null	See Above	Inyo

## Quarterly Violations Report January 1, 2013 - March 31, 2013

Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (1/1/12 - 12/31/12)	County
2	Heavenly Ski Resort	Heavenly Ski Resort	944246	Reporting -> Failure to Notify	WDR	1/7/2013	A sewage spill occurred on 1/7/2013 due to a clogged pipe. Discharger failed to immediately notify Water Board by telephone of the adverse condition in violation of Board Order No. R6T-2003-0032, Provision II.F.	Sewage spill was identified by Heavenly staff on 1/7/2013, but not reported until 1/28/2013. WB staff observed discharge was to snowpack/ground and that no surface waters were affected. Staff informed Discharger of permit requirement to notify WB immediately upon spill discovery. Staff followed up verbal reminder with written notice.	Discharger excavated the manhole and removed the obstruction in the pipe on 1/7/2013. No discharge to surface waters was apparent. A written report was submitted by the Discharger on 1/29/2013 (8 days late) describing the event and corrective actions.	Staff Enforcement Letter	25	EI Dorado
2	Heavenly Ski Resort	Heavenly Ski Resort	944983	Order Conditions	WDR	3/11/2013	Discharge of diesel fuel from a snow-cat in violation of General Prohibition E.11.	Approximately 6 gallons of diesel fuel was spilled due to lack of cap on fuel tank of snow cat.	Impacted snow was shoveled into 12 bags and sent for disposal as hazardous waste from base facility. No further action required.	null	See Above	EI Dorado
2	Hesperia City	Ranchero Road Undercrossing	S850997	SW - Deficient BMP Implementation	CONSTW	3/25/2013	SLOPE STABILIZATION: Fiber rolls were not installed on constructed slopes correctly. Rills had developed on slopes and were not stopped by the fiber rolls. BMPs were not modified within 72 hours (G.3.) after last storm.	null	null	Verbal Communication	0	San Bernardino
2	June Lake PUD	June Lake PUD STP	947582	Water Quality -> Effluent -> CAT1	WDR	3/21/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Monthly Average limit is 30 mg/L and reported value was 46.9 mg/L.	Violates Board Order R6V-1993-0019 WDR I.A.2.	null	null	1	Mono
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946374	Water Quality -> Effluent -> CAT1	WDR	1/16/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 55 mg/L.	The District emptied Pond 1W to prepare it for rehabilitation. Built up solids are interfering with the pond's ability to adequately treat the wastewater. Facility discharged a total of 0.9 MG intermittently (5 days) between 1/16/2013 and 2/4/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	2	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946383	Water Quality -> Effluent -> CAT1	WDR	1/16/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 210 mg/L.	The District emptied Pond 1W to prepare it for rehabilitation. Built up solids are interfering with the pond's ability to adequately treat the wastewater. Facility discharged a total of 0.9 MG intermittently (5 days) between 1/16/2013 and 2/4/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen

**Quarterly Violations Report  
January 1, 2013 - March 31, 2013**

Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (1/1/12 - 12/31/12)	County
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946379	Water Quality -> Effluent -> CAT1	WDR	1/23/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 55 mg/L.	The District emptied Pond 1W to prepare it for rehabilitation. Built up solids are interfering with the pond's ability to adequately treat the wastewater. Facility discharged a total of 0.9 MG intermittently (5 days) between 1/16/2013 and 2/4/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946384	Water Quality -> Effluent -> CAT1	WDR	1/23/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 210 mg/L.	The District emptied Pond 1W to prepare it for rehabilitation. Built up solids are interfering with the pond's ability to adequately treat the wastewater. Facility discharged a total of 0.9 MG intermittently (5 days) between 1/16/2013 and 2/4/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946380	Water Quality -> Effluent -> CAT1	WDR	2/2/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 55 mg/L.	The District emptied Pond 1W to prepare it for rehabilitation. Built up solids are interfering with the pond's ability to adequately treat the wastewater. Facility discharged a total of 0.9 MG intermittently (5 days) between 1/16/2013 and 2/4/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946385	Water Quality -> Effluent -> CAT1	WDR	2/2/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 210 mg/L.	The District emptied Pond 1W to prepare it for rehabilitation. Built up solids are interfering with the pond's ability to adequately treat the wastewater. Facility discharged a total of 0.9 MG intermittently (5 days) between 1/16/2013 and 2/4/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946381	Water Quality -> Effluent -> CAT1	WDR	2/3/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 55 mg/L.	The District emptied Pond 1W to prepare it for rehabilitation. Built up solids are interfering with the pond's ability to adequately treat the wastewater. Facility discharged a total of 0.9 MG intermittently (5 days) between 1/16/2013 and 2/4/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen

**Quarterly Violations Report  
January 1, 2013 - March 31, 2013**

Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (1/1/12 - 12/31/12)	County
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946386	Water Quality -> Effluent -> CAT1	WDR	2/3/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 210 mg/L.	The District emptied Pond 1W to prepare it for rehabilitation. Built up solids are interfering with the pond's ability to adequately treat the wastewater. Facility discharged a total of 0.9 MG intermittently (5 days) between 1/16/2013 and 2/4/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946382	Water Quality -> Effluent -> CAT1	WDR	2/4/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 55 mg/L.	The District emptied Pond 1W to prepare it for rehabilitation. Built up solids are interfering with the pond's ability to adequately treat the wastewater. Facility discharged a total of 0.9 MG intermittently (5 days) between 1/16/2013 and 2/4/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946387	Water Quality -> Effluent -> CAT1	WDR	2/4/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 210 mg/L.	The District emptied Pond 1W to prepare it for rehabilitation. Built up solids are interfering with the pond's ability to adequately treat the wastewater. Facility discharged a total of 0.9 MG intermittently (5 days) between 1/16/2013 and 2/4/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946409	Water Quality -> Effluent -> CAT1	WDR	3/5/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 68 mg/L.	The District emptied Pond 3E, to repair line and install new valve. Facility discharged a total of 0.18 MG to the artificial wetlands during 3/5/2013-3/6/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District completed the necessary repairs and ceased discharging.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946411	Water Quality -> Effluent -> CAT1	WDR	3/5/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 110 mg/L.	The District emptied Pond 3E, to repair line and install new valve. Facility discharged a total of 0.18 MG to the artificial wetlands during 3/5/2013-3/6/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District completed the necessary repairs and ceased discharging.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946410	Water Quality -> Effluent -> CAT1	WDR	3/6/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 68 mg/L.	The District emptied Pond 3E, to repair line and install new valve. Facility discharged a total of 0.18 MG to the artificial wetlands during 3/5/2013-3/6/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District completed the necessary repairs and ceased discharging.	null	See Above	Lassen

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (11/12 - 12/31/12)	County
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946412	Water Quality -> Effluent -> CAT1	WDR	3/6/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 110 mg/L.	The District emptied Pond 3E, to repair line and install new valve. Facility discharged a total of 0.18 MG to the artificial wetlands during 3/5/2013-3/6/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District completed the necessary repairs and ceased discharging.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946413	Water Quality -> Effluent -> CAT1	WDR	3/29/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 66 mg/L.	The District emptied Pond 4W so it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946420	Water Quality -> Effluent -> CAT1	WDR	3/29/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 50 mg/L.	The District emptied Pond 4W so it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946415	Water Quality -> Effluent -> CAT1	WDR	3/30/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 66 mg/L.	The District emptied Pond 4W so it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946421	Water Quality -> Effluent -> CAT1	WDR	3/30/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 50 mg/L.	The District emptied Pond 4W so it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (11/12 - 12/31/12)	County
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946416	Water Quality -> Effluent -> CAT1	WDR	3/31/2013	Total Suspended Solids (TSS) Daily Discharge limit is 45 mg/L and reported value was 66 mg/L.	The District emptied Pond 4W so it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Leavitt Lake CSD	Leavitt Lake Sew Trt Ponds	946422	Water Quality -> Effluent -> CAT1	WDR	3/31/2013	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Discharge limit is 45 mg/L and reported value was 50 mg/L.	The District emptied Pond 4W so it could continue to receive additional influent flows and to continue drying out Pond 1W. Facility discharged a total of 0.96 MG to the artificial wetlands during 3/29/2013-3/31/2013 and 4/1/2013-4/3/2013. Violates Board Order No. R6T-1996-018, WDR I.A.2.	The District has provided WB staff a plan to address BOD and TSS effluent violations as required by a 13267 Investigative Order. WB staff is working with the District to finalize the plan and will formally accept the final plan with a CDO or TSO.	null	See Above	Lassen
2	Lodging Enterprises Inc (101 Flow-Related Violations for the Quarter)	Oak Tree Inn	947623	Water Quality -> Effluent -> OEV	WDR	1/1/2013	Flow Daily Maximum limit is 0.0064 MGD and reported value was 0.019 MGD.	Maximum peak instantaneous flow of wastewater exceeded Board Order limits. Violates Board Order 6-01-32 WDR section I.A.1.	null	null	290	San Bernardino
2	Lodging Enterprises Inc	Oak Tree Inn	944690	Reporting -> Deficient Reporting	WDR	1/1/2013	Failed to report the total volume (MG) for fourth quarter monitoring report for December 22, 23 and 26 2012. Violates board order R6V-2001-0032 MRP section I.A.1.	An email was sent on February 5, 2013 asking for the missing or deficient information to be submitted to the Water Board. Mr. Russell responded with "Will do" on February 5, 2013.	The fourth quarter report should be resubmitted to the Regional Water Quality Control Board - Lahontan as soon as possible.	Staff Enforcement Letter	See Above	San Bernardino
2	Los Angeles City DWP	Independence WWTF	945939	Reporting -> Deficient Reporting	WDR	1/1/2013	4Q12 and Annual 2012 SMR did not include status information regarding flow monitoring, plant effluent monitoring, and sludge monitoring.	4Q12 and Annual 2012 SMR violates B.O. No. 6-95-64 Sections I.A, I.B, and I.D.	null	null	1	Inyo
2	Markleeville PUD	Markleeville Wstwr Trtmnt Sys	942298	Reporting -> Deficient Reporting	WDR	1/3/2013	Discharger failed to submit SMR with Certifying Signature. Also failed to notify Water Board of missing summary of monitoring data for previous year or describe trends. Required by Board Order No. 6-95-22 A1 MRP II.B.3.	null	null	Oral Communication	3	Alpine
2	Mesa Auto Recycling	Masa Auto Recycling	S850992	SW - Incomplete/Insufficient SWPPP	CONSTW	3/19/2013	SWPPP was not on site. Copies of required record keeping were not on site.	WB staff emailed Discharger draft inspection report and requested that the Project SWPPP be located on-site.	Discharger called WB staff on 3/21/2013 and complied with request by 4/2/2013.	Staff Enforcement Letter	0	San Bernardino

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (1/1/12 - 12/31/12)	County
2	Mesa Auto Recycling	Mesa Auto Recycling	S850993	SW - Deficient BMP Implementation	CONSTW	3/19/2013	Inadequate or no cover/perimeter BMPs for weather-exposed stockpiled construction materials (e.g., soil, fly ash, hydrated lime). Same materials are being tracked off-site. Waste materials are not protected from wind or precipitation. BMPs are not being maintained. No effective soil cover for inactive areas, open spaces, and utility backfill. Site runoff to stormwater drop inlet does not have treatment BMPs.	WB staff emailed Discharger draft inspection report and requested that the Project SWPPP be located on-site.	Discharger called WB staff on 3/21/2013 and complied with request by 4/2/2013.	Staff Enforcement Letter	See Above	San Bernardino
2	Molycorp Minerals LLC	Mountain Pass Mine & Mill Ops	942895	Order Conditions	LNDISP	1/7/2013	Discharged 200 gallons of rare earth chloride solution (pH 1). Violates Board Order No. R6V-2010-0047, WDRs A.6. and A.7.	Discharge caused by failure to test pipeline flange.	Cleanup Action : Absorbant on pooled liquid, shoveling topsoil into lined and labeled containers. Action to prevent recurrence: Confirming proper reassembly of pipe flanges by maintenance, as well as better coms between the speciality plant operators regarding status of tank valves and feed transfers.	Notice of Violation	19	San Bernardino
2	Molycorp Minerals LLC	Mountain Pass Mine & Mill Ops	947723	Order Conditions	LNDISP	1/15/2013	Unauthorized discharge of 1,000 gallons of reclaim wastewater (mining processing wastewater) outside of containment. Violation of Board Order No. R6V-2010-0047, WDRs II.A.6 and 7.	null	Shutting down pumps, repair union fitting, recovered wastewater, excavated impacted soils for disposal into tailings waste management unit.	Oral Communication	See Above	San Bernardino
2	Molycorp Minerals LLC	Mountain Pass Mine & Mill Ops	942897	Order Conditions	LNDISP	1/17/2013	Discharged 400 gallons caustic solution (pH 13). Violates Board Order No. R6V-2010-0047, WDR II. A.6. and A.7.	Discharge caused by failure to test pipeline flange.	null	Notice of Violation	See Above	San Bernardino
2	Molycorp Minerals LLC	Mountain Pass Mine & Mill Ops	942898	Order Conditions	LNDISP	1/21/2013	Discharged 300 gallons acidic rare earth solution (pH 1). Violates Board Order No. R6V-2010-0047, WDRs II. A.6. and A.7.	Discharge caused by ruptured pipeline during construction.	null	Notice of Violation	See Above	San Bernardino
2	Molycorp Minerals LLC	Mountain Pass Mine & Mill Ops	944720	Order Conditions	LNDISP	2/28/2013	Unauthorized release of mining process wastewater to ground. Violation of Board Order No. R6V-2010-0047, WDRs II. A.6. and A.7.	Released mining process wastewater from failed check valve to ground near the new crusher facility, Mountain Pass mine site.	Stopped leak, removed impacted soil for disposal. Preventative plan will include flange off section of pipeline to this area.	Oral Communication	See Above	San Bernardino
2	Molycorp Minerals LLC	Mountain Pass Mine & Mill Ops	947724	Order Conditions	LNDISP	3/8/2013	Unauthorized dscharge of 50 gallons of acidic waste solution to ground. Violation of Board Order No. R6V-2010-0047, Section II.A.6 and 7.	null	Immediate response: stopping pump. recovered liquid for disposal. Impacted soils excavated for disposal. Class I facility.	Oral Communication	See Above	San Bernardino

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (1/1/12 - 12/31/12)	County
2	Molycorp Minerals LLC	Onsite Evaporation Ponds	947722	Order Conditions	LNDISP	1/15/2013	Unauthorized discharge of 500 gallons of contaminated groundwater to ground. Violation of Board Order No. R6V-2005-0011, WDR II.A.1.	null	Repaired breached line.	Oral Communication	11	San Bernardino
2	San Bernardino Cnty	Lenwood/Hinkley-Landfill	943717	Order Conditions	LNDISP	2/15/2013	Excessive erosion observed on the final soil cover due to concentrated storm water runoff. Violation of Board Order No. R6V-2006-0026, WDR II.A.11.	There are multiple channels that are on-average, 6 inches deep that have formed across the final soil cover on the land fill top deck (southeastern portion of the landfill).	Discharger completed necessary corrective actions on 2/26/2013.	Notice to Comply	4	San Bernardino
2	San Bernardino Cnty Airports - Dagget	Barstow/Daggett Airport WTF	947525	Water Quality -> Effluent -> OEV	WDR	2/28/2013	Dissolved Oxygen Daily Minimum limit is 1.0 mg/L and reported value was 0.1 mg/L.	Violates Board Order 6-99-0037, I.A.2	Discharger states the sample was "probably bad" due to the "BOD and COD samples [having] sufficient oxygen" and that an "A.D.O. meter will be used rather than the Lab for future samples.	null	1	San Bernardino
2	San Bernardino Cnty Waste	Heaps Peak SWDS Post Closure	945107	Order Conditions	LNDISP	3/1/2013	Unauthorized discharge of approx. 30,000 gallons of untreated leachate to the ground. Violation of Board Order No. 6-01-41, WDR II.A.4.	Discharge occurred near the lower LCRS collection tank. Discharge due to ruptured LCRS collection pipe. Lab analyses of leachate forthcoming.	Discharger repaired the pipe on 3/2/2013. Planned corrective action: replacement of pipe section with HDPE.	Oral Communication	0	San Bernardino
2	Searles Valley Minerals	Trona Plant	946245	Water Quality -> Effluent -> OEV	WDR	1/17/2013	TPH as Kerosene Daily Discharge limit is 6.1 mg/L and reported value was 108 mg/L.	Violates Board Order R6V-2000-53A2 section I.B. Table 1.	The Discharger reported that an air/water separator was installed in the instrument air line on 1/30/2013. Discharger plans to: (1) Evaluate guided wave radar technology for level indication (Target: 9/30/2013); (2) Evaluate use of heating system for purge water lines (2/28/2013); (3) Install temperature probes in purge water lines (2/15/2013); (5) Review and change alarm set points on environmental equipment (2/15/2013); (6) Review incident and findings with operations personnel (3/30/2013).	null	0	San Bernardino

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (1/1/12 - 12/31/12)	County
2	Searles Valley Minerals	Trona Plant	946247	Water Quality -> Effluent -> CAT2	WDR	1/17/2013	Hydrocarbons, Petroleum Daily Discharge limit is 8.6 mg/L and reported value was 368 mg/L.	Violates Board Order R6V-2000-53A2 section I.B. Table 1.	The Discharger reported that an air/water separator was installed in the instrument air line on 1/30/2013. Discharger plans to: (1) Evaluate guided wave radar technology for level indication (Target: 9/30/2013); (2) Evaluate use of heating system for purge water lines (2/28/2013); (3) Install temperature probes in purge water lines (2/15/2013); (5) Review and change alarm set points on environmental equipment (2/15/2013); (6) Review incident and findings with operations personnel (3/30/2013).	null	See Above	San Bernardino
2	Southern Calif Gas Co	Newberry Compressor Station	947463	Water Quality -> Receiving Water -> Groundwater	LNDISP	2/26/2013	Fluoride, Boron, and TDS were found in levels that exceeded permit limits. Violates Board Order No. R6V-1986-0120 WDR section I.B.2.	MW-1 [Fluoride 7.70 mg/L][TDS 3900 mg/L][Boron 11.0 mg/L], MW-2 [TDS 4500 mg/L][Boron 11.0 mg/L], MW-3 [Fluoride 6.90 mg/L][TDS 4200 mg/L][Boron 12.0 mg/L], MW-4 [Fluoride 6.70 mg/L][TDS 3900 mg/L][Boron 7.50 mg/L], MW-5 [Fluoride 7.40 mg/L][TDS 4800 mg/L][Boron 9.0 mg/L], MW-6 [Fluoride 6.10 mg/L][TDS 5600 mg/L][Boron 12.0 mg/L], MW-7 [Fluoride 8.70 mg/L][TDS 3500 mg/L][Boron 7.90 mg/L], MW-8 [TDS 2600 mg/L][Boron 7.90 mg/L], MW-9 [TDS 2900 mg/L][Boron 5.30 mg/L], MW-10 [TDS 1700 mg/L], MW-11 [TDS 1600 mg/L], MW-00 [Fluoride 7.80 mg/L][TDS 3900 mg/L][Boron 10.0 mg/L].	null	null	1	San Bernardino
2	Southern California Edison	Nisqualli 12kV	S851010	SW - Incomplete/Insufficient SWPPP	CONSTW	3/28/2013	SWPPP not on site. SWPPP not available for inspection or use by subcontractor doing work.	null	null	Verbal Communication	0	San Bernardino
2	Southern California Edison	Nisqualli 12kV	S851011	SW - Deficient BMP Implementation	CONSTW	3/28/2013	Dust track indicated that vehicles were driving around the tracking BMPs (Section XIV SWPPP Requirements A.3; B.1.e Tracking BMPs). Stains on ground indicate that washout BMPs were not used (B.2.a; B.2.i.).	null	null	Verbal Communication	See Above	San Bernardino

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (1/1/12 - 12/31/12)	County
2	Spalding Community Service Dist	Spalding Tract Sewer System	944302	Reporting -> Deficient Reporting	WDR	1/31/2013	Discharger failed to submit all of the required monitoring into the fourth quarter 2012 Self Monitoring Report. Violates Board Order No. 6-06-020 A1. Required by MRP IV.B.5., IV.B.9-11., IV.D.1., and IV.D.3.	Missing results include summary of report, elevation of GWMW (or well casing height), and GW gradient and flow.	null	Oral Communication	0	Lassen
2	Spalding Community Service Dist	Spalding Tract Sewer System	944485	Reporting -> Deficient Reporting	WDR	2/27/2013	Discharger failed to submit all of the required monitoring into the Annual 2012 Self Monitoring Report. Violates Board Order No. 6-06-020 A1. Required by MRP V.A.2., V.A.4-6., and V.C.	Missing results include compliance record, storage capacity, and sludge statement.	null	Oral Communication	See Above	Lassen
2	Susanville Consol SD	Susanville Csd CS	943637	Water Quality -> Sanitary Sewer Overflow/Spill/	WDR	2/15/2013	Root intrusion caused 100 gallons of sewage to spill from Manhole at Manhole F18 to surface water. Surface water body affected (Paiute Creek).	Third spill for this location in a year. Staff requested additional information from District on when sewer main will be inspected and what long term actions will be taken. District inspected the sewer and found a broken pipe joint where the root intrusion is occurring. District Plans to repair the pipe joint this summer.	Restored flow, will increase the cleaning of the sewer until permanent repairs to the sewer can be made this summer	Staff Enforcement Letter	3	Lassen
2	US Army Sierra Army Depot	Sierra Army Depot Sew Trt Pln	942297	Reporting -> Deficient Reporting	WDR	1/9/2013	Discharger failed to notify Water Board of missing Cantonment and Sewage Lagoon inspections in cover letter. Required by Board Order No. 6-01-25, MRP I.C.	null	null	Oral Communication	1	Lassen
3	Alpine County PUD	Turtle Rock Park Campground	945580	Reporting -> Late Report	WDR	3/20/2013	Report is due on 01/15/2013 - Recieved on 03/20/2013 - Report is 67 days late. Violates Board Order No. 6-96-58. Required by MRP II.B.	null	null	null	1	Alpine
3	American Organics	Victor Valley Regional Compost	947013	Reporting -> Late Report	WDR	1/16/2013	4Q12 SMR was received on March 7, 2013. This is 51 days after the January 15, 2013 due date.	4Q12 SMR violates MRP No. 6-00-65 Section IV.A.	null	null	See Above	San Bernardino
3	California City	California City WTF	944963	Reporting -> Late Report	WDR	1/16/2013	December 2012 SMR was received on February 1, 2013. It was received 17 days after its January 15, 2013 due date.	December 2012 SMR violates MRP No. 00-94 Section II.B.1.	null	null	1	null
3	California City	California City WTF	944972	Reporting -> Late Report	WDR	1/16/2013	2012 Annual SMR was received on February 1, 2013. It was received 17 days after the January 15, 2013 due date.	2012 Annual SMR violates MRP No. 00-94 Section II.B.2.	null	null	See Above	null
3	Callier, Karen	Roadhouse Restaurant	946281	Reporting -> Late Report	WDR	2/21/2013	Report was received at the Water Board 19 days late. Violates Board Order 97-10-DWQ-04.	Discharger states "This report has been held up because of slow reports coming to me throughout the year."	null	null	4	San Bernardino
3	Devries, Neil & Mary	N & M Dairy	944867	Reporting -> Late Report	WDR	1/16/2013	2nd SA 2012 SMR was received on February 6, 2013. This is 22 days after the January 15, 2013 due date.	2nd SA 2012 SMR violates MRP No. 6-01-38 Section II.	null	null	See Above	San Bernardino

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Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	Facility Violations (1/1/12 - 12/31/12)	County
3	Floriston, Community of	Floriston Waste Trt Facility	943311	Reporting -> Late Report	WDR	1/16/2013	Late Report - Due on 1/15/13 - Recieved on 2/1/13 - 16 days late.	null	null	null	2	Nevada
3	Honey Lake Power Co	Honey Lake Power Plant	943369	Reporting -> Late Report	WDR	1/16/2013	Late Report - Due on 1/15/13 - Recieved on 2/1/13 - Sixteen days late.	null	null	null	4	Lassen
3	Inyokern CSD	Inyokern CSD WTF	944938	Reporting -> Late Report	WDR	1/16/2013	4Q12 SMR was received on February 4, 2013. It was received 20 days after its due date of January 15, 2013.	4Q12 SMR violates MRP No. 93-77 Section II.B.1.	null	null	0	Kern
3	Mojave PUD	Mojave STP	947124	Order Conditions	WDR	3/27/2013	Water Board staff observed a leaking discharge valve during a facility inspection. This valve controls the discharge of effluent from the final oxidation pond no. 6 to the percolation pond.	This leaking valve violates WDR Standard Provisions No. 6, proper facility operation and maintenance. Water Board staff recommends informal enforcement action for repair of the valve.		Oral Communication	0	Kern
3	Sierra Tahoe Ready Mix Inc.	Sierra Tahoe Ready Mix	942457	Reporting -> Late Report	WDR	1/15/2013	Late Report - Due on 11/30/2012 - Recieved on 01/15/2013 - About forty five days late.	null	null	null	1	El Dorado
3	Spalding Community Service Dist	Spalding Tract Sewer System	944484	Reporting -> Late Report	WDR	2/1/2013	Report was due on 01/31/2013 - Recieved on 02/21/2013 - Twenty one days late. Violates Board Order No. 6-06-20 A1. Required by MRP V.A.	null	null	Oral Communication	See Above	Lassen
3	Tahoe Truckee Sanitation Agency	Tahoe Truckee Sanitation Agen	944893	Reporting -> Deficient Reporting	WDR	2/28/2013	Incomplete report due to failure to sign certifying statement. Violates Board Order No. 6-2002-030. Required by MRP General 5 and General Provisions 3.d.	null	null	Oral Communication	0	Nevada
3	Teichert and Son Inc.	Teichert Aggregates	943149	Reporting -> Late Report	WDR	1/15/2013	Due on 01/15/2013 - Recieved on 01/28/2013 - Thirteen Days Late. Violates Board Order No. 6-96-59. Required by MRP II.C.	null	null	null	0	Nevada
3	US Marine Corps Coleville	USMC MWTC Coleville Housing WWTF	944939	Reporting -> Late Report	WDR	1/31/2013	Due on 01/31/2013 - Recieved on 02/27/2013 - 27 days late. Violates Board Order No. 6-11-020. Required by MRP III.	The Marine Corps, the Discharger, took charge of the of the Facility and the change in operators was the cause for the delay in the Annual Report. However, all the required quarterly data was collected during the transition.	null	null	0	Mono
3	US Marine Corps Coleville	USMC-MWTC WWTC	945340	Reporting -> Late Report	WDR	2/16/2013	Due on 2/15/2013 - Recieved on 3/11/2013 - 24 days late.	null	null	null	3	Mono
3	US Tungsten Div of Stratcor	Rovana Housing Package STP	947571	Water Quality -> Effluent -> OEV	WDR	2/6/2013	Dissolved Oxygen Instantaneous Minimum limit is 1 mg/L and reported value was .9 mg/L.	Violates Board Order No. 6-86-111, WDR I.A.4. Discharger has had a history of such violations, but this is the first DO violation in 18 months; therefore, Rank 3-Minor Violation.	null	null	1	Inyo