

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

STAFF REPORT FOR REGULAR MEETING OF FEBRUARY 8-9, 2018

Prepared on December 26, 2017

ITEM NUMBER: 14

SUBJECT: Enforcement Report

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DISCUSSION

This staff report summarizes the enforcement actions taken from August 1, 2017 to December 31, 2017. Tables 1 through 4 include summaries of issued Administrative Civil Liability Orders, Expedited Payment Program Letters to resolve mandatory minimum penalties issued, Notices of Non-Compliance for Industrial or Construction Stormwater annual reporting or enrollment violations, and Notices of Violations covering various programs. Violations considered during this time period did not require staff to issue Cleanup and Abatement Orders, Cease and Desist Orders, or Time Schedule Orders.

This staff report also includes a summary of violations reported from June 1, 2017 through September 30, 2017. These violations are currently under review by program and enforcement staff to assess their validity, priority, and potential for future enforcement actions.

A general description of the different types of enforcement actions that Water Board staff may take are provided in Attachment 1. Definitions of abbreviations used throughout this staff report are available in Attachment 2. Detailed descriptions of each enforcement action are provided in the [2017 Water Quality Enforcement Policy](#). The Enforcement Policy was recently amended and became effective on October 5, 2017. The amendments clarify certain principles that are central to the Enforcement Policy to ensure more transparent and consistent application of the statutory factors the Water Boards must consider when assessing a civil liability. The amendments also change the case prioritization and violation ranking process to make this more efficient and consistent throughout the state. The amendments also bring greater global transparency to the Water Boards' enforcement process and penalty methodology application.

Table 1: Issued Final Administrative Civil Liability Complaints or Orders (ACL)			
<u>Discharger/Facility</u>	<u>Violations</u>	<u>Penalty</u>	<u>Supplemental Environmental Project¹</u>
16 th District Agricultural Association / Paso Event Center MS4	Failure to Obtain Permit	\$65,946	Declined by Discharger
<i>Summary: ACL Order No. R3-2017-0007 imposed penalty for 1,218 days of violation of California Water Code section 13376 requirements for dischargers to obtain permit coverage.</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>
Morro Bay/Cayucos WWTP	Chlorine, Total Residual	\$3,000	Issued on December 12, 2017
<i>Summary: Proposed EPL No. R3-2017-0053 offering to settle mandatory minimum penalties for 1 violation of NPDES permit reporting requirements.</i>			
So. SLO County Sanitation District WWTP	Chlorine, Total Residual/ Fecal Coliform/ Total Suspended Solids	\$9,000	Issued on December 12, 2017
<i>Summary: Proposed EPL No. R3-2017-0056 offering to settle mandatory minimum penalties for 3 violations of NPDES permit reporting requirements.</i>			
City of Paso Robles WWTP	Nitrogen, Total (as N)/ Total Coliform	\$15,000	Issued on December 29, 2017
<i>Summary: Proposed EPL No. R3-2017-0051 offering to settle mandatory minimum penalties for 5 violations 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 or Construction Stormwater General Permit Annual Reporting or Enrollment (NNCs) – By County			
<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>Annual Report or Enrollment, 1st or 2nd NNC</u>	<u>County</u>
King's Towing & Auto Wreckers	Richard Allan Hill	Enrollment, 2 nd	Monterey
Growers Ice Company	Growers Ice Co	Annual Report, 1 st	Monterey

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<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>Annual Report or Enrollment, 1st or 2nd NNC</u>	<u>County</u>
Accu Chem Conversion	Accu Chem Conversion Inc	Annual Report, 1 st	Monterey
Garrett Boekenoogen	Boekenoogen Winery LLC	Annual Report, 1 st	Monterey
Calera Corporation dba Chemetry Corporation	Moss Landing Cement Co	Annual Report, 1 st	Monterey
Growers Ice Company	Growers Ice Co	Annual Report, 2 nd	Monterey
Accu Chem Conversion	Accu Chem Conversion Inc	Annual Report, 1 st	Monterey
Garrett Boekenoogen	Boekenoogen Winery LLC	Annual Report, 1 st	Monterey
Willis Const Co	Willis Construction Co	Annual Report, 1 st	San Benito
San Benito Auto Wreckers	Recar Inc	Annual Report, 1 st	San Benito
Paso Robles Auto Wrecking	Paso Robles Auto Wrecking	Annual Report, 1 st	San Luis Obispo
Twisselman Mine	Rowland and Catherine Twisselman	Annual Report, 1 st	San Luis Obispo
Villicana Winery	Villicana Winery	Annual Report, 1 st	San Luis Obispo
California Auto Wrecking	California Auto Wrecking	Annual Report, 1 st	San Luis Obispo
CA Dept Corrections Mens Colony	California Department of Corrections and Rehabilitation	Annual Report, 1 st	San Luis Obispo
Paso Robles Auto Wrecking	Paso Robles Auto Wrecking	Annual Report, 1 st	San Luis Obispo
Twisselman Mine	Rowland and Catherine Twisselman	Annual Report, 1 st	San Luis Obispo
Villicana Winery	Villicana Winery	Annual Report, 1 st	San Luis Obispo
California Auto Wrecking	California Auto Wrecking	Annual Report, 1 st	San Luis Obispo
Leon's Wrecking	Jesus Leon	Enrollment, 1 st & 2 nd	San Luis Obispo
Santa Maria Asphalt Refinery	Santa Maria Refining Co	Annual Report, 1 st	Santa Barbara
Santa Ynez Valley Airport Authority Inc	Santa Ynez Valley Airport Inc	Annual Report, 1 st	Santa Barbara
Santa Ynez Valley Airport Authority Inc	Santa Ynez Valley Airport Inc	Annual Report, 1 st	Santa Barbara

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The Larner Buellton Wine Center	Michael Larner	Enrollment, 1 st & 2 nd	Santa Barbara
Metech Recycling Inc	Metech Recycling Inc	Annual Report, 1 st	Santa Clara
United Natural Foods Incorporated	United Natural Foods Incorporated	Annual Report, 1 st	Santa Clara
Sandman Inc DBA Star Concrete	Sandman Inc DBA Star Concrete	Annual Report, 1 st	Santa Clara
Wildcat Vineyards LLC	Wildcat Vineyards LLC	Annual Report, 1 st	Santa Clara
Metech Recycling Inc	Metech Recycling Inc	Annual Report, 1 st	Santa Clara
United Natural Foods Incorporated	United Natural Foods Incorporated	Annual Report, 1 st	Santa Clara
MMF	Santa Cruz METRO	Annual Report, 1 st	Santa Cruz
OPS SBF	Santa Cruz METRO	Annual Report, 1 st	Santa Cruz
Hallcrest Vineyards Inc	Hallcrest Vineyards	Annual Report, 1 st	Santa Cruz
San Lorenzo Sch Dis Trans Dept	San Lorenzo Vly School District	Annual Report, 1 st	Santa Cruz
Bayside Oil II Inc	Bayside Oil II Inc	Annual Report, 1 st	Santa Cruz
Bottle Jack Winery	Bottle Jack Winery	Annual Report, 1 st	Santa Cruz

Table 4: Issued Notices of Violation (NOVs) – By County				
<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>Program</u>	<u>Violation Type</u>	<u>County</u>
1,028 Ranches	NOVs were issued to both property owners and operators of each ranch.	Irrigated Agriculture	Staff conducted a groundwater monitoring compliance evaluation for ranches that selected the Individual Groundwater Monitoring option for Ag Order R3-2017-0002. NOVs were issued from 11/22/17 through 12/15/17 to 1,028 ranches for failing to submit groundwater monitoring results. Of those 1,028 ranches, 102 ranches received a NOV for not submitting groundwater monitoring data pursuant to both Ag Order R3-2017-0002 and R3-2012-0011.	Santa Clara, Santa Cruz, San Luis Obispo, Monterey, Santa Barbara, San Benito, San Mateo, Ventura.

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<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>Program</u>	<u>Violation Type</u>	<u>County</u>
Castroville Reclaim Concrete	Granite Rock Co.	Industrial Stormwater	- Failure to develop and update SWPPP - Failure to submit Site Map - Failure to properly maintain facility - Failure to conduct annual compliance evaluation	Monterey
Mushroom Farms	Spawn Mate, Inc.	WDR – Food Processor	Unauthorized process wastewater discharge	Monterey
Francisco Rocha Farms	Francisco Rocha, David & Elia Vasquez	Irrigated Agriculture	Failure to submit technical report	Monterey
Glez Farms – Elkhorn Ranch	Glez Farms, Inc., Abel & Alvaro Gonzales	Irrigated Agriculture	Failure to submit technical report	Monterey
Moonglow Dairy	Louis Calcagno	NPDES	Unauthorized Discharge to Surface Waters	Monterey
Monterey Mushrooms – 777 Maher Court, Royal Oaks Facility	Monterey Mushrooms, Inc.	WDR	Multiple Unauthorized Discharges to Surface Waters	Monterey
Peach Tree Road at Pancho Rico Creek Bridge Replacement Project	Monterey County Department of Public Works County	401 Cert	Failure to Submit 2017 Annual Report	Monterey
Alvarez Ace Hardware	Sal Alvarez	401 Cert	Failure to Submit 2017 Annual Report	Monterey
Base of Bald Mountain Project	Fort Hunter Liggett	401 Cert	Failure to Submit 2017 Annual Report	Monterey
Milpitas Maneuver Trail Project	Fort Hunter Liggett	401 Cert	Failure to Submit 2017 Annual Report	Monterey
Mud Hole 1 Project	Fort Hunter Liggett	401 Cert	Failure to Submit 2017 Annual Report	Monterey
Mud Hole 2 Project	Fort Hunter Liggett	401 Cert	Failure to Submit 2017 Annual Report	Monterey
Van Gordon Creek Creek Restoration	Dave Robertson / Off the Grid Red Mountain LLC	401 Cert	- Failure to Submit Monthly and Annual Reports - Failure to Complete Restoration and Mitigation Activities	San Luis Obispo

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Lake Nacimiento Resort	Monterey County Resource Management Agency	WDR	- Failure to Install Groundwater Monitoring Wells - Failure to Submit Monitoring Reports	San Luis Obispo
County of San Luis Obispo	County of San Luis Obispo	Municipal Stormwater	Post-Construction Requirements	San Luis Obispo
Coastal Christian School	Mike Humerian	401 Cert	Unauthorized Excavation and Grading Activities	San Luis Obispo
Lewis Creek Bridge Replacement Project	County of San Luis Obispo Public Works Department	401 Cert	Failure to Submit 2017 Annual Report	San Luis Obispo
Old Creek Road Culvert Replacement Project	County of San Luis Obispo Public Works Department	401 Cert	Failure to Submit 2017 Annual Report	San Luis Obispo
Tract 2560 Phase II, 215 Bridge Street Project	215 Bridge Street, LLC	401 Cert	Failure to Submit 2017 Annual Report	San Luis Obispo
Former Norge Village Dry Cleaners (Site Cleanup Investigation Site)	Fairview Shopping Center, LLC	Site Cleanup	Failure to Submit Report	Santa Barbara
Blochman Waste Pile Management Facility	Greka Oil & Gas	Land Disposal	- Failure to properly operate facility - Unauthorized discharge	Santa Barbara
Marborg Industries Rubble Yard	Marborg Industries	Industrial Stormwater	- Poor Housekeeping - Non-Stormwater Discharges - Failure to Monitor - Failure to Assess Potential Pollutant Sources	Santa Barbara
Greka Lloyd Et Al 17 Injection Well	Greka Integrated	Oil Fields	- Failure to Submit Technical Report	Santa Barbara
Fresh Venture Farms Ranch 1	Fresh Venture Farms, LLC, Bob Boelts, Buellton Ranch LP, Frank Perez	Irrigated Agriculture	- Erosion and sedimentation to Zaca Creek - BMPs	Santa Barbara
CEMEX Construction Materials Pacific LLC	Cemex Construction Materials Pacific LLC	Industrial Stormwater	- Concrete Washout - Pollutant Source Assessment	Santa Barbara

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Goleta Slough Mouth Emergency Grooming	Santa Barbara County Flood Control District	401 Cert	Failure to Notify and Report	Santa Barbara
ExxonMobil Santa Ynez Unit Offshore Power Cable Reliability Project	ExxonMobil Production Company	401 Cert	Failure to Submit 2017 Annual Report	Santa Barbara
L181B Fault Betterment Project	Pacific Gas & Electric Company	401 Cert	Failure to Submit 2017 Annual Report	San Benito
San Lorenzo River Lagoon Interim Management Project	City of Santa Cruz	401 Cert	Failure to Submit 2017 Annual Report	Santa Cruz
Bonny Doon Quarry (Inactive)	Joe Bivert / Northcoast LLC	Industrial Stormwater	Failure to obtain permit	Santa Cruz
Quail Hollow Quarry	Granite Rock Co.	Industrial Stormwater	<ul style="list-style-type: none"> - Failure to develop and update SWPPP - Failure to submit Site Map - Unauthorized SW discharges - Failure to implement BMPs - Failure to develop and implement adequate Exceedance Response Action Evaluation - Failure to conduct annual compliance evaluation 	Santa Cruz

VIOLATIONS PENDING FURTHER ENFORCEMENT STAFF REVIEW
(June 1, 2017 – September 30, 2017)

Water Board staff uses the California Integrated Water Quality System (CIWQS) and the Storm Water Multiple Application and Report Tracking System (SMARTS) to track Water Board data, including violations and enforcement actions. For the period of June 1, 2017, through September 30, 2017, Water Board staff observed the various categories of violations summarized below. While the recent enforcement actions listed above may address some of the violations included in the table below, 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.

Recent Violations Pending Further Enforcement Staff Review			
<u>Violation Type</u>	<u>Number of Violations</u>	<u>Associated Programs</u>	<u>Primary Sources of Violations</u>
Effluent Limitations	129	NPDES WDR	pH, Biochemical Oxygen Demand, Total Dissolved Solids, Sodium, Chloride, Nitrogen (various), Total Suspended Solids, Sulfate, Boron, Bis (2-Ethylhexyl) Phthalate, Total Residual Chlorine, Copper, Chronic Toxicity, Turbidity, Flow, Coliform.
Receiving Water Limitations	36	NPDES	Manganese, Boron, Chloride, Sodium, Sulfate, Total Dissolved Solids, Temperature.
Sanitary Sewer Overflows	8	WDR	Pump station failures, pipe structural failures, water main failure causing inflow to sewer, and debris in collection system.
Other Unauthorized Discharges to Surface Waters	1	Const. SW	Rinse water discharge to storm drain.
Deficient BMPs	3	Const. SW MS4 SW	Failures to eliminate illicit discharges, implement inspection and enforcement program, and grading without year-round BMPs.
Odor Complaints	1	WDR	Objectionable odors beyond wastewater treatment facility boundary.
Reporting	22	WDR SCP Ind. SW MS4 SW 401 Cert. Irrigated Ag	Failures to submit annual reports, technical reports, and farm water quality management plans.
Deficient Monitoring	4	NPDES WDR	Failures to monitor due to operator error or equipment failure.

Violation reports are available to the public as described in further detail in the fact sheet 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