## ITEM 12

2019 Annual Enforcement Report

**Please Insert Power Point Presentation in Item #12, after Bate Stamp 12 – 21**

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Agenda Item No. 12

Lahontan Water Board
Annual Enforcement Report

Lahontan Water Board Meeting
South Lake Tahoe
March 14, 2019

Scott C. Ferguson, P.E.
Supervising WRCE

Topics of Discussion

• Annual Priorities
• Funding
• Informal Enforcement Effectiveness
• Recommendations
Annual Enforcement Priorities

• Violations adversely affecting public health
• Violations that damage or destroy aquatic habitats

Annual Enforcement Priorities

1. Replacement Water
   Human Right to Water/Disadvantaged communities

2. Cleanup Pollution Sources
   Groundwater and surface water

3. Increased Permit Compliance
Annual Enforcement Priorities

4. Targeted Actions
   Program and industry-specific

5. Informal Enforcement
   Continuing emphasis/expanding use

6. Formal Enforcement
   Class A violations

Enforcement-Dedicated Funding

- Severely Limited
  - Must rely upon Core Regulatory
  - Program vulnerable to changing staffing levels

- Additional Resources Needed
  - Enforcement/Core Regulatory/Advisory Team
Effective Informal Enforcement

• Key Element of Progressive Enforcement
• Relatively Simple/Cost Effective
  – To issue informal: <1 - 40 hours/action
  – To issue formal: 100 - 1,000(+) hours/action
  – ACLs/Settlements: 18 - 24 months

• Compliance Restoration
  – Informal (approx. 89 percent)
  – Formal (approx. 58 percent)
Enforcement Actions (2015 - 2018)

- 387 informal actions
  - 345 Historical/withdrawn
- 476 formal actions*
  - 279 Historical/withdrawn

*Includes 454 Notices of Noncompliance; very similar to Notice of Violations

Informal Enforcement - Benefits

- Simple Processes
- Limited Resource Demand per Action
- Limits Severity of Non-Compliance
- Quick Resolution
Recommendations

• Speed Up Formal Enforcement Actions
• Improve Evidence Quality
• Settlement Workshops
• Increase Groundwater Cleanup Activities

Recommendations

• Continue Enforcement at Lowest Effective Level
• Expedite Fine Process for Minor Violations
• Prioritize Department of Defense Facilities
Recommendations

• Expand Staffing
  – Core Regulatory programs
  – Enforcement staffing
  – Advisory Team

Questions