

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION

STAFF REPORT FOR REGULAR MEETING SEPTEMBER 4-5, 2008

Prepared on August 13, 2008

ITEM NUMBER: 21

SUBJECT: Enforcement Report

DISCUSSION

Violations Listing

Staff uses the California Integrated Water Quality System (CIWQS) to track Water Board data, including violations and enforcement actions. The following pages contain a list of violations generated from CIWQS that occurred between April 1, 2008, and May 31, 2008.

CIWQS is still a work in progress, and the attached report has some deficiencies. However, we are providing the report to demonstrate the current and future capabilities of CIWQS. This listing has improved and should continue to improve in future editions. CIWQS has a new sewer system overflow (SSO) module which provides better tracking and reporting of such spills.

Summary of Enforcement Activities

The following information summarizes significant enforcement action taken by the Water Board during the period between June 1, 2008, and July 31, 2008,

Notices of Violation

- Dreisbach Enterprises, Strawberry Processing Facility
- City of Hollister, Domestic Wastewater Treatment Facility

Cleanup and Abatement Orders

- Former Vapor Cleaners, 951 Del Monte Avenue

Administrative Civil Liability Complaints

- Greka Oil & Gas, Inc.
The Assistant Executive Officer issued ACL complaint No. R3-2008-0063 to Greka Oil & Gas, Inc. on July 21, 2008. Greka produces oil at several facilities in the Santa Maria valley, and has accumulated many piles of oilfield wastes on oil production properties. The wastes primarily consist of sludge removed from tank bottoms and soil contaminated by spills and leaks. The complaint alleges that Greka has failed to comply with a cleanup and abatement order requiring proper containment or disposal of the wastes. The complaint proposes a penalty of \$8.585 million. Staff is scheduling a Bond hearing on this matter in early 2009. The full complaint and associated documents are available at the following link: http://www.waterboards.ca.gov/centralcoast/Public_Notice/documents/greka-waste-pile-aclc.pdf
- Bardex Corporation
The Assistant Executive Officer issued ACL complaint No. R3-2008-0063 to Bardex Corporation on July 21, 2008. Bardex operates a manufacturing facility in Goleta, Santa Barbara County. Spills and leaks at the facility have degraded underlying groundwater with solvents and organic pollutants. The complaint alleges that Bardex failed to submit technical

information required by Water Board orders. The complaint proposes a penalty of \$25,000. Staff anticipates holding a hearing on this matter at the October 16-17 meeting in Santa Barbara. The full complaint and associated documents are available at the following link:

<http://www.waterboards.ca.gov/centralcoast/Public%20Notice/index.htm>

➤ Western Farm Service, Salinas Facility

On July 1, 2008, the Assistant Executive Officer issued ACL complaint No. R3-2008-0047 against Western Farm Service, Inc. for spilling approximately 100 gallons of water polluted with pesticides and fertilizers to the Salinas Reclamation Canal on March 7, 2007, failing to report the spill, and improperly operating its Salinas facility. The complaint proposed an assessment of \$30,000.

Western Farm Service owns and operates a pesticide and fertilizer sales and application business with locations throughout the Central Coast Region and California. Western Farm Service is regulated by Waste Discharge Requirements Order No. 00-30, which prohibits waste discharges to surface waters and requires timely reporting of spills and proper facility operation. Western Farm Service drained water from a container of used personal protective equipment and allowed it to flow from the facility's drainage system to state and federal waters. The facility drainage system is equipped with shut-off valves that would have prevented the discharge to surface waters; however, the valves were not properly operated. The City of Salinas storm water monitoring program manager was inspecting the facility during the spill and sampled the discharge to confirm elevated levels of several pesticides and un-ionized ammonia.

After receiving the Complaint, Western Farm Service accepted staff's offer to meet and discuss the allegations. During our meeting on July 23, 2008, Western Farm Service committed to improving the documentation and implementation of its best management practices and compliance with waste discharge requirements. On July 30, 2008, Western Farm Service submitted a waiver of its right to a hearing and two checks for \$15,000 each (the nature of the violations required that the funds be deposited into two different state accounts). The matter is settled and no hearing will be held.

➤ Gilroy Unified School District, Christopher High School

On June 25, 2008, the Assistant Executive Officer issued ACL complaint No. R3-2008-0030 to Gilroy Unified School District, alleging violations of the general NPDES storm water construction permit at Christopher High School. The complaint recommends a penalty of \$250,000.

A hearing was originally scheduled for the September Water Board meeting; however, all parties have agreed to delay the hearing until December 5, 2008, in San Luis Obispo while the parties discuss settlement terms. The full complaint and associated documents are available at the following link:

<http://www.waterboards.ca.gov/centralcoast/Public%20Notice/PublicNoticeIndex.htm>

➤ California Department of Corrections and Rehabilitation, California Men's Colony

Water Board prosecution staff recently issued a complaint for mandatory minimum penalties against the California Men's Colony. See Item 23 for complete information.

Mandatory Minimum Penalty Initiative

The State Water Board's Office of Enforcement has begun a process (Statewide Enforcement Backlog Initiative) to reduce the large and growing number of violations subject to mandatory

minimum penalties (MMPs). The initiative will achieve the backlog reduction through a phased approach of first resolving uncontested MMP violations with minimal, additional staff time by sending letters to facilities with violations subject to MMPs and offering them the opportunity to resolve their violations by acknowledging them and providing full payment of any accrued mandatory penalties. Based on the response to the initial contact correspondence to facilities subject to the MMPs, the Water Boards will sequence and process remaining MMP enforcement hearings. Facilities will be addressed on a flow basis beginning July 1, 2008, as CIWQS data are validated for each facility.

On July 1, 2008, the Office of Enforcement sent letters to 22 facilities in the Central Coast Region. The following table lists each facility, number of violations, and corresponding liability.

Facility	Number of Violations	Liability
Big Basin State Park	5	\$15,000
California Water Service Company	5	\$15,000
Carpinteria Sanitary District	3	\$9,000
Cemex Santa Cruz Cement	5	\$15,000
Cuyama Community Services District	2	\$6,000
Santa Barbara WWTP	4	\$12,000
Lompoc Regional WWTP	12	\$36,000
Morro Bay Power Plant	5	\$15,000
Morro Bay/Cayucos WWTP	1	\$3,000
Moss Landing Power Plant	3	\$12,000
Paso Robles WWTP	15	\$45,000
Diablo Canyon Power Plant	1	\$3,000
Pismo Beach WWTP	12	\$36,000
Cemex RMC Pacific Olympia Sand Plant	1	\$3,000
San Juan Bautista WWTP	5	\$15,000
San Luis Obispo WWTP	18	\$54,000
San Simeon WWTP	1	\$3,000
South San Luis Obispo Sanitary District WWTP	2	\$6,000
Gilroy Test Well Drilling Program	2	\$6,000
Uni-Kool Company Abbott St	5	\$15,000
Uni-Kool Company Salinas	2	\$6,000
Well-Pict Berries	1	\$3,000
	110	\$333,000

Office of Enforcement set a July 31, 2008 deadline for response to the letters. As of the date of this report, San Simeon agreed to pay. We have received no further responses. Staff will provide additional MMP initiative updates in future enforcement reports.

RECOMMENDATION

This report is for Board information. The Board may provide direction to staff.

ATTACHMENTS

1. Violation List