

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

STAFF REPORT FOR REGULAR MEETING OF MAY 15-17, 2019

Prepared on April 11, 2019

ITEM NUMBER: 18

SUBJECT: Enforcement Report

STAFF CONTACT: Thea Tryon 805/542-4776 or thea.tryon@waterboards.ca.gov

DISCUSSION

This staff report summarizes the enforcement actions taken from October 1, 2018 through February 28, 2019. Tables 1, 2, 3, 4, and 5 include summaries of issued administrative civil liability orders, expedited payment program letters to resolve mandatory minimum penalties or other non-controversial violations, cleanup and abatement orders, notices of non-compliance for Industrial or Construction Stormwater General Permit annual reporting or enrollment violations, and notices of violations covering various programs. As shown in Table 2, 21 expedited payment letter offers were issued to resolve failure to enroll in the industrial stormwater permit. Violations considered during this period did not require staff to issue time schedule orders or cease and desist orders.

This staff report also includes a summary of alleged violations reported from August 1, 2018 through December 31, 2018. These violations are currently under review by staff to assess priorities for potential future enforcement.

A general description of the different types of enforcement actions Water Board staff may take are provided in Attachment 1. Abbreviations used throughout this staff report are defined in Attachment 2. More detailed descriptions of each type of enforcement action are provided in the [2017 Water Quality Enforcement Policy](#).

Table 1: Issued Final Administrative Civil Liability Orders (ACL)			
<u>Discharger/Facility</u>	<u>Violations</u>	<u>Penalty</u>	<u>Supplemental Environmental Project¹</u>
Granite Rock Company / Arthur Wilson Quarry, Santa Cruz County	- Effluent Total Dissolved Solids - Effluent Cyanide - Effluent Molybdenum	\$18,000	Not proposed.
<i>Summary: ACL order No. R3-2018-0046 imposing mandatory minimum penalties for six violations of NPDES permit reporting requirements. Resolved by settlement via expedited payment program offer.</i>			
Guggia Farms, Inc.	Failure to submit annual compliance form, total nitrogen applied reports, investigative technical report, irrigation and nutrient management plan effectiveness report, water quality buffer plan, and individual surface water monitoring data.	\$55,164	Not proposed.
<i>Summary: ACL Order No. R3-2019-0006 imposing administrative civil liability penalty for eight violations of Order No. R3-2012-0011 (Agricultural Order 2.0) and California Water Code section 13267 reporting requirements from 2013 through 2017. Resolved by settlement.</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 Central Coast Water Board in Resolution No. R3-2012-0024 as being among the Water Board's highest priorities. Dischargers may propose their own SEP or a third-party SEP in accordance with the State Water Board's 2017 SEP Policy (SEP Policy). In accordance with the Central Coast Water Board Enforcement staff is temporarily withholding the CCAMP-GAP Project as a SEP until the State Water Board approves it by resolution. Central Coast Water Board staff anticipates the State Water Board's consideration of a resolution in 2019.

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>
Samuel Lopez / Sammy's Auto Dismantling, San Luis Obispo County	Failure to enroll under industrial stormwater general permit	\$6,884	Issued and under Discharger consideration
<i>Summary: EPL Offer No. R3-2018-0021 dated November 1, 2018, offering to settle mandatory minimum penalty for one violation of California Water Code requirement to enroll.</i>			
21 Facilities	Failure to enroll under industrial stormwater general permit	\$5,248	Issued and under Discharger consideration
<i>Summary: EPL Offers No. R3-2019-0016 through No. R3-2019-0036 dated January 25, 2019, offering to settle mandatory minimum penalties for 21 violations of California Water Code requirement to enroll.</i>			

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>
Scotts Valley WWTP, Santa Cruz County	Effluent total suspended solids	\$3,000	Discharger agreed to pay proposed penalties and in public comment until May 2, 2019.
<i>Summary: EPL Offer No. R3-2019-0048 dated February 27, 2019, offering to settle mandatory minimum penalty for one violation of National Pollutant Discharge Elimination System (NPDES) permit effluent limit requirements.</i>			
Carmel Area Wastewater District Wastewater Treatment Plant, Monterey County	Effluent settleable solids	\$3,000	Discharger agreed to pay proposed penalties and in public comment until May 2, 2019.
<i>Summary: EPL Offer No. R3-2019-0047 dated February 27, 2019, offering to settle mandatory minimum penalty for one violation of NPDES permit effluent limit requirements.</i>			
City of Lompoc Regional Wastewater Reclamation Plant, Santa Barbara County	Effluent un-ionized ammonia	\$6,000	Discharger agreed to pay proposed penalties and in public comment until May 2, 2019.
<i>Summary: EPL Offer No. R3-2019-0049 dated February 27, 2019, offering to settle mandatory minimum penalty for two violations of NPDES permit effluent limit requirements.</i>			
City of Santa Barbara El Estero Wastewater Treatment Facility, Santa Barbara County	Effluent total suspended solids	\$3,000	Discharger agreed to pay proposed penalties and in public comment until May 2, 2019.
<i>Summary: EPL Offer No. R3-2019-0050 dated February 27, 2019, offering to settle mandatory minimum penalty for one violation of NPDES permit effluent limit 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 Cleanup and Abatement Orders (CAOs)			
<u>Facility</u>	<u>Discharger/Responsible Parties</u>	<u>County</u>	<u>Order Number</u>
Francisco Rocha Farms – Vasquez Ranch, 975 Elkhorn Road, Royal Oaks	David Vasquez, Elia Estrada Vasquez, and Francisco Rocha	Monterey	R3-2018-0009
<i>Summary: This order requires the responsible parties/Dischargers to abate the discharge of sediment from the facility and to take corrective actions to cleanup past unauthorized sediment discharges into Elkhorn Slough from 2016 through 2017.</i>			
Dutch Maid Dry Cleaners – 3323 State Street, Santa Barbara	Trust U/W Emil DeLoreto, c/o James M. DeLoreto, Jr. and Edward S. DeLoreto, Trustees	Santa Barbara	R3-1997-021 (Amendment)
<i>Summary: This order requires the responsible parties/Dischargers to cleanup and abate the effects of chlorinated solvents in soil and groundwater due to discharges from the former facility. This amendment requires a complete indoor air report and risk assessment documenting results of January 2019 indoor air sampling, and submittal of an indoor air investigation workplan to further evaluate indoor air concentrations. All other aspects of the original CAO remain in full effect.</i>			

Table 4: Issued Notices of Non-Compliance for Industrial or Construction Stormwater General Permit Annual Reporting or Enrollment (NNCs) – By County			
<u>Facility</u>	<u>Discharger/Responsible Parties</u>	<u>Annual Report or Enrollment, 1st or 2nd NNC</u>	<u>County</u>
Monte Cristo Place Construction Project	Keith Decker	Annual report, 2 nd	San Luis Obispo

Table 5: Issued Notices of Violation (NOVs) – By County				
<u>Facility</u>	<u>Discharger/ Responsible Parties</u>	<u>Program</u>	<u>Violation Type</u>	<u>County</u>
San Benito Supply	San Benito Supply	Industrial Stormwater	- Poor housekeeping - Unauthorized discharge of non-stormwater - Lack of entry/exit tracking controls - Unstabilized raw material storage and waste piles - Lack of BMP maintenance - Ineffective spill cleanup	Monterey
2184 Sunset Dr, Pacific Grove, 17 Mile Store UST Site	Pebble Beach Company	Underground Storage Tank Program	Failure to submit semi-annual groundwater monitoring report	Monterey
Harkins Grow – Uchida Property Cannabis Facility	Jordan Helfant, Hanako Uchida	Cannabis Cultivation	- Soil, trash, and discarded concrete storage within riparian setback - Unstabilized soil due to grading within riparian setback	Monterey
Top Hat Flor – Uchida Property Cannabis Facility	Parker Barrie, Hanako Uchida	Cannabis Cultivation	- Soil, trash, and discarded concrete storage within riparian setback - Unstabilized soil due to grading within riparian setback	Monterey
California's Top Shelf – Uchida Property Cannabis Facility	Francesco Galofaro, Hanako Uchida	Cannabis Cultivation	- Soil, trash, and discarded concrete storage within riparian setback - Unstabilized soil due to grading within riparian setback	Monterey
[4 NOVs] 26500 and 26520 Encinal Road, Salinas – Alvarez Brothers Property (4) Cannabis Facilities	Monterey Tilth LLC, MD Farms LLC, Hands on Faith Association, Ocean Grown Horticulture, Inc., Alvarez Brothers LLC	Cannabis Cultivation	- Soil, trash, and equipment storage within riparian setback - Unstabilized soil due to grading within riparian setback - Erosion around perimeter of greenhouses	Monterey

Table 5: Issued Notices of Violation (NOVs) – By County				
<u>Facility</u>	<u>Discharger/ Responsible Parties</u>	<u>Program</u>	<u>Violation Type</u>	<u>County</u>
Palo Colorado Road Repair Project	Monterey County Public Works and Facilities	401 Certification	Failure to submit annual report	Monterey
King City Municipal Stormwater Management Program	King City	Municipal Stormwater	Post-construction stormwater requirements	Monterey
Gonzales Compost Facility	Keith Day Company, Inc.	Land Disposal Unit	Initiated operations/waste discharge prior to filing a report of waste discharge and obtaining regulatory coverage	Monterey
Riverview Farms Site 1 Cannabis Facility	Riverview Farms, Inc.	Cannabis Cultivation	<ul style="list-style-type: none"> - Soil and concrete storage within riparian setback - Inadequate sedimentation and erosion control in ditches and on access roads - Inadequate agricultural chemical storage - Discharge pipe conveying irrigation runoff from greenhouse to ditch - Inadequate containment and removal of trash and debris throughout site 	Monterey
Riverview Farms Site 2 Cannabis Facility	Riverview Farms, Inc.	Cannabis Cultivation	<ul style="list-style-type: none"> - Inadequate agricultural chemical storage - Over-irrigation and tailwater discharge via surface runoff 	Monterey
Careaga Oil and Gas Lease Stream Crossing Improvement Project	Santa Maria Energy LLC	401 Certification	Failure to submit annual report	Santa Barbara
[2 NOVs] 3508 Via Real, Carpinteria – VWV LLC Property (2) Cannabis Facilities	Flora Coast, Inc., Twisted Roots, Inc.	Cannabis Cultivation	<ul style="list-style-type: none"> - Soil and trash storage within riparian setback - Application of fertilizers within riparian setback - Fertilizer and chemicals storage without secondary containment and outdoors 	Santa Barbara

Table 5: Issued Notices of Violation (NOVs) – By County				
<u>Facility</u>	<u>Discharger/ Responsible Parties</u>	<u>Program</u>	<u>Violation Type</u>	<u>County</u>
5930 & 6500 Santa Rosa Road, Lompoc and Buellton area	Iron Angel, LLC Lugli Family Trust Shulman Family Trust Marienthal 2003 Trust	Cannabis Cultivation	<ul style="list-style-type: none"> - Cultivation of cannabis within riparian setback - Petroleum powered pump operation within riparian setback - Roads hydrologically connected to receiving waters and built within riparian setback - Fertilizer stored without secondary containment - Lack of erosion control measures in disturbed areas - Work conducted in watercourses without applicable permits - Watercourse crossings not designed by qualified professional - Paint-related refuse and irrigation materials discarded to ground without containment - Construction materials stored within riparian setback - Unstabilized soil due to grading within riparian setback 	Santa Barbara
Duncan Family Farms Compost Facility	Duncan Family Farms		Initiated operations/waste discharge prior to filing a report of waste discharge and obtaining regulatory coverage	Santa Barbara
1100 Ellwood Canyon Road	Ellwood Canyon Ranch, LLC	Unauthorized Waste Discharge	Unauthorized discharges of waste to Ellwood Canyon Creek	Santa Barbara
Bayside Oil II	Bayside Oil II, Inc.	Industrial Stormwater	<ul style="list-style-type: none"> - Failure to develop and submit Stormwater Pollution Prevention Plan - Failure to collect and analyze stormwater discharge samples 	Santa Cruz

Table 5: Issued Notices of Violation (NOVs) – By County				
<u>Facility</u>	<u>Discharger/ Responsible Parties</u>	<u>Program</u>	<u>Violation Type</u>	<u>County</u>
North Coast System Rehabilitation – Phase 3 Coast Segment Project	City of Santa Cruz Water Department	401 Certification	Failure to submit annual report	Santa Cruz
1440 Center Slope Erosion Failure Repair Project	1440 DevCo, LLC	401 Certification	Failure to submit annual report	Santa Cruz
Pigeon Point Storm Damage Repair Project	Caltrans District 4	401 Certification	Failure to submit annual report	San Mateo
331 Pacific Street	Model Industrial Supply	Site Cleanup	Failure to submit remedial investigation report	San Luis Obispo
Heartland West Project	Meritage Homes	401 Certification	Failure to submit annual report	Santa Clara

VIOLATIONS PENDING FURTHER STAFF REVIEW
(August 1, 2018 – December 31, 2018)

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 August 1, 2018 through December 31, 2018, these databases included violations for 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, only some of these violations correlate with the above enforcement actions. Water Board 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	132	- NPDES - WDR	pH, Biochemical Oxygen Demand, Total Dissolved Solids, Sodium, Chloride, Settleable Solids, Nitrogen (various forms), Total Suspended Solids, Sulfate, Ammonia, Metals, Coliforms, Flow Rate, Dissolved Oxygen, Total Organic Carbon.
Receiving Water Limitations	18	- NPDES	Chloride, Sodium, Boron, Total Dissolved Solids, Temperature, pH.
Sanitary Sewer Overflows to Surface Waters	8	- WDR	Debris or Fats, Oils, and Grease in collection system, root intrusion, private lateral.
Order Conditions	8	- WDR - Cannabis Cultivation	Causing objectionable odors beyond treatment facility boundary, conducting cultivation-related activities in the riparian setback.
Failure to Obtain Permit	29	- Industrial SW	Failure to re-certify No Exposure Certifications
Reporting	5	- 401 Cert. - WDR - NPDES - Spills, Leaks, Investigations, & Cleanup	Failure to submit report, deficient reporting, failure to notify.
Deficient Monitoring	18	- NPDES - WDR	Failures to monitor due to issues like operator error, equipment failure, staffing changes, or lab error.

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

ATTACHMENTS

1. Enforcement Action Descriptions
2. Enforcement Report Abbreviations

File Location: \\ca.epa.local\RB\RB3\Shared\Enforcement\Reports\Board Meeting Reports\2019 Meetings\1_May 9th_SLO - DUE TO TT 3-19-19\Enf Staff Rpt for May 15-17 2019 Brd Mtg.docx