Enforcement Update
2016

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Enforcement Updates

Central Valley Water Board Enforcement Information

- Enforcement Program Reports to the Board
  - February 2015, 4.05 MB*, PDF (PDF Info)
  - February 2014, 1.24 MB*, PDF (PDF Info)
  - February 2012, 1.87 MB*, PDF (PDF Info)
  - January 2010, 2.17 MB*, PDF (PDF Info)
  - January 2008, 2.5 MB*, PDF (PDF Info)
  - August 2006, 285 KB, PDF (PDF Info)
  - March 2005, 230 KB, PDF (PDF Info)

- Enforcement Orders
  - Agenda en Español
  - Notice of Public Meeting for Food Safety/Oil Field Wastewater Reuse Expert Panel-12 January 2016
  - Public Notice - Kettleman City Shell, Case Closure Consideration
  - Aviso Público
  - Central Valley Water Board Settles With 2 Southern San Joaquin Valley Growers for Failure to Acquire Permits
  - Central Valley Water Board adopts Order Regulating Cannabis Cultivation to Protect Water Quality
  - Public Workshop: Public Stakeholder Workshop for the Central Valley Dairy Representative Monitoring Program
  - More Announcements.
Outline

- Enforcement Program Update
- Enforcement Tools and Process
- Enforcement Action Statistics
- Supplemental Environmental Projects (SEPs)
- Case Studies
- Questions
Portfolio Management

- FY2015-16 Workplan
  - Second Enforcement Program Workplan
  - 94 staff conducting enforcement work
- Second kickoff meeting in October
- Regular communication with AEOs
Enforcement Tools and Process

- Prioritizing Enforcement Actions
  - Ranking Violations
- Progressive Enforcement
- Penalty Methodology
- Alternatives to Penalty Payment
- Being Revised for 2016 by Office of Enforcement (State Water Board)
Enforcement Process - Inspections

Inspection Sources

● Permit / Order Conditions
● Complaints
  ◆ 142 CalEPA Complaints (2015)
    — 133 addressed
    — Ongoing investigations for remaining nine
  ◆ Database is being updated
    — Testing new system March 2016
  ◆ OES Spill Reports
  ◆ Phone Calls / Emails / Job Sites
● Request of Discharger
Enforcement Process - Inspections

Inspections per Year

- 2011
- 2012
- 2013
- 2014
- 2015

- 500
- 1,000
- 1,500
- 2,000
- 2,500

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Enforcement Process - Inspections

Construction Stormwater Inspections per Year

- 2011: 900
- 2012: 500
- 2013: 500
- 2014: 600
- 2015: 300
Enforcement Tools and Process

- Informal Enforcement Actions
- Notices of Stormwater Non-Compliance (NNCs)
- Technical Reports and Investigations (Water Code Sections 13267 and 13308)
- Cleanup and Abatement Orders (CAOs)
- Time Schedule Orders (TSOs)
- Cease and Desist Orders (CDOs)
- Administrative Civil Liabilities (ACLs); and,
- Referrals to the Attorney General’s Office
Enforcement Tools and Process – Informal Enforcement Actions

- Lowest level of effort
- Staff issued
- Not defined in statute or regulation
- Often a successful action to gain compliance
- Documents violation(s)
- 789 Informal Enforcement Actions (2015)
Enforcement Tools and Process – Notices of Stormwater Non-Compliance

- Stormwater Enforcement Act of 1998 (Water Code Section 13399.25)
- Reporting Violations
- Two notices
- 858 NNCs (2015)
Notices of Stormwater Non-Compliance

Notices of Stormwater Non-Compliance
(2011-2015)

- 2011: 295
- 2012: 411
- 2013: 576
- 2014: 760
- 2015: 858

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Enforcement Tools and Process – Investigative Orders

- Water Code Sections 13267 and 13383
- Require Technical and Monitoring Reports
- Issued under authority of Assistant Executive Officer(s)
- Failure could result in ACLs (13268 / 13385)
Enforcement Tools and Process – Cleanup and Abatement Orders

- Water Code Section 13304
- May be issued to any person who has discharged or threatens to discharge
- Requires discharger to clean-up and abate waste, threat; and/or, effects
- May be issued by AEO through delegated authority
- Violations could trigger ACL, TSO, or referral
Enforcement Tools and Process – Time Schedule Orders (13300) and Cease and Desist Orders (13301)

13300 TSOs
- Compliance according to time schedule
- Discharger provides time schedule for approval

13301 CDOs
- Compliance Ordered Immediately
- Regional Board establishes schedule
Enforcement Tools and Process – Administrative Civil Liabilities

- Liabilities imposed by the Regional Board
- Prescribed in multiple water code sections
- Utilize penalty methodology
- Discharger may:
  - Pay fine
  - Enter settlement
  - Go to hearing

- 45 ACLs 2015
  - 25 MMP ACLs
Case Study #1 – Industrial Stormwater Site

- Staff conducted inspection 4 December 2015
- ‘Wheel wash’ ineffective in removing gypsum material
- Observed ‘tracking’ of gypsum material offsite
- Issued NOV 10 December 2015
Case Study #1 – Industrial Stormwater Site

Response

- Cleaned and repaired wash station
- Instituted weekly inspections of wash station
- Increased frequency of street sweeping services
- Revised Stormwater Pollution Prevention Plan
Case Study #2 – Illegal Landfill and Composting

- Residential Property
- Received notification from County Environmental Health
- Multi-Agency Task Force
Case Study #2 – Illegal Landfill, Composting, and Wetland Fill

Response

- Meeting with Discharger at CC DA’s Office
- Eviction of Tenant
- Cessation of Discharge / Fill Activities
- Restoration of Site
Supplemental Environmental Projects (SEPs) Update

- ~$385,000 for SEPs in 2015
- Disadvantaged Community Initiative
  - Three settlements (~$156,000)
  - More “on deck” for 2016
- SEP Policy Update
- AB 1071 – Environmental Justice Communities
- Delta RMP SEP Initiative
Disadvantaged Community SEP Initiative

- California Product Stewardship Council
  - Sustainable Medicine Take Back for Madera County
  - “Don’t Rush to Flush!”
- Presented to 15 Local and County Representatives
- Bins in Chowchilla and Oakhurst
  - Madera
- Kickoff Event in Spring 2016

Medical Waste Take-Back Bin

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2016 Priority Programs

- Irrigated Lands Regulatory Program (ILRP)
- Oil Fields
- Marijuana
Future Outlook: Challenges

- Programs new to Enforcement
- Revised Policies
- Securing funding for more SEPs
Questions?