

North Coast Regional Water Quality Control Board

Regional Water Quality Control Board North Coast Region Staff Summary Report August 14-15, 2025

ITEM: 5

SUBJECT: Enforcement Update: Regional Priorities and Plans (Jeremiah Puget)

BOARD ACTION: This is an informational item only; no formal action will be taken by the Regional Water Board.

BACKGROUND: On December 5, 2023, the State Water Resources Control Board (State Water Board) adopted revisions to Water Quality Enforcement Policy (Enforcement Policy), which became effective November 7, 2024. The Enforcement Policy recommends that on an annual basis, enforcement staff for each Regional Water Board “seek input at a regularly noticed public meeting of the Regional Water Board and consider identifying general enforcement priorities based on input from members of the public and Regional Water Board members within thirty (30) days thereafter.”

In August 2023, enforcement staff presented to the Board, proposed enforcement priorities for the year, and accepted comments from the Board and members of the public. Following the Board meeting, staff finalized a list of priorities, which included:

- Prioritize and pursue enforcement cases for waste discharge violations associated with site development and use for **cannabis cultivation without applicable permits**.
- Prioritize and pursue enforcement cases for waste discharge violations associated with **agricultural activities other than cannabis cultivation**.
- Prioritize and pursue enforcement cases for individuals/entities conducting **unauthorized dredge/fill activities in surface waters**.
- Pursue timely enforcement on **missed deadlines in existing enforcement orders**.
- Prioritize and pursue regulatory oversight and enforcement for **violations of NPDES storm water permits**.

DISCUSSION: Following the 2023 Enforcement Program update and conducting further formal enforcement in multiple programs, considering complaints and compliance trends, executive management and staff recommend the following clarifications to our Regional Enforcement Priorities. Staff consider cannabis cultivation an agricultural activity; therefore, these two priorities can be combined without specifically identifying cannabis as a standalone priority. Furthermore, the statewide direction and enforcement program focuses on unauthorized site developments and activities. Therefore, the revised/recommended enforcement priorities for fiscal year 2025/2026 are as follows:

- Prioritize and pursue enforcement cases for
 - **Violations associated with unauthorized agricultural activities; and**
 - **Violations associated with unauthorized dredge/fill activities in surface waters**
- Prioritize and pursue regulatory oversight and enforcement for
 - **Violations of NPDES stormwater permits**
- Pursue timely enforcement on
 - **Missed deadlines in existing enforcement orders**

Establishing priorities is required by the Enforcement Policy and necessary for allocating resources; however, that does not prevent staff from prioritizing cases in any regulatory program where beneficial uses are being threatened or adversely affected.

Enforcement Statistics: Following the last update to the Board, between July 1, 2023 and June 30, 2025, the North Coast Regional Water Board issued a total of 342 enforcement actions including, but not limited to:

- 258 Notices of Violation (NOV)
- 18 Notices of Non-Compliance (NNC)
- 17 Cleanup and Abatement Orders¹ (CAOs)
- Six (6) Investigative Orders pursuant to water code section 13267
- Ten (10) Administrative Civil Liability Complaints (ACLCs)
- Eight (8) Administrative Civil Liability Orders (ACLOs)

Currently, Regional Water Board staff is engaged in over 100 active enforcement cases. The 2024 Enforcement Policy re-affirms the principle of progressive enforcement, which contemplates an escalating series of actions beginning with compliance assistance and Notices of Violation, followed by increasing levels of formal enforcement that culminate in complaints for civil liabilities, when necessary. Regulatory program staff has responsibilities in permitting, compliance assistance, and formal enforcement, as

¹ Cleanup Orders may also include Investigative Orders Pursuant to Water Code section 13267.

needed, while Enforcement Unit staff is generally involved after program staff recommends further formal enforcement.

Enforcement Unit Performance Metrics: The Agriculture and Enforcement Division Fiscal Year 2025/2026 Workplan identifies two Performance Targets for the Enforcement Unit. These are shown in the bullets below followed by a summary of the status of achieving these targets.

- Target 1: 80% of Class A priority violations will result in formal enforcement or an Investigative Order pursuant to Water Code section 13267 within 18 months of discovery.
 - There are currently 12 Class A priority violations that occurred in 2024, originating from three (3) facilities, that require further formal enforcement within Fiscal Year 2025/2026.
- Target 2: 80% of violations subject to Mandatory Minimum Penalties (MMPs) will result in enforcement actions imposing MMPs within 18 months from the date of violation.
 - Six (6) facilities were identified as requiring actions to be completed within Fiscal Year 2025/2026. To date, one ACLC has been issued, with two (2) additional cases still in active settlement negotiations.

Meeting these targets, while implementing the priority of supporting disadvantaged communities by pursuing compliance projects and supplemental environmental projects, will take a significant portion of the Enforcement Unit's staff time. Balancing permitting tasks, complaint response, compliance assistance, and settlement negotiations also takes a significant amount of regulatory program staff time. Consequently, enforcement priorities and screening criteria are instrumental in directing the agency's efforts towards formal enforcement and effective regulation.

Additionally, in this Board update, staff will summarize numerous informal and formal enforcement actions that resulted in successful cleanup and abatement of discharges from several programs; recent complaint investigations and compliance statuses; and formal actions that have come before the Board in recent years.

RECOMMENDATION: None

SUPPORTING DOCUMENTS: None