

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LAHONTAN REGION**

**MEETING OF AUGUST 30, 2023  
APPLE VALLEY, CA**

<b>ITEM 6</b>
<b>2023 ANNUAL ENFORCEMENT PROGRAM UPDATE</b>

<b>CHRONOLOGY</b>
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March 2013 – February 2014	The Water Board, its Enforcement Subcommittee, and its staff worked through a series of Subcommittee and Water Board meetings to identify and implement several Enforcement Program elements/improvements (e.g., Program Objectives, Standardized Hearing Procedures/Public Participation Fact Sheet, and a new Supplemental Environmental Project [SEP] Program).
March 2015	March 2015 Executive Officer’s Report – Staff provided its first overview and analysis of the numbers and types of violations and enforcement actions taken by the Water Board and its staff during the 2014 calendar year.
March 2016 and March 2017	Water Board Agenda Items – Staff presented an annual update of violations and the enforcement actions taken by the Water Board and its staff during the previous calendar year.
Fall 2017	Water Board staff met with the Enforcement Subcommittee to explore opportunities for further improving the Enforcement Program, focusing on the Settlement Agreement process and Separation of Functions.
April 2018	Water Board Agenda Item – Staff presented a review of changes in the Water Board’s Enforcement Program over the previous year including reorganization, increased use of the lowest effective enforcement to restore compliance, and improving communications regarding settlement agreements by developing the concept of a Settlement Workshop.
November 2018	Water Board Agenda Item – Staff presented a summary of the updated 2017 Enforcement Policy, and State Water Board staff presented an informational update on statewide cannabis regulatory and enforcement tools.
March 2019	Water Board Agenda Item – Staff presented a review of the Water Board Enforcement Program’s priorities for 2019 and recommendations for program improvements.
July 2019	Water Board Agenda Item – Staff presented information regarding its Regulatory Compliance Assurance System that acknowledges how the Water Board regulatory and enforcement programs work in tandem towards achieving compliance with the State’s water quality laws, policies, and regulations.
May 2020	Water Board Agenda Item – Staff and Office of Enforcement provided the Water Board a Staff Report and presentation with a status update and recommendations for program improvements and priorities for 2021.

## CHRONOLOGY

June 2021  
and June  
2022

Staff provided updates as part of the Priorities & Accomplishments agenda item for each year, respectively.

## BACKGROUND

Water Board staff has been providing annual updates regarding the Water Board's Enforcement Program for more than eight years. Most reports have focused on violations and enforcement action taken by Water Board staff, with more recent reports highlighting Enforcement Program elements and changes. This agenda item will focus on improvements and accomplishments since the 2022 Annual Enforcement Program Update, provide a summary update of 2022 violations and informal and formal enforcement actions to address those violations, and present program priorities for 2023.

## DISCUSSION

This agenda item will provide a presentation to the Water Board that includes the following topics:

- Summary update of 2022 violations and informal or formal enforcement actions to address those violations including comparisons to the prior 4 calendar years.
- Summary of Enforcement Program accomplishments in 2022.
- Summary of FY23/24 planned Enforcement Program activities.
- Recommended Enforcement Program priorities for 2023.

For reference, the existing enforcement priorities are as follows:

- Enforce against violations that have adversely affected groundwater quality. Emphasis is placed on providing safe drinking when necessary, eliminating the pollutant source, and then cleanup. Examples include dairies, wastewater treatment facilities and other facilities that infiltrate treated effluent, hexavalent chromium, PCE and petroleum impacted groundwater.
- Continue to enforce the annual reporting requirements for the NPDES Industrial and Construction Storm Water Programs. The annual reports provide information on a Discharger's Best Management Practices (BMPs), discharge quality, and corrective actions on an annual basis. Improving submittal rates and taking enforcement actions on non-compliant sites should result in significant storm water quality improvements.
- Enforce against violations where the violations are creating adverse impacts to surface water quality and beneficial uses. Examples include unauthorized discharges of sewage, hazardous waste, and dredged and/or fill materials to creeks, springs, rivers, lakes, and wetlands.

Water Board staff will recommend replacing the existing enforcement priorities listed above with the following new enforcement priorities:

- Continue tracking and obtaining regulatory compliance within the various programs in the Region. Regulatory and permitting staff guide dischargers to compliance through reviewing monitoring reports, conducting inspections, cataloguing

**DISCUSSION**

compliance violations, and issuing enforcement actions. Each of these activities form the basis for tracking and obtaining compliance with existing permits and ensuring water quality protection.

- Emphasize enforcement in areas that impact public drinking water supply in disadvantaged or severely disadvantaged communities, and in areas that directly impacts Tribes or where there are long-standing environmental justice issues.
- Enforcement against alleged violations that are adversely affecting groundwater or surface water quality and beneficial uses. Examples may include unauthorized discharges of sewage, site cleanup and groundwater contamination sites, hazardous waste, and dredge/fill materials to creeks, springs, rivers, lakes, and wetlands.
- Improve Communication and Coordination with internal and external parties. Such external parties may include, but not limited to, municipal jurisdictions, state, and federal agencies. Additionally, provide meaningful public participation opportunities to disadvantaged communities and tribes in enforcement matters, improve data collection and availability of violation and enforcement information to minority and low-income communities, and ensure that effective cross-media coordination and accountability in addressing environmental justice issues.

This agenda item will also include a presentation from the Office of Enforcement regarding anticipated revisions to the 2017 State Water Resources Control Board, Water Quality Enforcement Policy. Office of Enforcement may provide updates on additional topics. David Boyers, Assistant Chief Counsel with the State Water Resources Control Board’s Office of Enforcement, will provide a presentation on this process.

**ISSUES**

Are there elements of the Lahontan Water Board’s Enforcement Program or recommended enforcement priorities that the Water Board would like staff to evaluate and address?

**PUBLIC OUTREACH/INPUT**

None

**PRESENTERS**

1. Shelby Barker, Senior Engineering Geologist (Specialist)/Enforcement Coordinator, Lahontan Regional Water Quality Control Board
2. Ben Letton, Assistant Executive Officer, Lahontan Regional Water Quality Control Board
3. David Boyers, Assistant Chief Counsel, State Water Resources Control Board, Office of Enforcement

**RECOMMENDATION**

This is an information item only. The Water Board may provide direction to staff as appropriate.