

# Enforcement Update 2016



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Enforcement Coordinator

# Enforcement Updates

The screenshot displays the website for the California Environmental Protection Agency, specifically the Central Valley Regional Water Quality Control Board. The page features a navigation menu with links for Home, About Us, Public Notices, Board Info, Board Decisions, Water Issues, Publications/Forms, and Press Room. A sidebar on the left contains a 'Welcome to the C...' section, a link to the Office of Governor Edmund G. Brown, and a list of links including Cal/EPA, State & Regional Boards, Laws & Regulations, Plans & Policies, Programs, Decisions Pending, Opportunities for Participation, Water Quality Performance Report, Central Valley Regional Water Quality Control Board Brochure, and Groundwater Protection Strategy. The main content area is titled 'Enforcement Information' and includes a sub-section for 'Central Valley Water Board Enforcement Information'. This section lists several enforcement program reports to the board, each with a date, file size, and a PDF link. Below this, there is a section for 'Enforcement Orders' with a list of recent orders and announcements.

CA.GOV CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Skip to: [Content](#) | [Footer](#) | [Accessibility](#)

Home About Us Public Notices Board Info Board Decisions Water Issues Publications/Forms Press Room

Welcome to the C...

Office of Governor  
Edmund G. Brown  
Visit his Website

→ Cal/EPA  
→ State & Regional Boards  
→ Laws & Regulations  
→ Plans & Policies  
→ Programs  
→ Decisions Pending  
→ Opportunities for Participation

Water Quality Performance Report  
Central Valley Regional Water Quality Control Board  
Brochure  
Groundwater Protection Strategy

FIRST ISSUE!

→ Small Community Water & Wastewater Section Newsletter  
→ English  
→ Español

RESOURCES

## Enforcement Information

→→ **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 Publico](#)

→→ 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

# Enforcement Program Update

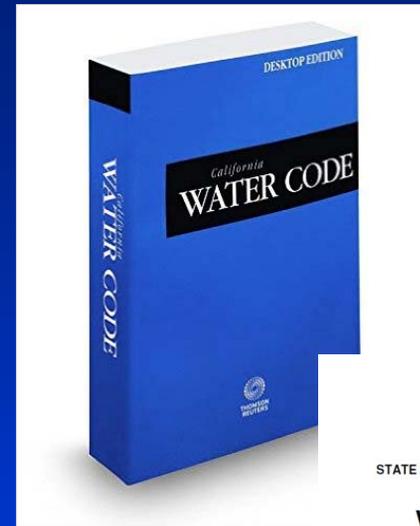
## Portfolio Management

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

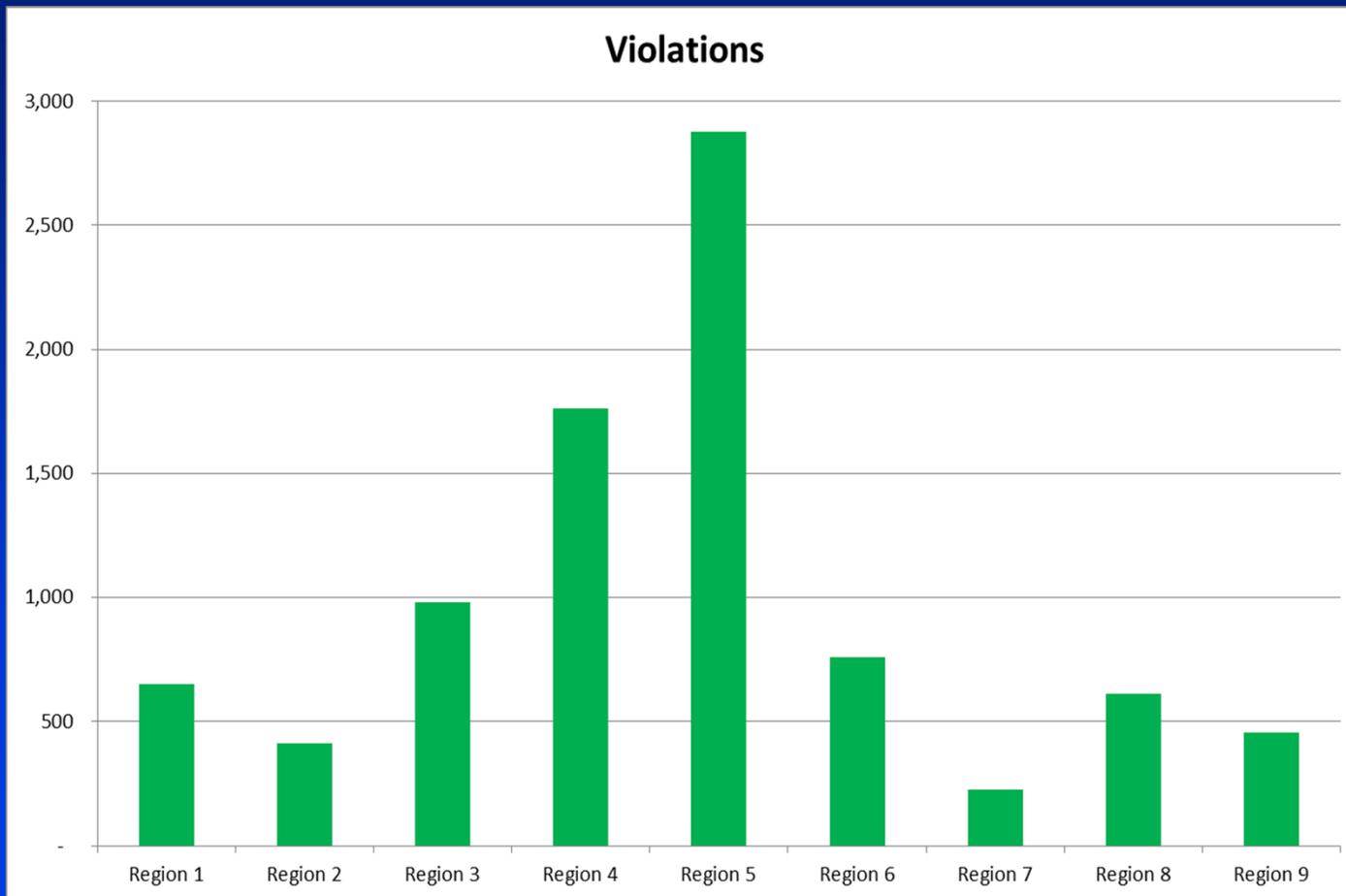


# Enforcement Tools and Process

- 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



# 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



 **CalEPA Environmental Complaint Form - Tracking and Maintenance: Print Complaint**

Hello, Robert L'Heureux. You are now logged in to the CalEPA Environmental Complaint Form - Tracking and Maintenance System as a Central Contact with SWRCB.

Time left until session times out (if no activity): 60 minutes

**Complaint Record Number: 41442**   **Complaint Source: Public**   **Submit Date: 10/29/2014, 11:35 AM**

Displayed below is a printer-friendly record of Complaint Record Number 41442. Use your browser's print button to print a copy.

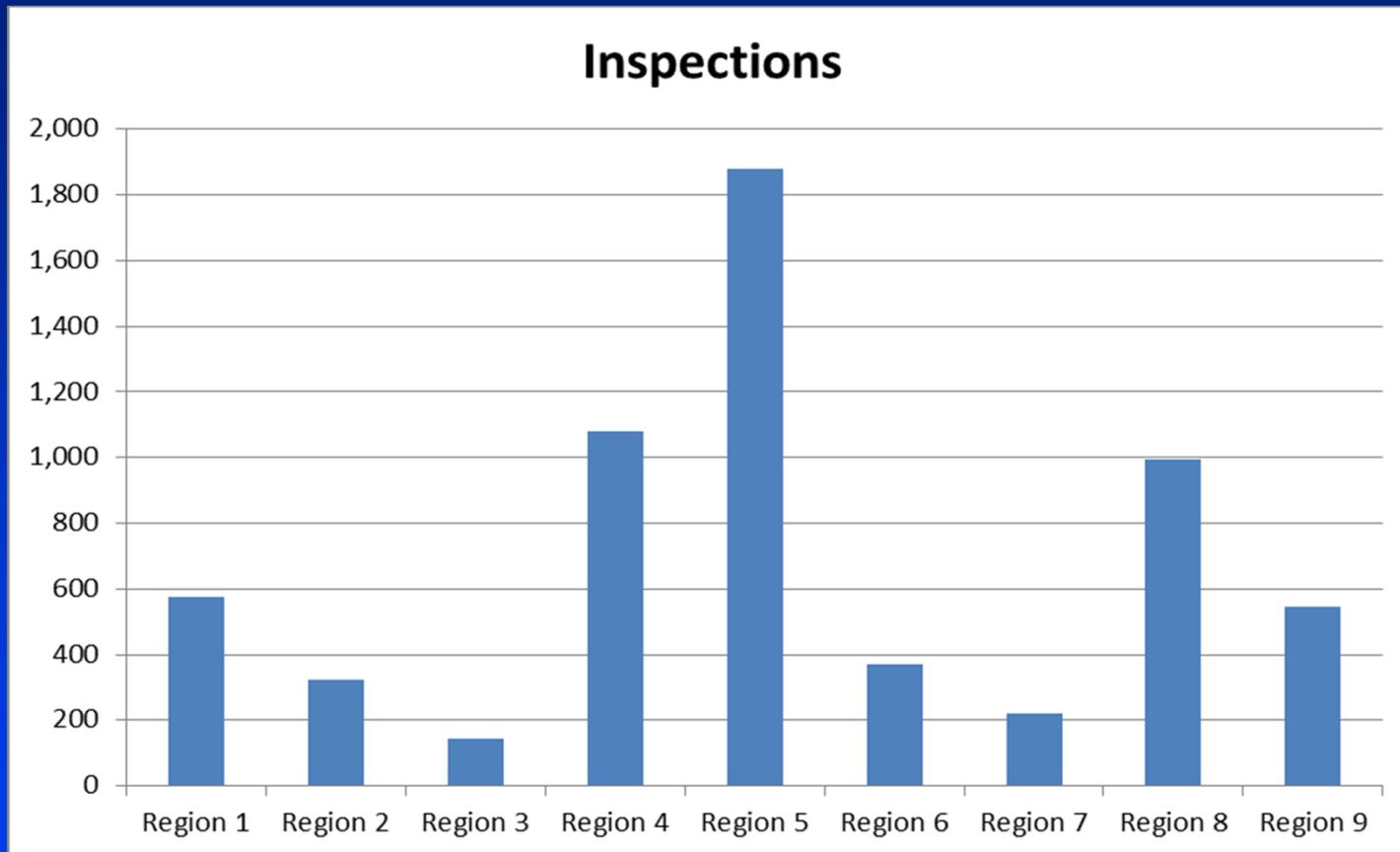
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**Complainant Information:**

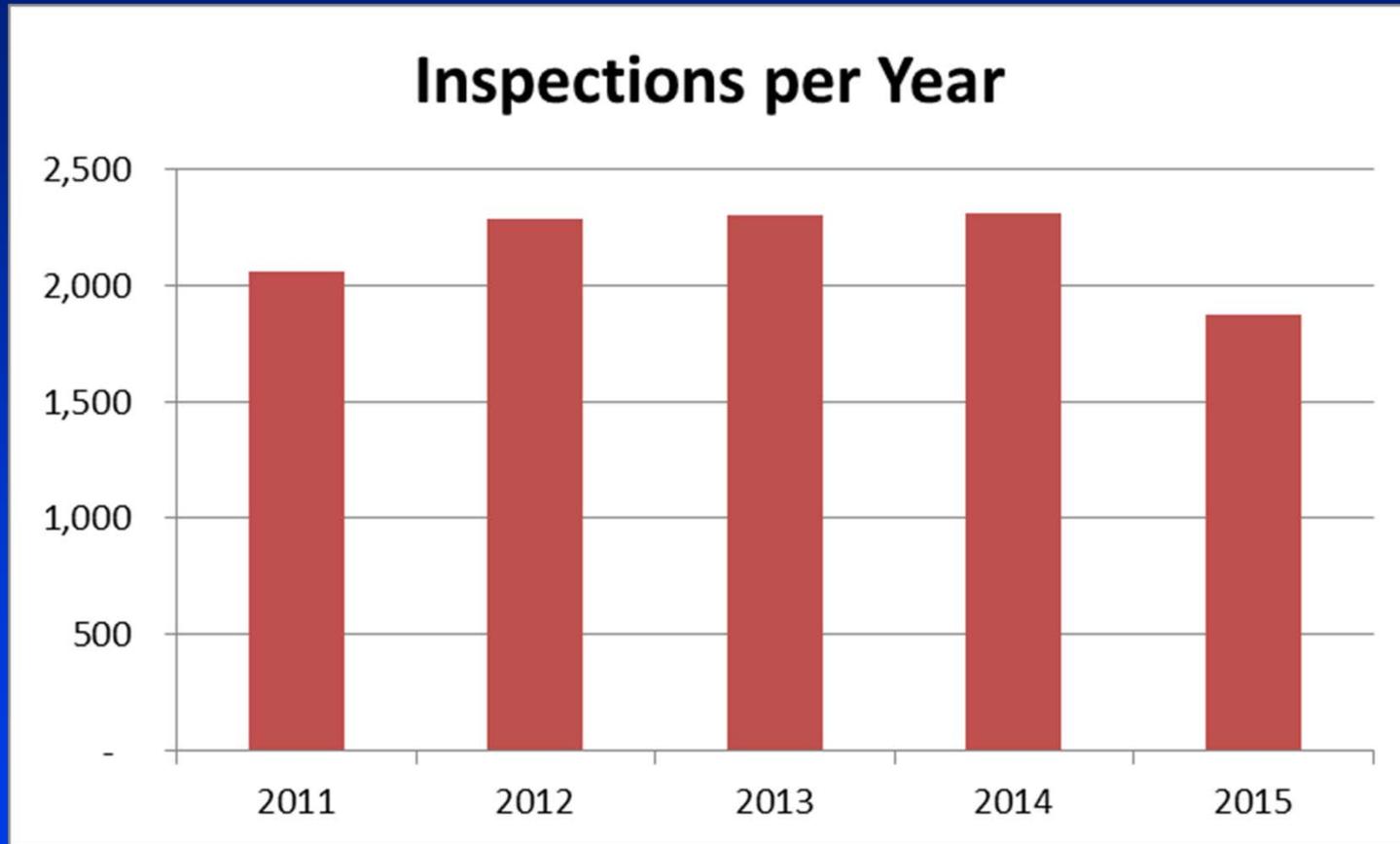
Referring URL: <http://www.calepa.ca.gov/>

Emergency:	No	Name:	Not provided
Spill:	No	Address:	Not provided
Confidential:	Yes	City, St.:	Not provided
Follow-up:	No	ZIP:	Not provided
		Phone Number:	Not provided
		E-Mail:	Not provided

# Enforcement Process - Inspections

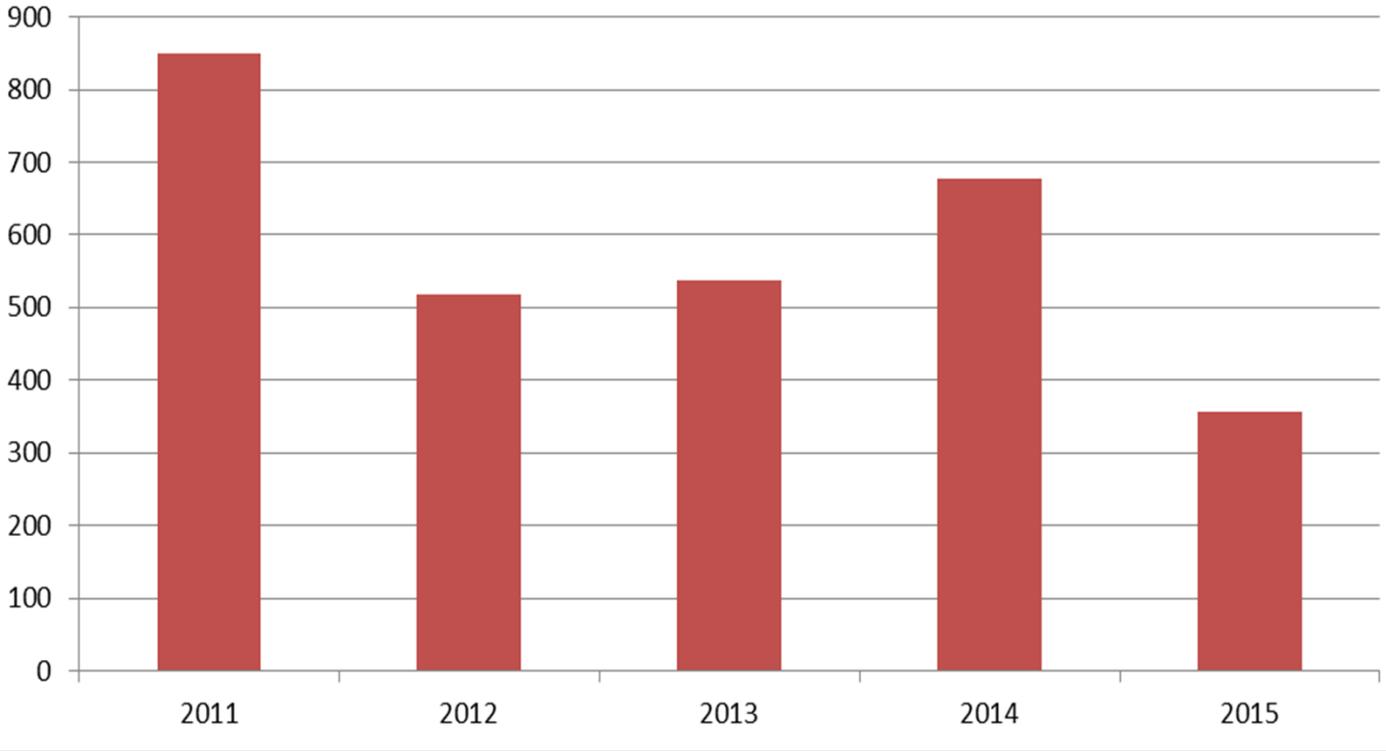


# Enforcement Process - Inspections



# Enforcement Process - Inspections

## Construction Stormwater Inspections per Year



## 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

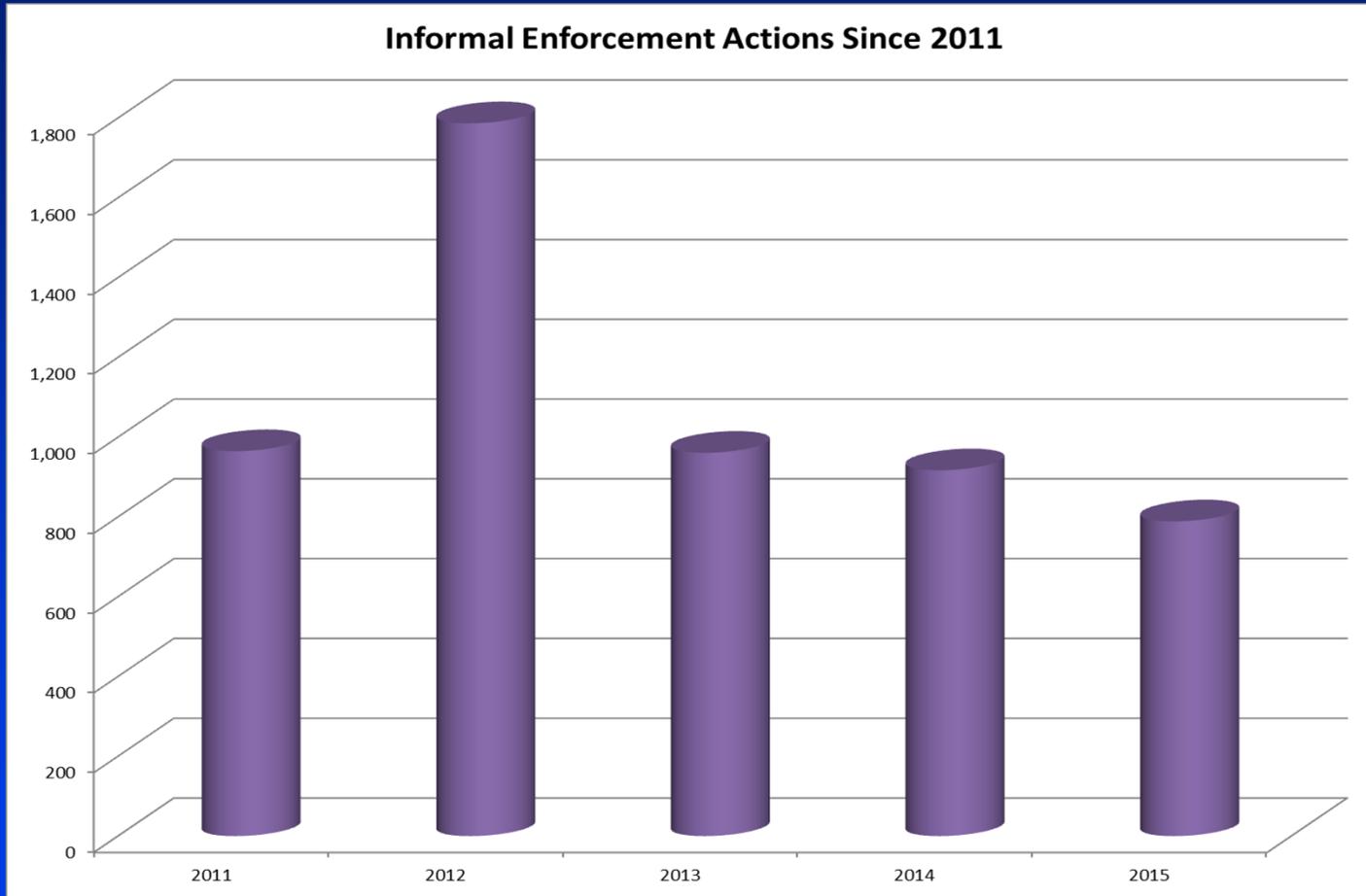
# Progressive Enforcement 2011-2015



## 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)

# Informal Actions 2011-2015

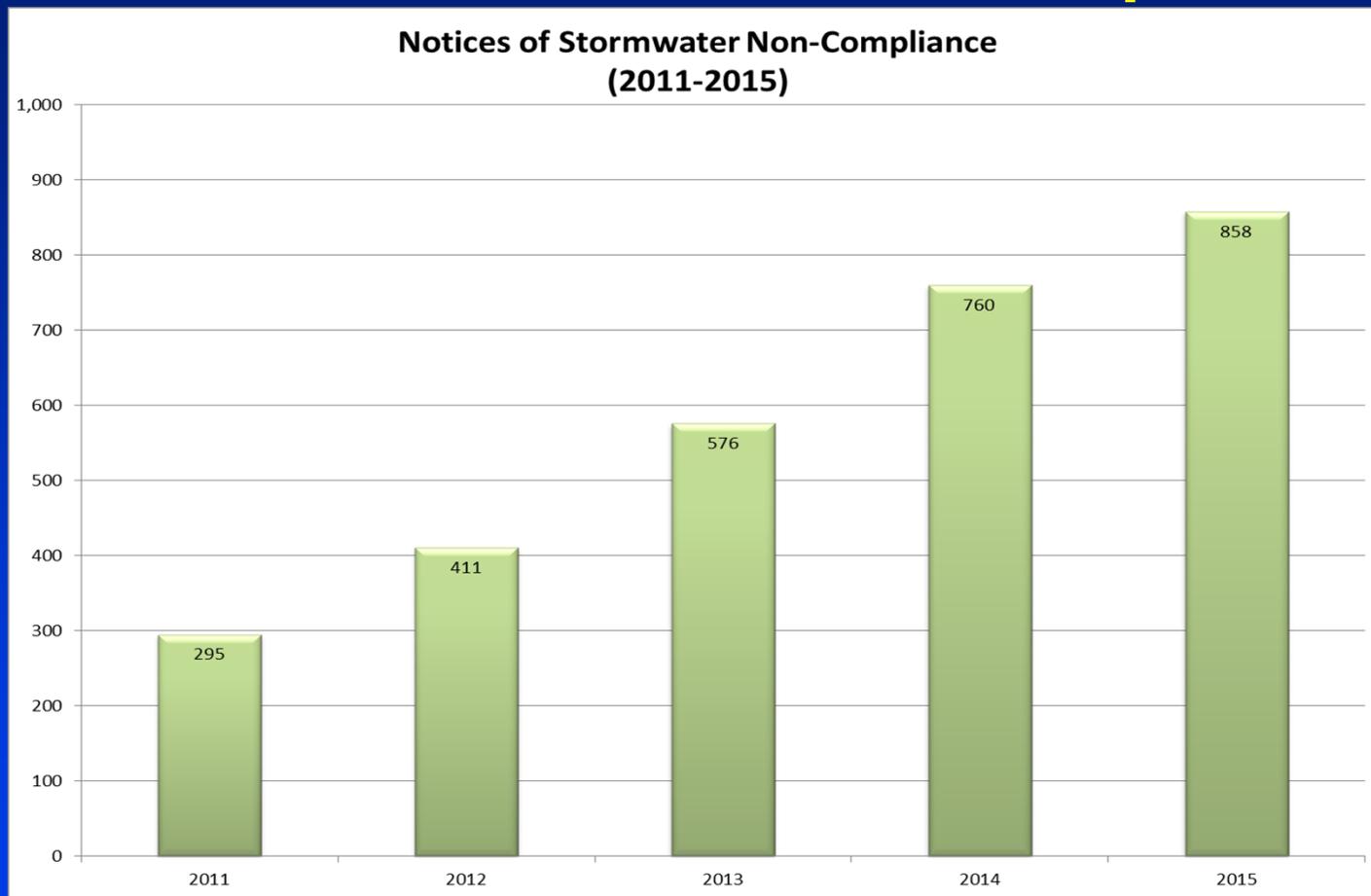


## Enforcement Tools and Process – Notices of Stormwater Non- Compliance

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



# Notices of Stormwater Non-Compliance



## 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**

# 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?

