

**STATE WATER RESOURCES CONTROL BOARD**

# **WATER QUALITY ENFORCEMENT POLICY**

Effective ~~May 20, 2010~~ July 2016

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

**Water Quality Enforcement Policy - November 17, 2009**

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## INTRODUCTION

The State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards (Regional Water Boards) (together “Water Boards”) have primary responsibility for the coordination and control of water quality in California. In the Porter-Cologne Water Quality Control Act (Porter-Cologne), the Legislature declared that the “state must be prepared to exercise its full power and jurisdiction to protect the quality of the waters in the state from degradation....” (Wat. Code, § 13000). Porter-Cologne grants the Water Boards the authority to implement and enforce ~~the~~ water quality laws, regulations, policies, and plans to protect the groundwater and surface waters of the State. Timely and consistent enforcement of these laws is critical to the success of the water quality program and to ensure that the people of the State have clean water. The goal of this Water Quality Enforcement Policy (Policy) is to protect and enhance the quality of the waters of the State by defining an enforcement process that addresses water quality problems in the most fair, efficient, effective, and consistent manner. In adopting this Policy, the State Water Board intends to provide guidance that will enable Water Board staff to expend its limited resources in ways that openly address the greatest needs, deter harmful conduct, protect the public, and achieve maximum water quality benefits. Toward that end, it is the intent of the State Water Board that the Regional Water Boards’ decisions be consistent with this Policy.

A good enforcement program relies on well-developed compliance monitoring systems designed to identify and correct violations, help establish an enforcement presence, collect evidence needed to support enforcement actions where there are identified violations, and help target and rank enforcement priorities. Compliance with regulations is critical to protecting public health and the environment, and it is the preference of the State Water Board that the most effective and timely methods be used to assure that the regulated community stays in achieves and maintains compliance. Tools such as providing assistance, training, guidance, and incentives are commonly used by the Water Boards and work very well in many situations. There is a point, however, at which this cooperative approach should make way for a more forceful approach.

This Policy addresses the enforcement component (i.e. actions that take place in response to a violation) of the Water Boards’ regulatory framework, which is an equally critical element of a successful regulatory program. Without a strong enforcement program to back up the cooperative approach, the entire regulatory framework would be in jeopardy. Enforcement is a critical ingredient in creating the deterrence needed to encourage the regulated community to anticipate, identify, and correct violations. Formal enforcement should always result when a non-compliant member of the regulated public begins to realize a competitive economic advantage over compliant members of the regulated public. The principle of fairness in enforcement requires that those who are unwilling to incur the expenses of regulatory compliance not be rewarded for making that choice. It is the intent of the State Water Board that formal enforcement should be used as a tool to maintain a level-playing field for those who comply with their regulatory obligations by setting appropriate and counter-balancing civil liabilities for those who do not. Appropriate penalties and other consequences for violations offer some assurance of equity between those who choose to comply with requirements and those who violate them. It also improves public confidence when government is ready, willing, and able to back up its requirements with action.

In furtherance of the water quality regulatory goals of the Water Boards, this Policy:

- Establishes a process for ranking enforcement priorities based on, while at the actual or potential impact to same time recognizing that the variety and scope of specific beneficial uses or in each Region may require unique considerations when setting priorities;



- Re-affirms the regulatory program and for using principle of progressive levels of enforcement, as necessary, to achieve which contemplates an escalating series of actions beginning with notification of violations and compliance; assistance, followed by increasingly severe consequences, culminating in a complaint for civil liabilities where compliance cannot be attained within a reasonable time. While progressive enforcement is the most typical approach to enforcement, it may not be an appropriate enforcement response when violations result from intentional or grossly negligent misconduct, or where the impacts to beneficial uses are above moderate or major;
- Establishes an administrative civil liability assessment methodology to create a transparent, fair, and consistent statewide approach to liability assessment;
- Recognizes the use of value in using alternatives to the assessment of civil liabilities, such as supplemental environmental projects, compliance projects, and enhanced compliance actions, but requires standards for the approval of such alternatives to ensure they provide the expected benefits;
- Identifies circumstances in which the State Water Board will take action, even though the Regional Water Boards have primary jurisdiction;
- Addresses the eligibility requirements for small communities to qualify for carrying out compliance projects, in lieu of paying mandatory minimum penalties (MMP) pursuant to California Water Code section 13385;
- Emphasizes the recording of enforcement data and the communication of enforcement information to the public and the regulated community; and,
- Establishes annual enforcement reporting and planning requirements for the Water Boards.

The State's water quality requirements are not solely the purview of the Water Boards and their staffs. Other agencies, such as, including local government and the California Department of Fish and Game Wildlife (DFW) have the ability to enforce certain water quality provisions in state law. State law also allows members of the public to bring enforcement matters to the attention of the Water Boards and authorizes aggrieved persons to petition the State Water Board to review most actions or failures to act of the Regional Water Boards. In addition, sState and federal statutes provide for public participation in the issuance of orders, policies, and water quality control plans. Finally, the federal Clean Water Act (CWA) authorizes citizens to bring suit against dischargers for certain types of CWA violations.

## I. — I. **II. FAIR, FIRM, AND CONSISTENT, AND TRANSPARENT ENFORCEMENT**

It is the policy of the State Water Board that the Water Boards shall strive to be transparent, fair, firm, and consistent in taking enforcement actions throughout the State, while recognizing the unique facts of each case. The Water Boards acknowledge that contractors or agents for legally responsible persons (the discharger(s) named in the underlying order, or the owner and operator in the case of an unpermitted discharge) frequently bear some of the responsibility for violations. In appropriate cases, the Water Boards may bring enforcement actions against contractors and/or agents, in addition to the legally responsible person(s) or permittees, for some or all of the same violations.

### **A. Standard and Enforceable Orders**

~~The~~ Water Board orders shall be consistent except as appropriate for the specific circumstances related to the [violation or discharge](#), and to accommodate differences in applicable water quality control plans.

## **B. Determining Compliance**

The Water Boards shall implement a consistent and valid approach to determine compliance with enforceable orders.

## **C. ~~Suitable~~[Consistent](#) Enforcement**

The Water Boards' enforcement actions shall be suitable for each type of violation, providing consistent treatment for violations that are similar in nature and have similar water quality impacts. Where necessary, enforcement actions shall also ensure a timely return to compliance.

[The Water Boards achieve consistency in enforcement by applying the penalty calculator in Section VI. This policy does not require a Water Board to compare a proposed penalty to other actions that it or another Water Board has taken or make findings about why the assessed or proposed amounts differ.](#)

## **D. Fair Enforcement**

[Fair enforcement requires, at a minimum, adequate civil liabilities to ensure that no competitive economic advantage is attained through non-compliance, while recognizing that, in many cases, merely recapturing the economic benefit gained by non-compliance is insufficient to establish an appropriate level of specific and/or general deterrence and a higher penalty should be imposed.](#)

## **E. Progressive Enforcement**

[Progressive enforcement is one of the most important components of fair and consistent enforcement. Generally, progressive enforcement is grounded in the idea that the Water Boards' mission is, in part, to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses. Progressive Enforcement contemplates an escalating series of actions beginning with notification of violations and compliance assistance, followed by enforcement orders compelling compliance, culminating in a complaint for civil liabilities where compliance is not attained within a reasonable time. While Progressive Enforcement is the most typical approach to enforcement, it is not always the most appropriate enforcement strategy. Rather, it must be balanced with the other important aspects of enforcement discussed in this Policy. Progressive Enforcement may not be an appropriate enforcement response when violations result from intentional or grossly negligent misconduct, or where the impacts to beneficial uses are above moderate or major.](#)

## **F. Transparency**

[Water Board enforcement orders should provide clear and consistent, evidence and policy-based findings by decision makers to support order directives.](#)

## **D.G. Environmental Justice and Disadvantaged Communities**

The Water Boards shall promote enforcement of all health and environmental statutes within their jurisdictions in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority and low-income populations in the state.

Specifically, the Water Boards shall pursue enforcement that is consistent with the goals identified in ~~Cal-EPA's~~CalEPA's Intra-Agency Environmental Justice Strategy, August 2004 (<http://www.calepa.ca.gov/EnvJustice/Documents/2004/Strategy/Final.pdf>~~http://www.calepa.ca.gov/EnvJustice/Documents/2004/Strategy/Final.pdf~~) as follows:

- ~~• Ensure meaningful public participation in enforcement matters;~~
- Integrate environmental justice considerations into the enforcement of environmental laws, regulations, and policies;
- Ensure meaningful public participation in enforcement matters;
- Improve data collection and availability of violation and enforcement information for communities of color and low-income populations; and,
- Ensure effective cross-media coordination and accountability in addressing environmental justice issues.

~~E.—Publicly-owned treatment works (POTW) and sewage collection systems that serve disadvantaged communities must comply with water quality protection laws. When water quality violations occur in disadvantaged communities, passing costs associated with facility upgrades and compliance measures through to ratepayers may create unduly burdensome financial hardships in the same way it does with small disadvantaged communities (discussed below).~~

~~In recognition of the financial hardships the cost of compliance may pose for disadvantaged communities and, in furtherance of the Water Boards' commitment to environmental justice in enforcement, the Water Boards should consider informal enforcement and/or compliance assistance as the first step to address violations, unless there are extenuating circumstances. The Water Boards should consider the disadvantaged community POTW's commitment to achieve compliance, the degree of economic hardship potentially imposed on ratepayers, and the availability of grants or low/no interest loans.~~

~~The Water Boards shall also prioritize and pursue enforcement in furtherance of State Water Board Resolution 2016-0010, adopting the Human Right to Water as a core value.~~

## **E.H. Facilities Serving Small Communities**

The State Water Board has a comprehensive strategy for facilities serving small and/or disadvantaged communities that extends beyond enforcement and will revise that strategy as necessary to address the unique compliance challenges faced by these communities (see State Water Resources Control Board Resolution ~~No.~~2008-0048). Consistent with this strategy, reference in this Section E- to small communities is intended to denote both small and disadvantaged small communities.

~~Publicly owned treatment works (POTWs) and sewage collection systems that serve small communities must comply with water quality protection laws. The State Water Board recognizes that complying with environmental laws and regulations will require higher per capita expenditures in small communities than in large communities. When water quality violations occur, traditional enforcement practices used by the Water Boards may result in significant~~

costs to these communities and their residents, thereby limiting their ability to achieve compliance without suffering disproportionate hardships.

In recognition of these factors, informal enforcement or compliance assistance will be the first steps taken to return a facility serving a small community to compliance, unless the Water Board finds that extenuating circumstances apply. Informal enforcement is covered in Appendix A.

Compliance assistance activities are based on aan entity's commitment on the part of the entity to achieve compliance and shall be offered in lieu of enforcement for communities which demonstrate that commitment when an opportunity exists to correct the violations. Compliance assistance activities that serve to bring a facility into compliance include, but are not limited to:

- Education of the discharger and its employees regarding their permit, order, monitoring/reporting program, or any applicable regulatory requirements; Working with the discharger to seek solutions to resolve violations or eliminate the causes of violations; and,
- Assistance in identifying available funding and resources to implement measures to achieve compliance.

Further, the Water Boards recognize that timely initiation of progressive enforcement is important for a noncompliant facility serving a small community. When enforcement is taken before a large liability accumulates, there is greater likelihood the facility serving the small community will be able to address the liability and return to compliance within its financial capabilities.

### ~~III.~~—II.

## **IV.II. ENFORCEMENT PRIORITIES FOR DISCRETIONARY ENFORCEMENT ACTIONS**

It is the policy of the State Water Board that every violation results in the appropriate enforcement response consistent with the priority of the violation established in accordance with this Policy. The Water Boards shall rank violations and This Policy acknowledges that enforcement prioritization enhances the Water Boards' ability to leverage their scarce enforcement resources and to achieve the general deterrence needed to encourage the regulated community to anticipate, identify, and correct violations. To that end, the Water Boards shall rank violations, then prioritize cases for formal discretionary enforcement action to ensure the most efficient and effective use of available resources. Each Regional Water Board shall appoint an Enforcement Coordinator to assist with prioritizing cases and implementing this Policy.

Enforcement staff for each Regional Water Board and/or relevant division at the State Water Board shall meet periodically, but in no event less than quarterly, to pre-screen and analyze potential cases for discretionary enforcement. These enforcement prioritization meetings should include the Regional Water Board Enforcement Coordinator, one or more attorney liaisons from the State Water Board Office of Enforcement, enforcement staff and the lead prosecutor or the lead prosecutor's designee. Program leads and supervisors are encouraged to refer potential enforcement matters to the lead prosecutor or the lead prosecutor's designee for analysis and discussion, and to attend all or appropriate parts of the prioritization meetings. Because the purpose of the enforcement prioritization meetings is for Water Board leadership, staff, and their attorneys to candidly discuss case prioritization, some or all of the dialogue and/or documents referred to at the meetings may be attorney client privileged and/or work product protected. Appropriate protocols should be established by Water Board leadership to maintain separation of functions between enforcement staff attending the prioritization meeting and staff who may serve in an advisory capacity to the Board at an adjudicatory hearing.

## A. Ranking Violations

The first step in enforcement ~~ranking/prioritization~~ is ~~determining to determine~~ the relative significance of each violation. ~~The following criteria will~~ or series of violations at a particular facility. ~~Significance should be used/determined~~ by ~~analyzing~~ the Water Boards to ~~identify/severity of impacts to beneficial uses, the level of disregard for regulatory program requirements,~~ and ~~classify significant violations in deviation from applicable water quality control plan standards or permit or order to help establish priorities for enforcement efforts/conditions.~~

### 1. Class I Priority Violations

Class I priority violations are those ~~violations~~ that pose an immediate and substantial threat to water quality and/or that have the potential to ~~individually or cumulatively~~ cause significant detrimental impacts to human health or the environment. Class I violations ordinarily include, but are not limited to, the following:

- Discharges causing or contributing to exceedances of primary maximum contaminant levels in receiving waters with a beneficial use of municipal and domestic supply (MUN);
- Unauthorized discharges of sewage, regardless of level of treatment, within 1,000 feet of a municipal water intake;
- Discharges exceeding water quality based effluent limitations for priority pollutants as defined in the California Toxics Rule by 100 percent or more;
- Discharges causing or contributing to demonstrable detrimental impacts to aquatic life and aquatic-dependent wildlife (e.g., fish kill);
- Discharges violating acute toxicity effluent limitations;
- Unauthorized discharges from Class II surface impoundments;
- For discharges subject to Title 27 requirements, failure to implement corrective actions in accordance with WDRs;
- Unpermitted fill of wetlands exceeding 0.5 acre in areal extent;
- Discharge of construction materials to receiving waters with beneficial uses of COLD, WARM, and/or WILD; and,
- Discharges causing or contributing to in-stream turbidity in excess of 100 nephelometric turbidity units (NTU) in receiving waters with beneficial uses of COLD, WARM, and/or WILD, except during storm events.

Violations involving recalcitrant parties who deliberately avoid compliance with water quality regulations ~~and/or Water Board~~ orders are also considered ~~e~~Class I priority violations because they pose a serious threat to the integrity of the Water Boards' regulatory programs.

Class I priority ~~All other~~ violations ~~include, but are not limited to, the following:~~

~~Significant measured or calculated Class II violations with lasting effects on water quality objectives or criteria in the receiving waters;~~

- a. ~~Violations that result in significant lasting impacts to existing beneficial uses of waters of the State;~~
- b. ~~Violations that result in significant harm to, or the destruction of, fish or wildlife;~~
- c. ~~Violations that present an imminent danger to public health;~~

- d. ~~Unauthorized discharges that pose a significant threat to water quality;~~
- e. ~~Falsification of information submitted to the Water Boards or intentional withholding of information required by applicable laws, regulations, or enforceable orders;~~
- f. ~~Violation of a prior enforcement action-- such as a cleanup and abatement order or cease and desist order--that results in an unauthorized discharge of waste or pollutants to water of the State; and~~
- g. ~~Knowing and willful failure to comply with monitoring requirements as required by applicable laws, regulations, or enforceable orders because of knowledge that monitoring results will reveal violations.~~

## **2. Class II Violations**

~~Class II violations are those violations that pose a moderate, indirect, or cumulative threat to water quality and, therefore, have the potential to cause detrimental impacts on human health and the environment. Negligent or inadvertent noncompliance with water quality regulations that has the potential for causing or allowing the continuation of an unauthorized discharge or obscuring past violations is also a class II violation.~~

~~Class II violations include, but are not limited to, the following:~~

- a. ~~Unauthorized discharges that pose a moderate or cumulative threat to water quality;~~
- b. ~~Violations of acute or chronic toxicity requirements where the discharge may adversely affect fish or wildlife;~~
- c. ~~Violations that present a substantial threat to public health;~~
- d. ~~Negligent or inadvertent failure to substantially comply with monitoring requirements as required by applicable laws, regulations, or enforceable orders, such as not taking all the samples required;~~
- e. ~~Negligent or inadvertent failure to submit information as required by applicable laws, regulations, or an enforceable order where that information is necessary to confirm past compliance or to prevent or curtail an unauthorized discharge;~~
- f. ~~Violations of compliance schedule dates (e.g., schedule dates for starting construction, completing construction, or attaining final compliance) by 30 days or more from the compliance date specified in an enforceable order;~~
- g. ~~Failure to pay fees, penalties, or liabilities within 120 days of the due date, unless the discharger has pending a timely petition pursuant to California Water Code section 13320 for review of the fee, penalty, or liability, or a timely request for an alternative payment schedule, filed with the Regional Water Board;~~
- h. ~~Violations of prior enforcement actions that do not result in an unauthorized discharge of waste or pollutants to waters of the State;~~
- i. ~~Significant measured or calculated violations of water quality objectives or promulgated water quality criteria in the receiving waters; and~~

- j.—Violations that result in significant demonstrated impacts on existing beneficial uses of waters of the State.

### **3. Class III Violations**

~~Class III violations are those violations that pose only a minor threat to water quality and have little or no known potential for causing a detrimental impact on human health and the environment. Class III violations include statutorily required liability for late reporting when such late filings do not result in causing an unauthorized discharge or allowing one to continue. Class III violations should only include violations by dischargers who are first time or infrequent violators and are not part of a pattern of chronic violations.~~

~~Class III violations are all violations that are not class I priority or class II violations. Those include, but are not limited to, the following:~~

- a.—Unauthorized discharges that pose a low threat to water quality;
- b.—Negligent or inadvertent late submission of information required by applicable laws, regulations, or enforceable orders;
- c.—Failure to pay fees, penalties, or liabilities within 30 days of the due date, unless the discharger has pending a timely petition pursuant to California Water Code section 13320 for review of the fee, penalty or liability; or a timely request for an alternative payment schedule, filed with the Regional Water Board;
- d.—Any “minor violation” as determined pursuant to California Water Code section 13399 et seq. (see Appendix A. C.1a);
- e.—Negligent or inadvertent failure to comply with monitoring requirements when conducting monitoring as required by applicable laws, regulations, or enforceable orders, such as using an incorrect testing method;
- f.—Less significant (as compared to class II violations) measured or calculated violations of water quality objectives or promulgated water quality criteria in the receiving waters; and
- g.—Violations that result in less significant (as compared to class II violations) demonstrated impacts to existing beneficial uses of waters of the State.

### **B. Enforcement Priorities Case Prioritization for Individual Entities**

~~The second step in enforcement ranking involves examining the enforcement records of specific entities based on the significance and severity of their violations, as well as other factors identified below. Regional Water Board senior staff and management, with support from the State Water Board Office of Enforcement, shall meet on a regular basis, no less than bi-monthly, and identify their highest priority enforcement cases. To the greatest extent possible, Regional Water Board shall target entities with class I priority violations for formal enforcement action.~~

The second step in enforcement prioritization involves establishing case priorities for discretionary enforcement actions against specific individual entities, and determining the appropriate remedial tool.



In determining the importance of addressing the violations of a given entity, the following criteria non-exclusive factors should be used/considered:

1. Class/Significance of the entity's violations/violation(s) as assessed in Step 1;
2. Whether the entity has avoided the cost of compliance and therefore gained a competitive economic advantage and/or economic benefit;
- 2-3. History of the entity:
  - a. Whether the violations have continued over an unreasonably long period after being brought to the entity's attention and are reoccurring;
  - b. Whether the entity has a history of chronic noncompliance; and,
  - c. Compliance history of the entity and good-faith efforts to eliminate noncompliance;
- 3-4. Evidence of, or threat of, pollution or nuisance caused by violations;
- 4-5. The magnitude ~~or of~~ impacts of the violations/violation(s);
- 5-6. Case-by-case factors that may mitigate a violation;
- 6-7. Impact or threat to high priority watersheds or water bodies (e.g., due to the vulnerability of an existing beneficial use or an existing state of impairment);
- 7-8. Potential to abate effects of the violations;
- 8-9. Strength of evidence in the record to support the enforcement action; and
- 9-10. Availability of resources for enforcement; and.

### **C. Automated Violation Priorities**

~~It is the goal of the State Water Board to develop data algorithms to assign the relative priority of individual violations consistent with this Policy by January 1, 2012. This automated system should simplify the ranking of violations and facilitate prioritization of cases for enforcement.~~

11. ~~D~~Whether the action is likely to encourage similarly situated members of the regulated public to voluntarily identify, and avoid or correct similar violations.

### **C. Setting Statewide and Regional Priorities**

On ~~an annual~~ biennial basis, the State Water Board Office of Enforcement will propose statewide enforcement priorities. ~~These and vet them with the Regional Water Board enforcement teams. Based on this process, some proposed statewide enforcement~~ priorities will become statewide enforcement initiatives. These initiatives may be based on types of violations, individual regulatory programs, particular watersheds, or any other combined aspect of the regulatory framework in which an increased enforcement presence ~~is may be~~ required on a statewide or multi-regional basis. These ~~priorities/initiatives~~ initiatives will be documented in an annual enforcement report and reevaluated each year.

~~As part of the State Water Board's It is recommended that, on an annual~~ basis, enforcement ~~prioritization process, staff for~~ each Regional Water Board will identify seek input at a regularly noticed public meeting of the Regional Water Board and reevaluate its own regional priorities on an annual basis. This will also be included in a regional annual ~~consider identifying general~~ enforcement report. priorities based on input from members of the public and Regional Water Board members within thirty (30) days thereafter.



## **ED. Mandatory Enforcement Actions**

In addition to these criteria for discretionary enforcement, the Water Boards will continue to address mandatory enforcement obligations imposed by ~~the~~ law (e.g., Wat. Code § 13385, subds. ~~(h) and &~~ (i)). As detailed in ~~Section VII~~ Appendix B, absent good cause, these mandatory actions should be taken within 18 months of the time that the violations ~~qualify for the assessment of mandatory minimum penalties became known~~.

~~V.~~

~~III.~~

## **VI.III. ENFORCEMENT ACTIONS**

The Water Boards have a variety of enforcement tools to use in response to noncompliance by dischargers. With certain specified exceptions California Water Code section 13360, subdivision (a), prohibits the State Water Board or Regional Water Board from specifying the design, location, type of construction, or particular manner in which compliance may be had with a particular requirement. For every enforcement action taken, the discharger's return to compliance should be tracked in the Water Board's enforcement database. See Appendix A for additional information.

~~IV.~~

## **VII.IV. STATE WATER BOARD ENFORCEMENT ACTION**

The Regional Water Boards have primary responsibility for matters directly affecting the quality of waters within their region, including enforcement matters. The State Water Board generally acts as an administrative appellate body for enforcement proceedings, but also has oversight authority in such water quality enforcement matters and may, from time to time, take enforcement action in lieu of the Regional Water Board as follows:

- In response to petitions alleging inaction or ineffective enforcement action by a Regional Water Board;
- To enforce statewide or multi-regional general permits;
- To address investigate and take enforcement against multi-regional facilities and or permittees;
- Where a discharger's violations by the same discharger cause actual or potential harm in more than one region;
- Where the Regional Water Board's lead prosecutor has requested that the State Water Board take over the enforcement action;
- Where a Regional Water Board is unable to take an enforcement action because of quorum problems, conflicts of interest, or other administrative circumstances;
- Where a Regional Water Board has not investigated or initiated an enforcement action matter involves both water rights and water quality violations and the water rights violations are predominant; and,
- Where an enforcement matter involves both water quality violations and alleged Health and Safety Code violations for a class I priority violation in a manner consistent with this Policy; and

- [Actions fraud, waste and/or abuse of funds from the Underground Storage Tank \(UST\) Cleanup Fund, and actions](#) where the Executive Director has determined that enforcement by the State Water Board is necessary and appropriate.

Where the State Water Board decides to pursue such enforcement, the Office of Enforcement will coordinate investigation of the violations and preparation of the enforcement action with the staff of the affected Regional Water Board<sup>s</sup> to ensure that the State Water Board will not duplicate efforts of the Regional Water Board. Except under unusual circumstances, the Regional Water Board enforcement staff will have the opportunity to participate and assist in any investigation and the Office of Enforcement will seek input from the Regional Water Board enforcement staff in the development of any resulting enforcement action. Such action may be brought before the State Water Board or the Regional Water Board, as ~~may be~~ deemed appropriate for the particular action. The decision as to where to bring the enforcement action will be discussed with the affected Regional Water Board enforcement staff. Enforcement actions requiring compliance monitoring or long-term regulatory follow-up will generally be brought before the appropriate Regional Water Board.

## ~~VIII. V.~~

### IX.V. COORDINATION WITH OTHER REGULATORY AGENCIES

#### A. Hazardous Waste Facilities

At hazardous waste facilities where the Regional Water Board is the lead agency for corrective action oversight, the Regional Water Board shall consult with Department of Toxic Substances Control (DTSC) to ensure, among other things, that corrective action is at least equivalent to the requirements of the Federal Resource, Conservation, and Recovery Act (RCRA).

#### B. Oil Spills

The Water Boards will consult and cooperate with the Office of Spill Prevention and Response ~~at the Department of Fish and Game~~ (OSPR) at DFW for any oil spill involving waters under the jurisdiction of OSPR.

#### C. General

The Water Boards will work cooperatively with other local, state, regional, and federal agencies when violations, for which the agency itself is not responsible, occur on lands owned or managed by the agency. Where appropriate, the Water Boards will also coordinate enforcement actions with other agencies that have concurrent enforcement authority.

## ~~X. VI.~~

### XI.VI. MONETARY ASSESSMENTS IN ADMINISTRATIVE CIVIL LIABILITY (ACL) ACTIONS

#### A. Penalty Calculation Methodology

As a general matter, ~~where, as in the California Water Code, where~~ a civil penalty structure has been devised to address environmental violations, as in the California Water Code, civil penalties do not depend on proof of actual harm or damages to the environment. Courts in reviewing similar environmental protection statutes have held that a plaintiff need not prove a loss before recovering a penalty; instead, the defendant must demonstrate that the penalty should be less than the statutory maximum. In certain cases, a strong argument can be made

that consideration of the statutory factors can support the statutory maximum as an appropriate penalty for water quality violations, in the absence of any other mitigating evidence. Moreover, as discussed below, ~~the Porter-Cologne Act~~ requires that certain civil liabilities be set at a level that accounts for any "economic benefit or savings" violators gained through their violations. (Wat. Code, § 13385, subd. (e).) Economic benefit or savings is a factor to be considered in determining the amount of other civil liabilities. (Wat. Code, § 13327.) Fairness requires the Water Boards to impose civil liabilities at levels sufficient to ensure that violators do not gain a competitive economic advantage from avoiding and/or delaying the costs of compliance. Fairness does not require the Water Boards to compare an adopted or proposed penalty to other actions. The Water Boards have powerful liability provisions at their disposal which the Legislature and the public expect them to fairly and consistently implement for maximum enforcement impact to address, correct, and deter water quality violations. It is the intent of the State Water Board, by establishing this penalty calculation methodology, to help ensure that these powerful liability provisions are exercised in a transparent, fair, and consistent manner.

While it is a goal of this Policy to establish broad consistency in the Water Boards' approach to enforcement, the Policy recognizes that, with respect to liability determinations, each Regional Water Board, and each specific case, is somewhat unique. The goals of this section ~~is~~ are to provide a consistent approach and method of analysis of the applicable statutory factors, and to determine administrative civil liability, provide a transparent analytical route for decision makers to deliberate on the evidence presented and make the necessary findings when determining an ACL. Where violations are standard and routine, a consistent and repeatable outcome can be reasonably expected using this Policy. In more complex matters, however, the need to assess all of the applicable factors in liability determinations may yield different outcomes in cases that may have many similar ~~facts-attributes.~~ Making transparent and evidence-based and/or policy-supported findings will provide sound bases for those different outcomes.

Liabilities imposed by the Water Boards are an important part of the Water Boards' enforcement authority. Accordingly, any assessment of ~~administrative civil liability~~ an ACL, whether negotiated pursuant to a settlement agreement or imposed after an administrative adjudication, should:

- Be assessed in a fair and consistent manner;
- Fully eliminate any economic advantage obtained from noncompliance;<sup>1</sup>
- Fully eliminate any unfair competitive advantage obtained from noncompliance;
- Contain evidence-based and/or policy-based findings that provide transparency in understanding the bases for a decision;
- Bear a reasonable relationship to the gravity of the violation and the harm or potential for harm to beneficial uses or regulatory program resulting from the violation;
- Deter the specific person(s) identified in the ACL from committing further violations; and,
- Deter similarly situated person(s) in the regulated community from committing the same or similar violations.

The liability calculation process set forth in this chapter provides the decision-maker with a methodology for arriving at a liability amount consistent with these objectives. This process is

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<sup>1</sup> When liability is imposed under California Water Code § 13385, Water Boards are statutorily obligated to recover, at a minimum, all economic benefit to the violator as a result of the violation. Consistent with the principles of fairness expressed herein, this Policy extends the requirement to recover a minimum of all economic benefit to all discretionary ACL actions, except when decision makers make specific, evidence-based findings under Step 8, Other Factors as Justice May Require.

applicable to determining administratively-adjudicated assessments as well as those obtained through settlement. In reviewing a petition challenging the use of this methodology by a Regional Water Board, the State Water Board will generally defer to the decisions made by the Regional Water Boards in calculating the liability amount unless it is demonstrated that the Regional Water Board made a clear factual mistake or error of law, or that it abused its discretion.

The following provisions apply to all discretionary ~~administrative civil liabilities (ACLs)-Mandatory Minimum Penalties (MMPs)~~ ACL actions. MMPs required pursuant to California Water Code section 13385, subdivisions (h) and (i), are discussed in Chapter VII.

### **General Approach**

A brief summary of each step is provided immediately below. A more complete discussion of each step is presented later in this section.

- Step 1. *Actual Harm or Potential for Harm for Discharge Violations* – Calculate Actual Harm or Potential for Harm considering: (1) the degree of toxicity of the discharge; (2) the actual or potential for harm to beneficial uses; ~~(2) the degree of toxicity of the discharge~~; and (3) the discharge’s susceptibility to cleanup or abatement.
- Step 2. *Per Gallon and Per Day Assessments for Discharge Violations* – For discharges resulting in violations, use Table 1 and/or Table 2 to determine Per Gallon and/or Per Day Assessments. Depending on the particular language of the ACL statute being used, either or both tables may be used. Multiply these factors by per gallon and/or per day amounts as described below. Where allowed by code, both amounts should be determined and added together. This becomes the initial ACL amount ~~of the ACL~~ for the discharge violations.
- Step 3. *Per Day Assessments for non-Discharge Violations* – For non-discharge violations, use Table 3 to determine per day assessments. Multiply these factors by the per day amount as described below. This becomes the initial ACL amount for the non-discharge violations. Where allowed by the California Water Code, amounts for these violations should be added to amounts (if any) for discharge violations from Step 2, above. ~~This becomes the initial amount of the ACL for the non-discharge violations.~~
- Step 4. *Adjustment Factors* – Adjust the initial amounts for each violation by factors addressing the violator’s conduct, multiple instances of the same violation, and multiple day violations.
- Step 5. *Total Base Liability Amount* – Add the adjusted amounts for each violation from Step 4.

Thereafter, the Total Base Liability amount may be adjusted, based on consideration of the following:

Step 6. *Ability to Pay and Ability to Continue in Business* – If the ACL Total Base Liability calculated under the methodology exceeds ~~these amounts,~~ if the discharger's ability to pay, or would impact the discharger's ability to continue in business, the decision maker may ~~be adjusted~~ adjust the liability downward provided express findings are made to justify ~~this so doing.~~ Decision makers need only consider ability to pay and continue in business under the California Water Code and this Policy, and are well within their discretion to decline to reduce a liability based on this factor.

Step 7. *Economic Benefit* – The economic benefit of the violations must be determined based on the best available information, and the amount of the ACL should exceed this amount so that avoiding costs of compliance is not rewarded.

~~Step 7.~~ Step 8. *Other Factors as Justice May Require* – Determine if there are additional factors that should be considered that would justify an increase or a reduction in the Total Base Liability amount. These factors must be supported by evidence or policy considerations and documented in the ACL Complaint ~~or Order by a finding that, taken as a whole, the liability amount is just in light of the violations.~~ One of these factors decision makers should consider in this step is the staff costs of investigating the violations and issuing the ACL. ~~The~~ Subject to the guidance provided in more detail below regarding when to begin and end the calculation of staff costs and how much to charge for particular staff, staff costs can and should be added to the amount of the ACL.

~~Step 8.~~ *Economic Benefit* – ~~The economic benefit of the violations must be determined based on the best available information, and the amount of the ACL should exceed this amount. (Note that the Economic Benefit is a statutory minimum for ACLs issued pursuant to California Water Code section 13385.)~~

Step 9. *Maximum and Minimum Liability Amounts* – Determine the statutory maximum and minimum amounts of the ACL, if any. Adjust the ACL to ensure it is within these limits.

Step 10. *Final Liability Amount* – The final liability amount will be assessed after consideration of the above factors. The final liability amount and significant considerations regarding the liability amount must be discussed in the ACL Complaint and in any order imposing liability.

## **STEP 1 – Actual or Potential for Harm for Discharge Violations**

Calculating this factor is the initial step for discharge violations. Begin by determining the actual harm or threatened impact to potential harm to the water body's beneficial uses caused by the violation using a three-factor scoring system to quantify: (1) the ~~potential for harm to beneficial uses;~~ degree of toxicity of the discharge; (2) ~~the~~ the actual harm or potential harm to beneficial uses; and (3) the discharge's susceptibility to cleanup or abatement for each violation or group of violations. Because actual harm is not always quantifiable due to untimely reporting, inadequate monitoring, and/or other practical limitations, potential harm can be used under this factor.

### **Factor 1: Harm or Potential Harm to Beneficial Uses      The Degree of Toxicity of the Discharge**

The evaluation of the ~~potential harm to beneficial uses factor~~ degree of toxicity considers the harm that may result from exposure to the pollutants or contaminants in the illegal

discharge, in light of the statutory factors of the nature, circumstances, extent and gravity of the violation or violations. The score evaluates direct or indirect harm or potential for harm from the violation. A score between 0 and 5 is assigned based on a determination of whether the harm or potential for harm is negligible (0), minor (1), below moderate (2), moderate (3), above moderate (4), or major (5).

0 = Negligible – no actual or potential harm to beneficial uses.

1 = Minor – low threat to beneficial uses (i.e., no observed impacts but potential impacts to beneficial uses with no appreciable harm).

2 = Below moderate – less than moderate threat to beneficial uses (i.e., impacts are observed or reasonably expected, harm to beneficial uses is minor).

3 = Moderate – moderate threat to beneficial uses (i.e., impacts are observed or reasonably expected and impacts to beneficial uses are moderate and likely to attenuate without appreciable acute or chronic effects).

4 = Above moderate – more than moderate threat to beneficial uses (i.e., impacts are observed or likely substantial, temporary restrictions on beneficial uses (e.g., less than 5 days), and human or ecological health concerns).

5 = Major – high threat to beneficial uses (i.e., significant impacts to aquatic life or human health, long term restrictions on beneficial uses (e.g., more than five days), high potential for chronic effects to human or ecological health).

### ***Factor 2: The Physical, Chemical, Biological or Thermal Characteristics of the Discharge***

The characteristics of this discharge factor are scored based on the physical, chemical, biological, and/or thermal nature characteristic of the discharge, waste, fill, or material involved in the violation or violations; and the risk of damage it could cause to the receptors or beneficial uses. A score between 0 and 4 is assigned based on a determination of the risk or threat of the discharged material, as outlined below. For purposes Evaluation of the discharged material's toxicity should account for all the characteristics of the material prior to discharge, including, but not limited to, whether it is partially treated, diluted, concentrated, and/or a mixture of this Policy, "potential receptors" are those identified considering human, environmental and ecosystem health exposure pathways different constituents. Toxicity analysis should include assessment of both lethal and sublethal effects such as effects on growth and reproduction. Factor 2 (below) is focused on impacts or the threat of impacts to beneficial uses in specific receiving waters; whereas Factor 1 is focused on the nature and characteristics, or toxicity of the material discharged in the context of potential impacts to beneficial uses more generally.

0 = Discharged material poses a negligible risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material are benign and will/would not impact potential receptors).

1 = Discharged material poses only minor risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material are relatively benign or are and would not likely because harm to potential receptors).

2 = Discharged material poses a moderate risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material have some level of toxicity or pose a moderate level of concern regarding receptor protection threat to potential receptors).



3 = Discharged material poses an above-moderate risk or a direct threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material exceed known risk factors ~~and/or~~ there is substantial ~~concern regarding receptor protection~~ threat to potential receptors).

4 = Discharged material poses a significant risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material far exceed risk factors ~~or~~ and pose a significant threat to potential receptor ~~harm is considered imminent~~ uses).

**Factor 2: Actual Harm or Potential Harm to Beneficial Uses**

The evaluation of the actual harm or the potential harm to beneficial uses factor considers the harm to beneficial uses in the affected receiving water body that may result from exposure to the pollutants or contaminants in the discharge, consistent with the statutory factors of the nature, circumstances, extent, and gravity of the violation(s). The Water Boards may consider actual harm or potential harm to human health, in addition to harm to beneficial uses. The score evaluates direct or indirect actual harm or potential for harm from the violation. A score between 0 and 5 is assigned based on a determination of whether the harm or potential for harm is negligible (0), minor (1), below moderate (2), moderate (3-), above moderate (4), or major (5). Actual harm as used in this section means harm that is documented and/or observed.

0 = Negligible – no actual harm or potential harm to beneficial uses.

1 = Minor – no actual harm and low threat of harm to beneficial uses. A score of minor is typified by a lack of observed impacts, but based on the characteristics of the discharge and applicable beneficial uses; there is potential short term impact to beneficial uses with no appreciable harm.

2 = Below moderate – less than moderate harm or potential harm to beneficial uses. A score of below moderate is typified by observed or reasonably expected potential impacts, but based on the characteristics of the discharge and applicable beneficial uses, harm or potential harm to beneficial uses is measurable in the short term, but not appreciable.

3 = Moderate – moderate harm or potential harm to beneficial uses. A score of moderate is typified by observed or reasonably expected potential impacts, but harm or potential harm to beneficial uses is moderate and likely to attenuate without appreciable medium or long term acute or chronic effects.

4 = Above moderate – more than moderate harm or potential harm to beneficial uses. A score of above moderate is typified by observed or reasonably expected potential significant impacts, and involves potential for actual partial or temporary restrictions on, or impairment of, beneficial uses.

5 = Major – high harm or threat of harm to beneficial uses. A score of major is typified by observed or reasonably expected potential significant impacts, and involves potential for or actual acute, and/or chronic (e.g., more than five day) restrictions on, or impairment of, beneficial uses, aquatic life, and/or human health.

**Factor 3: Susceptibility to Cleanup or Abatement**

A score of 0 is assigned for this factor if the discharger cleans up 50% percent or more of the discharge is susceptible to cleanup or abatement within a reasonable amount of time. A score of 1 is assigned for this factor if less than 50% percent of the discharge is susceptible to cleanup or abatement, or if 50 percent or more of the discharge is susceptible to cleanup or abatement. This factor is evaluated regardless of whether the discharge was actually cleaned up or abated by the violator, but the discharger failed to clean up 50 percent or more of the discharge within a

reasonable time. Natural attenuation of discharged pollutants in the environment is not considered cleanup or abatement for purposes of evaluating this factor.



**Final Score – “Potential for Harm”**

The scores for the factors are then added to provide a Potential for Harm score for each violation or group of violations. The total score is used in the “Potential for Harm” axis for the Penalty Factor in Tables 1 and 2. The maximum score is 10 and the minimum score is 0.

**STEP 2 – Assessments for Discharge Violations**

For violations of [National Pollutant Discharge Elimination System \(NPDES\)](#) permit effluent limitations, the base liability should be established by calculating the mandatory [minimum](#) penalty required under Water Code section 13385(h) and (i). The mandatory penalty should be adjusted upward where the facts and circumstances of the violation(s) warrant a higher liability [via discretionary action in accordance with the outcome of the enforcement prioritization processes described in Section II, above.](#)

This step addresses per gallon and per day assessments for discharge violations. Generally, ~~it is intended that~~ [NPDES permit](#) effluent limit violations [should](#) be addressed on a per day basis only. ~~Where~~ [However, where](#) deemed appropriate, [some NPDES permit effluent limit violations, and violations](#) such as ~~for a large-scale spill~~ [effluent spills or release, overflows, storm water discharges, or unauthorized discharges, the Water Boards should consider whether to assess](#) both per gallon and per day ~~assessments may be considered~~ [penalties.](#)

**Per Gallon Assessments for Discharge Violations**

Where there is a discharge, the Water Boards shall determine an initial liability amount on a per gallon basis using ~~on~~ the Potential for Harm score and the extent of Deviation from Requirement of the violation. These factors will be used in Table 1 below to determine a Per Gallon Factor for the discharge. Except for certain high-volume discharges discussed below, the per gallon assessment would then be the Per Gallon Factor multiplied by the number of gallons subject to penalty multiplied by the maximum per gallon penalty amount allowed under the California Water Code.

**TABLE 1 – Per Gallon Factor for Discharges**

Deviation from Requirement	Potential for Harm									
	1	2	3	4	5	6	7	8	9	10
Minor	0.005	0.007	0.009 01	0.011 02	0.060 04	0.080	0.100 14	0.250 2	0.300 3	0.350
Moderate	0.007	0.010 3	0.013 025	0.016 05	0.100 1	0.150	0.200 27	0.400 4	0.500 5	0.600 6
Major	0.010	0.015 02	0.020 04	0.025 08	0.150	0.220 28	0.310 41	0.600 6	0.800 8	1.000 0

The Deviation from Requirement reflects the extent to which the violation deviates from the specific requirement (effluent limitation, prohibition, monitoring requirement, construction deadline, etc.) that was violated. The categories for **Deviation from Requirement** in Table 1 are defined as follows:

- Minor – The intended effectiveness of the requirement remained [sed](#) generally intact (e.g., while the requirement was not met, ~~there is general intent by the discharger to follow the requirements~~ [its intended effect was not materially compromised](#)).
- Moderate – The intended effectiveness of the requirement ~~has been~~ [was](#) partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement ~~is~~ [was](#) only partially achieved).

- Major – The requirement ~~has been~~ rendered ineffective (e.g., ~~discharger disregards the requirement, and/or the requirement is~~ was rendered ineffective in its essential functions).

For requirements with more than one part, the Water Boards shall consider the extent of the violation in terms of its adverse impact on the effectiveness of the most significant requirement.

**High Volume Discharges**

~~The~~ In most cases, the Water Boards shall apply the above per gallon factor to the maximum per gallon amounts allowed under ~~statute~~ the California Water Code for the violations involved. ~~Since~~ However, recognizing that the volume of ~~sewage spills and releases of stormwater from construction sites and municipalities certain discharges~~ can be very ~~large for sewage spills and releases of municipal stormwater or stormwater from construction sites, a maximum amount of~~ high, the Water Boards have the discretion to select a value between \$2.00 per gallon ~~should be used and~~ \$10.00 per gallon with the above factor to determine the per gallon amount for ~~sewage spills and stormwater. Similarly, for releases~~ discharges that are between 100,000 gallons and 2,000,000 gallons for each discharge event, whether it occurs on one or more days. For discharges in excess of 2,000,000 gallons, or for discharges of recycled water that has been treated for reuse, ~~the Water Boards may elect to use~~ a maximum amount of \$1.00 per gallon ~~should be used with the above factor.~~ with the above factor to determine the per gallon amount. These provisions are advisory and intended to provide a basis for achieving consistency and substantial justice in setting appropriate civil liabilities. Where reducing ~~these~~ the \$10.00 per gallon statutory maximum ~~amounts results would result~~ in an inappropriately small ~~penalty, such as dry weather discharges or small volume discharges that impact~~ civil liability based on the severity of impacts to beneficial uses, ~~the discharger's degree of culpability, and/or other considerations,~~ a higher amount, up to the ~~maximum per gallon amount, may be used~~ statutory maximum, should be used. Examples of dischargers that could be subject to a reduction include, but are not limited to, wet weather sewage spills, partially-treated sewer spills, and construction or municipal stormwater discharges.

**Per Day Assessments for Discharge Violations**

Where there is a discharge, the Water Boards shall determine an initial liability factor per day based on the Potential for Harm score and the extent of Deviation from Requirement of the violation. These factors will be used in Table 2, below, to determine a Per Day Factor for the violation. The per day assessment would then be the Per Day Factor multiplied by the maximum per day amount allowed under the California Water Code. ~~Generally, it is intended that effluent limit violations be addressed on a per day basis.~~ Where deemed appropriate, such as for a large scale spill or release, it is intended that Table 2 be used in conjunction with Table 1, so that both per gallon and per day amounts be considered under Water Code section 13385. ~~Where there is a violation of the permit not related to a discharge incident, Step 3/Table 3 below should be used instead.~~

**TABLE 2 — Per Day Factor for Discharges**

Deviation from Requirement	Potential for Harm									
	1	2	3	4	5	6	7	8	9	10
Minor	0.005	0.007	0.009 <u>01</u>	0.011 <u>02</u>	0.060 <u>04</u>	0.080	0.100 <u>14</u>	0.250 <u>2</u>	0.300 <u>3</u>	0.350
Moderate	0.007	0.010 <u>3</u>	0.013 <u>025</u>	0.016 <u>05</u>	0.100 <u>1</u>	0.150	0.200 <u>27</u>	0.400 <u>4</u>	0.500 <u>5</u>	0.600 <u>6</u>
Major	0.010	0.015 <u>02</u>	0.020 <u>04</u>	0.025 <u>08</u>	0.150	0.220 <u>28</u>	0.340 <u>41</u>	0.600 <u>6</u>	0.800 <u>8</u>	1.000 <u>0</u>

The categories for **Deviation from Requirement** in Table 2 are defined as follows:

- Minor – The intended effectiveness of the requirement remained sed generally intact (e.g., while the requirement was not met, there is general intent by the discharger to follow the requirement– its intended effect was not materially compromised).
- Moderate – The intended effectiveness of the requirement has been was partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is was only partially achieved).
- Major – The requirement has been was rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is was rendered ineffective in its essential functions).

For requirements with more than one part, the Water Boards shall consider the extent of the violation in terms of the adverse impact on the effectiveness of the most significant requirement. The Water Boards shall apply the above per day factor to the maximum per day amounts allowed under statute for the violations involved. Where allowed by code, both the per gallon and the per day amounts should be determined and added together. This becomes the initial amount of the ACL for the discharge violations.

### **STEP 3 — Per Day Assessments for Non-Discharge Violations**

The Water Boards shall calculate an initial liability factor for each non-discharge violation, considering Potential for Harm and the extent of deviation from applicable requirements. These violations include, but are not limited to, the failure to conduct routine monitoring and reporting, the failure to provide required information, and the failure to prepare required plans. While these all non-discharge violations may not harm or undermine the Water Boards' regulatory programs and compromise their ability to perform their statutory and regulatory functions, some non-discharge violations have the potential to directly or immediately indirectly impact beneficial uses, they harm or undermine the regulatory program— and should result in more serious consequences.

The Water Boards shall use the matrix set forth below to determine the initial liability factor for each violation. The per day assessment would then be the Per Day Factor multiplied by the maximum per day amount allowed under the California Water Code. For multiple day violations, please refer to the Adjustment Factors in Step 4, below.

Table 3 shall be used to determine the initial penalty factor for a violation. The Water Boards should select a penalty factor from the range provided in the matrix cell that corresponds to the appropriate Potential for Harm and the Deviation from Requirement categories. The numbers in parenthesis in each cell of the matrix are the midpoints of the range.

**TABLE 3 – Per Day Factor for Non-Discharge Violations**

Deviation from Requirement	Potential for Harm		
	Minor	Moderate	Major
Minor	0.1	0.2	0.3
	<del>(0.15)</del>	(0.25)	(0.35)
	<u>(0.15)</u>	0.3	0.4
Moderate	0.2	0.3	0.4
	(0.25)	(0.35)	(0.55)
	0.3	0.4	0.7
Major	0.3	0.4	0.7
	(0.35)	(0.55)	(0.85)
	0.4	0.7	1

The categories for **Potential for Harm** in Table 3 are defined as follows:

- Minor – The characteristics of the violation have little or no potential to impair the Water Boards' ability to perform their statutory and regulatory functions, present only a minor threat to beneficial uses, and/or the circumstances of the violation indicate a minor potential for harm.
- Moderate – The characteristics of the violation have substantially impaired the Water Boards' ability to perform their statutory and regulatory functions, present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm. Most ~~incidents would~~ non-discharge violations should be considered to present a moderate potential for harm.
- Major – The characteristics of the violation have wholly impaired the Water Boards' ability to perform their statutory or regulatory functions, present a particularly egregious threat to beneficial uses, and/or the circumstances of the violation indicate a very high potential for harm. Additionally, nonNon-discharge violations involving particularly failure to comply with directives in cleanup and abatement orders, cease and desist orders, and investigative orders, involving reports relating to impaired water bodies and sensitive habitats, should be considered major.

The categories for **Deviation from Requirement** in Table 3 are defined as follows:

- Minor – The intended effectiveness of the requirement remained sed generally intact (e.g., while the requirement was not met, there is general intent by the discharger to follow the requirement–its intended effect was not materially compromised).
- Moderate – The intended effectiveness of the requirement has been was partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is was only partially achieved).
- Major – The requirement has been was rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is was rendered ineffective in its essential functions).

For requirements with more than one part, the Water Boards shall consider the extent of the violation in terms of the adverse impact on the effectiveness of the most significant requirement. For any given requirement, the Deviation from Requirements may vary. For example, if a facility does not have a required response plan, or has not conducted required monitoring, submitted a required monitoring report, characterization report, or corrective action plan, the deviation would be major. If a facility has a prepared a required plan, or submitted the required monitoring

report, but significant elements are omitted or missingmaterially deficient, the deviation would be moderate. If a facility has a required plan or submitted the required monitoring report with only minor elements missing and/or minor deficiencies, the deviation would be minor.

Multiply the days of violation by the Potential for Harm factor by the Deviation from Requirement to determine the initial ACL amount for non-discharge violations.

#### **STEP 4 – Adjustment Factors**

##### ***Violator's Conduct Factors***

~~There are~~The Water Boards must consider three additional factors ~~that should be considered~~ for potential modification of the ACL amount ~~of the initial liability~~: the violator's degree of culpability, the violator's prior history of violations, and the violator's voluntary efforts to cleanup, or ~~cooperate~~its cooperation with regulatory authorities after the violation, ~~and the violator's compliance history.~~ Not all factors will apply in every liability assessment.

**TABLE 4 – Violator’s Conduct Factors**

Factor	Adjustment
<p><u>Degree of Culpability</u></p>	<p>Discharger’s degree of culpability <del>regarding prior to</del> the violation. Higher liabilities should result from intentional or negligent violations than for accidental, non-negligent violations. A first step is to identify any performance standards (or, in their absence, prevailing industry practices) in the context of the violation. The test <u>for whether a discharger is negligent</u> is what a reasonable and prudent person would have done or not done under similar circumstances.</p> <p>Adjustment should result in a multiplier between <u>1.0.5 to and 1.5</u>, with <del>the lower multiplier for accidental incidents, and a</del> higher multiplier for intentional <del>or negligent behavior, misconduct and gross negligence, and</del> a lower multiplier for more simple negligence. <u>A neutral assessment of 1.0 should be used when a discharger is determined to have acted as a reasonable and prudent person would have.</u></p>
<p><u>Cleanup and Cooperation History of Violations</u></p>	<p><del>Extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage, including any voluntary cleanup efforts undertaken. Adjustment should result in a multiplier between 0.75 to 1.5, with the lower multiplier where there is a high degree of cleanup and cooperation, and higher multiplier where this is absent. Any prior history of violations: Where the discharger has no prior history of any violations, this factor should be neutral, or 1.0. Where the discharger has any history of prior violations, a minimum multiplier of 1.1 should be used. Where the discharger has a history of similar or numerous dissimilar violations, the Water Boards should consider adopting a multiplier above 1.1.</del></p>
<p><u>History of Violations Cleanup and Cooperation</u></p>	<p><del>Prior history of violations. Where there is a history of repeat violations, a minimum multiplier of 1.1 should be used to reflect this. Voluntary efforts to cleanup and/or to cooperate with regulatory authorities in returning to compliance after the violation:</del></p> <p><u>Adjustment should result in a multiplier between 0.75 to 1.5, using the lower multiplier where there is exceptional cleanup and cooperation compared to what can reasonably be expected, and higher multiplier where there is not. A reasonable and prudent response to a discharge violation or timely response to a Water Code section 13267 order should receive a neutral adjustment as it is assumed a reasonable amount of cooperation is the warranted baseline. Adjustments below or above 1 should be applied where the discharger’s response to a violation or order is above and beyond, or falls below, the normally-expected response, respectively.</u></p>

After each of the above factors is considered for the violations involved, the applicable factor should be multiplied by the initial ACL amount proposed ~~amount~~ for each violation to determine the revised amount for that violation.

### **Multiple Violations Resulting From the Same Incident**

By statute, certain situations that involve multiple violations are treated as a single violation per day, such as a single operational upset that leads to simultaneous violations of more than one pollutant parameter. (Water Code § 13385, sub. (f)(1).) For situations not addressed by statute, a single base liability amount can also be assessed for multiple violations at the discretion of the Water Boards, under the following circumstances:

- a. The facility has violated the same requirement at one or more locations within the facility;
- b. A single operational upset where violations occur on multiple days;
- ~~c. The violation continues for more than one day;~~
- d. When violations are not independent of one another or are not substantially distinguishable. For such violations, the Water Boards may consider ~~the extent of the violation in terms of~~ the most egregious violation;
- ~~e. A single act may violate multiple requirements, and therefore constitute multiple violations. For example, a construction dewatering discharge to a dewatering basin located on a gravel bar next to stream may violate a requirement that mandates the use of best management practices (BMPs) for sediment and turbidity control, a requirement prohibiting the discharge of soil silt or other organic matter to waters of the State, and a requirement that temporary sedimentation basins be located at least 100 feet from a stream channel. Such an act would constitute three distinct violations that may be addressed with a single base liability amount.~~
- e. A single act that violates similar requirements in different applicable permits or plans, but which are designed to address the same water quality issue.

If the violations do not fit the above categories, each instance of the same violation shall be calculated as a separate violation.

Except where statutorily required, multiple violations shall not be grouped and considered as a single base liability amount when those multiple violations each result in a distinguishable economic benefit to the violator.

### **Multiple Day Violations**

For violations that are assessed a civil liability on a per day basis, the initial liability amount should be assessed for each day up to thirty (30) days. For violations that last more than thirty (30) days, the daily assessment can be less than the calculated daily assessment, provided that it is no less than the per day economic benefit, if any, resulting from the violation. For these cases, the Water Board must make express findings that the violation:

- a. Is not causing daily detrimental impacts to the environment and is not causing daily detrimental impacts to the regulatory program;
- b. Results in no discrete economic benefit from the illegal conduct that can be measured on a daily basis; or,
- c. Occurred without the knowledge or control of the violator, who therefore did not take action to mitigate or eliminate the violation.

If one of the above findings is made, an alternate approach to penalty calculation for multiple day violations may be used. In these cases, the liability shall not be less than an amount that is calculated based on an assessment of the initial Total Base Liability Amount for the first day~~30~~



days of the violation, plus an assessment for each ~~five~~ 5-day period of violation, until the 36<sup>th</sup> day, plus an assessment for each ~~thirty~~ (30) days of violation thereafter. For example, a violation lasting ~~sixty-two (62)~~ 60 days would accrue a total of ~~8 day's worth~~ 36 days of violations, based on a per day assessment for days 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, and 60. Similarly, a violation lasting ~~ninety-nine (99)~~ 90 days would accrue a total of ~~9 day's worth~~ 37 days of violations, based on a per day assessment for days 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, 55, 60, and 90. The suggested method for collapsing days of violation is intended to set the maximum permitted approach for reducing the number of days of violation when one or more of the above-referenced findings can be made. The Water Boards are within their discretion to decline to collapse days, or to collapse days at any level deemed appropriate between the maximum suggested number of collapsed days and the actual number of days of violation.

Failure to timely submit a site conceptual model or corrective action plan under a CAO or other regulatory authority, failure to submit a response to an investigation order under Water Code section 13267, as well as, similar violations that delay remedial action, are not the type of violation for which the findings required by this section can ordinarily be made. Finding (b) may be made, at the discretion of the Water Board, in cases where the sole economic benefit measurable on a daily basis is "the time value of money."

### **STEP 5 – Determination of Total Base Liability Amount**

The Total Base Liability Amount will be determined by adding the amounts above for each violation, though this may be adjusted for multiple day violations as noted above. Depending on the statute controlling the liability assessment for a violation, the liability can be assessed as either a per day penalty, a per gallon penalty, or both.

$$\begin{aligned} & \text{Violation A} = \\ & \text{(Initial ACL Amount) x (Culpability) x (Violation History) x (Cleanup and Cooperation) X (# of Days)} \\ & \quad \pm \\ & \quad \text{Violation B} \\ & \quad \pm \\ & \quad \text{Violation C} \\ & \quad \equiv \\ & \text{Total Base Liability Amount} \end{aligned}$$

### **STEP 6 – Ability to Pay and Ability to Continue in Business**

If the Water Boards have sufficient financial information necessary to assess the violator's ability to pay the Total Base Liability Amount or to assess the effect of the Total Base Liability Amount on the violator's ability to continue in business, the Total Base Liability Amount may be adjusted to address the ability to pay or to continue in business. The ability of a discharger to pay an ACL is determined by its income (revenues minus expenses) and net worth (assets minus liabilities).

~~The ability of a discharger to pay an ACL is determined by its revenues and assets.~~ In most cases, it is in the public interest for the discharger to continue in business and bring its operations into compliance. ~~If there is strong~~ However, the Water Boards are not required to ensure that civil liabilities are set at levels that allow violators to continue in business. Rather, the Water Code requires the Water Boards to consider this issue when imposing civil liabilities. Civil liabilities should be imposed at levels that do not allow violators to obtain a competitive economic advantage over dischargers that voluntarily incur the costs of regulatory compliance.



whether or not the violator is able to continue in business after incurring the liability. A civil liability may never be imposed below the economic benefit realized by the violator for violations of Water Code section 13385. A civil liability may only be imposed below this level for violations of other provisions of the Water Code based on specific, evidence that an ACL-based findings that imposing a civil liability that recovers less than the economic benefit realized by the violator would result in widespread hardship to the service population or undue hardship to the discharger, the amount of the assessment may be reduced on the grounds of be unjust or against public policy.

A discharger's financial records may be private and/or in its exclusive possession, custody, and control. Accordingly, it can be difficult for the Water Boards to thoroughly evaluate a violator's ability to pay and continue in business without at least some level of cooperation. As addressed above, the Water Boards are under no obligation to ensure that a violator has the ability to pay. For a violation addressed pursuant to California Water Code section 13385, the adjustment for or continue in business, but, rather, they are obligated to consider these factors when imposing a civil liability. The Water Boards consider the ability to pay and the ability to continue in business ~~can not reduce the defenses available to dischargers to mitigate a potential civil liability to less than the economic benefit amount.~~

If staff anticipates that the discharger's ability to pay or ability to continue in business will be a contested issue in the proceeding, staff should conduct a simple preliminary asset search/financial investigation based on publicly-available information prior to issuing the ACL complaint. Staff should submit a summary of the results (typically as a finding in the Complaint or as part of staff's initial transmittal of evidence to the discharger), in order to put some evidence about these factors into the record for the proceeding and to give the discharger an opportunity to submit additional financial evidence if it chooses. ~~If staff does not put any financial evidence into the record initially and the discharger later contests the issue, staff may then either choose to rebut any financial evidence submitted by the discharger, or submit some financial evidence and provide an opportunity for the discharger to submit its own rebuttal evidence. In some cases, this may necessitate a continuance of the proceeding to provide the discharger with a reasonable opportunity to rebut the staff's evidence.~~ evidence about its finances if it chooses. If staff makes an initial showing that a discharger has sufficient income or net worth to pay the proposed liability, then the burden of proof on this factor shifts to the discharger to produce sufficient evidence that it lacks an ability to pay. In more complex cases, staff may issue a subpoena for financial documents to make an assessment of whether, and the extent to which, an adjustment of the Total Base Liability should be made based on these two factors. If the discharger fails to produce evidence about its finances to rebut the staff's prima facie evidence and/or fails to respond to a subpoena, the Water Boards should treat that failure as a waiver of the right to challenge its ability to pay or effect on its ability to continue in business at the hearing, or an admission that the discharger is able to pay the proposed liability and that proposed liability will not affect its ability to continue in business.

As a general practice, in order to maintain the transparency and legitimacy of the Water Boards' enforcement programs, any financial evidence that the discharger chooses to submit in an enforcement proceeding will generally be treated as a public record. ~~be treated as a public record.~~ Some private information on financial documents may be redacted. Dischargers may seek an in camera or private review of financial information in the context of settlement negotiations with staff.

## STEP 7 – Other Factors As Justice May Require

If the Water Board believes that the amount determined using the above factors is inappropriate, the amount may be adjusted under the provision for “other factors as justice may require,” but only if express findings are made to justify this. Examples of circumstances warranting an adjustment under this step are:

- a. The discharger has provided, or Water Board staff has identified, other pertinent information not previously considered that indicates a higher or lower amount is justified.
- b. A consideration of issues of environmental justice indicates that the amount would have a disproportionate impact on a particular disadvantaged group.
- c. The calculated amount is entirely disproportionate to assessments for similar conduct made in the recent past using the same Enforcement Policy.

## Costs of Investigation and Enforcement Adjustment

The costs of investigation and enforcement are “other factors as justice may require”, and should be added to the liability amount. These costs may include the cost of investigating the violation, preparing the enforcement action, participating in settlement negotiations, and putting on a hearing, including any expert witness expenses. Such costs are the total costs incurred by the Water Boards enforcement or prosecution staff, including legal costs that are reasonably attributable to the enforcement action. Costs include the total financial impact on the staff of the Water Board, not just wages, and should include benefits and other indirect overhead costs.

STEP 8—Once all appeals are exhausted and an ACL Order becomes final, failure to pay the ACL amount within 30 days may result in a referral to collection and/or liens or other judicial remedial actions to secure payment.

## STEP 7 – Economic Benefit

The Economic Benefit Amount shall be estimated for every violation. Economic benefit is any savings or monetary gain derived from the act or omission that constitutes the violation. In cases where the violation occurred because the discharger postponed improvements to a treatment system, failed to implement adequate control measures (such as BMPs), or did not take other measures needed to prevent the violations, the economic benefit may be substantial. Economic benefit should be calculated as follows:

- a. Determine those actions required to comply with a permit or order of the Water Boards, an enforcement order, or an approved facility plan, or that were necessary in the exercise of reasonable care, to prevent a violation of the Water Code. Needed actions may have been such things as obtaining regulatory coverage, capital improvements to the discharger’s treatment system, implementation of adequate BMPs, staff training, the development of a plan, or the introduction of procedures to improve management of the treatment system/facility.
- b. Determine when and/or how often these actions should have been taken as specified in the permit, order or approved facility plan, or as necessary to exercise reasonable care, in order to prevent the violation.
- c. Estimate/Evaluate the types of actions that should have been taken to avoid the violation, and estimate the costs of these actions. There are two types of costs that should be considered; delayed costs and avoided costs. Delayed costs include

expenditures that should have been made sooner (e.g., for capital improvements such as plant upgrades and collection system improvements, training, development of procedures and practices)), but that the discharger implemented too late to avoid the violation and/or is still obligated to perform. Avoided costs include expenditures for equipment or services that the discharger should have incurred to avoid the incident of noncompliance, but that are no longer required. Avoided costs also include ongoing costs such as needed additional staffing from the time determined under step “b” to the present, treatment or disposal costs for waste that cannot be cleaned up, and the cost of effective erosion control measures that were not implemented as required.

- d. Calculate the present value of the economic benefit. The economic benefit is equal to the present value of the avoided costs plus the “interest” on delayed costs. This calculation reflects the fact that the discharger has had the use of the money that should have been used to avoid the instance of noncompliance. This calculation should be done using the USEPA’s BEN<sup>2</sup> computer program (the most recent version is accessible at <http://www.waterboards.ca.gov/plnspols/docs/wqplans/benmanual.pdf>) United States Environmental Protection Agency’s (U.S. EPA) computer program, BEN,<sup>3</sup> unless the Water Board determines, or the discharger demonstrates to the satisfaction of the Water Board, that, based on case-specific factors, an alternate method is more appropriate for a particular situation. ~~However, in more complex cases, such as where the economic benefit may include revenues from continuing production when equipment used to treat discharges should have been shut down for repair or replacement, the total economic~~

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<sup>2</sup> ~~USEPA developed the BEN model to calculate the economic benefit a violator derives from delaying and/or avoiding compliance with environmental statutes. Funds not spent on environmental compliance are available for other profit-making activities or, alternatively, a defendant avoids the costs associated with obtaining additional funds for environmental compliance. BEN calculates the economic benefits gained from delaying and avoiding required environmental expenditures such as capital investments, one-time non-depreciable expenditures, and annual operation and maintenance costs.~~

~~BEN uses standard financial cash flow and net present value analysis techniques based on generally accepted financial principles. First, BEN calculates the costs of complying on time and of complying late adjusted for inflation and tax deductibility. To compare the on time and delayed compliance costs in a common measure, BEN calculates the present value of both streams of costs, or “cash flows,” as of the date of initial noncompliance. BEN derives these values by discounting the annual cash flows at an average of the cost of capital throughout this time period. BEN can then subtract the delayed case present value from the on-time case present value to determine the initial economic benefit as of the noncompliance date. Finally, BEN compounds this initial economic benefit forward to the penalty payment date at the same cost of capital to determine the final economic benefit of noncompliance.~~

<sup>3</sup> ~~U.S. EPA developed the BEN model to calculate the economic benefit a violator derives from delaying and/or avoiding compliance with environmental statutes. Funds not spent on environmental compliance are available for other profit-making activities or, alternatively, a defendant avoids the costs associated with obtaining additional funds (e.g. cost of debt) for environmental compliance. BEN calculates the economic benefits gained from delaying and avoiding required environmental expenditures, such as capital investments, one-time, non-depreciable expenditures, and annual operation and maintenance costs.~~

~~BEN uses standard financial cash flow and net present value analysis techniques based on generally accepted financial principles. First, BEN calculates the costs of complying on time and of complying late adjusted for inflation and tax deductibility. To compare the on time and delayed compliance costs in a common measure, BEN calculates the present value of both streams of costs, or “cash flows,” as of the date of initial noncompliance. BEN derives these values by discounting the annual cash flows at an average of the cost of capital throughout this time period. BEN can then subtract the delayed-case present value from the on-time-case present value to determine the initial economic benefit as of the noncompliance date. Finally, BEN compounds this initial economic benefit forward to the penalty payment date at the same cost of capital to determine the final economic benefit of noncompliance.~~

~~benefit should be determined by experts available from the Office of Research Planning and Performance or outside experts retained by the enforcement staff.~~

- e. Determine whether the discharger has gained any other economic benefits. These may include income from continuing production when equipment used to treat discharges should have been shut down for repair or replacement, or income from unauthorized or unpermitted operations.

The Water Boards should not adjust the economic benefit for expenditures by the discharger to abate the effects of the unauthorized conduct or discharge, or the costs to come into, or return to, compliance. In fact, the costs of abatement may be a factor that demonstrates the economic extent of the harm from the violation and, therefore, may be a factor in upwardly adjusting any monetary liability as a benefit from noncompliance. The discharger's conduct relating to abatement is appropriately considered under a "cleanup and cooperation" liability factor.

The Economic Benefit Amount should be compared to the adjusted Total Base Liability Amount. The adjusted Total Base Liability Amount ~~should~~ be at least 10 percent higher than the Economic Benefit Amount so that liabilities are not construed as the cost of doing business and that the assessed liability provides a meaningful deterrent to future violations. Absent express findings of exceptional circumstances and as qualified under Other Factors as Justice May Require, below, if the adjusted Total Base Liability Amount is lower than the Economic Benefit Amount plus 10 percent, the Economic Benefit Amount plus 10 percent shall be the civil liability. It would be unfair to dischargers that voluntarily incur the costs of regulatory compliance to impose a lower amount absent exceptional circumstances.

#### **STEP 8 – Other Factors As Justice May Require**

If the Water Board believes that the amount determined using the above factors is inappropriate, the amount may be adjusted under the provision for "other factors as justice may require," but only if express findings are made to justify this. Examples of circumstances warranting an adjustment under this step are:

- a. The discharger has provided, or Water Board staff has identified, other pertinent information not previously considered that indicates a higher or lower amount is justified.
- b. A consideration of environmental justice issues indicates that the amount would have a disproportionate impact on a particular disadvantaged group, or would be insufficient to provide substantial justice to a disadvantaged group.
- c. The calculated amount is entirely disproportionate to assessments for similar conduct made in the recent past using the same Enforcement Policy.
- d. The Water Boards are bound by statute to recover a minimum of the economic benefit to the violator in an action for violations of Water Code section 13385. Because it is unfair to dischargers that voluntarily incur the costs of regulatory compliance, the Water Boards should only impose civil liabilities in an amount less than the economic benefit to the violator for violations of other provisions of the Water Code in exceptional circumstances where not doing so would be against public policy, have a disproportionate effect on a disadvantaged community or group, or be patently unjust. As discussed throughout the Policy, to be fair to dischargers that voluntarily incur the costs of regulatory compliance, the Water Boards should strive to impose civil liabilities 10 percent greater than the economic benefit to the violator to help ensure that they are not viewed merely as a cost of doing business.

#### **Costs of Investigation and Enforcement Adjustment**

The Water Boards may exercise their discretion to include some of the costs of investigation and enforcement in a total administrative civil liability. Including some staff investigation and enforcement costs is valid from an economic standpoint as it requires those who commit water

quality violations to pay a greater percentage of the full costs of their violations. It is not fair to burden all dischargers that pay permit fees, including those who voluntarily meet their regulatory obligations, with an even distribution of the costs of enforcement. However, this important consideration must be balanced against the potential of discouraging a discharger from exercising its right to be heard and other important due process considerations. It is also important to establish a transparent and economically defensible method of calculating staff costs. This Policy sets forth a recommended approach for including staff costs in an ACL that is intended to facilitate the Water Boards' ability to balance these important considerations. Whether, and the extent to which, staff costs should be included in a civil liability should be considered separately by the Water Boards under this factor because they are unrelated to impacts to water quality and not specifically identified as a statutory factor to be considered in determining the amount of a liability.

When staff recommends that costs of investigation be included in a civil liability, a declaration documenting costs incurred shall be submitted as part of the hearing evidence package. The declaration shall itemize the costs incurred for investigation and enforcement by documenting for each staff member his or her staff classification, the applicable hourly rate including benefits and overhead (Hourly Burdened Rate), and the number of hours worked on the specific enforcement action.

Investigation and enforcement costs may be allowed for documented staff work beginning when the violation is discovered by staff. Staff costs should not be allowed for any investigation or enforcement work undertaken by staff regarding the specific allegations set forth in the ACL complaint after it is issued. Attorney staff costs and any staff costs associated with preparing for or attending a hearing should never be included in a civil liability.

#### **STEP 9 – Maximum and Minimum Liability Amounts**

For all violations, the applicable statute sets a maximum liability amount that may be assessed for each violation. For some violations, the statute also requires the assessment of a liability at no less than a specified amount. The maximum and minimum amounts for each violation must be determined for comparison to the amounts amount of civil liabilities being proposed, and shall be described set forth in any proposed settlement agreement, ACL complaint, and in any/or order imposing liability. For purposes of this step, the maximum liability does not include any reduction in the number of days for multiple day violations, or in the maximum amount per gallon for high volume discharges, as provided for above when applying the methodology. Where the amount proposed calculated for a particular violation exceeds to the statutory maximum, the amount proposed must be reduced to that maximum. Similarly, the minimum statutory amount may require raising the amount being proposed, unless there is a specific provision that allows assessment below the minimum. In such cases, the reasons for express findings to support assigning a liability amount below this minimum must be documented set forth in the resolution adopting the proposed settlement agreement, ACL complaint, and/or order imposing liability.

#### **STEP 10 – Final Liability Amount**

The final liability amount consists of the added amounts for each violation, with any allowed adjustments, provided the amounts are within the statutory minimum and maximum amounts.

The administrative record must reflect how the Water Board arrived at the final liability amount. In particular, where adjustments are made to the initial amount proposed in the ACL complaint, the record should clearly reflect the Water Board's evidentiary and policy considerations underlying the adjustments, as the staff report or complaint may not reflect those considerations, or for any adjustments that are made at hearing that are different. A Water Board's final determination should transparently reflect the analytical route it traveled, from



~~those recommended in the ACL complaint or that further support the final liability amount in the administrative civil liability order~~consideration of evidence to specific findings about the statutory factors it is required to consider, to final outcome.

## **B. Settlement Considerations**

The liabilities resulting from the above methodology are for ~~adoption by~~ the Water Boards ~~after Board's use during~~ formal administrative proceedings. ~~The Staff preliminarily uses the same methodology when issuing an ACL complaint, but~~ calculated liabilities may be adjusted as a result of settlement negotiations with a violator. It is not the goal of the Enforcement Policy to address the full range of considerations that should be entertained as part of a settlement. It is appropriate to adjust the ~~administrative civil liabilities~~ACLs calculated pursuant to the methodology in consideration of hearing and/or litigation risks, including: equitable factors, mitigating circumstances, evidentiary issues, or other weaknesses in the enforcement action that the prosecution reasonably believes may adversely affect the team's ability to obtain the calculated liability from the administrative hearing body.<sup>4</sup> Ordinarily, these factors will not be fully known until after the issuance of an ~~administrative civil liability~~ACL complaint or through pre-filing-complaint settlement negotiations with an alleged violator. These factors shall be generally identified in any settlement of an ~~administrative civil liability~~ACL that seeks approval by a Water Board or its designated representative.

~~Factors~~Because the methodology proposed in this Policy is intended to provide a transparent and consistent approach to assessing civil liabilities, staff should be confident the Water Boards, members of the regulated public, and members of the public will be able to scrutinize the bases for their proposed liability. While differently-situated persons may differ over some of the factual evaluations, factors that should not affect the amount of the calculated civil liability sought from a violator in settlement include, but are not limited to, the following:

1. A general desire to avoid hearing or minimize enforcement costs;
2. A belief that members of a Water Board will not support a proposed liability before that Water Board has considered the specific ~~merits~~facts and policy issues of the enforcement case or a similar case;
3. A desire to avoid controversial matters;
4. The fact that the initiation of the enforcement action is not as timely as it might have been under ideal circumstances (timeliness of the action as it affects the ability to present evidence or other timeliness considerations are properly considered); or,
5. The fact that a water body affected by the violation is already polluted or impaired.

Except as specifically addressed in this Policy, nothing in this Policy is intended to limit the use of Government Code 11415.60.

## **C. Other Administrative Civil Liability Settlement Components**

In addition to a reduction of ~~administrative civil liabilities~~ACLs, a settlement can result in the permanent suspension of a portion of the liability ~~in exchange for when~~ the ~~performance of~~discharger voluntarily agrees to fund a Supplemental Environmental Project (SEP) (see the

<sup>4</sup> ~~General statutes of limitations are inapplicable to administrative proceedings. Laches, and similar equitable defenses, have limited applicability to administrative enforcement proceedings since they may not be asserted if they would operate to nullify or defeat an important policy adopted for the public benefit. The Water Boards' enforcement actions invoke important laws and policies enacted to protect the quality of public waters. Equitable defenses are inapplicable to mandatory minimum statutory penalties because an equitable defense cannot be applied to avoid a statutory mandate.~~

State Water Board's Water Quality Control Policy on ~~Supplemental Environmental Projects~~ SEPs) or an Enhanced Compliance Action (see Section IX).

~~As far as the scope of the settlement is involved, the settlement resolves~~ Settlement agreements should be memorialized by the Water Boards as stipulated ACL orders, and resolve only the claims that are made or could have been made based on the specific facts alleged in the ACL complaint. A settlement shall never include the release of any unknown claims or a waiver of rights under Civil Code section 1542.

~~VII.~~  
**XII.VII. MANDATORY MINIMUM PENALTIES  
FOR NPDES VIOLATIONS**

Mandatory penalty provisions are required by California Water Code section 13385, subdivisions (h) and (i), for specified violations of NPDES permits. For violations that are subject to ~~mandatory minimum penalties~~ MMPs, the Water Boards must assess an ACL for the ~~mandatory minimum penalty~~ MMP or for a greater amount. California Water Code section 13385(h) requires that a ~~mandatory minimum penalty~~ MMP of \$3,000 be assessed by the Regional Water Boards for each serious violation. A serious violation is any waste discharge that exceeds the effluent limitation for a Group I pollutant by 40 percent or more, or a Group II pollutant by 20 percent or more (see Appendices C and D), or a failure to file certain discharge monitoring reports for a complete period of 30 days (Wat. Code §§ 13385, subd. (h)(2), & 13385.1). Section VII.D. of this Policy addresses special circumstances related to discharge monitoring reports. Section VII.E. of this Policy addresses situations where the effluent limitation for a pollutant is less than or equal to the quantitation limit.

California Water Code section 13385(i) requires that a ~~mandatory minimum penalty~~MMP of \$3,000 be assessed by the Regional Water Boards for each non-serious violation, not counting the first three violations. A non-serious violation occurs if the discharger does any one of the following four or more times in any period of 180 days:

- (a) ~~v~~Violates a waste discharge requirement (WDR) effluent limitation;
- (b) ~~f~~ails to file a report of waste discharge pursuant to California Water Code section 13260;
- (c) ~~f~~iles an incomplete report of waste discharge pursuant to California Water Code section 13260; or<sub>1</sub>
- (d) ~~v~~iolates a whole effluent toxicity effluent limitation where the WDRs do not contain pollutant-specific effluent limitations for any toxic pollutants.

#### **A. Timeframe for Issuance of ~~Mandatory Minimum Penalties~~ (MMPs)**

The intent of these provisions of the California Water Code is to assist in bringing the State's permitted facilities into compliance with WDRs. The Water Boards should issue MMPs within eighteen months of the time that the violations qualify as ~~mandatory minimum penalty~~MMP violations. The Water Boards shall expedite MMP issuance if<sub>1</sub> (a) the discharger qualifies as a small community with financial hardship, or (b) the total proposed mandatory penalty amount is \$30,000 or more. Where the NPDES Permit is being revoked or rescinded because the discharger will no longer be discharging under that permit, the Water Boards should ensure that all outstanding MMPs for that discharger are issued prior to termination of its permit to discharge.

#### **B. MMPs for Small Communities**

Except as provided below, the Water Boards do not have discretion in assessing MMPs and must initiate enforcement against all entities that accrue a violation. However, California Water Code section 13385, subdivision (k), provides an alternative to assessing MMPs against a POTW that serves a small community. Under this alternative, the Regional Water Boards may allow the POTW to spend an amount equivalent to the MMP toward a compliance project that is designed to correct the violation.

A POTW serving a small community is a POTW serving a community that has a financial hardship and~~that~~:

1. Has a population of 10,000 or fewer people<sub>1</sub>; or<sub>1</sub>
2. Lies completely within one or more rural counties.<sup>5</sup>

A POTW serving incorporated areas completely within one or more rural counties is considered a POTW serving a small community.

"Financial hardship" means that the community served by the POTW meets one of the following criteria:

- Median household income<sup>6</sup> for the community is less than 80 percent of the California median household income;

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<sup>5</sup> The determination of the size of population served by the POTW and "rural county" status shall be made as of the time the penalty is assessed, not as of the time the underlying violations occurred.



- The community has an unemployment rate<sup>7</sup> of 10 percent or greater; or,
- Twenty percent of the population is below the poverty level.<sup>8</sup>

“Median household income,” “unemployment rate,” and “poverty level” of the population served by the POTW are based on the most recent [United States Census \(U.S. Census\)](#) block group<sup>9</sup> data or a local survey approved by the Regional Water Board in consultation with the State Water Board.

“Rural county” means a county classified by the Economic Research Service, ([ERS](#)), United States Department of Agriculture ([ERS, USDA](#)), with a rural-urban continuum code of four through nine. The table below identifies qualified rural counties at the time this Policy was adopted. The list of qualified rural counties may change depending on reclassification by [ERS, USDA](#). Consult the classification by [ERS, USDA](#) in effect at the time the enforcement action is taken.

Qualified Rural Counties		
Alpine	Inyo	Nevada
Amador	Lake	Plumas
Calaveras	Lassen	Sierra
Colusa	Mariposa	Siskiyou
Del Norte	Mendocino	Tehama
Glenn	Modoc	Trinity
Humboldt	Mono	Tuolumne
<i>Based on 2003 USDA Rural-Urban Continuum Codes for California</i>		

For purposes of California Water Code section 13385, subdivision (k)(2), the Regional Water Boards are hereby delegated the authority to determine whether a POTW, that depends primarily on residential fees (e.g., connection fees, monthly service fees) to fund its wastewater treatment facility (operations, maintenance, and capital improvements), is serving a small community, in accordance with the requirements set forth in this Policy.

<sup>6</sup> **Median household income** – The median income divides the income distribution into two equal groups, one having incomes above the median and the other having incomes below the median.

<sup>7</sup> **Unemployed** – All civilians, 16 years and older, are classified as unemployed if they (1) were neither "at work" nor "with a job but not at work" during the reference week, (2) were actively looking for work during the last 4 weeks, and (3) were available to accept a job. Also included as unemployed are civilians who (1) did not work at all during the reference week, (2) were waiting to be called back to a job from which they had been laid off, and (3) were available for work except for temporary illness.

<sup>8</sup> **Poverty** – Following the Office of Management and Budget's Directive 14, the Census Bureau uses a set of income thresholds that vary by family size and composition to detect who is poor. If the total income for a family or unrelated individual falls below the relevant poverty threshold, then the family or unrelated individual is classified as being "below the poverty level."

<sup>9</sup> **Block group** – A subdivision of a census tract (or, prior to 2000, a block numbering area). A block group is the smallest geographic unit for which the Census Bureau tabulates sample data. A block group consists of all the blocks within a census tract beginning with the same number. Example: block group 3 consists of all blocks within a 2000 census tract numbering from 3000 to 3999. In 1990, block group 3 consisted of all blocks numbered from 301 to 399Z.

The State Water Board will continue to make the determination of whether a POTW, that does not depend primarily on residential fees to fund its wastewater treatment facility, is serving a small community for purposes of California Water Code section 13385 (k)(2).

If a POTW believes that the U.S. Census data do not accurately represent the population served by the POTW, or that additional factors such as low population density in its service area should be considered, the POTW may present an alternative justification to the State or Regional Water Board for designation as a “POTW serving a small community.” The justification must include a map of service area boundaries, a list of properties, the number of households, the number of people actually served by the POTW, and any additional information requested by the State or Regional Water Board. The Regional Water Board shall consult with the State Water Board when making a determination based upon these additional, site-specific considerations.

### **C. Single Operational Upset**

In accordance with California Water Code section 13385, subdivision (f)(2), for the purposes of MMPs only, a single operational upset that leads to simultaneous violations of one or more pollutant parameters over multiple days shall be treated as a single violation. The Regional Water Board shall apply the following [US-U.S. EPA Guidance](#) in determining if a single operational upset occurred: “Issuance of [Guidance Interpreting Single Operational Upset](#)” Memorandum from the Associate Enforcement Counsel, Water Division, U.S. EPA, September 27, 1989 (excerpted below).

[US-U.S. EPA](#) defines “single operational upset” as

“an exceptional incident which causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one CWA effluent discharge pollutant parameter. Single operational upset does not include...noncompliance to the extent caused by improperly designed or inadequate treatment facilities”.

The [US-U.S. EPA Guidance](#) further defines an “exceptional” incident as a “non-routine malfunctioning of an otherwise generally compliant facility.” Single operational upsets include such things as an upset caused by a sudden violent storm, some other exceptional event, or a bursting tank. A single upset may result in violations of multiple pollutant parameters. The discharger has the burden of demonstrating that the violations were caused by a single operational upset. A finding that a single operational upset has occurred is not a defense to liability, but may affect the number of violations.

### **D. Defining a “Discharge Monitoring Report” in Special Circumstances Under California Water Code 13385.1**

[Section California Water Code section 13385.1\(a\)\(1\)](#) states

“for the purposes of subdivision (h) of section 13385, a ‘serious violation’ also means a failure to file a discharge monitoring report required pursuant to section 13383 for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.”

The legislative history of section 13385.1 indicates that the Legislature enacted the statute primarily to ensure better reporting by dischargers who might otherwise avoid penalties for

violations of their NPDES permits by failing to submit monitoring reports that could disclose permit violations.

Because penalties under section 13385.1 are assessed for each complete period of ~~thirty~~30 days following the deadline for submitting a report, penalties may potentially accrue for an indefinite time period. Dischargers who fail to conduct their required monitoring cannot go back ~~and~~and recreate ~~and~~and submit the data for a prior monitoring period. In such a case, an MMP for a missing report will continue to be assessed and reassessed for each 30-day period following the deadline for submission until an ~~Administrative Civil Liability~~ACL Complaint for MMPs is issued. This Policy is designed to assist dischargers by stopping the accrual of penalties for late or missing reports under the special circumstances described below. Nevertheless, under these circumstances, the discharger has the burden of submitting the required documentation pursuant to this Policy.

The following subsections provide additional guidance on the definition of a “discharge monitoring report,” for the purposes of subdivision (a) of section 13385.1 only, in situations where: (1) there was a discharge to waters of the United States, but the discharger failed to conduct any monitoring during that monitoring period, or (2) there was no discharge to waters of the United States during the relevant monitoring period.

**1. ~~4.~~ *Defining a “Discharge Monitoring Report” Where There Is a Discharge to Waters of the United States and the Discharger Fails to Conduct Any Monitoring During the Monitoring Period***

For purposes of section 13385.1, in circumstances where a discharge to waters of the United States did occur, but where the discharger failed to conduct any monitoring during the relevant monitoring period, a “discharge monitoring report” shall include a written statement to the Regional Water Board, signed under penalty of perjury in accordance with 40 CFR 122.41(k) and 40 CFR 122.22(a)(1), stating:

- a. That no monitoring was conducted during the relevant monitoring period;
- b. The reason(s) the required monitoring was not conducted; and and

~~c. If the written statement is submitted after the deadline for submitting the discharge monitoring report, the c.~~ The reason(s) the required discharge monitoring report was not submitted to the Regional Water Board by the requisite deadline ~~, if the written statement is submitted after the deadline for submitting the discharge monitoring report,~~

Upon the request of the Regional Water Board, the discharger may be required to support the written statement with additional explanation or evidence. Requiring a discharger to state under penalty of perjury that it did not conduct monitoring for the required period ensures that the discharger is not conducting monitoring and withholding data indicating there are effluent limitation violations. This approach may not be used if the discharger did conduct monitoring during the monitoring period that it is required to report to the Regional Water Board because the results of that monitoring, even if incomplete, must be submitted to the Regional Water Board. This approach is consistent with the original legislative purpose of section 13385.1.

The written statement shall be treated as a “discharge monitoring report” for purposes of section 13385.1(a). MMPs for late or missing discharge monitoring reports assessed for each 30-day period will cease accruing upon the date the written statement is received by the Regional Water Board. While the submission of the written statement provides a cut-off date for MMPs assessed under section 13385.1, the Regional Water Board may impose additional discretionary ~~administrative civil liabilities~~ACLs pursuant to section 13385(a)(3).

## 2. ~~2.~~ **Defining a “Discharge Monitoring Report” Where There Is No Discharge to Waters of the United States**

Some waste discharge requirements or associated monitoring and reporting programs for episodic or periodic discharges require the submission of either a discharge monitoring report, if there were discharges during the relevant monitoring period, or a report documenting that no discharge occurred, if there were no discharges.

A report whose submittal is required to document that no discharge to waters of the United States occurred during the relevant monitoring period is not a “discharge monitoring report” for purposes of section 13385.1(a). Under these circumstances, that report would not ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations, and therefore, the late submittal of such a report would be subject to discretionary civil liabilities, but would not be subject to MMPs.

As a matter of practice, however, if such a report has not been received, the Regional Water Board may presume that there were discharges during the relevant monitoring period and should consider imposing MMPs for the failure to timely submit a discharge monitoring report. The Regional Water Board shall not take final action to impose the MMP if the discharger submits a written statement to the Regional Water Board, signed under penalty of perjury in accordance with 40 CFR 122.41(k) and 40 CFR 122.22(a)(1), stating:

- a. That there were no discharges to waters of the United States during the relevant monitoring period; and,
- b. The reason(s) the required report was not submitted to the Regional Water Board by the deadline.

Upon the request of the Regional Water Board, the discharger may be required to support the written statement with additional explanation or evidence. Requiring a discharger to state under penalty of perjury that it did not discharge during the relevant monitoring period ensures that a discharger is not discharging and conducting monitoring and then withholding data indicating there are effluent limitation violations.

If such a statement is submitted, discretionary ~~administrative civil liabilities~~ ACLs, which the Regional Water Boards may assess under section 13385(a)(3), will cease upon the date the written statement is received by the Regional Water Board.

## E. **Defining a “Serious Violation” in Situations Where the Effluent Limitation Is Less Than or Equal to the Quantitation Limit**

1. ~~4.~~ For discharges of pollutants subject to the State Water Board’s “Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California,” or the “California Ocean Plan”~~,”~~ where the effluent limitation for a pollutant is lower than the applicable Minimum Level, any discharge that: (1) equals or exceeds the Minimum Level; and (2) exceeds the effluent limitation by 40 percent or more for a Group 1 pollutant, or by 20 percent or more for a Group 2 pollutant, is a serious violation for the purposes of California Water Code section 13385(h)(2).
2. ~~2.~~ For discharges of pollutants that are not subject to the State Water Board’s “Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California,” or the “California Ocean Plan” (e.g., pollutants that are not

addressed by the applicable plan), where the effluent limitation for a pollutant is lower than the quantitation limit specified or authorized in the applicable waste discharge requirements or monitoring requirements, any discharge that: (1) equals or exceeds the quantitation limit; and (2) exceeds the effluent limitation by 40 percent or more for a Group 1 pollutant, or by 20 percent or more for a Group 2 pollutant, is a serious violation for the purposes of California Water Code section 13385(h)(2).

~~XIII. VIII.~~  
**XIV. VIII. COMPLIANCE PROJECTS (CPs)**

A Compliance Project (CP) is a project designed to address problems related to the violation and bring the discharger back into compliance in a timely manner. CPs shall only be considered where they are expressly authorized by statute. At the time of the development of this Policy, CPs are expressly authorized by statute only in connection with MMPs for small communities with a financial hardship. (Wat. Code, § 13385, subd. (k).) Unless expressly authorized by future legislation, CPs may not be considered in connection with other ACLs. Absent such statutory authorization, if the underlying problem that caused the violations addressed in the ACL has not been corrected, the appropriate manner for compelling compliance is through an enforcement order with injunctive terms such as a Cleanup and Abatement Order (CAO), Cease and Desist Order (CDO), or Time Schedule Order (TSO).

It is the policy of the State Water Board that the following conditions shall apply to CPs authorized under California Water Code section 13385, subdivision (k):

1. The amount of the penalty that is suspended shall not exceed the cost necessary to complete the CP;
2. The discharger must spend an amount of money on the CP that is equal to or greater than the amount of the penalty that is suspended. Grant funds may be used only for the portion of the cost of the CP that exceeds the amount of the penalty to be suspended;
3. ~~3.~~—Where implementation of the CP began prior to the assessment of an MMP, all or a portion of the penalty may be suspended under these conditions:
  - a. The cost of the CP yet to be expended is equal to or greater than the penalty that is suspended;
  - b. The problem causing the underlying violations will be corrected by the project;
  - c. The underlying violations occurred during, or prior to the initiation of, project implementation;
  - d. The completion date of the project is specified by an enforcement order (a CDO, CAO, TSO, or ACL Order) adopted at or before the time the penalty is assessed; and
  - e. The deadline for completion of the project is within 5 years of the date of the assessment of the MMP;
4. CPs may include, but are not limited to:
  - a. Constructing new facilities;
  - b. Upgrading or repairing existing facilities;
  - c. Conducting water quality investigations or monitoring;
  - d. Operating a cleanup system;
  - e. Adding staff;
  - f. Providing training;
  - g. Conducting studies; and

- h. Developing operation, maintenance, or monitoring procedures.
- 5. CPs shall be designed to bring the discharger back into compliance in a five-year period and to prevent future noncompliance.
- 6. A CP is a project that the discharger is otherwise obligated to perform, independent of the ACL.
- 7. CPs must have clearly identified project goals, costs, milestones, and completion dates and these must be specified in an enforceable order (ACL Order, CDO, CAO, or TSO).
- 8. CPs that will last longer than one year must have quarterly reporting requirements.
- 9. Upon completion of a CP, the discharger must submit a final report declaring such completion and detailing fund expenditures and goals achieved.
- 10. If the discharger completes the CP to the satisfaction of the Water Board by the specified date, the suspended penalty amount is dismissed.
- 11. If the CP is not completed to the satisfaction of the Water Board on the specified date the amount suspended becomes due and payable to the State Water Pollution Cleanup and Abatement Account (CAA), or other fund or account as authorized by statute.
- 12. The ACL complaint or order must clearly state that payment of the previously suspended amount does not relieve the discharger of its independent obligation to take necessary actions to achieve compliance.

~~IX.~~  
**IX. ENHANCED COMPLIANCE ACTIONS (ECA)**

ECAs)

~~Enhanced Compliance Actions (ECAs)~~ are projects that enable a discharger to make capital or operational improvements beyond those required by law, and are separate from projects designed to merely bring a discharger into compliance. The Water Boards may approve a settlement with a discharger that includes suspension of a portion of the monetary liability of a discretionary ACL for completion of an ECA. Except as specifically provided below, any such settlement is subject to the rules that apply to Supplemental Environmental Projects SEPs, including the 50 percent limit. Settlement agreements may contain both SEPs and ECAs, so long as the aggregate sum of the costs for these alternatives does not exceed 50 percent of the total liability.

For these ECAs, the Water Boards shall require the following:

- 1. ~~4.~~ The 50 percent limit on ECAs shall not apply to economically disadvantaged communities with a financial hardship;
- 1.2. ECAs must have clearly identified project goals, costs, milestones, and completion dates and these must be specified in the ACL order.  
;
- 2.3. ~~2.~~ ECAs that will last longer than one year must have at least quarterly reporting requirements.;
- 3. 4. Upon completion of an ECA, the discharger must submit a final report declaring such completion and detailing fund expenditures and goals achieved.  
;



4. ~~5.~~ If the discharger completes the ECA to the satisfaction of the Water Board by the specified date, the suspended amount is dismissed.  
;
5. ~~6.~~ If the ECA is not completed to the satisfaction of the Water Board on the specified date, the amount suspended becomes due and payable to the CAA, or other fund or account as authorized by statute. [For economically disadvantaged communities with financial hardship, the Executive Officer may extend specified deadline dates in writing upon a showing of good cause; and,](#)
7. ~~6.~~ The ACL complaint or order must clearly state that payment of the previously suspended amount does not relieve the discharger of its independent obligation to take necessary actions to achieve compliance.

If an ECA is utilized as part of a settlement of an enforcement action against a discharger, the monetary liability that is not suspended shall be no less than the amount of the economic benefit that the discharger received from its unauthorized activity, plus an additional amount that is generally consistent with the factors for monetary liability assessment to deter future violations.

## ~~XV. X.~~ **XVI.X. DISCHARGER VIOLATION REPORTING**

For permitted discharges, all violations must be [accurately](#) reported in self-monitoring reports in a form acceptable to the Regional Water Board. Voluntary disclosure of violations that are not otherwise required to be reported to the Water Boards shall be considered by the Water Boards when determining the appropriate enforcement response.

Falsification or misrepresentation of such voluntary disclosures shall be brought to the attention of the appropriate Regional Water Board for possible enforcement action.

## ~~XVII. XI.~~ **XVIII.XI. VIOLATION AND ENFORCEMENT DATA**

The Water Boards will ensure that all violations and enforcement actions are [accurately](#) documented in the appropriate Water Board data management system. [All violations should be addressed with an appropriate enforcement action. Enforcement action options are described in Appendix A.](#) Sufficient information will be collected and maintained regarding regulated facilities and sites to allow preparation of internal and external reporting of violation and enforcement information, and development and reporting of performance measures regarding the Water Boards' enforcement activities. To ensure timely collection of this information, all violations will be entered within 10 days of discovery of the violation, and all enforcement actions will be entered within 20 days of the date of the enforcement action.

## ~~XIX. XII.~~ **XX.XII. ENFORCEMENT REPORTING**

In order to inform the public of [the](#) State and Regional Water Boards' performance with regard to enforcement activities, there are a number of legislatively mandated and elective reports the Water Boards are committed to producing on a regular basis, [including those required by Water Code sections 13167 and 13399. See Appendix B for additional information on these reports. See Appendix B for additional information on these reports.](#)

XIII.

~~XXI.~~XIII. **POLICY REVIEW AND REVISION**

It is the intent of the State Water Board that this Policy be reviewed and revised, as appropriate, at least every five years. Nothing in this Policy is intended to preclude revisions, as appropriate, on an earlier basis.



# APPENDIX A: ENFORCEMENT ACTIONS

## A. Standard Language

In order to provide a consistent approach to enforcement throughout the State, enforcement orders shall be standardized to the extent appropriate. The State Water Board will create model enforcement orders containing standardized provisions for use by the Regional Water Boards. The Regional Water Boards shall use the models, modifying terms, and conditions only as appropriate to fit the specific circumstances related to a discharge and to be consistent with Regional Water Board plans and policies.

## B. ~~B~~ Progressive Enforcement

Progressive enforcement refers to an escalating series of actions that allows for the efficient and effective use of enforcement resources to: (1) assist cooperative dischargers in achieving compliance; (2) compel compliance for repeat violations and recalcitrant violators; and (3) provide a disincentive for noncompliance. Enforcement staff will engage in the process described in Part II of the Policy and exercise its discretion to determine which steps to take in an effort to efficiently use and prioritize limited resources. For some violations, an informal response such as a phone call, email, or staff enforcement letter is a sufficient first step to notify the discharger that the violation has been identified, and to encourage a swift and complete return to compliance. If any of the noted violations continue, staff's enforcement response should quickly escalate to increasingly more formal, forceful, and serious actions until compliance is achieved.

Progressive enforcement is not appropriate in all circumstances. Examples include, but are not limited to, emergency situations needing immediate response, violations resulting from intentional and/or grossly negligent conduct, violations by dischargers with a history of noncompliance, or violations resulting in significant impact or threat of impact to beneficial uses. In some cases involving an injunctive component, such as investigation or CAO, progressive enforcement may be less of a priority than collecting data and analyses necessary to protect water quality. Progressive enforcement is a routine practice for Water Board staff, but should not be considered a requirement when swift or immediate enforcement is needed or justified to address a particular violation.

## C. Informal Enforcement Actions

An informal enforcement action is any enforcement action taken by Water Board staff that is not defined in statute or regulation. ~~Informal~~An informal enforcement action can include any form of communication (oral, written, or electronic) between Water Board staff and a discharger concerning an actual, threatened, or potential violation. Informal enforcement actions cannot be petitioned to the State Water Board.

The purpose of an informal enforcement action is to quickly bring an actual, threatened, or potential violation to the discharger's attention and to give the discharger an opportunity to return to compliance as soon as possible. The Water Board may take formal enforcement action in place of, or in addition to, informal enforcement actions. Continued noncompliance, particularly after informal actions have been unsuccessful, will result in ~~the classification of the next violation as either class I priority or a class II violation~~escalation to more formal enforcement.



## 1. ~~4.~~ **Oral and Written Contacts**

For many violations, the first step is an oral contact. This involves contacting the discharger by phone or in person ~~and~~, informing the discharger of the specific violations, discussing how and why the violations have occurred or may occur, and ~~discussing~~ how and when the discharger will correct the violation and achieve compliance. Staff must document such conversations in the facility case file and in the enforcement database.

A letter or email is often appropriate as a follow-up to, or in lieu of, an oral contact. Letters or emails, signed by staff or by the appropriate senior staff, should inform the discharger of the specific violations and, if known to staff, discuss how and why the violations have occurred or may occur. This letter or email should ask how and when the discharger will correct the violation and achieve compliance. The letter or email should require a prompt response and a certification from the discharger that the violation(s) has been corrected. In many cases, an email response may not be sufficient and a formal written response will be required. Correction of the violation by the discharger shall be recorded in the enforcement database.

Oral enforcement actions ~~and enforcement~~, letters, or emails shall not include language excusing the violation or modifying a compliance date in ~~waste discharge requirements (WDRs)~~ or other orders issued by the Water Boards.

## 2. ~~2.~~ **Notices of Violation (NOV)**

~~The~~An NOV letter is the most significant level of informal enforcement action and should be used only where a violation has actually occurred. An NOV must be signed by the appropriate staff and ~~mailed~~provided to the discharger(s) ~~by certified mail.~~ In cases where the discharger has requested that its consultant be notified of Regional Water Board actions, the consultant should also receive a copy of the NOV. The NOV letter shall include a description of the specific violation, a summary of potential enforcement options available to address noncompliance (including potential ACL assessments), and a request for a certified, written response by a specified date that either confirms the correction of the violation or identifies a date by which the violation will be corrected. The NOV can be combined with a request for technical information pursuant to California Water Code sections 13267 and/or 13383, or similar requests. The summary of potential enforcement options must include appropriate citations to the California Water Code and must specify that the Regional Water Board reserves the right to take any enforcement action authorized by law. When combining NOVs and CWC California Water Code section 13267 requests, it should be noted that only requests made pursuant to section 13267 are petitionable to the State Water Board.

## GD. **Formal Enforcement Actions**

Formal enforcement actions are ~~statutorily e-~~based actions to address a violation or threatened violation of water quality laws, regulations, policies, plans, or orders. The actions listed below present options available for enforcement:

### 1. ~~4.~~ **Notices to Comply**

California Water Code section 13399 *et seq.* deals with statutorily defined “minor” violations. When dealing with such a “minor” violation, a Notice to Comply is generally the only means by which the State Water Board or Regional Water Board can commence an enforcement action. ~~Because these “minor” violations are statutorily defined, they do not directly correlate with the~~

~~classification system defined in Section II of this Policy. Typically, however, “minor” violations may be considered equivalent to Class III violations.~~

A violation is determined to be “minor” by the State Water Board or the Regional Water Board after considering factors defined in California Water Code section 13399, subdivisions (e) and (f), and the danger the violation poses to, or the potential that the violation presents for, endangering human health, safety, welfare, or the environment.

- a. Under most circumstances the violations listed below are considered to be “minor” violations:
  - (1) Inadvertent omissions or deficiencies in recordkeeping that do not prevent a Water Board from determining whether compliance is taking place;
  - (2) Records (including WDRs) not being physically available at the time of the inspection, provided the records do exist and can be produced in a reasonable time;
  - (3) Inadvertent violations of insignificant administrative provisions that do not involve a discharge of waste or a threat thereof; and,
  - (4) Violations that result in an insignificant discharge of waste or a threat thereof; provided, however, that there is no significant threat to human health, safety, welfare, or the environment.
- b. A violation is not considered “minor” if it ~~is a class I priority violation as described in Section II of this Policy or~~ includes any of the following:
  - (1) Any knowing, willful, or intentional violation of ~~D~~ivision 7 (commencing with ~~S~~ection 13000) of the California Water Code;
  - (2) Any violation that enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining an unfair competitive advantage;
  - (3) Chronic violations or violations committed by a recalcitrant violator; and,
  - (4) Violations that cannot be corrected within 30 days.

## **2. ~~2.~~ Notices of ~~Stormwater~~ Storm Water Noncompliance**

The ~~Stormwater~~ Storm Water Enforcement Act of 1998 (Wat. Code, § 13399.25 et seq.) requires that each Regional Water Board provide a notice of noncompliance to any ~~stormwater~~ storm water dischargers who have failed to file a notice of intent to obtain coverage, a notice of non-applicability, a construction certification, or annual reports. If, after two notices, the discharger fails to file the applicable document, the Regional Water Board shall issue ~~an ACL~~ an ACL complaint ~~for administrative civil liability~~ against the discharger. Alternatively, the Water Boards may enforce most of these violations under Water Code section 13385.

## **3. Technical Reports and Investigations**

California Water Code sections 13267, subdivision (b), and 13383, allow the Water Boards to conduct investigations and to require technical or monitoring reports from any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste ~~in accordance with the conditions in the section.~~ When requiring reports, pursuant to Water Code section 13267, subdivision (b), the Water Board must ensure that the burden, including ~~costs~~ the cost of ~~the~~ reports, bears a reasonable relationship to the need for the reports and the benefits to be obtained from them. Further, the Water Board shall provide a written explanation with regard to the need for the reports and identify the evidence that supports requiring them.

Failure to comply with requirements made pursuant to California Water Code section 13267, subdivision (b), may result in administrative civil liability pursuant to California Water Code section 13268. Failure to comply with orders made pursuant to California Water Code section 13383 may result in administrative civil liability pursuant to California Water Code section 13385. Sections 13267, subdivision (b), and 13383 requirements are enforceable when signed by the Executive Officer or Executive Director of the Water Boards or their delegates.

#### **4. Cleanup and Abatement Orders (CAOs)**

Cleanup and Abatement Orders (CAOs) are adopted pursuant to California Water Code section 13304 ~~and/or Health and Safety Code section 25296.10~~. CAOs may be issued to any person who has discharged or discharges waste into the waters of this ~~s~~State in violation of any waste discharge requirement or other order or prohibition issued by a Regional Water Board or the State Water Board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the State and creates, or threatens to create, a condition of pollution or nuisance (discharger). The CAO requires the discharger to clean up the waste or abate the effects of the waste, or both, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

~~The~~ Regional Water Boards shall comply with State Water Board Resolution ~~No.~~ 92-49, *“Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304,”* in issuing CAOs. CAOs shall require dischargers to clean up the pollution to background levels or the best water quality that is reasonable, if background levels of water quality cannot be restored, in accordance with Resolution ~~No.~~ 92-49. At a minimum, ~~cleanup~~clean up levels must be sufficiently stringent to fully support beneficial uses, unless the Regional Water Board allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the CAO shall require the discharger(s) to abate the effects of the discharge.

Violations of CAOs should trigger further enforcement in the form of an ACL Complaint, a Time Schedule Order (TSO) under California Water Code section 13308, or a referral to the Attorney General for injunctive relief or monetary remedies.

#### **5. ~~5.~~ Section 13300 Time Schedule Orders (TSOs)**

Pursuant to California Water Code section 13300, a Regional Water Board can require the discharger to submit a time schedule that sets forth the actions the discharger will take to address actual or threatened discharges of waste in violation of requirements. Typically, those schedules, after any appropriate adjustments by the Regional Water Board, are then memorialized in an order. TSOs that require submission of technical and monitoring reports should state that the reports are required pursuant to California Water Code section 13267.

#### **6. ~~6.~~ Section 13308 Time Schedule Orders (13308 TSOs)**

California Water Code section 13308 authorizes the Regional Water Board to issue a Section 13308 Time Schedule Order (13308 TSO) that prescribes, in advance, a civil penalty if compliance is not achieved in accordance with the time schedule. The Regional Water Board may issue a 13308 TSO if there is a threatened or continuing violation of a ~~cleanup and abatement order~~, CAO, a cease and desist order, or any requirement issued under California Water Code sections 13267 or 13383. The penalty must be set based on an amount reasonably necessary to achieve compliance and may not contain any amount intended to punish or redress previous violations. The 13308 TSO provides the Regional Water Boards with their primary mechanism for motivating compliance, and if necessary, assessing monetary

penalties against federal facilities. Orders under this section are an important tool for regulating federal facilities.

If the discharger fails to comply with ~~the~~ 13308 TSO, the discharger is subject to ~~an~~ ACL complaint ~~for Administrative Civil Liability.~~ The State Water Board may issue a 13308 TSO if the violation or threatened violation involves requirements prescribed by a State Water Board Order.

### **7. *Cease and Desist Orders (CDOs)***

Cease and Desist Orders (CDOs) are adopted pursuant to California Water Code sections 13301 and 13303. CDOs may be issued to dischargers violating or threatening to violate WDRs ~~waste discharge requirements (WDR)~~ or prohibitions prescribed by the Regional Water Board or the State Water Board.

Section 4477 of the California Government Code prohibits all state agencies from entering into contracts of \$5,000 or more for the purchase of supplies, equipment, or services from any nongovernmental entity who is the subject of a CDO that is no longer under review and that was issued for violation of WDRs or which has been finally determined to be in violation of federal laws relating to air or water pollution. If the CDO contains a time schedule for compliance and the entity is adhering to the time schedule, the entity is not subject to disqualification under this section. A list of such entities is maintained by the State Water Board.

CDOs shall contain language describing likely enforcement options available in the event of noncompliance and shall specify that the Regional Water Board reserves its right to take any further enforcement action authorized by law. Such language shall include appropriate California Water Code citations. Violations of CDOs should trigger further enforcement in the form of an ACL, 13308 TSO, or referral to the Attorney General for injunctive relief or monetary remedies.

### **8. *Modification or Rescission of Waste Discharge Requirements (WDRs)***

In accordance with the provisions of the California Water Code, a Regional Water Board may modify or rescind WDRs in response to violations. Depending on the circumstances of the case, rescission of WDRs may be appropriate for failure to pay fees, penalties, or liabilities; a discharge that adversely affects beneficial uses of the waters of the State; and violation of the State Water Board General WDRs for discharge of bio-solids due to violation of the Background Cumulative Adjusted Loading Rate. Rescission of WDRs generally is not an appropriate enforcement response where the discharger is unable to prevent the discharge, as in the case of a POTW ~~publicly-owned treatment works (POTW)~~.

### **9. *Administrative Civil Liabilities (ACL)***

#### **ACLs**

~~Administrative Civil Liabilities (ACLs)~~ are liabilities imposed by a Regional Water Board or the State Water Board. The California Water Code authorizes the imposition of an ACL for certain violations of law. The factors used to assess the appropriate penalties are addressed in Section VI.

In addition to those specific factors that must be considered in any ACL action, there is another factor that ought to be considered. When the underlying problem that caused the violation(s) has not been corrected, the Water Board should evaluate whether the liability proposed in the ACL complaint is sufficient to encourage necessary work by the discharger to address problems related to the violation. If not, the Water Board should consider other options. An ACL action may be combined with another enforcement mechanism such as a CAO, a CDO, or other order with a time schedule for obtaining compliance. The appropriate orders to bring a discharger into



compliance via an enforcement action will vary with the circumstances faced by the Water Boards.

It is the policy of the State Water Board that a 30-day public comment period shall be posted on the Board's website prior to the settlement or imposition of any ACL, not including mandatory minimum penalties MMPs, and prior to settlement of any judicial civil liabilities. In addition, for civil liabilities that are expected to generate significant public interest, the Board may consider mailing or e-mailing the notice to known interested parties, or publishing the notice in a local newspaper. The notice should include a brief description of the alleged violations, the proposed civil liability, the deadline for comments, the date of any scheduled hearing, a process for obtaining additional information, and a statement that the amount of the civil liability may be revised. Only one notice need be posted for each civil liability.

Upon receipt of an ACL complaint (Complaint;), the discharger(s) may waive its right to a public hearing and pay the liability; negotiate a settlement; or appear at a Board hearing to dispute the Complaint. If the discharger waives its right to a public hearing and pays the liability, a third party may still comment on the Complaint at any time during the public comment period. Following review of the comments, the Executive Officer, or his or her delegate, may withdraw the ACL-Complaint. An ACLA Complaint may be redrafted and reissued as appropriate.

#### **DE. Petitions of Enforcement Actions**

Persons affected by most formal enforcement actions or failures to act by a Regional Water Boards may file petitions a petition with the State Water Board for review of such actions or failures to act. The petition must be received by the State Water Board within 30 days of the Regional Water Board action. A petition on thea Regional Water Board's failure to act must be filed within 30 days of either the date the Regional Water Board refuses to act, or a date that is 60 days after a request to take action has been made to the Regional Water Board. Actions taken by the Executive Officer of thea Regional Water Board, if pursuant to authority delegated by the Regional Water Board (e.g., CAOs, ACL orders), are considered final actions by the Regional Water Board and are also subject to the 30-day time limit. In addition, significant enforcement actions by a Regional Water Board Executive Officer may, in some circumstances, be reviewed by the Regional Water Board at the request of the discharger, though such review does not extend the time to petition the State Water Board. The State Water Board may, at any time and on its own motion, review most actions or failures to act by a Regional Water Board. When a petition is filed with the State Water Board challenging an ACL assessment, the assessment is not due or owing during the State Water Board review of the petition. In all other cases, the filing of a petition does not stay the obligation to comply with the Regional Water Board order.

## APPENDIX B: ENFORCEMENT REPORTING

In order to inform the public of [the](#) State and Regional Water Boards performance with regard to enforcement activities, there are a number of legislatively mandated and elective reports the Water Boards are committed to producing on a regular basis.

### A. Legislatively Mandated Enforcement Reporting

The following list summarizes legislatively mandated enforcement reporting requirements and State Water Board interpretations thereof:

- [Section 13167 requires the State Water Board to place and maintain information on enforcement and enforcement actions on its website.](#)
- Section 13225, subdivision (e), requires each Regional Water Board to report rates of compliance for regulated facilities. ~~In accordance with the "Implementation Plan Regarding Information Reporting Requirements for Regional Board Enforcement Outputs" (January, 2008) compliance~~ [Compliance](#) rates will be reported in the Annual ~~Enforcement~~ [Performance](#) Report.
- Section 13225, subdivision (k), requires each Regional Water Board, in consultation with the State Water Board, to identify and post on the Internet a summary list of all enforcement actions undertaken in that region and the disposition of each action, including any civil penalty assessed. This list must be updated at least quarterly.
- ~~Section 13225, subdivision (k) and Section 13225, subdivision (e) — In accordance with the "Implementation Plan Regarding Information Reporting Requirements for Regional Board Enforcement Outputs" (January, 2008) each Regional Water Board must post the information required by these sections on its website as a single table and update it quarterly.~~
- Section 13323, subdivision (e), requires information related to hearing waivers and the imposition of administrative civil liability, as proposed, and as finally imposed, to be posted on the Internet.
- Section 13385, subdivision (o), requires the State Water Board to continuously report and update information [regarding its enforcement activities](#) on its website, but at a minimum, annually on or before January 1, ~~regarding its enforcement activities.~~ The required information includes all of the following:
  1. A compilation of the number of violations of waste discharge requirements in the previous calendar year, including ~~stormwater~~ [storm water](#) enforcement violations;
  2. A record of the formal and informal compliance and enforcement actions taken for each violation, including ~~stormwater~~ [storm water](#) enforcement actions; and,
  3. An analysis of the effectiveness of current enforcement policies, including mandatory minimum penalties ~~.~~ [or MMPs.](#)
- [Section 13399.25, subdivision \(a\), requires a list of persons that were notified of their duty to comply with the general storm water NPDES permits and a description of the responses received to those notifications.](#)
- [Section 13399.25, subdivision \(b\), requires a list of persons that failed to submit an annual report or construction certification required by a regional water board and any penalties assessed therefor.](#)



- Government Code ~~Section~~ 65962.5, subdivision (c) ~~),~~ requires that the State Water Board annually compile and submit to ~~Cal/EPA~~ CalEPA a list of:
  1. All underground storage tanks for which an unauthorized release report is filed pursuant to Health and Safety Code ~~Section~~ 25295. ~~i~~
  2. All solid waste disposal facilities from which there is a migration of hazardous waste and for which a Regional Water Board has notified the Department of Toxic Substances Control pursuant to section 13273, subdivision (e) ~~),~~ of California Water Code ~~section 13273~~.
  3. All CDOs issued after January 1, 1986, pursuant to California Water Code ~~Section~~ 13301, and all CAOs issued after January 1, 1986, pursuant to California Water Code section 13304, which concern the discharge of wastes that are hazardous materials.

## B. Elective Enforcement Reporting

To present a ~~more~~ comprehensive view of the Water Boards' enforcement activities and to identify enforcement goals and priorities, the Water Boards ~~will~~ prepare ~~an annual integrated water quality enforcement~~ the Annual Performance Report. The report ~~that will, at a minimum, should~~ address the following subjects:

1. Budgetary and staff resources available for water quality enforcement at the Water Boards, as compared with the total resources for the regulatory programs and activities that they support, and the types of enforcement actions taken with those enforcement resources during the reporting period.
- ~~• All enforcement information required by statute to be reported to the public every year.~~
2. The effectiveness of the Water Boards' compliance and enforcement functions using metrics, such as those identified ~~in the Annual Enforcement Report (to the extent that the information is available in~~ below:

Recommended Performance Measures for the Water Boards' data base system),  
below: Enforcement Programs

~~Recommended Performance Measures For Water Boards' Enforcement Programs~~

Measure Name	Measure Description
Self-Monitoring Report Evaluation	Number of self-monitoring reports due, received, and reviewed and percentage of reports reviewed
Inspection Monitoring	Number of inspections and the percentage of facilities inspected
<u>Violations</u>	<u>Number of violations identified</u>
Compliance Rates	Percentage of facilities in compliance, based upon the number of facilities evaluated
Enforcement Response	Percentage of <del>facilities in violation</del> violations that received an enforcement action <del>requiring compliance</del>
Enforcement Activities	Number and type of enforcement actions
Penalties Assessed and Collected	The amount of penalties assessed and collected, SEPs approved, and injunctive relief
MMP Violations Addressed	Number of facilities with MMP violations receiving a penalty <del>at or above the minimum penalty assessed</del>
Recidivism	Number and percentage of facilities returning to non-compliance for the same violation(s) addressed through an enforcement action
Environmental Benefits (as a result of an enforcement action)	Estimated pounds of pollutants reduced/removed through cleanup (soil or water), and wetlands/stream/ beach/creek/ river miles protected/restored (acres, miles, etc.)

*From FY 2007-2008 Annual Enforcement Report*

[http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/docs/annual\\_enf\\_rpt\\_032609.pdf](http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/annual_enf_rpt_032609.pdf)

3. Proposed enforcement priorities for the State Water Boards for the next reporting period and staff's basis for these proposals;
4. The extent of progress on enforcement priorities identified in prior [Annual Enforcement Reports](#); and,
5. Recommendations for improvements to the Water Boards' enforcement capabilities, ~~including additional performance metrics, and an evaluation of efforts to address prior staff recommendations for enforcement improvements.~~

## XXII. APPENDIX C: GROUP 1 POLLUTANTS

This list of pollutants is based on Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations.

### Oxygen Demand

Biochemical Oxygen Demand (BOD)  
Chemical Oxygen Demand (COD)  
Total Oxygen Demands  
Total Organic Carbon  
Other\*

### Solids

Total Dissolved Solids (TDS)  
Total Suspended Solids (TSS)  
Other\*

### Nutrients

Inorganic Phosphorous Compounds  
Inorganic Nitrogen Compounds  
Other\*

### Detergents and Oils

Methylene Blue Active Substances  
Nitrilotriacetic Acid  
Oil and Grease  
Other Detergents or Algicides\*

### Minerals

Calcium  
Chloride  
Fluoride  
Magnesium  
Sodium  
Potassium  
Sulfur  
Sulfate  
Total Alkalinity  
Total Hardness  
Other Minerals\*

### Metals

Aluminum  
Cobalt  
Iron  
Vanadium

\*The following list of pollutants is hereby included as Group 1 pollutants (pursuant to Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations) under the classifications of "other."

5-DAY SUM OF WLA VALUES  
5-DAY SUM OF BOD5 DISCHARGED  
7-DAY SUM OF WLA VALUES  
7-DAY SUM OF BOD5 DISCHARGED  
ACIDITY  
ACIDITY, CO<sub>2</sub> PHENOL (AS CaCO<sub>3</sub>)  
ACIDITY-MINRL METHYL-ORANGE (AS CaCO<sub>3</sub>)  
ACIDITY, TOTAL (AS CaCO<sub>3</sub>)  
ALGICIDES, GENERAL  
ALKALINITY, BICARBONATE (AS CaCO<sub>3</sub>)  
ALKALINITY, CARBONATE (AS CaCO<sub>3</sub>)  
ALKALINITY, PHENOL-PHTHALINE METHOD  
ALKALINITY, TOTAL (AS CaCO<sub>3</sub>)  
ALUMINUM  
ALUMINUM, ACID SOLUABLE  
ALUMINUM CHLORIDE, DISSOLVED, WATER  
ALUMINUM, DISSOLVED (AS AL)  
ALUMINUM, IONIC  
ALUMINUM, POTENTIALLY DISSOLVD  
ALUMINUM SULFATE  
ALUMINUM, TOTAL RECOVERABLE  
ALUMINUM, TOTAL

ALUMINUM, TOTAL (AS AL)  
AMMONIA & AMMONIUM-TOTAL  
AMMONIA (AS N) + UNIONIZED AMMONIA  
AMMONIA, UNIONIZED  
AVG. OF 7-DAY SUM OF BOD5 VALUES  
BARIUM, SLUDGE, TOT, DRY WEIGHT (AS BA)  
BICARBONATE ION (AS HCO<sub>3</sub>)  
BIOCHEMICAL OXYGEN DEMAND-5  
BIOCIDES  
BOD % OVER INFLUENT  
BOD (ULT. 1ST STAGE)  
BOD (ULT. 2ND STAGE)  
BOD (ULT. ALL STAGES)  
BOD, 5-DAY (20 DEG. C)  
BOD, 5-DAY 20-DEG C PER CFS OF STREAMFLW  
BOD, 5-DAY DISSOLVED  
BOD, 5-DAY PERCENT REMOVAL  
BOD, 5-DAY (20-DEG. C) PER PRODUCTION  
BOD, 11-DAY (20-DEG. C)  
BOD, 20-DAY (20-DEG. C)  
BOD, 20-DAY, PERCENT REMOVAL

BOD 35-DAY (20-DEG. C)  
BOD, CARB-5 DAY, 20 DEG C, PERCENT  
REML  
BOD, CARBONACEOUS 5-DAY, 5C  
BOD, CARBONACEOUS (5-DAY, 20-DEG C)  
BOD, CARBONACEOUS 05-DAY, 20C  
BOD, CARBONACEOUS 20-DAY, 20C  
BOD CARBONACEOUS, 25-DAY (20-DEG. C)  
BOD, CARBONACEOUS, 28-DAY (20-DEG. C)  
BOD, CARBONACEOUS, PERCENT  
REMOVAL  
BOD, FILTERED, 5-DAY, 20-DEG C  
BOD, MASS, TIMES FLOW PROP.  
MULTIPLIER  
BOD, NITROG INHIB 5-DAY (20-DEG. C)  
BOD, PERCENT REMOVAL (TOTAL)  
BOD-5 LB/CU-FT PROCESS  
BORIC ACID  
BORON, DISSOLVED (AS B)  
BORON, SLUDGE, TOTAL DRY WEIGHT (AS  
B)  
BORON, TOTAL  
BORON, TOTAL (AS B)  
BORON, TOTAL RECOVERABLE  
BROMIDE (AS BR)  
BROMINE REPORTED AS THE ELEMENT  
CALCIUM IN BOTTOM DEPOSITS  
CALCIUM, DISSOLVED (AS CA)  
CALCIUM, PCT EXCHANGE  
CALCIUM, PCT IN WATER, (PCT)  
CALCIUM, TOTAL RECOVERABLE  
CARBON DIOXIDE (AS CO2)  
CARBON, TOTAL (AS C)  
CARBON, TOTAL INORGANIC (AS C)  
CARBON, TOT ORGANIC (TOC)  
CARBON, TOT ORGANIC (TOC) PER 1000  
GALS.  
CARBONACEOUS BOD, 5-DAY, 20-DEG C  
FILTRD  
CARBONACEOUS OXYGEN DEMAND, %  
REMOVAL  
CARBONATE ION- (AS CO3)  
CBOD5 / NH3-N  
CHEM. OXYGEN DEMAND (COD) %  
REMOVAL  
CHEM. OXYGEN DEMAND PER  
PRODUCTION  
CHEMICAL OXYGEN DEMAND (COD)  
CHEMICAL OXYGEN DEMAND, SOLUBLE  
CHLORIDE  
CHLORIDE (AS CL)  
CHLORIDE, DISSOLVED (AS CL)  
CHLORIDE, DISSOLVED IN WATER  
CHLORIDE, PERCENT REMOVAL  
CHLORIDE, PER CFS OF STREAMFLOW  
CHLORIDE, SLUDGE, TOTAL DRY WEIGHT

CHLORIDES & SULFATES  
CHLORINE DEMAND, 1 HR  
CHLORITE  
COBALT, DISSOLVED (AS CO)  
COBALT, TOTAL (AS CO)  
COBALT, TOTAL RECOVERABLE (AS CO)  
COPPER, SLUDGE, TOT, DRY WEIGHT (AS  
CU)  
DIGESTER SOLIDS CONTENT, PERCENT  
DITHIOCARBAMATE, RPTD AS  
DITHIOCARBONATE  
DRILLED SOLIDS IN DRILLING FLUIDS  
ENDRIN KETONE, IN WATER  
FERROCHROME LIGNO-SULFONATED  
FRWTR MUD  
FERROCYANIDE  
FERROUS SULFATE  
FIRST STAGE OXYGEN DEMAND, %  
REMOVAL  
FLUORIDE-FREE  
FLUORIDE, DISSOLVED (AS F)  
FLUORIDE, TOTAL (AS F)  
FLUOROBORATES  
FREE ACID, TOTAL  
HARDNESS, TOTAL (AS CaCO3)  
HYDROCHLORIC ACID  
HYDROGEN PEROXIDE  
HYDROGEN PEROXIDE (T) DILUTION RATIO  
HYDROGEN SULFIDE  
HYDROGEN SULFIDE UNIONIZED  
IODIDE (AS I)  
IRON  
IRON AND MANGANESE-SOLUBLE  
IRON AND MANGANESE-TOTAL  
IRON, DISSOLVED (AS FE)  
IRON, DISSOLVED FROM DRY DEPOSITION  
IRON, FERROUS  
IRON, POTENTIALLY DISSOLVED  
IRON, SLUDGE, TOTAL, DRY WEIGHT (AS  
FE)  
IRON, SUSPENDED  
IRON, TOTAL (AS FE)  
IRON, TOTAL PER BATCH  
IRON, TOTAL PERCENT REMOVAL  
IRON, TOTAL PER PRODUCTION  
LIGHTLY TREATED LIG-NOSULFONATED  
MUD  
LITHIUM, DISSOLVED (AS LI)  
LITHIUM, TOTAL (AS LI)  
MACROINVERTEBRATE ASSESSMENT  
MAGNESIUM, DISSOLVED (AS MG)  
MAGNESIUM, IN BOTTOM DEPOSITS  
MAGNESIUM, PCT EXCHANGE  
MAGNESIUM, TOTAL RECOVERABLE  
MANGANESE IN BOTTOM DEPOSITS (DRY  
WGT)

MANGANESE, POTENTIALLY DISSOLVED	NON-NITROGENOUS BOD
MANGANESE, DISSOLVED (AS MN)	OIL & GREASE
MANGANESE, SUSPENDED	OIL & GREASE AROMATIC
MANGANESE, TOTAL	OIL & GREASE, HEXANE EXTR METHOD
MANGANESE, TOTAL (AS MN)	OIL & GREASE (FREON EXTR.-IR METH)
MANGANESE, TOTAL RECOVERABLE	TOT, RC
METHYLENE BLUE ACTIVE SUBSTANCES	OIL & GREASE, NON POLAR MATERIAL
MICROSCOPIC ANALYSIS	OIL & GREASE % REMOVAL
MOLYBDENUM, DRY WEIGHT	OIL & GREASE PER CFS OF STREAMFLW
MONOBORO CHLORATE	OIL & GREASE, PER 1000 GALLONS
NICKEL, DRY WEIGHT	OIL & GREASE PER PRODUCTION
NITRILOTRIACETIC ACID (NTA)	OIL & GREASE (POLAR)
NITRITE NITROGEN, DISSOLVED (AS N)	OIL & GREASE (SOXHLET EXTR.) TOT.
NITRITE PLUS NITRATE DISSOLVED 1 DET.	OIL & GREASE VISUAL
NITRITE PLUS NITRATE IN BOTTOM	OXYGEN DEMAND, CHEM. (COD),
DEPOSITS	DISSOLVED
NITRITE PLUS NITRATE TOTAL 1 DET. (AS N)	OXYGEN DEMAND, CHEM. (HIGH LEVEL)
NITROGEN (AS NO3) SLUDGE SOLID	(COD)
NITROGEN OXIDES (AS N)	OXYGEN DEMAND, CHEM. (LOW LEVEL)
NITROGEN SLUDGE SOLID	(COD)
NITROGEN SLUDGE TOTAL	OXYGEN DEMAND, DISSOLVED
NITROGEN, AMMONIA DISSOLVED	OXYGEN DEMAND FIRST STAGE
NITROGEN, AMMONIA IN BOTTOM	OXYGEN DEMAND, NITROGENOUS,
DEPOSITS	ULTIMAT
NITROGEN, AMMONIA, PERCENT REMOVAL	OXYGEN DEMAND, SUM PRODUCT
NITROGEN, AMMONIA PER CFS OF	OXYGEN DEMAND, TOTAL
STREAMFLW	OXYGEN DEMAND, TOTAL (TOD)
NITROGEN, AMMONIA TOTAL (AS N)	OXYGEN DEMAND, ULT. CARBONACEOUS
NITROGEN, AMMONIA TOTAL (AS NH4)	(UCOD)
NITROGEN, AMMONIA, SLUDGE, TOT DRY	OXYGEN DEMAND, ULT., PERCENT
WGT	REMOVAL
NITROGEN, AMMONIA, TOT UNIONIZED (AS	OXYGEN DEMAND, ULTIMATE
N)	OZONE
NITROGEN, DISSOLVED	OZONE RESIDUAL
NITROGEN, KJELDAHL DISSOLVED (AS N)	PENTACHLOROPHENOL, REMOVAL
NITROGEN, KJELDAHL TOTAL	EFFICIENCY
NITROGEN, KJELDAHL TOTAL (AS N)	PHOSPHATE TOTAL SOLUBLE
NITROGEN, NITRATE DISSOLVED	PHOSPHATE, DISSOLVED COLOR METHOD
NITROGEN, NITRATE TOTAL	(AS P)
NITROGEN, NITRATE TOTAL (AS N)	PHOSPHATE,
NITROGEN, NITRATE TOTAL (AS NO3)	DISSOLVED/ORTHOPHOSPHATE (AS P)
NITROGEN, NITRITE TOTAL (AS N)	PHOSPHATE, ORTHO (AS P)
NITROGEN, NITRITE TOTAL (AS NO2)	PHOSPHATE, ORTHO (AS PO4)
NITROGEN, ORGANIC TOTAL (AS N)	PHOSPHATE, POLY (AS PO4)
NITROGEN, SLUDGE, TOT, DRY WT. (AS N)	PHOSPHATE, TOTAL (AS PO4)
NITROGEN, TOTAL AS NO3 + NH3	PHOSPHATE, TOTAL COLOR. METHOD (AS
NITROGEN, TOTAL KJELDAHL, % REMOVAL	P)
NITROGEN, INORGANIC TOTAL	PHOSPHORUS, DISSOLVED
NITROGEN, OXIDIZED	PHOSPHORUS, DISSOLVED REATIVE (DRP
NITROGEN-NITRATE IN WATER, (PCT)	AS P)
NITROGEN-NITRITE IN WATER, (PCT)	PHOSPHOROUS, IN TOTAL
NITROGENOUS OXYGEN DEMAND, %	ORTHOPHOSPHATE
REMOVAL	PHOSPHORUS (REACTIVE AS P)
NITROGENOUS OXYGEN DEMAND (20-DAY,	PHOSPHOROUS 32, TOTAL
20C)	PHOSPHOROUS, TOTAL ELEMENTAL
NON-IONIC DISPERSANT (NALSPERSE 7348)	

PHOSPHOROUS, TOTAL, IN BOTTOM DEPOSITS  
PHOSPHOROUS, TOTAL ORGANIC (AS P)  
PHOSPHORUS, TOTAL (AS P)  
PHOSPHORUS, TOTAL PERCENT REMOVAL  
PHOSPHORUS, TOTAL SOLUBLE (AS PO4)  
POTASSIUM, DISSOLVED (AS K)  
POTASSIUM, IN BOTTOM DEPOSITS  
POTASSIUM, PCT EXCHANGE  
POTASSIUM, TOTAL PCT IN WATER, (PCT)  
POTASSIUM, TOTAL RECOVERABLE  
PROPARGITE  
RATIO FECAL COLIFORM & STREPTOCOCCI  
RESIDUE, SETTLEABLE  
RESIDUE, TOTAL FILTERABLE  
RESIDUE, TOTAL NON SETTLEABLE  
RESIDUE, TOTAL VOLATILE  
RESIDUE, VOLATILE NONFILTERABLE  
SEAWATER GEL MUD  
SETTLEABLE SOLIDS PERCENT REMOVAL  
SILICA, DISSOLVED (AS SIO2)  
SILICON, TOTAL  
SILICA, TOTAL (AS SIO2)  
SLUDGE BUILD UP IN WATER  
SLUDGE, RATE OF WASTING  
SLUDGE SETTLEABILITY 30 MINUTE  
SLUDGE VOLUME DAILY INTO A WELL  
SODIUM ADSORPTION RATIO  
SODIUM ARSENITE  
SODIUM CHLORIDE (SALT)  
SODIUM, DISSOLVED (AS NA)  
SODIUM HEXAMETA PHOSPHATE  
SODIUM IN BOTTOM DEP (AS NA) (DRY WGT)  
SODIUM NITRITE  
SODIUM, %  
SODIUM, % EXCHANGE ABLE SOIL, TOTAL  
SODIUM, SLUDGE, TOT, DRY WEIGHT (AS NA)  
SODIUM SULFATE, TOTAL  
SODIUM, TOTAL (AS NA)  
SODIUM, TOTAL RECOVERABLE  
SOLIDS ACCUMULATION RATE TOT DRY WEIGHT  
SOLIDS, FIXED DISSOLVED  
SOLIDS, FIXED SUSPENDED  
SOLIDS, SETTLEABLE  
SOLIDS, SETTLEABLE, NET VALUE  
SOLIDS, SLUDGE, TOT, DRY WEIGHT  
SOLIDS, SUSPENDED PERCENT REMOVAL  
SOLIDS, TOTAL  
SOLIDS, TOTAL DISSOLVED  
SOLIDS, TOTAL DISSOLVED (TDS)  
SOLIDS, TOTAL DISSOLVED 180 DEG.C  
SOLIDS, TOTAL DISSOLVED PERCENT BY WEIGHT

SOLIDS, TOTAL DISSOLVED (INORGANIC)  
SOLIDS, TOTAL FIXED  
SOLIDS, TOTAL SUSPD. NON VOLATILE  
SOLIDS, TOTAL SUSPENDED  
SOLIDS, TOTAL VOLATILE  
SOLIDS, TOTAL DISSOLVED, TOTAL TONS  
SOLIDS, TOTAL NON VOLATILE, NON FIXED  
SOLIDS, TOTAL SUSP PER PRODUCTION  
SOLIDS, TOTAL SUSP. PER 1000 GALLONS  
SOLIDS, TOTAL SUSP. PER BATCH  
SOLIDS, TOTAL SUSP. PER CFS OF STREAMFLW  
SOLIDS, TOTAL SUSPENDED, LOADING RATE  
SOLIDS, TOTAL SUSPENDED, NET VALUE  
SOLIDS, VOLATILE DISSOLVED  
SOLIDS, VOLATILE SUSPENDED  
SOLIDS, VOLATILE SUSPENDED, % REMOVAL  
SOLIDS, VOLATILE SUSP., IN MIXED LIQUOR  
SOLIDS, DRY, DISCHARGE TO SOL. HANDLING SYS.  
SOLIDS, DRY, INCIN. AS% OF DRY SOL. FROM TRMTPLT  
SOLIDS, DRY, REMOVED FROM SOL. HANDLING SYS.  
SOLIDS, TOT. VOLATILE PERCENT REMOVAL  
SOLIDS, VOLATILE % OF TOTAL SOLIDS  
SOLIDS FLOTNG VISUAL DETRMNTN # DAYS OBS  
SULFATE  
SULFATE (AS S)  
SULFATE, DISSOLVED (AS SO4)  
SULFATE IN SEDIMENT  
SULFATE, TOTAL (AS SO4)  
SULFIDE, DISSOLVED, (AS S)  
SULFIDE, TOTAL  
SULFIDE, TOTAL (AS S)  
SULFITE (AS S)  
SULFITE (AS SO3)  
SULFITE WASTE LIQUOR PEARL BENSON INDEX  
SULFUR DIOXIDE TOTAL  
SULFUR, TOTAL  
SULPHUR, TOTAL ELEMENTAL  
SUM BOD AND AMMONIA, WATER  
SURFACTANTS, AS CTAS  
SURFACTANTS (LINEAR ALKYLATE SULFONATE)  
SURFACTANTS (MBAS)  
SUSPENDED SOLIDS  
SUSPENDED SOLIDS, TOTAL ANNUAL  
SUSPENDED SOLIDS, TOTAL DISCHARGE  
TOTAL CHLORIDE RESIDUAL, BROMINE  
TOTAL SUSP. SOLIDS LB/CU FT PROCESS

~~TRIARYL PHOSPHATE~~  
~~ULTRAVIOLET LIGHT TRANSMITTANCE~~  
~~VANADIUM, DISSOLVED (AS V)~~  
~~VANADIUM, SUSPENDED (AS V)~~  
~~VANADIUM, TOTAL~~  
~~VANADIUM, TOTAL (AS V)~~

~~VANADIUM, TOTAL DRY WEIGHT (AS V)~~  
~~VANADIUM, TOTAL RECOVERABLE~~  
~~VEGETATIVE COVER~~  
~~WLA BOD 5 DAY VALUE~~



## XXIII. APPENDIX D: GROUP 2 POLLUTANTS

**Group 2 Pollutants.** This list of pollutants is based on Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations.

### Metals

All metals not specifically listed under Group 1.

### Inorganics

Cyanide

Total Residual Chlorine

### Organics

All organics not specifically listed under Group 1.

### Other\*

\* The following list of pollutants are hereby included as Group 2 pollutants (pursuant to Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations) under the classifications of "other."

1, 2, 4-TRIMETHYL-BENZENE	1,2,3,4,6,7,8-HEPTA
1, 3, 5-TRIMETHYL-BENZENE	CHLORODIBENZOFURAN
1,1-DICHLORO-1,2,2,2-	1,2,3,4,6,7,8-HEPTACHLORODIBENZO-P-
TETRAFLUOROETHANE	DIOXIN
1,1-DICHLORO-2,2,2-TRIFLUOROETHANE	1,2,3,4,7,8,9-HEPTA
1,1,1-TRICHLORO-2,2,2-TRIFLUOROETHANE	CHLORODIBENZOFURAN
1,1,1,2,2-PENTA-FLUOROETHANE	1,2,3,4,7,8-HEXACHLORODIBENZOFURAN
1,1,1,3,3-PENTA-FLUOROBUTANE	1,2,3,4,7,8-HEXACHLORODIBENZO-P-DIOXIN
1,1,1-TRICHLORO-ETHANE	1,2,3,6,7,8-HEXACHLORODIBENZOFURAN
1,1,1-TRICHLOROETHANE, DRY WEIGHT	1,2,3,6,7,8-HEXACHLORODIBENZO-P-DIOXIN
1,1,1-TRIFLUORO-ETHANE	1,2,3,7,8,9-HEXACHLORODIBENZOFURAN
1,1,2,2-TETRACHLORO-ETHANE	1,2,3,7,8,9-HEXACHLORODIBENZO-P-DIOXIN
1,1,2,2-TETRACHLOROETHANE, DRY	1,2,3,7,8-PENTACHLORODIBENZOFURAN
WEIGHT	1,2,3,7,8-PENTACHLORODIBENZO-P-DIOXIN
1,1,2,2-TETRACHLOROETHYLENE	1,2,3-TRICHLOROPROPANE
1,1,2-TRICHLORO-ETHANE	1,2,4,5-TETRACHLORO-BENZENE
1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE	1,2,4,5-TETRAMETHYL-BENZENE
1,1,2-TRICHLOROETHANE, DRY WEIGHT	1,2,4-TRICHLORO-BENZENE
1,1-DICHLORO-1-FLUOROETHANE	1,2,4-TRICHLOROBENZENE, DRY WEIGHT
1,1-DICHLOROETHANE	1,2-BIS(2-CHLOROETH-ONY) ETHANE
1,1-DICHLOROETHANE, DRY WEIGHT	1,2-CIS-DICHLORO-ETHYLENE
1,1-DICHLOROETHENE	1,2-DICHLORO-1,1,2-T
1,1-DICHLOROETHYLENE	1,2-DICHLOROBENZENE
1,1-DICHLOROETHYLENE, DRY WEIGHT	1,2-DICHLOROBENZENE, DRY WEIGHT
1,1-DIMETHYL-HYDRAZINE	1,2-DICHLOROETHANE
1,2,3-TRICHLORO-BENZENE	1,2-DICHLOROETHANE, DRY WEIGHT
1,2,3-TRICHLORO-ETHANE	1,2-DICHLOROETHANE, TOTAL WEIGHT
1,2,3,4,6,7,8,9-	1,2-DICHLOROPROPANE
OCTACHLORODIBENZOFURAN	1,2-DICHLOROPROPANE, DRY WEIGHT
1,2,3,4,6,7,8,9-OCTACHLORODIBENZO-P-	1,2-DICHLOROPROPENE
DIOX	1,2-DIPHENYL-HYDRAZINE
	1,2-DIPHENYL-HYDRAZINE, DRY WEIGHT

1,2-PROPANEDIOL  
 1,2-TRANS-DICHLORO-ETHYLENE  
 1,2-TRANS-DICHLOROETHYLENE, DRY WEIGHT  
 1,3-DICHLOROPROPANE  
 1,3-DICHLOROPROPYLENE  
 1,3-DIAMINOUREA  
 1,3-DICHLOROBENZENE  
 1,3-DICHLOROBENZENE, DRY WEIGHT  
 1,3-DICHLOROPROPENE, TOTAL WEIGHT  
 1,4-DICHLOROBUTANE  
 1,4-DIOXANE  
 1,4-DDT (O,P-DDT)  
 1,4-DICHLOROBENZENE  
 1,4-DICHLOROBENZENE, DRY WEIGHT  
 1,4-XYLENE  
 1-BROMO-2-CHLOROETHANE  
 1-CHLORO-1,1-DIFLUOROETHANE  
 1-ETHOXY-2-METHYLPROPANE  
 1-HYDROXY-ETHYLIDENE  
 1-METHYLNAPHTHALENE  
 1-NITROSOPIPERIDINE  
 2,2-DIBROMO-3-NITRILOPROPIONAMIDE  
 2,2-DICHLOROPROPANE  
 2,2-DICHLOROVINYL-DIMETHYLPHOSPHATE  
 2,2-DIMETHYL-2,3-DI-HYDRO-7-BENZOFURANOL  
 2,3-DICHLOROPROPYLENE  
 2,3,4,6,7,8-HEXACHLORODIBENZOFURAN  
 2,3,4,6-TETRACHLORO-PHENOL  
 2,3,4,7,8-PENTACHLORODIBENZOFURAN  
 2,3,7,8-CHLORO-DIBENZOFURAN  
 2,3,7,8-TETRACHLORO-DIBENZO-FURAN (TCDF)  
 2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN  
 2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN SED,  
 2,4,5-T  
 2,4,5-TP(SILVEX)  
 2,4,5-TP(SILVEX)-ACIDS/SALTS-WHOLE WATER SAMPLE  
 2,4,5-TRICHLORO-PHENOL  
 2,4,5-TRICHLOROPHENOXYPROPIONIC ACID  
 2,4,6-TRICHLOROPHENOL, DRY WEIGHT  
 2,4,6-TRICHLORO-PHENOL  
 2,4-D-SALTS AND ESTERS  
 2,4-DB  
 2,4-DICHLOROPHENOL  
 2,4-DICHLOROPHENOXYACETIC ACID  
 2,4-DIMETHYLPHENOL  
 2,4-DINITROPHENOL  
 2,4-DINITROTOLUENE  
 2,4-DINITROTOLUENE, DRY WEIGHT  
 2,4-TOLUENEDIAMINE  
 2,5-TOLUENEDIAMINE  
 2,6-DINITROTOLUENE  
 2,6-DINITROTOLUENE, DRY WEIGHT  
 2-ACETYL-AMINO-FLOURCENE  
 2-BUTANONE  
 2-BUTANONE-PEROXIDE  
 2-CHLOROANILINE  
 2-CHLOROETHANOL  
 2-CHLOROETHYL-VINYL-ETHER, DRY WEIGHT  
 2-CHLOROETHYL-VINYL-ETHER (MIXED)  
 2-CHLORONAPHTHALENE  
 2-CHLOROPHENOL  
 2-ETHYL-1-HEXANOL  
 2-ETHYL-2-METHYL-DIOXOLANE  
 2-HEXANONE  
 2-METHYL-2-PROPANOL (TBA)  
 2-METHYL-4,6-DINITROPHENOL  
 2-METHYL-4-CHLOROPHENOL  
 2-METHYLNAPHTHALENE  
 2-METHYLPENTANE  
 2-METHYLPHENOL  
 2-METHYLPYRIDINE  
 2-NAPHTHYLAMINE  
 2-NITROANILINE  
 2-NITROPHENOL  
 2-PROPANONE  
 2-SECONDARY-BUTYL-4,6-DINITROPHENOL  
 3,3-DICHLORO-BENZIDINE  
 3,3-DICHLOROBENZIDINE, DRY WEIGHT  
 3,4-BENZOFUORAN-THENE  
 3,4,5-TRICHLORO-GUACACOL  
 3,4,6-TRICHLORO-CATECHOL  
 3,4,6-TRICHLORO-GUAIACOL  
 3-CHLOROPHENOL  
 3-METHYLHEXANE  
 3-METHYLPENTANE  
 3-METHYLPYRIDINE  
 3-NITROANILINE, TOTAL-IN-WATER  
 4,4-BUTYLDENE-BIS-(6-T-BUTYL-M-CRESOL)  
 4,4-DDD (P,P-DDD)  
 4,4-DDE (P,P-DDE)  
 4,4-DDT (P,P-DDT)  
 4,6-DINITRO-O-CRESOL  
 4-BROMOPHENYL-PHENYL-ETHER  
 4-CHLORO-3,5-DIMETHYLPHENOL  
 4-CHLORO-3-METHYL-PHENOL  
 4-CHLOROPHENYL-PHENYL-ETHER  
 4-METHYLPHENOL  
 4-NITRO-M-CRESOL  
 4-NITRO-N-METHYLPHTHALIMIDE, TOTAL  
 4-NITROPHENOL  
 9,10-DICHLOROSTEARIC ACID  
 9,10-EPOXYSTEARIC ACID  
 A-BHC-ALPHA  
 ABIETIC ACID  
 ACENAPHTHENE

ACENAPHTHENE, SED (DRY WEIGHT)	AROMATICS, TOTAL PURGEABLE
ACENAPHTHYLENE	ARSENIC, POTENTIALLY DISSOLVED
ACEPHATE (ORTHENE, ORTRAN)	ARSENIC, DISSOLVED (AS-AS)
ACETALDEHYDE	ARSENIC, DRY WEIGHT
ACETAMINOPHEN	ARSENIC, TOTAL (AS-AS)
ACETIC ACID	ARSENIC, TOTAL RECOVERABLE
ACETONE	ASANA
ACETONE, DRY WEIGHT	ASBESTOS
ACETONE IN WASTE	ASBESTOS (FIBROUS)
ACETOPHENONE	A-TERPINEOL
ACID COMPOUNDS	ATRAZINE
ACIDS, TOTAL VOLATILE (AS ACETIC ACID)	ATRAZINE, DISSOLVED
ACROLEIN	AZIDE
ACROLEIN, DRY WEIGHT	AZOBENZENE
ACRYLAMIDE MONOMER	BALAN (BENEFIN)
ACRYLIC ACID	BARIUM IN BOTTOM DEPOSITS (DRY WGT)
ACRYLONITRILE	BARIUM, POTENTIALLY DISSOLVED
ACRYLONITRILE, DRY WEIGHT	BARIUM, DISSOLVED (AS-BA)
ACTINIUM-228	BARIUM, TOTAL (AS-BA)
A-ENDOSULFAN-ALPHA	BARIUM, TOTAL RECOVERABLE
ALACHLOR (BRAND NAME-LASSO)	BASE NEUTRALS & ACID (METHOD 625),
ALACHLOR, DISSOLVED	TOTAL
ALDICARB	BASE NEUTRALS & ACID (METHOD 625),
ALDICARB SULFONE	EFFLNT
ALDICARB SULFOXIDE	BASE/NEUTRAL COMPOUNDS
ALDRIN	BAYER 73 LAMPREYCIDE IN WATER
ALDRIN + DIELDRIN	B-BHC-BETA
ALDRIN, DRY WEIGHT	B-BHC-BETA DISSOLVED
ALKYL BENZENE SULFONATED (ABS)	B-ENDOSULFAN-BETA
ALKYLDIMETHYL ETHYL AMMONIUM	BENFLURALIN, (ORG. PESTICIDE ACT. INGD)
BROMIDE	BENOMYL & CARBEND. ORGANIC
ALKYLDIMETHYLBENZYL AMMONIUM	PESTICIDE
CHLORIDE	BENTAZON, TOTAL
ALPHA ACTIVITY	BENZENE
ALPHA EMITTING RADIUM ISOTOPES,	BENZENE (VOLATILE ANALYSIS)
DISSOL.	BENZENE HEXACHLORIDE
ALPHA GROSS RADIOACTIVITY	BENZENE SULPHONIC ACID
ALPHA, DISSOLVED	BENZENE, DISSOLVED
ALPHA, SUSPENDED	BENZENE, DRY WEIGHT
ALPHA, TOTAL	BENZENE, HALOGENATED
ALPHA, TOTAL, COUNTING ERROR	BENZENE, TOLUENE, XYLENE IN
ALPHABHC DISSOLVED	COMBINATION
ALPHA-ENDOSULFAN	BENZENE, ETHYL BENZENE TOLUENE,
AMETRYN ORGANIC PESTICIDE	XYLENE COMBINATION
AMIBEN (CHLORAMBEN)	BENZENE HEXACHLORIDE
AMINES, ORGANIC TOTAL	BENZIDINE
AMINOTROL - METHYLENE PHOSPHATE	BENZIDINE, DRY WEIGHT
AMYL ALCOHOL	BENZISOTHIAZOLE
ANILINE	BENZO(A) FLUORANTHENE
ANTHRACENE	BENZO(A) ANTHRACENE
ANTIMONY IN BOTTOM DEPOSITS (DRY	BENZO(A) PYRENE
WGT)	BENZO(A) PYRENE, DRY WEIGHT
ANTIMONY, DISSOLVED (AS-SB)	BENZO(B) FLUORANTHENE (3,4-BENZO)
ANTIMONY, TOTAL (AS-SB)	BENZO(GHI) PERYLENE
ANTIMONY, TOTAL RECOVERABLE	BENZO(K) FLUORANTHENE
AROMATICS, SUBSTITUTED	BENZOFURAN

BENZY CHLORIDE	BUTYL BENZYL PHTHALATE
BENZYL ALCOHOL	BUTYLATE (SUTAN)
BENZYL CHLORIDE	CADMIUM
BERYLLIUM IN BOTTOM DEPOSITS (DRY WGT)	CADMIUM TOTAL RECOVERABLE
BERYLLIUM, DISSOLVED (AS BE)	CADMIUM IN BOTTOM DEPOSITS (DRY WGT)
BERYLLIUM, POTENTIALLY DISSOLVED	CADMIUM SLUDGE SOLID
BERYLLIUM, TOTAL (AS BE)	CADMIUM SLUDGE TOTAL
BERYLLIUM, TOTAL RECOVERABLE (AS BE)	CADMIUM, POTENTIALLY DISSOLVD
BETA, DISSOLVED	CADMIUM, DISSOLVED (AS CD)
BETA, SUSPENDED	CADMIUM, PERCENT REMOVAL
BETA, TOTAL	CADMIUM, SLUDGE, TOTAL DRY WGT (AS CD)
BETA, TOTAL, COUNTING ERROR	CADMIUM, TOTAL (AS CD)
BETASAN(N-2-MERCAPTO ETHYL BENZENE SULFAMID	CAFFEINE
BEZONITRILE (CYANO BENZENE)	CAPTAN
BHC, TOTAL	CAPTAN
BHC-ALPHA	CARBAMATES
BHC-BETA	CARBARYL TOTAL
BHC-DELTA	CARBON CHLOROFORM EXT-RACTS, ETHER INSOLUBL
BHC-GAMMA	CARBOFURAN
BIFENTHRIN	CARBON DISULFIDE (CS2)
BIS---PHENOL-A (ALPHA)	CARBON TETRACHLORIDE
BIS (2-CHLORO-ISOPROPYL) ETHER	CARBON TETRACHLORIDE, DRY WEIGHT
BIS (2-CHLOROETHOXY) METHANE	CARBON, CHLOROFORM EXTRACTABLES
BIS (2-CHLOROETHOXY) METHANE, DRY WT.	CARBON, DISSOLVED ORGANIC (AS-C)
BIS (2-CHLOROETHYL) ETHER	CARBOSULFAN, TOTAL
BIS (2-ETHYLHEXYL) PHTHALATE	CERIUM, TOTAL
BIS (2-ETHYLHEXYL) PHTHALATE, DRY WGT	CESIUM 137
BIS (CHLOROMETHYL) ETHER	CESIUM, TOTAL (AS-CS)
BIS (TRICHLOROMETHYL) SULFONE	CHIRAL
BIS ETHER	CHLOR, PHENOXY ACID GP, NONE FOUND
BISMUTH 214	CHLORAL
BISMUTH, TOTAL (AS BI)	CHLORAL HYDRATE
BISPHENOL-A	CHLORAMINE RESIDUAL
BROMACIL	CHLORDANE (CA OCEAN PLAN DEFINITION)
BROMACIL (HYVAR)	CHLORDANE (TECH MIX & METABS), DRY WGT
BROMACIL, LITHIUM	CHLORDANE (TECH MIX. AND METABOLITES)
BROMOCHLOROMETHANE	CHLORDANE, ALPHA, WHOLE WATER
BROMODICHLOROETHANE	CHLORDANE, GAMMA, WHOLE WATER
BROMOFORM	CHLORENDIC ACID
BROMOFORM, DRY WGT	CHLORETHOXYFOS
BROMOMETHANE	CHLORINATED DIBENZO-FURANS, EFFLUENT
BROMOXYNIL ORGANIC PESTICIDE	CHLORINATED DIBENZO-FURANS, SLUDGE
BROMOXYNIL OCTANOATE	CHLORINATED DIBENZO-P-DIOXINS, EFFLUENT
BUSAN 40 ORGANIC PESTICIDE	CHLORINATED DIBENZO-P-DIOXINS, SLUDGE
BUSAN 85 ORGANIC PESTICIDE	CHLORINATED ETHANES
BUTACHLOR	CHLORINATED HYDRO-CARBONS, GENERAL
BUTANE	CHLORINATED METHANES
BUTANOIC ACID	
BUTANOL	
BUTANONE	
BUTHDIENE TOTAL	
BUTOXY ETHOXY ETHANOL TOTAL	
BUTYL ACETATE	

CHLORINATED ORGANIC COMPOUNDS  
CHLORINATED PESTICIDES, TOTAL  
CHLORINATED PESTICIDES, TOTAL & PCBS  
CHLORINATED PHENOLS  
CHLORINATION  
CHLORINE DIOXIDE  
CHLORINE DOSE  
CHLORINE RATE  
CHLORINE USAGE  
CHLORINE, COMBINED AVAILABLE  
CHLORINE, FREE AVAILABLE  
CHLORINE, FREE RESIDUAL, TOTAL  
EFFLUENT  
CHLORINE, TOTAL RESIDUAL  
CHLORINE, TOTAL RESIDUAL (DSG. TIME)  
CHLORINE, TOTAL RES. DURATION OF  
VIOLATION  
CHLOROBENZENE  
CHLOROBENZENE, DRY WEIGHT  
CHLOROBENZILATE  
CHLOROBUTADIENE (CHLOROPRENE)  
CHLORODIBROMOMETHANE  
CHLORODIBROMOMETHANE, DRY WEIGHT  
CHLORODIFLUORO METHANE  
CHLORODIMEFORM  
CHLOROETHANE  
CHLOROETHANE, TOTAL WEIGHT  
CHLOROETHYLENE BISTHIOCYANATE  
CHLOROFORM  
CHLOROFORM EXTRACTABLES, TOTAL  
CHLOROFORM, DISSOLVED  
CHLOROFORM, DRY WEIGHT  
CHLOROHEXANE, TOTAL  
CHLOROMETHANE  
CHLOROMETHYL BENZENE  
CHLORONEB ORGANIC PESTICIDE  
CHLORONITROBENZENE  
CHLOROPHENOXY PROPANANOL  
CHLOROSYRINGALDEHYDE, EFFLUENT  
CHLOROTHALONIL ORGANIC PESTICIDE  
CHLOROTOLUENE  
CHLOROXAZONE  
CHLORPHENIRAMINE  
CHLORPYRIFOS  
CHROMIUM  
CHROMIUM SLUDGE SOLID  
CHROMIUM SLUDGE TOTAL  
CHROMIUM TOTAL RECOVERABLE  
CHROMIUM TRIVALENT IN BOTTOM  
DEPOSITS  
CHROMIUM, DISSOLVED (AS CR)  
CHROMIUM, DRY WEIGHT  
CHROMIUM, HEXAVALENT  
CHROMIUM, HEXAVALENT (AS CR)  
CHROMIUM, HEXAVALENT DISSOLVED (AS  
CR)

CHROMIUM, HEXAVALENT IN BOT DEP (DRY  
WGT)  
CHROMIUM, HEXAVALENT POTENTIALLY  
DISSOLVED  
CHROMIUM, HEXAVALENT TOT  
RECOVERABLE  
CHROMIUM, SUSPENDED (AS CR)  
CHROMIUM, TOTAL  
CHROMIUM, TOTAL (AS CR)  
CHROMIUM, TOTAL DRY WEIGHT (AS CR)  
CHROMIUM, TOTAL IN BOT DEP (WET WGT)  
CHROMIUM, TOTAL PERCENT REMOVAL  
CHROMIUM, TRIVALENT (AS CR)  
CHROMIUM, TRIVALENT, POTENTIALLY  
DISSOLVED  
CHRYSENE  
CIS-1,3-DICHLORO PROPENE  
CITRIC ACID  
CN, FREE (AMENABLE TO CHLORINE)  
COLUMBIUM, TOTAL  
COMBINED METALS SUM  
COPPER  
COPPER AS SUSPENDED BLACK OXIDE  
COPPER IN BOTTOM DEPOSITS (DRY WGT)  
COPPER SLUDGE SOLID  
COPPER SLUDGE TOTAL  
COPPER TOTAL RECOVERABLE  
COPPER, DISSOLVED (AS CU)  
COPPER, PERCENT REMOVAL  
COPPER, POTENTIALLY DISSOLVED  
COPPER, SUSPENDED (AS CU)  
COPPER, TOTAL (AS CU)  
COPPER, TOTAL PER BATCH  
COUMAPHOS  
CRESOL  
CYANATE (AS OCN)  
CYANAZINE  
CYANIDE (A)  
CYANIDE AND THIOCYANATE - TOTAL  
CYANIDE COMPLEXED TO RANGE OF  
COMPOUND  
CYANIDE FREE NOT AMENABLE TO  
CHLORIN.  
CYANIDE IN BOTTOM DEPOSITS (DRY WGT)  
CYANIDE SLUDGE SOLID  
CYANIDE, FILTERABLE, TOTAL  
CYANIDE, FREE AVAILABLE  
CYANIDE, FREE WATER PLUS  
WASTEWATERS  
CYANIDE, DISSOLVED STD METHOD  
CYANIDE, FREE (AMEN. TO CHLORINATION)  
CYANIDE, TOTAL (AS CN)  
CYANIDE, TOTAL RECOVERABLE  
CYANIDE, WEAK ACID, DISSOCIABLE  
CYCLOATE (RONEET)  
CYCLOHEXANE

CYCLOHEXANONE	DIETHYL PHTHALATE
CYCLOHEXYL AMINE (AMINO-HEXAHYDRO)	DIETHYL PHTHALATE, DRY WEIGHT
CYCOHEXANONE	DIETHYLAMINE
CYFLUTHRIN	DIETHYLAMINOETHANOL
DACONIL (C8CL4N2)	DIETHYLBENZENE
DACTHAL	DIETHYLENE GLYCOL DINITRATE, TOTAL
DAZOMET	DIETHYLHEXYL—PHTHALATE ISOMER
DCCA, ORGANIC PESTICIDE	DIETHYLHEXYL—PHTHALATE
DDD IN WHOLE WATER SAMPLE	DIETHYLSTILBESTEROL
DDE	DIFOLATAN
DDT	DIISOPROPYL ETHER
DDT/DDD/DDE, SUM OF P, P & O,P ISOMERS	DIMETHOXYBENZIDINE
DECACHLOROBIPHENYL (DCBP) TOTAL	DIMETHYL BENZIDINE
DECHLORANE PLUS	DIMETHYL DISULFIDE TOTAL
DEF, ORGANIC PESTICIDE	DIMETHYL NAPHTHALENE
DEHYDROABIETIC ACID	DIMETHYL PHTHALATE
DELNAV	DIMETHYL PHTHALATE
DELTA BENZENE-HEXACHLORIDE	DIMETHYL PHTHALATE, DRY WEIGHT
DELTAMETHRIN	DIMETHYL SULFIDE TOTAL
DEMETON	DIMETHYLAMINE
DIAZINON	DIMETHYLANILINE
DIBENZO (A,H) ANTHRACENE	DI-N-BUTYL PHTHALATE
DIBENZO (A,H) ANTHRACENE, DRY WEIGHT	DI-N-BUTYL PHTHALATE, DRY WEIGHT
DIBENZOFURAN	DI-NITRO BUTYL PHENOL (DNBP)
DIBROMOCHLORO-METHANE	DINITROTOLUENE
DIBROMODICHLOROMETHANE	DI-N-OCTYL PHTHALATE
DIBROMOMETHANE	DI-N-OCTYL PHTHALATE, DRY WEIGHT
DICHLONE	DINOSEB
DICHLORAN, TOTAL	DINOSEB (DNBP)
DICHLOROBENZENE	DIOXANE
DICHLOROBENZENE, ISOMER	DIOXATHION ORGANIC PESTICIDE
DICHLOROBENZYLTRIFLUORIDE	DIOXIN
DICHLOROBROMOMETHANE	DIOXIN (TCDD) SUSPENDED
DICHLOROBROMOMETHANE, DRY WEIGHT	DISSOLVED RADIOACTIVE GASSES
DICHLOROBUTADIENE	DISULFOTON
DICHLOROBUTENE-(ISOMERS)	DIURON
DICHLORODEHYDRO-ABEITIC ACID	DMDS
DICHLORODIBROMOMETHANE	DOCOSANE
DICHLORODIFLUORO-METHANE	DODECYLGUANIDINE SALTS
DICHLOROETHENE, TOTAL	DYPHYLLINE
DICHLOROFLUORO-METHANE	EDTA
DICHLOROMETHANE	EDTA AMMONIATED
DICHLOROPROPYLENE, 1,2	ENDOSULFAN SULFATE
DICHLOROTOLUENE	ENDOSULFAN, ALPHA, IN WASTE
DICHLOROTRIFLUORO-ETHANE	ENDOSULFAN, BETA, IN WASTE
DICHLORVOS, TOTAL	ENDOSULFAN, TOTAL
DICHLORVOS, TOTAL DISSOLVED	ENDOTHALL SALTS & ESTERS, ORG. PEST.
DICHLORVOS, TOTAL SED DRY WEIGHT	ENDRIN
DICHLORVOS, TOTAL SUSPENDED	ENDRIN + ENDRIN ALDEHYDE (SUM)
DICYCLOHEXYLAMINE, TOTAL	ENDRIN ALDEHYDE
DICYCLOPENTADIENE	EPHEDRINE SULFATE
DIDECYLDIMETHYL AMMONIUM CHLORIDE	EPICHLOROHYDRIN
DIDROMOMETHANE, 1-2	EPTC (EPTAM)
DIELDRIN	ESTRADIOL
DIELDRIN, DRY WEIGHT	ETHALFLURALIN WATER, TOTAL
DIETHL METHYL BENZENESULFONAMIDE	

ETHANE, 1,2-BIS (2-CLRETHXY), HOMLG SUM	HALOGENATED HYDRO-CARBONS, TOTAL
ETHION	HALOGENATED ORGANICS
ETHOXYQUIN	HALOGENATED TOLUENE
ETHYL ACETATE	HALOGENS, ADSORBABLE ORGANIC
ETHYL BENZENE	HALOGENS, TOTAL ORGANICS BOTTOM SEDIMENT
ETHYL ETHER BY GAS CHROMATOGRAPH	HALOGENS, TOTAL COMBINED
ETHYL METHANESULFONATE	HALOMETHANES, SUM
ETHYL METHYL-DIOXOLANE	HEPTACHLOR
ETHYL PARATHION	HEPTACHLOR + HEPTACHLOR EPOXIDE
ETHYLBENZENE	HEPTACHLOR, DRY WEIGHT
ETHYLBENZENE, DRY WEIGHT	HEPTANE
ETHYLENE	HERBICIDES, TOTAL
ETHYLENE CHLOROHYDRIN	HEXACHLORO BENZENE
ETHYLENE DIBROMIDE (1,2 DIBROMOETHANE)	HEXACHLORO BENZENE, DRY WEIGHT
ETHYLENE GLYCOL	HEXACHLOROBIPHENYL
ETHYLENE GLYCOL DINITRATE	HEXACHLOROBUTADIENE
ETHYLENE OXIDE	HEXACHLOROBUTADIENE, DRY WEIGHT
ETHYLENE THIOUREA (ETU)	HEXACHLOROCYCLOHEXANE (BHC) TOTAL
ETHYLENE, DISSOLVED (C2H4)	HEXACHLOROCYCLO-PENTADIENE
EXPLOSIVE LIMIT, LOWER	HEXACHLOROCYCLOPENTADIENE, DRY WEIGHT
EXPLOSIVES, COMBINED TNT + RDX + TETRYL	HEXACHLOROETHANE
FENARIMOL ORGANIC PESTICIDE	HEXACHLOROETHANE, DRY WEIGHT
FENVALERATE ORGANIC PESTICIDE	HEXACHLOROPENTADIENE
FERRICYANIDE	HEXACHLOROPHENE
FLUORANTHENE	HEXADECANE
FLUORANTHENE, DRY WEIGHT	HEXAHYDROAZEPINONE
FLUORENE	HEXAMETHYL-PHOSPHORAMINE (HMPA)
FLUORENE, DRY WEIGHT	HEXAMETHYLBENZENE
FLUORIDE COMPLEX	HEXANE
FLUSILAZOLE	HEXAZIMONE
FOAMING AGENTS	HMX-1,3,5,7-TETRA ZOCINE (OCTOGEN)
FOLPET WATER TOTAL	HYDRAZINE
FORMALDEHYDE	HYDRAZINES, TOTAL
FORMIC ACID	HYDROCARBON, TOTAL RECOVERABLE
FREON 113 (1,1,1-TRIFLUORO-2,2- FREON, TOTAL	HYDROCARBONS NITRATED
FUEL, DIESEL, #1	HYDROCARBONS NITRATED, TOTAL
FURANS	HYDROCARBONS, AROMATIC
FURFURAL	HYDROCARBONS, TOTAL GAS CHROMATOGRAPH
GALLIUM, TOTAL (AS GA)	HYDROCARBONS, IN H2O, IR, CC14 EXT. CHROMAT
GAMMA-BHC	HYDROGEN CYANIDE
GAMMA, TOTAL	HYDROQUINONE
GAMMA, TOTAL COUNTING ERROR	HYDROXYACETOPHENONE
GASOLINE, REGULAR	HYDROXYQUINOLINE TOTAL
GERMANIUM, TOTAL (AS GE)	HYDROXYZINE
GLYPHOSATE, TOTAL	INDENE
GOLD, TOTAL (AS AU)	INDENO (1,2,3-CD) PYRENE
GROSS BETA	INDENO (1,2,3-CD) PYRENE, DRY WEIGHT
GUAFENSIN	INDIUM
GUANIDINE NITRATE	IODINE 129
GUTHION	IODINE RESIDUAL
HALOGEN, TOTAL ORGANIC	IODINE TOTAL
HALOGEN, TOTAL RESIDUAL	ISOBUTYL ACETATE



ISOBUTYL ALCOHOL	MERCURY, TOT IN BOT DEPOSITS (DRY WGT)
ISOBUTYRALDEHYDE	MERCURY, TOTAL (AS HG)
ISODECYLDIPHENYL-PHOSPHATE	MERCURY, TOTAL (LOW LEVEL)
ISODRIN	METALS TOXICITY RATIO
ISO-OCTANE	METALS, TOTAL
ISOOCTYL 2,4,5-T	METALS, TOX PRIORITY POLLUTANTS, TOTAL
ISOOCTYL SILVEX	METAM POTASSIUM
ISOPHORONE	META-XYLENE
ISOPHORONE, DRY WEIGHT	METHAMIDOPHOS ORGANIC PESTICIDE
ISOPIMARIC ACID	METHAM SODIUM (VAPAM)
ISOPRENE	METHANE
ISOPROPALIN WATER, TOTAL	METHANOL, TOTAL
ISOPROPANOL	METHOCARBAMOL
ISOPROPYL ACETATE	METHOMYL
ISOPROPYL ALCOHOL (C3H8O), SED.	METHOXYCHLOR
ISOPROPYL BENZENE	METHOXYPROPYLAMINE
ISOPROPYL ETHER	METHYL ACETATE
ISOPROPYLBIPHENYL, TOTAL	METHYL BROMIDE
ISOPROPYLIDINE DIOXYPHENOL	METHYL METHANESULFONATE
ISOTHIAZOLONE	METHYL BROMIDE, DRY WEIGHT
ISOTHIOZOLINE, TOTAL	METHYL CHLORIDE
ISOXSUPRINE	METHYL CHLORIDE, DRY WEIGHT
KELTHANE	METHYL CYANIDE (ACETONITRILE)
KEPONE	METHYL ETHYL BENZENE
KN METHYL ORGANIC PESTICIDE	METHYL ETHYL KETONE
LANTHANUM, TOTAL	METHYL ETHYL SULFIDE
LEAD	METHYL FORMATE
LEAD TOTAL RECOVERABLE	METHYL ISOBUTYL KETONE (MIBK)
LEAD 210	METHYL MERCAPTAN
LEAD 210, TOTAL	METHYL METHACRYLATE
LEAD 212	METHYL NAPHTHALENE
LEAD 214	METHYL PARATHION
LEAD SLUDGE SOLID	METHYL STYRENE
LEAD SLUDGE TOTAL	METHYLAMINE
LEAD, DISSOLVED (AS PB)	METHYLCYCLOPENTANE
LEAD, DRY WEIGHT	METHYLENE BIS THIOCYANATE
LEAD, POTENTIALLY DISSOLVD	METHYLENE CHLORIDE
LEAD, TOTAL (AS PB)	METHYLENE CHLORIDE, DRY WEIGHT
LEAD, TOTAL DRY WEIGHT (AS PB)	METHYLENE CHLORIDE, SUSPENDED
LINDANE	METHYLHYDRAZINE
LINOLEIC ACID	METRIBUZIN (SENCOR), WATER, DISSOLVED
LINOLENIC ACID	METRIOL TRINITRATE, TOTAL
LINURON ORGANIC PESTICIDE	MIREX
M-ALKYLDIMETHLBENZYLAMCL	MOLYBDENUM DISSOLVED (AS MO)
MALATHION	MOLYBDENUM, TOTAL (AS MO)
MB 121	MONOCHLOROACETIC ACID
MCPA 2-ETHYLHEXYL ESTER	MONO-CHLORO-BENZENES
MERCAPTANS, TOTAL	MONOCHLOROBENZYLTRIFLUORIDE
MERCAPTOBENZOTHAZOLE	MONOCHLORODEHYDRO-ABIETIC ACID
MERCURY	MONOCHLOROTOLUENE
MERCURY TOTAL RECOVERABLE	MP062 (STEWART)
MERCURY, DISSOLVED (AS HG)	NABAM, ORGANIC PESTICIDE
MERCURY, DRY WEIGHT	NABONATE
MERCURY (HG), IN BARITE, DRY WEIGHT	
MERCURY, POTENTIALLY DISSOLVD	

N-AMYL ACETATE	OCTACHLORODIBENZOFURAN
NAPHTHALENE	OCTYLPHENOXY POLYETHOXYETHANOL
NAPHTHALENE, DRY WEIGHT	OIL/GREASE CALCULATED LIMIT
NAPHTHENIC ACID	OIL, PETROLEUM ETHER EXTRACTABLES
NAPROPAMIDE (DEVIRINOL)	OLEIC ACID
N-BUTYL ACETATE	ORDRAM (HYDRAM)
N-BUTYL-BENZENE SULFONAMIDE (IN WAT)	ORGANIC ACTIVE INGREDIENTS
N-BUTYL-BENZENE (WHOLE WATER, UG/L	(40 CFR 455)
NEPTUNE BLUE	ORGANIC COMPOUNDS, CHLOROFORM
N-HEPTADECANE	EXTRACT.
NIACINAMIDE	ORGANIC HALIDES, TOTAL
NICKEL	ORGANIC PESTICIDE CHEMICALS
NICKEL SLUDGE SOLID	(40 CFR 455)
NICKEL SLUDGE TOTAL	ORGANICS, GASOLINE RANGE
NICKEL TOTAL RECOVERABLE	ORGANICS, TOTAL
NICKEL, DISSOLVED (AS NI)	ORGANICS, TOTAL HALOGENS (TOX)
NICKEL, POTENTIALLY DISSOLVED	ORGANICS, TOTAL PURGEABLES (METHOD
NICKEL, SUSPENDED (AS NI)	624)
NICKEL, TOTAL (AS NI)	ORGANICS, TOTAL TOXIC (TTO)
NICKEL, TOT IN BOTTOM DEPOSITS (DRY	ORGANICS TOTAL VOLATILE (NJAC
WGT)	REG.7:23-17E)
NICKEL, TOTAL PER BATCH	ORGANICS, VOLATILE (NJAC REG. 7:23-17E)
NICOTINE SULFATE	ORTHENE
NITROBENZENE	ORTHOCHLOROTOLUENE
NITROBENZENE, DRY WEIGHT	ORTHO-CRESOL
NITROCELLULOSE	ORTHO-XYLENE
NITROFURANS	O-TOLUIDINE
NITROGEN, ORGANIC, DISSOLVED (AS N)	OXALIC ACID
NITROGLYCERIN BY GAS	OXYTETRACYCLINE HYDROCHLORIDE
CHROMATOGRAPHY	P,P-DDE-DISSOLVED
NITROGUANIDINE	P,P-DDT-DISSOLVED
NITROSODIPHENYLAMINE	PALLADIUM, TOTAL (AS PD)
NITROSTYRENE	P-AMINOBIPHENYL
N-METHYL-2-PYRROLIDONE	PANTHALIUM, TOTAL
N-NITROSO COMPOUNDS, VOLATILE	PARABEN (METHYL AND PROPYL)
N-NITROSODIBUTYL-AMINE	PARACHLOROMETA-CRESOL
N-NITROSODIETHYL-AMINE	PARA-DICHLOROBENZENE
N-NITROSODIMETHYL-AMINE	PARAQUAT
N-NITROSODIMETHYL-AMINE, DRY WEIGHT	PARATHION
N,N-DIETHYL CARBANILIDE	PCB-1016 (AROCHLOR 1016)
N,N-DIMETHYL FORMAMIDE	PCB-1221 (AROCHLOR 1221)
N-NITROSODI-N-BUTYLAMINE	PCB-1232 (AROCHLOR 1232)
N-NITROSODI-N-PROPYLAMINE	PCB-1242 (AROCHLOR 1242)
N-NITROSODI-N-PROPYLAMINE, DRY	PCB-1248 (AROCHLOR 1248)
WEIGHT	PCB-1254 (AROCHLOR 1254)
N-NITROSODIPHENYL-AMINE	PCB-1260 (AROCHLOR 1260)
N-NITROSODIPHENYLAMINE, DRY WEIGHT	PCB-1262
N-NITROSOPYRROLIDINE	PCB, TOTAL SLUDGE, SCAN CODE
NONHALOGENATED VOLATILE ORGANICS	PCBS IN BOTTOM DEPS. (DRY SOLIDS)
NONPURGEABLE ORGANIC HALIDES	PCNB, ORGANIC PEST.
NORFLURAZON ORGANIC PESTICIDE	P-CRESOL
N-PENTANE	P-DIMETHYLAMINO-AZOBENZENE
N-PROPYLBENZENE	PEBULATE (TILLAM)
O-CHLOROBENZYL CHLORIDE	PENDIMETHALIN ORGANIC PESTICIDE
OCTACHLORO-CYCLOPENTENE	PENTACHLOROBENZENE
OCTACHLORODIBENZO P-DIOXIN	PENTACHLOROETHANE

PENTACHLOROPHENOL  
 PENTANE, TOTAL EFFLUENT  
 PERFLUOROBUTANE SULFONAMIDE  
 PERFLUOROBUTANOIC ACID  
 PERFLUOROBUTANOIC SULFONATE  
 PERFLUOROOCTANE SULFONAMIDE  
 PERFLUOROOCTANE SULFONATE  
 PERFLUOROOCTANOIC ACID  
 PERMETHRIN, TOTAL  
 PERTHANE  
 PESTICIDES, GENERAL  
 P-ETHYLTOLUENE  
 PETROL-HYDROCARBONS, TOTAL  
 RECOVERABLE  
 PHENACETIN  
 PHENANTHRENE  
 PHENANTHRENE, DRY WEIGHT  
 PHENOL, SINGLE COMPOUND  
 PHENOLIC COMPOUNDS, SLUDGE TOTAL,  
 DRY WEIGHT  
 PHENOLIC COMPOUNDS, UNCHLORINATED  
 PHENOLICS IN BOTTOM DEPOSITS (DRY  
 WGT)  
 PHENOLICS, TOTAL RECOVERABLE  
 PHENOLS  
 PHENOLS, CHLORINATED  
 PHENOXY ACETIC ACID  
 PHENYLPROPANOLAMINE  
 PHENYLTOLOXAMINE  
 PHORATE  
 PHOSMET, ORGANIC PESTICIDE  
 PHOSPHATED PESTICIDES  
 PHOSPHOROTHIOIC ACID 0,0,0-TRIETHYL  
 ESTR  
 PHTHALATE ESTERS  
 PHTHALATES, TOTAL  
 PHTHALIC ACID  
 PHTHALIC ANHYDRIDE  
 PIRIMICARB  
 PLATINUM, TOTAL (AS-PT)  
 POLONIUM 210  
 POLYACRYLAMIDE-CHLORIDE  
 POLYBROMINATED-BIPHENYLS  
 POLYBROMINATED-DIPHENYL OXIDES  
 POLYCHLORINATED-BIPHENYLS (PCBS)  
 POLYMETHYLACRYLIC ACID  
 POLY-NUCLEAR AROMATICS (POLYRAM)  
 POTASSIUM 40  
 PRIORITY POLLUTANTS TOTAL EFFLUENT  
 PROFENOFOS  
 PROMETON, ORGANIC PESTICIDE  
 PROMETRYN, ORGANIC PESTICIDE  
 PRONAMIDE, ORGANIC PESTICIDE  
 PROPABHLOR (RAMROD) DISSOLVED  
 PROPACHLOR, ORGANIC PESTICIDE  
 PROPANE, 2-METHOXY-2-METHYL (MTBE)

PROPANIL  
 PROPAZINE, ORGANIC PESTICIDE  
 PROPRANE, TOTAL  
 PROPYL ACETATE  
 PROPYLENE OXIDE  
 PROPYLENGLYCOL, TOTAL  
 PROTACTINIUM 234, DRY WEIGHT  
 PURGEABLE AROMATICS METHOD 602  
 PURGEABLE HYDRO-CARBONS, METH. 601  
 PURGEABLE ORGANIC HALIDES  
 PYMETROZINE  
 PYRENE  
 PYRENE, DRY WEIGHT  
 PYRETHRINS  
 PYRIDINE  
 PYRIFENOX  
 QUARTERNARY AMMONIUM COMPOUNDS  
 QUINOLINE  
 RADIATION-GROSS ALPHA TOT DISSOLVED  
 RADIATION-GROSS ALPHA TOT  
 SUSPENDED  
 RADIATION, GROSS BETA  
 RADIATION, GROSS ALPHA  
 RADIOACTIVITY  
 RADIOACTIVITY, GROSS  
 RADIUM 224  
 RADIUM 226 + RADIUM 228, TOTAL  
 RADIUM 226, DISSOLVED  
 RADIUM 228, TOTAL  
 RARE EARTH METALS, TOTAL  
 RATIO OF FECAL COLIFORM TO FECAL  
 STREPOC  
 R-BHC (LINDANE) GAMMA  
 RDX, DISSOLVED  
 RDX, TOTAL  
 RESIN ACIDS, TOTAL  
 RESORCINOL  
 RHODIUM, TOTAL  
 ROTENONE  
 ROUNDUP  
 ROVRAL  
 RUBIDIUM, TOTAL (AS-RB)  
 SAFROLE  
 SAMARIUM, TOTAL (AS-SM IN WATER)  
 SELENIUM SLUDGE SOLID  
 SELENIUM, ACID SOLUBLE  
 SELENIUM, DISSOLVED (AS-SE)  
 SELENIUM, DRY WEIGHT  
 SELENIUM, POTENTIALLY DISSOLVD  
 SELENIUM, SLUDGE, TOTAL DRY WEIGHT  
 SELENIUM, TOTAL (AS-SE)  
 SELENIUM, TOTAL RECOVERABLE  
 SEVIN (CARBARYL) IN-TISSUE  
 SEVIN (CARBRYL)  
 SILVER  
 SILVER TOTAL RECOVERABLE

SILVER IN BOTTOM DEPOSITS (DRY WGT)	TETRAMETHYLBENZENE
SILVER, DISSOLVED (AS AG)	THALLIUM-208
SILVER, IONIC	THALLIUM IN BOTTOM DEPOSITS (DRY WGT)
SILVER, POTENTIALLY DISSOLVED	THALLIUM, ACID SOLUBLE
SILVER, TOTAL (AS AG)	THALLIUM, DISSOLVED (AS TL)
SILVER, TOTAL PER BATCH	THALLIUM, POTENTIALLY DISSOLVED
SILVEX	THALLIUM, TOTAL (AS TL)
SODIUM CHLORATE	THALLIUM, TOTAL RECOVERABLE
SODIUM DICHROMATE	THC, DRY & 02
SODIUM DIMETHYL-DITHIOCARBAMATE, TOTAL	THEOPHYLLINE
SODIUM O-PPTH	THIABENDAZOLE
SODIUM PENTACHLORO-PHENATE	THIOBENDAZOLE
SODIUM POLYACRYLATE, TOTAL	THIOCARBAMATES
SOPP	THIOCYANATE (AS SCN)
SOPP, LOADING RATE	THIOSULFATE ION(2-)
STIROFOS	THORIUM-230
STROBANE	THORIUM-232
STRONTIUM-90, TOTAL	THORIUM-232 PCI/G OF DRY SOLIDS
STRONTIUM, DISSOLVED	THORIUM-234
STRONTIUM, TOTAL (AS SR)	TIN
STYRENE	TIN, DISSOLVED (AS SN)
STYRENE, TOTAL	TIN, TOTAL (AS SN)
SULFABENZAMIDE	TIN, TOTAL RECOVERABLE
SULFACETAMIDE	TIN, TRI-ORGANO-
SULFATHIAZOLE	TITANIUM, DISSOLVED (AS TI)
SULFOTEPP (BLADAFUME)	TITANIUM, TOTAL (AS TI)
TANNIN AND LIGNIN	TITANIUM, TOTAL DRY WEIGHT (AS TI)
TCDD-EQUIVALENTS	TOLUENE
TCMTB	TOLUENE, DISSOLVED
TEBUCONAZOLE	TOLUENE, DRY WEIGHT
TEBUPIRIMFOS	TOLUENE 2,4-DIISOCYANITE
TEBUTHIURON ORGANIC PESTICIDE	TOLYTRIAZOLE
TECHNETIUM-99	TOPSIN
TEFLUTHRIN	TOTAL ACID PRIORITY POLLUTANTS
TELLURIUM, TOTAL	TOTAL BASE/NEUTRAL PRIORITY POLLUTANTS
TEMEPHOS	TOTAL PESTICIDES
TERBACIL	TOTAL PHENOLS
TERBUFOS	TOTAL POLONIUM
TERBUFOS (COUNTER) TOTAL	TOTAL PURGEABLE HALOCARBONS
TERBUTHYLAZINE ORGANIC PESTICIDE	TOTAL TOXIC ORGANICS (TTO) (40 CFR 413)
TERBUTRYN, ORGANIC PESTICIDE	TOTAL TOXIC ORGANICS (TTO) (40 CFR 433)
TETRA SODIUM EDTA	TOTAL TOXIC ORGANICS (TTO) (40 CFR 464A)
TETRACHLORDIBENZOFURAN, 2378-(TCDF) SED,	TOTAL TOXIC ORGANICS (TTO) (40 CFR 464B)
TETRACHLORO BENZENE	TOTAL TOXIC ORGANICS (TTO) (40 CFR 464C)
TETRACHLOROETHANE, TOTAL	TOTAL TOXIC ORGANICS (TTO) (40 CFR 464D)
TETRACHLOROETHENE	TOTAL TOXIC ORGANICS (TTO) (40 CFR 465)
TETRACHLOROETHYLENE	TOTAL TOXIC ORGANICS (TTO) (40 CFR 467)
TETRACHLOROETHYLENE, DRY WEIGHT	TOTAL TOXIC ORGANICS (TTO) (40 CFR 468)
TETRACHLOROGUAIACOL (4CG) IN WHOLE WATER	TOTAL TOXIC ORGANICS (TTO) (40 CFR 469)
TETRAHYDRO-3,5-DIMETHYL-2-HYDRO-1,3,5-TH	TOTAL VOLATILE PRIORITY POLLUTANTS
TETRAHYDROFURAN	
TETRAMETHYL AMMONIUM HYDROXIDE	

TOXAPHENE	VOLATILE COMPOUNDS (GC/MS)
TOXAPHENE, DRY WEIGHT	VOLATILE FRACTION ORGANICS (EPA 624)
TOXICS, PERCENT REMOVAL	VOLATILE HALOGENATED HYDROCARBONS
TRANS-1,2-DICHLORO-ETHYLENE	VOLATILE HALOGENATED ORGANICS
TRANS-1,3-DICHLORO-PROPENE	(VHO), TOT
TREFLAN (TRIFLURALIN)	VOLATILE HYDROCARBONS
TRIADIMEFON ORGANIC PESTICIDE	VOLATILE ORGANIC COMPOUND (VOC)
TRIBUTYLAMINE	VOLATILE ORGANICS DETECTED
TRIBUTYLTIN	XANTHATES
TRICHLOROBENZENE	XC POLYMER IN DRILLING FLUIDS
TRICHLOROBENZENE 1,2,4 TOTAL	XYLENE
TRICHLOROETHANE	XYLENE, PARA-TOTAL
TRICHLOROETHENE	ZINC
TRICHLOROETHYLENE	ZINC IN BOTTOM DEPOSITS (DRY WGT)
TRICHLOROETHYLENE, DISSOLVED	ZINC SLUDGE SOLID
TRICHLOROETHYLENE, DRY WEIGHT	ZINC SLUDGE TOTAL
TRICHLOROFLUORO-METHANE	ZINC TOTAL RECOVERABLE
TRICHLOROGUAIACOL	ZINC, DISSOLVED (AS ZN)
TRICHLOROMETHANE	ZINC, DRY WEIGHT
TRICHLOROPHENATE (ISOMERS)	ZINC, PERCENT REMOVAL
TRICHLOROPHENOL	ZINC, POTENTIALLY DISSOLVED
TRICHLOROTOLUENE	ZINC, TOTAL
TRICHLOROTRIFLUORO-ETHANE	ZINC, TOTAL (AS ZN)
TRICHOOFON	ZIRAM, ORGANIC PESTICIDE
TRIETHANOLAMINE	ZIRCONIUM, TOTAL
TRIETHYLAMINE	
TRIFLURALIN (C13H16F3N3O4)	
TRIHALOMETHANE, TOT.	
TRIMETHYL BENZENE	
TRINITROTOLUENE (TNT), DISSOLVED	
TRINITROTOLUENE (TNT), TOTAL	
TRIPHENYL PHOSPHATE	
TRITHION	
TRITIUM (1 H3), TOTAL	
TRITIUM, TOTAL	
TRITIUM, TOTAL COUNTING ERROR (PC/L)	
TRITIUM, TOTAL NET INCREASE H-3 UNITS	
TUNGSTEN, DISSOLVED	
TUNGSTEN, TOTAL	
U-236 TOTAL WTR	
URANIUM 235, DRY WEIGHT	
URANIUM 238	
URANIUM, POTENTIALLY DISSOLVD	
URANIUM, 235 TOTAL	
URANIUM, 238 TOTAL	
URANIUM, NATURAL, DISSOLVED	
URANIUM, NATURAL, TOTAL	
URANIUM, NATURAL, TOTAL (IN PCI/L)	
URANIUM, TOTAL AS U308	
URANYL-ION	
UREA	
VERNAM (S-PROPYLDI- PROPYLTHIOCARBAMATE)	
VINYL ACETATE	
VINYL CHLORIDE	
VINYL CHLORIDE, DRY WEIGHT	

