

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

STAFF REPORT FOR REGULAR MEETING OF JULY 16-17, 2020

Prepared on June 23, 2020

ITEM NUMBER: 12

SUBJECT: Enforcement Report

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ACTION: Information/Discussion

SUMMARY

This staff report summarizes the enforcement actions taken from January 16, 2020 through April 30, 2020. Tables 1 through 4 include summaries of issued final administrative civil liability orders, expedited payment program letters to resolve mandatory minimum penalties or other non-controversial violations, cleanup and abatement orders, and notices of violations covering various programs.

Violations considered during this period did not require staff to issue time schedule orders, notices of non-compliance for Industrial or Construction Stormwater General Permit annual reporting or enrollment violations, or cease and desist orders.

This staff report also includes a summary of alleged violations reported from November 1, 2019 through February 29, 2020. 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 Central Coast 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.

Please note that the format of the enforcement report has been revised so that it meets the web content and document accessibility guidelines.

**TABLE 1:
ISSUED FINAL ADMINISTRATIVE CIVIL LIABILITY (ACL) ORDERS**

Discharger/ Facility/ County	Number & Type of Violations / Program/ Waterbody	Penalty Amount/ Order No./ Issued Date	Summary
<ul style="list-style-type: none"> - City of Morgan Hill - Sanitary Sewer System - Santa Clara County 	<ul style="list-style-type: none"> -(4) Unauthorized discharges of waste to waters of the U.S. -Waste Discharge Requirements Program -Llagas Creek 	<ul style="list-style-type: none"> - \$433,366 - ACL Order No. R3-2019-0039 - Adopted by Central Coast Water Board at March 6, 2020 public meeting - Issued March 11, 2020 	<p>This ACL Order was heard before the Board during the March 6, 2020 Board meeting. The ACL Order imposes a penalty for the unauthorized discharge of untreated municipal and domestic wastewater from the City's sanitary sewer system to Llagas Creek on December 10, 2015, January 8, 2017, and February 20, 2017. Inflow and infiltration of stormwater into the City's sewage collection system during rain events caused an estimated combined volume of approximately 330,000 gallons to spill to the creek. The order suspends \$207,677 of the total liability pending the City's completion of two Enhanced Compliance Action projects to develop and implement an advanced sewer system asset management plan and install three electronically enhanced manhole covers to monitor sewer system flows and anticipate overflows to improve operator response. These projects are scheduled for completion by August 3, 2021. Resolved via settlement.</p>
<ul style="list-style-type: none"> - City of Paso Robles - Wastewater Treatment Facility - San Luis Obispo County 	<ul style="list-style-type: none"> -(1) Violation of total chlorine residual effluent limit -NPDES Program -Salinas River 	<ul style="list-style-type: none"> - \$3,000 - ACL Order No. R3-2020-0007 - February 27, 2020 	<p>This ACL Order imposes a mandatory minimum penalty for one violation of NPDES permit effluent limit requirements. Resolved by settlement via expedited payment program offer.</p>

Discharger/ Facility/ County	Number & Type of Violations / Program/ Waterbody	Penalty Amount/ Order No./ Issued Date	Summary
- Heritage Ranch Community Services District - Wastewater Treatment Facility - San Luis Obispo County	- (3) Violations of effluent limits for: - Biochemical Oxygen Demand - Oil & Grease - NPDES Program - Nacimiento River	- \$9,000 - ACL Order No. R3-2020-0008 - February 27, 2020	This ACL Order imposes mandatory minimum penalties for three violations of NPDES permit effluent limit requirements. Resolved by settlement via expedited payment program offer.
- Pacific Harvest Seafoods, Inc. - San Benito County	- (1) Failure to obtain permit coverage - NPDES Industrial Storm Water Program	- \$8,485.74 - ACL Order No. R3-2020-0011 - Issued April 21, 2020	This ACL Order imposes the mandatory minimum penalty for failing to obtain coverage under the industrial stormwater permit in addition to staff costs associated with the development of the enforcement case. Resolved by settlement via expedited payment program offer.

**TABLE 2:
ISSUED EXPEDITED PAYMENT PROGRAM LETTERS (EPLS; SETTLEMENT PROPOSALS FOR MANDATORY
MINIMUM PENALTIES PER THE WATER CODE OR FOR OTHER NON-CONTROVERSIAL ISSUES)**

Discharger/ Facility County	Number & Type of Violations/ Program/ Waterbody	Proposed Penalty & Offer	Status²
- Jesus Leon - Leon's Wrecking - San Luis Obispo County	- (1) Failure to submit annual report - NPDES Industrial Stormwater Program	- \$1,551 - Conditional Settlement Offer No. R3-2020-0010 - Issued January 22, 2020	Issued and under Discharger consideration
- City of Santa Barbara / El Estero Water Resource Center, Santa Barbara County	- (18) Total violations of pH (17) and ammonia (1) effluent limits - NPDES - Pacific Ocean	- \$54,000 - Conditional Settlement Offer No. R3-2020-0009 - Issued March 4, 2020	Agreed upon, publicly noticed, and issued by the Executive Officer as an ACL Order in May 2020 to be shown in the next enforcement report.

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. In accordance with the State Water Board's 2017 Supplemental Environmental Project (SEP) Policy, effective May 3, 2018, 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. Enforcement staff anticipates the State Water Board's consideration of a resolution in fiscal year 2020-2021.

**TABLE 3:
ISSUED CLEANUP AND ABATEMENT ORDERS (CAOs)**

Discharger/Responsible Party	Facility & Address/ Program/ Waterbody	CAO Order No. and Date	Summary
Kern Ridge Growers, LLC	<ul style="list-style-type: none"> - Agricultural property - San Luis Obispo County Assessor's Parcel No. 096-201-012, Highway 33 near Cuyama, Barbara County - Unregulated Site - Un-named surface waters 	<ul style="list-style-type: none"> - CAO Order No. R3-2020-0028 - April 29, 2020 	<p>This CAO requires the discharger to cleanup and abate the effects of unpermitted sediment discharges and fill activity within waters of the State and to restore those waters. The discharges resulted from excavation and sediment placement activities conducted to construct berms on the site and in waters of the State to impound flow or divert it from two ephemeral streams. The CAO requires the discharger to implement an approved streambed restoration plan to restore the impacted segments of the surface waters. Required actions include removing berms to restore unimpeded flow, reestablishment of the approximate original streambed alignments, stream bed and bank locations, and grade lines, placement of excavated sediment to reestablished stream banks, and revegetation of streambed banks. Completion is required no later than October 1, 2020.</p>

**TABLE 4:
ISSUED NOTICES OF VIOLATION (NOVs)**

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
San Antonio Ranch 101 Cannabis Facility	- San Antonio Ranch 101, LLC	Cannabis Cultivation	<ul style="list-style-type: none"> - Hoophouses, soil, spent growing media, dead plant material (cannabis stocks and native vegetation), and trash within the riparian setback. - Roads not built to standards defined in the Cannabis Policy, not hydrologically disconnected from watercourses, and ran through centerline of watercourse. Erosion and channelization present on access roads. Access roads not properly surfaced to minimize sediment delivery. - Roads sloped in excess of 20%. - Sediment and erosion control measures not implemented. Rill erosion evident adjacent to cultivation area. - Watercourse crossings not adequately maintained, with a culvert almost completely filled with sediment. - Irrigation systems not properly maintained with evidence of a leaking water storage tank and/or irrigation water distribution system. - Fertilizers, pesticides, and petroleum products stored without secondary containment. Trash and cannabis waste material not properly disposed. Large piles of spent growing media, organic cannabis waste material, and trash accumulating at the site. 	Santa Barbara

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
Former Shamrock Cleaners	- Ophelia Tagatac - Elizabeth Allen - Jose Velasquez Jr.	Site Cleanup Program	- Failure to submit technical and site assessment reports - Failure to submit site investigation workplan	Santa Barbara
[2 NOVs] Spyglass Ridge Trail along Mission Creek, Santa Barbara	- Southern California Edison	401 Certification	- Unauthorized discharge of sediment, rock, earthen materials to Mission Creek and associated riparian areas - Failure to submit complete technical report in response to first NOV & 13267 Order	Santa Barbara
Petal Luxe Cannabis Facility	- Petal Luxe, Inc.	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Rancho Monte Viejo Cannabis Facility	- Pedro Cardenas - Ana R. Ybarro	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Hacienda Baseline Cannabis Facility	- Lowell Farms LLC - The Hacienda Company LLC	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Hog Honey Farms Cannabis Facility	- Hog Honey LLC - Charles Stevens - Shannon Armenta	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
Calynx Cannabis Facility	- Lawrence Epstein - Polly LaLiberte - Rebecca Gowing	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Cuyama Farm Cannabis Facility	- Cuyama Farm LLC	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Greenies Cannabis Facility	- Greenies Management - Austin Lee - Gateway Investment Group, LLC	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Long Canyon Ranch Cannabis Facility	- Canyon Produce, LLC - Steve Lyons Living Trust	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Farmers Planet Cannabis Facility	- Farmers Planet LLC - Pedro Cardenas - Ana R. Ybarra	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
Funny Farms Cannabis Facility	- Shane Downs - Lompoc Hills Farms LLC	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Mediedibles Cannabis Facility	- Mediedibles Inc. - Wilbert Persoon	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Central Coast Ag Farming Cannabis Facility at 8701 Santa Rosa Rd.	- Central Coast Ag Farming LLC - Blue Ribbon Farms LLC	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Central Coast Ag Farming Cannabis Facility at 5645 Santa Rosa Rd.	- Central Coast Ag Farming LLC - Cadwell Family Trust	Cannabis Cultivation	- Failure to submit technical reports	Santa Barbara
Municipal Stormwater Management Program	- City of Goleta	Municipal Stormwater	- Failure to ensure Stormwater Control Plans demonstrate regulated project designs meet the Post-Construction Requirements	Santa Barbara

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
Clear Source, LLC	- Clear Source, LLC	Cannabis Cultivation	<ul style="list-style-type: none"> - Grading and fill of a Class III (ephemeral) watercourse - Spoils (excavated material) stored within the riparian setback area - Cannabis cultivation area within the riparian setback area - Stockpiles of imported soil and exposed ground surface within the riparian setback area - Stockpiles of imported soil, growth medium, manure, soil amendments, and piles of spoils and spent growth medium stored without erosion control measures - Containers of fertilizers and nutrients stored without secondary containment or spill controls - Drums of fertilizers and nutrients stored outdoors without protection from the weather and wildlife - Evidence of surface erosion with rutting and gulying on the access road network. 	Santa Barbara

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
The Grass Gods Cannabis Facility	<ul style="list-style-type: none"> - The Grass Gods, LLC - Gavin Schwartz 	Cannabis Cultivation	<ul style="list-style-type: none"> - Disturbed area greater than one acre - Spoil (excavated earthen material) pile with no erosion and sediment control measures installed - Piles of spent growth medium and organic material (soil amendment) uncovered and with no containment measures installed - Cannabis plant waste pile with no containment measures - No spill containment and cleanup equipment at locations of chemical storage - Fuel containers stored on the ground surface with no protection from weather and no secondary containment 	Santa Barbara

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
600 Pine Canyon Road, Santa Maria Cannabis Facility	- Fusion Development Company, LLC	Cannabis Cultivation	<ul style="list-style-type: none"> - Active cannabis cultivation and cultivation-related activities and facilities within riparian setback area - Piles of spoils (excavated earthen material) and spent growth medium stored without erosion control measures - Disposal of spent growth medium without erosion control measures - Disposal of cannabis plant waste without containment - Bare soil cut slopes without soil stabilization and erosion control measures - Access roads highly worn, rutted, and covered with unconsolidated, very fine sediment without erosion control or road surfacing measures installed - Discharge of wastewater to the ground from a hose connected to a camping trailer holding tank - No spill containment and cleanup materials present at chemical storage - Fuel and oil/waste oil containers stored on ground outdoors without protection from weather and wildlife - Failure to submit Site Management Plan and Nitrogen Management Plan. 	Santa Barbara
Florival Cannabis Facility	- Florival LLC - Jon Friesell, Jr.	Cannabis Cultivation	- Failure to submit technical reports	Santa Cruz

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
Happa Farms Cannabis Facility	- Kitayama Group Inc, dba Happa Farms - Kitayama Brothers Inc.	Cannabis Cultivation	- Failure to submit technical reports	Santa Cruz
RMC Cannabis Facility	- Andrew Hospodor	Cannabis Cultivation	- Failure to submit technical reports	Santa Cruz
JLN House Cannabis Facility	- Luke Teleske - Josh Tansaga	Cannabis Cultivation	- Failure to submit technical reports	Santa Cruz
DeMille Farms Cannabis Facility	- DeMille Farms LLC	Cannabis Cultivation	- Failure to submit technical reports	Santa Cruz
City of Watsonville Municipal Stormwater Management Program	- City of Watsonville	Municipal Stormwater	- Failure to achieve Watsonville Slough pathogen total maximum daily waste load allocations	Santa Cruz
County of Santa Cruz Municipal Stormwater Management Program	- County of Santa Cruz Department of Public Works	Municipal Stormwater	- Failure to achieve Watsonville Slough pathogen total maximum daily waste load allocations	Santa Cruz
Freedom Boulevard and Vicinity Former Dry Cleaner	- City of Watsonville	Site Cleanup	- Failure to submit corrective action plan	Santa Cruz

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
JLN House Cannabis Facility	- Luke Teleske - Josh Santaga	Cannabis Cultivation	- Failure to submit technical reports	Santa Cruz
Hillcrest Meadows Construction Project	- Thrust IV Services LLC	Construction Stormwater	- Failure to prevent sediment discharge to streets and storm sewer system - Failure to maintain portable sanitation facilities - Failure to maintain site management practices - Failure to inspect, maintain and repair site BMPs - Failure to prevent non-stormwater discharges	San Benito
Municipal Stormwater Management Program	- City of Hollister	Municipal Stormwater	- Failure to confirm that projects comply with Site Design and Runoff Reduction performance requirements - Failure to require post-construction measures	San Benito
Santana Ranch Construction Project in Hollister	- Anderson Homes	Construction Stormwater	- Failure to establish and maintain effective perimeter controls - Failure to effectively manage run-on and run-off controls - Failure to inspect, maintain and repair site controls	San Benito
Soledad Mission Plaza Construction Site	- Soledad Cinemas Inc.	Construction Stormwater	- Failure to implement and maintain sediment controls per Permit Attachment D, Risk Level 2 Requirements, Section E., Sediment Controls - Failure to implement good site management per Permit Attachment D, Section B., Good Site Management, Housekeeping - Failure to inspect, maintain, and repair site controls	Monterey

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
Buttonwood Tree (San Juan) Cannabis Facility	- Buttonwood Tree LLC - Arlene Tsuji	Cannabis Cultivation	- Failure to submit technical reports	Monterey
Gold Coast Gardens Cannabis Facility	- Gold Coast Gardens LLC - Arlene Tsuji - Eugene Tsuji	Cannabis Cultivation	- Failure to submit technical reports	Monterey
CEA Development Cannabis Facility	- CEA Development, LLC	Cannabis Cultivation	- Failure to submit technical reports	Monterey
Monterey Valley Pride (Alisal) Cannabis Facility	- Monterey Valley Pride, LLC - Sergio Silva	Cannabis Cultivation	- Failure to submit technical reports	Monterey
Monterey Ocean Grown Alisal Cannabis Facility	- Monterey Ocean Grown, LLC - Sergio Silva	Cannabis Cultivation	- Failure to submit technical reports	Monterey
Monterey Valley Pride (Spence Street) Cannabis Facility	- Monterey Valley Pride, LLC - Ronnie K Minami - Hideko Trs - Bernard Steimann	Cannabis Cultivation	- Failure to submit technical reports	Monterey

Facility Subject to NOV	Discharger/ Responsible Parties	Program	Violation Type	County
CalPortland Rocky Canyon Quarry	- CalPortland Construction	Industrial Stormwater	- Inadequate pollutant source identification - Inadequate monthly visual observations - Inadequate best management practices	San Luis Obispo
Pegaso Farms Cannabis Facility	- Pegaso, Inc. - Peter Pitchess	Cannabis Cultivation	- Failure to submit technical reports	San Luis Obispo
Above Below Beyond Cannabis Facility	- Above Below Beyond - Mark Boswell	Cannabis Cultivation	- Failure to submit technical reports	San Luis Obispo

**VIOLATIONS PENDING FURTHER STAFF REVIEW
(NOVEMBER 1, 2019 – FEBRUARY 29, 2020)**

Central Coast 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 November 1, 2019 through February 29, 2020, 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

Violation Type	Number of Violations	Associated Programs	Primary Sources of Violations
Effluent Limitations	63	- NPDES - WDR	pH, Total Dissolved Solids, Sodium, Chloride, Nitrogen (various forms), Coliforms, Chronic Toxicity, Acute Toxicity, Total Organic Carbon, Turbidity, Biochemical Oxygen Demand, Total Suspended Solids, Total Residual Chlorine, DDT (dichlorodiphenyltrichloroethane) and variants
Receiving Water Limitations	12	- NPDES - WDR	Sodium, Total Dissolved Solids, Nitrate, pH, Enterococcus
Sanitary Sewer Overflows to Surface Waters	16	- WDR	Debris, fats, oils, or grease in collection system, root intrusion, structural failure or damage, power failure, pump station control failure, operator error. Volume estimates ranged from approximately 100 to 60,000 gallons.
Unauthorized Discharges	2	- 401 Certification - Cannabis Cultivation	Soil, sediment, rock, earthen materials discharged to riparian areas and surface water due to unauthorized grading. Irrigation tailwater and reverse osmosis wastewater discharge to surface water.

Violation Type	Number of Violations	Associated Programs	Primary Sources of Violations
Order Conditions	24	- Cannabis Cultivation - NPDES - WDR - Municipal Stormwater - Industrial Stormwater - Construction Stormwater	Petroleum products, fertilizer, pesticide, or fuel storage without secondary containment, loose soil stored uncovered and without erosion control, roads lacking sediment and erosion controls, failure to contain or haul trash, soil and sediment stored in uncovered piles without sediment control, pond freeboard exceeded, exceeded loading rate for biological oxygen demand, deficient best management practice implementation.
Deficient Monitoring	12	- NPDES - WDR	Failures to monitor due to issues like operator error, exceedance of sample holding time, or lab error.

Violation reports are available to the public as described in further detail in the CIWQS [Violation Report Fact Sheet](#)

ATTACHMENTS

1. Enforcement Action Descriptions
2. Enforcement Report Abbreviations

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