

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

STAFF REPORT FOR REGULAR MEETING OF JANUARY 26-27, 2017

Prepared on December 20, 2016

ITEM NUMBER: 19

SUBJECT: Enforcement Report

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DISCUSSION

This staff report includes a summary of the Enforcement Team’s recent enforcement actions taken from August 1, 2016 to November 30, 2016. Tables 1 through 4 include summaries of Administrative Civil Liability Orders issued, Expedited Payment Program Letters issued to offer settlement proposals for resolving mandatory minimum penalties or other non-controversial violations, Notices of Non-Compliance issued for dischargers that did not submit annual reports as required by the Industrial Stormwater General Permit, and notices of violations. During this time period, staff did not issue Cleanup and Abatement Orders, Cease and Desist Orders, or Time Schedule Orders. This staff report also includes a summary of violations reported by dischargers from July 1, 2016 through September 30, 2016. These violations are currently under review by program and enforcement staff to assess priorities for potential future enforcement. A general description of the different types of enforcement actions that can be taken by Water Board staff are provided in Attachment 1, and a detailed description is provided in the [State Water Board Water Quality Enforcement Policy](#). Definitions of abbreviations used throughout this staff report are available in Attachment 2.

**SUMMARY OF ENFORCEMENT ACTIONS TAKEN
(AUGUST 1, 2016 – NOVEMBER 30, 2016)**

Table 1: Issued Final Administrative Civil Liability Orders (ACL)			
<u>Discharger/Facility</u>	<u>Violations</u>	<u>Penalty Imposed</u>	<u>Supplemental Environmental Project¹</u>
George Amaral Ranches, Inc. / C&G Farms	Failure to Enroll in Ag Order	\$38,035	\$19,017 to CCAMP-GAP
<i>Summary: ACL Order No. R3-2016-0012 issued August 8, 2016, imposing penalty for failing to enroll three parcels comprising 356 irrigated acres subject to regulation by the General Waiver for Irrigated Lands.</i>			

Table 1: Issued Final Administrative Civil Liability Orders (ACL)			
<u>Discharger/Facility</u>	<u>Violations</u>	<u>Penalty Imposed</u>	<u>Supplemental Environmental Project¹</u>
George Amaral Ranches, Inc. / Metzger Ranches	Failure to Enroll in Ag Order	\$47,590	\$23,795 to CCAMP-GAP
<i>Summary: ACL Order No. R3-2016-0008 issued August 8, 2016, imposing penalty for failing to enroll six parcels comprising 527 irrigated acres subject to regulation by the General Waiver for Irrigated Lands.</i>			
Ca. Dept. of Corrections & Rehabilitation CMC WWTP	Dibromochloromethane Dichlorobromomethane Bis (2-Ethylhexyl) Phthalate	\$27,000	Declined by Discharger
<i>Summary: ACL Order No. R3-2016-0031 issued August 23, 2016, imposing mandatory minimum penalty for nine violations of NPDES permit effluent limitation. Resolved by settlement via Expedited Payment Program Offer.</i>			
Cambria Community Services District Advanced Water Treatment System	Total Chlorine Residual	\$3,000	Declined by Discharger
<i>Summary: ACL Order No. R3-2016-0037 issued September 1, 2016, imposing mandatory minimum penalty for one violation of NPDES permit effluent limitation. Resolved by settlement via Expedited Payment Program Offer.</i>			
Mary Terrones Morales, as Trustee for the Jose Avila Morales and Mary Terrones Residual Trust Ranches	Failure to enroll in Ag Order	\$7,000	Declined by Discharger
<i>Summary: ACL Order No. R3-2016-0004 issued September 7, 2016, imposing penalty for failing to enroll two parcels comprising 15 irrigated acres subject to regulation by the General Waiver for Irrigated Lands.</i>			

Table 1: Issued Final Administrative Civil Liability Orders (ACL)			
<u>Discharger/Facility</u>	<u>Violations</u>	<u>Penalty Imposed</u>	<u>Supplemental Environmental Project¹</u>
South San Luis Obispo County Community Services District Sewage Collection System	Sewer Overflows	\$1,109,812	- CCAMP GAP - Groundwater Basin Model - ECA to Construct Grit Removal System at WWTP
<i>Summary: ACL Order No. R3-2016-0045 dated October 13, 2016, amending the original ACL Order No. R3-2012-0041 issued October 3, 2012, and imposing penalty for a 674,400-gallon sanitary sewer overflow from the Discharger's collection system in violation of WDR Order No. R3-2009-0046, NPDES Permit No. CA0048003, WDR Order No. 2006-0003-DWQ, and the Clean Water Act.</i>			
Americold – Salinas, Monterey County	Failure to Submit Industrial Stormwater Annual Report	\$1,300	None
<i>Summary: ACL Order No. R3-2016-0041 issued October 20, 2016, imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements.</i>			

¹ Unless otherwise noted, the Supplemental Environmental Project (SEP) is the Central Coast Ambient Monitoring Program - Groundwater Assessment and Protection (CCAMP-GAP) Project, identified by the Water Board in Resolution No. R3-2012-0024 as being among the Water Board's highest priorities.

Table 2: Issued Expedited Payment Program Letters (EPLs; Settlement Proposals for Mandatory Minimum Penalties per the Water Code or for Other Non-Controversial Issues)			
<u>Discharger/Facility</u>	<u>Violations</u>	<u>Proposed Penalty</u>	<u>Status²</u>
City of El Paso de Robles WWTP, San Luis Obispo County	Copper, Biochemical Oxygen Demand, Selenium, Total Coliform, Sodium, Total Dissolved Solids, Chloride, Dissolved Oxygen, Total Chlorine Residual, Dibromochloromethane, Dichlorobromomethane, Nitrogen, Settleable Solids	\$495,000	Public Comment Period ended 9/22/16

Table 2: Issued Expedited Payment Program Letters (EPLs; Settlement Proposals for Mandatory Minimum Penalties per the Water Code or for Other Non-Controversial Issues)			
<u>Discharger/Facility</u>	<u>Violations</u>	<u>Proposed Penalty</u>	<u>Status²</u>
<i>Summary: Proposed EPL No. R3-2016-0038 offering to settle mandatory minimum penalty for 165 violations of NPDES permit effluent limitations. The City completed a major upgrade to its WWTP in 2015. Additionally, and as noted in the previous enforcement report, effective 7/27/16, Time Schedule Order No. R3-2016-0033 requires to City to address trihalomethane violations (i.e., dibromchloromethane, dichlorobromomethane; byproducts of disinfection utilizing chlorine) resulting from the operation of its new disinfection system by either optimizing that system to comply by 6/10/18, or replacing it with an alternative system by 6/10/21. Water Board permitting staff is also requiring the City to develop and implement a pretreatment program and will recommend including appropriate requirements in the upcoming NPDES permit renewal.</i>			
Atlas Copco Mafi Trench – Santa Maria, Santa Barbara County	Failure to Submit Industrial Stormwater Annual Report	\$1,300	Public Comment Period ended 11/16/16
<i>Summary: Proposed EPL No. R3-2016-0042 offering to settle mandatory minimum penalty for one violation of NPDES permit reporting requirements.</i>			
Granite Rock Arthur Wilson Quarry – Aromas, San Benito County	Total Dissolved Solids	\$3,000	Public Comment Period ended 11/25/16
<i>Summary: Proposed EPL No. R3-2016-0046 offering to settle mandatory minimum penalty for one violation of NPDES permit effluent limitation.</i>			
Fresh Express – Salinas, Monterey County	Failure to Submit Industrial Stormwater Annual Report	\$1,300	Public Comment Period ends 12/16/16
<i>Summary: Proposed EPL No. R3-2016-0043 offering to settle mandatory minimum penalty for one violation of NPDES permit reporting requirements.</i>			

² EPL Offers have three primary stages: 1) issued to a discharger and under consideration, 2) agreed upon and out for public comment, or 3), issued by the Executive Officer as ACL Order. EPLs executed as ACL Orders are listed in Table 1 above.

Table 3: Issued Notices of Non-Compliance for Industrial Stormwater General Permit Annual Reporting (NNCs)		
<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>County</u>
Pierce Ranch Vineyards	Pierce Ranch Vineyards LLC	Monterey
Amercian Bottling Co	Amercian Bottling Co	Monterey
RockTenn CP LLC	WestRock CP LLC	Monterey
Mann Packing Co Inc	Mann Packing Co	Monterey
855 E Laurel Facility	Monterey County	Monterey
Moss Landing Marine	Moss Landing Marine	Monterey
Golden State Vintners	The Wine Group LLC	Monterey
KMG Electronic Chemicals Inc	KMG Electronic Chemicals Inc	San Benito

Table 3: Issued Notices of Non-Compliance for Industrial Stormwater General Permit Annual Reporting (NNCs)		
<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>County</u>
Paicines Quarry	Renewable Resources LLC	San Benito
Arreolas Auto Wrecking	Arreolas Auto Wrecking	San Luis Obispo
Twisselman Mine	Rowland and Catherine Twisselman	San Luis Obispo
Drake S Royal Farms	Drakes Royal Farms	San Luis Obispo
Eberle Winery	Eberle Winery LTD	San Luis Obispo
Pomar Junction Winery	Pomar Junction Winery	San Luis Obispo
Los Alamos Properties	RDE Engineering Incorporated	Santa Barbara
Soladino Lease	RDE Engineering Incorporated	Santa Barbara
Lafond Winery	Santa Barbara Winery	Santa Barbara
Santa Barbara Winery	Santa Barbara Winery	Santa Barbara
Highway Recycling	Highway Recycling Inc	Santa Barbara
Atlas Copco Mafi Trench Co LLC	Atlas Copco MafiTrench Co LLC	Santa Barbara
GGO Santa Maria Facilities	Golden Gate Oil LLC	Santa Barbara
Orcutt Hill Facilities	Pacific Coast Energy Company LP	Santa Barbara
Las Vegas San Pedro Creeks Capacity Improvement Project Conform Grading & Floodwall	Santa Barbara County Flood Control and Water Conservation District	Santa Barbara
wildcat vineyards llc	wildcat vineyards llc	Santa Clara
Gilroy Unified Sch Dis	Gilroy Unified School District	Santa Clara
Salamandre Wine Cellars	Salamandre Wine Cellars	Santa Cruz
Bayside Oil II Inc	Bayside Oil II Inc	Santa Cruz
new west cooling co ¹	new west cooling co	Santa Cruz
Pajaro valley fabrication	Pajaro valley fabrication	Santa Cruz
Lineage Logistics LLC	Cascade Properties LLC	Santa Cruz
new west cooling co ¹	new west cooling co	Santa Cruz

Table 4: Issued Notices of Violation (NOVs)				
<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>Program</u>	<u>Violation Type</u>	<u>County</u>
Sunrise Farms/Buena Vista Ranches (AW1613)	John Rocha Jr.	Irrigated Lands	Failure to update eNOI	Santa Cruz
The Inn at Pasatiempo Onsite Wastewater Treatment System	Adventco Holding Corporation	WDR	Failure to comply with TSO R3-2014-0028	Santa Cruz
Camp Roberts Drainage Crossing Improvement Project WQC 34014WQ20	California Army National Guard - Camp Roberts	401 Cert	Failure to report	San Luis Obispo

¹ This facility required two notices of non-compliance pursuant to Water Code section 13399.31

Table 4: Issued Notices of Violation (NOVs)				
<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>Program</u>	<u>Violation Type</u>	<u>County</u>
Cambria Advanced Water Treatment System ²	Cambria Community Services District	Land Disposal	Failure to report	San Luis Obispo
City of San Luis Obispo MS4	City of San Luis Obispo	Municipal Stormwater	- Post-Construction Stormwater Management - BMP Implementation	San Luis Obispo
Cambria Advanced Water Treatment System	Cambria Community Services District	Land Disposal	Deficient Report	San Luis Obispo
Fiero Lane Water Company WWTP	Fiero Lane Water Company	WDR	- Total Coliform - Failure to Notify	San Luis Obispo
City of Atascadero MS4	City of Atascadero	Municipal Stormwater	- BMP Implementation - Failure to report	San Luis Obispo
Hecker Pass Improvement Project EA 2A250 WQC 34313WQ01 & WQ06	Ca Dept of Transportation District 4 R5S	401 Cert	Failure to report	Santa Clara
Gipetti Property Construction Site	KB Homes South Bay, Inc.	401 Cert	- Unauth discharge of fill - Failure to report	Santa Clara
South County Regional Wastewater Authority Collection System	South County Regional Wastewater Authority	WDR	Sanitary Sewer Overflow	Santa Clara
USCG Station Monterey Waterfront Repairs Project WQC 32715WQ04	U.S. Coast Guard	401 Cert	Failure to report	Monterey
City of Monterey Waterfront Structures Maint WQC 32712WQ08	City of Monterey	401 Cert	- Failure to report	Monterey
City of Gonzales MS4	City of Gonzales	Municipal Stormwater	BMP Implementation	Monterey

² This facility received two notices of violation during the period covered by this report (8/1/16 – 11/30/16).

Table 4: Issued Notices of Violation (NOVs)				
<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>Program</u>	<u>Violation Type</u>	<u>County</u>
Montecito Country Club Construction Project	Montecito Country Club	Construction Stormwater General Permit	- Violation of discharge prohibition - Failure to report - BMP failures - Failure to submit dewatering plan	Santa Barbara
Gillie Ranch Bridge and Cate School Crossing Removal Project WQC 34214WQ09	Gillie Orchards, LLC	401 Cert	Failure to report	Santa Barbara
Former Door to Door Laundry	Jane Collins Behr	Site Cleanup Program	Failure to Report	Santa Barbara
City of Santa Maria MS4	City of Santa Maria	Municipal Stormwater	BMP Implementation	Santa Barbara
City of Santa Barbara MS4	City of Santa Barbara	Municipal Stormwater	BMP Implementation	Santa Barbara
City of Carpinteria MS4	City of Carpinteria	Municipal Stormwater	BMP Implementation	Santa Barbara
Union Rd Bridge Replacement Project WQC 33513WQ04	San Benito County	401 Cert	Failure to report	San Benito
MHC Thousand Trails San Benito RV & Camping Resort	Equity Lifestyle Properties, Inc.	WDR	- GW formaldehyde - GW nitrate - GW fecal coliform - Failure to monitor - Failure to report	San Benito
Ano Nuevo Point Trail Accessibility Improvements WQC 34114WQ01	California State Parks	401 Cert	Failure to report	San Mateo

**VIOLATIONS PENDING FURTHER ENFORCEMENT STAFF REVIEW
(JULY 1, 2016 – SEPTEMBER 30, 2016)**

Water Board staff uses the California Integrated Water Quality System (CIWQS) to track Water Board data, including violations and enforcement actions. For the time period between July 1, 2016, and September 30, 2016, Water Board staff observed the various categories of violations summarized below. While some of the violations included in the table below may have already

been addressed in the recent enforcement actions listed above, a majority of these violations do not correlate with the above enforcement actions. Program and Enforcement staff are currently reviewing these violations to assess priorities for potential future enforcement.

Violation Type	Number of Violations	Associated Programs	Primary Sources of Violations
Effluent Limitations	94	NPDES WDR	pH, Biochemical Oxygen Demand, Total Dissolved Solids, Sodium, Chloride, Settleable Solids, Nitrogen (various), Total Suspended Solids, Metals, Coliforms.
Reporting	36	Land Disp. WDR Site Cleanup Ind. SW Const. SW	Annual reporting, failures to notify Water Board of discharger actions.
Receiving Water Limitations	33	NPDES	Boron, Chloride, Sodium, Total Dissolved Solids, Metals.
Deficient Monitoring	12	NPDES	Failures to monitor due to operator error, staffing changes, or lab error.
Deficient BMPs	3	Const. SW MS4 SW	Dust control, failure to develop procedures to identify illicit discharges, and failure to sample to detect illicit discharges.
Sanitary Sewer Overflows	2	WDR	Debris in collection system and equipment failure.
Unauthorized Discharges to Surface Waters	2	401 Cert.	Unauthorized fill material discharged to creek, construction-related water main break.

Violation reports are available to the public as described in further detail in the factsheet located at:
http://www.waterboards.ca.gov/water_issues/programs/ciwqs/docs/pub_vio_rpt_fs_pub.pdf

RECOMMENDATION

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

ATTACHMENTS

1. Description of Enforcement Actions
2. Definitions of Abbreviations

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