

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING December 5-6, 2012

Prepared on October 24, 2012

ITEM NUMBER: 12

SUBJECT: Enforcement Report

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DISCUSSION

Violations Listing

Staff uses the California Integrated Water Quality System (CIWQS) to track Water Board data, including violations and enforcement actions. Attachment 1 is a CIWQS list of violations by dischargers between June 1, 2012, and August 31, 2012. CIWQS has a sewer system overflow (SSO) module that provides tracking and reporting of such spills.

There are no class I violations listed in this report. Class I violations “pose an immediate and substantial threat to water quality and that have the potential to cause significant detrimental impacts to human health or the environment. Violations involving recalcitrant parties who deliberately avoid compliance with water quality regulations and orders are also considered class I priority violations because they pose a serious threat to the integrity of the Water Boards’ regulatory programs.” (*Water Quality Enforcement Policy*, p. 4) The Water Boards have a goal of responding to all class I priority violations with formal enforcement.

Summary of Enforcement Activities

The following information summarizes significant enforcement actions taken by the Water Board during the period between July 1, 2012, and September 30, 2012.

Notices of Violation

Inn at Pasatiempo, Santa Cruz, Santa Cruz County

Ag Order Enforcement

Enforcement staff issued six ACL complaints on July 26, 2012, against Ag Order enrollees that failed to pay cooperative monitoring fees. All of the complaints were resolved without hearings. The following describes each complaint and how it was resolved.

- ACL Complaint No. R3-2012-0032 (Garcia/SunAmerica Farms, \$19,410). This complaint was resolved using two stipulated ACL Orders.
 - ACL Order No. R3-2012-0032A was issued to West Coast Farms and Gabriel Garcia for \$8,322, including \$6,822 in back fees to Central Coast Water Quality Preservation, Inc. and \$1,500 to the State Board’s Waste Discharge Permit Fund.
 - ACL Order No. R3-2012-0032B was issued to SunAmerica Farms and Ralph Garcia for \$10,379, including \$8,879 in back fees to Central Coast Water Quality Preservation, Inc. and \$1,500 to the State Board’s Waste Discharge Permit Fund.

- ACL Complaint No. R3-2012-0033 (B&E Vineyard and Jerry Bello, \$3,090). Stipulated ACL Order No. R3-2012-0033 for \$2,175.50, including \$1,075.50 in back fees to CCWQP and \$1,100 to WDPF.
- ACL Complaint No. R3-2012-0034 (Rincon Farms, Ramon Torres, \$3,090). Enforcement staff rescinded the complaint when the actual enrollee came forward and agreed to pay full 2005-2011 back fees of \$609 to CCWQP and \$1,500 to WDPF for staff costs (total \$2,109). Order No. R3-2012-0049. The 2005 Notice of Intent contained incomplete information about the enrollee's identity, which meant that the original complaint named the wrong party (a relative of the enrollee).
- Complaint No. R3-2012-0035 (Mine Bros/Gary Mine/Malatesta Ranch, \$5,514): Enforcement staff rescinded the complaint when the enrollee demonstrated that he had not farmed at all during the relevant period.
- Complaint No. R3-2012-0036 (Vidal Medina, \$2,700): The Complaint was rescinded when the enrollee demonstrated that he had farmed for only a small portion of the period at issue in the Complaint, and because he agreed to pay the full back fees owed (\$296) to CCWQP.
- Complaint No. R3-2012-0037 (Gomes Orchards/Joe Gomes, \$2,070): Stipulated ACL Order No. R3-2012-0037 for \$1,000, including \$307.50 in back fees to CCWQP and \$692.50 to WDPF.

RECOMMENDATION

This report is for Board information; the Board may provide direction to staff.

ATTACHMENTS

1. Violation List
2. List of Abbreviations

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