

# Enforcement Program and Priorities

Item 9. Discussion of Santa Ana Water Board's  
Enforcement Program and Enforcement Priorities for  
FY 22/23



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# Behind the Scenes of Enforcement

## Discovery of Violations

- Inspections and/or File Review
- Identify non-compliance
- Provide notification that there is a violation
  - Verbal
  - Email
  - Notice of Violation
  - Compliance Assistance
  - Follow-up - Follow Through

# Behind the Scenes of Enforcement

## Progressive Enforcement

- Serious Violations
- Failure to come into compliance
- Tools for Formal Enforcement
  - Time Schedule Orders (TSOs)
  - Cease and Desist Orders (CDOs)
  - Cleanup and Abatement Orders (CAOs)
  - Last Resort
    - Administrative Civil Liability Orders (ACLs)

# Why do we Enforce?

- To gain Compliance
- To create a deterrence
- To ensure a level playing field

# Enforcement Policy

- Establishes a Fair, Firm, Consistent, and Transparent Process
- Eliminates the economic advantage of non-compliance
- Eliminated any unfair competitive advantage
- Evidence based and/or Policy based findings that provides transparency
- Bares a reasonable relationship to the gravity of the violation
- Provides a deterrence to both the specific Discharger and the Regulated Community

# Enforcement Priorities

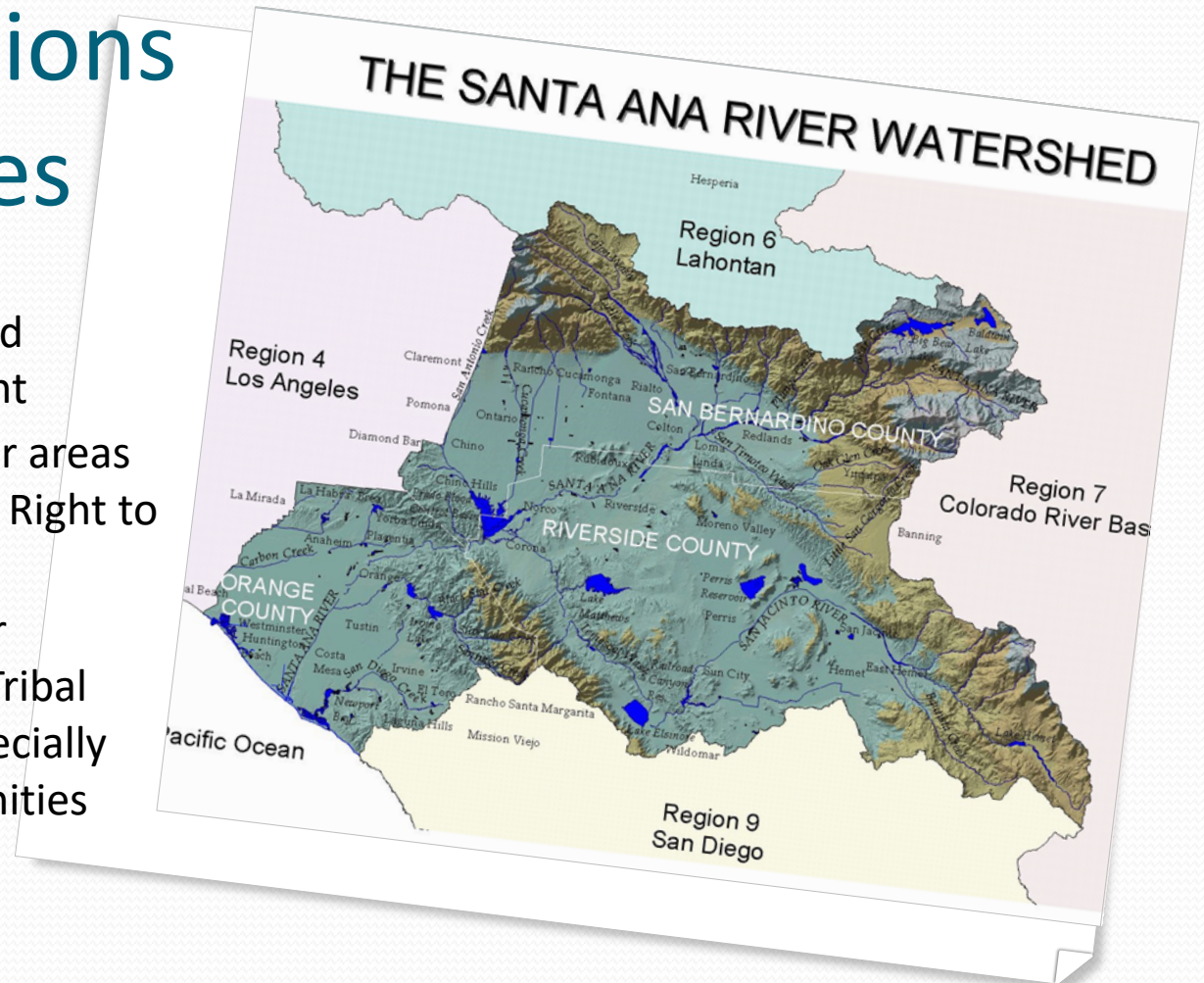
- Each year, the Santa Ana Water Board staff revisits the enforcement priorities for the coming fiscal year
- These priorities are set to support the mission

## *Water Board's Mission*

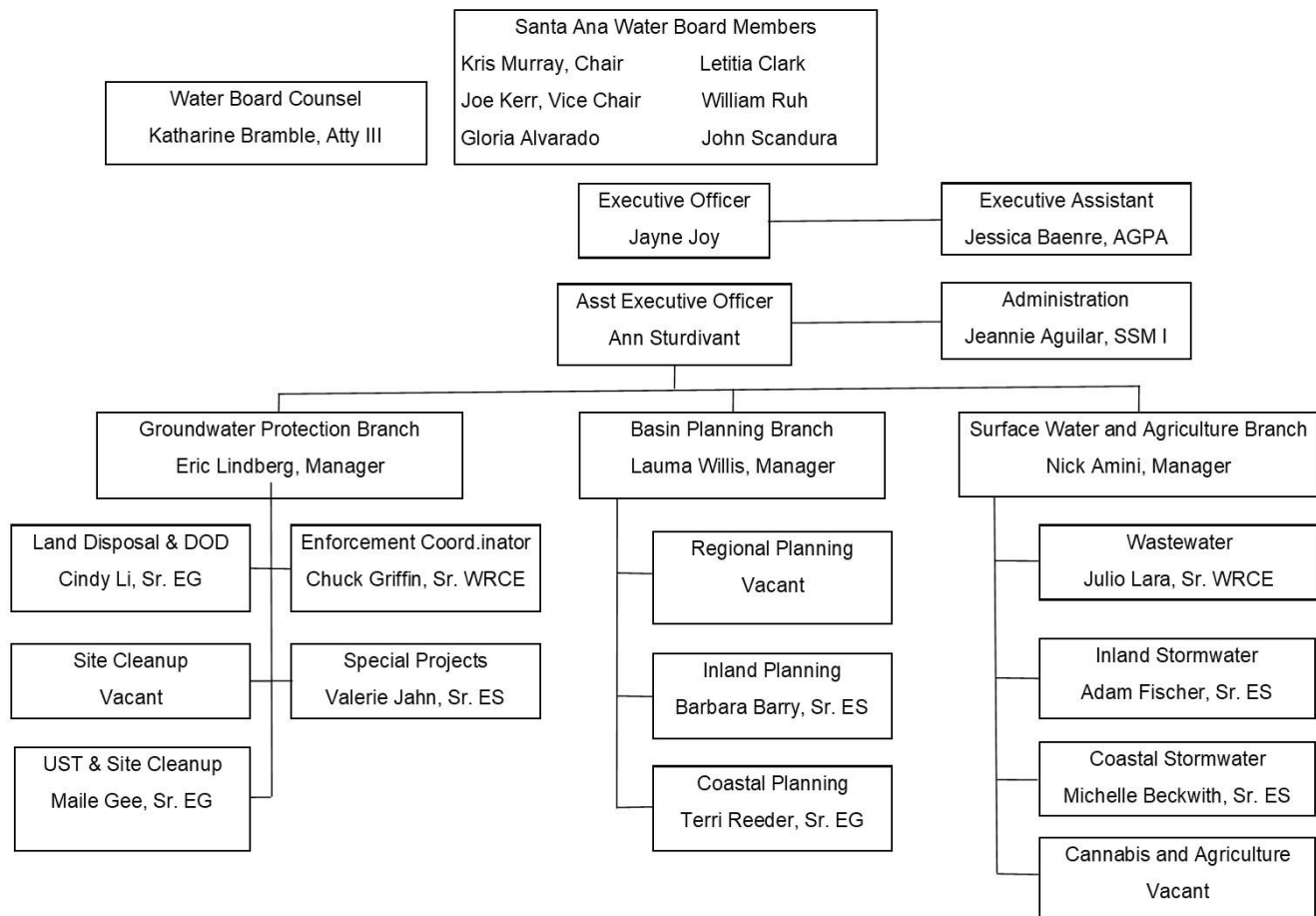
To preserve, enhance, and restore the quality of water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.

# Considerations for Priorities

- Fair, Firm, Consistent and Transparent Enforcement
- Higher consideration for areas identified in the Human Right to Water work
- Higher consideration for Environmental Justice, Tribal Considerations and especially Disadvantaged Communities



# SANTA ANA WATER BOARD ORGANIZATION CHART





# Groundwater Protection Branch

## Enforcement Priorities

- Ensure the timely implementation of cleanup of contaminated sites, including industrial spill sites, underground storage tanks, and Department of Defense facilities, prioritized by risk to human health and the environment, threat to beneficial uses, and Environmental Justice,
- Ensure compliance with waste discharge requirements (WDRs) for municipal solid waste facilities, surface impoundments, and in-situ remediation to minimize impacts to groundwater quality and drinking water supply, and
- Prioritize projects where Dischargers have demonstrated a pattern of failing to meet requirements specified in WDRs, voluntary cleanup agreements, Investigative Orders or Cleanup and Abatement Orders.

# Surface Water & Agriculture Branch

## Enforcement Priorities

- Focus on compliance with stormwater discharge permits for industrial facilities that incurred Total Maximum Daily Load Numeric Effluent Limitation exceedances,
- Pay particular attention to the efforts by the MS4 Authorities toward meeting water quality objectives for receiving waters through implementation of monitoring programs, as presented in their annual reports,
- Focus on illegal Cannabis Cultivation sites, those unpermitted sites that have potential to impact streams, listed impaired water bodies, and wild and scenic waters. In addition, consideration will be made for the size and density of cultivation sites, potential to threaten drinking water supplies, and those sites near disadvantaged communities, over-drafted groundwater basins, and other conserved lands.

# Surface Water & Agriculture Branch

## Enforcement Priorities (continued)

- Focus on compliance with effluent limitations in discharge permits for the wastewater program; and to encourage dischargers to connect to local sanitary sewer systems,
- Concentrate on working with the agricultural permittees to submit their notices, compliance reports, and enroll in the program, and
- Focus on the permittees in the dairy program that have failed to submit annual reports.

# Planning and Implementation

## Programs Branch

### Enforcement Priorities

- Concentrate on facilities that fail to submit annual reports, provide notification for beginning remediation work, or who fail to provide notification of termination of remediation projects.

# Questions / Comments