

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF DECEMBER 6 - 7, 2018**  
Prepared on November 5, 2018

**ITEM NUMBER: 9**

**SUBJECT: Enforcement Report**

**STAFF CONTACT: Thea Tryon 805/542-4776 or [thea.tryon@waterboards.ca.gov](mailto:thea.tryon@waterboards.ca.gov)**

**DISCUSSION**

This staff report summarizes the enforcement actions taken from April 1, 2018 through September 30, 2018. Tables 1, 2, 3, 4, and 5 include summaries of issued administrative civil liability orders, expedited payment program letters to resolve mandatory minimum penalties or other non-controversial violations, time schedule orders, notices of non-compliance for Industrial or Construction Stormwater General Permit annual reporting or enrollment violations, and notices of violations covering various programs. As shown in Table 1, several administrative civil liability orders were issued to resolve failure to submit 2016-2017 annual construction stormwater annual reports. Violations considered during this period did not require staff to issue cleanup and abatement orders or cease and desist orders.

This staff report also includes a summary of alleged violations reported from January 1, 2018 through July 31, 2018. These violations are currently under review by staff to assess priorities for potential future enforcement.

A general description of the different types of enforcement actions Water Board staff may take are provided in Attachment 1. Abbreviations used throughout this staff report are defined in Attachment 2. More detailed descriptions of each type of enforcement action are provided in the [2017 Water Quality Enforcement Policy](#).

<b>Table 1: Issued Final Administrative Civil Liability Orders (ACL)</b>			
<b><u>Discharger/Facility</u></b>	<b><u>Violations</u></b>	<b><u>Penalty</u></b>	<b><u>Supplemental Environmental Project<sup>1</sup></u></b>
Morro Bay/Cayucos WWTP	- Total residual chlorine	\$3,000	CCAMP-GAP \$1,500
<i>Summary: ACL order No. R3-2017-0053 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			

<b>Table 1: Issued Final Administrative Civil Liability Orders (ACL)</b>			
<b><u>Discharger/Facility</u></b>	<b><u>Violations</u></b>	<b><u>Penalty</u></b>	<b><u>Supplemental Environmental Project<sup>1</sup></u></b>
City of Gilroy Lions Creek Trail Projects Construction Stormwater Site	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0041 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			
Greenfield Union School District / Office Annex, Monterey County	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0023 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			
CVR Hotel Investors / Bernardus Lodge, Monterey County	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0027 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			
Greenfield Union School District Administration & Library Buildings Increment 1, Monterey County	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0028 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			
Paul Righetti Residence Project, Santa Barbara County	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0031 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			
Greka / North Cat Canyon, Santa Barbara County	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0032 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			

<b>Table 1: Issued Final Administrative Civil Liability Orders (ACL)</b>			
<b><u>Discharger/Facility</u></b>	<b><u>Violations</u></b>	<b><u>Penalty</u></b>	<b><u>Supplemental Environmental Project<sup>1</sup></u></b>
City of Goleta / Los Carneros Overhead Bridge Replacement, Santa Barbara County	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0035 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			
Green Valley Corporation / Sycamore Creek, Santa Barbara County	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0036 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program Offer.</i>			
Tryon Company LLC / Arlington Village, Santa Barbara County	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0039 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			
Monterey Peninsula Hotels Group, LP / Springhill Suites by Marriott, Monterey County	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0026 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			
Miller Anderson Office Building, Monterey County	Failure to submit construction stormwater annual report	\$1,278	Not available
<i>Summary: ACL order No. R3-2018-0024 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			

<sup>1</sup> Unless otherwise noted, the Supplemental Environmental Project (SEP) is the Central Coast Ambient Monitoring Program - Groundwater Assessment and Protection (CCAMP-GAP) Project, identified by the Central Coast Water Board in Resolution No. R3-2012-0024 as being among the Water Board's highest priorities. In accordance with the State Water Board's 2017 Supplemental Environmental Project Policy, effective May 3, 2018, Central Coast Water Board Enforcement staff is temporarily withholding the CCAMP-GAP Project as an SEP until the State Water Board approves it by resolution. Enforcement staff anticipates the State Water Board's consideration of a resolution in fiscal year 2018-2019.

<b>Table 2: Issued Expedited Payment Program Letters (EPLs; Settlement Proposals for Mandatory Minimum Penalties per the Water Code or for Other Non-Controversial Issues)</b>			
<b><u>Discharger/Facility</u></b>	<b><u>Violations</u></b>	<b><u>Proposed Penalty</u></b>	<b><u>Status<sup>2</sup></u></b>
Desert Ice Holdings / Point Sal Dunes Phase IV, Santa Barbara County	Failure to submit construction stormwater annual report	\$1,278	Issued and under discharger consideration
<i>Summary: EPL No. R3-2018-0037 offering to settle mandatory minimum penalty for one violation of NPDES permit reporting requirements.</i>			
The Suner Corp / Harvest Park II, Santa Clara County	Failure to submit construction stormwater annual report	\$1,278	Issued and under discharger consideration
<i>Summary: EPL No. R3-2018-0042 offering to settle mandatory minimum penalty for one violation of NPDES permit reporting requirements.</i>			
Granite Rock Company / Arthur Wilson Quarry, Santa Cruz County	- Effluent total dissolved solids - Effluent cyanide - Effluent molybdenum	\$18,000	Agreed upon and out for public comment
<i>Summary: EPL No. R3-2018-0046 offering to settle mandatory minimum penalty for six violations of NPDES permit reporting requirements.</i>			

<sup>2</sup> EPL Offers have three primary stages: 1) issued to a discharger and under consideration, 2) agreed upon and out for public comment, or 3), issued by the Executive Officer as ACL order. EPLs executed as ACL orders are listed in Table 1 above. In accordance with the State Water Board's 2017 Supplemental Environmental Project Policy, effective May 3, 2018, Central Coast Water Board Enforcement staff is temporarily withholding the CCAMP-GAP Project as an SEP until the State Water Board approves it by resolution. Enforcement staff anticipates the State Water Board's consideration of a resolution in fiscal year 2018-2019.

<b>Table 3: Issued Time Schedule Orders (TSOs)</b>			
<b><u>Discharger/Facility</u></b>	<b><u>Issue Date &amp; Duration</u></b>	<b><u>Interim Limits</u></b>	<b><u>Order Number</u></b>
Morro Bay and Cayucos Sanitary District / WWTP	6/27/2018. Full compliance with final effluent limits required by 2/28/2023 (4 years and 8 months).	- BOD, 120 mg/L avg. monthly - BOD, 2,062 lbs/day avg. monthly - BOD, 180 mg/L inst. max. - BOD, 3,092 lbs/day inst. max. - TSS, 70 mg/L avg. monthly - TSS 1,203 lbs/day avg. monthly - TSS, 105 mg/L inst. max. - TSS, 1,804 lbs/day inst. max.	R3-2018-0019
<i>Summary: TSO establishes interim effluent limits and a time schedule to allow the Discharger to implement facility upgrades necessary to apply full secondary treatment to municipal wastewater and achieve new effluent limitations for Biological Oxygen Demand (BOD) and Total Suspended Solids (TSS) in WDR order No. R3-2017-0050, NPDES permit CA0048941.</i>			

<b>Table 4: Issued Notices of Non-Compliance for Industrial or Construction Stormwater General Permit Annual Reporting or Enrollment (NNCs) – By County</b>			
<b><u>Discharger/Facility</u></b>	<b><u>Responsible Party</u></b>	<b><u>Annual Report or Enrollment, 1<sup>st</sup> or 2<sup>nd</sup> NNC</u></b>	<b><u>County</u></b>
Mirasol Mixed Use Construction Project	Sentinel Development	Annual report, 1 <sup>st</sup>	Santa Barbara
Track 2805 Kleck Road Construction Project	Ron Berry	Annual report, 1 <sup>st</sup>	San Luis Obispo
Monte Cristo Place Construction Project	John Decker	Annual report, 1 <sup>st</sup>	San Luis Obispo
(35) Construction Stormwater Facilities, Dated 5/1/2018	Various	Annual report, 2 <sup>nd</sup>	Various
(23) Industrial Stormwater Facilities, Dated 8/17/2018	Various	Annual report, 1 <sup>st</sup>	Various
(7) Industrial Stormwater Facilities, Dated 9/14/2018	Various	Annual report, 2 <sup>nd</sup>	Various

<b>Table 5: Issued Notices of Violation (NOVs) – By County</b>				
<b><u>Discharger/Facility</u></b>	<b><u>Responsible Party</u></b>	<b><u>Program</u></b>	<b><u>Violation Type</u></b>	<b><u>County</u></b>
City of Goleta MS4	City of Goleta	Municipal Stormwater	- Failure to implement post construction report - Failure to review and approve erosion and sediment control plans	Santa Barbara
Lloyd et al 17 Underground Injection Control Well (Cat Canyon Oil Field)	Greka Integrated (dba HVI Cat Canyon)	Oil Field Regulatory Program	Failure to comply with technical reporting order	Santa Barbara
Union Road Bridge Replacement Project	San Benito County	401 Cert	Failure to submit annual report	San Benito
Santana Ranch Project	Stonecreek Properties / Guerra Nut Shelling Company	401 Cert	Failure to submit annual report	San Benito
Hecker Pass Safety Improvement Project	California Department of Transportation	401 Cert	Failure to submit annual report	Santa Clara

<b>Table 5: Issued Notices of Violation (NOVs) – By County</b>				
<b><u>Discharger/Facility</u></b>	<b><u>Responsible Party</u></b>	<b><u>Program</u></b>	<b><u>Violation Type</u></b>	<b><u>County</u></b>
Harvest Park II Construction Project	Gilroy Pacific Associates II	Construction Stormwater	<ul style="list-style-type: none"> <li>- Active discharge</li> <li>- Self-inspection and reporting</li> <li>- Erosion controls</li> <li>- Sediment and perimeter controls</li> <li>- Stock pile controls</li> <li>- Non-stormwater discharges</li> <li>- Waste storage</li> <li>- housekeeping</li> </ul>	Santa Clara
Meritage Homes Harvest Park II Construction Project	Meritage Homes Harvest Park II Gilroy	Construction Stormwater	<ul style="list-style-type: none"> <li>- Active discharge</li> <li>- Self-inspection and reporting</li> <li>- SWPPP requirements</li> <li>- Erosion controls</li> <li>- Sediment and perimeter controls</li> <li>- Stock pile controls</li> <li>- Non-stormwater discharges</li> <li>- Vehicle storage &amp; maintenance</li> <li>- Waste storage</li> <li>- Housekeeping</li> </ul>	Santa Clara
Americold Logistics	Americold Logistics, LLC	Industrial Stormwater	<ul style="list-style-type: none"> <li>- Failure to develop and submit SWPPP</li> <li>- Deficient pollutant source assessment</li> <li>- Unauthorized non-stormwater discharges</li> <li>- Improper best management practices</li> </ul>	Monterey
City of Soledad MS4 Program	City of Soledad	Municipal Stormwater	<ul style="list-style-type: none"> <li>- Failure to develop illicit discharge source inventory</li> <li>- Failure to conduct investigations</li> <li>- Failure to ensure source control implementation</li> <li>- Post-construction requirements failures</li> </ul>	Monterey
Crazy Horse Sanitary Landfill Closure Project	Salinas Valley Solid Waste Authority	401 Cert	Failure to submit annual report	Monterey

<b>Table 5: Issued Notices of Violation (NOVs) – By County</b>				
<b><u>Discharger/Facility</u></b>	<b><u>Responsible Party</u></b>	<b><u>Program</u></b>	<b><u>Violation Type</u></b>	<b><u>County</u></b>
City of Greenfield WWTP	City of Greenfield	Waste Discharge Requirements	Failure to operate disposal ponds and spray irrigation areas according to waste discharge requirements	Monterey
Arboleda Phase 3 Subdivision, King City	Nino Development, Inc.	Construction Stormwater	<ul style="list-style-type: none"> <li>- Active or past discharge</li> <li>- Ineffective soil cover</li> <li>- Sediment and perimeter controls</li> <li>- Stock pile control</li> <li>- Non-stormwater discharges</li> <li>- Waste container storage</li> <li>- Housekeeping</li> </ul>	Monterey
Mills Ranch Phase 1, King City	Nino Development, Inc.	Construction Stormwater	<ul style="list-style-type: none"> <li>- Ineffective soil cover</li> <li>- Sediment and perimeter controls</li> <li>- Stock pile control</li> </ul>	Monterey
Mission Springs Christian Camp and Conference Center Onsite Wastewater Treatment System	Mission Springs Christian Camp and Conference Center	Waste Discharge Requirements	<ul style="list-style-type: none"> <li>- Effluent biological oxygen demand, total suspended solids and total nitrogen</li> <li>- Receiving water total nitrogen</li> <li>- Exceeding daily flow limit</li> <li>- Late reporting</li> <li>- Failure to report</li> </ul>	Santa Cruz
Santa Cruz County Fairgrounds	14 <sup>th</sup> District Agricultural Association	Municipal Stormwater	<ul style="list-style-type: none"> <li>- Failure to demonstrate adequate legal authority</li> <li>- Failure to implement post-construction stormwater management program</li> <li>- Failure to implement program to reduce use of pesticides, herbicides, and fertilizers</li> </ul>	Santa Cruz
San Lorenzo River Lagoon Interim Management Project	City of Santa Cruz	401 Cert	Failure to submit annual report	Santa Cruz
County of San Luis Obispo MS4	County of San Luis Obispo	Municipal Stormwater	Failure to achieve San Luis Obispo creek total maximum daily load allocation for pathogens	San Luis Obispo
City of San Luis Obispo MS4	City of San Luis Obispo	Municipal Stormwater	Failure to achieve San Luis Obispo creek total maximum daily load allocation for pathogens	San Luis Obispo

<b>Table 5: Issued Notices of Violation (NOVs) – By County</b>				
<b><u>Discharger/Facility</u></b>	<b><u>Responsible Party</u></b>	<b><u>Program</u></b>	<b><u>Violation Type</u></b>	<b><u>County</u></b>
California Polytechnic State University San Luis Obispo MS4	California Polytechnic State University	Municipal Stormwater	Failure to achieve San Luis Obispo creek total maximum daily load allocation for pathogens	San Luis Obispo
Cal Poly Grand Avenue Housing South Construction Project	Cal Poly State University, SLO	Construction Stormwater	- Polluted stormwater discharge to street - Non-stormwater discharge - Poor housekeeping (debris/trash on ground) - Wind erosion control - Sediment and perimeter controls	San Luis Obispo
California Men's Colony Sanitary Sewer System	California Department of Corrections & Rehabilitation	Waste Discharge Requirements	- Sanitary sewer overflows - Failure to properly operate and manage sewer system - Failure to conduct system audits - Failure to establish legal authority to prevent illicit discharges to system - Failure to comply with management plan availability requirements	San Luis Obispo
California Men's Colony Wastewater Treatment Plant	California Department of Corrections & Rehabilitation	Waste Discharge Requirements	- Failure to properly operate and manage treatment plant	San Luis Obispo
California Men's Colony Wastewater Treatment Plant	California Department of Corrections & Rehabilitation	Waste Discharge Requirements	- Initiating discharge to brine ponds prior to submitting report of waste discharge	San Luis Obispo
Old Creek Road Culvert Replacement Project	San Luis Obispo County	401 Cert	Failure to submit annual report	San Luis Obispo
Broad Street Bank Stabilization Project	City of San Luis Obispo	401 Cert	Failure to submit annual report	San Luis Obispo
City of Grover Beach MS4	City of Grover Beach	Municipal Stormwater	- Failure to maintain inventory of potential illicit discharge sources - Failure to minimize pollutant discharges in runoff from city facilities - Post-construction requirements	San Luis Obispo



<b>Table 5: Issued Notices of Violation (NOVs) – By County</b>				
<b><u>Discharger/Facility</u></b>	<b><u>Responsible Party</u></b>	<b><u>Program</u></b>	<b><u>Violation Type</u></b>	<b><u>County</u></b>
Tract 2560 Phase II, 215 Bridge Street Project	Seth McCormick	401 Cert	Failure to submit annual report	San Luis Obispo

**VIOLATIONS PENDING FURTHER STAFF REVIEW**  
(January 1, 2018 – July 31, 2018)

Water Board staff uses the California Integrated Water Quality System (CIWQS) and the Storm Water Multiple Application and Report Tracking System (SMARTS) to track Water Board data, including violations and enforcement actions. For the period of January 1, 2018 through July 31, 2018, these databases included violations for the various categories of violations summarized below. While the recent enforcement actions listed above may address some of the violations included in the table below, only some of these violations correlate with the above enforcement actions. Water Board staff are currently reviewing these violations to assess priorities for potential future enforcement.

<b><u>Recent Violations Pending Further Enforcement Staff Review</u></b>			
<b><u>Violation Type</u></b>	<b><u>Number of Violations</u></b>	<b><u>Associated Programs</u></b>	<b><u>Primary Sources of Violations</u></b>
Effluent Limitations	437	- NPDES - WDR - Recycled Water	pH, Biochemical Oxygen Demand, Total Dissolved Solids, Sodium, Chloride, Settleable Solids, Nitrogen (various), Total Suspended Solids, Sulfate, Ammonia, Metals, Total Residual Chlorine, Bis (2-Ethylhexyl) Phthalate, Coliforms, Flow Rate, Dissolved Oxygen, Turbidity, Electrical Conductivity.
Receiving Water Limitations	37	- NPDES - WDR - Animal Waste – Cows/Dairies	Chloride, Sodium, Total Dissolved Solids, Nitrate, Sulfate, Formaldehyde, Fecal Coliform.
Sanitary Sewer Overflows to Surface Waters	13	- WDR	Debris or Fats, Oils, and Grease in collection system, root intrusion.
Unauthorized Discharges to Surface Waters	4	- NPDES - Ind. SW	Unauthorized discharge of untreated municipal wastewater, runoff from equipment washdown.

<b>Recent Violations Pending Further Enforcement Staff Review</b>			
<b><u>Violation Type</u></b>	<b><u>Number of Violations</u></b>	<b><u>Associated Programs</u></b>	<b><u>Primary Sources of Violations</u></b>
Order Conditions	19	- Landfills - NPDES - WDR	Failures relating to facility maintenance, application of design specifications, bypass of treatment systems, permitted flow rate, pond freeboard, pond minimum dissolved oxygen, disposal pond maintenance, spray irrigation management and ponding.
Deficient BMPs	21	- Const. SW - MS4 SW - Ind. SW	Poor housekeeping, trash, erosion control, entrance/exit sediment tracking, sediment basin, perimeter controls, post-construction requirements, failure to review erosion and sediment plans, failure to develop procedures to identify illicit discharges.
Reporting	66	- 401 Cert. - WDR - Const. SW - Ind. SW	Failure to submit annual report, deficient reporting.
Deficient Monitoring	38	- Animal Waste – Cows/Dairies - NPDES - WDR	Failures to monitor due to issues like operator error, staffing changes, or lab error.

Violation reports are available to the public as described in further detail in the fact sheet located at:

[http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/docs/pub\\_vio\\_rpt\\_fs\\_pub.pdf](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/docs/pub_vio_rpt_fs_pub.pdf)

## **ATTACHMENTS**

1. Enforcement Action Descriptions
2. Enforcement Report Abbreviations

R:\RB3\Shared\Enforcement\Reports\Board Meeting Reports\2018 Meetings with Enf Rpts\3\_Dec 6-7\_SLO - DUE TO TT 10-16-18\Enf Staff Rpt for Dec 6-7 2018 Brd Mtg.docx