

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

STAFF REPORT FOR REGULAR MEETING OF JUNE 18, 2021

Prepared on June 2, 2021

ITEM NUMBER: 8

SUBJECT: **ENFORCEMENT REPORT AND SUPPLEMENTAL ENVIRONMENTAL AND ENHANCED COMPLIANCE ACTION PROJECTS UPDATE**

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ACTION: Informational

SUMMARY

This staff report summarizes Central Coast Water Board enforcement actions taken from October 1, 2020 through March 31, 2021, and provides a summary and status update on individual supplemental environmental projects (SEPs) and enhanced compliance action (ECA) projects completed since May 1, 2019 and projects that are currently being implemented. In response to the Board's request, this staff report also includes a detailed update on the Community Water Center's implementation of the 1,2,3-trichloropropane (1,2,3-TCP) treatment pilot project for disadvantaged community (DAC) households SEP.

Central Coast Water Board staff will be giving a presentation on this item with an emphasis on the 1,2,3-TCP SEP. Michelle Frederick, supervising engineer for the State Water Board Division of Drinking Water Safe and Affordable Funding for Equity and Resilience (SAFER) program and representatives from the Community Water Center will also be presenting on the 1,2,3-TCP SEP.

ENFORCEMENT REPORT

Attachment 1 of this staff report includes the Enforcement Report consisting of Tables 1 through 4. Tables 1 through 3 summarize Central Coast Water Board enforcement actions taken from October 1, 2020 through March 31, 2021. These tables include issued final administrative civil liability (ACL) orders (Table 1), expedited payment program letters to resolve mandatory minimum penalties or other non-controversial violations (Table 2), and notices of violation covering various Central Coast Water Board programs (Table 3).

Table 4 in Attachment 1 summarizes alleged violations reported from August 1, 2020 through January 31, 2021. Central Coast Water Board staff uses the California

Integrated Water Quality System (CIWQS) and the Storm Water Multiple Application and Report Tracking System (SMARTS) to track Central Coast Water Board data, including violations and enforcement actions. Central Coast Water Board staff are currently reviewing the alleged violations that have not already been addressed to assess priorities for potential future enforcement.

A general description of the different types of enforcement actions Central Coast Water Board staff may take or recommend are provided in Attachment 2. Abbreviations used throughout the Enforcement Report are defined in Attachment 3. More detailed descriptions of each type of enforcement action are provided in the State Water Board's 2017 Water Quality Enforcement Policy.¹

BACKGROUND

The Water Boards have a variety of enforcement tools to use in response to noncompliance by dischargers. Enforcement is an important component of the Water Boards' authority to encourage the regulated community to anticipate, identify, and correct violations. The Central Coast Water Board follows a progressive enforcement approach and contemplates an escalating series of actions beginning with notification of violations and compliance assistance, followed by enforcement orders compelling compliance, and potentially culminating in a complaint for civil liabilities as appropriate and necessary. The State Water Board's Water Quality Enforcement Policy establishes an ACL assessment methodology to create a transparent, fair, and consistent statewide approach to assess liabilities (i.e., how to calculate penalty amount).

The enforcement team typically reaches resolution of the ACL through settlement. The enforcement team includes Central Coast Water Board staff, State Water Board Office of Enforcement staff, and sometimes includes staff and legal counsel from other local, state, and/or federal agencies and/or the Attorney General's office depending on the nature of the violation. To facilitate due process and separation of functions in the event of an ACL being brought before the Central Coast Water Board for consideration, the enforcement team does not include the Central Coast Water Board Executive Officer or legal counsel from the State Water Board's office of chief counsel.

As part of the settlement, the discharger can request a permanent suspension of a portion of the liability in lieu of submitting the full payment to the State Water Board's Cleanup and Abatement Account (CAA) to satisfy the administrative liability when the discharger voluntarily agrees to fund a SEP or an ECA. A SEP is an environmentally beneficial project that a person subject to an enforcement action voluntarily agrees to undertake or fund through an appropriate third party and an ECA is a project that enables a discharger to make capital or operational improvements beyond those

¹ State Water Board, 2017 Water Quality Enforcement Policy, effective October 5, 2017, https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf

required by law, and are separate from projects designed to merely bring a discharger into compliance.

The State Water Board's Water Quality Enforcement Policy specifies that settlement agreements may contain both SEPs and ECAs, as long as the aggregate sum of the costs for these settlement projects does not exceed 50 percent of the total liability. A settlement can fund a SEP in an amount greater than 50 percent of the total liability when there are exceptional circumstances or in cases where the SEP is located in or benefits a disadvantaged community (DAC), environmental justice community, or community that has a financial hardship, or where the SEP furthers the human right to water. Additionally, economically disadvantaged communities with a financial hardship can direct more than 50 percent of the total liability to ECAs. The Water Boards may approve a settlement with a discharger that includes suspension of a portion of the monetary liability of a discretionary ACL for completion of a SEP or an ECA provided the project complies with the conditions outlined in the State Water Board's Policy on Supplemental Environmental Projects².

The consideration of SEPs and ECAs as part of ACL settlements adds additional layers of review and coordination, requiring additional time and staff resources. As such, staff need to weigh the merits and benefits of the SEPs and ECAs relative to the additional time and effort it takes to reach a settlement. Implementation of SEPs and ECAs also requires staff oversight to ensure the projects are successfully completed in accordance with the State Water Board's Policy on Supplemental Environmental Projects and approved scopes of work and budget. This oversight includes tracking, review and accounting of invoices and deliverables, CIWQS database entry, and reporting to the State Water Board Office of Enforcement.

Since the revised State Water Board's Policy on Supplemental Environmental Projects became effective in 2018, the Bay Foundation of Morro Bay Central Coast Ambient Monitoring Program – Groundwater Assessment and Protection (CCAMP-GAP) program was no longer a pre-approved third-party administered SEP that dischargers could select to suspend a portion of the liability amount. Central Coast Water Board staff is working with the State Water Board's Office of Enforcement to develop a resolution for consideration by the State Water Board to re-establish components of the CCAMP-GAP program as a pre-approved third-party administered SEP. Staff plans to present additional information on pre-approved SEPs at a future 2021 Central Coast Water Board meeting as part of an item to discuss projects completed under the previous CCAMP-GAP SEP program, CCAMP-GAP program funding and project expenditures, and to reaffirm project priorities and objectives.

² State Water Board, 2017 Policy on Supplemental Environmental Projects, Effective May 3, 2018,
https://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/seps/2018_0503_sep_policy_amd.pdf

STATUS UPDATE ON INDIVIDUAL SUPPLEMENTAL ENVIRONMENTAL AND ENHANCED COMPLIANCE ACTION PROJECTS

This section of the staff report summarizes individual SEPs and ECAs that were either completed or initiated between May 1, 2019 and May 1, 2021. The total combined funding amount for completed and in-progress individual SEPs (three projects) and ECAs (three projects) since May 1, 2019, are described below and total \$1,363,039 (\$1,076,737 for SEPs and \$286,302 for ECAs). The funds for these SEPs and ECAs are associated with five ACLs issued since September 6, 2016. The relative portion of the total ACL amount applied to SEPs and ECAs is approximately 35% and 15%, respectively, or 50% in total. The remaining balance of the ACLs not applied to a SEP or ECA was paid to the State Water Board Cleanup and Abatement Account in the amount of \$1,678,517 (approximately 50% of the total ACL amount).

Central Coast Water Board staff also provided oversight on various priority projects associated with the CCAMP-GAP third-party SEP administered by the Bay Foundation of Morro Bay; however, this staff report does not summarize those projects. A comprehensive analysis of the total amount of suspended liabilities directed to the CCAMP-GAP SEP since its inception in 2012, and the relative project expenditures will be provided as part of the forthcoming CCAMP-GAP program item mentioned above.

COMPLETED INDIVIDUAL SEP AND ECAs

Central Coast Water Board staff has provided oversight for the implementation and completion of one individual SEP and two ECAs since May 1, 2019, each of which is described briefly below.

South San Luis Obispo County Sanitation District ACL Order No. R3-2012-0041 as amended by Order No. R3-2016-0045: Groundwater Basin Model

On September 6, 2016, the Central Coast Water Board issued ACL Order No. R3-2016-0045 to South San Luis Obispo County Sanitation District for discharges of untreated sewage from its collection system to the environment and inside residential homes for a total liability amount of \$1,109,812. The settlement agreement includes the following SEPs and ECA: 1) CCAMP-GAP SEP (\$110,981)³, 2) South San Luis Obispo County Sanitation District Grit Removal System ECA (\$221,962)⁴, and 3) City of Pismo Beach and South San Luis Obispo County Sanitation District Groundwater Basin Model SEP (\$221,962).

Payment to the CCAMP-GAP SEP and the Grit Removal System ECA were completed prior to May 1, 2019, and not incorporated in this summary. The City of Pismo Beach and South San Luis Obispo County Sanitation District completed the Groundwater

³ Central Coast Water Board staff will provide an update on the CCAMP-GAP SEP at a future Central Coast Water Board meeting.

⁴ South San Luis Obispo County Sanitation District completed the Grit Removal System ECA on March 3, 2017.

Basin Model SEP on April 8, 2020. The Groundwater Basin Model SEP consisted of developing a groundwater basin model for the Northern Cities Management Area and Nipomo Mesa Management Area of the Santa Maria Groundwater Basin. The model is being used to develop and evaluate water supply augmentation and resiliency projects in the management areas associated with aquifer storage and recovery using recycled water.

City of Morgan Hill ACL Order No. R3-2019-0039: City of Morgan Hill Sewer Flow Monitoring Project ECA

On March 11, 2020, the Central Coast Water Board issued ACL Order No. R3-2019-0039 to the City of Morgan Hill for discharges of untreated domestic and municipal wastewater from its collection system to Llagas Creek for a total liability amount of \$433,366. The settlement agreement includes the following two ECAs: 1) Morgan Hill Sanitary Sewer System Asset Management Plan Development and Implementation Project (\$190,000) that is currently in progress as described below, and 2) Morgan Hill Sanitary Sewer System Flow Monitoring Project (\$18,000). On June 24, 2020, the City of Morgan Hill completed the Sanitary Sewer System Flow Monitoring Project. The Sanitary Sewer System Flow Monitoring Project ECA included the purchase and installation of three “smart” electronic manhole covers capable of obtaining real-time sewage collection system flow and level information with alarms so operators can respond before sanitary sewer overflows occur. The City also has a second ECA associated with ACL Order No. R3-2019-0039 that has not yet been completed that is discussed in further detail below.

California Department of Corrections and Rehabilitation (CDCR) ACL Order No. R3-2020-0040: California Men’s Colony Sanitary Sewer System Flow Monitoring Project ECA

On April 24, 2020, the Central Coast Water Board issued ACL Order No. R3-2020-0040 to CDCR for discharges of sewage from CDCR’s sanitary sewer collection system for a total liability amount of \$166,896. CDCR applied \$78,302 of the penalty to California Men’s Colony Sanitary Sewer System Flow Monitoring Project ECA and on November 23, 2020, CDCR completed this ECA. The California Men’s Colony Sanitary Sewer System Flow Monitoring Project ECA provided for the purchase and installation of 13 “smart” electronic manhole covers capable of obtaining real-time sewage collection system flow and level information with alarms so that operators can respond before sanitary sewer overflows occur.

SEPs AND ECAs CURRENTLY IN PROGRESS

Central Coast Water Board staff are providing ongoing oversight for the implementation and completion of two individual SEPs and one ECA that were initiated since May 1, 2019, each of which is described briefly below.

City of El Paso de Robles ACL Order No. R3-2016-0038: Paso Robles Groundwater Basin Monitoring SEP

On January 23, 2017, the Central Coast Water Board issued ACL Order No. R3-2016-0038 to the City of Paso Robles to resolve minimum mandatory penalties totaling \$495,000 for effluent limitation violations at the City's wastewater treatment plant. The City of Paso Robles applied \$255,000 of the penalty to the Paso Robles Groundwater Basin Monitoring SEP. This SEP is nearing completion and includes installation of a network of monitoring wells and stream gages on the Salinas River and its major tributaries within the Paso Robles groundwater basin to inform the connectivity of the basin to surface waterbodies.

Paso Robles coordinated with the Paso Robles Subbasin Groundwater Sustainable Agencies (GSAs) to complete the SEP tasks. The main SEP tasks included the installation of alluvial and formation groundwater monitoring wells at the 13th Street Bridge and Airport Road/Estrella sites. The project team also completed the installation of three stream gages associated with these sites and coordinated with San Luis Obispo County to ensure stream gage equipment is compatible with the County's stream gage and remote monitoring network. Paso Robles' only remaining SEP task is submittal of the project completion report due by the end of June 2021.

City of Morgan Hill ACL Order No. R3-2019-0039: Morgan Hill Asset Management ECA

On March 11, 2020, the Central Coast Water Board issued ACL Order No. R3-2019-0039 to the City of Morgan Hill for discharges of untreated domestic and municipal wastewater from its collection system to Llagas Creek for a total liability amount of \$433,366. The settlement agreement includes the following two ECAs: 1) Morgan Hill Sanitary Sewer System Asset Management Plan Development and Implementation Project (\$190,000) and 2) Morgan Hill Sanitary Sewer System Flow Monitoring Project (\$18,000), which has been completed as noted above.

The City is finalizing their development and implementation of an asset management plan to improve sanitary sewer overflow (SSO) prevention and response. In July 2020, Morgan Hill hired a consultant to conduct the asset management plan. To date, the consultant has completed the following: reviewed records (e.g., maintenance data, record drawings, and CCTV data), conducted an asset inventory gap analysis and data collection plan to inform field work, conducted field work to inventory sewers subject to unstable soils and to assess the severity of erosion of pipes and manhole covers, and completed the desktop analysis of the system.

The consultant is currently working on finalizing field work to address remaining priority inventory gaps. The final portion of the project includes preparation of a risk-based repair and replacement schedule.

Monterey Mushroom ACL Order R3-2020-0048: Community Water Center (CWC) 1,2,3-Trichloropropane (1,2,3-TCP) SEP

On July 17, 2020, the Central Coast Water Board issued ACL Order No. R3-2020-0048 to Monterey Mushrooms, Inc. and Spawn Mate, Inc. for unauthorized discharges of

process wastewater and polluted stormwater to an unnamed tributary of Elkhorn Slough, for a total liability amount of \$1,169,425. The settlement includes a third party-administered SEP that is being performed by CWC for \$599,775 to conduct outreach and implement a 1,2,3-TCP treatment pilot project for DAC households. This section of the staff report provides a detailed status update of the 1,2,3-TCP pilot project.

SEP Overview

This SEP consists of a pilot project for the design, installation, maintenance, and monitoring of 1,2,3-TCP point of entry (POE) household-level water treatment systems for up to 20 DAC households in unincorporated areas of northern Monterey County. This SEP is consistent with the goals of the State Water Board's and Central Coast Water Board's Human Right to Water resolutions. As part of the CCAMP-GAP domestic well testing program 15 households in the area north of Moss Landing were identified as having private domestic wells contaminated with both nitrate and 1,2,3-TCP. Although the residents living in these homes are receiving bottled water for drinking and cooking to address the nitrate contamination, these residents are not protected from exposure to 1,2,3-TCP due to inhalation and dermal exposure while using the well water for showering and other household uses. Cost effective treatment methods for 1,2,3-TCP have not been widely studied or implemented for the potentially thousands of low-income households in California reliant on domestic wells and state and local small water systems contaminated with this chemical. The goal of the pilot study is to install POE household-level water treatment systems to effectively treat 1,2,3-TCP to levels below the maximum contaminant level (MCL) for drinking water and to evaluate the effectiveness of POEs for broader application statewide. The evaluation portion of the pilot project is intended to identify engineering design constraints and controls, and to determine the operational and maintenance costs needed to effectively operate and maintain POE systems. This information will be used to inform statewide efforts to cost-effectively treat 1,2,3-TCP for DAC and other households and communities across the state. The original scope of work for the SEP is separated into four main tasks:

- TASK 1: Project outreach, education, and enrollment - community outreach, education, and creation of (Spanish and English) outreach materials explaining the pilot project, health impacts from 1,2,3-TCP, and information about the participant's water quality results.
- TASK 2: POE treatment project implementation - publish a request for qualifications to identify engineering firms with experience with 1,2,3-TCP treatment and to solicit proposals for a master contract to implement POE treatment systems. Phase 1 of Task 2 requires the engineering firm to conduct a site assessment of wells that require treatment systems in the study area as well as implementation of 1 to 3 pilot treatment systems. Phase 2 of Task 2 will be determined by Phase 1 and proposals received based on full site assessment data and cost to operate the remaining pilot treatment systems.
- TASK 3: Study design, contract oversight, documentation of project outcomes, lessons learned, and recommendations - engage already identified technical and

regulatory experts in the design and implementation of both Task 2 Phases 1 and 2 of the study.

- TASK 4: Share lessons learned with key stakeholders - share results after project completion with project participants, other households impacted by 1,2,3-TCP, and other key stakeholders including but not limited to: technical and regulatory experts, other technical assistance providers, local, regional and state governments, and research institutions.

Status Update

TASK 1

During the first six months of the pilot project, CWC conducted community outreach and education to potential candidate households. CWC provided information about the health impacts of 1,2,3-TCP and provided the opportunity to participate in the pilot study to obtain more information about their well water quality and potentially receive POE treatment to address 1,2,3-TCP contamination. Property owners of 21 households signed participation agreements indicating interest in participating in this study. These outreach efforts were complicated by pandemic related constraints, but CWC was successful in modifying their community outreach accordingly.

TASK 2

Phase 1 Subcontract Issuance - Phase 1 of Task 2 included conducting detailed site assessments and additional water quality sampling at potential candidate sites because limited information was available at the onset of the SEP to fully understand water quality and physical set up of the existing drinking water well and associated piping. CWC distributed a request for qualifications to complete Phase 1 of the project and received responses from five consultants with small system treatment experience in California. The Phase 1 contract was awarded to the Watsonville-based company Weber, Hayes, and Associates (WHA).

Phase 1 Site Assessments - WHA and staff from CWC completed site assessments for 12 wells serving 20 households known to be contaminated with 1,2,3-TCP. A majority of the household wells are located in Moss Landing but there was also a well in Salinas area and a well in San Juan Bautista area. The Central Coast Water Board's private well testing program originally sampled these wells and identified exceedances of the 1,2,3-TCP MCL. The site assessments included water quality sampling⁵ and feasibility assessments for POE treatment system installation. Some of the wells that exceeded the MCL were non-detect during follow-up confirmation 1,2,3-TCP sampling during Phase 1, so additional wells were sampled to identify other potential candidate households for treatment. The site assessments indicated that many wells that tested above the MCL for 1,2,3-TCP also had elevated levels of total coliform bacteria which

⁵ The project team sampled the wells for organic and inorganic compounds (including nitrogen), pesticides and polychlorinated biphenyls, volatile organic compounds (including 1,2,3-TCP), perchlorate, asbestos, physical parameters (conductivity and total dissolved solids), total coliforms and *E. coli*, turbidity, and pH.

could potentially impact the effectiveness of the treatment technology due to bacterial induced biofouling. The site assessments also identified old and compromised infrastructure (e.g., wells, tanks, pipes, fittings and seals), which could cause potential bacteria contamination and system failures.

Phase 1 Installation of Pilot POE - In December 2020, the project team designed and installed one pilot POE treatment system in Moss Landing that serves one household. WHA contracted with Culligan Water to construct the POE treatment system using best available technology which consists of tanks that contain granular activated carbon. After installation of the pilot POE treatment system, the project team sampled the treated water and detected total coliform bacteria concentrations above the MCL for drinking water. Samples collected from the wellhead tested negative for total coliform bacteria, indicating that the bacteria entered the system after the well and before the POE treatment system. The project team subsequently took the system offline after one month of operation and it remains offline as of the date of this staff report. It is anticipated that the system will be placed back online even with the bacteria concerns because sampling did not detect *E. coli* and study participants are receiving bottled water for drinking water purposes and the 1,2,3-TCP dermal and inhalation health concerns outweigh the potential bacteria health concerns.

Phase 2 - Phase 2 of Task 2 includes the fabrication and installation of the remaining POE treatment systems in addition to the maintenance, monitoring, and reporting for all of the systems. CWC solicited for proposals and WHA was the only company to submit a proposal for this phase of the work. WHA's proposal included a scope of work to install six additional POE treatment systems instead of the anticipated 20 POE treatment systems due to the higher than anticipated costs to install and provide operation and maintenance oversight for the systems. Central Coast Water Board staff coordinated with CWC to reevaluate the scope of work included in the SEP and recommended a revised phasing approach for installing two additional POE treatment systems instead of the remaining six additional POE treatment systems (i.e., Phase 2A). The revised phasing approach was recommended to determine if additional lessons learned from the two systems could result in more cost-effective methods for installing, maintaining, and overseeing the remaining POE systems (i.e., Phase 2B) to maximize the number of households served by a POE with the remaining SEP budget. In April 2021, CWC executed the contract with WHA to install two POEs as part of Phase 2A and implementation is currently underway.

TASK 3

CWC convened a technical advisory committee (TAC) with approximately thirty participants including representatives from the State Water Board Division of Drinking Water, State Water Board Division of Financial Assistance, Monterey County Environmental Health Bureau, Self Help Enterprises, Rural Community Assistance Corporation, universities, engineering and consulting companies including WHA, and

Culligan Water that are also subcontractors to CWC for implementation of the SEP.⁶ CWC invited TAC members based on regulatory and/or technical expertise and many of the attendees have expertise in small-scale treatment, recognize the scale of the 1,2,3-TCP health risks statewide, and have an interest in working together on collaborative and cost-effective solutions. Since convening in October 2020, the TAC has met every other month to discuss project challenges and provide suggested direction to the project team. Attachment 4 includes the last quarterly progress report (covering January to March 2021) and meeting minutes from the February 2021 TAC meeting.

Challenges and Lessons Learned

CWC has faced challenges implementing this SEP and these challenges have provided lessons learned to inform statewide efforts to provide safe drinking water for all Californians as it relates to 1,2,3-TCP.

The variability of 1,2,3-TCP concentrations in well water has caused project challenges. Some of the wells that originally tested positive for 1,2,3-TCP no longer have 1,2,3-TCP levels that are detectable or exceed the MCL for drinking water standards. This variability in water quality results has made it more difficult to identify and prioritize households for POE treatment system installation. The reason for the water quality changes is uncertain.

Another challenge has been the financial commitment from participating households. Many candidate households for this study have water systems and wells needing repair. Because these repairs exceed the scope of this SEP, CWC has asked property owners to make specific repairs prior to them being able to participate in this pilot project. Additionally, this SEP only covers the first two years of operation and maintenance, so long-term operation and maintenance costs of the POE treatment systems will be the homeowners' responsibility. The financial burdens of fixing existing wells and piping and the uncertainty of long-term operation and maintenance costs have resulted in some households declining to participate, which has resulted in project schedule delays. Central Coast Water Board and CWC staff are continuing to coordinate with State Water Board Division of Financial Assistance to evaluate potential funding sources to address this challenge.

The bacteria detected in multiple wells and in the installed pilot POE treatment system has reduced progress toward installation of more POE treatment systems. The TAC has discussed the potential health implications of increased bacteria growth in the granular activated carbon and bacteria concentrations in the water supplied to households. The TAC determined that there is no clear evidence or regulatory guidance related to public health risks from general microbial growth not associated with fecal matter or other pathogens (e.g., *E. coli*) in POE granular activated carbon systems. Because there is limited data demonstrating a health risk associated with total coliform bacteria when *E.*

⁶ WHA and Culligan participate in the TAC as part of Task 3 to help inform the site assessments and project implementation (Task 2). They are no longer members of the TAC because they are now acting as subcontractors on the SEP.

coli is not also present, the TAC concluded that the benefit of reducing inhalation and dermal exposure to 1,2,3-TCP, due to showering for example, outweigh the potential risk from total coliform bacteria, especially if the water is not being used for drinking and cooking. However, the TAC did recommend avoiding all locations with *E. coli*.

The project team plans to prioritize treatment systems for locations without total coliform bacteria and will also continue to connect community members to resources for well and water system repair and improvement. However, even with efforts to select water systems without total coliform bacteria for the project, we may continue to see total coliform bacteria issues arise during the study. The State Water Board's 2021 Drinking Water Needs Assessment states, "it is important to note that bacteriological water quality in domestic wells may also significantly alter the ability to use POU or POE but could not be modeled due to its site specific and changing nature."⁷ After POE treatment system installation, this SEP includes both monitoring for the well water and the treated water. This water quality data may inform whether coliform bacteria levels increase because of the granular activated carbon system, providing valuable information about the viability of using granular activated carbon POE treatment systems.

Because of the complexity of the treatment systems, additional plumbing work, additional site assessment and site preparation work, additional water quality sampling, and other unforeseen factors, the cost to provide POE treatment system per household is significantly higher than originally forecasted for this project.

CWC and Central Coast Water Board Staff Coordination and Current Project Status

Central Coast Water Board enforcement staff continue to review and coordinate with CWC since SEP initiation. CWC originally estimated providing 1,2,3-TCP POE treatment for up to 20 households; however, after completion of one pilot POE treatment system and 12 site assessments, CWC learned about additional costs related to installing and maintaining POE treatment systems and proposed to provide treatment for a total of seven households. After multiple conversations regarding the potential reduction in households served and deviations from the original scope of work, both Central Coast Water Board enforcement program staff and CWC agreed to separate Phase 2 into two sub-phases, Phase 2A and 2B. Phase 2A includes the installation of the next two POE treatment systems by July 1, 2021. After Phase 2A has been completed and additional monitoring data is available, Central Coast Water Board staff, CWC, and TAC members will evaluate if there are opportunities to optimize the design and monitoring program prior to evaluating the installation of additional systems for Phase 2B. The costs incurred and lessons learned during the installation of the Phase

⁷ California Water Boards (2021). [Drinking Water Needs Assessment Informing the 2021-22 Safe & Affordable Drinking Water Fund Expenditure Plan](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2021_needs_assessment.pdf): https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/needs/2021_needs_assessment.pdf

2A systems will inform how and if CWC will proceed with Phase 2B for the design, construction, and implementation of additional POE systems.

Reporting and Project Milestones

The SEP requires quarterly reporting. CWC has submitted quarterly reports pursuant to the due dates specified in ACL Order No. R3-2020-0048 and has included detailed information to demonstrate tasks completed during the previous quarter. Each quarterly submittal includes an updated summary of the site assessments, including current water quality data, and prioritized households for potential POE treatment system implementation.

CWC has met the project milestone dates specified in ACL Order No. R3-2020-0048 for project outreach and education, POE Treatment Project Implementation – Phase 1 contract execution and completion, and TAC development and engagement. The Central Coast Water Board Executive Officer has approved modifications to the SEP milestone completion dates to reflect the phased approach for POE Treatment Project Implementation – Phase 2A and 2B discussed above.

CONCLUSION

Central Coast Water Board staff has spent significant staff resources overseeing individual SEPs and ECAs over the last few years at a level that is currently not sustainable relative to available staff resources and other priority work. This is particularly true for the CWC 1,2,3-TCP SEP due to the project implementation challenges outlined above requiring project scope modifications and associated reviews and coordination to evaluate and approve the modifications. The dischargers that Central Coast Water Board enforcement staff settle penalties with continue to prefer to suspend liabilities by incorporating SEPs and ECAs. The primary reason for dischargers wanting to incorporate SEPs and ECAs is to realize environmental or other benefits from implementing projects at a local scale. Additionally, because the State Water Board's revised Policy for SEPs allows for greater than 50 percent of the penalties to go towards projects that benefit DACs, Central Coast Water Board staff anticipates settling parties will be more likely to propose projects benefiting DACs. Projects benefiting DACs are often more complex, less traditional, and more challenging to implement as shown by the CWC 1,2,3-TCP SEP. However, Central Coast Water Board enforcement staff continues to honor the Board's direction to implement the Human Right to Water as a high priority and has expended resources to facilitate projects in alignment with this priority. Currently, enforcement program staff does not have the option for dischargers to select CCAMP-GAP as a SEP and this has also resulted in an increase in individual SEPs and ECAs. Central Coast Water Board staff are pursuing strategies to more efficiently and effectively provide options for dischargers to direct liabilities to Central Coast projects that benefit water quality and/or public health without having to develop individual SEPs. Central Coast Water Board staff will be presenting proposed SEP strategies at a future board meeting to balance the benefits of overseeing meaningful projects with available staff resources.

ATTACHMENTS

1. Enforcement Report
2. Enforcement Action Descriptions
3. Enforcement Report Abbreviations
4. Quarterly Progress Report and Technical Advisory Committee Meeting Minutes for the 1,2,3-TCP Pilot Project

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