CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION
MEETING OF MARCH 9 – 10, 2016
SOUTH LAKE TAHOE

ITEM 13
DISCUSSION OF LAHONTAN WATER BOARD ENFORCEMENT PROGRAM

CHRONOLOGY – Annual Violations and Enforcement Summary	
March 2014	Water Board Agenda Item – Staff presentation provided on number and types of violations and enforcement actions taken by the Water Board and its staff during the 2014 calendar year.
CHRONOLOGY – Discussion of Water Board Enforcement Program	
March 10, 2013	Water Board Agenda Item – Start a discussion with the Water Board regarding enforcement. Water Board Enforcement Program Subcommittee established with Mr. Pumphrey and Mr. Sandel as members.
June 19, 2013	Water Board Agenda Item – Continue the discussion, identifying key program elements to develop and/or enhance. Discussed enforcement actions and Water Board's options when considering them. Supplemental Environmental Project (SEP) Subcommittee established with Dr. Horne taking lead.
October 10, 2013	Water Board Agenda Item – Discussed draft Hearing Procedures template, Public Participation Fact Sheet, and proposal for a new SEP Program.
January 9, 2014	Water Board adopted Resolution approving new Hearing Procedures template and Public Participation Fact Sheet.
February 12, 2014	Water Board adopted two Resolutions that (1) established the Board's new SEP Program, and (2) funded a SEP Program pilot project with the Truckee River Watershed Council.
July 9, 2015	Water Board Agenda Item – Staff provided Water Board with an update on the SEP Program pilot project and progress towards fully implementing the Board's SEP Program.
February 11, 2016	Water Board adopted a Resolution establishing the Board's first full-scale SEP Partnership with the Mojave Integrated Regional Water Management Plan Implementation Support Team.

BACKGROUND

This agenda item will address two elements related to the Water Board's Enforcement Program. First, a brief overview of the nature and extent of violations and enforcement activity in the Lahontan Region during the 2015 calendar year. Second, a more in-depth look at the progress the Water Board and its staff have made towards improving the understanding, transparency, and effectiveness of their Enforcement Program since starting an effort to do so three years ago.

DISCUSSION

2015 Annual Violations and Enforcement Summary

Water Board staff has seen a slight increase in the number of violations and enforcement actions over the past year. The increase is due to staff's new efforts to increase compliance with the NPDES Industrial and Construction Storm Water General Permit requirements to submit annual reports. Additionally, a significant number of violations and enforcement actions are associated with the Lahontan Water Board/State Water Board staff coordinated effort to have all appropriate parties recertify under the state-wide NPDES Industrial Storm Water that was reissued in 2014. The remaining violations were spread out across a wide variety of facilities and projects in the region.

Enforcement Program Discussion

It has been three years since the Water Board and its staff started a conversation about improving their Enforcement Program. Three years ago, there were a number of questions and challenges Water Board members and staff had and were encountering. These questions and challenges tended to center on roles, responsibilities, options, and objectives in implementing an enforcement program.

Evaluating the Water Board's Enforcement Program has produced two very positive results, improving the program's overall functionality and effectiveness. The first result was an improved understanding of the Enforcement Program's goals and objectives, and Water Board member's and staff's roles and responsibilities, objectives, and options regarding the Enforcement Program and its numerous enforcement action processes. For example, using the lowest effective enforcement action to return someone to compliance, or progressive enforcement, was clearly established as a primary principle of the Water Board's Enforcement Program. Additionally, working collaboratively with stakeholders and other agencies to help inform the regulated community what is required to maintain compliance, and also to respond jointly to incidents of non-compliance became another clear program principle. This improved understanding was achieved through staff and the Water Board's Enforcement Program Subcommittee working together, and then this Enforcement Working Group reporting back to the entire Water Board its findings and recommendations at regularly scheduled Water Board meetings.

The second key result to come out of this collaborative program evaluation was a list of program elements to develop or enhance. This list included:

• Enforcement Program Objectives	• Annual Enforcement Priorities
• Improve Consistency in Enforcement Responses	• Supplemental Environmental Project Program
• Hearing Procedure Templates	• Public Participation Fact Sheet
• Training- Enforcement and Database Use	• Internal Procedure/Process Development
• Fix-It Ticket	• Enforcement Action Templates
• Workshops and Outreach	• Web Site Use/Improvements

The Water Board and its staff have made significant progress on several of these program elements. The Enforcement Program's objectives are now defined, and annual program priorities are identified and discussed each year with the Board and the public at the Board's February or March meeting (Enclosure 3). Hearing Procedure templates are now established for Administrative Civil Liability (Enclosure 4) and Cease and Desist Order public hearings. A Public Participation Fact Sheet (Enclosure 5) has also been developed to more clearly inform the public how they can participate in the Water Board's enforcement hearing process, in addition to a simple two-page document that describes and illustrates the concepts of Separation of Functions and Ex Parte Communication (Enclosure 6). The Water Board also just approved its first MOU for a full-scale partnership agreement, as part of implementing its SEP Program that was adopted in February 2014.

Progress has been made and work will continue in the areas of enforcement response consistency (Enclosure 7), web site use/improvements, developing enforcement action templates (Enclosure 8), and internal procedures (Enclosure 9). Work will also continue on a "Fix-It Ticket" ACL Complaint, although staff's outreach efforts have significantly improved its inspection effectiveness. Training has and will continue to be provided to enhance staff's understanding of Enforcement Program goals, objectives, and priorities, and how to most effectively reestablish compliance with water quality protection laws and regulations.

The results of the work described, above, are paying off with improved compliance and increasing program efficiency and effectiveness. Water Board staff anticipates additional improvements in these areas, as it continues to implement and further refine the Water Board's Enforcement Program.

QUESTION
Does the Water Board have any direction or suggestions regarding additional Enforcement Program improvements?

RECOMMENDATION
This is an information item only. The Water Board may provide direction to staff as appropriate.

ENCLOSURE	ITEM	BATES NUMBER
1	Quarterly Violations Report – 4th Quarter 2015	**13-7**
2	Summary of Violations and Enforcement Actions for 2015	**13-25**
3	Enforcement Program Fact Sheet - 2016	**13-29**
4	Hearing Procedure Template (ACLs)	**13-33**
5	Public Participation Fact Sheet	**13-45**
6	Description and Illustration of Separation of Functions and Ex Parte Communication	**13-51**
7	Draft Responses to Violations	**13-55**
8	Notice of Violation Template	**13-63**
9	Draft “Paper Hearing” Procedures	**13-67**
10	Water Board Staff Presentation	**13-75**

ENCLOSURE 1

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TO: LAHONTAN WATER BOARD MEMBERS

FROM: LAURI KEMPER
ASSISTANT EXECUTIVE OFFICER
LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD

DATE: February 23, 2016

SUBJECT: QUARTERLY VIOLATIONS REPORT, 4th QUARTER 2015

Attached is the Quarterly Violations Report for October 1 – December 31, 2015 (4th Quarter 2015). I have included in this memo with the Quarterly Violations Report (1) a Synopsis of 4th Quarter Violations; and (2) a Table of Pending Formal Enforcement Cases.

Synopsis of 4th Quarter 2015 Violations

There were 79 violations entered into the CIWQS and SMARTS databases for the 4th Quarter 2015, as compared to 159 violations entered for the previous quarter. The violations were distributed across many facilities; however, Lake Tahoe marinas accounted for 24 violations of the Water Board's NPDES Industrial Storm Water General Permit for Lake Tahoe Marinas (Marina General Permit). These violations were identified in the Marinas' Annual Reports that were submitted in November 2015.

One (1) Priority 1 violation is identified in this report. It is the ongoing groundwater nitrate pollution associated with the Barstow Wastewater Treatment Facility that is currently under two Cleanup and Abatement Orders; one for replacement water and one to remediate the nitrate-polluted groundwater.

There were 71 Priority 2 violations. Twenty-four (24) of these violations are associated with the Marina General Permit and mostly related to reporting and monitoring deficiencies. However, five (5) of the 24 violations were due to exceeding effluent limitations for storm water discharges to surfaces waters, and one of the five may be subject to mandatory minimum penalties.

The remaining 47 Priority 2 violations were spread out across a variety of facilities. Currently, 22 percent (16 out of 71) of the Priority 2 violations have been addressed with

a discharger's corrective action or Water Board enforcement action, or a combination of both. This response rate will increase to 56 percent when staff enforcement letters addressing the marina violations are sent out in late February 2016. To date, all Water Board enforcement actions for the Priority 2 violations have been informal (i.e., oral communication, staff enforcement letter, notice of violation).

The list ends with seven (7) Priority 3 violations. The majority of these violations include late and deficient reports, and deficient monitoring.

Table of Pending Formal Enforcement Cases

Facility	Alleged Violations Summary	Schedule Action (Quarter/Year)
California Dept. of Fish and Wildlife – Hot Creek Hatchery	Exceeding effluent limitations subject to MMPs	1st/2nd Quarter, 2016
California Dept. of Fish and Wildlife – Fish Springs Hatchery	Exceeding effluent limitations subject to MMPs	1st/2nd Quarter, 2016
Tahoe Queen	Unauthorized discharge to Lake Tahoe.	ACL Complaint issued Feb 2016
B & E Dairy – Barstow, San Bernardino Co.	Elevated nitrates in groundwater	2nd Quarter, 2016
VVWRA	Exceeding effluent limitations subject to MMP's	2nd Quarter, 2016
Susanville CSD WWTP – Susanville, Lassen Co.	Exceeding effluent limitations; subject to MMPs	2nd Quarter, 2016
Meeks Bay Marina	Exceeding effluent limitations	2nd/3rd Quarter, 2016
City of Victorville	Unauthorized discharge to waters of the U.S.	3rd Quarter, 2016
Tahoe Donner	Violating Basin Plan Prohibitions	3rd Quarter, 2016

Attachment: 4th Quarter 2015 Quarterly Violations Report

Quarterly Violations Report
October 1, 2015 - December 31, 2015

	A	B	C	D	E	F	G	H	I	J	K	L
1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
2	1	Barstow City	Barstow WTF Mojave River Bed	999953	Water Quality -> Receiving Water -> Groundwater	WDRMUNILRG	10/20/2015	Exceeded Nitrate as N (10.0 mg/L) and TDS in multiple wells. Violated Board Order No. R6V-1994-0026 I.B.5, I.D.4, and MRP I.D.	Nitrate as N: MW 3-4 (11 mg/L) and MW 6 (14 mg/L). TDS: MW2-1 (2200 mg/L), MW3-2 (1600 mg/L), MW3-3 (1300 mg/L), MW3-4 (2200 mg/L), and MW6 (1300 mg/L).	The City has issued a RFP for the design and construction of a groundwater remediation treatment. Since then the City has found perchlorate in the nitrate plume preventing further actions.	null	San Bernardino
3	2	Aberdeen Real Estate Investments #2, LLC	Mountain View Villas	1002822	Reporting -> Deficient Reporting	WDRMUNIOTH	12/31/2015	No flow monitoring for 3rd quarter. Violated Board Order No. R6V-1986-0011 MRP I.A.1-2.	null	Current operator was not at the facility for the 3rd quarter, sent what data he could.	Oral Communication	San Bernardino
4	2	Alyeshmerni, Mansoor(+)	Ski Run Marina	1002801	Deficient Reporting	INDSTW	11/14/2015	Incomplete Annual Report in violation of BO R6T-2011-0024 Attachment D, Section V.B.1.	The signed certification statement in the annual report is required. No signature or date was provided.	null		El Dorado
5	2	Alyeshmerni, Mansoor(+)	Ski Run Marina	1002802	Deficient Monitoring	INDSTW	11/14/2015	Insufficient pH and mercury monitoring in surface waters in violation of BO R6T-2011-0024 Attachment E, Section IV.B. Table E-3.	Two pH and mercury sampling results are required in the MSWMP requirements. No pH or mecury results were provided for the 7/8/2015 storm discharge; no pH was provided for the 9/23/2015 non-storm discharge event.	null	null	El Dorado
6	2	Big Pine CSD	Big Pine STP	1003097	Reporting -> Deficient Reporting	WDRMUNILRG	12/31/2015	Failed to provide results for several parameters related to flow, effluent, ground water, and sludge monitoring. Violates Board Order No. R6V-1995-0035 MRP I.A.2, I.A.3 I.B, I.C, and I.D, respectively.	Failure to take semiannual Nitrate samples, monitor static monitoring well depths during testing for EPA 624 and 625 tests. Failure to log monthly discharge flows. Failure to take pH and DO tests. Failure to monitor freeboard of ponds. Failure to report for 2015.	Operator suffered a stroke in August 2014. He stated he would continue his duties, and it wasn't until January 2016 that it was discovered that he was not. A new operator has been assigned, and will submit reports as required.	Oral Communication	Inyo
7	2	C & J Land LLC	Dr Kim Offices	S859495	SW - Deficient BMP Implementation	CONSTW	12/23/2015	2009-0009-DWQ condition IV. E. Proper operation and maintenance of BMPs including fiber rolls and a check dam at the entrance to a box culvert were not being done.	Contacted QSP and directed QSP to provide additional training for project workers regarding the SWPPP and BMP implementation, monitoring, and maintenance.	null	Oral Communication	San Bernardino
8	2	Ca Dept of Fish & Game Independence	Hot Creek Hatchery NPDES	1002140	Water Quality -> Effluent -> CAT1	NPDNONMUNIPRCS	10/5/2015	Nitrate, Total (as N) Monthly Average (Mean) limit is 0.23 mg/L and reported value was 0.25 mg/L at M-003.	Violated Board Order No. R6V-2006-0027 WDR IV.A.1.b. Value is within R6V-2009-0016-A2 TSO limits (0.45 mg/L).	No actions can be taken. Nitrate levels are naturally higher at spring sources and the hatchery relies on the TSO to stay out of violation	R6V-2009-0016-A2	Mono
9	2	Ca Dept of Fish & Game Independence	Hot Creek Hatchery NPDES	1002170	Water Quality -> Effluent -> CAT1	NPDNONMUNIPRCS	10/5/2015	Nitrate, Total (as N) Monthly Average (Mean) limit is 0.23 mg/L and reported value was 0.28 mg/L at M-004.	Violated Board Order No. R6V-2006-0027 WDR IV.A.1.b. Value is within R6V-2009-0016-A2 TSO limits (0.54 mg/L).	No actions can be taken. Nitrate levels are naturally higher at spring sources and the hatchery relies on the TSO to stay out of violation	R6V-2009-0016-A2	Mono
10	2	Ca Dept of Fish & Game Independence	Hot Creek Hatchery NPDES	1002380	Water Quality -> Effluent -> CAT1	NPDNONMUNIPRCS	10/5/2015	Nitrate, Total (as N) Monthly Average (Mean) limit is 0.23 mg/L and reported value was 0.25 mg/L at M-002.	Violated Board Order No. R6V-2006-0027 IVA.1.b. Value is within TSO R6V-2009-0016-A2 limit (0.30 mg/L).	No actions can be taken. Nitrate levels are naturally higher at spring sources and the hatchery relies on the TSO to stay out of violation	R6V-2009-0016-A2	Mono

Quarterly Violations Report
October 1, 2015 - December 31, 2015

	A	B	C	D	E	F	G	H	I	J	K	L
1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
11	2	Ca Dept of Transportation District 8	Desert Oasis Safety Rdside RES	1002015	Reporting -> Deficient Reporting	WDRMUNIOTH	12/31/2015	Failed to provide results for several parameters related to flow monitoring, effluent quality, and order conditions. Violates Board Order No. R6V-1997-0096 MRP I.A.1 and I.B, respectively.	The SMR was missing the daily flow volume, effluent pH and Dissolved Oxygen results.	Discharger stated, there is no equipment installed to meet the requirement of daily flow monitoring. Discharger is providing all available information based upon the existing equipment and the water system servicing frequency (wastewater flows are based indirectly upon water system information).	Oral Communications	San Bernardino
12	2	California City	California City WTF	999415	Reporting -> Deficient Reporting	WDRMUNILRG	10/31/2015	No Coliform data from weekends and holiday. Violates Board Order No. R6V-00-094 MRP I.B.2.	null	Discharger did not propose or identify any corrective actions taken.	null	Kern
13	2	California City	California City WTF	1000476	Reporting -> Deficient Reporting	WDRMUNILRG	11/30/2015	No Coliform data from weekends and holiday. Violates Board Order No. R6V-00-094 MRP I.B.2.	null	Discharger did not propose or identify any corrective actions taken.	null	Kern
14	2	California City	California City WTF	1002345	Reporting -> Deficient Reporting	WDRMUNILRG	12/31/2015	No Coliform data from weekends and holiday. Violates Board Order No. R6V-00-094 MRP I.B.2.	null	Discharger did not propose or identify any corrective actions taken.	null	Kern
15	2	Caltrans District 3	1A842 Y 2 Cascade	S858388	SW - Deficient BMP Implementation	CONSTW	10/7/2015	BMP deficiencies were noted in violation of Section VIII. of B.O R6T-2011-0019. Corrective actions were implemented as required.	null	null	Staff Enforcement Letter	El Dorado
16	2	Caltrans District 3	1A845 Tahoma	S858306	SW - Deficient BMP Implementation	CONSTW	10/6/2015	Minor BMP deficiencies were noted in violation of section VIII. of B.O. No. R6T-2011-0019. Corrective actions completed as required.	null	null	Staff Enforcement Letter	El Dorado
17	2	Hassett, Bob	Camp Richardson Marina	1002702	Deficient Monitoring	INDSTW	11/11/2015	Sampling locations not consistent with sampling plan in violation of B.O R6T-2011-0024-002 Attachment E, Section II. Insufficient pH and mercury monitoring in surface waters in violation of BO R6T-2011-0024-002 Attachment E, Section IV.B. Table E-3. Minimum number of benchmark samples not obtained in violation of BO R6T-2011-0024-002 Section V.D. and Attachment E, Section IV.A.1.c.	The sampling locations are not consistent between the MPPP, DMP, SWPPP, and the Annual Report. Two pH and mercury sampling results are required in the MSWMP. No pH or mercury results were provided for the 7/8/2015 storm discharge event; pH was not provided for the 9/23/2015 non-storm discharge event. Four quarterly benchmark limit samples per year are required for all surface water discharge points identified in the SWPPP.	null	null	El Dorado
18	2	Hassett, Bob	Lakeside Marina		Water Quality Effluent-CAT 1	INDSTW	10/17/2015	BO R6T-2011-0024-006 V.A	Total Iron 0.710 mg/L exceeds efflunet limit 0.7 mg/L			
19	2	Hassett, Bob	Lakeside Marina		Water Quality Effluent-OEV	INDSTW	10/17/2015	BO R6T-2011-0024-006 V.A	Turbidity value of 25 NTU exceeds effluent limit of 20 NTU.			

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1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
20	2	Hassett, Bob	Lakeside Marina		Water Quality Effluent-CAT 1	INDSTW	10/17/2015	BO R6T-2011-0024-006 V.A	Total Nitrogen 0.610 mg/L exceeds effluent limit 0.5 mg/L	null	null	El Dorado
21	2	Hassett, Bob	Lakeside Marina	1002740	Deficient Monitoring	INDSTW	11/13/2015	Insufficient pH and mercury monitoring in surface waters in violation of BO R6T-2011-0024-006 Attachment E, Section IV.B. Table E-3. Minimum number of effluent and benchmark samples not obtained in violation of BO R6T-2011-0024-006 Attachment E, Section IV.A.1.a.	Two pH and mercury sampling results are required in the MSWMP. No pH or mercury results were provided for the 7/24/2015 storm discharge event; pH was not providfed for the 9/23/2015 non-storm discharge event. Storm water discharges must be sampled at least two times per year for determination of compliance with effluent limits. One of the two required storm water samples was taken on 10/17/2015.	null	null	El Dorado
22	2	Hassett, Bob	Lakeside Marina	1002747	Order Conditions	INDSTW	11/13/2015	Insufficient corrective action after effluent limitation exceedance in violation of BO R6T-2011-0024-006 Section IV.D.	Samples from the 10/17/2015 storm water event exceeded the effluent limitations. Once the effluent limits were exceeded, corrective actions and re-sampling within 30 days or the next rain event is required.	null	null	El Dorado
23	2	Hassett, Bob	Lakeside Marina	1002748	Reporting -> Failure to Notify	INDSTW	11/13/2015	Failure to report effluent limitation exceedance in violation of BO R6T-2011-0024-006 Attachment E, Section V.A.2.	The discharger did not notify the Lahontan Water Board of effluent exceedances within 30 days of receiving its lab results as required.	null	null	El Dorado
24	2	Hassett, Bob	Meeks Bay Resort & Marina		Water Quality Effluent-CAT 1	INDSTW	10/7/2015	BO R6T-2011-0024-006 V.A	Total N 0.59 mg/L exceeds effluent limit of 0.5 mg/L			
25	2	Hassett, Bob	Meeks Bay Resort & Marina		Water Quality Effluent-CAT 1	INDSTW	10/7/2015	BO R6T-2011-0024-006 V.A	Total Phosphorous 0.16 mg/L exceeds effluent limit of 0.1 mg/L.			
26	2	Hassett, Bob	Meeks Bay Resort & Marina	1002776	Deficient Monitoring	INDSTW	11/13/2015	Insufficient pH and mercury monitoring in surface waters in violation of BO R6T-2011-0024-005 Attachment E, Section IV.B. Table E-3. Minimum number of benchmark samples not obtained in violation of Section V.D. and Attachment E, Section IV.A.1.c. Minimum number of effluent samples not obtained in violation Attachment E, Section IV.A.1.a.	Two pH and mercury sampling results are required in the MSWMP. No pH or mercury results were provided for the 7/8/2015 storm discharge event; pH was not provided for the 9/23/2015 non-storm discharge event. Four quarterly benchmark limit samples per year are required for all surface water discharge points identified in the SWPPP. One of four benchmark samples was collected for the surface water discharge sampling point on 10/17/2015. Storm water discharges must be sampled at least two times per year for determination of compliance with effluent limits. One of the two required storm water samples was taken on 10/17/2015.	null	null	El Dorado

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1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
27	2	Hassett, Bob	Meeks Bay Resort & Marina	1002780	Order Conditions	INDSTW	11/13/2015	Insufficient corrective action after benchmark limitation exceedance in violation of BO R6T-2011-0024-005 Section V.D.	Samples from the 10/17/2015 storm water event exceeded the zinc and copper benchmarks. The Discharger is required to review and upgrade BMPs if the sample results exceed the benchmarks.	null	null	El Dorado
28	2	Hassett, Bob	Meeks Bay Resort & Marina	1002782	Reporting -> Failure to Notify	INDSTW	11/13/2015	Failure to report effluent limitation exceedance in violation of BO R6T-2011-0024-005 Attachment E, Section V.A.2. Failure to report benchmark exceedance in violation of BO R6T-2011-0024 Attachment E, Section V.A.3.	The Discharger did not notify the Lahontan Water Board of effluent exceedances within 30 days of receiving its lab results as required. The Discharger did not notify the Lahontan Water Board of benchmark exceedances within 30 days of receiving its lab results as required.	null	null	El Dorado
29	2	Hassett, Bob	Timber Cove Marina	1002815	Deficient Monitoring	INDSTW	11/12/2015	Insufficient pH and mercury monitoring in surface waters in violation of BO R6T-2011-0024 Attachment E, Section IV.B. Table E-3.	Two pH and mercury sampling results are required in the MSWMP. No pH and mercury results were provided for the 7/8/2015 storm discharge event; no pH reported for the 9/23/2015 non-storm discharge event.	null	null	El Dorado
30	2	Helendale CSD	Helendale Silverlakes STP	999272	Water Quality -> Receiving Water -> Groundwater	WDRMUNILRG	10/8/2015	Exceeded MCLs for Chloride (500 mg/L) and TDS (1,000 mg/L) in three wells during the October of 2015. Violated Board Order No. R6V-2001-0036 MRP I.E.	MW-2 (1160 mg/L) and MW-4 (730 mg/L). TDS: MW-2 (3690 mg/L), MW-3 (1170 mg/L) and MW-4 (2280 mg/L).	Additional investigation is necessary to assess the Dischargers impacts on groundwater TDS concentrations in relation to other potential sources of TDS in the area. Current effluent TDS concentration averages 800 ppm.	null	San Bernardino
31	2	Hilton Creek CSD/Hilton Creek Csd Package CS	Manhole at Sierra Springs Drive	1000286	Water Quality -> Sanitary Sewer Overflow/Spill/	SSOMUNISML	12/5/2015	Forcemain blockage resulted in 15,100 gallon spill of raw sewage to unpaved surface and surface water.	Fats, oils and grease blockage caused raw sewage to spill from manhole to unpaved surface and then to Whiskey Creek/Crowley Lake. Surface water body affected.	Cleared blockage, restored flow, cleaned debris from field. Added sewer to preventative maintenance and enforced against FOG source.	null	Mono
32	2	Homewood High & Dry Marina	Homewood High & Dry Marina	1002736	Deficient Monitoring	INDSTW	11/15/2015	Lacking minimum number of storm water discharge visual inspections in violation of BO R6T-2011-0024-003 Attachment E, Section IV.A. Table E-2.	Four storm water discharge visual inspections are required to be conducted during the reporting year. No visual inspections were conducted during the 2014-2015 reporting year. Visual inspections have to be conducted if a facility has discharge points to land or surface waters. Every facility under the Marina General Permit is required to conduct the storm water inspections regardless of discharge point type.	null	null	Placer

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1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
33	2	Homewood High & Dry Marina	Homewood High & Dry Marina	1002737	Reporting -> Deficient Reporting	INDSTW	11/15/2015	Map deficiencies in violation of BO R6T-2011-0024-003 Attachment G, Section III.B.3. Table E-1 and Section IV.B.6. Table E-3.	The SWPPP site map does not include a legend indicating storm water sampling points. If there is a snow storage area, it needs to be included in the SWPPP map as well.	null	null	Placer
34	2	Klaus N Kraemer Revocable Trust	Sequoia Apartments	999925	Water Quality -> Effluent -> OEV	WDRMUNIOWTS	10/14/2015	Dissolved Oxygen Instantaneous Minimum limit is 1.0 mg/L and reported value was 0.0 mg/L.	Value reported as ND. Violated Board Order No. R6V-1986-0092 I.A.6.	Discharger did not propose or identify any corrective actions taken.	null	San Bernardino
35	2	Lake Arrowhead Community Service	Lake Arrowhead CSD WTFS	1002389	Water Quality -> Effluent -> CAT1	WDRMUNILRG	11/29/2015	Nitrogen, Total (as N) Daily Maximum limit is 10 mg/L and reported value was 15 mg/L.	Violated Board Order No. R6V-2009-0037 I.A.4.	Discharger states, trickling Filters struggling to convert ammonia, which was due to the extreme cold temperature and the high strength Thanksgiving holiday flows. Consultant to develop a more reliable treatment process and efficient Trickling Filters.	null	San Bernardino
36	2	Lake Arrowhead Community Service	Lake Arrowhead CSD WTFS	1002390	Water Quality -> Effluent -> CAT1	WDRMUNILRG	12/9/2015	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Maximum limit is 30 mg/L and reported value was 33 mg/L.	Violated Board Order No. R6V-2009-0037 I.A.4.	Discharger states,BOD exceedance due to methanol pump failure. All methanol pumps were repaired the next day.	null	San Bernardino
37	2	Leavitt Lake CSD	Leavitt Lake Sewage Treatment Ponds	1001983	Reporting -> Deficient Reporting	WDRMUNIOTH	10/15/2015	Freeboard measurements not recorded in August, measurements in September were within limits Total Nitrogen not analyzed in August- lab error, sample past holding time.	null	null	null	Lassen
38	2	Lee Vining PUD	Lee Vining WTF	998078	Order Conditions	WDRMUNIOTH	10/14/2015	Septic trucks are supposed to unload their sewage into the underground separator, which is behind a locked gate. There is evidence they are dumping it directly into pond 2, which is open (not locked). Violates Board Order No. 6-84-90, WDR I. C. 1. Pond 5 also had less than minimum 2 feet of freeboard. Violates Board Order No. 6-84-90, WDR I.C.4.	Discharging septic waste directly into Pond 2 constitutes an unauthorized system bypass. Pond 5's freeboard was approx. 1.5 feet. Larry Hughes, the part-time operator, was present during the inspection.	null	Staff Inspection	Mono
39	2	Lone Pine CSD	Lone Pine WWTF	1002073	Reporting -> Deficient Reporting	WDRMUNILRG	12/31/2015	Failed to provide results for several parameters related to flow, effluent, ground water, or sludge monitoring. Violates Board Order No. R6V-1995-0036 MRP II.C.2.	No monitoring data was presented with the Annual Report.	Discharger did not propose or identify any corrective actions taken.	null	Inyo

Quarterly Violations Report
October 1, 2015 - December 31, 2015

	A	B	C	D	E	F	G	H	I	J	K	L
1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
40	2	Los Angeles County Sanitation District 14	Lancaster Water Reclamation Plant	1001441	Reporting -> Deficient Reporting	WDRMUNILRG	10/31/2015	Failed to provide results for several parameters related to influent monitoring. Violated Board Order No. R6V-2002-0053 MRP I.B.	The SMR was missing Influent Nitrate Nitrogen, Kjeldahl Nitrogen, and Ammonia Nitrogen data. No explanation for missing data provided.	Discharger did not propose or identify any corrective actions taken.	null	Los Angeles
41	2	Los Angeles County Sanitation District 14	Lancaster Water Reclamation Plant	1001442	Reporting -> Deficient Reporting	WDRMUNILRG	11/30/2015	Failed to provide results for several parameters related to influent monitoring. Violated Board Order No. R6V-2002-0053 MRP I.B.	The SMR was missing Influent Nitrate Nitrogen, Kjeldahl Nitrogen, and Ammonia Nitrogen data. No explanation for missing data provided.	Discharger did not propose or identify any corrective actions taken.	null	Los Angeles
42	2	Merkelbach, Jean	Tahoe Keys Marina	1002810	Reporting -> Deficient Reporting	INDSTW	11/14/2015	Incomplete Annual Report in violation of BO R6T-2011-0024 Attachment D, Section V.B.1.	The signed certification statement in the Annual Report is required. No signature or date was provided.	null	null	El Dorado
43	2	Merkelbach, Jean	Tahoe Keys Marina	1002811	Deficient Monitoring	INDSTW	11/14/2015	Minimum number of benchmark samples not obtained in violation of BO R6T-2011-0024 Section V.D. and Attachment E, Section IV.A.1.c. Insufficient pH and mercury monitoring in surface waters in violation of BO R6T-2011-0024 Attachment E, Section IV.B. Table E-3. Sampling locations not consistent with sampling plan (DMP) in violation of BO R6T-2011-0024 Attachment E, Section II.	Four benchmark samples per year are required for all surface water discharge points identified in the SWPPP. No benchmark samples were provided. Two pH and mercury sampling results are required in the MSWMP. No pH or mercury results were provided for the 7/8/2015 storm discharge event; no mercury results were provided for the 9/23/2015 non-storm discharge event. Sampling locations were not consistent with the DMP.	null	null	El Dorado
44	2	MHC Los Ranchos Limited Partnership	Los Ranchos MHP	1002821	Water Quality -> Effluent -> CAT1	WDRMUNIOTH	12/9/2015	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) 30-Day Geometric Mean limit is 30 mg/L and reported value was 42.3 mg/L.	Violated Board Order No. R6V-1985-0038 I.A.4.	Discharger reported that one high sample on 12/9 led to subsequent sampling on 12/31. The 12/31 result was well below the monthly BOD effluent limit value (30 mg/L), but was not low enough to reduce the actual monthly average BOD result (42.3 mg/L) to a value below the effluent limitation.	null	San Bernardino
45	2	Mojave PUD	Mojave STP	1002347	Water Quality -> Effluent -> CAT1	WDRMUNILRG	12/31/2015	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Maximum limit is 60 mg/L and reported value was 75 mg/L.	Violates Board Order No. R6V-2001-0036 MRP I.B.	Discharger did not propose or identify any corrective actions taken.	null	Kern

Quarterly Violations Report
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	A	B	C	D	E	F	G	H	I	J	K	L
1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
46	2	Molycorp Minerals LLC	Onsite Evaporation Ponds	1001458	Order Conditions	LNDISPOTH	10/30/2015	Board Order No. R6V-2005-0011 section II.B.3, freeboard shall not be less than 2 feet.	Freeboard measurements taken on the dates indicated for the ponds indicated were less than 2 feet: Pond P-30A: 08/10/2015, 08/17/2015,08/24/2015; Pond P-30C:7/9/15,7/21/15, 7/27/15, 08/03/2015, 08/10/2015, 08/17/2015, 08/24/2015, 09/09/2015, and Pond P-30D: 07/13/2015, 07/21/2015, 07/27/2015.	Molycorp has taken steps/modified operations to provide for re-distributing pond discharge between the ponds, including provisions for occasional transfers to the Reclaim Pond, in the event freeboard levels are encroached upon in the future.	null	San Bernardino
47	2	Molycorp Minerals LLC	Onsite Evaporation Ponds	1001459	Water Quality -> Receiving Water -> Groundwater	LNDISPOTH	10/30/2015	Causing a pollution or threatened pollution to groundwater. Violates Board Order No. R6V-2005-0011 section II.A.7 98-9R	Compliance well downgradient to P-30A, P-30B 9/2/15: chloride = 370 mg/L (secondary MCL - 250mg/L); nitrate (as N) = 14mg/L (primary MCL = 10mg/L), strontium = 1.3 mg/L (background = 0.8 mg/L), TDS = 1,200 mg/L (secondary MCL = 1000 mg/L). 98-9MW - compliance well downgradient to P-30A, P-30B, P-30C, P-30D 9/2/15: barium = 0.13mg/L (increasing trend); chloride = 630 mg/L; nitrate (as N) = 11mg/L; sulfate 83mg/L (secondary MCL = 250mg/L); strontium = 1.2mg/L (bkgrnd = 0.73mg/L); TDS = 1900 mg/L (increasing trend) EMP wells 2011-4MW (southwest/downgradient P-30B) shows extent of nitrate (as N) verified release for barium, chloride and gross alpha. 2011-5MW (immediately south/downgradient P-30D) impacts include chloride, TDS. 2011-7MW (immediately south/downgradient P-30D-western property boundary) impacts include: chloride, magnesium, sodium strontium, TDS, radium. Recent increasing trends for chloride and TDS is indicated.	The Discharger implemented an EMP in 2011. Additional wells were installed to track pollutants in groundwater. Liner repair work for P-30D during in 2012-2013 resulted in declining monitoring parameters in well 2011-5MW during the 2013 monitoring period. Repairs to the liner system for Pond P-30C were completed by the end of Fourth Quarter 2012, and the pond was put back into service. An electronic leak location survey was completed in June 2015 which identified three leaks in the primary liner. Molycorp has since been conducting routine pumping of the LCRS sump which continues to collect wastewater, but at rates that remain below the ALR, and the VZMS has been dry. Feasibility Study for corrective action has been submitted for review. Onsite pump and treat for groundwater remediation has been proposed.	null	San Bernardino

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	A	B	C	D	E	F	G	H	I	J	K	L
1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
48	2	Molycorp Minerals LLC	Onsite Evaporation Ponds	1001460	Order Conditions	LNDISPOTH	10/30/2015	Discharge limit exceedance for lead and barium. Violates Board Order No. R6V-2005-0011, WDR I.B.2.	P-30D: 9/30/15 sampled solids' extractants (WET test) results for lead (9.8 mg/L) exceeded the limit (5 mg/L). P-30D: 9/30/15 sampled solid total for lead results (2,000 mg/Kg) exceeded the limit (1,000 mg/Kg). P-30D: 9/30/15 sampled solid total for barium results (15,000 mg/Kg) exceeded the limit (10,000 mg/Kg). Discharge limit exceedance – Lead, Barium Board Order No. R6V-2005-0011 section I.B.3. Water Board staff are evaluating Molycorp's response to the NOV issued 11/20/2014.	Corrective Action: Since late 2013, Molycorp has implemented an quasi-quarterly schedule of solids removal from the 204 Thickener System (204 Tank) using centrifuge technology. The 204 tank is thought to be the source of most of the solids found in the onsite evaporation ponds, and the routine solids removal from the 204 tank has proven successful in limiting further excessive discharges of high TSS wastewater.	Notice of Violation	San Bernardino
49	2	North Tahoe Marina	North Tahoe Marina	1002786	Deficient Monitoring	INDSTW	11/13/2015	Lacking photographs for visual inspections of storm water discharge in violation of BO R6T-2011-0024 Attachment E, Section III.D.13. Sampling locations not consistent with sampling plan in violation of BO R6T-2011-0024 Attachment E, Section II. and IV.2	The four storm water discharge visual reports did not include any time stamped photographs. Please include photographs in future storm water inspections to verify facility readiness for rain events. Sampling locations not consistent with SWPP, MPP, DMP and Annual Report..	null	null	Placer
50	2	North Tahoe Marina	North Tahoe Marina	1002787	Reporting -> Deficient Reporting	INDSTW	11/13/2015	Map deficiencies in violation of BO R6T-2011-0024 Attachment G, Section III.B.3.d and e.	The SWPPP site map does not include arrows indicating direction of storm water flow and locations of all existing structural control measures and BMPs.	null	null	Placer
51	2	Obexers & Son Inc	Obexers Marina	1002793	Deficient Monitoring	INDSTW	11/12/2015	Insufficient pH and mercury monitoring in surface waters in violation of BO R6T-2011-0024 Attachment E, Section IV.B. Table E-3. Minimum number of benchmark samples not obtained in violation of BO R6T-2011-0024 Section V.D. and Attachment E, Section IV.A.1.c. Sampling locations must be consistent between DMP, SWPP and MPPP Attachment E.	Two pH sampling results are required in the MSWMP requirements. No pH or mercury results for the 7/8/2015 storm discharge event; no mercury was reported for the 9/23/2015 non-storm discharge event. Four quarterly benchmark limit samples per year are required for all surface water discharge points identified in the SWPPP. No benchmark samples were provided in the annual report. The sampling locations must be consistent between the MPPP, DMP, SWPPP, and the Annual Report.	null	null	Placer

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	A	B	C	D	E	F	G	H	I	J	K	L
1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
52	2	Pulte Home Corp Southern Ca Division	Sun City Apple Valley	S859496	SW - Unauthorized NSWD	CONSTW	12/14/2015	Jess fish pond water flowed onto the site, then directly into the Mojave River, an unauthorized non-stormwater discharge.	Rain water on site may have flowed off as well - no BMPs were in place at the stormwater ducts to minimize run-off or reduce sediment. A ruptured Rancho Valley Water company line flooded the site, and some of that water may have discharged as well. That water is chlorinated and is an unauthorized non-stormwater discharge. Workers interviewed were not aware of the SWPPP or BMPs or their importance.	null	null	San Bernardino
53	2	RJR Thomas LP	Willow Springs MHP	1002342	Water Quality -> Effluent -> CAT1	WDRMUNIOTH	12/31/2015	Biochemical Oxygen Demand (BOD) (5-day @ 20 Deg. C) Daily Maximum limit is 45.0 mg/L and reported value was 110 mg/L.	Violated Board Order No. R6V-2002-0021 I.A.3.	Discharger did not propose or identify any corrective actions taken.	null	Kern
54	2	RJR Thomas LP	Willow Springs MHP	1002343	Water Quality -> Effluent -> CAT1	WDRMUNIOTH	12/31/2015	Methylene Blue Active Substances (MBAS) Daily Maximum limit is 2.0 mg/L and reported value was 6.9 mg/L.	Violated Board Order No. R6V-2002-0021 I.A.3.	Discharger did not propose or identify any corrective actions taken.	null	Kern
55	2	RJR Thomas LP	Willow Springs MHP	1002344	Reporting -> Deficient Reporting	WDRMUNIOTH	12/31/2015	No daily flow data.	Violated Board Order No. R6V-2002-0021 MRP I.A.1	Discharger took over operations in September and was unaware of the reporting requirements. They will comply from now on.	null	Kern
56	2	ROICC Bridgeport	Bridgeport	S859116	SW - Deficient BMP Implementation	CONSTW	10/14/2015	Site was poorly managed. Several BMP deficiencies were observed in violation of Attachment D. section E. of B.O. 2009-0009-DWQ.	null	null	Staff Enforcement Letter	Mono
57	2	ROICC Bridgeport	Bridgeport	S859115	SW - Deficient BMP Implementation	CONSTW	11/5/2015	Several BMP deficiencies were observed in violation of Attachment D. section E. of B.O. 2009-0009-DWQ.	null	null	Staff Enforcement Letter	Mono
58	2	San Bernardino Cnty Waste	Barstow Class III LF/Sludgefrm	1001952	Reporting -> Deficient Reporting	LFOPER	10/30/2015	WDR SECTION VI.C.1. failure to report: LCRS inspection for the Landfill (MRP IV.C.1.a.) discharge waste to landfill (MRP IV.F.) - treated septage sludge; nonhazardous waste; Discharge of TASW (MRP IV.E.); monitoring plan lysimeter data - landfill (MRP. IV.B.1)	null	Discharger has been notified and requested missing information.	Staff Enforcement Letter	San Bernardino
59	2	San Bernardino Cnty Waste	Heaps Peak Leachate Treatment & Disposal System	1001689	Reporting -> Deficient Reporting	WDRNONMUNIPRCS	10/30/2015	MRP No. 2012-0011A1, Section 1.A.: Third Qtr 2015 - Failed to report daily volume of leachate flowing to the treatment facility.	null	Discharger has reported that the flow meter had failed, and it will be repaired.	null	San Bernardino

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	A	B	C	D	E	F	G	H	I	J	K	L
1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
60	2	Sierra Boat Co Inc	Sierra Boat Co Inc	1002799	Deficient Monitoring	INDSTW	11/2/2015	Minimum number of benchmark samples not obtained in violation of BO R6T-2011-0024 Section V.D. and Attachment E, Section IV.A.1.c.	Four benchmark samples are required for all surface water discharge points identified in the SWPPP. Although storm water benchmark samples were taken in the 2013-2014 season, aluminum and copper levels exceeded the benchmarks. When an exceedance occurs, the discharger is required to repeat quarterly monitoring until average concentrations are below the benchmarks.	null	null	Placer
61	2	Sierra Truck Auto No 3	Sierra Truck Auto No 3	S859545	SW - Deficient BMP Implementation	INDSTW	10/7/2015	1.High threat of pollutants to leave the site as run-off from open buckets, drums, oils and grease; 2) Inadequate BMPs to prevent pollutants leaving the site as run-off; 3) Inadequate SWPPP, 4) Assessment of Potential Pollutant Sources; 5) Poor Housekeeping.	null	null	null	San Bernardino
62	2	Snow Valley Ski Resort	Snow Valley Ski Area Sediment	998077	BMP	WDRNONMUNIPRCS	10/21/2015	Serious erosion on many ski slopes and along unpaved access roads. Water bars full of sediment; erosion basins have not been cleared since August 20, 2015 inspection, all violations of Section I. C. Their WDR Section II. D. requires an annual workplan by May 15 of each year for the type of work proposed, which has not been submitted.	null	null	null	San Bernardino
63	2	Susanville Consol SD/Susanville Csd CS	607 1/2 Dillon Court	1000106	Water Quality -> Sanitary Sewer Overflow/Spill/	SSOMUNILRG	12/2/2015	Lateral Clean Out (Private) blockage caused 100 gallons raw sewage to spill onto street/curb and gutter. No surface water body affected.	Root intrusion caused raw sewage to spill from lateral clean out to paved surface. No surface water affected.	Cleared blockage, restored flow, cleaned up spill.	null	Lassen
64	2	Tahoe Yacht Harbor LLC	Tahoe Yacht Harbor	1002807	Reporting -> Deficient Reporting	INDSTW	11/14/2015	Incomplete Annual Report in violation of BO R6T-2011-0024 Attachment D, Section V.B.1.	The signed certification statement in the Annual Report is required. No signature or date was provided.	null	null	Placer
65	2	Town of Truckee	SR89 Mousehole	S858170	SW - Deficient BMP Implementation	CONSTW	10/1/2015	Stockpile BMPs were not maintained to remain effective in violation of Attachment D of Board Order No. 2009-0009-DWQ.	null	null	Verbal Communication	Nevada
66	2	US Army Sierra Army Depot	Sierra Army Depot Sewage Treatment Plant	997952	Deficient Monitoring	WDRMUNILRG	10/5/2015	Inspections of Disposal Areas were illegible and deficient in violation of B.O. R6T-01-25 Monitoring and Reporting Section C.	Provide legible and detailed inspection reports on all disposal areas by October 16, 2015.	Corrective actions completed as required on October 8, 2015.	null	Lassen

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	A	B	C	D	E	F	G	H	I	J	K	L
1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
67	2	US Navy Naval Air Weapons Station China Lake	USNWC Golf Course CL2 Recl Fac	998907	Reporting -> Deficient Reporting	REC	10/31/2015	No Total Coliform data. Violated Board Order No. R6V-1984-0036 MRP 1.	null	Discharger did not propose or identify any corrective actions taken.	null	Kern
68	2	Victor Valley Wastewater Reclamation Authority	Westwinds Golf Course	1000239	Reporting -> Deficient Reporting	REC	10/31/2015	No Turbidity data. Violates Board Order No. R6V-2003-0028 MRP I.B.3.a-h.	null	Discharger did not propose or identify any corrective actions taken.	null	San Bernardino
69	2	Victorville City	SCLA Central WWTP-Victorville Water Dist	1002051	Water Quality -> Receiving Water -> Groundwater	WDRMUNILRG	10/1/2015	Exceeded MCL for TDS (500 mg/L). Violated Board Order No. R6V-2014-0002 MRP III.B.2.	NZ-70 (520 mg/L), NZ-90 (580 mg/L), OW-1 (700 mg/L), and OW-3 (570 mg/L).	The Discharger states, "All City groundwater monitoring wells had concentrations below the Upper TDS limit of 1,000 mg/L. The City is in compliance with the receiving groundwater limitations for the fall 2015 sampling event."	null	San Bernardino
70	2	Victorville City	SCLA Central WWTP-Victorville Water Dist	1000225	Reporting -> Deficient Reporting	WDRMUNILRG	10/31/2015	No original lab data sheets. Violated Board Order No. R6V-2014-0002 MRP II.A.6.	null	Discharger did not propose or identify any corrective actions taken.	Oral Communication	San Bernardino
71	2	Victorville City	SCLA Central WWTP-Victorville Water Dist	1002045	Order Conditions	WDRMUNILRG	11/30/2015	UV dosage below instantaneous minimum (80 MJ/ MJ/cm²). Violated Board Order No. R6V-2014-0002 I.D.a amendment A1 & MRP II.D.1	11/24/2015 (64 MJ/cm²), 11/25/2015 (71 MJ/cm²), 11/26/2015 (71 MJ/cm²), 11/27/2015 (68 MJ/cm²), 11/28/2015 (73 MJ/cm²), 11/29/2015 (72 MJ/cm²), and 11/30/2015 (69 MJ/cm²).	Discharger did not propose or identify any corrective actions taken.	null	San Bernardino
72	2	Westland Industries Inc	Bear Valley MHP WTF	1002824	Water Quality -> Effluent -> CAT1	WDRMUNIOTH	12/31/2015	Methylene Blue Active Substances (MBAS) Daily Maximum limit is 2.0 mg/L and reported value was 2.7 mg/L.	Violated Board Order No. R6V-1984-0058 I.A.4.	Discharger stated, a new blower was installed to increase available DO for increased removal.	null	San Bernardino
73	2	Westland Industries Inc	Bear Valley MHP WTF	1002825	Reporting -> Deficient Reporting	WDRMUNIOTH	12/31/2015	No flow data. Violated Board Order No. R6V-1984-0058 MRP Flow Monitoring 1 & 2.	null	Discharger stated, the flow meter was not operational at the time we took over operations, a new meter is scheduled to be installed on January 20, 2016.	null	San Bernardino
74	3	Big Pine Indian Reservation	Big Pine Indian RES WTF	999185	Reporting -> Late Report	WDRMUNIOTH	10/15/2015	No SMR submitted. Violated Board Order No. R6V-2002-0039 MRP II.B	11/16/2015 Spoke with Sally Manning Env. Dir. She was unaware that they should be submitting reports. Informed her that SMRs were a part of their Board Order. Requested that if possible past due SMRs should be submitted, definitely the SMRs, quarterly and annual due on 01/15/2016 needed to be submitted. Emailed a copy of the Board Order.	Discharger did not propose or identify any corrective actions taken.	Oral Communication	Inyo
75	3	Cordola, Leonard & TR	Melina Square	999232	Reporting -> Late Report	WDRMUNIOWTS	10/15/2015	No SMR submitted. Violated Board Order No. R6V-1988-0021 MRP II.	null	Discharger did not propose or identify any corrective actions taken.	Notice of Violation	San Bernardino

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1	Priority	Agency	Facility	Violation ID	Violation Type	Violation Program	Date Occurred	Violation Description	Comments	Corrective Action	Enforcement Action	County
76	3	Desert Lake CSD	Desert Lake CSD WTF	999212	Reporting -> Late Report	WDRMUNILRG	10/15/2015	No SMR Submitted. Violated Board Order No. R6V-2001-0055 MRP V.A.	11/17/2015 Spoke with Natalie Dadey. She has recently taken responsibility for the site and was unaware that SMRs needed to be submitted. Emailed the Board Order with instructions to begin submitting SMRs with the next report due by 01/15/2016.	Discharger did not propose or identify any corrective actions taken.	Oral Communication	Kern
77	3	Inyo Co DPW	Independence Class III Landfill	1001592	Deficient Monitoring	LFOPER	10/6/2015	Exceeded the laboratory detection limit for trichlorofluoromethane in groundwater samples from one well during the second semi-annual 2015 monitoring period. Violates Board Order 6-95-116, WDR section II.A.3 and MRP section I.A.3.b.	trichlorofluoromethane: (MW-2 1.2 ug/L)	Water Board staff is working with the Discharger to evaluate appropriate next steps.	null	Inyo
78	3	Mojave PUD	Mojave STP	1002348	Order Conditions	WDRMUNILRG	12/31/2015	No signature on report. Violates Board Order No. R6V-2001-0036 WDR I.C. Standard Provisions 2.e.	null	Discharger did not propose or identify any corrective actions taken.	null	Kern
79	3	Tennell, CR	Bear Valley Firestone	999175	Reporting -> Late Report	WDRMUNIOWTS	10/15/2015	No SMR submitted. Violated Board Order No. R6V-1988-0001 MRP II.	11/16/2015 Spoke with Geraldine. Informed her that SMRs were a part of their Board Order and needed to be submitted. The next SMR is due on 01/15/2016. Emailed a copy of the Board Order. Spoke with Geraldine again. She is leasing the property to Mr. Walker for Firestone. Mailed a Board Order Transfer form on 11/17/2015.	Discharger did not propose or identify any corrective actions taken.	Oral Communication	San Bernardino
80	3	Victorville City	SCLA Central WWTP-Victorville Water Dist	1002047	Reporting -> Deficient Reporting	WDRMUNILRG	11/30/2015	No original lab data sheets. Violated Board Order No. R6V-2014-0002 MRP II.A.6.	null	Discharger did not propose or identify any corrective actions taken.	null	San Bernardino

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ENCLOSURE 2

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Summary of Violations and Enforcement Actions for 2015

Water Board staff has entered to date a total of 728 violations into the CIWQS and SMARTS databases for the 2015 calendar year. This number will likely increase a little as staff continues reviewing quarterly, semi-annual, and annual reports that have submittal dates through the end of February 2016. The 728 violations for 2015 are close to those of the past two years and lower than those for 2012:

- 705 violations for 2014
- 713 violations for 2013
- 891 violations for 2012

There is an important difference in the violations of 2015 and those of the preceding years. In 2015, Water Board staff made it a priority to document and pursue dischargers that did not submit their annual reports, as required by the state-wide NPDES Construction and Industrial Storm Water General Permits. Staff has also been working with State Water Board staff to document and pursue those dischargers that did not recertify their enrollment under the reissued NPDES Industrial Storm Water General Permit. The violations for these three areas total 261 violations, or 35 percent of the 728 violations for 2015. The majority of the 261 violations are due to failure to submit annual construction reports, as shown below.

- 155 violations for annual reports – Construction
- 54 violations for annual reports - Industrial
- 52 violations for failing to recertify - Industrial

Removing the 261 annual report and recertification-related violations from the 728 violations, results in a total of 467 violations. This represents a significant drop in the number of violations for 2015 when compared to those tracked in previous years.

For 2015, there were 13 Class 1 violations, 645 Class 2 violations, and 70 minor Class 3 violations. The Class 1 violations involved three facilities (Barstow Wastewater Treatment Facility, Los Angeles County Sanitation District No. 20-Palmdale Wastewater Treatment Facility, and City of Victorville Sanitary Collection System). The Class 2 violations were dominated by the 261 storm water annual report and recertification violations. The other Class 2 violations were spread out across a wide variety of facilities and regulatory programs, where effluent limitation (134), deficient reporting (72), groundwater limitations (39), and deficient storm water best management practices (34) dominated the violation types. The Class 3 violations are mostly related to late self-monitoring reports, with a few linked to minor report deficiencies, best management practice implementation, effluent limitations, and order conditions.

The Water Board and its staff addressed 400 out of the 728 violations (approx. 55 percent) with 180 enforcement actions. For Class 1 violations, 12 out of 13 violations are being addressed by Water Board formal enforcement actions, and the remaining Class 1 violation is under investigation. Water Board staff has also addressed 349 out

of 645 Class 2 violations (approx. 54 percent) with informal and/or formal enforcement. This response rate will increase to approximately 58 percent when staff enforcement letters, addressing mostly reporting and monitoring-related violations associated with the Tahoe Marina NPDES Industrial Storm Water General Permit, are sent out in late February 2016. Class 3 violations were addressed solely through informal enforcement actions at a response rate of 39 out of 70 violations (approximately 56 percent).

The majority of the Water Board's 180 enforcement actions in 2015 were informal (102 actions), which include in-person conversations, phone conversations, emails, and notices of violation. However, there was a significant increase in formal enforcement actions issued in the Lahontan Region due to the first, and in some cases, second notices of non-compliance (73 NNCs) issued in 2015. The NNCs were issued to dischargers that had failed to recertify under the reissued state-wide NPDES Industrial Storm Water General Permit. Issuing the NNCs was a joint effort between Water Board and State Water Board staff.

Water Board staff will continue to generally implement a progressive enforcement approach, using the lowest effective enforcement action to restore compliance. So staff will continue to rely heavily upon informal enforcement actions that have typically been effective in addressing a significant percentage of the violations staff encounters. Staff will continue to focus enforcement activity in areas that support the Water Board's priorities. Staff will also continue to expand its Supplemental Environmental Project Program to additional areas within the region, providing a more effective means to placing a portion of liabilities where they can do good work in the Lahontan Region.

ENCLOSURE 3

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Lahontan Water Board Program Fact Sheet
FY 2015-16

Enforcement

Overview

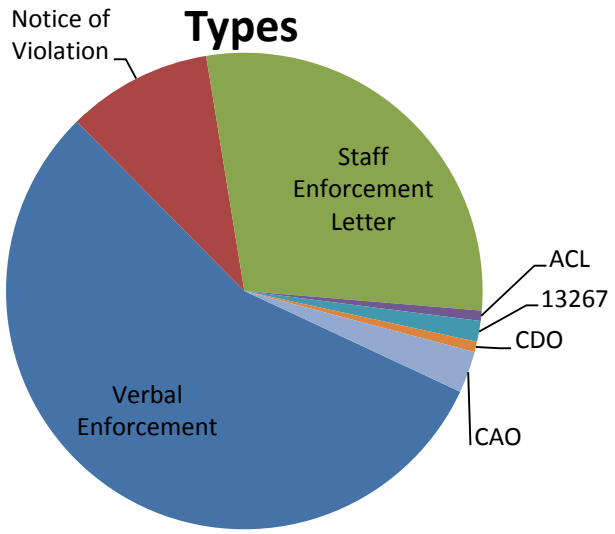
The Enforcement Program's primary responsibilities are:

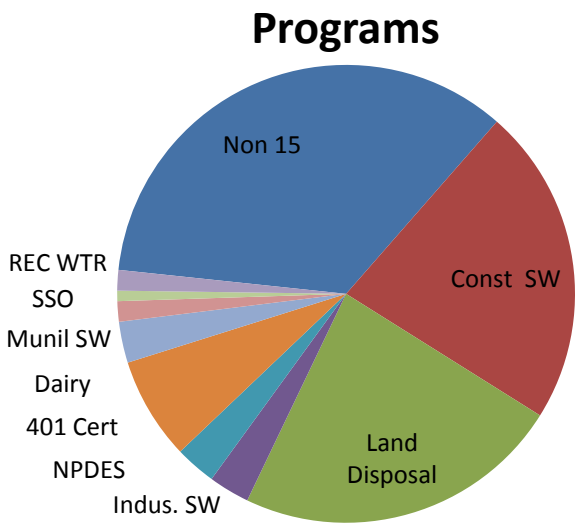
- Evaluating and prioritizing violations of water quality protection laws, regulations, and permits.
- Effectively initiating and following through on enforcement actions/strategies intended to reestablish compliance, to address environmental damage, and to deter future violations.
- Coordinating with other Regional Water Boards and the State Water Board in pursuing multi-region or state-wide enforcement actions; and to improve consistency and effectiveness.

These actions are conducted under federal and state law, and the State Water Board's Water Quality Enforcement Policy, with one allocated position and with resources from other programs.

Goals

- Enforce against violations that have adversely affect groundwater quality. Emphasis is placed on providing safe drinking when necessary, eliminating the pollutant source, and then cleanup. Examples include dairies, wastewater treatment facilities, PG&E Hinkley station, dry cleaners, and gas stations.
- Continue an effort initiated in FY 2014/2015 to compel compliance with the annual reporting requirements for the NPDES Industrial and Construction Storm Water Programs. The annual reports provide information on a Discharger's BMPs, discharge quality, and corrective actions. Improving submittal rates and taking enforcement actions on non-compliant sites should result in significant storm water quality improvements.
- Enforce against violations where the violations are creating adverse impacts to surface water quality and beneficial uses. Examples include unauthorized discharges of sewage, hazardous waste, and dredged and/or fill materials to creeks, springs, rivers, lakes, and wetlands.
- Implement action items identified through the Water Board's Enforcement Subcommittee that are intended to improve program efficiency and effectiveness.





Accomplishments

Los Angeles Department of Water and Power Lee Vining Creek Diversion Structure Project: Water Board approved a Settlement Agreement containing a monetary penalty and a supplemental environmental project to complete 4 restoration projects on the Inyo National Forest.

Lake Tahoe Laundry Works Stipulated Agreement: Water Board staff reached agreement with Lake Tahoe Laundry Works to reimburse a property owner for costs to connect to community water system in South Lake Tahoe, after PCE concentrations in private supply well exceeded drinking water standard.

Spalding Tract Onsite Wastewater Systems: Water Board staff issued Administrative Civil Liability Complaint to final recalcitrant property owner for failure to abandon septic system or connect to community sewer in compliance with the Board's Basin Plan prohibition for the Eagle Lake basin.

Arimol-Serenity Lodge: Water Board staff continues to oversee surface water restoration and mitigation, in accordance with Cleanup and Abatement Order requirements. Arimol implemented onsite creek and willow wetland restoration activities in 2014. Water Board staff has approved the Phase 2 Restoration and Mitigation Plan in cooperation with California Department of Fish and Wildlife to be completed by 2021 along with a permanent conservation easement.

Crystal Geyser Olancha: Water Board staff continues to require discharger to adequately characterize the current discharge and delineate impacts from past discharges. A Report of Waste Discharge was received and Water Board staff has required additional information. Permit anticipated late 2016.

Dairies: Water Board staff required the property owners of the former N&M Dairy to implement the terms of the Settlement Agreement and Cleanup and Abatement Order adopted December 12, 2013. The property owners paid the SEP portion of the ACL liability this year because they were unable to complete the conservation easement. Water Board staff continues to work with other dairies to address groundwater nitrate/TDS pollution due to past and ongoing dairy waste discharge practices, including ensuring compliance with replacement water orders.

Supplemental Environmental Project Program: Staff has been working with several watershed groups and partnerships to implement the Water Board's SEP program by entering into agreements to identify and implement potential SEP projects. The pilot project with Truckee River Watershed Council is underway. An agreement with Mojave IRWM Support Group was accepted February 2016

Pacific Gas and Electric, Hinkley Compressor Station: Water Board adopted updated comprehensive Cleanup and Abatement Order requiring cleanup of hexavalent chromium by set dates and requiring technical assistance to residents.

Performance targets – Progress to date

- **Mandatory Minimum Penalties** – **Performance target is to address 100 percent of MMP violations within 18 months discovery.**

Water Board staff is working to resolve violations subject to MMPs at four facilities. Susanville WWTP, VVWRA WWTP, Hot Creek Hatchery, and Fish Springs Hatchery. Staff anticipates resolving all MMP violations at each of these facilities by the end of July 2016.

- **Priority 1 Violations** – **Performance target is to take formal enforcement action against 100 percent of Priority 1 Violations within 18 months of discovery.**

All Priority 1 violations identified in the past 18 months have been or continue to be addressed by formal enforcement actions.

Unaddressed Work

Quarterly Violations Reports indicate all violations and identify violations where no enforcement action has been taken.

In most programs, only a small percentage of regulated facilities get inspected, and therefore many violations are not observed and unreported.

There are an unknown number of facilities and construction projects that have failed to obtain permits from the Water Board and may be impacting water quality.

ENCLOSURE 4

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

HEARING PROCEDURES

CONSIDERATION OF ADOPTION OF AN ADMINISTRATIVE CIVIL LIABILITY ORDER FOR [DISCHARGER NAME, FACILITY/PROJECT NAME], [COUNTY NAME] COUNTY

WATER BOARD PUBLIC HEARING SCHEDULED FOR [BOARD MEETING DATES]

Please read these hearing procedures carefully. Failure to comply with the deadlines and other requirements contained herein may result in the exclusion of your documents and/or testimony.

Background

On [Date], the Lahontan Water Board Prosecution Team mailed an Administrative Civil Liability Complaint (Complaint) to [Discharger Name] regarding [Facility/Project Name] in [County Name] County. The Complaint alleges that [Discharger Name] violated [Identify what is being violated (e.g., Water Code section No.; waste discharge requirements prescribed by Water Board Order No. a waste discharge prohibition contained in the Water Quality Control Plan for the Lahontan Region, etc.)]. The Complaint recommends imposing a [$Liability Amount] liability against [Discharger Name]. For more information, see:

http://www.waterboards.ca.gov/rwqcb6/water_issues/programs/enforcement/

Purpose and Timing of Public Hearing

The purpose of the public hearing is to consider relevant evidence and testimony regarding the Complaint. Following the hearing, the Water Board will consider adopting the liability (as proposed in the Complaint or for a different amount, either higher or lower than proposed, but not to exceed the maximum liability provided for by law), rejecting it, or referring the matter to the California Attorney General.

The public hearing will be held during the regular meeting of the Lahontan Water Board on **[Board Meeting Dates]**. The public hearing will begin at a time and location as announced in the Lahontan Water Board meeting agenda. An agenda for the meeting will be available on the Lahontan Water Board's web page at www.waterboards.ca.gov/lahontan no later than **10 days before the meeting**.

Public Hearing Deadlines

Deadline	Who Submits?	Written Item
[Date,14 days from Complaint Release Date, 4pm]	Designated Parties and The Public	Objections to the Hearing Procedures
[Date,14 days from Complaint Release Date, 4pm]	The Public	Requests for Designated Party status
[Date,14 days from Complaint Release Date, 4pm]	Prosecution Team	Witness list, summaries of witness testimony, and referenced documents
[Date, 21 days from Complaint Release Date, 4pm]	Designated Parties	Objections to requests for Designated Party status
[Date, 45 days from Complaint Release Date, 4pm]	Designated Parties, except the Prosecution Team	Technical and legal arguments/briefs, supporting evidence and documents, and witness lists
[Date, 50 days from Complaint Release Date, 4pm]	Designated Parties and The Public	Requests for additional time at the hearing
[Date, 52 days from Complaint Release Date, 4pm]	The Public	Statements pertaining to the allegations
[Date, 59 days from Complaint Release Date, 4pm]	Prosecution Team	Rebuttal evidence or testimony
[Date, 66 days from Complaint Release Date, 4pm]	Designated Parties, except the Prosecution Team	Objections to Prosecution Team rebuttal evidence or testimony
As Received	Advisory Team	Proposed Orders, objections and comments received to be posted on Water Board's website and sent to parties

(Note: Schedule is based upon Prosecution Team releasing the Complaint a minimum of 85 days from the public hearing date, and submitting its evidence/supporting documentation with the Complaint. If Prosecution Team does not submit evidence/supporting documentation with the Complaint, then require Prosecution Team to submit technical and legal arguments/briefs, supporting evidence and documents, and witness lists… within two weeks of releasing the Complaint. The remaining deadlines extend out from there.)

The above-listed deadlines apply to those who want to participate in the Lahontan Water Board's **[Board Meeting Dates]** public hearing. The Lahontan Water Board's Prosecution Team and [Discharger Name] **(Designated Parties)** will have an opportunity to submit evidence, written testimony, technical briefs, and/or legal briefs prior to the public hearing. **The Public**, which includes, but is not limited to, any interested agency, organization, public official, or private citizen, will also have an opportunity to submit written comments or statements prior to the public hearing. The table, above, identifies when the Designated Parties and the Public are required to submit their written materials in preparation for the public hearing.

Instructions for All Submittals

To facilitate the public hearing process, the following types of information/documentation must be submitted prior to the public hearing for Lahontan Water Board review:

- Technical and legal arguments/briefs
- Supporting evidence and documents
- Statements pertaining to the allegations

All submittals must be on 8½" x 11" size paper (including attachments and figures), must be in a legible font no smaller than 11-point size, and should be submitted electronically in a searchable pdf format. In an effort to save paper and electronic file space, you may reference documents that have been previously submitted or are part of the public record for this case, and there is no need or requirement to include full copies of those documents. For each document included by reference, identify the name of that document, the location of where the document resides, a copy of the relevant pages from the document, and a statement explaining why those excerpts of the document are relevant to your case. Examples of such documents that need not be submitted in full include, but are not limited to, previously submitted monitoring reports, documents that have been shared between the Prosecution Team and [Discharger Name], and documents that can be downloaded from the Lahontan Water Board's website regarding this case:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/enforcement/index

Party-Specific Instructions

For the Public – Please submit your information to the Lahontan Water Board's Executive Assistant, Sue Genera. Ms. Genera works at the Lahontan Water Board's South Lake Tahoe office and she can be reached at Sue.Genera@waterboards.ca.gov or (530) 542-5414. Please contact Ms. Genera directly if you have any questions. Each email or hard copy submittal sent to Ms. Genera must have in the subject line, "[Facility/Project Name] ACL Hearing." Ms. Genera will distribute your information to the Lahontan Water

Board members, the Lahontan Water Board's Advisory Team, and to the Designated Parties.

For the Prosecution Team – In addition to a hard copy original, the Prosecution Team shall submit an electronic copy of each submittal, in addition to 15 hard copies (double-sided, three-hole punched) to Ms. Genera. The originals, electronic copies, and 15 hard copies of each submittal must be received by Ms. Genera by the deadlines specified above. An additional copy (electronic or hard copy) of each submittal must also be sent to the Advisory Team's Staff Counsel and to the other Designated Parties and received by the deadlines specified above. Each email or hard copy submittal must have in the subject line, "[Facility/Project Name] ACL Hearing." Ms. Genera will distribute Prosecution Team submittals to the Lahontan Water Board members and the Lahontan Water Board's Advisory Team.

For Designated Parties Other than the Prosecution Team – If the submittals include more than 20 pages, follow the directions for the Prosecution Team specified above. Otherwise, an original and one electronic copy must be received by Ms. Genera by the deadlines specified above. An additional copy (electronic or hard copy) of each submittal must also be submitted to the Advisory Team's Staff Counsel and the Prosecution Team Primary Representatives identified, below, and received by the deadlines specified above. Each e-mail or hard copy submittal must have in the subject line, "[Facility/Project Name] ACL Hearing." Ms. Genera will distribute your submittals to the Lahontan Water Board members and the Lahontan Water Board's Advisory Team.

Objections to Hearing Procedures

The public hearing will be conducted in accordance with this set of hearing procedures or as it may be amended. A copy of the general procedures governing adjudicatory hearings before the Lahontan Water Board may be found at California Code of Regulations, title 23, section 648 et seq., and is available at www.waterboards.ca.gov or upon request. In accordance with section 648, subdivision (d), any procedure not provided by this set of hearing procedures is deemed waived.

Ms. Genera must receive any objections to this set of hearing procedures **no later than 4:00 p.m. on [Date, 14 days after the Complaint release date]** or they will be considered waived.

Public Hearing Participants

Participants in these public hearings are identified as either "Designated Parties" or "Public" or "Advisory Team." Designated Parties may present evidence and cross-examine witnesses and are subject to cross-examination. The Public includes all

parties (e.g., private citizens, public officials, agencies, organizations, interest groups), other than those identified as Designated Parties or Advisory Team. The Public may present non-evidentiary policy statements (statements or comments), but may not cross-examine witnesses and are not subject to cross-examination. The Advisory Team provides impartial technical and legal advice to the Lahontan Water Board members following the public hearing. Designated Parties and the Public may be asked to respond to questions from Lahontan Water Board members and the Advisory Team.

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

1. Lahontan Water Board Prosecution Team
2. [Discharger Name]
3. [Others (e.g., parties identified as being responsible for paying liability)]

Requesting Designated Party Status

Persons not identified above who wish to participate in the public hearing as a Designated Party must submit their request for Designated Party status in writing (with copies of the request sent to the other Designated Parties). Such requests must be received by Ms. Genera **no later than 4:00 p.m. on [Date, 14 days after the Complaint release date]**. The request shall: (1) include an explanation of the basis for the request (e.g., how the issues to be addressed in the hearing and the potential actions by the Lahontan Water Board affect the person requesting the status change); and, (2) include a statement explaining why the currently identified Designated Parties do not adequately represent the interests of the person requesting the status change. Objections to such request must be received by Ms. Genera **no later than 4:00 p.m. on [Date, 21 days after the Complaint release date]**.

Primary Representatives

For the Lahontan Water Board's Advisory Team

Patty Z. Kouyoumdjian, Executive Officer Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150 Patty.Kouyoumdjian@waterboards.ca.gov Phone: (530) 542-5412 Fax: (530) 544-2271	Kim Niemeyer, Staff Counsel State Water Resources Control Board, Office of Chief Counsel 1001 I Street Sacramento, CA 95814 Kim.Niemeyer@waterboards.ca.gov Phone: (530) 341-5549 Fax: (916) 341-5199

For the Water Board's Prosecution Team

Chuck Curtis, Supervising WRC Engineer Lahontan Regional Water Quality Control Board 2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150 Chuck.Curtis@waterboards.ca.gov Phone: (530) 542-5460 Fax: (530) 542-5470	[Office of Enforcement Attorney, Classification] State Water Resources Control Board, Office of Enforcement 1001 I Street Sacramento, CA 95814 [Email Address] Phone: [Phone No.] Fax: [Fax No.]

For [Discharger Name]

[Discharger Representative's Name, Position] [Contact Information]

Separation of Functions

As indicated above, Lahontan Water Board staff participating in this proceeding has been separated into two teams to help ensure the fairness and impartiality of this proceeding. The Lahontan Water Board's Prosecution Team includes staff who will act in a prosecutorial role by presenting evidence for consideration by the Lahontan Water Board. The Lahontan Water Board's Advisory Team includes staff who will provide the Water Board with technical and legal advice.

Advisory Team members are: [Advisory Team Member Names and Classifications]

Prosecution Team members are: [Prosecution Team Member Names and Classifications]

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. Members of the Prosecution Team may have acted as advisors to the Lahontan Water Board in other, unrelated matters, but they are not advising the Lahontan Water Board in this proceeding. Members of the Prosecution Team have not had any ex parte communications with Lahontan Water Board members or Advisory Team members regarding this proceeding.

Ex Parte Communication

The Designated Parties and Public are forbidden from engaging in ex parte communications regarding this matter with Lahontan Water Board members or Advisory Team members. An ex parte contact is any written or verbal communication pertaining to the investigation, preparation or prosecution of the Complaint between a Designated Party or the Public on one hand, and a Lahontan Water Board member or Advisory Team member on the other hand, unless the communication is copied to all other

Designated Parties (if written) or made in a manner open to all other Designated Parties (if verbal). Communications regarding non-controversial procedural matters are not ex parte contacts and are not restricted. Communications among one or more Designated Parties and the Public themselves are not ex parte contacts.

Hearing Time Limits

Please note that the scheduled public hearing is designed for the Designated Parties to simply summarize the previously submitted evidence/technical and legal arguments. This means that all evidence and/or arguments must be submitted by the deadlines specified in these Hearing Procedures, so the Designated Parties do not need to reintroduce any evidence. At the hearing, the Designated Parties should focus their limited time to highlight important points from the previously submitted evidence or testimony.

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 **[Time Limit]** to present an overview of its evidence, to present and cross-examine witnesses, and to provide a closing statement; and each Public participant shall have **[Time Limit]** to present non-evidentiary statements. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Participants (Designated Parties and the Public) who would like additional time must submit their request in writing to Ms. Genera with copies to the Designated Parties. Such requests must be received by Ms. Genera **no later than 4:00 p.m. on [Date, 50 days after the Complaint release date]**. Additional time may be provided at the discretion of the Advisory Team (prior to the hearing) or the Water Board Chair (at the hearing) upon a showing that additional time is necessary.

Evidence, Exhibits and Policy Statements

The following information must be submitted in advance of the public hearing:

1. All written evidence and exhibits that a Designated Party would like the Lahontan Water Board to consider. Evidence and exhibits already in the Lahontan Water Board's public files 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.

2. All legal briefs and technical arguments or analysis.

3. The name of each witness, if any, whom a Designated Party intends to call at the hearing, and the subject of each witness' proposed testimony.

4. The qualifications of each expert witness, if any.

[Select the appropriate Paragraph Option, below, based upon whether or not the Prosecution Team has submitted its evidence with the ACL Complaint.]

[Option 1 -]The Prosecution Team has indicated that it has submitted its evidence as part of the Complaint, which has been transmitted to each Designated Party. The Prosecution Team has yet to submit its Witness List, Summaries of Witness Testimony, and List of Documents to be Incorporated by Reference. The Prosecution Team shall submit this information according to the Instructions for All Submittals, above. This information must be received by Ms. Genera **no later than 4:00 p.m. on [Date, 14 days after the Complaint release date]**.

[Option 2 -]The Prosecution Team shall submit their information (described in Nos. 1 - 4, above) according to the Instructions for All Submittals, above. This information must be received by Ms. Genera **no later than 4:00 p.m. on [Date, 14 days after the Complaint release date]**.

The remaining Designated Parties shall submit their information (described in Nos. 1 - 4, above) according to the Instructions for All Submittals, above. This information must be received by Ms. Genera **no later than 4:00 p.m. on [Date, 45 days after the Complaint release date]**.

The Prosecution Team has the opportunity to submit rebuttal evidence or testimony in conformance with the Instructions for All Submittals. This material must be received by Ms. Genera **no later than 4:00 p.m. on [Date, 59 days after the Complaint release date]**.

The Public who would like to submit written non-evidentiary statements pertaining to the allegations are encouraged to submit them to Ms. Genera as early as possible, but **no later than 4:00 p.m. on [Date, 52 days after the Complaint release date]**. Public members do not need to submit written comments in order to speak at the public hearing.

In accordance with California Code of Regulations, title 23, section 648.4, the Lahontan Water Board endeavors to avoid surprise testimony or evidence. Absent a showing of good cause and lack of prejudice to the parties, the Lahontan Water Board may exclude evidence and testimony that is not submitted in accordance with these hearing procedures. Excluded evidence and testimony will not be considered by the Lahontan Water Board and will not be included in the administrative record for this proceeding. Power Point and other visual presentations may be used at the hearing, but their content may not exceed the scope of other timely submitted written material. A written and electronic copy of such material that Designated Parties or the Public intend to present at the hearing must be submitted to Ms. Genera at or before the hearing for inclusion in the administrative record. Additionally, any witness who has submitted written testimony for the hearing shall appear at the hearing and affirm that the written testimony is true and correct, and shall be available for cross-examination.

Evidentiary Objections

The Designated Parties other than the Prosecution Team shall submit all written objections to the Prosecution Team's evidence and testimony as part of the Designated Parties' information due **[Date, 45 days after the Complaint release date]**. The Prosecution Team shall submit all written objections to the other Designated Parties' evidence and testimony as part of the Prosecution Team's rebuttal due **[Date, 59 days after the Complaint release date]**. The Designated Parties other than the Prosecution Team shall submit their written objections to the Prosecution Team's rebuttal evidence and testimony according to the Instructions for All Submittals, above. This information must be received by Ms. Genera **no later than 4:00 p.m. on [Date, 66 days after the Complaint release date]**. The Advisory Team will notify the parties about further action to be taken on such objections (if any) and when that action will be taken.

Request for Pre-hearing Conference

A Designated Party may request that a pre-hearing conference be held before the public hearing in accordance with Water Code section 13228.15. A pre-hearing conference may address any of the matters described in subdivision (b) of Government Code section 11511.5:

1. Exploration of settlement possibilities.
2. Preparation of stipulations.
3. Clarification of issues.
4. Rulings on identity and limitation of the number of witnesses.
5. Objections to proffers of evidence.
6. Order of presentation of evidence and cross-examination.
7. Rulings regarding issuance of subpoenas and protective orders.
8. Schedules for the submission of written briefs and schedules for the commencement and conduct of the hearing.
9. Exchange of witness lists and of exhibits or documents to be offered in evidence at the hearing.
10. Motions for intervention.
11. Exploration of the possibility of using alternative dispute resolution provided in Article 5 (commencing with Section 11420.10) of, or the informal hearing procedure provided in Article 10 (commencing with Section 11445.10) of, Chapter 4.5, and objections to use of the informal hearing procedure. Use of alternative dispute resolution or of the informal hearing procedure is subject to subdivision (d).
12. Any other matters as shall promote the orderly and prompt conduct of the hearing.

Requests must contain a description of the issues proposed to be discussed during that conference, and must be submitted to Ms. Genera, with a copy to all other Designated Parties, as early as practicable.

Evidentiary Documents and File

The Complaint and related evidentiary documents are on file and may be inspected or copied at the Lahontan Water Board's office at 2501 Lake Tahoe Blvd, South Lake Tahoe, CA 96150. These files shall be considered part of the official administrative record for this public hearing. Other submittals received for this proceeding will be added to these files and will become part of the administrative record absent a contrary ruling by the Lahontan Water Board Chair.

Questions

Please send any questions regarding this public hearing to Ms. Genera at (530) 542-5414 (Sue.Genera@waterboards.ca.gov).

_____ DATE: _____

Patty Z. Kouyoumdjian
Executive Officer

ENCLOSURE 5

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California Regional Water Quality Control Board
Lahontan Region

PUBLIC PARTICIPATION IN THE ENFORCEMENT HEARING PROCESS

Many steps take place before the Lahontan Water Board makes its decision regarding proposed formal enforcement actions (e.g., Cease and Desist Orders, Administrative Civil Liability Orders (fines) at a public hearing. One important element in the Lahontan Water Board's decision-making process is **public participation**. This document helps to identify how the public can participate in the Lahontan Water Board's decision-making process regarding formal enforcement actions brought before the Lahontan Water Board.

There are four major sequential steps involved with Lahontan Water Board decision-making process that include: 1) The Proposed Enforcement Action, 2) Hearing Procedures, 3) Evidence Submittal, Rebuttal, and Objections, and 4) Lahontan Water Board Public Hearing. **The Public**, which includes but is not limited to, any private citizen, public official, interested agency, or organization that is not identified as a "Designated Party" by the Hearing Procedures, has multiple opportunities to participate in the Lahontan Water Board's public hearing process, as described below.

Step 1: The Proposed Enforcement Action

The Lahontan Water Board's Prosecution Team (Prosecution Team) gathers evidence and presents its case by releasing a proposed enforcement action, either a complaint or proposed enforcement order. The proposed enforcement actions contain allegations regarding responsible parties and violations of laws, regulations, and/or permit requirements, in addition to requirements for taking corrective actions or paying fines.

Hearing Procedures are released by the Lahontan Water Board's Advisory Team (Advisory Team) at the same time or shortly after the proposed enforcement action is released. The Hearing Procedures, in part, identify how and when the Public participates in the Lahontan Water Board's decision-making process regarding the proposed enforcement actions. The Hearing Procedures and proposed enforcement actions can be found through this Lahontan Water Board webpage:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/enforcement/index.shtml

Step 2: Hearing Procedures

The Hearing Procedures identify numerous opportunities for submitting evidence, testimony, and public comments in preparation for the public hearing. The Hearing Procedures also explain how the public hearing itself will proceed.

Opportunity #1 for Public Participation-Objections to Hearing Procedures
The Hearing Procedures establish a deadline for all parties, including the Public, to review and submit objections/requests regarding the Hearing Procedures.

Opportunity #2 for Public Participation-Request for Designated Party Status
The Hearing Procedures establish an opportunity for Public participants to request Designated Party status. Designated Party status allows the participant to submit evidence relevant to the allegations, to cross-examine witnesses, and to be cross-examined.

Opportunity #3 for Public Participation-Request for Additional Presentation Time
The Hearing Procedures establish time limits for presentations at the public hearing. All parties, including the Public, may request additional time to present information at the public hearing. Such requests must be accompanied with an explanation of why the additional time is necessary.

Step 3: Evidence Submittal, Rebuttal, and Objections

The Hearing Procedures require the Designated Parties (Prosecution Team, Responsible Parties, Parties granted Designated Party status) to submit their evidence and supporting documentation by specific deadlines. This information is posted on the Lahontan Water Board's web site as it is received.

Opportunity #4 for Public Participation-Comments Regarding the Allegations
Public participants have an opportunity to review the Designated Parties' information and the proposed enforcement action and submit written comments regarding the Designated Parties' information and the proposed enforcement action.

Step 4: Water Board Hearing

The Lahontan Water Board's meeting agenda is typically posted approximately three weeks before the scheduled Lahontan Water Board public hearing. The meeting agenda identifies the specific date, meeting location, and approximate starting time for the public hearing. The meeting agenda can be found at this Lahontan Water Board webpage:

http://www.waterboards.ca.gov/lahontan/board_info/

Opportunity #5 for Public Participation-Oral Presentation
The Public may present oral comments at the Lahontan Water Board's public hearing regarding the proposed enforcement action.

The Hearing Procedures establish deadlines for submitting the information the Lahontan Water Board will largely rely upon in making its decision regarding proposed formal enforcement actions. The section titled, "Instructions for All Submittals" describes how to submit information in preparation for the public hearing. Be sure to read and follow these instructions. Doing so will help ensure that your valuable input, as a public participant, will be included in the Lahontan Water Board's Enforcement Public Hearing Process.

If you have questions, please contact Sue Genera, Executive Assistant to Patty Z. Kouyoumdjian, Executive Officer, at (530) 542-5414, or Sue.Genera@waterboards.ca.gov. She will either answer your questions, or make sure that the appropriate Lahontan Water Board staff member responds to your questions.

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ENCLOSURE 6

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Separation of Functions & *Ex Parte* Communications

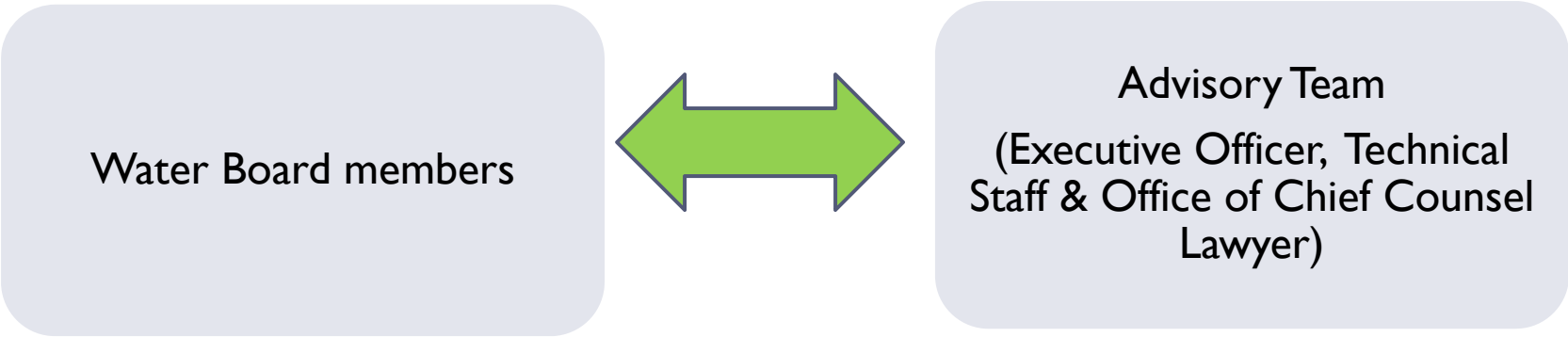
For enforcement actions, Water Board and staff are separated into two teams: a **Prosecution Team** and an **Advisory Team** to help ensure fairness and impartiality.

- The Water Board's Prosecution Team includes staff who act in a prosecutorial role by presenting evidence for consideration by the Water Board.
- The Water Board's Advisory Team includes staff who provide the Water Board with technical and legal advice regarding the proposed action.
- This requires that the Water Board and its Advisory Team not have *ex parte* communications (e.g., conversations, emails or correspondence)with any interested persons, including the Prosecution Team.
- An *ex parte* communication is a communication to a board member from any person about a pending matter that occurs in the absence of other parties to the matter and without notice and opportunity for all parties to participate in the communication. Non-substantive, procedural-only communication is allowed; e.g., potential dates for public meetings or similar logistical questions.

Separation of Functions: Lines of Communication

Green arrows = allowed communication between parties during a pending enforcement action

Parties above the red line CANNOT have "ex parte" communications with anyone below the red line



ENCLOSURE 7

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Draft Response Table for Specific Violations
Internal Use Only (Draft)

Purpose

The purpose of this document is to identify the typical initial Water Board responses to specific types of violations. Doing so will provide a more consistent Water Board response to similar incidents of non-compliance with water quality laws, regulations, and requirements. It should be understood that the links between violation type and response identified below, will apply to the majority of incidents of non-compliance. There will be exceptions to the links based upon case-specific information.

Incident-Response Examples

Violation Type	Recommended Initial Response	Staff Involvement
1a. Self-Monitoring Reports – Late (10 days) or Incomplete Submittal (first violation)	Verbal (phone call/in person)	Staff Group 1
1b. Self-Monitoring Reports – Late or Incomplete Submittal (two consecutive reporting periods)	Staff Enforcement Letter (email or letter)	Staff Group 1
2a. Sanitary Sewer Overflow (<1,000 gallons to ground only; no threat to groundwater; less than 4 violations in six months) Required reports submitted in CIWQS CAT 2 or 3, 3 or 30 days..	No Response	Staff Group 1
2b. Sanitary Sewer Overflow (>1,000 gallons to ground only; no threat to groundwater; less than 4 violations in six months), Required reports submitted in CIWQS CAT 2 or 3, 3 or 30 days.	Staff Enforcement Letter	Staff Group 2
2c. Sanitary Sewer Overflow (>1000gallons to ground only; no threat to groundwater; 4 or more violations in six months)	Notice of Violation (request report addressing recent history of SSOs)	Staff Group 3 [Notify Executive Officer prior to issuing]

Staff Group 1 – Technical Aid and Assigned Technical Staff; **Staff Group 2** – Assigned Technical Staff and Unit Supervisor; **Staff Group 2.5** Group 2 plus Division Manager; **Staff Group 3** - Assigned Technical Staff, Unit Supervisor, and Division Manager/Assistant Executive Officer

Violation Type	Recommended Initial Response	Staff Involvement
2d. Sanitary Sewer *Overflow* <100 gallons *(to surface or ground water)*	Staff Enforcement Letter [Potential Follow-up Response: Suite A]	Staff Group 2.5 [Notify Executive Officer prior to issuing]
2e. Sanitary Sewer Overflow >100 gallons (to surface water)	Notice of Violation	Staff Group 3 [Notify Executive Officer prior to issuing]
3a. Unauthorized Discharge-Non Regulated Facility (unintentional/accidental petroleum discharge; no threat to water quality)	No Response <100 gallons NSW <30 gallons SW	Staff Group 1
3b. Unauthorized Discharge-Non Regulated Facility (intentional petroleum/hazardous/toxic waste discharge to surface water or groundwater or to soil that threatens water quality)	Notice of Violation [Potential Follow-up Response: Suite B]	Staff Group 2.5 [Notify Executive Officer prior to issuing]
3c. Unauthorized Discharge-Non-Regulated Facility (discharge of dredged and/or fill materials to surface waters)	Notice of Violation -> Cleanup and Abatement Order [Potential Follow-up Response: Suite C]	Staff Group 3 + OE Attorney [Notify Executive Officer prior to issuing]
4a. WDR Effluent Limitation (non-toxic/non-hazardous; less than 4 violations in six months) Class III Violations	No Response	Staff Group 2.5
4b. WDR Effluent Limitation (non-toxic/non-hazardous; 4 or more violations in six months) Class II Violations	Notice of Violation-chronic violator	Staff Group 3 [Notify Executive Officer prior to issuing]
4c. WDR Effluent Limitation (toxic/hazardous; less than 4 violations in six months) Class I Violations	Notice of Violation	Staff Group 3 [Notify Executive Officer prior to issuing]

Staff Group 1 – Technical Aid and Assigned Technical Staff; **Staff Group 2** – Assigned Technical Staff and Unit Supervisor; **Staff Group 2.5** Group 2 plus Division Manager; **Staff Group 3** - Assigned Technical Staff, Unit Supervisor, and Division Manager/Assistant Executive Officer [Notify Exec. Officer prior to issuing]

Follow-up Enforcement: Suite A – CAO (site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);
Suite B – CAO (site cleanup) and/or ACL or AG Referral (penalty);
Suite C – ACL or AG Referral (penalty);
Suite D – Time Schedule Order and/or CDO (facility upgrades);
Suite E – CAO (replacement water/site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);

Violation Type	Recommended Initial Response	Staff Involvement
4d. WDR Effluent Limitation (toxic/hazardous; 4 or more violations in six months)	13267 Investigative Order [Potential Follow-up Response: Suite A]	Staff Group 3 + OE Attorney [Notify Executive Officer prior to issuing]
5a. NPDES Effluent Limitation – Serious	Notice of Violation (inform of forthcoming MMPs) -> MMP ACL [Potential Follow-up Response: Suite D]	Staff Group 3 + OE Attorney [Notify Executive Officer prior to issuing]
5b. NPDES Effluent Limitation – Chronic	Notice of Violation (inform of forthcoming MMPs) -> MMP ACL [Potential Follow-up Response: Suite D]	Staff Group 3 + OE Attorney [Notify Executive Officer prior to issuing]
6a. Order Conditions (capacity-related; less than 4 violations in six months)	Staff Enforcement Letter or documented verbal.	Staff Group 2.5
6b. Order Conditions (capacity-related; 4 or more violations in six months)	13267 Investigative Order [Potential Follow-up Response: Suite A]	Staff Group 3 + OE Attorney [Notify Executive Officer prior to issuing]
7a. Order Conditions (unauthorized discharge location; non-toxic/non-hazardous; <1000 gallons to ground; less than 4 violations in six months) NSW	No Response	Staff Group 1
7b. Order Conditions (unauthorized discharge location; non-toxic/non-hazardous; <1000 gallons to ground; 4 or more violations in six months) NSW	Staff Enforcement Letter or documented verbal.	Staff Group 2.5
7c. Order Conditions (unauthorized discharge location; non-toxic/non-hazardous; >1000 gallons to ground; less than 4 violations in six months) NSW	Notice of Violation (express expectations and potential consequences)	Staff Group 3 [Notify Executive Officer prior to issuing]

Staff Group 1 – Technical Aid and Assigned Technical Staff; **Staff Group 2** – Assigned Technical Staff and Unit Supervisor; **Staff Group 2.5** Group 2 plus Division Manager; **Staff Group 3** - Assigned Technical Staff, Unit Supervisor, and Division Manager/Assistant Executive Officer [Notify Exec. Officer prior to issuing]

Follow-up Enforcement:
Suite A – CAO (site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);
Suite B – CAO (site cleanup) and/or ACL or AG Referral (penalty);
Suite C – ACL or AG Referral (penalty);
Suite D – Time Schedule Order and/or CDO (facility upgrades);
Suite E – CAO (replacement water/site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);

Violation Type	Recommended Initial Response	Staff Involvement
7d. Order Conditions (unauthorized discharge location; non-toxic/non-hazardous; >1000 gallons to ground; 4 or more violations in six months) NSW	13267 Investigative Order [Potential Follow-up Response: Suite A]	Staff Group 3 + OE Attorney [Notify Executive Officer prior to issuing]
7e. Order Conditions (unauthorized discharge location; toxic/hazardous; or threatens to adversely impact water quality and/or beneficial uses) SW/DW	13267 Investigative Order [Potential Follow-up Response: Suite A]	Staff Group 3 + OE Attorney [Notify Executive Officer prior to issuing]
8a. Receiving Water Limitation-Surface Water (less than 2 consecutive reporting periods; no adverse beneficial use impacts)	Staff Enforcement Letter or documented verbal.	Staff Group 2
8b. Receiving Water Limitation-Surface Water (2 or more consecutive reporting periods or adverse impacts to beneficial uses)	13267 Investigative Order [Potential Follow-up Response: Suite E]	Staff Group 3 + OE Attorney [Notify Executive Officer prior to issuing]
9a. Receiving Water Limitation-Groundwater (less than 2 consecutive reporting periods; no adverse beneficial use impacts)	Staff Enforcement Letter or documented verbal.	Staff Group 2 + Division Manager
9b. Receiving Water Limitation-Groundwater (2 or more consecutive reporting periods or adverse impacts to beneficial uses)	13267 Investigative Order [Potential Follow-up Response: Suite E	Staff Group 3 + OE Attorney [Notify Executive Officer prior to issuing]

Staff Group 1 – Technical Aid and Assigned Technical Staff; **Staff Group 2** – Assigned Technical Staff and Unit Supervisor; **Staff Group 2.5** Group 2 plus Division Manager; **Staff Group 3** - Assigned Technical Staff, Unit Supervisor, and Division Manager/Assistant Executive Officer [Notify Exec. Officer prior to issuing]

Follow-up Enforcement: Suite A – CAO (site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);
Suite B – CAO (site cleanup) and/or ACL or AG Referral (penalty);
Suite C – ACL or AG Referral (penalty);
Suite D – Time Schedule Order and/or CDO (facility upgrades);
Suite E – CAO (replacement water/site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);

Violation Type	Recommended Initial Response	Staff Involvement
10a. Enforcement Action-Required Report - Late (10 days) or Incomplete Submittal	Staff Enforcement Letter [Potential Follow-up Response: Suite C]	Staff Group 3 + OE Attorney
10b. Enforcement Action-Required Implementation/Completion- Late or Incomplete	Staff Enforcement Letter [Potential Follow-up Response: Suite C]	Staff Group 3 + OE Attorney
11a. NPDES Storm Water – Deficient BMPs (first violation)	Staff Enforcement Letter (express expectation and potential "fix-it ticket" fine for future violations)	Staff Group 1
11b. NPDES Storm Water – Deficient BMPs (subsequent violations on same project through violation No. 3)	Fix-It Ticket ACL (increase amount for violation No. 3)	Staff Group 2.5 + OE Attorney [[Notify Executive Officer prior to issuing]
11c. NPDES Storm Water – Deficient BMPs (4 or more violations on same project)	Full ACL Complaint	Staff Group 2.5 + OE Attorney [Notify Executive Officer prior to issuing]
12. NPDES Storm Water – Late Annual Report	Notice of Non-Compliance [Issue 1st Notice after 30 days late; issue 2nd Notice 30 days after 1st Notice; Issue ACL Complaint if non-responsive to 2nd Notice]	Staff Group 1 Staff Group1 Staff Group 2 Staff Group 2.5 + OE Attorney [Notify Executive Officer prior to issuing]
13a. NPDES Storm Water – Incomplete/No SWPPP (1st violation)	Verbal (on-site) or Staff Letter	Staff Group 1
13b. NPDES Storm Water – Incomplete/No SWPPP (2nd violation on same project)	Notice of Violation (express expectation and potential "fix-it ticket" fine for future violations)	Staff Group 2.5 [Notify Executive Officer prior to issuing]

Staff Group 1 – Technical Aid and Assigned Technical Staff; **Staff Group 2** – Assigned Technical Staff and Unit Supervisor;
Staff Group 3 - Assigned Technical Staff, Unit Supervisor, and Division Manager/Assistant Executive Officer [Notify Exec. Officer prior to issuing]

Follow-up Enforcement: Suite A – CAO (site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);
Suite B – CAO (site cleanup) and/or ACL or AG Referral (penalty);
Suite C – ACL or AG Referral (penalty);
Suite D – Time Schedule Order and/or CDO (facility upgrades);
Suite E – CAO (replacement water/site cleanup/beneficial use restoration), CDO (facility upgrades), and/or ACL or AG Referral (penalty);

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ENCLOSURE 8

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Notice of Violation Template

CERTIFIED MAIL NO.

Addressee

NOTICE OF VIOLATION OF [BOARD ORDER NO., WATER QUALITY CERTIFICATION NO., BASIN PLAN PROHIBITION, WATER CODE SECTION], [DISCHARGER NAME], [FACILITY/PROJECT NAME], [COUNTY], WDID NO. [#]]

The purpose of this Notice is to inform you that [Discharger Name] violated [Board Order No., Water Quality Certification No., Basin Plan Prohibition, Water Code Section] on [Date(s)] at the above-referenced facility/project. Lahontan Water Board staff discovered the violation[s] [during its {date} inspection, while reviewing {Report Name}]. You are required to take the following actions in response to the violation[s]: [List actions numerically.] [This/These] violation[s] [is/are] subject to additional enforcement, including administrative civil liability (fine) up to [dollar amount] per day of violation pursuant to Water Code section [#].

VIOLATIONS

Cite requirement followed by observation/statement supporting violation of requirement.

REQUIRED RESPONSE/ACTIONS

Statements briefly describing what actions the Discharger must complete and when.

ADDITIONAL ENFORCEMENT

The state of California takes the above-referenced violation[s] very seriously, as indicated by the potentially significant fines associated with the violation[s]. Your response to this Notice will be taken into consideration when staff is contemplating if and what additional enforcement to take.

Water Board staff is available to answer any questions you may have regarding your return to compliance and/or preventing a reoccurrence of the violation[s]. Please contact [Staff Name] at [Phone No.] or [Email Address] if you have any questions or comments.

Senior Staff Signature

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ENCLOSURE 9

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Lahontan Water Board Paper Hearing Responsibilities
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The following instructions identify responsibilities and the steps for routing and tracking proposed formal enforcement actions that will proceed through the Lahontan Water Board's "paper hearing" process. These instructions apply to Cleanup and Abatement Orders, Time Schedule Orders, and Settlement Agreements for Administrative Civil Liabilities. All of these enforcement actions are subject to a 30-day public comment period.

A. **Proposed Enforcement Action Preparation and Release**

1. The **Prosecution Team** is responsible for notifying (via email) the **Enforcement Coordinator** that the Prosecution Team is preparing a **Proposed Enforcement Order** to proceed through the paper hearing process and provide the following information:
   a. Discharger subject to the Proposed Order;
   b. Facility subject to the Proposed Order:
   c. Target date for releasing the Proposed Order for public review and comment;
   d. Target date for issuing the signed Enforcement Order;
   e. Potential consequences (e.g., accrual of mandatory minimum penalties; loss of funding) if target signing date is not met; and
   f. Prosecution Team members (Lahontan Water Board staff and Office of Enforcement Attorney[1]).

2. The **Enforcement Coordinator** will update the **Pending Enforcement Actions Table,** distribute it to the **Advisory Team** members and **Prosecution Team** members highlighting the new entry, and establish a subfolder for the Proposed Enforcement Action on the **RB6Tahoe/TYPING** shared drive under the **Paper Hearing Enforcement Items** folder[2]. The following items will be saved under the Proposed Enforcement Order's subfolder:
   a. Final WORD version of the **Proposed Enforcement Order with attachments**;
   b. Final WORD version of the **Transmittal Letter** for the Proposed Enforcement Order;
   c. **Mail List** (WORD) for the Proposed Enforcement Order;

[1] The Enforcement Coordinator will request David Boyers, Office of Enforcement, to assign an attorney to assist the Prosecution Team if one has not been assigned.
[2] The Pending Enforcement Actions Table will also be saved on the TYPING shared drive under the Paper Hearing Enforcement Items folder.

d. Final PDF version of signed **Transmittal Letter and Proposed Enforcement Order with attachments** (single combined PDF file);
e. PDF or Outlook versions of **comment letters/emails with enclosures/attachments** submitted to the **Executive Assistant**;
f. PDF or Outlook versions of signed **Advisory Team comment/inquiry/decision letters/emails**;
g. PDF or Outlook versions of signed **Prosecution Team response letters/emails with enclosures/attachments**;
h. Final WORD version of the **Adopted Enforcement Action** as signed by the **Executive Officer**;
i. Final PDF version of **Transmittal Letter and adopted Enforcement Order** with attachments signed by the **Executive Officer** (single combined PDF file)**;** and
j. **Mail List** (WORD) for the Adopted Enforcement Order.

3. The **Proposed Enforcement Order**, and associated **Transmittal Letter** and **Mail List** are initially prepared by **Prosecution Team Technical Staff** using applicable template documents[3]. The draft documents with attachments are subsequently reviewed and edited by:
   a. **Prosecution Team Senior Staff**;
   b. **Prosecution Team Division Manager** and **Office of Enforcement Attorney**, concurrently; and
   c. **Assistant Executive Officer (AEO)**.

4. The final WORD versions of the **Transmittal Letter**, **Proposed Enforcement Order**, and **Mailing List** (include date in Mailing List file name) are saved to the appropriate subfolder under **RB6Tahoe/TYPING/Paper Hearing Enforcement Items/Proposed Enforcement Actions/…** by **Prosecution Team Technical Staff** after incorporating **AEO's** edits, or by the **AEO** if there are no edits.

5. The **AEO** signs the **Transmittal Letter**. **Administrative Staff** saves the PDF version of the signed **Transmittal Letter/Proposed Enforcement Order** (single combined PDF file) to the appropriate subfolder under **RB6Tahoe/TYPING/Paper Hearing Enforcement Items/Proposed Enforcement Actions/…**.

6. **Administrative Staff** mails/emails signed **Transmittal Letter** and **Proposed Enforcement Order** to the parties identified in the **Mailing List**, which will

[3] Enforcement Action Templates are located in the Region 6 Procedures Manual intranet site under Technical (http://r6sweb/R6PM/index.htm).

include **Advisory Team** members (Executive Officer and Office of Chief Counsel Attorney), **Executive Assistant**, **Assistant Executive Officer**, **Prosecution Team** members, **Discharger**, and **interested agencies and other parties**.

7. **Prosecution Team Technical Staff** will prepare **Web Posting Instructions** and the signed **Transmittal Letter** and **Proposed Enforcement Order** (single combined PDF file) to be submitted to **Web Support** within 24 hours of signing the Transmittal Letter.

B. **Advisory Team, Discharger, and Public Comments**

1. **Comment letters/emails** regarding the Proposed Enforcement Order are to be submitted to the **Executive Assistant**. The **Executive Assistant** is responsible for distributing **comment letters/emails with enclosures/attachments** submitted during the Public Review and Comment Period to **Advisory Team** members, **Prosecution Team** members, and the **Discharger**. The **Executive Assistant** will also save PDF/Outlook versions of all **comment letters/emails with enclosures/attachments** to the appropriate subfolder under **RB6Tahoe/TYPING/Paper Hearing Enforcement Items/Proposed Enforcement Actions/…**.

2. The **Executive Assistant** will prepare **Web Posting Instructions** and the **comment letters/emails with enclosures/attachments** to be submitted to **Web Support** within 24 hours of receiving each comment letter/email.

3. The **Advisory Team** may issue a **letter/email** with questions, recommendations, or comments addressed to the **Prosecution Team** and/or **Discharger** (both parties must receive a copy of the letter/email to avoid ex parte communication) and copied to all parties identified on the **Mailing List**. Such a letter may be issued during the Public Review and Comment Period or shortly thereafter.

4. The **Advisory Team** will save the final WORD version and signed PDF version of the **inquiry/comment letter/email** to the appropriate subfolder under **RB6Tahoe/TYPING/Paper Hearing Enforcement Items/Proposed Enforcement Actions/…**.

5. The **Executive Assistant** will prepare **Web Posting Instructions** and the **Advisory Team's letter/email with enclosures/attachments** to be submitted to **Web Support** within 24 hours of signing the letter/email.

C. Prosecution Team Response to Public Review and Comment Period

1. The **Prosecution Team** will submit an **email notification** to the **Advisory Team** within **3 business days** of the **Public Review and Comment Period closure date**. The notification will be copied to the **Discharger and all other parties** identified in the **Mailing List**, and will inform the Advisory Team that the Prosecution Team has reviewed the comments received and either:
   a. recommends adopting the Proposed Enforcement Action without changes; or
   b. will be developing and submitting revisions to the Proposed Enforcement Action by a specified date.

2. If C.1.b, above, is selected, the **Prosecution Team** shall submit a **Transmittal Memo** to the **Advisory Team** identifying the primary revisions and explaining the reasons for them. Attached to the **Transmittal Memo** will be the **Proposed Enforcement Action** with the recommended revisions identified in **Track Changes format**.

3. The **Prosecution Team** is responsible for saving in PDF/Outlook format all correspondence generated within this section (Section C) to the appropriate subfolder under **RB6Tahoe/TYPING/Paper Hearing Enforcement Items/Proposed Enforcement Actions/…**.

4. **Prosecution Team Technical Staff** will prepare **Web Posting Instructions** and the **Prosecution Team Email Notification**, and if applicable, the **Revised Proposed Enforcement Action and Transmittal Memo** (single combined PDF file), to be submitted to **Web Support** within 24 hours of signing the Transmittal Memo.

D. Paper Hearing

1. The **Advisory Team** will review and consider the **Proposed Enforcement Order** and **all comment letters/emails** received during the **Public Review and Comment Period** following its closure. **Fourteen (14) calendar days** following the **Prosecution Team's Email Notification** or **Revised Proposed Enforcement Action** submittal is the targeted period for completing this review process and the **Advisory Team** taking one or more of the following actions.
   a. Develop and send a letter/email with questions, recommended and/or anticipated revisions, and/or an estimated time upon which the **Advisory Team** will make its final decision regarding the Proposed Enforcement Order.
   b. Develop and send a letter/email requesting responses by the **Prosecution Team** and/or **Discharger** to one or more of the comment letters.

c. Sign an **Adopted Enforcement Order** (adopting the Proposed Enforcement Order with or without revisions) and **Transmittal Letter**, or sign a letter rejecting the Proposed Enforcement Order.

2. The **Advisory Team** will save all final WORD versions of the **above-referenced letters** and **Adopted Enforcement Order with attachments** to the appropriate subfolder under **RB6Tahoe/TYPING/Paper Hearing Enforcement Items/Proposed Enforcement Actions/…**.

3. **Administrative Staff** will save all final PDF versions of the **above-referenced letters** and **Adopted Enforcement Order with attachments** to the appropriate subfolder under **RB6Tahoe/TYPING/Paper Hearing Enforcement Items/Proposed Enforcement Actions/…**. **Administrative Staff** will also save the final PDF of the **adopted Enforcement Order** with attachments under the appropriate subfolder of **RB6Tahoe/TYPING/Adopted Board and Enforcement Orders**.

4. The **Executive Assistant** will prepare **Web Posting Instructions** and the **Advisory Team's letters/emails with enclosures/attachments** to be submitted to **Web Support** within 24 hours of signing the letters/emails.

5. The **CIWQS Coordinator** will enter the **Adopted Enforcement Order** into CIWQS within the required time period. The **Adopted Enforcement Order** will automatically be available through the Lahontan Water Board's and State Water Board's web pages upon uploading the PDF version of the Adopted Enforcement Order to CIWQS and publishing it.

E. **Hearing File Management**

The **Prosecution Team** is responsible for establishing and maintaining the paper **Hearing File** for the Proposed Enforcement Order. This will be the file that in large part will also serve as the **Administrative Record**, should the Adopted Enforcement Order be petitioned and considered by the State Water Board.

The **Prosecution Team** will email to the **Advisory Team** and **Executive Assistant** at the beginning of this process, the **File Name** that all paper copies of public correspondence associated with the Proposed Enforcement Order through Adopted Enforcement Order should be directed to. The **Prosecution Team** will coordinate with **Administrative Staff** to ensure that the **Hearing File** is properly incorporated into the **Project File** following completion of the Enforcement Order adoption/rejection process, and if applicable, petition process.

The **Prosecution Team** and **Advisory Team** will maintain their own **Confidential/Privileged files** throughout the paper hearing process. The **Prosecution Team** is responsible for coordinating with **Administrative Staff** to ensure that the **Confidential/Privileged files** from **both teams** are properly incorporated into the **Confidential/Privileged Project File** following completion of the Enforcement Order adoption/rejection process, and if applicable, petition process.

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ENCLOSURE 10

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Lahontan Regional Water Quality Control Board

Discussion of Lahontan Water Board's Enforcement Program

March 9-10, 2016 Meeting

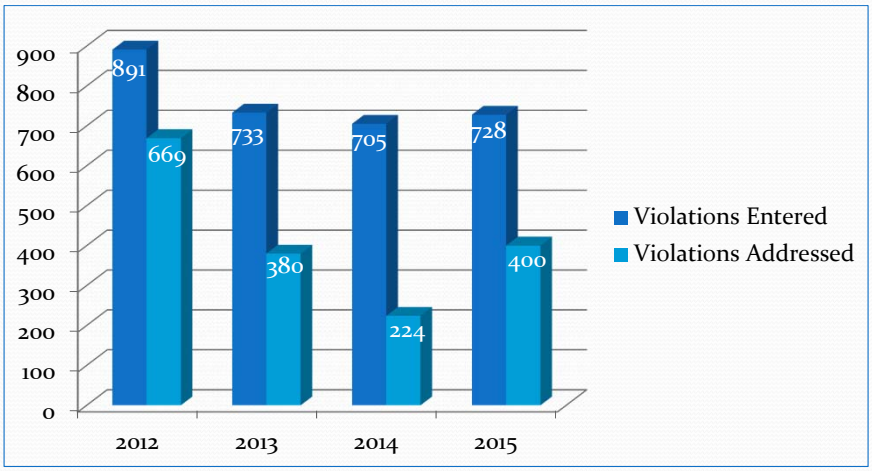
Presentation Overview

- Quarterly Violations Report
- Annual Violations and Enforcement Summary – 2015
- Lahontan Water Board's Enforcement Program

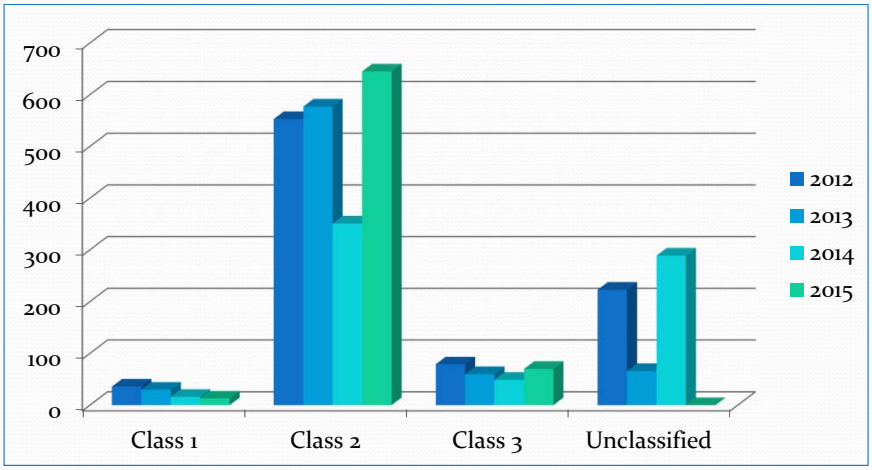
Quarterly Violations Report

- 79 Violations
- 24 Violations – Lake Tahoe Marinas
  - Mostly reporting and monitoring-related
- Busy Enforcement Schedule
  - Tahoe Queen ACL
  - Mandatory minimum penalties
  - Groundwater cases

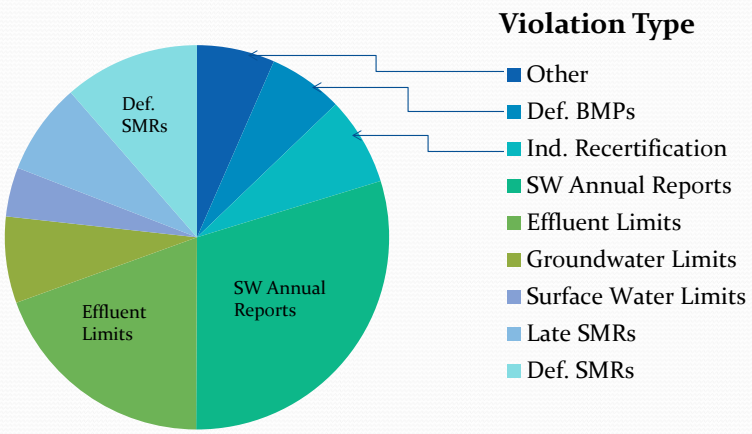
Violations and Response 2012 - 2015



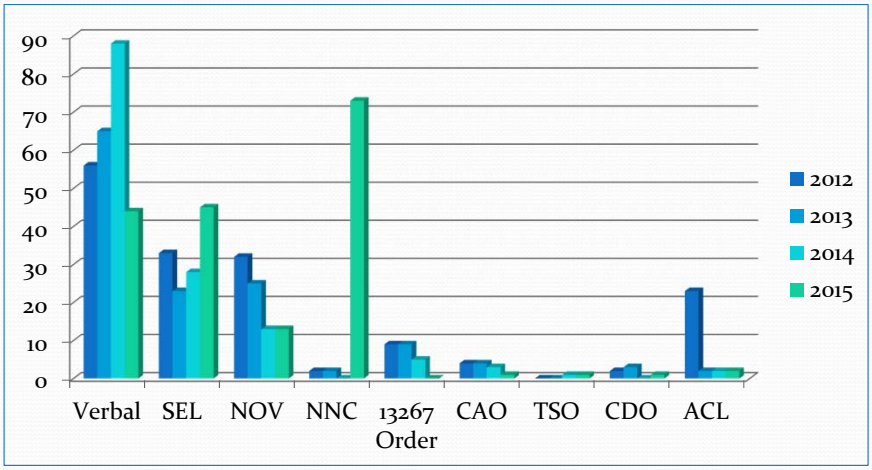
Violation Classes 2012 – 2015



Violation Types - 2015



Enforcement Actions 2012 - 2015



Enforcement Program Discussion

- A little history
- Progress
- Improvements to come

History

- March 2013 – The Beginning
  - Looking to improve program understanding, transparency, efficiency, and effectiveness
  - Establish WB Enforcement Program Sub-Committee
- June 2013 – The Conversation Continues
  - Discuss roles, responsibilities, and options
  - Identify key program elements to develop/enhance
  - Establish WB SEP Sub-Committee

Progress

- Identified Key Enforcement Program Principles
  - Objective: Compliance and deterrent to future violations.
  - Approach: Progressive enforcement with clearly identified expectations and consequences.
  - Collaboration with stakeholders and agencies for compliance assistance and responding to violations.

Progress

- Increased Understanding of the Enforcement Hearing and Settlement Processes/Increased Transparency
  - Hearings and Separation of Functions
  - Water Board options at enforcement hearings
  - Water Board options regarding proposed settlements
  - Striking a balance between confidential settlement talks and need for information in decision-making process

Progress

- Supplemental Environmental Project Program
  - Created new SEP Program
  - Funded $700,000(+) SEP Pilot Project with Truckee River Watershed Council
  - Authorized first full-scale SEP Partnership Agreement with more under development

Continuing Work

- Consistent Responses to Violations
- Developing Additional Enforcement Action Templates
- Develop Internal Procedures for Managing and Tracking Enforcement Action Development and Follow Through
- Staff Training
- Updating/Improving Web Site

Results

- Program efficiency, effectiveness, and transparency have all improved.
- Compliance has improved.
  - Staff can address additional areas of non-compliance (e.g., NPDES Storm Water Program annual reports).

Questions and Answers