

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

**STAFF REPORT FOR REGULAR MEETING OF OCTOBER 14, 2021**

Prepared on September 20, 2021

**ITEM NUMBER: 9**

**SUBJECT: ENFORCEMENT REPORT AND ENFORCEMENT PRIORITIES**

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**ACTION: Informational**

**SUMMARY**

This staff report summarizes Central Coast Water Board enforcement actions taken from April 1, 2021 through August 31, 2021, and includes updated Central Coast Water Board enforcement program priorities.

**DISCUSSION**

**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 April 1, 2021 through August 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 issued by various Central Coast Water Board programs (Table 3). Violations considered during this period did not require staff to issue time schedule orders, cleanup and abatement orders, or cease and desist orders.

Table 4 in Attachment 1 summarizes alleged violations reported from February 1, 2021 through June 30, 2021. These alleged violations are currently under review by staff 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<sup>1</sup>.

### Enforcement Priorities

The State Water Board's Water Quality Enforcement Policy includes a request for Regional Water Board enforcement staff to seek input on general region-specific enforcement priorities from members of the public and the Regional Water Board members at a regularly noticed public meeting on an annual basis. Central Coast Water Board enforcement staff have established the following updated general enforcement priorities<sup>2</sup>:

- Address violations that pose an immediate and significant threat to water quality or result in significant detrimental impacts to human health and/or the environment.
- Prioritize violations associated with discharges that impact water quality in communities facing economic and/or social inequities.
- Prioritize violations associated with discharges that result in drinking water supplies exceeding drinking water standards for individuals and/or small communities.
- Address violations involving falsification of information and non-compliant dischargers that realize a significant competitive economic advantage over compliant members of the regulated public.

The Central Coast Water Board enforcement team consists of Thea Tryon, Assistant Executive Officer; Tamara Anderson, Senior Water Resource Control Engineer Specialist; and Todd Stanley, Water Resource Control Engineer. 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 a complaint for civil liabilities as appropriate and necessary.

In general, the enforcement team cannot predict what type, how many, or how complex the violations will be at any given time and there are typically many more violations and non-compliance issues that need to be addressed than there are enforcement resources available to address them. Therefore, the enforcement team will use the general enforcement priorities described above to guide them in determining which

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<sup>1</sup> 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](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/040417_9_final%20adopted%20policy.pdf)

<sup>2</sup> State Water Board's enforcement priorities are available at:

[https://www.waterboards.ca.gov/water\\_issues/programs/enforcement/priorities.html](https://www.waterboards.ca.gov/water_issues/programs/enforcement/priorities.html)

discretionary enforcement actions<sup>3</sup> to focus enforcement staff resources on and to assist program staff. The enforcement priorities are in no particular order; however, the enforcement team will typically prioritize violations associated with more than one enforcement priority. In addition to focusing our enforcement resources on violations that negatively impact communities facing economic and/or social inequities, the enforcement staff are also in the process of evaluating how water quality impacts associated with climate change can inform our priorities .

It is the enforcement team's overall goal to use the enforcement priorities to enhance the Water Boards' ability to focus and leverage its enforcement resources and to achieve the general deterrence needed to encourage the regulated community to anticipate, identify, and correct potential non-compliance issues before they occur.

### **Human Right to Water**

California Water Code section 106.3, subdivision (a) states that it is the policy of the State of California "that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation purposes." On January 26, 2017, the Central Coast Water Board adopted Resolution No. R3-2017-0004, which affirms the realization of the human right to water and the protection of human health as the Central Coast Water Board's top priorities.

The Central Coast Water Board's enforcement priorities are consistent with Resolution No. R3-2017-0004 by prioritizing violations that result in significant detrimental impacts to human health and violations associated with discharges impacting drinking water supplies exceeding drinking water standards. For example, Central Coast Water Board enforcement staff have prioritized violations associated with nitrate loading from irrigated agriculture impacting domestic drinking water wells and/or small communities, to require the responsible parties to provide replacement water and long-term water supply solutions.

### **Disadvantaged Communities**

The Central Coast Water Board implements regulatory activities and water quality projects in a manner that ensures the fair treatment of people of all ethnicities, cultures, backgrounds and income levels. Additionally, the Central Coast Water Board is committed to providing all stakeholders the opportunity to participate in the public process and provide meaningful input to decisions that affect their communities.

The Central Coast Water Board's enforcement priorities advance environmental justice and water equity in vulnerable communities by prioritizing violations associated with discharges impacting water quality in communities facing economic and/or social inequities.

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<sup>3</sup> Central Coast Water Board will continue to address mandatory enforcement obligations imposed by law (e.g., mandatory minimum penalties under California Water Code sections 13385 (h) & (i)).

Communities that historically have been more vulnerable to environmental inequities often face a broad spectrum of inequities, such as Central Coast region farmworker communities. Central Coast Water Board enforcement staff have prioritized violations associated with discharges impacting communities with economic inequities that may be more susceptible to the resulting public health impacts. For example, enforcement staff have prioritized violations associated with drinking water impacts in communities that do not have the economic means to provide adequate treatment for contaminated groundwater. The Central Coast Water Board enforcement staff plans to continue to prioritize violations impacting communities facing economic and/or social inequities.

### **Climate Change**

The Central Coast faces the threat and the effects of climate change for the foreseeable and distant future. To proactively prepare and respond, the Central Coast Water Board has launched the Central Coast Water Board's Climate Action Initiative, which identifies how the Central Coast Water Board's work relates to climate change and prioritizes actions that improve water supply resiliency through water conservation and wastewater reuse and recycling; mitigate for and adapt to sea level rise and increased flooding; improve energy efficiency; and reduce greenhouse gas production. The Climate Action Initiative is consistent with the Governor's Executive Order B-30-15 and the State Water Board's Climate Change Resolution No. 2017-0012.

Central Coast Water Board enforcement staff are in the process of evaluating how violations associated with impacts from non-compliance with climate change related adaptation, mitigation, and resiliency projects, or that exacerbate climate change impacts, can inform enforcement priorities. As Central Coast Water Board programs continue to refine permit requirements and priorities related to climate change mitigation and adaptation, this will further refine enforcement priorities focused on climate change.

### **CONCLUSION**

Defined enforcement priorities are necessary to assist the Central Coast Water Board in focusing its enforcement resources on the highest priority non-compliance issues facing the region. The Central Coast Water Board enforcement priorities align with the Central Coast Water Board's efforts to implement the human right to water and to address water quality impacts in communities facing economic and/or social inequities. It is the enforcement team's goal to enhance the Central Coast Water Boards' ability to leverage its enforcement resources to achieve the general deterrence needed to encourage the regulated community to anticipate, identify, and correct potential non-compliance issues before they occur. The enforcement team is also focused on making sure that the regulated community corrects violations and prevents them from occurring in the future and ensuring that non-compliant members of the public don't realize significant competitive economic advantage over compliant members of the regulated public. Central Coast Water Board enforcement staff will continue to reevaluate enforcement priorities and provide an opportunity for the Central Coast Water Board and the public to provide feedback on the general enforcement priorities on an annual basis. The public and Central Coast Water Board members can also continue to provide

input on enforcement actions taken by the enforcement team as part of the quarterly enforcement report updates.

**ATTACHMENTS**

1. Enforcement Report
2. Enforcement Action Descriptions
3. Enforcement Report Abbreviations

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