

2007

STATE REVIEW FRAMEWORK REPORT

FOR THE STATE OF CALIFORNIA

CLEAN WATER ACT COMPLIANCE AND ENFORCEMENT ACTIVITIES



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REGION IX - PACIFIC SOUTHWEST REGION
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EPA'S STATE REVIEW FRAMEWORK (SRF) REPORT STATE OF CALIFORNIA

Media Program Evaluated: Clean Water Act Compliance and Enforcement Activities
Review Period: Inspections: July 1, 2005 - June 30, 2006
Other activities: October 1, 2005 - September 30, 2006
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1.0 Executive Summary

In the State of California, nine Regional Water Quality Control Boards ("RWQCBs") administer the major water quality regulatory functions by watershed in partnership with the State Water Resources Control Board. The enforcement and compliance work across all RWQCBs is heavily influenced by the California mandatory minimum penalty statute, the California Toxics Rule, and statewide policies such as monthly minimum self-monitoring. The work is also greatly affected by the complexity of the permits which often incorporate limits for nutrients, salts, pesticides, and other non-conventional pollutants, based on difficult considerations such as toxicity, reclaim, antidegradation, or TMDLs. Moreover, there are significant differences in the program performance across the state that are reflective of the fundamental differences in the RWQCBs themselves, in how they are organized, their constituencies, their capabilities, and their water quality objectives.

Inspections - Excellent performance in FY06

- Inspection coverage exceeded national averages and largely met all inspection targets and commitments: 86% (208 of 243) of NPDES majors, 23% (97 of 427) of NPDES minors, 80% (76 of 96) of pretreatment programs, and 9% (~2,600 of 29,000) of active stormwater permittees, as well as 92% (24 of 26) of MS4 Phase I programs since start-up.
- Inspection reports properly document inspection findings and violations.
- The RWQCBs involved in this review complete rigorous review of all DMRs.
- RWQCB fact sheets are uniformly very informative and comprehensive, providing the documentation for the permit conditions based on the permit applications, pre-permit inspections, and compliance actions.
- Most inspection reports were completed in a timely manner, although some State contractor reports were delayed as protocols were improved.
- Good follow-up on most inspections. NOVs were issued with or followed 40% (~1100 of 2600) of stormwater inspections, 20% (68 of 305) of the NPDES and MS4 inspections, but less than 10% (6 of 76) of the pretreatment inspections.
- A State contractor completed a third of the NPDES inspections and nearly all pretreatment and MS4 audits and inspections.

Enforcement - Highly effective in FY06

- Significant non-compliance rates (10%) are much lower than the national average (19%).
- All non-penalty enforcement actions clearly set compliance deadline requirements.
- The RWQCBs rigorously collect penalties for past violations with penalty actions accounting for 80% (101 of 125) formal FY06 enforcement actions.



- Single event violations such as sewer overflows, uncontrolled stormwater discharges, and unauthorized Concentrated Animal Feeding Operations (CAFO) discharges are properly tracked in the State's CIWQS database and addressed with appropriate enforcement.
- Total penalties assessed and received exceed \$5 million per year.
- The animal feedlot initiative, involving district attorneys has been very effective.
- There were 12% (33 of 264) different NPDES majors listed in significant non-compliance. In any particular quarter, the significant non-compliance rate did not exceed 6% (16 of 264). There were 4% (10 of 264) of the NPDES majors listed in significant non-compliance for two consecutive quarters without resolution.
- EPA generates the QNCR reports for the State of California.
- There were few (15) formal enforcement orders, either CDOs or TSOs. A quarter of the facilities in significant non-compliance (9 of 33) did not receive formal enforcement with enforceable time schedules within two quarters.

Data Management - Mixed quality. The State's data system is in transition and needs improvement to facilitate complete data transfer to EPA's national database.

- PCS data for major facility permits and Discharge Monitoring Report (DMR) data is complete and accurate.
- PCS data for inspections and enforcement are incomplete, but the data that have been entered are accurate.
- The State of California is responsible for managing the Permits and Compliance System (PCS), EPA's national database for the Clean Water Act NPDES program. California also operates its CIWQS database to store information about its NPDES and groundwater protection programs. The State has not devised an effective mechanism for transferring data from CIWQS to PCS. To make up for this shortfall, a State contractor, working with State staff, is coding permits and entering DMRs for NPDES major facilities into PCS for the State. Entry of inspections and enforcement data to PCS, however, is more limited resulting in data gaps for the period examined in this review.
- Although there are problems with the completeness and accuracy of data in CIWQS, the State relies more on CIWQS than PCS to manage its NPDES program. This is because, in part, CIWQS is intended to serve the broader scope of California's NPDES and groundwater protection programs. For example, CIWQS tracks all effluent monitoring data, a function needed to implement the Mandatory Minimum Penalty program.
- During 2007, EPA and California collaborated to enter missing inspection and enforcement data into PCS. The State contractor is reconciling CIWQS data with PCS in a statewide data verification sweep through each of the RWQCBs, an effort which should be completed by the end of the year.
- Pretreatment, CAFO, and stormwater inspection and enforcement information is not entered into PCS at all. The State's contractor has begun coding minor facility permits in PCS and California will be prepared to enter minor facility DMRs in PCS by 2009.
- The Regional Boards visited during this review successfully log and track inspections, enforcement, permits, and self-monitoring reports (a more detailed report than EPA's DMR) into CIWQS. The completeness of CIWQS data among the other Regional Boards, however, is mixed. Although some Regional Boards are using CIWQS effectively, the State has not been able to fully utilize the database to generate reliable statewide information about its compliance and enforcement programs.
- California has mounted an effort to improve the design, management and use of CIWQS.



2.0 Background

The State of California divides the water quality regulatory work by watersheds into nine semi-autonomous Regional Water Quality Control Boards ("RWQCBs"), who function in partnership with the State Water Resources Control Board. Each RWQCB consists of Governor appointed board members and a regulatory office headed by an Executive Officer. Each individual RWQCB has the responsibility to issue permits, conduct inspections, issue administrative enforcement actions, and refer judicial enforcement actions to the State Attorney General. Permits and administrative enforcement orders are issued by the Boards at public hearings, typically held monthly. The RWQCBs regulate all aspects of the NPDES program including pretreatment, stormwater, SSO/CSOs, animal feed operations, non-point source, watershed management, water quality certification, basin planning, TMDLs development, as well as State-mandated non-NPDES programs for irrigated lands, discharges to ground waters, site clean-ups, and septic systems.

This review of the State of California involved statewide performance statistics drawn from PCS and the State's CIWQS database, statewide data verification by the State's contractor, and on-site file reviews and data verification for the regulatory work performed by the two largest RWQCBs: the Los Angeles RWQCB and the Central Valley RWQCB.

2.1 Source Inventory

Statewide - In FY06, the inventory of dischargers permitted by the State of California comprised 243 NPDES major facilities, 427 NPDES minors, 26 municipal stormwater programs covering 300 co-permittees, general stormwater permits covering 9,538 industrial facilities and 19,533 construction sites, and thousands of other facilities under other Waste Discharge Requirements. Statewide statistics for the storm water inventories and enforcement actions were taken from the State of California's CIWQS database and not from PCS. See Section 2.7 for a discussion of database reconciliation.

FY06 Inventory	Summary of PCS and CIWQS Database Statistics							
	Permits	Inspxn	Notices*	TSOs	CAOs	CDOs	ACLs	Judicial
NPDES Majors	243	208	16	5	1	3	37	2
NPDES Minors	427	97	36	4	0	3	23	0
Construct Stormwater	19533	2600	96	0	2	0	16	1
Industrial Stormwater	9538		1031	0	3	0	25	0
Pretreatment Programs	96	76	6	0	2	0	0	0
MS4 Phase I Co-permit	300	0	16	0	1	0	0	0
Animal Feedlots	?	?	0	0	0	0	0	13
Groundwater & Others	-	-	331	0	24	8	15	-
Totals	-	-	1532	9	33	14	116	16

* Notices of Violations, Notices of Non-Compliance, Notices to Comply, etc.

Los Angeles RWQCB - The Los Angeles Region is heavily urbanized and industrial, with two of the four largest POTWs in the nation, some farm and arid forest lands, and extensive



coastal watersheds and beaches. In FY06, the inventory of dischargers permitted by the Los Angeles RWQCB comprised 51 NPDES major facilities, 86 NPDES minors, 3 MS4 municipal stormwater programs covering 95 cities and 2 counties, and a number of general permits including active stormwater permits covering 2,913 industrial facilities and 2,750 construction sites. See <http://www.waterboards.ca.gov/losangeles/>

Central Valley RWQCB – The Central Valley Region encompasses 40% of the State's land area, with much farmland, national forests, and park lands, and with both expanding urban areas and small mountain and farming communities. Central Valley waterways supply over half of the state's water supply. In FY06, the inventory of dischargers permitted by the Central Valley RWQCB comprised 54 NPDES major facilities, 162 NPDES minors, 7 MS4 Phase I municipal stormwater programs with 22 co-permittees including the California Department of Transportation, 56 Phase II municipal stormwater programs, general stormwater permits covering 2,000 industrial facilities and 5,500 construction sites, general CAFO permits covering 1,500 dairies and 400+ other feedlots, and thousands of entities under the Irrigated Lands Program. See http://www.waterboards.ca.gov/centralvalley/board_info/overview.shtml

2.2 Quarterly Noncompliance Report Summary

There were 12% (33 of 264) of the NPDES majors listed in significant non-compliance in the FY06 Quarterly Noncompliance Reports ("QNCRs"). In any particular quarter, the significant non-compliance rate did not exceed 6% (16 of 264). Of those listed in FY06, less than a third (9 of 33), comprising 4% (10 of 264) of all majors, were listed for two consecutive quarters without resolution.

California NPDES Majors on the FY06 QNCRs			
Oct-Dec 2005	Jan-Mar 2006	Apr-Jun 2006	Jul-Sep 2006
American Canyon	American Canyon	American Canyon	Calipatria
Auburn	Arcata	Camarillo	Camarillo
Camarillo	Camarillo	Eastern MWD	Irvine Ranch
Crescent City	Collins Pine	Inland Empire	LACSD Los Coyotes
LACSD San Jose	Crescent City	Irvine Ranch	LACSD San Jose
Los Angeles DWP	Galt	LACSD Pomona	Lompoc
Ormat Nevada	McKinleyville	Los Angeles DWP	Manteca
Rio Dell	Ormat Nevada	McKinleyville	Paso Robles
Yucaipa Valley	Reliant Ormond	Novato	Rialto
	Sonoma Valley	Ormat Nevada	Riverside
	South Marin	Riverside	Sausalito-Marin
	Turlock	Simi Valley	Simi Valley
	Yucaipa Valley	Sonoma Valley	Yucaipa Valley
		Ventura	
		Western Riverside	
		Yucaipa Valley	
SNC Rate - 3%	SNC Rate - 5%	SNC Rate - 6%	SNC Rate - 5%



See Sections 4.2, 4.5, and 4.7 for examples of file-reviewed facilities listed in significant non-compliance in FY06.

2.3 Types of State Enforcement Actions / Definitions and Acronyms

Each RWQCB has the authority to issue the following types of enforcement orders and actions:

ACLC	Administrative Civil Liability Complaint – An administrative penalty first issued by the Executive Officers as a proposed penalty for past violations and then later adopted by the Boards as final
TSO	Time Schedule Order – An administrative order adopted by the Boards to establish a compliance time schedule that may include interim limits
NOV	Notice of Violation / Notice of Non-Compliance – An administrative action issued by the Executive Officers to formally cite violations
WDRs	Waste Discharge Requirements – An administrative permit adopted by the Boards to set discharge, operating, and monitoring requirements. A subset of WDRs, for discharges to surface water, are NPDES permits.
CDO	Cease and Desist Order – An administrative order adopted by the Boards to set a compliance deadline and other requirements including interim limits, compliance schedules, and preventive/remedial action schedules
CAO	Clean-up and Abatement Order – An administrative order to set mitigation requirements, either adopted by the Boards or issued by the Executive Officers when quick response is warranted
MMP	Mandatory Minimum Penalty – Statutory minimum penalties for certain past violations of effluent limits in WDRs, TSOs and CDOs
SEP	Supplemental Environmental Project – Penalties applied to projects generally unrelated to a return to compliance
13267	Section 13267 Orders – An administrative order issued by the Executive Officers to require technical reports or monitoring results

Other definitions and acronyms:

SNC	Significant Non-Compliance – National definition established by Federal rule of the frequency and severity of violations considered significant
QNCR	Quarterly Non-Compliance Report – A report issued each quarter by State that lists all NPDES major facilities qualifying as violators in SNC
BMPs	Best Management Practices
CTR	California Toxics Rule - Toxicity-based water quality standards
DMRs	Discharge Monitoring Reports - Facility self-monitoring reports
CIWQS	California Integrated Water Quality System - The State of California's data management system



2.4 Organizational Structure – Los Angeles RWQCB

The Los Angeles RWQCB divides the water quality regulatory work by function into sections. Each section generates two separate sets of files for each facility, generally referred to as Case files (permits) or Compliance Inspections files (compliance and monitoring). See http://www.waterboards.ca.gov/losangeles/water_issues/programs/

NPDES Permits – The Watershed Regulatory Section conducts pre-permitting inspections, coordinates pretreatment, reviews permit applications, writes permits, and issues TSOs to establish interim limits and time schedules for new water quality standards.

NPDES Compliance – The Surface Water Enforcement Section reviews DMRs, conducts inspections, provides data management, and administers enforcement. The Compliance section maintains a priority list for enforcement updated each month.

Stormwater – The Stormwater functions are divided between a Stormwater Permitting Section and a Stormwater Compliance and Enforcement Section. The MS4 functions are consolidated into the Municipal/Cities Section.

Groundwater – "Non-Title 15" facilities, which do not discharge to surface waters, were not included in this review, although the Los Angeles RWQCB deploys nearly as many staff in the Groundwater Division as it does in the Surface Water Division.

2.5 Organizational Structure – Central Valley RWQCB

The Central Valley RWQCB divides the regulatory work first by subregion and then by program. The Central Valley RWQCB staffs three subregional offices -- Fresno in the south, Redding in the north, and Sacramento in the middle. The three subregional offices are under executive management in Sacramento which reports to the Board. Each subregional office maintains separate staff, keeps separate records, and is organized differently. This review was limited to the Sacramento office.

The Sacramento Office is divided into sections (NPDES, ag land, stormwater, ground water, CAFOs, and others). Each section covers the range of programmatic functions (permitting, inspections, data management, compliance, and enforcement). Within the NPDES Section, compliance and enforcement are separate functions currently consolidated into one section. Two sets of files are generated per facility, DSMR files (monitoring), and case files (everything else). See http://www.waterboards.ca.gov/centralvalley/about_us/org_charts/

NPDES Permits – Two separate Watersheds Units of the Sacramento Office write permits, and issue CDOs to address permit violations and TSOs to establish interim limits and time schedules for new water quality standards. The Fresno and Redding Offices each handle their surface water quality functions (NPDES, stormwater, CAFOs) in one unit. Some of the pretreatment functions are handled by the staff permit writers and a State contractor but not all pretreatment functions are assigned and fulfilled.



NPDES Compliance – The responsibility for compliance work used to be assigned to individual Area Engineers in various units. A new NPDES Compliance and Enforcement Unit, created in 2006, reviews incoming DMRs for violations, stamps them as reviewed, and logs in the dates of receipt and review. This unit now has gained the capability to prepare the case files for the MMPs and to pursue some non-MMP enforcement.

Stormwater – The Stormwater Unit is responsible for the permitting and enforcement of the general industrial, general construction, and MS4 permits.

Animal Feedlots – Animal feed lots operated under a regulatory waiver until 2002. On May 3, 2007, the Central Valley RWQCB adopted a Non-Title 15 general permit (WDRs) that prohibits discharges to surface waters and will cover the majority of dairies within the Central Valley. The Central Valley RWQCB is drafting another general NPDES permit for dairies with histories of surface water discharges, to be applied to individual dairies under separate RWQCB review. Over 200 dairies also filed for coverage under the general industrial storm-water permit. A task force involving county district attorneys has taken the enforcement responsibility for feedlot discharges to surface waters, with criminal prosecutions primarily under California Fish and Game codes. Since 1998, there have been 146 district attorney settlements for a total of \$5,847,000 in penalties. Compliance work in the drier areas of the Central Valley primarily involves technical review for run-off capture and capacity assurance.

Groundwater – Much of the Central Valley RWQCB water quality regulatory work involves discharges to land outside the jurisdiction of the Clean Water Act. The Sacramento Office operates three Non-Title 15 sections covering ground water by program for irrigated agriculture lands, ground water site clean-up, underground storage tanks, and landfills. Nevertheless, some of these Non-Title 15 facilities can affect surface waters through wastewater spill or storm water runoff.

Irrigated Lands - The Irrigated Lands Regulatory Program was established in 2002 upon termination of a long-standing waiver for irrigated land dischargers from regulation. This program addresses the surface water quality issues associated with the irrigation and stormwater runoff from tens of thousands of farming operations located on over 5 million acres of irrigated lands.

2.6 Statewide Data Verification

The State of California maintains its own data base separate from PCS. Since June 2005, the RWQCBs are using the California Integrated Water Quality System (“CIWQS”), which replaced the now decommissioned System for Water Information Management (“SWIM”). EPA Region 9 has undertaken two tasks, noted below, to ensure that the OTIS State Review Framework Results for California is complete and accurate.

CIWQS Data - On August 8, 2007, EPA Region 9 added 143 inspections and 587 enforcement actions recorded by the RWQCBs into CIWQS but not entered into PCS and thus not



reflected in the OTIS SRF results report. These changes and verifications should be reflected in the OTIS SRF results report by mid-September. One principal cause for the discrepancies is unentered or misentered NPDES permit numbers associated with the other data elements.

Contractor Verification - On August 14, 2007, the State's contractor began NPDES file reviews of all nine RWQCBs to retrieve all State compliance and enforcement actions since July 1, 2003 that had not yet been entered in PCS or CIWQS and further update the relevant data bases. These data verification reviews are expected to be completed in late-September. However, they are not expected to be captured by an OTIS data pull from PCS for incorporation into the SRF results report by September 28, 2007. This statewide data verification will substantially increase the numbers of inspections and enforcement actions captured in CIWQS, and thus the PCS system and the SRF results report. One principal cause for discrepancies arises from the relational nature of the CIWQS data base to discharger location and the faulty entering of data elements to alternate or wrong locations.

This review of the State of California does not reiterate the evaluation findings and recommendations regarding CIWQS in the July 2007 CIWQS Review Panel Study conducted by the Southern California Coastal Water Research Project, Technical Report 517. See <http://www.sccwrp.org/pubs/techrpt.htm>

2.7 File Review Selection

Thirty-one files for 2005 and 2006 were reviewed, 15 from the Los Angeles RWQCB and 16 from the Sacramento Office of the Central Valley RWQCB. Nine others (primarily storm-water facilities) were also selected but did not have enough of a record to evaluate. Overall, the selected facilities were primarily those on the FY06 QNCRs, under enforcement in FY06, or with long-term compliance issues. The selected facilities also covered the various Clean Water Act programs. The list of the 31 selected facilities and the reasons for each selection follow below:

Los Angeles RWQCB Facilities

Equilon, Mormon Island - NPDES industrial major, enforcement
San Buenaventura, Ventura WRF - NPDES major, enforcement, pretreatment
Ultramar, Wilmington - NPDES industrial minor
Las Virgines MWD, Tapia WRF - NPDES major, enforcement, pretreatment
Reliant Energy - NPDES industrial major, QNCR
Oxnard, Oxnard WWTP - NPDES major, pretreatment
Camarillo San District, Camarillo WRP - NPDES major, QNCR, enforcement
Fillmore, Fillmore WWTP - NPDES major, enforcement
Los Angeles County San District, Valencia WWRP - NPDES major, enforcement
Boeing, Santa Susana - NPDES industrial major, enforcement
Ojai Valley San District, Ojai Valley WWTP - NPDES major, enforcement
Universal Waste - industrial stormwater, enforcement
California Sulphur, Wilmington - NPDES industrial minor
Oxnard Water Division, Blending Station #3 - construction stormwater
Los Angeles County San District, Manhattan Beach - SSO spill, enforcement



Central Valley RWQCB Facilities

City of Modesto, Modesto WQCF - NPDES major, enforcement, pretreatment
Nevada City Sanitation District, Cascade Shores WWTP - NPDES minor, enforcement
City of Colfax, Colfax WWTP - NPDES minor, enforcement, long-term violations
Proctor and Gamble, Proctor and Gamble WWTP - NPDES industrial minor, enforcement
Aerojet-General, Groundwater Remediation - NPDES industrial major
French Bar Bluffs LLC, French Bar Blue Development - construction stormwater, enforce
City of Tracy, Tracy WWTP - NPDES major, pretreatment, enforcement
Linda City Water District, Linda City WWTP - NPDES major, enforcement
El Dorado Irrigation District, Deer Creek WWTP - NPDES major, pretreatment
Bear Valley Water District, Bear Valley WWTP - NPDES minor, enforcement
DR Horton Western Pacific Series, Browne Valley - construction stormwater, enforcement
Standard Pacific Homes, Portofino Subdivision - construction stormwater, enforcement
PL Roseville LLC, Westpark - construction stormwater, enforcement
Placer City Waste Management, Applegate WTF - SSO, enforcement
Saint Gregory Olive Farm - spill, enforcement
El Dorado Irrigation District, Rancho Ponderosa WWTP - SSO, enforcement

See Sections 4.0 through 4.15 and 5.0 through 5.16 of this report for the file review findings.

2.8 Data Review Participation

Dates of Review: July 9-11, 2007 - Los Angeles RWQCB
August 14-16 and 20, 2007 - Central Valley RWQCB
August 14-September 28, 2007 - Statewide Data Verification

Review Participants

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3.0 SRF Review Elements

The State Review Framework involves the standard, nationwide review of state enforcement and compliance programs, using 12 defined elements, each one covering a separate metric. The State Review Framework also provides Element 13 to highlight individual state priorities, accomplishments, and best practices. The review findings for Elements 1 through 13 follow in sections 3.1 through 3.13 of this report.

3.1 Element 1 - Inspection Coverage

The degree to which a state program has completed the universe of planned inspections.

The State of California RWQCBs nearly met all FY06 inspection commitments from the State/EPA Performance Partnership Agreement (PPA), for NPDES majors (annual), NPDES minors (life-of-the-permit), stormwater sites (unspecified frequency), MS4 programs (unspecified frequency), and pretreatment programs (annual). Inspection coverage of stormwater sites approached the 10% goal proposed in EPA's draft Compliance Monitoring Strategy. A State contractor conducted over a third of the NPDES inspections primarily for the San Francisco RWQCB, the San Diego RWQCB, and the Sacramento Office of Central Valley RWQCB, as well as nearly all pretreatment inspections and audits. There were no MS4 program audits in FY06. However beginning in FY01, the contractor has conducted audits of ~120 of ~300 MS4 co-permittees. These audits covered at least one co-permittee from 24 of 26 Phase I MS4 programs in the State of California. These inspection coverage statistics are expected to further improve as the on-going data verification continues to capture completed inspections into PCS. **See** Section 2.6.

Review Findings

- Inspected 86% (208 of 243) of the NPDES majors (well over the national average).
- Inspected 23% (97 of 427) of the NPDES minors.
- Inspected 9% (2600 of 29000) of the facilities covered under the storm water permits.
- Conducted no audits of MS4 programs in FY06.
- Conducted either audits or inspections of 80% (76 of 96) of pretreatment programs.
- Also conducted a few other inspections (12 CSO/SSOs, 2 biosolids, 8 case support)

Recommendations

- None.

3.2 Element 2 - Identification of Violations

The degree to which inspection reports and compliance reviews document inspection findings, including accurate descriptions of what was observed to sufficiently identify violations.



The documentation of inspection findings was found to be more than sufficient to successfully identify violations. The documentation was not standardized across the RWQCBs or the various water quality programs. Most notably, the report format depended on whether the author was a RWQCB inspector or a State contractor. All but one report included at least some narrative findings and most included photographs. The exception was the inspection report for Camarillo in FY06 which listed satisfactory/marginal/unsatisfactory ("S/M/U") ratings only. The contractor provided the reports in draft to be reviewed and issued by the RWQCB. The files for both the Los Angeles and Central Valley RWQCBs included positive documentation of DMR reviews. **See** Sections 4.0 and 5.0 of this report.

Review Findings

- The permit fact sheets are uniformly well written and informative.
- All but one (20 of 21) inspection reports documented violations appropriately.
- Most (20 of 22) of the reviewed facility files included compliance inspection reports.
- Few (3 of 10) of the reviewed facility files included pretreatment reports. These pretreatment reports were completed but were not placed in the appropriate files.
- DMRs of nearly all (29 of 31) of the file-reviewed facilities were reviewed for violations in a timely manner with the review findings positively documented in the files.
- Positive documentation of the DMR reviews in the files by the Central Valley RWQCB did not begin until late FY06.

Recommendations

- None.

3.3 Element 3 - Timely Completion of Inspection Reports

The degree to which inspection reports are completed in a timely manner, including the timely identification of violations.

For the most part, the inspection reports for the file-reviewed facilities are completed and issued in a timely manner. The lone delays were caused by protracted reviews and repeated edits by the Central Valley RWQCB of reports completed by the State contractor on time. The creation of the NPDES Compliance and Enforcement Unit consolidated the inspection review responsibilities and alleviated the backlog. **See** Sections 4.0 and 5.0 of this report.

Review Findings

- Most (19 of 22) compliance inspection reports for the file-reviewed facilities were completed and issued within 30 days.
- Few (3 of 10) of the file-reviewed facilities included pretreatment reports so timeliness cannot be evaluated.
- The delayed compliance inspection reports were drafted by the State contractor on time but held up for as much as a year by the Central Valley RWQCB for revision.

Recommendations



- None.

3.4 **Element 4 - Identification of Significant Non-Compliance**

The degree to which significant violations are accurately identified and reported to EPA national databases in a timely manner.

The extensive and timely use of both Mandatory Minimum Penalties (MMPs) for past violations and Time Schedule Orders (TSOs) with interim limits for potential future violations results in a significant reduction in the percentage of facilities which would otherwise be listed on the QNCR, a percentage well below the national average. (EPA suspects that MMPs, which create an incentive for compliance, are partly responsible for improved discharge quality and resultant SNC reductions in California.) However, the nondiscretionary nature of the MMPs claims much of the resources allocated to enforcement, resulting in curtailment of the more resource-intensive forms of enforcement, such as CDOs with time schedules. As a result, while fewer facilities qualify for the QNCR, some remained unresolved in FY06. **See** Section 4.7 for an example of an unresolved facility.

The RWQCBs also (1) identify single-event violations such as SSOs, uncontrolled stormwater discharges, and CAFO spills, (2) capture these violations in the State's CIWQS database, and (3) respond with appropriate and timely enforcement. The RWQCBs do not enter the single-event violations into PCS. **See** Sections 4.12, 4.14, 4.15, and 5.6, 5.11, 5.12, 5.13, 5.14, 5.16, for examples of the State's handling of single-event violations.

Review Findings

- Just 10% of the major NPDES facilities were in SNC (half the FY06 national average).
- PCS included listings of only 3 single-event violations.
- SNC determinations were correct for all (15) file-reviewed major NPDES facilities.
- The FY06 QNCR reports, generated by EPA for the State of California, correctly captured all effluent limit significant noncompliance (SNC) for NPDES majors.

Recommendations

- The State Water Resources Control Board, Office of Enforcement, which is managing the Watch List, should also take the responsibility for generating the QNCR reports.
- Single-event violations should be tracked in PCS.

3.5 **Element 5 - Injunctive Compliance Deadlines**

The degree to which state enforcement actions include required corrective actions to return facilities to compliance in a specific time.

The RWQCBs include compliance deadline requirements to return violations to compliance in the State civil and criminal judicial settlements and in all but one of their non-penalty administrative enforcement actions (NOVs, CAOs, CDOs, TSOs, but not Section 13267s). CAOs, CDOs, and TSOs are considered formal enforcement actions. NOV's are considered informal actions because the violations of their compliance deadlines are not themselves a



violation. Section 13267s are formal enforcement orders requesting information under penalty of perjury. These non-penalty administrative enforcement actions also usually incorporate compliance time schedules and interim limits, if warranted for violations of first-time permit limits. The administrative penalty actions (ACLCs) issued as both MMPs and non-MMPs are for past violations and do not include compliance deadline requirements. TSOs are typically written by permit staff, sometimes without consultation with enforcement staff, and issued concurrently with the reissuance of NPDES permits to establish interim limits and compliance schedules for newly established permit limits. **See** Sections 4.0 and 5.0 of this report.

Review Findings

- The enforcement history for all (24) of the file-reviewed facilities with violations included at least one NOV, CAO, CDO, or TSO.
- TSOs are usually issued concurrently with the reissuance of NPDES permits.
- The administrative actions clearly set forth compliance deadline requirements.
- There were very few (15) formal CDO or TSO enforcement orders.
- There were more ACLC penalty actions (101) than CAOs/CDOs/TSOs combined (24).
- Some violations have not yet been addressed (Modesto sewer spills, Fillmore). The Camarillo San District was in SNC for eight quarters before the RWQCB issued a TSO on April 2, 2007. **See** sections 4.7, 4.8, and 5.1 of this report.

Recommendations

- Issuance of TSOs should be coordinated with enforcement staff to ensure establishment of expeditious compliance schedules.
- Issue compliance orders (CDOs or TSOs) concurrently with ACLCs for dischargers with continuing violations, especially SNC violations.
- Consider the trade off of MMPs versus compliance orders to match enforcement with water quality priorities.

3.6 Element 6 - Timely and Appropriate Enforcement

The degree to which a state takes timely and appropriate enforcement actions, in accordance with specific media policy.

The RWQCBs followed State statutes and guidelines, including the State Board's Enforcement Policy with escalating actions from NOVs through significant ACLCs or judicial complaints and settlements. However, MMPs have transformed the way most NPDES permit violations are resolved, through a two step process, with an informal administrative action (usually an NOV) informing the Permittee of the violation and requiring a return to compliance with a compliance schedule (but not necessarily resolving SNC status) followed by mandatory penalties. As a result, for NPDES permit violations, it is MMPs and not escalating enforcement that provides much of the motivation to resolve violations. The size of the MMPs are a function by the number of permit violations which itself determined by the number of pollutants in the permit, the frequency of monitoring, and the duration of non-compliance. In State FY06-07, California received \$5,606,043 in fines,



penalties, and settlements, as well as supplemental environmental projects worth many millions of dollars.

For spills and other BMP permit violations, where MMPs do not apply, escalating enforcement involving multiple administrative orders and a potential penalty provide a more conventional return to compliance. For animal feedlot violations, the RWQCBs pursue different compliance and enforcement strategies. The Central Valley RWQCB regulates most animal feedlots as non-discharging facilities under WDRs, while the Santa Ana RWQCB has issued a general NPDES permit for the dairies in its region. Central Valley RWQCB inspectors participate in the Northern Dairy Task Force together with EPA and the California Department of Fish and Game. The Task Force conducts annual reconnaissance or on-site inspections of nearly all of the dairies in Stanislaus, San Joaquin and Merced Counties. The inspectors refer unauthorized discharge violations to the County District Attorneys for criminal prosecution. Since 1998, the district attorneys have obtained 146 settlements amounting to \$5,847,000 in penalties.

Review Findings

- According to PCS, only 5% (14 of 264) of NPDES majors were in significant non-compliance and did not receive timely enforcement -- slightly less than the 8% national average but over the national goal of 2%.
- Most (19 of 24) of the file-reviewed facilities with violations were successfully returned to compliance through timely and appropriate enforcement.
- Only 2 of 3 file-reviewed SNC facilities received timely and appropriate enforcement before appearing as unresolved on the QNCR for a second consecutive quarter.
- The number of actual FY06 enforcement actions taken by the Regional Boards far exceeds the numbers entered into PCS.
- Administrative penalties for past violations accounted for 101 FY06 enforcement actions.
- Animal feedlots are regulated by State initiative in the Central Valley Regional Board under non-NPDES prohibitions against discharges to surface waters, as well as under NPDES permits throughout the State where discharges to surface waters occur.
- The Modesto sewer line spills have not been addressed by enforcement.
- Not all Camarillo effluent limit violations have been addressed by enforcement.
- Violations of Ventura's CTR-based limits for copper and nickel are unresolved.
- Not all Fillmore interim and permit limit violations have been addressed by enforcement.
- The pretreatment program submittal for the El Dorado Irrigation District is unapproved.

Recommendations

- The RWQCBs should ensure that all facilities in significant non-compliance receive timely formal enforcement with enforceable time schedules (CDO, CAO or TSO).
- Ensure all enforcement actions are entered into State and Federal systems to better reflect the extent of enforcement work.
- Either each RWQCB or the SWRCB should develop the capability to perform pretreatment program approval and enforcement. An investment in pretreatment staffing expertise would help to ensure protection of POTWs, waters and biosolids quality.



3.7 Element 7 - Calculation of Penalties

The degree to which a state includes both gravity and economic benefit calculations for all penalties using the BEN model or similar state model.

The mandatory minimum penalty statute sets penalty amounts based on the number and duration of NPDES permit effluent violations. Because the penalty amounts are set by statute, the Regional Boards may not offer a penalty settlement at any amount but the mandatory minimum. As a result, it is not necessary to make gravity and economic benefit calculations for MMP penalty actions. Nevertheless, the on-going and nondiscretionary nature of the MMPs provides both a motivation to resolve violations and a strong deterrent against violation. For the small percentage of penalty actions that are non-MMP actions, the Regional Boards calculate a penalty based on statutory factors including gravity and economic benefit. File reviews of non-MMP ACLC penalties indicate that the Regional Boards do not always use the BEN model to make their economic benefit calculations, but instead can use other methods to estimate economic benefit.

Review Findings

- The RWQCBs rigorously collect penalties both in administrative and judicial actions.
- Penalties for past violations accounted for 101 of 125 formal FY06 enforcement actions.
- Only 30 of 101 ACLCs and 11 of 24 formal enforcement orders were entered into PCS.
- On average, annual totals for administrative penalties assessed and received are over \$5 million per year.
- For MMP penalties, the RWQCBs calculate penalties based on the State statutory requirements in the Migden legislation.
- For non-MMP penalties, the RWQCBs calculate penalties based on the gravity of the violations, economic benefit and other statutory factors. The RWQCBs, however, do not always use a BEN model for their economic benefit calculations.
- The majority (14 of 26) of enforcement histories for the file-reviewed facilities with violations include penalties for past violations.

Recommendations

- None.

3.8 Element 8 - Implementation of the State Penalty Policy

The degree to which final enforcement actions collect appropriate economic benefit and gravity penalties in accordance with applicable penalty policies.

While MMP penalty actions do not follow economic benefit and gravity policies, all penalty action do follow the applicable State penalty policies. The State penalty policy allows for the diversion of the entire penalty to a supplemental environmental project (SEP). The State's policy contrasts with EPA's penalty policy that establishes a cap on the amount of penalty that can be mitigated by a SEP. In practice, however, the Regional Boards usually collect a



penalty payment to the State's Cleanup and Abatement Account and divert only a portion of the penalty to SEPs. (See section 4 and 5 for descriptions of penalty cases examined in this review.)

Review Findings

- The MMPs amounts are based on the number and type of violations. The RWQCBs have no discretion to negotiate a settlement amount which does not conform with the statutory requirements.
- The RWQCBs can apply the penalty amount to SEPs under a State SEP policy.

Recommendations

- The State should consider revising its penalty policy to establish a cap on the amount of penalty that can be mitigated by a SEP.

3.9 Element 9 - Negotiated Enforcement Commitments

The degree to which negotiated enforcement commitments are met.

The performance partnership agreement (PPA) for California essentially specifies compliance and enforcement goals equivalent to the national goals regarding NPDES inspection coverage (majors annually, minors once per 5 years), pretreatment inspection (annually) and audit coverage (once per 5 years), timely and appropriate enforcement to resolve SNC violations, enforcement response plans, penalty policy, and SEP policy. Data management commitments from the PPA include: development of an automated tool to automate review of SMRs, generation of the QNCR, and maintenance of the WENDB data elements in PCS (permit limits, DMRs, inspections, enforcement, etc.)

Review Findings

- The RWQCBs largely have met the performance partnership agreement commitments for inspection coverage at NPDES majors, minors and pretreatment programs (see section 3.1).
- The RWQCBs did not take timely and appropriate enforcement against every SNC violator (see section 3.6).
- The State has not met all of its PPA commitments for data management (see sections 3.10 through 3.12).

Recommendations

- See recommendations in sections 3.1, 3.6 and 3.10 through 3.12.

3.10 Element 10 - Timely Reporting of Minimum Data Requirements

The degree to which the minimum data requirements are provided in a timely manner.



Elements 10, 11 and 12 of the review examine the timeliness, accuracy and completeness of data in PCS, EPA's national database for the NPDES program. This section includes a description of the State Board's data management practices and EPA's over-arching recommendations. Specific findings related to data timeliness, accuracy and completeness are contained in sections 3.10, 3.11 and 3.12 respectively.

The national system of record for data on California NPDES permittees is the Permit Compliance System (PCS). As a State authorized for the NPDES program, and as required in the State/EPA Performance Partnership Agreement, it is California's responsibility to enter complete data into PCS.

The specific data required in PCS are spelled out in a list known as the Water Enforcement National Database (WENDB) group. California is not currently meeting the WENDB group goals for data entry. Although California has its own data system (CIWQS), it does not have a workable interface with PCS. As a result, what California data is entered into CIWQS by State Board and Regional Board staff and to PCS by EPA or the State Board with the assistance of a State contractor.

The State Board, using State contractors, is coding major facility permits and related DMRs in PCS. This data is timely, accurate and complete. The State Board uses a stand-alone system to track the receipt, non-receipt, and late submittal of DMRs. PCS cannot monitor the receipt of DMRs in California because California permits require varying DMR due dates. The State Board has begun coding minor facility permits in PCS and plans to begin processing minor facility DMRs in 2009.

Since 2005, when California turned off its legacy data system (SWIM), there has been no regular entry of State inspection and enforcement information to PCS. EPA has entered limited amounts of inspection and enforcement information in PCS including SNC related enforcement and inspections conducted by the State's contractor. In 2007, EPA and California mounted an effort to input missing inspections and enforcement data to PCS. This project is described in Section 2.6. EPA and the SWRCB are also implementing a new procedure, using a State contractor, to regularly enter new inspections and enforcement data into PCS.

EPA is replacing PCS with a new national database, known as the Integrated Compliance Information System-NPDES (ICIS-NPDES). The migration of California's NPDES data from PCS to ICIS-NPDES is currently scheduled for August, 2008. EPA, in conjunction with national state organizations (e.g. ECOS, ASWIPCA), is developing an ICS-NPDES Policy Statement which will define the specific required data elements for ICIS-NPDES. These are known as the Requisite ICIS-NPDES Data Elements (RIDE), and are more extensive than the required data elements in the WENDB group.

It is anticipated that the current PCS data entry approach, which uses a contractor to enter California NPDES data directly into PCS, will continue after the switch to the new Federal system, ICIS-NPDES, in August, 2008. California could take advantage of batch data entry to ICIS-NPDES from a State system, which will be available in 2009. However, without fundamental CIWQS system improvements and improved data quality, EPA will not be able to allow batch transfer from CIWQS into ICIS-NPDES. It appears likely California will con-



tinue to expend resources to enter data into two separate NPDES data systems, and struggle with the larger reliability and operational issues experienced by internal and external users.

Review Findings

- The State Board continues to code NPDES major permits and enter DMR data in PCS in a timely manner.
- The SWRCB has begun to enter new inspection and enforcement order data into PCS.
- The SWRCB DMR tracking system is better suited than PCS to track the receipt of DMRs.

Recommendations

- California should manage the NPDES program required data (WENDB group) in PCS.
- Pursuant to the pending ICIS-NPDES Policy Statement, California should prepare a transition plan documenting their plan and schedule for populating ICIS-NPDES with the RIDE. If a separate California database (e.g. CIWQS) is not capable of populating ICIS-NPDES with all RIDE, California will enter these data elements into ICIS-NPDES by other means, including, but not limited to manual data entry.
- Both before and after the transition to ICIS-NPDES, the State Board, Office of Enforcement should prepare the following routine compliance assurance reports based on data in PCS (or ICIS-NPDES): Quarterly Non-Compliance Report (QNCR), Watch List and Annual Non compliance Report for non-majors (ANCR).

3.11 Element 11 - Accuracy of Minimum Data Requirements

The degree to which the minimum data requirements are accurate.

Permit limits and DMR data in PCS is accurate. Although not all inspection and enforcement actions are included in PCS, the data that has been entered is accurate. The formal enforcement actions are linked to violations.

The Regional Boards visited during this review successfully log and track inspections, enforcement, permits, and self-monitoring reports (a more detailed report than EPA's DMR) into CIWQS and had ready access to this data for managing their compliance and enforcement programs. These Boards, however, were not tracking pretreatment activities in CIWQS. The completeness of CIWQS data among the other Regional Boards, however, is mixed. Although some Regional Boards are using CIWQS effectively, the State has not been able to fully utilize the database to generate reliable statewide information about its compliance and enforcement programs.

Review Findings

- Permit limits, DMR data, inspections and enforcement actions in PCS are accurate.
- The RWQCBs visited for this review were accurately tracking their enforcement and compliance activities through CIWQS.



- The RWQCBs do not track pretreatment activities through CIWQS. Some FY06 pretreatment inspections had not been entered in PCS at the time of the review, but the missing data is now being entered.

Recommendations

- California should regularly enter all inspection and enforcement action data in PCS.
- California should improve the completeness and accuracy of data entered to CIWQS in order to facilitate the eventual batch loading of CIWQS data to PCS.

3.12 Element 12 - Completeness of Minimum Data Requirements

The degree to which the minimum data requirements are complete, unless otherwise negotiated by the region and state or prescribed by a national initiative.

This section examines the completeness of several required data elements in PCS.

Facility Universe - PCS contains a complete and accurate inventory of major and minor permittees. Although PCS includes each of the general and MS4 storm water permits, it does not contain an inventory of the general permit enrollees or the individual co-permittees under the MS4 permits.

Major Permits and DMRs - Major facility permit limits are accurately coded in PCS and DMR data entry is complete. The DMR entry rate for NPDES majors in the OTIS SRF data report is lower in PCS (78%) than in reality (85% on average) because of the varying DMR timeframes required in California permits.

Minor Permits and DMRs - Minor permit limits and DMRs are not entered in PCS. The State Board has begun coding minor facility permits in PCS and plans to begin processing minor facility DMRs in 2009.

Inspections - Data for major and minor inspections in PCS is incomplete. Neither EPA or the State is entering State inspections of general storm water permittees in PCS.

Informal and Formal Enforcement Actions - Enforcement action data in PCS is incomplete.

Review Findings

- The PCS data for California inspections and enforcement is incomplete.

Recommendations

- See recommendations in sections 3.10 and 3.11.
- Establishment of procedures for entering stormwater inspections and enforcement in the national database will be deferred pending finalization of the ICIS-NPDES policy.



4.0 File Reviews – Los Angeles RWQCB

The file review covered 15 facilities representing the range of surface dischargers regulated by the Los Angeles RWQCB. The first dischargers picked for file review were those issued formal enforcement actions or listed on the QNCR during FY06. Others were then picked to ensure the files represented the range of surface dischargers under permit.

File Review Summary California Los Angeles RWQCB	Inspection report completed in a timely manner	Inspection report address all required elements	Violations accurately identified and determinations appropriate	Was SNC determination appropriate	Did enforcement action return the source to compliance	Resolution before violations appeared on QNCR for 2 qtrs	Did action include requirement to return viols to compliance	Did the action include a reasonable compliance schedule	Did the action require appropriate injunctive relief	Did the enforcement action include a penalty	Did the penalty action incorporate BEN and gravity	Did the penalty action include an SEP
Equilon	N	-	Y	Y	-	-	-	-	-	-	-	-
Ventura WRF	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	MMP	Y
Ultramar	N	-	Y	-	-	-	-	-	-	-	-	-
Tapia WWTP	Y	Y	Y	Y	Y	-	Y	Y	Y	N	-	-
Reliant Ormond	N	-	Y	Y	-	Y	-	-	-	-	-	-
Oxnard WWTP	Y	unk	Y	Y	-	-	-	-	-	-	-	-
Camarillo WRP	Y	Y	Y	Y	N	N	Y	Y	Y	N	-	-
Fillmore WWTP	N	-	Y	Y	N	-	Y	Y	Y	Y	MMP	Y
Valencia WRP	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	MP	Y
Boeing Santa Susana	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y
Ojai Valley WWTP	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	MP	Y
Universal Waste	Y	Y	Y	-	Y	-	Y	Y	Y	Y	N	N
California Sulphur	Y	Y	N	-	Y	-	Y	Y	Y	N	-	-
Oxnard Blending	Y	Y	Y	-	Y	-	Y	Y	Y	N	-	-
LACSDs SSO	Y	Y	Y	-	Y	-	Y	Y	Y	Y	grv	Y
<div style="display: flex; justify-content: space-around; text-align: center;"> NPDES Major NPDES Minor Spills / SSOs Stormwater </div>												

Fact Sheets – The Los Angeles RWQCB fact sheets are uniformly very informative and comprehensive, providing the documentation for the permit conditions based on the permit applications, pre-permit inspections, and compliance actions.

Inspection Reports – The Los Angeles RWQCB generates checklist template reports that include a short narrative of the facility description and major findings.

Data Review – The Los Angeles RWQCB maintains a summary spread sheet in each file to tracks when DMRs were due, received, reviewed, and whether they were complete.



Permits and Enforcement Actions – The Los Angeles RWQCB posts all final permits and formal enforcement actions taken by the Board on its web-site.

4.1 Equilon Enterprises, Mormon Island Marine Terminal Facility NPDES Major – NPDES Permit CA0003557 issued June 14, 2006

Equilon is a bulk petroleum storage facility for the storage and transfer of finished petroleum products off-loaded from cargo ships. Equilon discharges stormwater run-off, ship ballast water, rinse waters, contaminated groundwater, and pipeline displacement wastes to the City of Los Angeles sanitary sewer. This permit allows Equilon to discharge excess stormwater run-off from the tank farm to the Los Angeles Inner Harbor. The last discharges, in 2001, violated permit limits for zinc. A general NPDES permit allows the discharge of hydrotest waters to the Inner Harbor.

The 2006 NPDES permit set for the first time effluent limitations based on the California Toxics Rule ("CTR").

Inspection – None in FY06. The most recent inspection was conducted by a State contractor on October 26, 2004 with its report issued on November 17, 2004.

Data Review – The FY06 DMRs due each quarter were reviewed in 14, 285, 202, and 167 days after receipt. The 2006 annual report due on March 1 was 238 days after receipt. The Los Angeles RWQCB successfully identified the late submittal of the 3Q06 DMR.

Enforcement – No discharges in FY06, thus no violations to enforce. However, the compliance analysis for the permit identified likely violations of the new effluent limits for arsenic, lead, and copper, based on the CTR. As a result, the Los Angeles RWQCB issued a TSO concurrently with the permit to establish interim limits for arsenic, copper, and lead and a time schedule for compliance through 2008.

4.2 City of San Buenaventura, Ventura Water Reclamation Facility NPDES Major – NPDES Permit CA 0053651 issued October 16, 2000

The Ventura Water Reclamation Facility ("WRF") is tertiary wastewater treatment plant with a design capacity of 14.0 million gallons per day. The Ventura WRF discharges to the Santa Clara River Estuary, the salinity of which varies enough to qualify for either the fresh water or salt water CTR criteria. The permit applied the more stringent salt water quality criteria without an attendant dilution factor, resulting in an analysis that Ventura would violate a number of the effluent limits, in particular for zinc, copper, lead, nickel, and bis(2-ethyl-hexyl)phthalate, and dichlorobromomethane. As a result, concurrent with the issuance of the permit, the Los Angeles RWQCB issued a TSO and later amendments to the TSO that set an interim copper limit in effect through September 2005.

Through DMR reviews, the Los Angeles RWQCB identified 200+ violations of the permit effluent limits from issuance of the permit in 2000 through 2003. The violations were of the



permit limits for toxic organics, pesticides, toxic metals, and chronic toxicity based on the application of the salt water criteria of the CTR, as well as for the conventional pollutants of fecal coliform, turbidity, and suspended solids. In February 2004, the Los Angeles RWQCB issued an NOV, amended with additional violations in November 2004, and June 2005. In November 2005, Ventura began adding iron to foster co-precipitation of copper, nickel, and zinc.

On January 17, 2006, the Los Angeles RWQCB issued an ACLC for an MMP of \$717,000. On February 7, 2006, the Los Angeles RWQCB issued a CAO to require immediate completion of treatment plant upgrades. On March 15, 2006, the Los Angeles RWQCB issued another TSO setting interim limits for copper, nickel, and zinc through December 2006. On December 14, 2006, another TSO was issued to extend the interim limits for copper, and nickel through December 2007. On December 15, 2006, the Los Angeles RWQCB adopted an ACLC for an MMP of \$585,000. The permit is expected to be reissued in October 2007.

Inspections – There were no compliance inspections conducted in FY06. The Los Angeles RWQCB did conduct one pre-permit inspection on December 23, 2005 in advance of reissuing the NPDES permit, however there were no records of this inspection in the files. The findings of the December 23, 2005 pre-permit inspection would be documented upon issuance of a new permit fact sheet.

Pretreatment – The NPDES files did not contain pretreatment review reports for the FY06 pretreatment compliance inspection conducted on February 23, 2006. The pretreatment program files were not available during this review, although later, the RWQCB reported that the pretreatment files are maintained separately by the RWQCB's Pretreatment Coordinator.

Data Review – The Los Angeles RWQCB was successful in identifying and keeping track of permit violations reported in the DMRs.

QNCR – In FY06, the Los Angeles RWQCB correctly listed Ventura in significant non-compliance for the six-month period ending June 2006, although Ventura earlier appeared on the QNCRs ending June 2005 and September 2005. The February 2006 CAO resolved the SNC pending compliance, however, the required immediate completion of wastewater treatment plant upgrades would not have significantly affected the effluent quality for copper, zinc, or nickel.

Enforcement – The Los Angeles RWQCB followed its Enforcement Response Plan with escalating actions from NOVs through a significant MMP. The size of the MMP was a function of the number of pollutants added to the permit in 2000, the frequency of monitoring, and especially, the lengthy five-year time period. The MMP did not incorporate an analysis of economic benefit. A framework for agreement would allow \$300,000 of the MMP to apply to an SEP. The resolution lies in the next permit either through the development of site-specific standards or through removal of the discharge from the estuary, or some combination thereof. The CTR based limits for copper and other metals make it unlikely that resolution would be reached through either source controls or upgraded treatment. The size of the MMPs provides the motivation on all sides to resolve these violations.



4.3 Ultramar, Marine Terminal, Berth 164

NPDES Minor – NPDES permit CA0055719 issued February 1, 2002

Ultramar operates a marine terminal that provides bulk storage and distribution of petroleum. The facility consists of a dock, tank farms, unloading rack areas, a fired heater area, a warehouse, and other buildings. The permit allows the discharge of accumulated stormwater and hydrostatic test waters through oil/water separation to the Los Angeles harbor via a stormwater drain.

Inspections – No inspection in FY06.

Data Review – The FY06 DMRs due quarterly were reviewed within 180 days after receipt. The Los Angeles RWQCB identified no violations in FY06, although there were a few identified reporting and effluent limit violations (pH, residual chlorine) in FY05.

Enforcement – There were no violations identified in FY06 and no resulting enforcement actions.

4.4 Las Virgenes Municipal Water District, Tapia Water Reclamation Facility

NPDES Major – NPDES permit CA0056014 issued November 3, 2005

The Tapia Water Reclamation Facility ("WRF") is a tertiary wastewater treatment plant with a design capacity of 16.1 million gallons per day. The Tapia WRF provides reclaimed wastewater to irrigation and industrial uses with excess discharges to the Los Angeles River or, with permission from the Los Angeles RWQCB, to Malibu Creek and the Los Angeles River. The permit applies nutrient limits and toxics limits derived from the CTR. The Tapia WRF also has the authorization under separate WDRs to discharge to wetlands that could be constructed adjacent to Malibu Creek. The Los Angeles RWQCB issued a TSO concurrent with the permit that sets interim limits for nitrates and bis(2-ethylhexyl)phthalate through December 2010 and allows the installation of membrane bioreactors.

Inspections – There was no inspection report in the files for the NPDES inspection on May 31, 2006.

Pretreatment – The NPDES files did not contain pretreatment review reports for the FY06 pretreatment compliance inspection conducted on February 21, 2006. Pretreatment program files were not available during this review, although later, the RWQCB reported that the pretreatment files are maintained separately by the RWQCB's Pretreatment Coordinator.

Data Review - The FY06 DMRs due each month were all reviewed on either October 24, 2006 or June 4, 2007 roughly 180 days after receipt. The Los Angeles RWQCB successfully identified the late submittal of the July 2006 DMR.

Enforcement – Prior to the 2005 reissuance of the permit and TSO, the Los Angeles RWQCB issued an NOV on August 19, 2005 for nitrate and bis(2-ethylhexyl)phthalate violations.



4.5 **Reliant Energy, Ormond Beach Generating Station**

NPDES Major – NPDES Permit CA0001198 issued June 28, 2001

The Ormond Beach Generating Station is an electric power generating station comprising two gas-fueled steam-electric units. The permit authorizes the discharge of once-through cooling water, mariculture laboratory waters, metal cleaning wastes, and low volume wastes through an outfall to the Pacific Ocean. The once-through cooling water is drawn from an ocean intake structure and returned through the outfall. The mariculture laboratory cycles through ocean water. The metal cleaning wastes result from chemical cleaning of boiler tubes, boiler fireside, air preheaters, and other process equipment. The low volume wastes include condensate, boiler blowdown, bulk chemical storage drains, plant and equipment washdown, floor drainage, mobile reverse osmosis unit wastes, and softener regenerant.

The permit advances water quality limits derived from the 1997 Basin Plan and modified Federal BAT standards in 40 CFR 423 for chlorine residual and chronic toxicity, applied to the overall outfall discharge.. The permit does not advance CTR salt water criteria for the outfall nor the Federal BAT standards that apply strictly to the metal cleaning wastes. A separate general stormwater permit covers the discharge of stormwater run-off from the Ormond Beach Generating Station.

Inspections – There were no inspections in FY06.

Data Review – The FY06 DMRs through June 2006 due each month were reviewed on September 7, 2006, roughly 180 days after receipt. The data review successfully identified chronic toxicity violations in March 2006. There are no DMRs or data reviews after June 2006 in the files.

QNCR – Reliant Energy appeared in the 1Q FY07.

Enforcement – There were no enforcement actions in the 2004-2007 files.

4.6 **Oxnard Wastewater Treatment Plant**

NPDES Major – NPDES Permit CA0054097 issued July 11, 2002

The Oxnard Wastewater Treatment Plant ("WWTP") is a secondary wastewater treatment plant with a design capacity of 31.7 million gallons per day. The Oxnard WWTP discharges to the Pacific Ocean. The permit advances water quality limits based on the 2001 Ocean Plan and the 1997 Basin Plan. As a result, the permit sets performance goals for toxics based on the discharge quality from 1995-2001 but does not set effluent limits based on the CTR. There were no violations identified in the DMRs.

Inspections – There were no FY06 inspections report in the files.

Data Review - The FY06 DMRs due each month were reviewed on April 12, 2006 September 12, 2006, roughly 90 days after receipt. No violations of effluent limits or reporting requirements were identified.



Pretreatment – The NPDES files did not contain pretreatment review reports for the FY06 pretreatment compliance inspection conducted by the State's contractor on March 20, 2006. The pretreatment program files were not available during this review, although later, the RWQCB reported that the pretreatment files are maintained separately by the RWQCB's Pretreatment Coordinator.

Enforcement – There were no identified violations in 2004-2006 resulting in no enforcement actions in FY06

4.7 Camarillo Sanitary District, Camarillo Wastewater Reclamation Plant NPDES Major – NPDES Permit CA0053597 issued July 25, 2003

The Camarillo Wastewater Reclamation Plant ("WWRP") is an advanced secondary wastewater treatment plant with a design capacity of 6.75 million gallons per day. The permit allows the Camarillo WWRP to discharge to Conejo Creek which is tributary to Calleguas Creek and the salt marsh, Mugu Lagoon. Separate general WDRs allow the Camarillo WWRP to reclaim treated wastewater through farmland and landscape irrigation. The permit advances limits including water quality criteria based on the CTR and TMDLs for chlorides, nitrogen compounds, toxic metals toxic organics, and pesticides. The permit also maintains iron limits derived from the Basin Plan based on anti-degradation.

The Los Angeles RWQCB concurrently issued the permit and a TSO that set interim limits derived from the Basin Plan based on 1996-2001 plant performance for nitrates plus nitrites, ammonia, and bis(2-ethylhexyl)phthalate. The ammonia-nitrogen limit had to be met by October 24, 2004. The nitrate-N + nitrite-N limit had to be met by July 14, 2007 (four years after the Nitrogen TMDL effective date). The bis(2-ethylhexyl)phthalate limit has to be met by May 10, 2008. The Los Angeles RWQCB issued a second TSO on April 2, 2007 that sets interim limits for TDS and sulfates based on plant performance from 2003 to 2006, to apply through January 31, 2011. The compliance plans indicated the possible redirection of the effluent through the Camrosa outfall.

Inspections – The report for the December 14-15, 2005 sampling inspection consisted of the State contractor's checklist and sampling results. The report did not indicate when it was issued so timeliness cannot be determined. The report listed satisfactory/marginal/unsatisfactory ("S/M/U") ratings only and did not include narrative explanations of the findings and conclusions behind the ratings.

Data Review – The FY06 DMRs due each month were reviewed on July 17, 28, and 31, 2006, over 180 days after receipt. The data review identified TDS, sulfate, ammonia, cyanide, residual chlorine, and chronic toxicity violations.

Pretreatment – The NPDES files did not contain pretreatment review reports for the FY06 pretreatment compliance inspection conducted by the State's contractor on August 7, 2006. The pretreatment program files were not available during this review, although later, the RWQCB reported that the pretreatment files are maintained separately by the RWQCB's Pretreatment Coordinator.



QNCR –The Camarillo WWRP appeared in significant non-compliance in each quarter of FY06 for nutrients and salts.

Enforcement – The Los Angeles RWQCB issued an NOV on July 1, 2005 for TDS and chloride limit violations. There is no record prior to the April 2, 2007 TSO of an NOV or any other enforcement action covering all of the identified violations and resolving the SNC status on the QNCRs. An NOV for pretreatment program non-compliance was reported in the QNCR.

4.8 City of Fillmore, Fillmore Wastewater Treatment Plant NPDES Major – NPDES Permit CA0059021 issued October 2, 2003

The Fillmore Wastewater Treatment Plant ("WWTP") is a secondary wastewater treatment plant with a design capacity of 1.3 million gallons per day. The Fillmore WWTP discharges treated wastewater to evaporation/percolation ponds with excess discharged to the Santa Clara River. The Fillmore WWTP was overloaded upon issuance of the permit and could not consistently meet Federal secondary standards. The permit also sets water quality criteria limits for toxics derived from the CTR and nutrient and salts limits derived from the 1997 Basis Plan.

Inspections – There were no inspections in FY06.

Data Review – Most of the FY06 DMRs due each month were reviewed within 180 days after receipt. However, March and July 2006 DMRs were not reviewed and the February 2006 DMR was reviewed more than 180 days after receipt. The reviews identified numerous violations of the interim nitrates plus nitrites limits, and sporadic violations of the permit limits for acute toxicity, chronic toxicity, fecal coliform, and turbidity. There was also a single violation of the beta-radioactivity limit in January 2006.

Pretreatment – There was no pretreatment review inspection in FY06.

Enforcement – Due to on-going violations, the Los Angeles RWQCB issued, concurrent with the 2003 permit, a TSO that interim limits for BOD, TSS, turbidity, nutrient, chloride, surfactants as measured by MBAS, fecal coliform and bis(2-ethylhexyl)phthalate. This TSO requires compliance with the ammonia and other limits by September 10, 2008. The Los Angeles RWQCB issued an ACLC for an MMP of \$264,000 on September 2, 2005, of which \$139,000 was allowed to apply to a SEP for constructed wet-lands to treat stormwater. The MMP covered past violations from November 2000 through July 2003 before issuance of the new permit and TSO. The MMP covered violations of BOD, TSS, chlorides, fecal coliform, oil and grease, settleable solids, and suspended solids. The MMP did not incorporate an analysis of economic benefit.

The numerous violations identified since 2003 of the interim limits in the TSO and of the other limits in the new permit have not been addressed through issuance of an NOV or any other enforcement action.



4.9 CSD Los Angeles County, Valencia Water Reclamation Plant

NPDES Major – NPDES permit CA0054216 issued November 6, 2003, effective 50 days later (December 26, 2003)

The Valencia Water Reclamation Plant ("WRP") is a tertiary wastewater treatment plant with a design capacity of 12.6 million gallons per day. The Valencia WRP discharges treated wastewater to the Santa Clara River. The permit sets water quality criteria for toxics derived from the CTR and interim limits for nutrients and salts based on the Basin Plan and RWQCB issued TMDLs. CSD Los Angeles was in the process of upgrading the Valencia WRP to provide nutrient removal through nitrification/denitrification with modified activated sludge. Because of expected violations of the new permit limits, the Los Angeles RWQCB issued, concurrent with the permit, a TSO that established interim limits for nitrate plus nitrite based on the 2003 *Nitrogen TMDL*, for chloride based on State Water Project averages, and for tetrachloroethylene, 1,4-dichlorobenzene, and bis(2-ethylhexyl)phthalate based on past treatment plant performance in 1995 to 2003. The interim limits remain in effect for toxics through October 10, 2008. The other interim limits for nutrients and salts remain in effect through the life of the TMDLs not to exceed 13 years.

Data Review – The FY06 DMRs due each month were all reviewed within 180 days after receipt. The reviews found a only couple of isolated missing sample results.

Enforcement – There were no identified violations requiring an enforcement action. However, because of expected violations of the new permit limits, the Los Angeles RWQCB issued, concurrent with the permit, a TSO that established interim limits for nitrate plus nitrite based on the 2003 *Nitrogen TMDL*, for chloride based on State Water Project averages, and for tetrachloroethylene, 1,4-dichlorobenzene, and bis(2-ethylhexyl)phthalate based on past treatment plant performance in 1995 to 2003. The interim limits remain in effect for toxics through December 2008. The other interim limits for nutrients and salts remain in effect through the life of the TMDLs not to exceed 13 years.

Pretreatment – The CSD Los Angeles County pretreatment program is reviewed as one program under the permit for the Joint Water Pollution Control Plant. As a result, there is no separate pretreatment review of the Valencia WRP. The RWQCB did perform a local limits review at the time of the NPDES permit renewal. The State's contractor conducted a pretreatment compliance inspection of the CSD Los Angeles County pretreatment program on January 23-25, 2006.

4.10 Boeing Company, Santa Susana Field Laboratory

NPDES Major – NPDES Permit CA0001309 issued July 12, 2004

The Santa Susana Field Station is a field laboratory, consisting numerous buildings and test sites, owned jointly by Boeing and the United States government (NASA and Department of Energy). The Santa Susana Field Station historically has been involved in the development and testing of rocket engines, missile components, and chemical lasers, as well as the research and development of energy programs and seismic testing experiments. One facility at the Santa Susana Field Laboratory involved the use and generation of radioactive nuclear



materials and wastes. Current activities are limited to rocket engine testing conducted by Boeing and facility closure and site remediation and restoration.

The Santa Susana Field Station generates (1) stormwater run-off, (2) treated groundwater, and (3) process cooling, hydrotesting, and fire suppression wastewaters from rocket engine testing. The permit allows excess wastewaters composed of the commingled stormwater run-off, treated groundwater, and process wastewaters, to discharge from two of the ponds into Bell Creek. The permit also allows the discharge of stormwater run-off through eight other outfalls into either Bell Creek or drainages into Dayton Canyon Creek, and process wastewaters from test stands and the perimeter pond. Both Bell Creek and the Dayton Canyon Creek discharge into the Los Angeles River.

The permit advances limits for ammonia based on the 1997 Basin Plan, chemical and radioactive contaminants from the California Title 22 regulations, Department of Health Services action levels for perchlorate, water quality criteria for toxics derived from the CTR, and TMDLs for chloride, nitrogen, and fecal coliform. The permit was amended on March 17, 2006, to incorporate an interim limit for cadmium at certain outfalls with a one-year compliance schedule.

Inspections – The permits section inspected the Santa Susana Field Station on January 3, 2006 and issued an inspection report on February 14, 2006. The report consisted checklist finding, a short narrative, and photographs annotated with narrative.

Data Review – The Los Angeles RWQCB prepared the administrative record to address a petition by Boeing to review the WDRs in the permit. The Los Angeles RWQCB reviewed the quarterly DMRs and successfully identified violations resulting in NOVs.

Enforcement – On November 30, 2005, the Los Angeles RWQCB issued a CAO to require the initiation of a cleanup and abatement program that implements all BMPs for erosion and ash deposition. The CAO followed-up two NOVs and a Section 13267 order. The March 14, 2005 NOV identified copper, mercury, pH and TCDD violations during 4Q04 and required submittal of a corrective action plan to achieve compliance. The October 7, 2005 NOV identified mercury, TCDD, residual chlorine, oil and grease, sulfate, MBAS, iron, chromium, lead, manganese, TDS, and chronic toxicity violations during 1Q05 and 2Q05. The November 22, 2005 Section 13267 order required Boeing to submit a compliance workplan. On July 25, 2007, the Los Angeles RWQCB issued an ACLC for \$471,190.

4.11 Ojai Valley Sanitary District, Ojai Valley Wastewater Treatment Plant

NPDES Major – NPDES Permit CA0053961 issued June 5, 2003

The Ojai Valley Wastewater Treatment Plant ("WWTP") is a oxidation ditch, nutrient-removal, tertiary wastewater treatment plant with a design capacity of 3.0 million gallons per day. The Ojai Valley WWTP discharges to the Ventura River. The permit advances water quality limits based on the 1994 Basin Plan for conventional pollutants, oil and grease, nutrients, residual chlorine, surfactants, toxicity, and salts, as well as on the 2000 CTR and



anti-backsliding requirements for metals, cyanide, and toxic organics. There were no violations identified in the DMRs.

Inspections – The undated report for the May 17, 2006 inspection consisted of the State contractor's checklist and photo documentation. The report listed satisfactory/marginal/unsatisfactory ratings only and did not include narrative explanations of the findings and conclusions behind the ratings.

Data Review – The FY06 DMRs due each month were reviewed within 180 days after receipt.

Pretreatment – The pretreatment report for the February 21, 2006 pretreatment compliance inspection consisted of the State contractor's checklist and narrative findings.

Enforcement – On August 5, 2005, the Los Angeles RWQCB issued an NOV for coliform, turbidity, and chronic toxicity. On February 10, 2006, the Los Angeles RWQCB issued a Section 13267 letter to require Ojai Valley to submit a schedule of corrective actions to achieve compliance with the permit limits for coliform, turbidity, and chronic toxicity. In FY07 the Los Angeles RWQCB issued an ACLC for MMPs of \$123,000 for past permit violations.

4.12 Universal Waste Systems, Whittier Facility

Stormwater – NPDES General Industrial Stormwater Permit CAS000001 issued in 1997

Universal Waste Systems in Whittier is a refuse collection facility. Stormwater drains to Coyote Creek. Violations of the stormwater permit were identified through routine site inspections.

Inspection – The Los Angeles RWQCB inspected the facility on November 4, 2005 and found BMPs not implemented, vehicle wash waters discharging to the storm drains, uncontained and uncovered chemical storage areas. The Los Angeles RWQCB conducted a follow-up inspection on June 13, 2006. The reports were issued the day following the inspection. The reports consist of checklists and photographic documentation.

Data Review – Universal Waste Systems did not submit its 2004-2005 annual report which prompted the RWQCB to inspect the facility.

Enforcement – The Los Angeles RWQCB issued a Notice of Non-compliance on August 24, 2005 and an NOV on October 17, 2005 for the failure to submit the annual report. The Los Angeles RWQCB followed the inspection with an NOV on November 16, 2005 for the violations identified in the inspection. The Los Angeles RWQCB then issued a third NOV for the failure to respond to the previous NOVs. On June 2, 2006, the Los Angeles RWQCB issued a proposed ACLC for \$15,940 for the violations of the general stormwater permit but not for the failure to respond to the NOVs. The penalty was based on statutory factors.



4.13 California Sulphur Company, Wilmington Facility

NPDES Minor - NPDES Permit No. CA0059064 issued on April 1, 2004

California Sulphur Company in Wilmington is a sulfur pelletizing and exporting plant. The processes include liquid sulfur storage, pelletizing, mechanical pellet dewatering, transfer, storage, and shipping. Dewatering water, pelletizing cooling water spills, and stormwater run-off are collected for on-site recycling through clarifiers and a water treatment system. Reclaimed wastewaters are stored in an on-site storage pond. The water treatment system has a design capacity of 86,400 gallons per day. The final pond is designed to hold a 100-year 24-hour storm. Pond overflow can discharge to the Dominguez Channel but had not during the 10 years prior to the issuance of the NPDES permit. The permit advances BMPs and BPJ limits for conventional pollutants, oil and grease, sulfides, and phenols, as the expression of Best Available Technology treatment, and water quality limits derived from the 1994 Basin Plan for pH, and toxicity.

Inspection – On August 28, 2003, the Los Angeles RWQCB issued a State contractor report from an inspection of the facility on August 23, 2003. The reports includes narrative findings.

Data Review – The inspection report identified missing self-inspection and self-monitoring reports. However, it took the Los Angeles RWQCB three years to address the violations.

Enforcement – Almost three years after the inspection, on April 28, 2006, the Los Angeles RWQCB issued an NOV based in part on the finding of the 2003 inspection report as well as for the failure to conduct annual self-inspections and self-monitoring and to reapply for the permit. The NOV required California Sulphur to submit a report of corrective actions by May 28, 2006. The report included the missing self-inspection and self-monitoring reports, the permit reapplication. As a result, the NOV returned California Sulphur to compliance.

4.14 City of Oxnard Water Section, Blending Station No.3

Stormwater – NPDES General Construction Stormwater Permit CAS000002

Blending Station No.3 is a facility where on-site ground water, imported regional water, regional waters are blended into the Oxnard drinking water supply. Oxnard filed a Notice of Intent in June 3, 2005 for coverage under the NPDES general construction stormwater permit.

Inspection – The Los Angeles RWQCB inspected the blending station and issued a report with a handwritten Notice to Comply field citation on June 22, 2005. The RWQCB followed up with a second inspection on October 4, 2005 with the report issued October 11, 2005. The second inspection report noted a return to compliance. The reports consist of checklists and photographic documentation.

Data Review – Oxnard submitted a Storm Water Pollution Prevention Plan ("SWPPP").

Enforcement – The Los Angeles RWQCB issued a Notice to Comply field citation on June 22, 2005. The RWQCB verified the return to compliance by follow-up inspection.



4.15 Los Angeles County Sanitary Districts, Manhattan Beach SSO
NPDES Major / SSO, NPDES Permit CA0053813 issued April 6, 2006

The Los Angeles County Sanitary Districts (CSDs) holds NPDES permits for a regional wastewater treatment plant (Carson Joint Water Pollution Control Plant) and a number of satellite wastewater reclamation plants (Valencia, Whittier Narrows, Pomona, etc.). On January 15-16, 2006, the Los Angeles CSDs spilled 1.5 million gallons of untreated sewage to the Manhattan and Hermosa beaches. The spill was caused by the concurrent failures of the electrical controls of a pump station and the telemetry system of alarms.

Inspection – The Los Angeles RWQCB inspected spill site during the spill event on January 15, 2006. EPA inspected the pump station on February 2, 2006 and the Los Angeles RWQCB and EPA jointly inspected all of the critical pump stations along the coast on March 8-9, 2006. The inspection report for the March 2006 inspection consisted of extensive narrative findings.

Data Review – The Los Angeles CSDs submitted pump station data and clean-up reports in response to the January 20, 2006 CAO.

Enforcement – The Los Angeles RWQCB issued a CAO on January 20, 2006, five days after the Manhattan Beach spill. The CAO required clean-up of the beaches, beach postings, technical reports regarding the cause of the spill, and historical recounts of other spills. The Los Angeles RWQCB then followed-up with a proposed ACLC on July 14, 2006. Negotiations involving the RWQCB, EPA, the Los Angeles CSDs, and an environmental group resulted in a settlement agreement on November 13, 2006 covering the Manhattan Beach spill and over 90 others throughout the sewer service area onto the beaches. The Los Angeles RWQCB issued a final ACLC of \$2,500,000 based on the settlement agreement that allowed \$2,375,000 to be applied to SEPs and the remaining \$125,000 to the Clean-up and Abatement Fund. The SEPs allocated \$2,200,000 for a San Gabriel River Discovery Center, \$50,000 for public outreach, and \$125,000 for research, all of which were not contemplated for funding by the Los Angeles CSDs and thus qualified under the SEP criteria.



5.0 File Reviews – Central Valley RWQCB

The file review covered 16 facilities representing the range of surface dischargers regulated by the Central Valley RWQCB Sacramento Office. The first dischargers picked for file review were those issued formal enforcement actions or listed on the QNCR during FY06. Others were then picked to ensure the files represented the range of surface dischargers under permit.

File Review Summary California Central Valley RWQCB	Inspection report completed in a timely manner	Inspection report address all required elements	Violations accurately identified and determinations appropriate	Was SNC determination appropriate	Did enforcement action return the source to compliance	Resolution before violations appeared on QNCR for 2 qtrs	Did action include requirement to return viols to compliance	Did the action include a reasonable compliance schedule	Did the action require appropriate injunctive relief	Did the enforcement action include a penalty	Did the penalty action incorporate BEN and gravity	Did the penalty action include an SEP
Modesto WQCF	N	Y	Y	Y	N	-	Y	Y	N	Y	MMP	?
Cascade Shores	Y	Y	Y	-	Y	-	Y	Y	Y	Y	MMP	Y
Colfax STP	Y	Y	Y	-	N	-	Y	Y	Y	Y	MMP	Y
Proctor & Gamble	Y	Y	Y	-	Y	-	-	-	-	Y	MMP	-
Aerojet-General	N	-	Y	Y	-	-	-	-	-	-	-	-
French Bar Bluffs	Y	Y	Y	-	Y	-	Y	Y	Y	Y	unk	-
Tracy WWTP	Y	N	Y	Y	Y	-	-	-	-	Y	MMP	-
Linda Co WWTP	N	-	Y	Y	Y	-	Y	Y	Y	N	-	-
Deer Creek WWTP	N	Y	Y	Y	Y	-	Y	Y	Y	N	-	-
Bear Valley WWTP	N	-	N	-	Y	-	Y	Y	Y	N	-	-
DR Horton	Y	Y	Y	-	Y	-	Y	Y	Y	Y	N	Y
Std Pacific Homes	Y	Y	Y	-	Y	-	Y	Y	Y	Y	N	N
PL Roseville	Y	Y	Y	-	Y	-	Y	Y	Y	Y	N	Y
Applegate WWTF	N	-	Y	-	Y	-	Y	Y	Y	Y	N	N
St Gregory's Olive Oil	N	-	Y	-	Y	-	Y	Y	Y	N	-	-
Rancho Ponderosa	Y	Y	Y	-	Y	-	Y	Y	Y	N	-	-
<div style="display: flex; justify-content: space-around; align-items: center;"> NPDES Major NPDES Minor Spills / SSOs Stormwater </div>												

Fact Sheets – All RWQCBs generate comprehensive fact sheets based on the permit application, on pre-permit inspections, and compliance actions. The Central Valley RWQCB fact sheets are all very informative and comprehensive, providing the documentation for the permit conditions.

Inspection Reports – The Central Valley RWQCB uses a State contractor to conduct routine inspections of NPDES facilities. Those done in FY06 were issued by the Central Valley RWQCB up to a year later. The delay between the inspection and the report was the result of a review backlog and requested revisions.



Data Review – The NPDES Compliance and Enforcement Unit systematically reviews incoming DMRs, logs in receipt and review dates, stamps the DMR cover letters and marks when it was received, when it was reviewed (usually within 30 days of receipt), by whom (now compliance section), noting any violations, and the type of violations. These functions were previously the responsibility of Area Engineers but not systematically accomplished or documented.

Permits and Enforcement Actions – The Central Valley RWQCB posts all final permits and formal enforcement actions taken by the Board on its website.

5.1 City of Modesto, Modesto Water Quality Control Facility

NPDES Major – NPDES Permit CA0079103 issued May 16, 2001

The Modesto Water Quality Control Facility ("WQCF") is secondary wastewater treatment plant utilizing trickling filters and facultative ponds with a design capacity of 62.5 million gallons per day. The primary and secondary portions of the plant are a mile apart connected by a primary effluent line. The Modesto WQCF discharges to reclaim on agriculture land and is permitted to discharge in the wet weather season (October to May) to the San Joaquin River. Modesto has a pretreatment program for industrial wastewater sources. The San Joaquin River is identified as impaired on the California 303(d) List for salts and pesticides associated with agriculture. The San Joaquin has also been identified as impaired due to low dissolved oxygen content.

The permit applied the standard secondary treatment 85% removal requirements for BOD and TSS even though ponds can be considered equivalent to secondary and the river is impaired for dissolved oxygen. The permit contains limits for salinity based on the 1995 Bay-Delta Plan and for selenium, molybdenum, and pesticides based on TMDLs and the 1996 Basin Plan. The permit sets copper limits based on the 2000 CTR that did not take effect until April 1, 2006 and interim copper limits to be in effect until then. The NPDES permit did not set any other first time effluent limits based on the CTR.

The Central Valley RWQCB issued a CDO, concurrently with the permit, requiring a pollution prevention plan by July 2002 and compliance with the permit limit for molybdenum by July 1, 2005.

Inspection – The Modesto WQCF was inspected on May 19, 2005 with the report issued a year later by the Central Valley RWQCB on July 29, 2006. The report included checklist findings, and detailed narrative explanations, and identified fecal coliform violations. Modesto reviewed its sampling procedures in response to the report. The Modesto pretreatment program was audited by the State contractor on March 29, 2006 with the report issued by the Central Valley RWQCB on July 27, 2006. Modesto revised a few industrial user permits in response to the audit.

Data Review – The FY06 DMRs due each month are reviewed and logged as reviewed generally within 30 days, although consistent documentation of the review did not begin until April 2006.



Pretreatment – The files contained pretreatment compliance inspections and audits, including the FY06 report for the pretreatment inspection conducted by the State contractor on March 27, 2006, the responses from Modesto, the annual reports, and local limit determinations.

Sewer Overflows – In FY06, Modesto self-reported at least 30 sanitary sewer overflows and spills from the primary effluent line in FY06 -- September 16, 2006, August 20, 2006, August 18, 2006, August 12, 2006, August 6, 2006, July 29, 2006, July 28, 2006 (2), July 26, 2006, July 19, 2006, June 28, 2006, May 23, 2006, May 12, 2006, May 11, 2006, May 6, 2006, May 3, 2006, April 11, 2006, April 7, 2006, March 15, 2006, February 5, 2006, February 4, 2006, January 26, 2006, January 24, 2006, January 5, 2006, January 3, 2006, December 19, 2005, December 16, 2005, December 12, 2005, November 19, 2005, and October 8, 2005. Each of these spills was between 1,000 and 50,000 gallons. Modesto has prepared an engineering plan for collection system and treatment plant improvements. The Central Valley RWQCB has not issued enforcement regarding these on-going spills.

Enforcement – The 2001 CDO for molybdenum resulted in the implementation of a pollution prevention plan based on lowered local limits and compliance assistance to the cannery users of cooling towers. On December 19, 2005, the Central Valley RWQCB issued an ACLC with a proposed penalty of \$152,000 for a large (>1 million gallon) sewage spill that occurred in October 2004. The penalty was paid on January 11, 2006.

5.2 Nevada Co. San. District No.1, Cascade Shores Wastewater Treatment Plant NPDES Minor – NPDES Permit CA0083241 issued June 14, 2001

The Cascade Shores Wastewater Treatment Plant ("WWTP") serves less than 100 homes. It is tertiary wastewater treatment plant utilizing activated sludge and sand filtration trickling filters and facultative ponds with a design capacity of 0.059 million gallons per day. The Cascade Shores WWTP discharges to an ephemeral stream leading to Rollins Reservoir and Bear River. The discharge would only reach downstream receiving waters during extreme events. The permit initially applies limits only for conventional pollutants, total coliform, and chlorine residual but adds nutrient limits based in the 2000 CTR to become effective after permit expiration on June 14, 2006. The permit set a five-year time schedule to install nitrification-denitrification by the end of the permit. Nevada County has procured small community grants, technical assistance, and loans.

Inspection – Cascade Shores WWTP was inspected on May 11, 2005 the day after a landslide displaced the influent line resulting in the discharge of untreated sewage to the creek. The report included detailed narrative and photographic findings.

Data Review – The FY06 DMRs due each month are reviewed and logged as reviewed generally within 30 days. The violations were identified and noted.

Enforcement – The Central Valley RWQCB issued an NOV on June 24, 2005 and a Section 13267 letter to submit a technical report on June 27, 2005. The Central Valley RWQCB then issued an ACLC on August 10, 2005 with a proposed penalty of \$574,000 of which \$498,000 was an MMP for effluent violations and the rest for the sewage spill caused by the landslide.



The Central Valley RWQCB then issued a CAO on August 23, 2005 to further require the mitigation of the slope instability by October 15, 2005 before the start of the rainy season. Nevada County requested an extension of the permit and CAO deadlines since its engineering report recommended relocation of the WWTP as the long-term solution. In addition, monitoring indicated that the Cascade Shores WWTP could not achieve compliance with the permit limits for nutrients by June 2006. As a result, the Central Valley RWQCB issued a CDO on May 17, 2006 that required site stability mitigation and nutrient removal by September 30, 2007. The State Water Resources Control Board determined that Cascade Shores qualifies a small community with financial hardship for exemption from the mandatory minimum penalty provisions. The penalty has not been paid as of yet.

5.3 City of Colfax, Colfax Wastewater Treatment Plant

NPDES Minor – NPDES Permit CA0079529 issued June 14, 2001

The Colfax Wastewater Treatment Plant ("WWTP") is a tertiary wastewater treatment plant using aerated ponds, chlorination and filtration, with a surface water discharge and an effluent storage reservoir for equalization and storage. The configuration is unusual with chlorination preceding filtration. Colfax is a small community in the Sierra foothills. The Colfax WWTP has a design capacity of 0.20 million gallons per day. Seepage from the storage reservoir has historically discharged from the toe of the retaining dam to Smuthers Ravine on eventually to the North Fork of the American River. Furthermore, limited reservoir storage capacity has resulted in numerous overflows from the spillway of treated but undisinfected sewage to the ravine. The seepage is now collected and treated at the tertiary plant. The City of Colfax is constructing a new tertiary WWTP, with a design capacity of 0.275 mgd for discharge to the ravine, to start-up in 2010.

The permit authorizes the treated and disinfected discharge of seepage, runoff, and reservoir freeboard from the Colfax WWTP but recognizes that seepage and emergency spillway overflows discharge to the ravine. The permit sets effluent limits for discharge for conventional pollutants, total coliform, chlorine residual, and toxicity. The permit established interim limits for coliform through the five-year duration of the permit. The permit also sets less stringent effluent limits for disposal through land application, however, land disposal was determined to be not feasible and has ceased.

Inspection – There was an inspection conducted by the State contractor of the Colfax WWTP on April 28, 2006 and issued by the Central Valley RWQCB on March 12, 2007. This inspection report consisted of a checklist, narrative findings, and photographs.

Data Review – The FY06 DMRs due each month are reviewed and logged as reviewed generally within 30 days. The violations were identified and noted.

Enforcement – There has been a long history of violations and enforcement related to the capacity of storage and seepage since construction of the WWTP in 1979. The Central Valley RWQCB issued a CDO concurrent with the permit on June 14, 2001 to address nearly 200 days of discharge of undisinfected treated sewage over the spillway, as well as coliform and residual chlorine violations. The CDO required compliance with tertiary treatment



standards by June 14, 2006. To comply with the CDO, the City of Colfax built and interim tertiary treatment plant. On December 5, 2003, the Central Valley RWQCB issued an ACLC for a MMP of \$351,000 that allowed the penalty to be directed toward a compliance project if all violations are corrected within five years through the end of 2006. The City failed to meet this deadline and the RWQCB notified the City that full payment of the penalty was due. The City has petitioned this action. The City has secured funding and is now constructing its upgraded treatment facility to meet permit requirements.

5.4 Proctor and Gamble Manufacturing

NPDES Minor – NPDES Permit CA0004316 issued March 23, 2001 and modified on March 24, 2005

Proctor and Gamble discharged cooling water and stormwater run-off from its facility in Sacramento into Morrison Creek. All other domestic and industrial wastewaters are discharged into the Sacramento Regional County sewerage works. The permit set effluent limits for chemical oxygen demand, TDS, chlorine residual, pH, maximum flow, and toxicity. The permit also required self-monitoring for the toxic pollutants of concern in the 2000 CTR but did not set limits based on the CTR. The Central Valley RWQCB rescinded the permit on June 29, 2006 because Proctor and Gamble ceased discharge of the cooling water. Proctor and Gamble instead installed cooling towers that now discharge to the sanitary sewers. The remaining stormwater run-off discharges to Morrison Creek under the general stormwater permit.

Inspection – The Central Valley RWQCB inspected Proctor and Gamble on August 17, 2005 upon receiving a report of a high-pH cooling water spill from the wastewater retention system. The report included detailed narrative and photographic findings.

Data Review – The FY06 DMRs due each month are reviewed and logged as reviewed generally within 30 days. The violations were identified and noted.

Enforcement – On August 10, 2006, the Central Valley RWQCB issued an ACLC for an MMP of \$18,000 for pH and residual chlorine violations and received payment on October 23, 2006.

5.5 Aerojet-General Corporation Interim Groundwater Extraction and Treatment Systems

NPDES Major – NPDES Permit CA0083861 issued January 26, 2006

Aerojet-General is a Superfund site in Sacramento County. Aerojet installed and operates eight groundwater extraction and treatment systems which discharge to Buffalo Creek, Morrison Creek, the American River, Sailor Bar Park Pond, and in the future to Alder Creek. The Aerojet groundwater extraction and treatment systems treat for perchlorate, TCE, vinyl chloride, PCE, n-nitrosodimethylamine (NDMA), 2,4-dioxane, and others. The Aerojet groundwater extraction and treatment systems involve either ion-exchange or biochemical



reduction of perchlorate, either air-stripping, carbon adsorption, UV-oxidation, or ozone/peroxide-oxidation for VOCs, and UV-oxidation for NDMA.

The permit sets effluent limits for each of the groundwater extraction and treatment systems for flow, pH, perchlorate and VOCs based on determinations of Best Available Technology, acute toxicity based on the 1996 Basin Plan, and for copper, aldehydes, dioxane, NDMA, and dichloroethane based on the CTR. In most instances the effluent limitations do not take into account mixing or dilution within the receiving waters.

Inspection – There was no inspection report found in the file for the Aerojet-General groundwater extraction and treatment systems in FY06. However, there was a transmittal of sampling results from samples collected during a December 2006 inspection of the treatment facilities. The results did not show a violation of the effluent limits.

Data Review – The FY06 DMRs due each month are self-reviewed for violations by Aerojet. Aerojet self-identified (1) perchlorate violations from Unit E/F in Apr06 and Jun06 and from Unit J in Mar06, (2) NDMA violations from Unit J in Mar06 and Jul05 and from Low-Threat in Feb06, and (3) one violation on Sep06 for copper effluent violations from ARGET. The DMRs were not stamped and logged as reviewed. However, the monitoring reports are thoroughly reviewed by the project manager within three days of receipt and the results are discussed with Aerojet staff.

Enforcement – There was no formal enforcement in FY06. Aerojet was directed through informal enforcement to take appropriate actions to investigate the violations and make corrections.

5.6 French Bar Bluffs, LLC and William Ullman, French Bar Bluffs Subdivision

Stormwater – NPDES General Construction Stormwater Permit CAS000002

French Bar Bluffs is a 544-acre subdivision under development in Stanislaus County. The Central Valley RWQCB inspected the property and found extensive grading and construction work that impacted the stream habitat without coverage under the NPDES general permit for stormwater. The work included creek channel grading, construction of eight earthen dams, and removal of riparian habitat without a Clean Water Act Section 404 permit or a Section 401 Water Quality Certification.

Inspection – The Central Valley RWQCB inspected French Bar Bluffs on June 22, 2005, September 26, 2005, April 3, 2006, April 6, 2006, and April 17, 2006, successfully documenting non-compliance with the general permit conditions and the enforcement actions. The reports included detailed narrative and (undated) photographic findings but did not include a map.

Data Review – Not applicable. Violations were identified through inspections.

Enforcement – The Central Valley RWQCB first issued a Notice of Non-Compliance on June 27, 2005 which required French Bar Bluffs to cease activity in the riparian areas and to



comply with the requirements of the general stormwater construction permit. The Central Valley RWQCB then issued a CAO on July 29, 2005 requiring removal of the dams and site stabilization by September 1, 2005. French Bar Bluffs did not comply with the CAO. The Central Valley RWQCB issued a second NOV on September 29, 2005 for failure to comply with the CAO. The Central Valley RWQCB then followed-up with a second CAO on April 20, 2006 that required site clean-up, restoration, and stabilization, as well as the purchase of mitigation credits for habitat loss by October 1, 2006. French Bar Bluffs did not fully comply with the second CAO. However, the US Army Corps of Engineers and the State filed suit against French Bar Bluffs and received a court judgment for injunctive relief and penalties. The settlement has not yet been reached.

5.7 City of Tracy, Tracy Wastewater Treatment Plant

NPDES Major – NPDES Permit CA0079154 issued May 10, 2007

The Tracy Wastewater Treatment Plant ("WWTP") is secondary activated sludge wastewater treatment plant with a design capacity of 9 million gallons per day. The Tracy WWTP discharges to the Old River. The previous 1996 version of the permit (WDRs) applied limits only for conventional pollutants, oil and grease, pH, total coliform, chlorine residual, and toxicity. The 2007 permit requires tertiary treatment adds toxics limits for aluminum, copper, iron, and chlorination byproducts, based on the CTR, and for salts, and nutrients, based on the 1996 Basin Plan. The 2007 permit also includes compliance schedules, pollution prevention plans, and interim limits for copper, ammonia, salinity, and aluminum, and more stringent requirements for conventional pollutants.

Tracy also accepts industrial wastewater from an adjacent cheese manufacturing facility by dedicated line to a lined aerated ponds and unlined holding ponds, leased from the City by the company, for discharge to the Tracy WWTP. The Central Valley RWQCB adopted separate WDRs for the groundwater percolation from the holding ponds

Inspection – There was no inspection of the Tracy WWTP in FY06. The Tracy pretreatment program was audited by the State contractor on October 13, 2005 with the report issued by the Central Valley RWQCB on May 15, 2006.

Data Review – The FY06 DMRs due each month are reviewed and logged as reviewed generally within 30 days, although consistent documentation of the review did not begin until August 2006.

Pretreatment – The files contained a pretreatment compliance audit, including the FY06 report for the pretreatment audit conducted by the State contractor on October 13, 2005, the responses from Tracy, and self-monitoring portions of the annual reports for Tracy.

Enforcement – The Central Valley RWQCB issued an ACLC on October 21, 2005 of \$80,000 for a chlorine release on October 21, 2003. The ACLC allowed half of the penalty to go toward an SEP.



5.8 Linda County Water District, Linda Wastewater Treatment Plant
NPDES Major – NPDES Permit CA0079651 issued October 3, 2006

The Linda County Water District Wastewater Treatment Plant ("Linda County WWTP") is secondary trickling filter wastewater treatment plant with a design capacity of 1.8 million gallons per day. The Linda County WWTP discharges to percolation ponds, in the flood plain, that have a rarely used outfall to the Feather River. A plant upgrade to nitrification-denitrification-tertiary treatment and expansion to a design capacity of 5.0 mgd is expected by the end of 2008. The plant upgrade and expansion would also involve elimination of the percolation ponds in the river flood plain and the discharge to the Feather River through a new outfall. The permit (WDRs) applies limits for conventional pollutants based on relaxed equivalent-to-secondary standards for pond systems, and interim limits for metals, pesticides and other toxics based on the CTR, and nutrients based on the 1996 Basin Plan. The permit then applies more stringent limits for conventional pollutants based on tertiary treatment, and final limits for toxics based on the Basin Plan and the CTR to take effect by May 18, 2010. Inspection – There was no inspection of the Linda County WWTP in FY06. The last inspection report was issued on April 14, 2004.

Data Review – The FY06 DMRs due each month are reviewed and logged as reviewed generally within 30 days, although consistent documentation of the review did not begin until August 2006.

Enforcement – The upgrade and expansion is to proceed under the requirements of a TSO issued concurrently with the permit. The TSO establishes further interim limits, requires compliance with the organochlorine limits by May 18, 2010 and full compliance with the permit final limits by September 21, 2011. The only enforcement in the record was the TSO issued concurrently with the new permit.

5.9 El Dorado Irrigation District, Deer Creek WWTP
NPDES Major – NPDES Permit CA0078662 issued December 6, 2002

The Deer Creek Wastewater Treatment Plant ("WWTP") is tertiary activated sludge wastewater treatment plant with a design capacity of 3.6 million gallons per day. The Deer Creek WWTP discharges to Deer Creek and on to the Cosumnes River and to a wastewater reclamation system feeding a "purple pipe" non-potable water system primarily used for community landscaping and homeowner lawns. The reclamation system operates under a separate set of WDRs called the Master Reclamation Permit. The discharge from the Deer Creek WWTP can at times dominate the flow in Deer Creek causing violations of the 1996 Basin Plan objectives for pH, dissolved oxygen, temperature, and turbidity. Facility improvements under the requirements of a 1995 CDO resulted in compliance with the dissolved oxygen limit. The Central Valley RWQCB adopted Basin Plan amendments in 2002 for pH and turbidity and in 2005 for copper, coliform, and temperature. As a result, the permit has separate discharge limits when the receiving waters provide over and under a 20-to-1 dilution, as well as reclamation limits. The permit establishes limits for conventional pollutants, coliform, turbidity, chlorine residual, and nutrients, based on the 1996 Basin Plan, and for copper and a limited list of chlorinated organics, based on the CTR.



Inspection – There was an inspection conducted by the State contractor of the Deer Creek WWTP on April 19, 2006 and issued by the Central Valley RWQCB on March 12, 2007. This inspection report consisted of checklist and narrative findings and pictures.

Data Review – The FY06 DMRs due each month are reviewed and logged as reviewed generally within 60 days, although consistent documentation of the review did not begin until August 2006. The El Dorado Irrigation District identifies any permit limit violations and any spill from the collection system in their cover letter for the DMRs.

Pretreatment – The permit includes pretreatment requirements. EPA issued an Administrative Order on September 30, 2003 requiring the El Dorado Irrigation District to submit and implement a pretreatment program since the District owns and operates two WWTPs, with combined design capacities over 5.0 mgd, which accept wastewaters from identified significant industrial users. The Central Valley RWQCB has not reviewed and approved the El Dorado Irrigation District pretreatment program. EPA has reviewed the program but the State has the delegated authority for program approval. There were no pretreatment files.

Enforcement – The Central Valley RWQCB issued a CDO concurrent with the permit on December 6, 2002 which established a compliance time schedule to expand the tertiary filtration capacity in order to comply with the permit limits for coliform, copper, and chlorinated organics by 2007. The Central Valley RWQCB issued an amendment to the CDO on October 17, 2003 to establish a compliance time schedule for nutrients and total trihalomethanes. The Central Valley RWQCB issued an amendment to the permit on 03/17/05 to adopt the site-specific amendments to the Basin Plan for coliform, turbidity, temperature, and pH. A second amendment has been drafted to adopt site-specific amendments to the Basin Plan for copper. The California Sportfishing Protection Alliance and the Deltakeeper filed a lawsuit challenging the RWQCB's and the SWRCB's decision to allow site-specific amendments to the Basin Plan for temperature.

5.10 Bear Valley Water District, Bear Valley WWTP

NPDES Minor – NPDES Permit CA0085146 issued October 31, 2005

The Bear Valley Wastewater Treatment Plant ("WWTP") is equivalent-to-secondary aerated lagoon wastewater treatment plant with a design capacity of 0.5 million gallons per day serving the community of Bear Valley and the ski resort. The Bear Valley WWTP discharges impounded treated effluent to Bloods Creek during times of high flow in the winter months and to land through spray irrigation during the summer months. The permit (WDRs) applies limits only for conventional pollutants, pH, total coliform, chlorine residual. The permit adds toxics limits for copper based on the CTR, limits for iron and manganese, based on the 1996 Basin Plan, and a compliance time schedule including interim limits for copper.

Inspection – There was no inspection of the Bear Valley WWTP in FY06. The last report in the file was issued on November 23, 2004 for the inspection on November 5, 2004.

Data Review – There was no documentation that FY06 DMRs were received or reviewed.



Enforcement – The Central Valley RWQCB issued a TSO, current with the permit, to establish a compliance deadline and interim limits for iron and manganese. The Central Valley RWQCB also issued an NOV on April 4, 2006 for a December 30-31, 2005 spill of untreated sewage from the main pump station. The file did not include a copy of the NOV.

5.11 DR Horton, Western Pacific Series

Stormwater – NPDES General Construction Stormwater Permit CAS000002

DR Horton filed a Notice of Intent ("NOI") in August 2005 for stormwater permit coverage associated with construction activity at the Browns Valley Subdivision in Solano County. Violations of the stormwater permit were identified through routine site inspections.

Inspection – The Central Valley RWQCB inspected the subdivision in February 2006 and documented the failure to implement effective erosion control BMPs and for the unmonitored discharge from a treatment unit to a tributary of Ulatis Creek. The report contains narrative and photographic findings. The Central Valley RWQCB conducted a follow-up inspection in March 2007.

Data Review – There are no DMRs.

Enforcement – In March 2006, the Central Valley RWQCB issued an NOV for the violations identified in the February 2006 inspection. The NOV required DR Horton to install BMPs, prevent the discharge of sediment-laden stormwater, and develop a monitoring plan. DR Horton responded to the NOV on March 29, 2006. On August 18, 2006, the Central Valley RWQCB issued a proposed ACLC for \$200,000 for the stormwater violations. The RWQCB settled the complaint and agreed to apply \$150,000 of the penalty to a SEP and \$50,000 to the State's Clean-up and Abatement Account.

5.12 Standard Pacific Homes, Portofino Subdivision

Stormwater – NPDES General Construction Stormwater Permit CAS000002

The Portofino Subdivision is in Solano County. Violations of the stormwater permit were identified through routine site inspections. The subdivision was sold in March 2005 by Silverwing Development to Standard Pacific Homes, which became the legal owners in May 2006.

Inspection – The Central Valley RWQCB inspected the subdivision on January 19, 2006 and found on-site personnel pumping ponded water from a lime-treated roadway directly to a storm drain. The inspectors measured a discharge pH of 11.0 s.u. The Central Valley RWQCB conducted a follow-up stormwater inspection on February 27, 2006 and found inadequate erosion control BMPs and silty discharges. The Central Valley RWQCB conducted a follow-up inspection in March 2007.

Data Review – There are no DMRs.



Enforcement – On March 1, 2006, the Central Valley RWQCB issued a proposed ACLC for \$10,000 to Silverwing Development for the maximum civil liability amount. Silverwing Development paid the fine. On March 10, 2006 the Central Valley RWQCB issued an NOV requiring effective sediment and erosion control BMPs. The response from Standard Pacific Homes did not include a required map of the BMPs.

5.13 PL Roseville, LLC, West Park Subdivision

Stormwater – NPDES General Construction Stormwater Permit CAS000002

PL Roseville filed a Notice of Intent ("NOI") in March 2005 for stormwater associated with construction activity at the West Park Subdivision in Placer County. Violations of the stormwater permit were identified through routine site inspections.

Inspection – The Central Valley RWQCB inspected the subdivision on December 19, 2005 and found the discharge of silty stormwater from the West Park storm drain system to a tributary of Pleasant Grove Creek. The RWQCB also observed silty discharges during inspections on March 23, 2006 and April 13, 2006 and on numerous other days from December 2005 through April 2006.

The Central Valley RWQCB conducted a follow-up inspection in March 2007.

Data Review – There are no DMRs.

Enforcement – On December 27, 2005, the Central Valley RWQCB issued an NOV. On March 23, 2006, the Central Valley RWQCB responded to a spill from one of the West Park advanced stormwater treatment systems into Coyote Creek. Under the direction of the California Fish and Game Department, PL Roseville cleaned portions of the creek. On April 12, 2006, the Central Valley RWQCB issued a second NOV that required corrective actions to address the spills from the advanced stormwater treatment system. On the next day, April 13, 2006, the Central Valley RWQCB responded to another spill from another West Park advanced stormwater treatment systems into Pleasant Grove Creek. Once again, under the direction of the California Fish and Game Department, PL Roseville cleaned-up the impacted portions of the creek. Consequently on July 21, 2006, the Central Valley RWQCB proposed an ACLC for \$900,000. In a January 27, 2007 settlement agreement, the RWQCB agreed to a \$700,000 penalty and to apply \$500,000 of the penalty to a SEP and \$200,000 to the State's Clean-up and Abatement Account.

5.14 Placer County, Applegate WWTF

Non-NPDES Unpermitted Spills - Non-15 Land Disposal WDRs

The Applegate WWTF serves a very small community (<30 connections) and is a three-pond sewage treatment system for the land disposal of treated domestic wastewaters through percolation and evaporation, with disinfection between ponds 2 and 3. The Applegate WWTF has a design capacity of 0.010 mgd but averages 0.011 mgd dry weather flow. There is groundwater inflow into pond 3 at a rate great enough to overtop the pond without any



contributions of sewage. The overflow discharged by emergency overflow spillway into tributary to Clipper Creek. The Applegate WWTF overtopped into Clipper Creek on many occasions from 1996 to 2006. Placer County closed all connections to the ponds and now periodically hauls by truck the contents of storage tanks to the Placer County SMD No.1 WWTP outside of Auburn.

Inspection – No inspections in FY06.

Data Review – The self-monitoring reports are kept in a separate folder from the permit files and were not reviewed during this State Review.

Enforcement – The Central Valley RWQCB issued a NOV in 1997 and a CAO in 2001. However, Placer County could not complete the work due to financial constraints. Placer County obtained funding in 2004 and started work. The Central Valley RWQCB issued a proposed ACLC for \$300,000, reduced to \$82,000, of which \$16,000 was paid in December 2006 and the remainder suspended until proof of progress. On March 14, 2006, the Central Valley RWQCB also issued an NOV for a spill from a storage tank. Full compliance was reached in October 2006 upon closure of all connections to the ponds and decommissioning of the ponds.

5.15 St. Gregory's Olive Oil

Non-NPDES - Non-15 Land Disposal WDRs

The St. Gregory's Olive Oil Farm is an olive farm and olive oil producer. St. Gregory received a waiver from the WDRs under general resolution order R5-2003-0106 for small food processors.

Inspection – No inspection in FY06.

Data Review – There are no DMRs. The Central Valley RWQCB identified the failure to submit an annual report.

Enforcement – On July 28, 2006, the Central Valley RWQCB issued an NOV to St. Gregory's for failing to submit an annual report. The NOV required submittal of the annual report by September 30, 2006, which was submitted on August 3, 2006.

5.16 El Dorado Irrigation District, Rancho Ponderosa WWTF

Non-NPDES Unpermitted Spills - Non-15 Land Disposal WDRs

The Rancho Ponderosa WWTF is a dual pond sewage treatment system for the land disposal of treated domestic wastewaters through percolation and evaporation. The permit prohibited discharge to surface waters. On February 16, 2006, the District notified the Central Valley RWQCB of seeps found outside the containment berms entering Kelly Creek.



Inspection – The Central Valley RWQCB inspected the Rancho Ponderosa WWTF on March 24, 2006. The District submitted plans to mitigate seepage.

Data Review – The DMRs noted seepages through the construction of the cut-off trench.

Enforcement – On May 26, 2006, the Central Valley RWQCB issued a CAO requiring daily inspections until a permanent cut-off trench was completed on November 2, 2006.