

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

**STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 22-23, 2016**

Prepared on August 19, 2016

**ITEM NUMBER:** 13

**SUBJECT:** Enforcement Report

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**DISCUSSION**

This enforcement report uses a new format to provide better information to the Water Board regarding our enforcement activities. The new format includes background information on the types of enforcement actions that can be taken, a summary of our recent enforcement actions (Tables 1 through 7), and a new way of presenting violations reported by dischargers (Table 8). We no longer provide a long list of “raw data” regarding violations as such data are still under review by program and enforcement staff to assess priorities for potential future enforcement. Instead, Table 8 provides a summary of the reported violations categorized by program, without identifying the dischargers. As a result, this enforcement report format shifts emphasis to enforcement actions recently taken (Tables 1 through 7), as this information is more relevant to our actual enforcement activities in response to violations that have been thoroughly reviewed and assessed as priorities for enforcement.

The Water Boards have a variety of enforcement tools and actions they can use in response to noncompliance by dischargers. The types of enforcement actions that can be taken include Administrative Civil Liability Orders, Expedited Payment Program letters, Cleanup and Abatement Orders, Time Schedule Orders, Cease and Desist Orders, and Notice of Violation letters. In addition, staff spends considerable time on informal discussions with dischargers regarding potential violations and general compliance (which we do not document here). A general description of the different types of enforcement actions that can be taken is provided in Attachment 1, and a detailed description is provided in the [State Water Board Water Quality Enforcement Policy](#).

The following tables summarize the different enforcement actions taken from December 1, 2015, to July 31, 2016, either by the Enforcement Team which consists of Michael Thomas, Thea Tryon, Jill North, and Todd Stanley, or by Program Staff in coordination with the Enforcement Team.

<b>Table 1: Final Administrative Civil Liability Orders (Issued)</b>			
<b><u>Discharger/Facility</u></b>	<b><u>Violations</u></b>	<b><u>Penalty Imposed</u></b>	<b><u>Supplemental Environmental Project<sup>1</sup></u></b>
City of San Luis Obispo WWTP	Total Residual Chlorine Total & Fecal Coliform Dissolved Oxygen	\$30,000	Declined by Discharger
<i>Summary: State Water Board ACL Order No. SWB-2008-3-0016 imposing mandatory minimum penalty for ten violations of NPDES permit effluent limitations. Resolved by settlement via Expedited Payment Program Offer initiated by the State Water Board Office of Enforcement.</i>			
Heritage Ranch CSD WWTP	Total Coliform	\$3,000	Declined by Discharger
<i>Summary: ACL Order No. R3-2016-0019 imposing mandatory minimum penalty for one violation of NPDES permit effluent limitation. Resolved by settlement via Expedited Payment Program Offer.</i>			
Morro Bay SD/Cayucos WWTP	Total Residual Chlorine	\$9,000	\$4,500 to CCAMP-GAP
<i>Summary: ACL Order No. R3-2016-0021 imposing mandatory minimum penalty for three violations of NPDES permit effluent limitation. Resolved by settlement via Expedited Payment Program Offer.</i>			
City of Watsonville WWTP	Polychlorinated Biphenyls (PCBs)	\$3,000	\$1,500 to CCAMP-GAP
<i>Summary: ACL Order No. R3-2016-0022 imposing mandatory minimum penalty for one violation of NPDES permit effluent limitation. Resolved by settlement via Expedited Payment Program Offer.</i>			
Carmel Area Wastewater District Collection System	SSO	\$12,461.63	\$6,230.81 to CCAMP-GAP
<i>Summary: ACL Order No. R3-2016-0011 imposing penalty for a 4,500-gallon sanitary sewer overflow to Hatton Creek in violation of WDR Order No. 2006-0003-DWQ and the Clean Water Act.</i>			
Monterey Regional Water Pollution Control Agency Regional Treatment & Outfall System Collection System	SSO	\$298,958	\$149,479 to CCAMP-GAP
<i>Summary: ACL Order No. R3-2016-0017 imposing penalty for a 220,000-gallon sanitary sewer overflow to Monterey Bay in violation of WDR Order No. 2006-0003-DWQ and the Clean Water Act.</i>			

<b>Table 1: Final Administrative Civil Liability Orders (Issued)</b>			
<b><u>Discharger/Facility</u></b>	<b><u>Violations</u></b>	<b><u>Penalty Imposed</u></b>	<b><u>Supplemental Environmental Project<sup>1</sup></u></b>
Imerys Minerals California, Inc Diatomaceous Earth Mining Facility (Santa Barbara County)	Unauthorized non-stormwater discharges	\$111,294	\$55,647 to CCAMP-GAP
<i>Summary: ACL Order No. R3-2015-0028 imposing penalty for discharging diatomaceous earth slurry to San Miguel Creek in violation of Water Quality Order No. 97-03-DWQ and the Clean Water Act.</i>			

<sup>1</sup> The Supplemental Environmental Project (SEP) is the Central Coast Ambient Monitoring Program - Groundwater Assessment and Protection (CCAMP-GAP) Project, identified by the Water Board in Resolution No. R3-2012-0024 as being among the Water Board's highest priorities.

<b>Table 2: Proposed Expedited Payment Program Letters (EPLs)</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>
Cambria Community Services District Advanced Water Treatment System	Total Residual Chlorine	\$3,000	Public Comment Period ends 8/26/16
<i>Summary: Proposed EPL No. R3-2016-0037 offering to settle mandatory minimum penalty for one violation of NPDES permit effluent limitation.</i>			
Ca. Dept. of Corrections & Rehabilitation, Ca. Men's Colony WWTP	Dibromochloromethane Dichlorobromomethane Bis (2-Ethylhexyl) Phthalate	\$27,000	Public Comment Period ended 8/15/16
<i>Summary: Proposed EPL No. R3-2016-0031 offering to settle mandatory minimum penalty for nine violations of NPDES permit effluent limitations.</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.

<b>Table 3: Cleanup and Abatement Orders (CAOs)</b>			
<b><u>Discharger/Facility</u></b>	<b><u>Responsible Party</u></b>	<b><u>County</u></b>	<b><u>Order Number</u></b>
Sweet Springs Emergency Access Road Culvert	MJG Property Holding Partners LLC	San Luis Obispo	R3-2015-0042
<i>Summary: CAO requires cleanup and abatement/restoration of unauthorized excavation activities and discharge of fill material into an unnamed tributary to Arroyo Grande Creek through the unpermitted installation of a culvert, rock slope protection, and a driveway.</i>			

**Table 4: Cease and Desist Orders (CDOs)**

<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>County</u>	<u>Order Number</u>
Centrally Grown, Inc. - Small Onsite Treatment System	Centrally Grown Holdings LLC	San Luis Obispo	R3-2016-0015

*Summary: CDO for surfacing effluent from subsurface disposal system in violation of 97-10-DWQ. CDO requires cessation of discharges, re-evaluation and redesign of treatment and disposal system by licensed civil engineer, submittal of missing monitoring data, system testing, performance bond, contract with certified plant operator, and various Water Board approvals and notifications prior to restarting discharge in full compliance with 97-10-DWQ as renewed or revised.*

**Table 5: Time Schedule Orders (TSOs)**

<u>Discharger/Facility</u>	<u>Issue Date &amp; Duration</u>	<u>Interim Limits</u>	<u>Order Number</u>
City of El Paso de Robles WWTP	7/27/16; 5 Yrs	Chlorodibromomethane; 5 µg/L Dichlorobromomethane; 10 µg/L (collectively referred to as Trihalomethanes or THMs)	R3-2016-0033

*Summary: Establishes interim effluent limits for THMs while City implements chloramination process by June 10, 2018, or replaces it with an alternative disinfection process by June 10, 2021. Includes quarterly reporting.*

**Table 6: Notices of Non-Compliance for Industrial Stormwater General Permit Annual Reporting (NNCs)**

<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>County</u>
Max Auto Wrecking	Antonio Maximo	San Luis Obispo
Arreolas Auto Wrecking	Arreolas Auto Wrecking	San Luis Obispo
CA Dept Corrections Men's Colony	CA Dept of Corrections Men's Colony	San Luis Obispo
Carmel Sch Dist Trans Fac	Carmel School District	Monterey
Fresh Express Inc	Fresh Express Inc	Monterey
Gilroy Unified Sch Dis	Gilroy Unified School District	Santa Clara
Justin Vineyards Winery	Justin Vineyards Winery	San Luis Obispo
Millhollin Pit	Millhollin Glenn	San Luis Obispo
Nicholson Vineyards	Nicholson Vineyards	Santa Cruz
North Monterey County Unified SD	North Monterey County Unified School District	Monterey
Viborg Sand Gravel	Paul Viborg	San Luis Obispo
Pictsweet Co	Pictsweet Co	Santa Barbara
Westlake Transport Inc	Ranjit S Tut	Santa Cruz
Paicines Quarry	Renewable Resources LLC	San Benito
Sabek Inc Trans	Sabek Inc	Monterey
Salinas Real Property	Salinas Real Property	Monterey

<b>Table 6: Notices of Non-Compliance for Industrial Stormwater General Permit Annual Reporting (NNCs)</b>		
<b><u>Discharger/Facility</u></b>	<b><u>Responsible Party</u></b>	<b><u>County</u></b>
Salinas Union High School District	Salinas Union High School District	Monterey
Sammys Auto Dismantling	Samuel Lopez LUA	San Luis Obispo
Templeton Pit	Viborg Sand Gravel Inc	San Luis Obispo
Soledad Energy LLC	Yanke Energy Inc	Monterey

<b>Table 7: Notices of Violation (NOVs)</b>		
<b><u>Discharger/Facility</u></b>	<b><u>Responsible Party</u></b>	<b><u>County</u></b>
Various Ranch Owners/Operators	Various	Various
<p><i>Summary: On May 16, 2016, the Irrigated Lands Regulatory Program Groundwater Unit issued 73 Notice of Violations (NOVs) to ranch owners and operators for missing individual groundwater monitoring and reporting requirements of the Ag Waiver Order. The NOVs were emailed to all responsible parties (ranch operators and land owners that we had email addresses for), and mailed on May 17, 2016. Staff issued the NOVs to ranches that were identified in their electronic Notices of Intent to have enrolled between May 1, 2014, and May 1, 2015, and which had not submitted any groundwater monitoring data. Staff made every effort to review each ranch's GeoTracker record prior to issuing the NOV to determine if the enrollee had completed groundwater monitoring requirements by some other method (i.e., alternative groundwater monitoring data submitted, or an associated ranch identified that had completed groundwater monitoring).</i></p>		
Glen Loma Ranch Phase 1A	CalAtlantic Group Inc East Bay	Santa Clara
34014WQ16 Broad Street Bank Stabilization	San Luis Obispo City	San Luis Obispo
Santana Ranch Project 401 Certification 33513WQ01	Guerra Nut Shelling	San Benito
San Miguelito Wild Cherry Canyon	San Miguelito Mutual Water Company	San Luis Obispo
34013WQ15 401 Certification Van Gordon Creek Restoration Project	Off the Grid Red Mountain, LLC	San Luis Obispo
AW1137	Y. Hayashi and Sons	San Luis Obispo
AW0231	Mahoney Trust	Santa Barbara
34014WQ06 401 Certification Creekside Ranch II - TR 2994	MI Creekside LLC	San Luis Obispo
Abeloe Ranch	Timothy Miyasaka / Keith Bungo	Santa Cruz
Blanco Ranch	David Muther / Keith Bungo	Santa Cruz
Centrally Grown (3 NOVs)	Dave Robertson	San Luis Obispo
Cambria Advanced Water Treatment System	Cambria Community Services District	San Luis Obispo
Tajiguas Solid Waste Site	City of Santa Barbara	Santa Barbara
AW1072 (2 NOVs)	Guggia Farms	Santa Barbara
Paso Robles WWTP	City of El Paso de Robles	San Luis Obispo
Bear Creek Estates WWF	San Lorenzo Valley Water District	Santa Cruz

<b>Table 7: Notices of Violation (NOVs)</b>		
<b>Discharger/Facility</b>	<b>Responsible Party</b>	<b>County</b>
California Men's Colony Collection System	Ca Dept of Corrections California Men's Colony	San Luis Obispo
San Luis Obispo CS	San Luis Obispo City	San Luis Obispo
Toro Canyon Creek Unregulated Excavation and Grading	Myers, Barton & Vicki	Santa Barbara
Little Bear Water Co WWTP	Little Bear Water Company Inc	Monterey
City of Arroyo Grande	City of Arroyo Grande	San Luis Obispo
City of Gilroy	City of Gilroy	Santa Clara
City of Pismo Beach	City of Pismo Beach	San Luis Obispo

### **Recent Violations Pending Further Enforcement Staff Review**

Water Board staff uses the California Integrated Water Quality System (CIWQS) to track Water Board data, including violations and enforcement actions. For the time period between April 1, 2016, and June 30, 2016, Water Board staff observed the various categories of violations summarized below. Program and Enforcement staff are currently reviewing these violations to assess priorities for potential future enforcement.

<b>Table 8: Recent Violations Pending Further Enforcement Staff Review</b>			
<b>Violation Type</b>	<b>Number of Violations</b>	<b>Associated Programs</b>	<b>Primary Sources of Violations</b>
Effluent Limitations	185	NPDES WDR	pH, Total Dissolved Solids, Sodium, Chloride, Settleable Solids, Nitrogen
Reporting	35	WDR 401 ILRP	Annual reporting, Failures to notify Water Board of discharger actions
Receiving Water Limitations	32	NPDES 401	Boron, Chloride, Sodium, Total Dissolved Solids
Deficient Monitoring	5	WDR	Failures to monitor due to operator error, staffing changes, or lab error
Sanitary Sewer Overflows	3	WDR	Involving minor volumes of sewage

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)

### **RECOMMENDATION**

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

### **ATTACHMENTS**

1. Description of Enforcement Actions

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