

**State of California  
California Regional Water Quality Control  
Board Santa Ana Region**

**May 8, 2020**

**ITEM: 14**

**SUBJECT: Executive Officer's Report**

**1. COVID-19 Actions**

Regional Board Staffing and Activities – In light of the outbreak of COVID-19 and the Governor's shelter-in-place order and consistent with direction from CalEPA and the State Water Resources Control Board (State Board), I have taken the following actions to ensure that safety measures to protect Santa Ana Water Board staff are in place and to ensure that staff remain responsive to the public. Currently, all staff are teleworking and senior staff have implemented methods to track work products and ensure that staff continue to process applications, review reports, and continue their normal work activities to the extent possible. Staff can do drive-by inspections only; I am not allowing inspections where social distancing protocols cannot be safely implemented. In addition, staff are using MS TEAMS or ZOOM for conducting meetings. Our office remains open and Managers/Supervisors (2-3 per day) are in the office on a rotating basis to answer the main phone line, process incoming checks, collect and distribute mail and sign for any package deliveries.

Requests for Regulatory Relief – From the onset of the COVID-19 outbreak, management at the State Board and Regional Water Boards have met to ensure efforts are in place to protect public health, safety, and the environment and are consistent with all federal, state, and local public health directives and guidelines related to COVID-19. It has been determined that timely compliance by the regulated community with all Santa Ana Water Board and/or State Board orders and other requirements is generally considered to be an essential function during the COVID-19 response. As a result, the Water Boards consider compliance with board-established orders and other requirements to be within the essential activities, essential governmental functions, or comparable exceptions to shelter-in-place directives provided by local public health officials.

The State Board and Regional Boards have developed a consistent statewide approach for addressing requests for non-compliance with Board established requirements. If responsible agencies or organizations determine that regulatory provisions cannot be timely met because it would be inconsistent with current governmental directives or guidelines related to COVID-19, the entity responsible for compliance with the Water Board order or requirement must notify the applicable Water Board immediately and should include information related to the following:

- the specific Water Board order, regulation, permit, or other requirement that cannot be timely met,
- the inconsistent COVID-19 directive or guideline,
- an explanation of why the responsible entity cannot timely meet the Water Board order or requirement, and
- any action that the entity will take in lieu of complying with the specific Water Board order or requirement.

As of April 21, 2020, the Santa Ana Water Board has received 37 requests for relief from regulatory requirements for public outreach efforts, field investigations, inspections, monitoring, and reporting. Out of these 37 requests, 12 requests were approved, 13 requests were denied or withdrawn (in most cases additional information to support the request was requested), and 12 requests are pending a response from the Santa Ana Water Board. These requests will continue to be evaluated as they are received.

## **2. Quail Valley Septic System Prohibition Revision – Status Update**

On April 7, 2020, the State Board approved the amendment to the Basin Plan to expand exemptions to the Onsite Wastewater Treatment System (septic system) prohibition of discharges from new septic systems in Quail Valley. There was no discussion of the item during the meeting, and the State Board voted unanimously to approve the Basin Plan amendment.

Santa Ana Water Board staff are currently preparing the administrative record. Once prepared, the administrative record will be sent to the Office of Administrative Law (OAL). OAL will have 30 days to review these documents. If OAL approves, the changes to the Quail Valley prohibition of septic systems become effective. We anticipate the changes to the prohibition of septic systems in Quail Valley will be effective early this summer.

Per the Santa Ana Water Board directives, Board staff have also initiated discussion with Eastern Municipal Water District to formulate plans for convening a Task Force to develop a strategy for obtaining funding for furthering sewerage projects. I expect that those plans will be worked out in the next month. I will keep the Board apprised of the progress in order to secure Board member participation on the Task Force.

## **3. K&G Ready Mix**

On February 8, 2019, the Santa Ana Water Board adopted Administrative Civil Liability (ACL) Order R8-2019-0010 for violations of the Storm Water Industrial General Permit which ultimately required K&G Ready Mix, Inc to submit the enforcement monetary payment of \$36,485 by March 8, 2019. After three separate unsuccessful attempts to collect the monetary penalty by the Advisory Team, the

K&G Ready Mix outstanding balance was referred to the State Water Board for collection.

At the February 8, 2019 enforcement hearing, the Santa Ana Water Board directed staff to conduct follow-up inspections of the facility. Therefore, concurrent with the monetary penalty collection effort, Santa Ana Water Board staff have conducted three inspections of the facility. On April 10, 2019 Board staff conducted an inspection and observed violations of the Storm Water Industrial General Permit to which a Notice of Violation (NOV) was issued on April 22, 2019. The discharger failed to fully address all of the April 22<sup>nd</sup> NOV-identified violations by the deadline which resulted in the Santa Ana Water Board staff conducting a follow-up inspection on May 28, 2019. This inspection again resulted in observed violations to which Board staff issued an enforcement email on June 4, 2019. K&G Ready Mix again failed to fully respond to the enforcement email and an NOV was issued on July 9, 2019. The discharger adequately responded to the outstanding violations addressed in the July 9<sup>th</sup> NOV. Board staff attempted to conduct a compliance inspection on October 28, 2019 but were denied access. Staff conducted the cursory inspection from the public right-of-way, noted several violations, and an NOV was issued on October 30, 2019. An incomplete response was received from K&G Ready Mix, which resulted in the issuance of a second NOV on November 26, 2019. The discharger ultimately responded to the outstanding violations by December 2, 2019 and operations appear to be in compliance with the Industrial General Permit.

To date, the February 9, 2019 ACL monetary penalty has not been paid