

2010



ANNUAL ENFORCEMENT REPORT

Published June 2011

STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

STATE OF CALIFORNIA

Governor Edmund G. Brown Jr.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Linda Adams, Secretary, Cal EPA

STATE WATER BOARD

Charlie Hoppin, Chair

Frances Spivy-Weber, Vice-Chair

Tam M. Doduc, Board Member

Tom Howard, Executive Director

Office of Research, Planning & Performance

Eric Oppenheimer, Director

Rafael Maestu

Office of Enforcement

Reed Sato, Director

Cover designed by Sharon Norton

With special acknowledgement to the many State and Regional Water Board staff who contributed the information and examples in this report.

Acronyms

ACL	Administrative Civil Liability
CAA	State Water Pollution Cleanup and Abatement Account
Cal EPA	California Environmental Protection Agency
CAFO	Concentrated Animal Feeding Operations
CAF	Confined Animal Facilities
CAO	Cleanup and Abatement Order
CDO	Cease and Desist Order
CIWQS	California Integrated Water Quality System
CSD	Community Services District
CTR	California Toxics Rule
CWA	Clean Water Act
DA	District Attorney
EO	Executive Officer
EPL	Expedited Payment Letter
ICC	International Code Council
LID	Low Impact Development
MMP	Mandatory Minimum Penalties
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
NPS	Non-Point Source
NOV	Notice of Violation
O&M	Operations & Maintenance
OE or Office	Office of Enforcement
PCS	Permit Compliance System
PY	Personnel Year
POTW	Publicly Owned Treatment Works
PUD	Public Utilities District
QA/QC	Quality Assurance/Quality Control
RCRA	Federal Resource, Conservation, and Recovery Act
SEP	Supplemental Environmental Project
SIC	Standard Industrial Classification

SIU..... Special Investigations Unit
SMARTSStorm Water Multiple Application and Reporting Tracking System
SMCRA..... Surface Mining Control and Reclamation Act
SMR Self-Monitoring Report
SSMP..... Sewer System Management Plan
SSO Sanitary Sewer Overflow
TSO Time Schedule Order
US EPA.....U.S. Environmental Protection Agency
UST Underground Storage Tanks
Water Boards.....State and Regional Water Boards
WDRWaste Discharge Requirements
WOBEL Water Quality-Based Limitation
WWTPWastewater Treatment Plant

TABLE OF CONTENTS

<i>Executive Summary</i> _____	1
<i>1. Introduction and Purpose of This Report</i> _____	4
<i>2. State Water Board Enforcement</i> _____	9
Special Investigations Unit (SIU) _____	9
Underground Storage Tank (UST) Enforcement Unit _____	10
State Water Board Water Rights Enforcement Program _____	12
<i>3. Compliance and Enforcement Resources at the Water Boards (Inputs)</i>	18
<i>4. Compliance and Enforcement Outputs by the Regional Water Boards</i>	22
NPDES Wastewater Program Outputs _____	25
NPDES Stormwater Program Outputs _____	36
401 Certification Program Outputs _____	45
Waste Discharge Requirements (WDR) Program Outputs _____	49
Land Disposal Program Outputs _____	65
Assessment of Administrative Civil Liability _____	74
<i>5. Compliance and Enforcement Outcomes</i> _____	78
NPDES WASTEWATER PROGRAM _____	79
STORMWATER PROGRAM _____	84
WDR PROGRAM _____	87
LAND DISPOSAL PROGRAM _____	95
401 CERTIFICATION/WETLANDS PROGRAM _____	99
<i>6. Update on Recommendations for Improvements in Water Boards' Enforcement Programs</i> _____	100
<i>7. Annual Enforcement Priorities for 2011</i> _____	108
<i>8. Initiatives for 2011</i> _____	116
 <i>Appendix 1: Description of Enforcement Authorities</i> _____	 122
<i>Appendix 2: Examples of Water Board Enforcement Actions</i> _____	127
Region 1: North Coast Regional Water Quality Control Board _____	127
Region 2: San Francisco Bay Regional Water Quality Control Board _____	128
Region 3: Central Coast Regional Water Quality Control Board _____	129

Region 4: Los Angeles Regional Water Quality Control Board	130
Region 5: Central Valley Regional Water Quality Control Board	131
Region 6: Lahontan Regional Water Quality Control Board	132
Region 7: Colorado River Basin Regional Water Quality Control Board	134
Region 8: Santa Ana Regional Water Quality Control Board	135
Region 9: San Diego Regional Water Quality Control Board	137
<i>Appendix 3: Clean Water Act Citizen Suits Provisions</i>	141
<i>Appendix 4: Links To Required Enforcement Reports</i>	142

TABLES

Table 1: 2010 Water Quality Enforcement Highlights	1
Table 2: 2010 Summary of Office of Enforcement Actions	11
Table 3: Water Rights Enforcement Actions for Calendar Year 2010	16
Table 4: Water Rights Enforcement Summary Statistics for 2010	17
Table 5: FY 2009-2010 Estimates of Regional Water Boards' Compliance Determination Personnel by Program	19
Table 6: FY 2009-2010 Estimates of Regional Water Boards' Enforcement Personnel by Program	20
Table 7: NPDES Wastewater, Major Facilities, Self Monitoring Reports in 2010	25
Table 8: NPDES Wastewater, Minor Individually Regulated Facilities, Self Monitoring Reports in 2010	26
Table 9: NPDES Wastewater, Minor Facilities Enrolled Under a General Permit, Self Monitoring Reports in 2010	26
Table 10: NPDES Wastewater, Major Facilities, Inspections in 2010	28
Table 11: NPDES Wastewater, Minor Individually Regulated Facilities, Inspections in 2010	28
Table 12: NPDES Wastewater, Minor Facilities Enrolled Under a General Permit, Inspections in 2010	29
Table 13: MAJOR NPDES Dischargers: Compliance and Enforcement Outputs in 2010	30
Table 14: MINOR Individual NPDES Dischargers: Compliance and Enforcement Outputs in 2010	30
Table 15: MINOR General NPDES Dischargers: Compliance and Enforcement Outputs in 2010	31
Table 16: NPDES Wastewater MAJOR Facilities, Enforcement Actions for Year 2010	32
Table 17: NPDES Wastewater MINOR Individual Facilities, Enforcement Actions for Year 2010	33
Table 18: NPDES Wastewater MINOR General Facilities, Enforcement Actions for Year 2010	33
Table 19: Stormwater Industrial: Annual Monitoring Reports for Reporting Period 2009-2010	36

Table 20: NPDES Stormwater Industrial Inspections in 2010..... 37

Table 21: NPDES Stormwater Construction Inspections in 2010..... 38

Table 22: Stormwater Industrial Enforcement Response in 2010..... 39

Table 23: Stormwater Construction Enforcement Response in 2010..... 40

Table 24: STORMWATER Industrial Enforcement Actions for Year 2010..... 41

Table 25: STORMWATER Construction Enforcement Actions for Year 2010..... 41

Table 26: STORMWATER Municipal Enforcement Actions in 2010..... 42

Table 27: Municipal Stormwater MS4 Compliance and Enforcement Outputs in 2010
..... 43

Table 28: 401 Certification Facilities, Inspections 2010..... 45

Table 29: 401 Certification Compliance and Enforcement Outputs 2010..... 46

Table 30: 401 CERTIFICATION PROGRAM Enforcement Actions in 2010..... 48

Table 31: WDR Large Municipal Waste Facilities, Self Monitoring Reports in 2010..... 49

Table 32: WDR Small Municipal Waste Facilities, Self Monitoring Reports in 2010..... 50

Table 33: WDR Industrial Facilities, Self Monitoring Reports in 2010..... 50

Table 34: WDR All Other Facilities*, Self Monitoring Reports in 2010..... 51

Table 35: WDR Large Municipal Waste Facilities. Inspections in 2010..... 52

Table 36: WDR Small Municipal Waste Facilities. Inspections in 2010..... 53

Table 37: WDR Industrial Waste Inspections in 2010..... 53

Table 38: WDR Collection Systems/SSO Inspections in 2010..... 54

Table 39: WDR Timber Harvest/Forestry Inspections in 2010..... 54

Table 40: WDR Dairies/CAF Inspections in 2010..... 55

Table 41: WDR All Other Facilities Inspections in 2010..... 55

Table 42: WDR Large Municipal Waste Compliance and Enforcement Outputs in
2010..... 56

Table 43: WDR Small Municipal Waste Compliance and Enforcement Outputs in
2010..... 57

Table 44: WDR Industrial Waste Compliance and Enforcement Outputs in 2010..... 57

Table 45: WDR Collection Systems Compliance and Enforcement Outputs in 2010..... 58

Table 46: WDR Dairies/CAF Compliance and Enforcement Outputs in 2010..... 58

Table 47: WDR Timber Harvest Compliance and Enforcement Outputs in 2010..... 59

Table 48: WDR All Other Facilities Compliance and Enforcement Outputs in 2010..... 59

Table 49: WDR Large Municipal Waste, Enforcement Actions for Year 2010..... 61

Table 50: WDR Small Municipal Waste, Enforcement Actions for Year 2010..... 61

Table 51: WDR Industrial Waste, Enforcement Actions for Year 2010..... 62

Table 52: WDR SSO, Enforcement Actions for Year 2010..... 62

Table 53: WDR Dairies and CAF, Enforcement Actions for Year 2010..... 62

Table 54: WDR Timber Harvest/Forestry, Enforcement Actions for Year 2010..... 63

Table 55: WDR All Other Facilities, Enforcement Actions for Year 2010..... 63

Table 56: Land Disposal Open Landfills, Self Monitoring Reports in 2010..... 65

Table 57: Land Disposal Closed Landfills, Self Monitoring Reports in 2010..... 66

Table 58: Land Disposal All Other Facilities, Self Monitoring Reports in 2010..... 66

Table 59: Land Disposal Open Landfills Inspections in 2010..... 68

Table 60: Land Disposal Closed Landfills Inspections in 2010..... 68

Table 61: Land Disposal All Other Facilities Inspections in 2010..... 69

Table 62: Land Disposal, Open Landfills Compliance and Enforcement Outputs in
2010..... 70

Table 63: Land Disposal, Closed Landfills, Compliance and Enforcement Outputs in 2010.....	70
Table 64: Land Diposal All Other Facilities, Compliance and Enforcement Outputs in 2010.....	71
Table 65: Land Disposal Enforcement Actions for Year 2010.....	72
Table 66: Penalties Assessed in 2010*	74
Table 67: Cases Referred	76
Table 68: Compliance Rates, NPDES Wastewater Major 2010.....	79
Table 69: Compliance Rates, NPDES Wastewater Minor Individual in 2010.....	80
Table 70: Compliance Rates, NPDES Wastewater Minor General in 2010	81
Table 71: Enforcement Response to 2010 NPDES Priority Violations	82
Table 72: Enforcement Response to 2010 NPDES All Other Violations	83
Table 73: Compliance Rates, NPDES Stormwater Industrial in 2010	84
Table 74: Compliance Rates, NPDES Stormwater Construction in 2010	85
Table 75: Enforcement Response to 2010 STORMWATER All Violations.....	86
Table 76: Compliance Rates, WDR Large Facilities Municipal Waste in 2010	87
Table 77: Compliance Rates, WDR Small Facilities Municipal Waste in 2010	88
Table 78: Compliance Rates, WDR Industrial Waste in 2010.....	89
Table 79: Compliance Rates, WDR SSO in 2010.....	90
Table 80: Compliance Rates, WDR Dairies and CAF in 2010.....	91
Table 81: Compliance Rates, WDR All Other Facilities in 2010	92
Table 82: Enforcement Response to 2010 WDR Priority Violations	93
Table 83: Enforcement Response to 2010 WDR All Other Violations	94
Table 84: Compliance Rates, Land Disposal Open-Active Landfills in 2010	95
Table 85: Compliance Rates, Land Disposal Closed Landfills in 2010.....	96
Table 86: Compliance Rates, All Other Facilities Land Disposal in 2010.....	97
Table 87: Enforcement Response to 2010 LAND DISPOSAL Violations	98
Table 88: Compliance Rates, 401 Certifications and Wetlands in 2010	99
Table 89: Types and Classification of Enforcement Actions	126

FIGURES

Figure 1: Core Reg. Programs Expenditures FY 2009-2010.....	21
Figure 2: Core Regulatory Programs Budget by Region FY 2009-2010.....	21
Figure 3: NPDES Inspection Trends 2000-2010	27
Figure 4: NPDES Enforcement Response	29
Figure 5: NPDES Wastewater Violations Trends 2000-2010.....	32
Figure 6: NPDES Wastewater Enforcement Actions Trends.....	34
Figure 7: NPDES Wastewater , Enforcement Response Trends 2000-2010	35
Figure 8: Stormwater Inspections Trends	37
Figure 9: Stormwater Enforcement Response	39
Figure 10: NPDES Stormwater Violations Trends 2000-2010.....	40
Figure 11: NPDES Stormwater (Construction and Industrial only) Enforcement Actions Trends	42
Figure 12: 401 Certification, Inspections 2000-2010	47
Figure 13: 401 Certification, Violations 2000-2010	47
Figure 14: 401 Certification, Enforcement Actions Trends.....	48

Figure 15: WDR Program, Inspections 2000-2010 51

Figure 16: WDR Facilities, Enforcement Response 56

Figure 17: WDR Program, Violations Trends..... 60

Figure 18: WDR Program, Enforcement Actions 2000-2010..... 64

Figure 19: WDR Program, Enforcement Response 2000-2010..... 64

Figure 20: Land Disposal Program, Inspections Trends 2000-2010..... 67

Figure 21: Land Disposal, Violations Trends..... 69

Figure 22: Land Disposal Enforcement Response 71

Figure 23: Land Disposal, Enforcement Actions Trends 72

Figure 24: Land Disposal Program, Enforcement Response 2000-2010..... 73

Figure 25: Penalties Assessed and Completed and Number of Actions Completed
Trends 75

Figure 26: Penalties Assessed and Pending Resolution and Number of Actions
Pending Resolution 76

Executive Summary

This fourth annual enforcement report follows the [Baseline Enforcement Report](#) dated April 30, 2008, the [Fiscal Year 2007-2008 Enforcement Report](#) dated April, 2009 and the [Calendar Year 2009 Enforcement Report dated May 2010](#). This report describes the enforcement functions that support the Water Boards' five core regulatory programs and uses many of the performance measures described in the Baseline Enforcement Report. This report also includes a description of the enforcement activities of the Division of Water Rights.

This report, covering calendar year 2010, highlights the resources available for core regulatory program enforcement and the enforcement actions achieved with those resources. It illustrates some of the challenges faced by the Water Boards in bringing enforcement actions and provides an update on the status of the recommendations included in previous reports.

Table 1: 2010 Water Quality Enforcement Highlights¹

	2010	2009	FY 2007- 2008	FY 2006- 2007
Number of regulated facilities ² :	28,466	39,704	39,692	41,156
Inspections conducted:	6,255	6,129	3,763	3,839
Violations documented:	13,992	12,378	15,177	9,801
Facilities with one or more violations:	2,742	2,733	2,970	2,527
Informal enforcement actions taken:	4,066	3,001	2,706	1,915
Formal enforcement actions taken:	364	303	283	180
Administrative Civil Liability actions:	226	174	106	107
Penalties assessed ³ :	\$13 million	\$20 million	\$19 million	\$12 million
Violations receiving enforcement:	8,300	6,668	8,643	5,485

The majority of the information in the tables and figures is generated from the Water Boards' [California Integrated Water Quality System](#) (CIWQS), which is a database containing information on the Water Boards' water quality programs. As with the Baseline Enforcement Report, some key data elements are either missing or incomplete for many of the core regulatory programs.

¹ This table only includes Water Quality related information. Water Rights Enforcement information can be found on pages 13-18.

² The number of regulated facilities in 2010 is lower because of the reduction in stormwater construction regulated facilities mainly due to the reduction in construction activity.

³ Does not include penalties assessed under the Health & Safety Code for underground storage tank leak prevention violations.

Variation in data entry is apparent from region-to-region and a lack of data should not be interpreted as inactivity by some Regional Water Boards. The Office of Information Management and Analysis (OIMA), responsible for maintaining and updating the CIWQS database, has conducted several efforts to improve the quality and quantity of data. These efforts include the development of reports and the facilitation of data entry using customized "wizards". Other efforts include data completeness and data quality analysis.

An outcome of the broader Water Board initiative to make CIWQS functional to meet internal and external data management needs is to provide useful data on compliance and enforcement activities to monitor, manage and improve its enforcement activities.

Measure Name	Measure Description
Self-Monitoring Report Evaluation*	Number of self-monitoring reports due, received and reviewed and percentage of reports reviewed
Inspection Monitoring*	Number of inspections and percentage of facilities inspected
Compliance Rates*	The percentage of facilities in compliance based on the number of facilities evaluated
Enforcement Response*	Percentage of facilities in violation receiving an enforcement action requiring compliance
Enforcement Activities*	Number and type of enforcement actions
Penalties Assessed and Collected*	Amount of penalties assessed and collected, SEPs approved and injunctive relief
MMP Violations Addressed*	Number of facilities with MMP violations receiving a penalty at or above the minimum penalty assessed
Recidivism	Number and percentage of facilities returning to non-compliance for the same violation(s) addressed through an enforcement action
Environmental Benefits (as a result of an enforcement action)	Estimated pounds of pollutants reduced/removed through cleanup (soil or water), and wetlands/stream/beach/creek/river miles protected/restored (acres, etc.)

CIWQS currently supports reporting on seven* of the nine performance measures described in the *Baseline Enforcement Report* and in this report.

Implementation of measures related to recidivism and environmental benefits is currently being evaluated, but will likely require modifications to both existing business processes and CIWQS.

Data for the Stormwater program (Construction and Industrial facilities) is now generated from a separate database named [SMARTS](#) (Stormwater Multi-Application, Reporting, and Tracking System).

Data for the Water Rights Enforcement Program is partially generated from the enhanced [Electronic Water Rights Information Management System](#) (eWRIMS) that contains information on water rights permits and licenses issued by the State Water Board.

The measures included in this report, along with measures of performance for our regulatory, financial assistance and basin planning programs, will be featured in the third annual *Water Boards' [Performance Report Card](#)*, which is scheduled for release in September 2011.

Introduction

1. Introduction and Purpose of This Report

This Annual Enforcement Report provides a comprehensive summary of enforcement activities and performance measures for the Water Boards' core regulatory programs. This report continues the Water Boards' reporting efforts and builds on the information provided in prior reports.

Enforcement Activities are carried out by Regional Water Boards and State Water Board program enforcement staff. The principal goal of enforcement is to encourage compliance.

The Water Boards' core regulatory efforts are intended to promote compliance through a set of integrated actions that include:

- Ensuring permits are enforceable
- Conducting inspections
- Reviewing discharger self monitoring reports
- Investigating complaints
- Addressing non-compliance with enforcement

The enforcement component of the core regulatory programs concentrates on:

- Documenting and tracking violations
- Initiating formal and informal enforcement actions
- Coordinating with law enforcement agencies
- Monitoring and reporting on the effectiveness of State and Regional Water Boards' actions.

Enforcement strategies available to the Water Boards range from informal to the formal. An informal enforcement action can be as simple as a phone call or email while formal actions may include Investigatory Orders, Cleanup and Abatement Orders, Cease and Desist Orders, and orders imposing Administrative Civil Liability among others. For the more formal actions, a hearing before a Regional Water Board will generally be necessary. The Water Quality [Enforcement Policy](#) dated February 19, 2002 and [updated](#) in November 17, 2009 establishes the framework for taking enforcement actions that are appropriate in relation to the nature and severity of the violations. Consistent use of formal enforcement actions to address the most serious violations is a fundamental goal of the Water Boards. In addition to the Water Boards' enforcement strategies under federal and state law, citizens may also

file suit against a discharger for alleged violations under the federal Clean Water Act, after notice has been given to the Regional Water Board of the intent to sue. A description of the Clean Water Act Citizen suit provisions is provided in Appendix 3.

This report has five purposes:

- Identify the resources available for core regulatory enforcement and the enforcement actions achieved with those resources.
- Summarize enforcement initiative accomplishments.
- Implement metrics to measure the effectiveness of the Water Boards' enforcement functions.
- Recommend improvements to the Water Boards' enforcement capabilities.
- Provide descriptive statistics on compliance and enforcement activities.

The core regulatory programs which are discussed in this report are:

- **National Pollutant Discharge Elimination System (NPDES) Wastewater Program**
Regulates the discharge of wastewater from point sources to surface waters (rivers, lakes, oceans, wetlands, etc), sewage spills and discharges of treated groundwater to surface water.
- **NPDES Stormwater Program**
Regulates pollution discharged from stormwater runoff. Pollution from construction and industrial sites is regulated under the stormwater construction and industrial program. Pollution from urban surface street stormwater runoff is regulated under the municipal stormwater program. Pollution from highways and roads is regulated under the statewide stormwater general permit for the California Department of Transportation (CALTRANS).
- **Wetlands and 401 Certification Program**
Regulates the dredging and disposal of sediments, filling of wetlands or waters, and any other modification of a water body.

- **Waste Discharge Requirements Program**
Regulates the discharge of wastewater from point sources to land and groundwater, waste generated from confined animal facilities (e.g., dairies, feedlots, stables, poultry farms) and all other pollution sources that can affect water quality not covered by other programs.
- **Land Disposal**
Regulates discharges of waste to land that need containment in order to protect water quality, including landfills, waste ponds, waste piles, and land treatment units.
- **Water Rights Enforcement**
The Division of Water Rights allocates Water Rights through a system of permits, licenses and registrations that grant individuals and others the right to beneficially use reasonable amounts of water.

Water quality can be affected by many sources. These sources can be categorized as point sources or nonpoint sources. Point source discharges are “end-of-pipe” waste discharges from man-made conveyance systems (e.g., publicly owned treatment works, landfills) while nonpoint source discharges result from more diffuse sources such as agricultural or silviculture activities.

The Water Boards have broad authority to address virtually any discharge of waste that affects water quality. The tools that the Water Boards have to regulate discharges include the adoption of water quality control plans, issuance of Waste Discharge Requirements (permits) and NPDES permits. The Water Boards can also issue enforcement orders including cease and desist orders for an ongoing discharge, and cleanup and abatement orders to remediate the effects of a discharge. A listing of the tools available to the Water Boards to regulate discharges are included in Appendix 1 and provides a high level comparison of the key features of each tool.

Many of the Water Boards’ regulatory tools, such as Waste Discharge Requirements, require dischargers to submit Self Monitoring Reports (SMRs) at varying frequencies to ensure that they are properly operating the facility and are in compliance with permit conditions.

While this *Annual Enforcement Report* focuses on the five core regulatory programs, it is important to note that the Water Boards also have the authority to waive the requirement that a person file a report of waste discharge and/or

be issued waste discharge requirements prior to initiating a discharge to surface waters not subject to federal NPDES regulations. The Water Boards use waivers to regulate types of discharges that are generally unregulated by all other states. Waivers may contain specific provisions such as requirements for monitoring, reporting, and corrective action if water quality becomes impaired. Discharges that comply with the conditions of a waiver are expected to pose a low threat to the quality of waters of the state. Dischargers that cannot comply with the waiver conditions must file a report of waste discharge. Regional Water Boards have used and enforced the waiver process differently for various types activities. Finally, in addition to the core regulatory programs and discharges regulated through waivers, the Water Boards also take enforcement actions related to other nonpoint sources of surface water and groundwater pollution, the regulation and remediation of underground storage tanks, the restoration of brownfields, and water rights.

The key enforcement reporting requirements that this report addresses include:

- Rates of compliance (*California Water Code Section 13225, subdivision (e)*) - requires each Regional Water Board to report [rates of compliance](#) for regulated facilities. In accordance with the "Implementation Plan Regarding Information Reporting Requirements for Regional Board Enforcement Outputs" (January, 2008) compliance rates will be reported in the *Annual Enforcement Report*)

Requirements not addressed in this report but covered elsewhere include:

- *California Water Code Section 13225, subdivision (k)* - requires each Regional Water Board, in consultation with the State Water Board, to identify and post on the Internet a summary list of all enforcement actions undertaken in that region and the disposition of each action, including any civil penalty assessed. *This list must be updated at least quarterly. See Appendix 6 for a links to this information for each Regional Water Board.*
- *California Water Code Section 13225, subdivision (k) and Section 13225, subdivision (e)* - In accordance with the "Implementation Plan Regarding Information Reporting Requirements for Regional Board Enforcement Outputs" (January, 2008) each Regional Water Board must post the information required by these sections on its website as a single table and update it quarterly. *See Appendix 6 for a links to this information for each Regional Water Board.*
- *California Water Code Section 13323, subdivision (e)* requires information related to hearing waivers and the imposition of [administrative civil](#)

[liability](#), as proposed, to be imposed and as finally imposed, to be posted on the Internet. *See Appendix 4 for links to this information for each Regional Water Board.*

- *California Water Code Section 13385, subdivision (o)* – requires the State Water Board to continuously [report](#) and update information on its website⁴, but at a minimum, annually on or before January 1, about its enforcement activities. The quarterly updated section 13385(o) report is available at:
http://www.waterboards.ca.gov/water_issues/programs/enforcement/ .

In Addition, the California Environmental Protection Agency (Cal/EPA) produces the [Consolidated Environmental Law Enforcement Report](#) reflecting annual activities. This effort meets Cal/EPA's statutory obligation under Government Code section 12812.2 to report on the status of the Cal/EPA enforcement program to ensure consistent, effective and coordinated environmental enforcement in the State of California.

⁴ <http://www.waterboards.ca.gov/>

Section 2

2. State Water Board Enforcement

The [Office of Enforcement \(OE\)](#) was formed in mid-2006 to emphasize the importance of enforcement as a key component of the Water Boards' core regulatory functions and statutory responsibilities. The role of the OE is to ensure that violations of State and Regional Water Board orders and permits result in firm, fair, and consistent enforcement through direct actions, the development of policies and guidance, and identification of metrics for decision-making on enforcement related issues.

OE reports to the State Water Board's executive director. It is comprised of legal and investigative staff. The investigative staff is divided into two units, the Special Investigations Unit (SIU) with 8 staff, and the Underground Storage Tanks (UST) Enforcement Unit with 7 staff. Consolidation of Water Board enforcement attorneys into the office began at the end of FY 2006/2007, with three attorneys. Currently the office is staffed with 9 attorneys.

Among OE's functions is the authority to initiate enforcement actions independently of those actions taken by the regional water boards. These actions arise out of the investigative activities of two of its units, the Special Investigations Unit and Underground Storage Tank (UST) Enforcement Unit.

Special Investigations Unit (SIU)

SIU staff conducts investigations and assists with Regional Water Board investigations when additional resources and/or expertise are needed.

Operator Certification Program: The State Water Board enforces the laws and regulations governing waste water treatment plant (WWTP) operators. The Office of Operator Certification, within the Division of Financial Assistance, administers the WWTP operator certification program. The Special Investigations Unit (SIU) investigates potential cases of wrongdoing and takes enforcement action when warranted. In calendar year 2010, SIU investigated approximately 30 operator certification cases. Of those, 6 were new cases.

Sanitary Sewer Overflows: In 2006, the State Water Board adopted order 2006-0003-DWQ, regulating the operation and maintenance of sanitary sewer collection systems in an effort to decrease spills, known as sanitary sewer overflows (SSOs). Prior to 2010, the State Water Board's efforts focused on compliance assistance. In 2010, the State Water Board began

inspecting sewer agencies and investigating spills, often in conjunction with US EPA and/or the Regional Boards. In 2010, the State Water Board conducted 12 sewer collection system inspections. The Water Boards have begun formal and informal enforcement efforts where appropriate.

Assistance: SIU is asked by the Regional Boards to provide technical and investigative assistance on some of their cases. During this time period, SIU assisted the Regional Boards with 7 cases. As a result of these investigations, the Regional Boards have taken enforcement actions, including issuance of ACLs totaling over \$2.5 million. SIU continues to assist the Regional Boards on pending cases, including ongoing assistance for many cases associated with the MMP initiative.

Other Activities: SIU assisted with the development and delivery of SSO training for regional water board staff and sanitary sewer agencies, and assisted in training for small communities. SIU assisted in USEPA in the inspection and enforcement against California Department of Transportation sites in Northern California, and accompanied USEPA in pretreatment inspections. SIU is responsible for routine coordination with the regional water boards on enforcement matters.

Underground Storage Tank (UST) Enforcement Unit

The UST Enforcement Unit conducts investigations about UST leak prevention, Cleanup Fund fraud, Tank Tester licensing, and cleanup remediation.

Underground Storage Tank Enforcement: The UST Enforcement Unit supports enforcement of the UST Leak Prevention and Cleanup Programs and the Cleanup Fund Program, primarily by investigating violations of UST construction, monitoring, and cleanup requirements, and by reviewing allegations of fraud against the UST Cleanup Fund. OE refers UST leak prevention and Cleanup Fund fraud matters to the Attorney General's Office or local prosecutors for action, because by statute, there is no administrative enforcement available.

- UST Leak Prevention – 9 matters (243 facilities)
 - Ongoing civil cases referred to AGO or DA – 3
 - The Attorney General's Office obtained a \$6.2 million judgment on a case referred by the State Water Board against the [City of Long Beach](#) in January 2010, of which \$1.7 million was paid to the State Water Board for penalties and costs.
 - The Attorney General's Office obtained a \$1.1 million judgment on a case referred by the State Water Board

against [Big Oil & Tire Company](#) in March 2010, of which \$233,050 will be paid to the State Water Board for penalties and costs.

- UST Cleanup Fund and Loans and Grants – 4 matters (100 Cleanup Fund claims)
 - The Attorney General’s Office obtained a \$1.2 million judgment on a case referred by the State Water Board against [E2C Remediation](#), Inc. in February 2010, of which \$836,109 is being returned to the Cleanup Fund in the form of offsets.

UST Tank Tester Licensing Program (TTL): The State Water Board can take administrative enforcement action against licensed tank testers. There are approximately 150 licensed tank testers in California. These individuals test UST systems to verify that the systems are not leaking and are in compliance. Between January 1 and December 31, 2010, the UST Enforcement Unit addressed 3 matters (24 facilities).

- The Attorney General’s Office obtained a \$40,000 judgment on a case referred by the State Water Board against [Franzen-Hill Corporation](#) in May 2010, of which \$21,400 was paid to the State Water Board for penalties.
- The District Attorney obtained a plea to a misdemeanor on a criminal case referred by the State Water Board against Bruce Hoagland DBA Techland Testing in July 2010.

Table 2: 2010 Summary of Office of Enforcement Actions

Program	Administrative Civil Liability Actions/ Settlements	Referral to Other Agency	Disciplinary Action	Penalty amount
Cleanup Remediation	1			\$35,000
UST Leak Prevention	2	3		\$7,300,000
UST Cleanup Fund and Loans and Grants	1			\$836,109
UST Tank Tester Licensing	2			\$21,400
Operator Certification	1		1	\$1,250,000
Regional Board Assistance*	2			\$2,568,900
TOTAL	9	3	1	\$12,011,409

*Note: The actions were issued by a Regional Water Board.

State Water Board Water Rights Enforcement Program

The State Water Board is the state agency with primary responsibility for the administration and regulation of water rights in California. The [Division of Water Rights](#) allocates water rights through a system of permits, licenses and registrations that grant individuals and others the right to beneficially use reasonable amounts of water. Water rights permits help to protect the environment and other water users from impacts that occur as a result of water diversions by including specific conditions restricting diversions. According to the State Water Board's water rights database system, there are 34,504 water right records throughout California. In addition, more water rights have been adjudicated by the courts, exempted by legislation, or are otherwise being exercised and not reported to the State Water Board.

The following table shows the number and type of water rights and applications on file with the State Water Board:

Applications*:	413
Permits*:	1,492
Licenses*:	10,886
Small Domestic and Livestock Stockpond Registrations*:	756
Stockpond Certificates*:	5,305
Groundwater Extraction Claims:	3,360
Statements of Water Diversion and Use:	10,250
Federal Fillings:	1,974
Other Water Rights:	68
Total Water Rights:	34,504

* Of these, the State Water Board has permitting authority over the applications, permits, licenses, registrations and certifications.

Water Rights Enforcement Program Organization and Resources

The [Division's Enforcement Program](#) is responsible for statewide water right compliance and enforcement and to implement the State Water Board's [Water Rights Policy](#).

The program underwent significant changes in 2010 as a result of the Legislature passing Senate Bill 8 (SBX7-8), which authorized the State Water Board to increase its Water Right Enforcement resources by 25 PYs. Twenty-three of these positions were assigned directly to the Division of Water Rights. Funding for the increase in resources became available in January of 2010, after which the Division began to hire staff to fill the new positions. The Division

of Water Rights also restructured its Enforcement Program to accommodate the increase in staff and an increase in its work load. Starting with the three Enforcement Program units existing in 2009 (Licensing, Compliance and Complaints), the Division created four new enforcement units, including one whose staff is permanently based in the environmentally sensitive area of the northern coastal counties. Although the ability of the Division of Water Rights to fully staff the Enforcement Program was hampered by furloughs, hiring freeze and loss of existing staff, nine of the 23 new positions (resulting in 4.2 PYs for 2010) were filled by the close of 2010.

The restructured Enforcement Program is as follows:

- The [Licensing Unit](#) was unchanged and still focuses on ensuring reasonable beneficial use of water and checking compliance for the 1,492 permittees and the 120 appropriators whose rights are subject to Permit Term 91. The unit was fully staffed in 2010 with six full time engineers. The unit currently dedicates 0.5 PY of its staff time to enforcement activities.
- The [Complaints Unit Program](#) was changed in 2010. In the past and during most of 2010, the program focused on responding to and analyzing approximately 138 complaints. Complaint staff investigated nearly all allegations of unauthorized diversions, unreasonable or wasteful uses of water, and impacts to public trust resources regardless of the type of water rights. Late in 2010, the program began to investigate priority complaints that would likely result in enforcement or otherwise improve instream flow conditions for protection of public trust resources. The method for filing complaints was also changed to utilize the CalEPA website complaint portal. The unit is comprised of two engineers, one geologist, one environmental scientist and one engineering associate, however the geologist position was vacant most of 2010. Before changing the program, the unit dedicated approximately 0.5 PY of its staff time to enforcement activities. With the new priorities, all resources should be dedicated to enforcement activities.
- The [Compliance Unit](#) conducts watershed-based investigations on permitted and licensed facilities and facilities that have no basis of right known by the State Water Board. In 2010, the Compliance Unit concentrated on diversions within the Sacramento-San Joaquin Delta. Delta enforcement cases are either pending hearing before the Board, or awaiting Board decisions. Compliance staff testifies in these cases for the prosecution team. Four engineers and two environmental scientists were assigned to the unit in 2010, however the two scientists left the Division of Water Rights during the year. The unit currently dedicates 4.8 PYs to enforcement activities.

- The Santa Rosa Unit, when fully staffed, will contain five special investigators to concentrate enforcement activities on streams within the coastal watersheds. Two of the investigators were hired mid-year, however a limited hiring list impacted the unit's ability to fill the three vacant positions. A new, more expanded list is now available to facilitate the hiring of the remaining investigators if hiring exemptions are granted.
- The Public Trust Unit's focus is on setting instream flow standards for priority streams and working closely with state and federal fishery agencies to investigate possible impacts to the public trust resources. Three of the four environmental scientist positions were filled during the year along with the one engineer position.
- Enforcement Unit 4 investigates permitted and licensed diversions and unauthorized reservoirs in the area covered by the State Water Board's Instream Flow Policy Area. . By the end of 2010, the unit was fully staffed with four engineers and an engineering associate.
- Enforcement Unit 1 was vacant all throughout 2010, but when staffed would have four engineers and one environmental scientist that will identify potential enforcement cases for investigation gleaned from self-monitoring reports and other sources.

All programs initiate formal and informal enforcement actions to curtail illegal diversions and to protect prior rights and instream beneficial uses.

Water Rights Enforcement Identification Strategies

Compliance assurance with water rights requirements relies on reviewing of monitoring reports, conducting inspections and responding to complaints:

- Monitoring reports; The State Water Board requires water rights holders to complete and return self-monitoring reports including annual Progress Reports by Permittees and Reports of Licensee. Special permit or license terms may also require submittal of special reports, such as those required to comply with water right Permit Terms 91 and 93. In addition to the permit and license reports, anyone diverting surface water without a permit or license (with limited exceptions) within California is required to submit a Statement of Water Diversion and Use to the Division of Water Rights. Prior to 2010, there were no penalties for failure to file statements. However the Legislature amended the Water Code in 2009 to include penalties for failure to file a statement by June of 2010 for diversions that occurred during 2009.

The same Legislation authorized the State Water Board to adopt emergency regulations that required the reporting of diversions electronically via the internet, and the State Water Board adopted the emergency regulation. All self-monitoring reports are signed under penalty of perjury.

- Inspections; The State Water Board conducts compliance inspections and illegal diversion investigations in high resource-value watersheds including those containing threatened and endangered species. The State Water Board selects targeted watersheds annually based, in part, on recommendations from the Regional Water Quality Control Boards, the Department of Fish and Game, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. For each target watershed, State Water Board staff develops a project priority list based on diversion quantity, special terms, or potential violations gleaned from self-monitoring reports and existing facilities without known water rights. During a five-year study period of compliance inspections from 1998 to 2003, the State Water Board determined that 38 percent of inspected facilities were in violation of water right requirements. Another 11 percent of facilities were subject to revocation or partial revocation of their water rights due to non-use of water. Thus, almost 50 percent of the inspected facilities were in violation of their water rights.
- Complaints; The State Water Board will continue to rely on local residents, other agencies, and other interested persons to identify potential water right violations or impacts to public trust resources. Previously, information regarding a potential unauthorized activity was obtained through a formal written complaint filed by the public or by another public agency. Most of staff's time was spent on review of the written complaints, requesting answers to the complaint, and preparation of reports that only concluded that no further action was required. The new process will prioritize complaints filed through the CalEPA Complaint portal and investigate only those that will likely result in enforcement, or other finding that will improve instream beneficial use conditions. The new prioritization will be performed in consultation with Department of Fish and Game and other federal fishery agencies.

Water Rights Enforcement Program Outputs

All units associated with the Enforcement Program initiate formal and informal enforcement actions to curtail illegal diversions and to protect prior rights and instream beneficial uses. The following table shows the number and type of enforcement actions taken by the State Water Board Division of Water Rights during calendar year 2010.

Table 3: Water Rights Enforcement Actions for Calendar Year 2010

Enforcement Action Type	PROGRAM				Total
	LICENSING	COMPLIANCE	COMPLAINTS	New SBX78 Staff	
Oral Communication	-	-	-	-	-
Staff Enforcement Action	24	24	15	2	65
Notice of Violation	-	-	-	-	-
Permit and License Revocation Orders Issued	16	22	-	-	38
Cease and Desist Order	-	7	1	1	9
Administrative Civil Liability	-	4	-	1	5
Referral to Other Agency	-	-	-	-	-
Formal Referral to Attorney General	-	-	-	-	-
Settlement Court Order	-	-	-	-	-
TOTAL	40	57	16	4	117

The next table summarizes the basic statistics regarding the resources, the activities and actions taken by the Enforcement Program of the Division of Water Rights during calendar year 2010. Note that although funding for the Enforcement Program for CY 2010 was over \$9 Million, almost \$5 Million of this amount was money allocated to the Division of Water Rights for the entire FY2009/2010, but not released for use until January of 2010. This delay in releasing funds, along with the unavoidable difficulties in filling the new enforcement staff positions resulted in the Division of Water Rights expending only 23% of the enforcement budget.

Table 4: Water Rights Enforcement Summary Statistics for 2010.

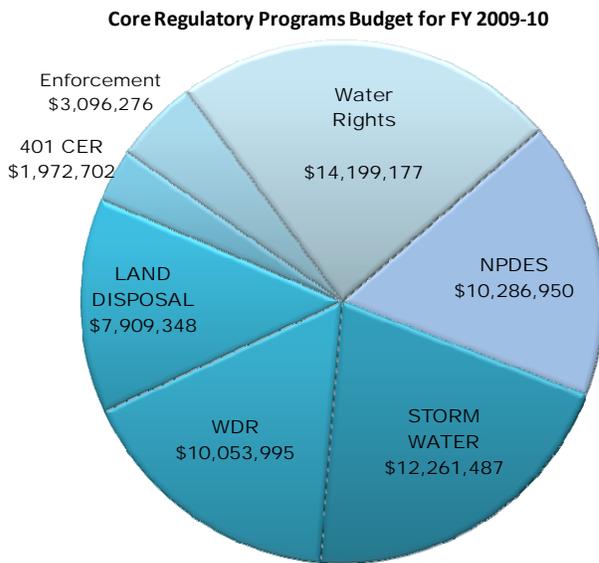
WATER RIGHTS Enforcement Program Area	LICENSING	COMPLIANCE	COMPLAINTS	New Positions From SBX7-8	TOTAL WATER RIGHTS
Regulated Universe	1,624	10,950	10,388	NA	22,962
PYs of Staff with Enforcement Duties (averaged over CY 2010)	6.0	5.7	4.8	23.0	39.5
Gross Budget for Staff with Enforcement Duties (CY 2010)	\$ 897,929	\$ 746,466	\$ 657,024	\$ 6,937,013	\$ 9,238,432
PYs Expended on Enforcement Duties	0.5	5.2	0.5	4.2	10.4
Amount of Gross Budget Expended on Enforcement Duties	\$ 74,827	\$ 680,987	\$ 68,440	\$ 1,266,759	\$ 2,091,013
Percent of Gross Budget Expended on Enforcement Duties	8%	91%	10%	18%	23%
Permits/PYs	271	1,921	2,164	NA	4,356
Permits/Enforcement PYs	3,248	2,106	20,776	NA	26,130
Monitoring Reports Reviewed	1,126	2,979	762	9	4,876
Field Inspections Conducted	31	15	11	26	83
Violations * (not including report violations)	379	3,092	2,816	NA	6,287
Violations for Reports Not Submitted	412	668	1,010	NA	2,090
Priority or Chronic Noncompliance Problems	79	309	282	NA	670
Violations Found by Inspection	28	14	28	24	94
Priority Violations Detected	3	14	3	9	29
Enforcement Actions Taken	47	86	16	6	155
Formal Actions (Revocations, ACLs & CDOs)	16	62	1	2	81
Informal Actions	31	24	15	2	72
Cases Closed	51	88	39	6	184
Cease and Desist Orders	0	5	1	1	7
Administrative Civil Liability	0	2	0	1	3
Penalties Assessed	\$ -	\$ 134,566	\$ -	\$ 48,763	\$ 183,329
Enforcement Response: % of Violations with Enforcement	6%	2%	0%	NA	2%
Water Rights Compliance Rate	51%	66%	63%	NA	64%

* The number of non-reporting violations is estimated.

Section 3

3. Compliance and Enforcement Resources at the Water Boards (Inputs)

Most compliance, investigation and enforcement activities are performed at the nine Regional Water Boards.



The inputs⁵ or resources for water quality protection support many activities from planning and permitting, to taking eventual enforcement. Compliance with WDRs, Water Quality Control Plan prohibitions, enforcement orders and other regulatory tools administered by the Water Boards can be determined through a review of discharger SMRs, compliance inspections, facility reporting, complaints and file reviews. Compliance and enforcement activities can require a high level of specialization and

skill to document inspections, identify violations, prepare enforcement cases, and present expert testimony at hearings. Inspectors at the Water Boards ensure that requirements are complied with, review discharger's SMRs, and document violations in the databases. Once violations are identified and documented, they are prioritized for enforcement. Cases are developed with advice and assistance from the Water Boards' staff counsels.

The Regional Water Boards had approximately 143 (144 in FY 08-09, 176 in FY 07-08 and 174 in FY 06-07) staff dedicated to compliance and enforcement activities during FY 2009-10.

The State Water Board's Office of Enforcement had 24 staff dedicated for special investigations and enforcement during Fiscal Year 2009-2010 (23 in FY 08-09, 18 in FY 07-08 and 15 in FY 06-07). These staff included a team of eight prosecutors assisting Water Board staff with their enforcement cases.

⁵ The data on resources provided in this report is for the last completed fiscal year budget information, FY 2009-2010. The rest of the data presented in the report is for calendar year 2010. The dedicated enforcement budget displayed in figure does not include the enforcement resources available from each program.

Compliance activities are also supported by student assistants who review SMRs, and US EPA contractors conducting inspections.

The following tables present estimates, provided by the Regional Water Boards, of compliance and enforcement personnel in Fiscal Year 2009-2010.

The table below shows regional water board resources devoted to activities to ensure compliance with regulatory requirements and includes routine compliance inspections, review of required water quality monitoring reports, and recording violations and other information in the California Integrated Water Quality System (CIWQS) database.

Table 5: FY 2009-2010 Estimates of Regional Water Boards' Compliance Determination Personnel by Program

Region	NPDES	STORM WATER	WDR	LAND DISPOSAL	401 Cert	TOTAL
	PY	PY	PY	PY	PY	PY
Region 1	0.5	1.9	1.6	1.5	0.1	5.60
Region 2	2.1	3.4	0.6	0.5	0.7	7.30
Region 3	0.8	2	1.5	1	0.1	5.40
Region 4	2.5	6	1	1	0	10.50
Region 5	3.7	3.9	2.8	9.9	0	20.30
Region 6	0.2	0.3	1	2.1	0	3.60
Region 7	2	1.9	1	1	0.4	6.30
Region 8	6.7	10.8	1.9	3.1	0.7	23.20
Region 9	0.8	2	0.9	0.3	0.05	4.05
Total	19.30	32.20	12.30	20.40	2.05	86.25

PY= Person Year

The table below shows Regional Water Board resources for enforcement activities. These are activities taken in response to violations or related to specific compliance problems.

Table 6: FY 2009-2010 Estimates of Regional Water Boards' Enforcement Personnel by Program

Region	NPDES	STORM WATER	WDR	LAND DISPOSAL	401 Cert	TOTAL
	PY	PY	PY	PY	PY	PY
Region 1	1.8	0.5	0.7	0.1	0.1	3.20
Region 2	3.3	2	0.4	0.9	0.3	6.90
Region 3	0.5	0.5	1	0.1	0.1	2.20
Region 4	3.5	1.4	0.3	0.1	0.1	5.40
Region 5	4.1	3.1	3.5	10.9	0.1	21.70
Region 6	0.4	1.5	2.3	0.1	0	4.30
Region 7	1	0.2	1.6	0.1	0	2.90
Region 8	4.7	2.6	0.1	0.3	0.1	7.80
Region 9	0.7	1.3	0.5	0.1	0.05	2.65
Total	20.00	13.10	10.40	12.70	0.85	57.05

PY= Person Year

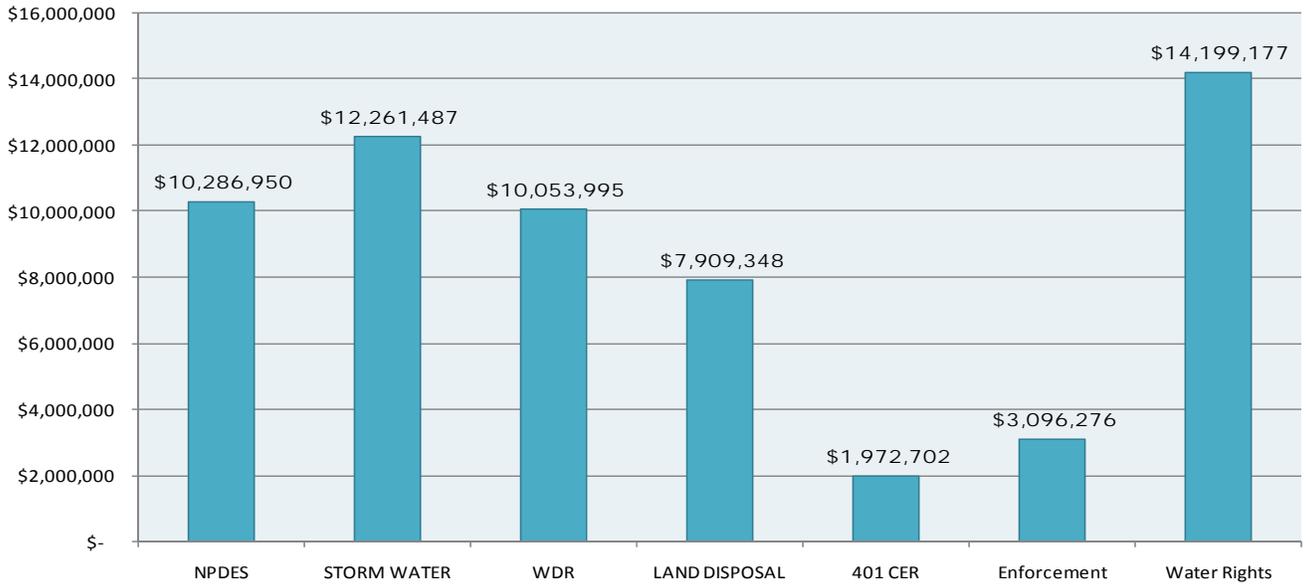
Both Tables 2 and 3 show significant variation in the resources available between regions and individual programs within those regions.

Within each program and Regional Water Board, the weight of compliance and enforcement activities varies significantly. In general, variation in the level of resources committed to these types of activities can be partially explained by the maturity of the programs: a more mature and developed program would generally focus fewer resources in permitting and new regulation and more resources on compliance activities (this is not the case for all programs). A program with more compliance problems would likely be spending more resources for enforcement.

The distribution of dedicated compliance and enforcement resources and the workload, or average number of permitted facilities assigned for every compliance and enforcement staff, also varies significantly among regions and programs.

Figure 1 shows the variation in the distribution of resources by program type. This expenditure includes both enforcement and non-enforcement activities.

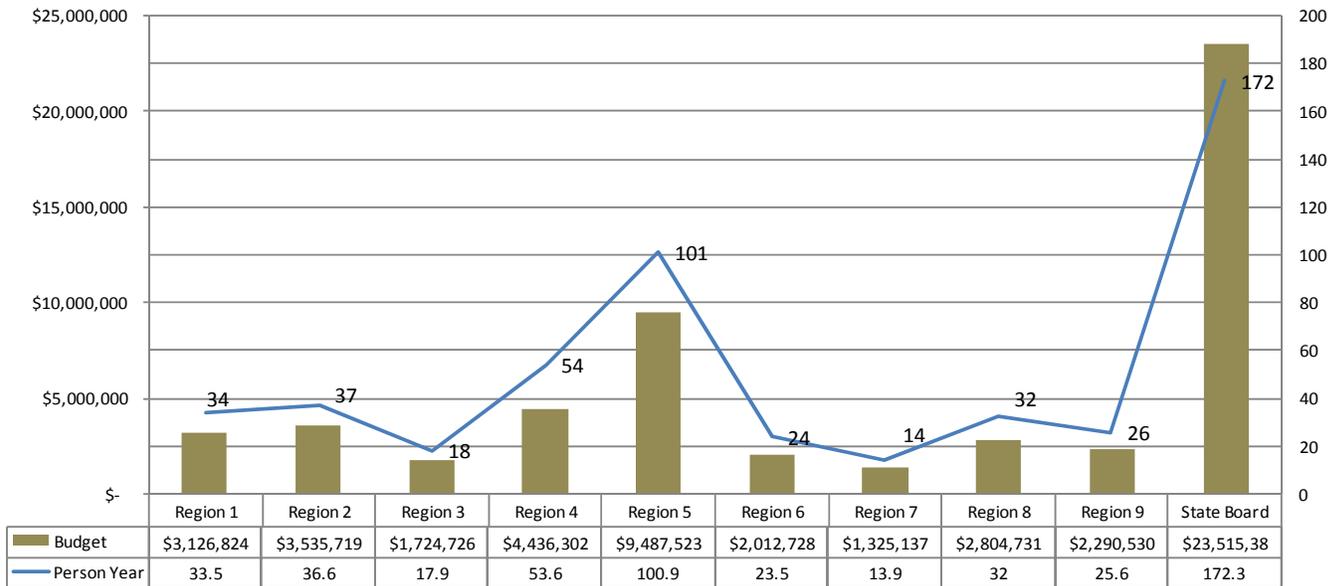
Figure 1: Core Reg. Programs Expenditures FY 2009-2010



*The enforcement column reflects only those enforcement resources specifically authorized through the Governors budget as Budget Change Proposals

The distribution of resources varies by Regional Board offices as shown in Figure 2. The State Water Board devotes its resources primarily to the development and adoption of statewide standards and policies, general permits, and statewide plans, issuance of water quality control plans in areas of statewide significance, and approval of regional water quality control plans. The State Board is also responsible for administration and enforcement of Water Rights.

Figure 2: Core Regulatory Programs Budget by Region FY 2009-2010



Section 4

4. Compliance and Enforcement Outputs by the Regional Water Boards

Compliance and enforcement program output measures typically describe what is produced by the core regulatory program inputs. These outputs reflect the compliance workload, complaints reviewed, SMRs reviewed, compliance inspections conducted, and the violations discovered and recorded in the Water Boards' data systems. They also reflect the enforcement actions taken in these regulatory programs.

The tables in Section 4 reveal significant differences among Regional Water Boards in facilities regulated and inspected, violations detected and enforcement actions taken. This variation reflects regional differences in watersheds, geography, and demographics. For example, regions with large urbanized areas (San Francisco Bay, Los Angeles, and Santa Ana) have most of the NPDES wastewater and stormwater facilities, reflecting the large populations in these areas, land development, and higher land use costs resulting in discharges directly to streams, rivers, lakes, and the ocean. Similarly, the majority of the facilities regulated with WDR are in Region 5 (Central Valley Regional Board) reflecting the large geographic area of this region, its largely rural nature, and that more of these discharges are directly to land instead of to surface waters. Where a particular facility is regulated by multiple programs, that facility will be counted in each applicable table.

Violations vary from not submitting monitoring reports on time to actions causing acute toxicity. The Water Boards identify priority violations based on criteria identified in the [2009 Water Quality Enforcement Policy](#)⁶. A priority violation represents a greater threat to water quality than other violations.

In many instances, multiple violations are covered by a single enforcement action. Likewise, there may be several enforcement actions taken in response to a single violation, such as issuance of an initial letter or notice of violation, followed by a cleanup order and a separate penalty action.

⁶ The 2009 Water Quality Enforcement Policy was approved by the Office of Administrative Law on May 20, 2010.

Grouping and categorizing enforcement

In this report, enforcement actions are grouped in three categories: actions that impose a penalty or complete a project associated to a monetary amount (Level 3 or "penalty actions"), actions that directly require compliance using authority established under Article 1 of Chapter 5 of CWC (Level 2 or "compliance actions") and all other enforcement actions (Level 1 or "all other actions"). This approach is slightly different than our traditional approach of grouping enforcement actions by formal and informal and provides a better representation of the level of enforcement effort.

The Water Boards have a variety of enforcement tools available.

Enforcement actions taken as a result of a violation include informal and formal actions. An informal enforcement action is any enforcement action taken by Water Board staff that is not defined in statute, such as staff letters and notices of violation. The relatively low number of informal enforcement actions recorded in CIWQS and presented in this report may not accurately represent the level of effort spent by staff in performing these activities. Formal enforcement actions

are statutorily recognized actions to address a violation or threatened violation such as Cleanup and Abatement Orders and assessment of penalties. The term "Receiving Enforcement" used in the tables in this Section includes both informal and formal actions taken to address documented violations.

The [2009 Water Quality Enforcement Policy](#) guides staff in selecting the appropriate level of enforcement response that properly addresses violations and recommends the use of progressive enforcement. The policy describes progressive enforcement as "an escalating series of actions that allows for the efficient and effective use of enforcement resources". Depending on the nature and severity of the violation, an informal enforcement action such as a warning letter to a violator, or a more formal enforcement action, including orders requiring corrective action within a particular time frame, may be taken. In other instances, enforcement staff may use more informal tools, such as a phone call or a staff enforcement letter for compliance assistance. The different enforcement options are described in Appendix 1.

Enforcement Policy (page 4)

"It is the policy of the State Water Board that every violation results in the appropriate enforcement response consistent with the priority of the violation established in accordance with this Policy. The Water Boards shall rank violations and then prioritize cases for formal discretionary enforcement action to ensure the most efficient and effective use of available resources."

In the Water Quality Enforcement Policy appropriate enforcement response is related to the ranking and classification of violations grouped around enforcement cases. The priority enforcement cases are then identified and those with class I priority violations are targeted for formal enforcement action. In addition, in prioritizing enforcement, the following factors should also be considered:

- Class of violations
- Compliance history, recurring violations and chronic noncompliance
- Pollution and nuisance of violations
- Magnitude and impact of violations
- Mitigating factors
- Watershed and water bodies conditions and level of impairment
- Potential to abate the effects of violations, strength of evidence and available enforcement resources.

Historically the Water Boards have not tracked informal activities in their database systems because of lack of dedicated resources for data entry. The [2009 Water Quality Enforcement Policy](#) requires the Water Boards to carefully track the outcomes of both informal and formal enforcement actions to provide a more comprehensive picture of all enforcement activities.

It is important to note that these tables are based on data available in the CIWQS database. While the CIWQS database was deployed in mid-2005, the Water Boards continue to work on the quality and completeness of the data, as well as the functionality and reporting capabilities of the database. Because of these limitations, inconsistencies and apparent deficiencies in the data presented in this report do not necessarily reflect inconsistencies in the enforcement program statewide.

NPDES Wastewater Program Outputs

Compliance Assurance Outputs

More than 14,800 self monitoring reports (SMRs) are received annually by the Regional Water Boards to comply with the NPDES wastewater program requirements. SMRs are submitted with different frequencies. Most dischargers submit quarterly and annual reports. Major dischargers may be also required to submit monthly reports. All regulated facilities must submit, at a minimum, an annual report. In 2010 the Water Boards started to use the CIWQS database to track monitoring reports due, received and reviewed for the programs described in this report. As a result, data for some facilities and regions is still incomplete. Self monitoring reports are submitted in either electronic or paper form. It is important to mention that the majority of the violations identified in this report have been detected through the manual review of SMRs.

Table 7: NPDES Wastewater, Major Facilities, Self Monitoring Reports in 2010

Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	15	14	193	111	22	58%
Region 2	50	-	-	-	-	ND
Region 3	22	22	316	291	286	92%
Region 4	45	45	495	239	59	48%
Region 5 Fresno	7	7	132	85	1	64%
Region 5 Redding	14	14	188	162	43	86%
Region 5 Sacramento	37	36	440	374	232	85%
Region 5	58	57	760	621	276	82%
Region 6 Tahoe	1	1	19	12	11	63%
Region 6 Victorville	2	1	14	13	8	93%
Region 6	3	2	33	25	19	76%
Region 7	8	8	140	86	71	61%
Region 8	22	22	367	170	151	46%
Region 9	41	-	-	-	-	ND
Total	264	170	2,304	1,543	884	67%

Table 8: NPDES Wastewater, Minor Individually Regulated Facilities, Self Monitoring Reports in 2010

Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	31	29	357	319	56	89%
Region 2	25	-	-	-	-	ND
Region 3	17	14	369	140	135	38%
Region 4	74	78	371	313	213	84%
Region 5 Fresno	22	20	251	215	10	86%
Region 5 Redding	37	42	633	458	365	72%
Region 5 Sacramento	49	13	159	131	47	82%
Region 5	108	75	1,043	804	422	77%
Region 6 Tahoe	4	4	33	10	9	30%
Region 6 Victorville	5	5	74	37	10	50%
Region 6	9	9	107	47	19	44%
Region 7	18	8	98	32	27	33%
Region 8	12	3	28	22	22	79%
Region 9	17	-	-	-	-	ND
Total	311	216	2,373	1,677	894	71%

Table 9: NPDES Wastewater, Minor Facilities Enrolled Under a General Permit, Self Monitoring Reports in 2010

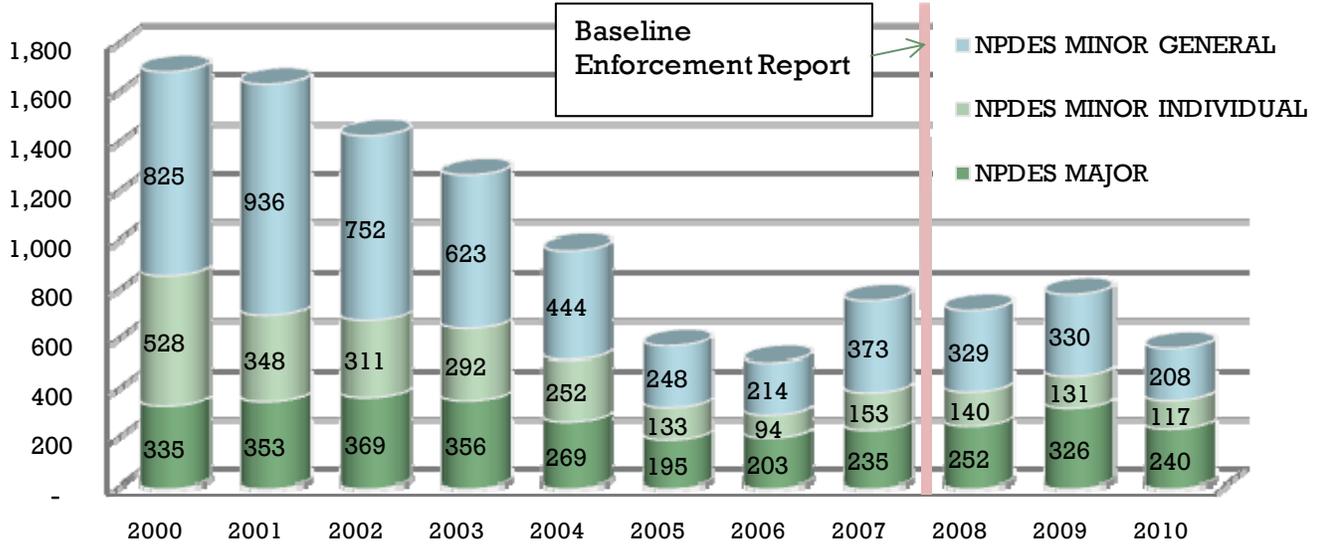
Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	16	11	42	18	-	43%
Region 2	204	19	71	8	8	11%
Region 3	72	35	82	63	63	77%
Region 4	429	493	1,996	1,521	1,242	76%
Region 5 Fresno	30	4	23	8	8	35%
Region 5 Redding	40	25	115	13	12	11%
Region 5 Sacramento	122	59	373	196	3	53%
Region 5	192	88	511	217	23	42%
Region 6 Tahoe	9	6	21	14	12	67%
Region 6 Victorville	7	7	14	13	9	93%
Region 6	16	13	35	27	21	77%
Region 7	39	7	7	-	-	0%
Region 8	285	66	162	6	6	4%
Region 9	69	29	258	174	174	67%
Total	1,322	761	3,164	2,034	1,537	64%

Inspections conducted are tracked in the CIWQS database and for the NPDES wastewater program, 487 facilities were inspected during Year 2010 (614 in 09).

According to the 2006 NPDES Memorandum of Agreement between US EPA (Region 9) and the Water Boards, inspection frequencies are as follows: All major dischargers will be inspected at least once a year. Minor dischargers generally will be inspected once a year, as resources allow, but no less than once during the five-year permit cycle. The following chart displays the trends in the number of inspections conducted since the year 2000. For the NPDES program, some of the inspections are conducted by contractors under supervision from US EPA Region 9.

Figure 3: NPDES Inspection Trends 2000-2010

Inspections by Year



The following tables display the total number of inspections conducted by each Regional Water Board for major and minor NPDES facilities.

Table 10: NPDES Wastewater, Major Facilities, Inspections in 2010⁷

NPDES Major	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	13	11	15	73%
Region 2	55	43	50	86%
Region 3	19	16	22	73%
Region 4	46	35	45	78%
<i>Region 5 Fresno</i>	8	7	7	100%
<i>Region 5 Redding</i>	12	9	14	64%
<i>Region 5 Sacramento</i>	32	28	37	76%
Region 5 TOTAL	52	44	58	76%
<i>Region 6 Tahoe</i>	-	-	1	0%
<i>Region 6 Victorville</i>	3	1	2	50%
Region 6 TOTAL	3	1	3	33%
Region 7	15	7	8	88%
Region 8	16	13	22	59%
Region 9	21	21	41	51%
Total	240	191	264	72%

Table 11: NPDES Wastewater, Minor Individually Regulated Facilities, Inspections in 2010

NPDES Minor	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	23	22	31	71%
Region 2	4	4	25	16%
Region 3	4	4	17	24%
Region 4	16	16	74	22%
<i>Region 5 Fresno</i>	9	8	22	36%
<i>Region 5 Redding</i>	20	20	37	54%
<i>Region 5 Sacramento</i>	14	13	49	27%
Region 5	43	41	108	38%
<i>Region 6 Tahoe</i>	1	1	4	25%
<i>Region 6 Victorville</i>	7	4	5	80%
Region 6	8	5	9	56%
Region 7	12	7	18	39%
Region 8	7	6	12	50%
Region 9	-	-	17	0%
Total	117	105	311	34%

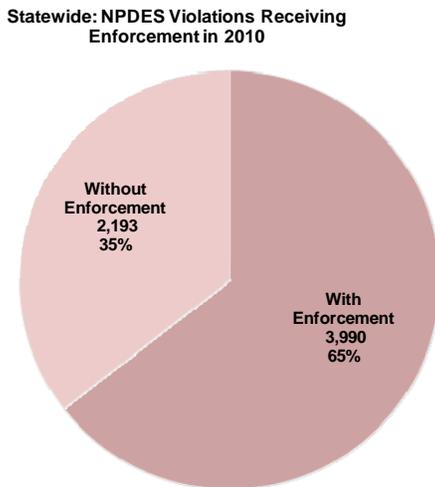
⁷ The percentage of facilities inspected is based on a calendar year and should not be compared to the expected percentage of facilities inspected on a fiscal year basis, which for NPDES major facilities was 100% for FY 2009-10.

Table 12: NPDES Wastewater, Minor Facilities Enrolled Under a General Permit, Inspections in 2010

NPDES General	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	1	1	16	6%
Region 2	4	4	204	2%
Region 3	3	3	72	4%
Region 4	77	75	429	17%
<i>Region 5 Fresno</i>	-	-	30	0%
<i>Region 5 Redding</i>	12	11	40	28%
<i>Region 5 Sacramento</i>	-	-	122	0%
Region 5	12	11	192	6%
<i>Region 6 Tahoe</i>	2	2	9	22%
<i>Region 6 Victorville</i>	-	-	7	0%
Region 6	2	2	16	13%
Region 7	29	22	39	56%
Region 8	79	72	285	25%
Region 9	1	1	69	1%
Total	208	191	1,322	14%

The percentage of facilities inspected for each region differs significantly depending on whether the facility is a major discharger, a minor discharger under an individual permit or a minor discharger enrolled in a general permit.

Figure 4: NPDES Enforcement Response



Approximately 72% of major NPDES facilities and 34% of minor individual NPDES facilities were inspected in 2010.

The Water Boards Enforcement Policy establishes the criteria for prioritizing enforcement actions against violations. The following tables include the total number of violations, the priority violations and the number receiving any level of enforcement and reveal the large variability in the number of violations and enforcement actions.

Table 13: MAJOR NPDES Dischargers: Compliance and Enforcement Outputs in 2010

Regional Board	No. of Facilities	Violations			Priority Violations		
		Total Violations (including priority)	Receiving Enforcement	% of violations Receiving Enforcement	Total Priority Violations	Receiving Enforcement	% of violations Receiving Enforcement
1	15	56	13	23%	27	9	33%
2	50	81	65	80%	43	32	74%
3	22	114	55	48%	60	34	57%
4	45	351	30	9%	57	8	14%
5F	7	43	23	53%	7	5	71%
5R	14	49	32	65%	27	18	67%
5S	37	1,948	1,872	96%	1,117	1,101	99%
5 Total	58	2,040	1,927	94%	1,151	1,124	98%
6A	1	24	12	50%	19	10	53%
6B	2	31	9	29%	16	8	50%
6 Total	3	55	21	38%	35	18	51%
7	8	152	130	86%	114	103	90%
8	22	37	-	0%	1	-	0%
9	41	21	16	76%	7	7	100%
Totals	264	2,907	2,257	78%	1,495	1,335	89%

Table 14: MINOR Individual NPDES Dischargers: Compliance and Enforcement Outputs in 2010

Regional Board	No. of Facilities	Violations			Priority Violations		
		Total Violations (including priority)	Receiving Enforcement	% of violations Receiving Enforcement	Total Priority Violations	Receiving Enforcement	% of violations Receiving Enforcement
1	31	178	1	1%	113	-	0%
2	25	43	41	95%	9	7	78%
3	17	16	11	69%	11	6	55%
4	74	247	110	45%	60	50	83%
5F	22	36	3	8%	17	-	0%
5R	37	99	86	87%	52	49	94%
5S	49	1,256	1,192	95%	690	683	99%
5 Total	108	1,391	1,281	92%	759	732	96%
6A	4	6	2	33%	2	-	0%
6B	5	32	11	34%	12	8	67%
6 Total	9	38	13	34%	14	8	57%
7	18	141	131	93%	115	111	97%
8	12	26	-	0%	-	-	-
9	17	4	1	25%	3	-	0%
Totals	311	2,084	1,589	76%	1,084	914	84%

Not all documented violations during 2010 received an enforcement action. Approximately 65% of all NPDES violations received some level of enforcement.

The reasons for this variability include differences in facility-specific requirements, differences in Regional Water Board office processes and priority assigned to report review and data entry, differing rates of compliance among dischargers, and the redirection of resources to address other program needs.

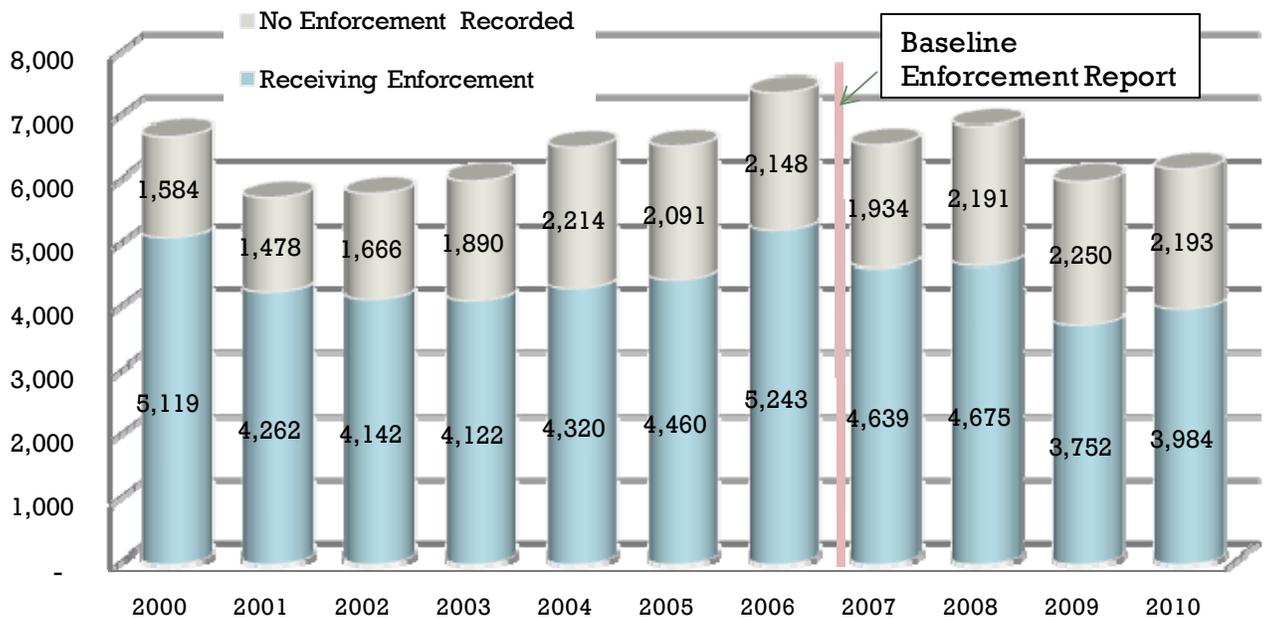
Table 15: MINOR General NPDES Dischargers: Compliance and Enforcement Outputs in 2010

Regional Board	No. of Facilities	Violations			Priority Violations		
		Total Violations (including priority)	Receiving Enforcement	% of violations Receiving Enforcement	Total Priority Violations	Receiving Enforcement	% of violations Receiving Enforcement
1	16	-	-		-	-	
2	204	46	7	15%	27	5	19%
3	72	17	-	0%	16	-	0%
4	429	1,019	122	12%	112	42	38%
5F	30	1	-	0%	-	-	
5R	40	2	2	100%	2	2	100%
5S	122	47	5	11%	43	4	9%
5 Total	192	50	7	14%	45	6	13%
6A	9	19	-	0%	4	-	0%
6B	7	2	1	50%	-	-	
6 Total	16	21	1	5%	4	-	0%
7	39	-	-		-	-	
8	285	32	1	3%	2	-	0%
9	69	7	6	86%	1	-	0%
Totals	1,322	1,192	144	12%	207	53	26%

As shown in Figure 5, trends in the number of violations receiving and not receiving both formal and informal enforcement for the entire NPDES wastewater program have remained somewhat constant since violation data was collected. The upward trend may be explained due to better violation documentation in the Water Boards' databases. Also, the percentage of violations receiving enforcement remained around 65% during this period.

Figure 5: NPDES Wastewater Violations Trends 2000-2010

Violations by Year



Enforcement Action Outputs

The following tables list the number of enforcement actions taken by the Regional Water Boards listed from informal to more formal, during Year 2010.

Table 16: NPDES Wastewater MAJOR Facilities, Enforcement Actions for Year 2010

Major Dischargers		Regional Board													Total
Enforcement CATEGORY	Enforcement ACTION TYPE	1	2	3	4	5F	5R	5S	6A	6B	7	8	9		
ALL OTHER ACTIONS	Staff Enforcement Letter	-	8	-	-	4	3	11	-	-	26	-	1	53	
	Oral Communication	-	8	4	-	-	1	-	-	-	-	-	-	13	
	Notice of Violation	2	1	1	-	3	1	206	-	2	-	-	5	221	
	Expedited Payment Letter	-	1	1	1	-	-	-	-	-	-	-	-	3	
	13267 Letter	1	-	-	-	-	1	-	-	-	-	-	-	2	
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	-	-	-	1	-	-	-	-	-	1	
	Time Schedule Order	-	-	1	1	2	1	4	-	-	-	-	-	9	
	Cease and Desist Order	1	1	-	1	-	2	2	-	-	3	-	-	10	
PENALTY ACTIONS	Referral to Other Agency	-	-	-	-	-	-	-	-	-	-	-	-	-	
	Settlement - Court Order	-	-	-	1	-	-	-	-	-	-	-	-	1	
	Admin Civil Liability	4	6	1	4	-	2	11	-	-	3	-	2	33	
TOTAL	TOTAL	8	25	8	8	9	11	235	-	2	32	-	8	346	

Under the NPDES wastewater program, there were no actions recorded in CIWQS for the following enforcement action types: referral to other agency, and formal referral to Attorney General.

Table 17: NPDES Wastewater MINOR Individual Facilities, Enforcement Actions for Year 2010

Minor Individual Dischargers		Regional Board											Total	
Enforcement CATEGORY	Enforcement Action TYPE	1	2	3	4	5F	5R	5S	6A	6B	7	8		9
ALL OTHER ACTIONS	Staff Enforcement Letter	-	1	-	-	5	10	-	-	-	67	-	-	83
	Oral Communication	1	-	1	-	-	7	-	-	2	-	-	1	12
	Notice of Violation	-	-	-	1	3	6	51	-	-	-	-	-	61
	Expedited Payment Letter	-	-	-	2	-	-	-	-	-	-	-	-	2
	13267 Letter	1	-	-	-	2	1	-	-	-	-	-	-	4
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Time Schedule Order	-	-	-	1	1	2	3	-	1	-	-	-	8
	Cease and Desist Order	2	-	-	-	-	4	1	-	-	1	-	-	8
PENALTY ACTIONS	Referral to Other Agency	1	-	-	-	-	-	-	-	-	-	-	-	1
	Settlement - Court Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Admin Civil Liability	-	1	2	28	-	2	14	-	-	5	-	-	52
TOTAL	TOTAL	5	2	3	32	11	32	69	-	3	73	-	1	231

Table 18: NPDES Wastewater MINOR General Facilities, Enforcement Actions for Year 2010

Minor General Dischargers		Regional Board											Total	
Enforcement CATEGORY	Enforcement Action TYPE	1	2	3	4	5F	5R	5S	6A	6B	7	8		9
ALL OTHER ACTIONS	Staff Enforcement Letter	2	1	-	-	1	1	-	-	1	-	-	-	6
	Oral Communication	-	-	-	-	-	-	-	-	2	-	-	-	2
	Notice of Violation	1	2	-	4	-	1	8	-	-	-	1	6	23
	Expedited Payment Letter	2	-	-	9	-	-	-	-	-	-	-	-	11
	13267 Letter	-	-	-	-	-	-	-	-	-	-	-	1	1
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	1	-	-	-	-	-	-	-	-	-	-	1
	Time Schedule Order	-	-	-	-	-	-	1	-	1	-	-	-	2
	Cease and Desist Order	-	-	-	-	-	1	-	-	-	-	-	-	1
PENALTY ACTIONS	Referral to Other Agency	-	-	-	-	-	-	-	-	-	-	-	-	-
	Settlement - Court Order	-	-	-	-	-	-	-	-	-	-	1	-	1
	Admin Civil Liability	1	2	-	56	-	-	5	-	1	1	1	-	67
TOTAL	TOTAL	6	6	-	69	1	3	14	-	5	1	3	7	115

The number of enforcement actions has fluctuated significantly since 2000, both in numbers and in the type of enforcement actions taken. Informal actions remain at high levels. The number of Administrative Civil Liabilities (penalty actions) was in 2010 above average compared to the actions issued in 2005, 2006 and 2007, however, still not approaching levels seen during 2008. The high number of penalty actions issued in 2008 is, in part, as a result of the [2008 Statewide Initiative for Mandatory Minimum Penalty enforcement](#) that continued in 2009 and 2010.

Figure 6: NPDES Wastewater Enforcement Actions Trends

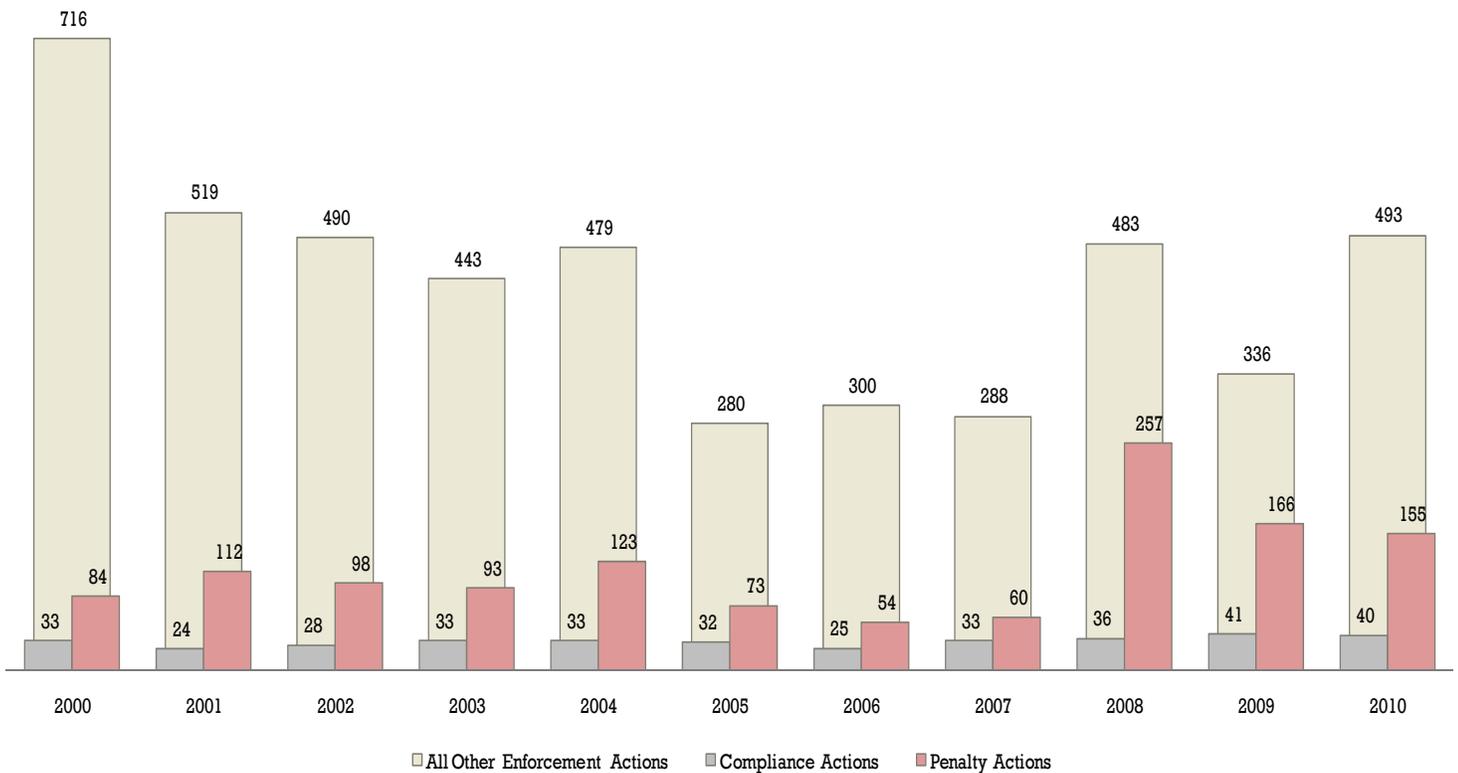


Figure 7: NPDES Wastewater , Enforcement Response Trends 2000-2010

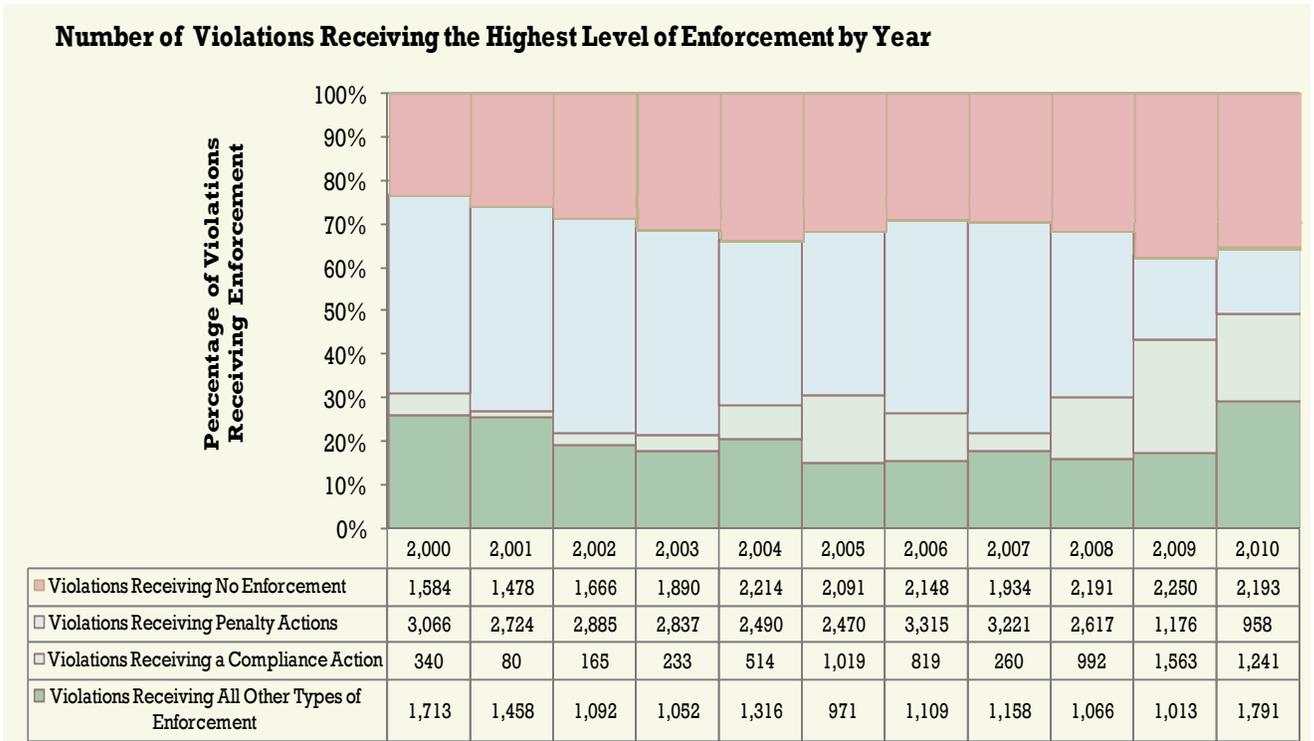


Figure 7 displays the percentage of violations addressed with an enforcement action that includes penalties, violations that received an enforcement action that requires compliance (under Article 1 of Chapter 5 of California Water Code), and those violations that only received an informal action or an action requiring further information (Under section 13267 of California Water Code). The data show a downward trend of the number of violations that received any type of enforcement. The composition of the enforcement response has also changed overtime with a less focus on responding to violations with the imposition of a monetary penalty and increased emphasis on violations addressed by compliance actions.

NPDES Stormwater Program Outputs

Compliance Assurance Outputs

More than 9,000 SMRs are received every year by the Regional Water Boards to comply with the industrial storm water program⁸ requirements⁹. Monitoring reports are submitted annually or as specified in the permit requirements. Self Monitoring Reports for stormwater industrial facilities for year 2010 are currently tracked in the [SMARTS](#)¹⁰ database.

Table 19: Stormwater Industrial: Annual Monitoring Reports for Reporting Period 2009-2010¹¹

Regional Board Office	Annual Monitoring Reports Due for FY 2009-2010 (Due date: July 1, 2010)	Reports Fully Submitted	Reports Reviewed	FACILITIES REGULATED	% Reports Fully Submitted
Region 1	359	338	338	351	94%
Region 2	1,346	1,314	1,314	1,320	98%
Region 3	391	378	378	393	97%
Region 4	2,856	2,220	2,218	2,814	78%
<i>Region 5 Fresno</i>	546	509	424	525	93%
<i>Region 5 Redding</i>	192	190	189	190	99%
<i>Region 5 Sacramento</i>	1,168	1,125	1,124	1,144	96%
Region 5	1,906	1,824	1,737	1,859	96%
<i>Region 6 Tahoe</i>	43	21	21	67	49%
<i>Region 6 Victorville</i>	178	143	142	179	80%
Region 6	221	164	163	246	74%
Region 7	164	154	154	165	94%
Region 8	1,592	1,535	1,532	1,565	96%
Region 9	781	738	738	768	94%
Total	9,616	8,665	8,572	9,481	90%

Inspections conducted are also tracked in the [SMARTS](#) database. For the Stormwater Program 3,403 facilities were inspected in 2010 (3,025 in 2009 and 1,535 during Fiscal Year 2007-2008). The following chart displays the trends in the number of inspections conducted since 2000.

⁸ Information regarding the Stormwater program and the new Stormwater construction permit is available at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/

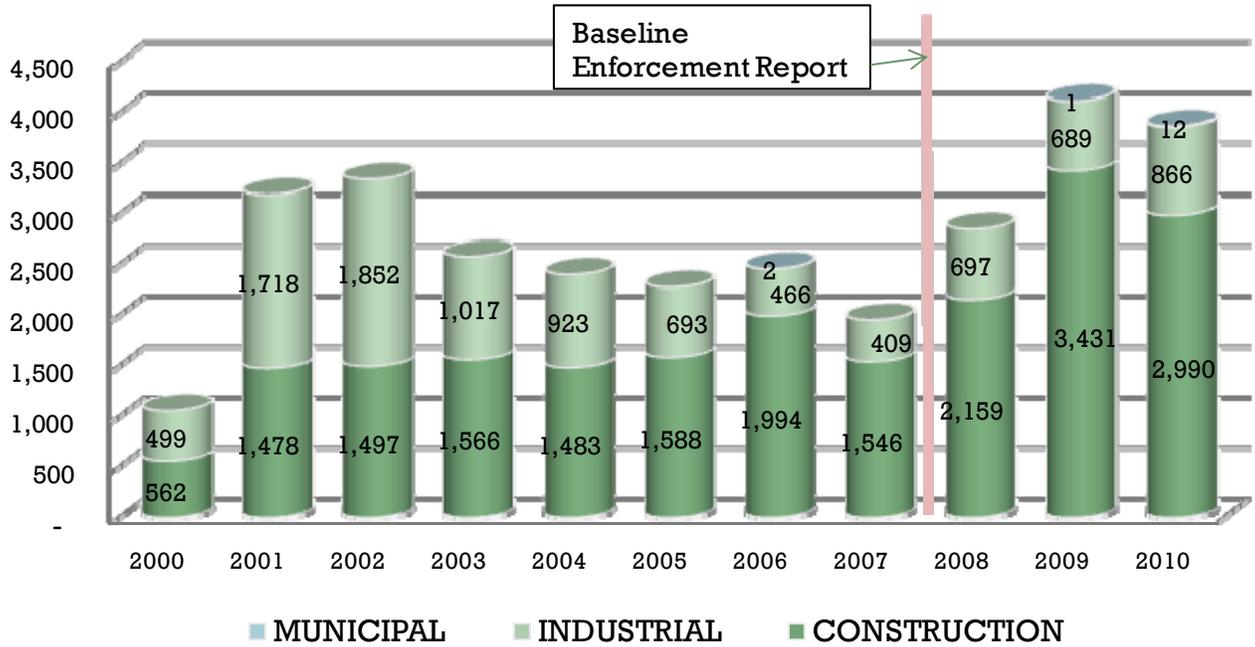
⁹ At the time of this report, entities regulated under the construction stormwater permit were not required to submit monitoring reports.

¹⁰ SMARTS: Stormwater Multi-Application, Reporting, and Tracking System

¹¹ This report is available at <http://smarts.waterboards.ca.gov/smarts/faces/Reports/SwReportsMenu.jsp>

Figure 8: Stormwater Inspections Trends

Inspections by Year



The [NPDES stormwater program](#) regulates three types of dischargers: industrial activities, construction activities and municipal (phases I and II). Information for construction and industrial facilities is presented in tables 20, 21, 22, 23, 24 and 25. Tables 26 and 27 summarize the information for municipal stormwater dischargers.

Table 20: NPDES Stormwater Industrial Inspections in 2010

SW IND	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	77	71	351	20%
Region 2	67	66	1,320	5%
Region 3	13	13	393	3%
Region 4	203	194	2,814	7%
Region 5 Fresno	1	1	525	0%
Region 5 Redding	23	21	190	11%
Region 5 Sacramento	124	111	1,144	10%
Region 5	148	133	1,859	7%
Region 6 Tahoe	5	5	67	7%
Region 6 Victorville	21	20	179	11%
Region 6	26	25	246	10%
Region 7	-	-	165	0%
Region 8	291	236	1,565	15%
Region 9	41	36	768	5%
Total	866	774	9,481	8%

The percentage of facilities inspected for each region and for each discharger type varies. Note that multiple inspections may be conducted at a single facility.

Table 21: NPDES Stormwater Construction Inspections in 2010

SW CONST	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	101	80	168	48%
Region 2	33	26	814	3%
Region 3	21	20	430	5%
Region 4	763	729	1,104	66%
<i>Region 5 Fresno</i>	15	15	480	3%
<i>Region 5 Redding</i>	63	42	201	21%
<i>Region 5 Sacramento</i>	449	319	945	34%
Region 5	527	376	1,626	23%
<i>Region 6 Tahoe</i>	3	3	194	2%
<i>Region 6 Victorville</i>	62	51	250	20%
Region 6	65	54	444	12%
Region 7	86	86	225	38%
Region 8	1,343	1,213	940	129%
Region 9	51	45	968	5%
Total	2,990	2,629	6,719	39%

The stormwater program has an active inspection program and conducts the most inspections of the five core regulatory programs. The percentage of facilities inspected, however, is low compared to the number of facilities regulated. This can be explained by the large number of facilities regulated under the program.

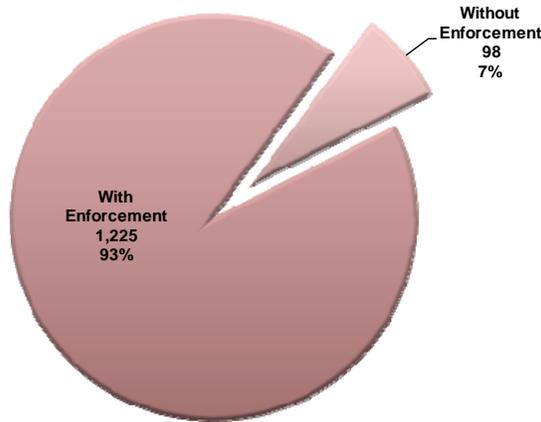
Storm water violations and violations receiving one or more enforcement actions are shown in the tables below. Most of the violations noted are reporting violations. Most non-reporting violations in the storm water program are discovered through site inspections.

This situation differs from violations at NPDES facilities where the majority of discharge violations are found through a review of SMRs submitted by the dischargers. This difference in recorded violations reflects the difference in how NPDES wastewater and stormwater sites are regulated. While wastewater sites are largely regulated through self-monitoring to ensure compliance with specific effluent limits, stormwater sites are regulated to ensure that sediment and other potential contaminants are prevented from leaving these sites

though proper on-site controls. Ensuring that these controls are adequate for the nearly 25,000 permitted stormwater permittees would require a large field presence.

Figure 9: Stormwater Enforcement Response

Violations Receiving Enforcement in 2010



The stormwater program does not consistently use the priority flag for violations recorded in the CIWQS database. For this reason the following tables do not include the priority columns. The Water Quality Enforcement Policy specifies that most of the common reporting violations should be considered priority violations for storm water sites.

Table 22: Stormwater Industrial Enforcement Response in 2010

Industrial Stormwater	No. of Facilities	Violations		
		Total Violations	Receiving Enforcement	% of Violations Receiving Enforcement
Region 1	351	63	59	94%
Region 2	1,320	44	37	84%
Region 3	393	33	30	91%
Region 4	2,814	63	5	8%
Region 5 Fresno	525	1	1	100%
Region 5 Redding	190	12	12	100%
Region 5 Sacramento	1,144	334	327	98%
Region 5 Total	1,859	347	340	98%
Region 6 Tahoe	67	4	2	50%
Region 6 Victorville	179	3	-	0%
Region 6 Total	246	7	2	29%
Region 7	165	7	7	100%
Region 8	1,565	329	278	84%
Region 9	768	75	73	97%
Totals	9,481	968	831	86%

* Data from SMARTS

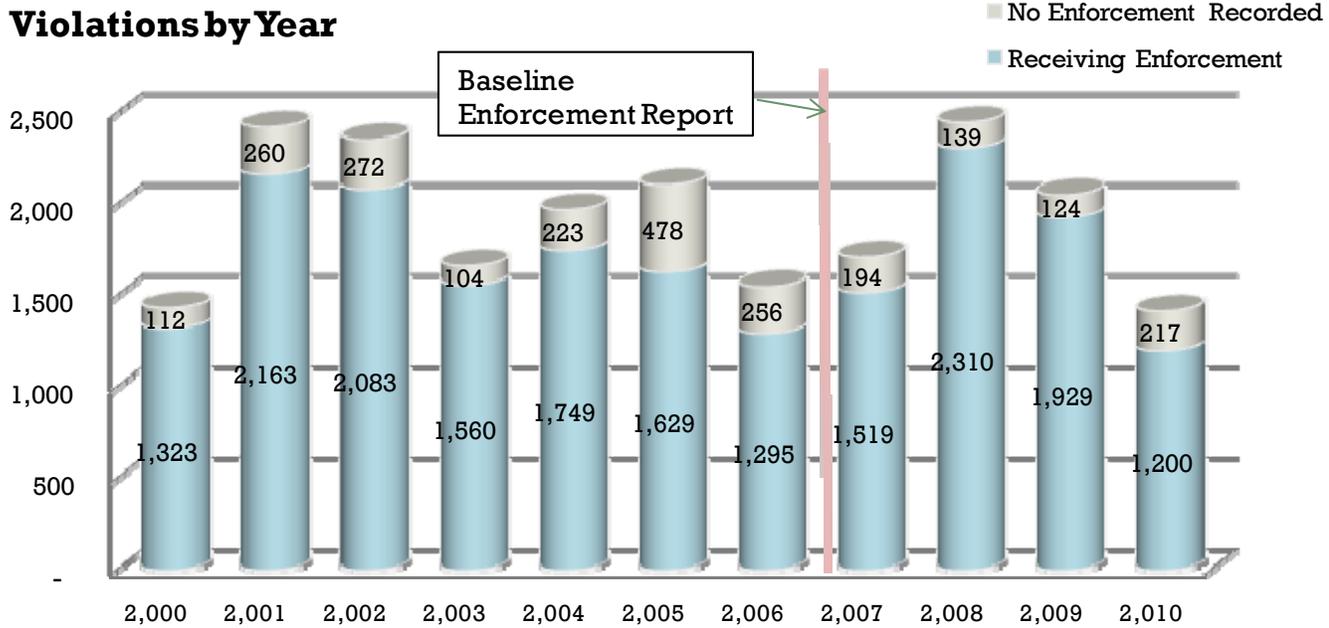
Although violation recording may have been affected by the implementation of the new database, the number of violations remained constant and the percentage of violations receiving enforcement previously remained above 90% since 2000.

Table 23: Stormwater Construction Enforcement Response in 2010

Construction Stormwater	No. of Facilities	Violations		
		Total Violations	Receiving Enforcement	% of Violations Receiving Enforcement
Region 1	168	3	1	33%
Region 2	814	11	11	100%
Region 3	430	-	-	
Region 4	1,104	22	10	45%
Region 5 Fresno	480	-	-	
Region 5 Redding	201	10	10	100%
Region 5 Sacramento	945	89	84	94%
Region 5 Total	1,626	99	94	95%
Region 6 Tahoe	194	2	1	50%
Region 6 Victorville	250	48	29	60%
Region 6 Total	444	50	30	60%
Region 7	225	-	-	
Region 8	940	254	216	85%
Region 9	968	10	7	70%
Totals	6,719	449	369	82%

* Data from SMARTS

Figure 10: NPDES Stormwater Violations Trends 2000-2010



Enforcement Action Outputs

Tables 24, 25 and 26 list the number of enforcement actions taken by the Regional Water Boards ranked from informal to more formal during 2010.

Table 24: STORMWATER Industrial Enforcement Actions for Year 2010

Enforcement CATEGORY	Enforcement Action TYPE	Regional Board											Total	
		1	2	3	4	5F	5R	5S	6A	6B	7	8		9
ALL OTHER ACTIONS	Staff Enforcement Letter	2	1	-	968	9	2	165	2	-	-	19	6	1,174
	Oral Communication	2	-	-	1	-	-	16	1	-	-	63	-	83
	Notice to Comply	-	-	-	10	-	-	-	-	-	-	-	-	10
	Notice of Violation	-	37	-	15	-	8	8	-	1	7	4	9	89
	Notice of SW Noncompliance	-	1	-	4	2	2	-	-	-	4	43	2	58
	1st NNC - AR	56	-	28	2	-	3	110	-	-	-	224	64	487
	2nd NNC - AR	41	-	13	2	-	-	25	-	-	-	65	20	166
	Expedited Payment Letter	-	8	-	10	-	-	-	-	-	-	-	-	18
	13267 Letter	-	-	-	-	-	1	-	-	-	-	1	-	2
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	1	-	-	-	-	-	-	-	-	-	-	1
	Cease and Desist Order	-	-	-	-	-	-	-	-	-	-	-	-	-
PENALTY ACTIONS	Admin Civil Liability	-	43	-	-	-	-	-	-	-	3	1	47	
TOTAL	TOTAL	101	91	41	1,012	11	16	324	3	1	11	422	102	2,135

The description of the large number of Administrative Civil Liabilities issued in Region 2 is described in Appendix 2.

Table 25: STORMWATER Construction Enforcement Actions for Year 2010

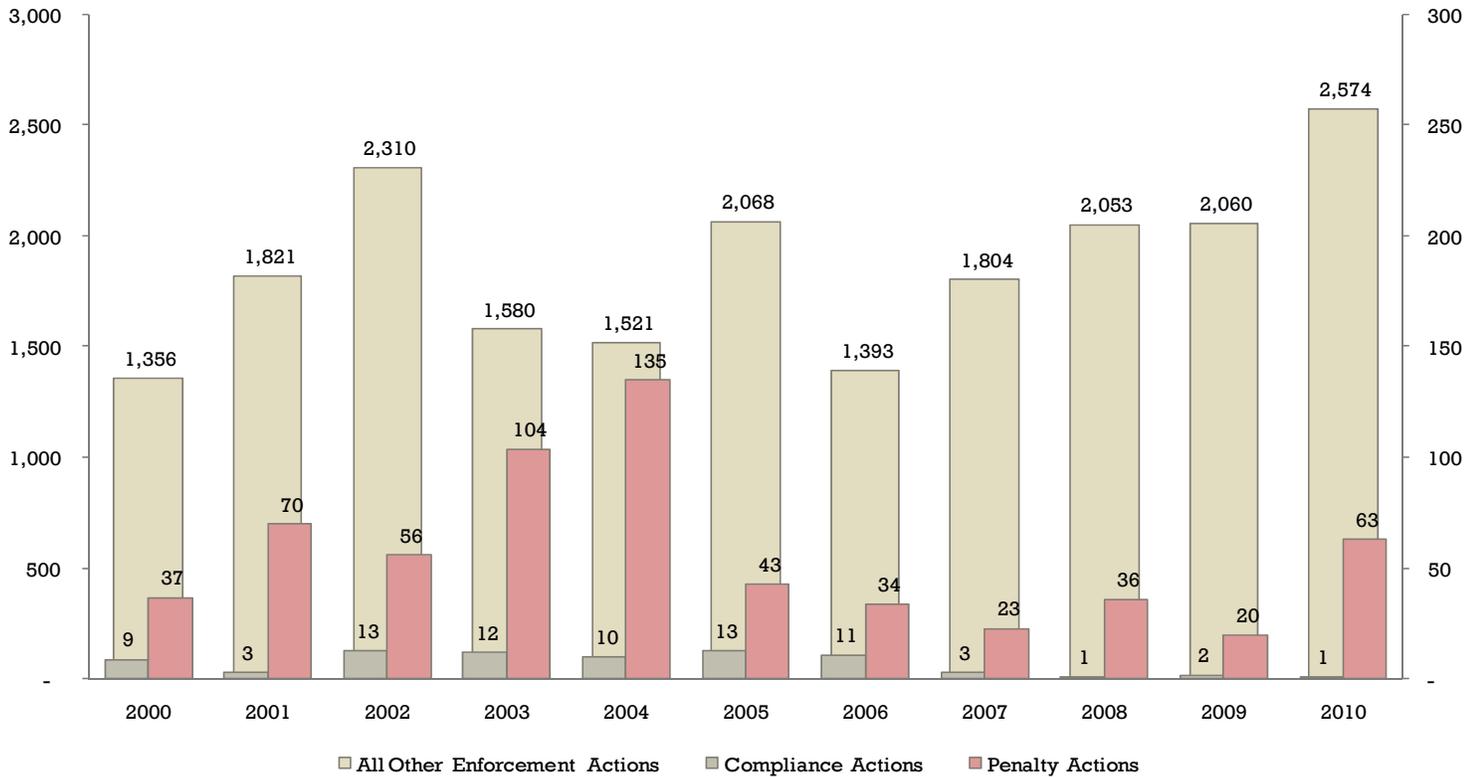
Enforcement CATEGORY	Enforcement Action TYPE	Regional Board											Total	
		1	2	3	4	5F	5R	5S	6A	6B	7	8		9
ALL OTHER ACTIONS	Staff Enforcement Letter	-	4	-	1	-	-	1	2	1	-	208	3	220
	Oral Communication	-	8	1	1	-	8	59	-	20	-	33	-	130
	Notice to Comply	-	-	-	2	-	-	-	-	-	-	-	-	2
	Notice of Violation	1	2	-	11	-	1	16	-	4	-	4	14	53
	Notice of SW Noncompliance	-	-	-	-	-	-	3	-	1	-	51	-	55
	1st NNC - AR	-	-	-	-	-	-	-	-	-	-	-	-	-
	2nd NNC - AR	-	-	-	-	-	-	-	-	-	-	-	-	-
	Expedited Payment Letter	-	-	-	-	-	-	-	-	-	-	-	-	-
	13267 Letter	-	-	-	-	-	-	-	-	-	-	-	1	1
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Cease and Desist Order	-	-	-	-	-	-	-	-	-	-	-	-	-
PENALTY ACTIONS	Admin Civil Liability	-	-	-	-	-	-	1	-	-	4	2	7	
TOTAL	TOTAL	1	14	1	15	-	9	80	2	26	-	300	20	468

Table 26: STORMWATER Municipal Enforcement Actions in 2010

Enforcement CATEGORY	Enforcement Action TYPE	Regional Board											Total	
		1	2	3	4	5F	5R	5S	6A	6B	7	8		9
ALL OTHER ACTIONS	Staff Enforcement Letter	-	-	-	-	-	-	-	-	1	-	-	-	1
	Oral Communication	-	-	-	-	-	-	-	-	-	-	1	-	1
	Notice of Violation	-	1	11	2	1	-	-	-	-	-	-	2	17
	Notice of Stormwater Noncompliance	-	-	-	-	-	-	1	-	-	-	-	-	1
COMPLIANCE ACTIONS	13267 Letter	-	-	-	-	-	-	-	-	-	-	-	-	-
	Clean-up and Abatement Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Time Schedule Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Cease and Desist Order	-	-	-	-	-	-	-	-	-	-	-	-	-
PENALTY ACTIONS	Stipulated Penalty	-	-	-	-	-	-	-	-	-	-	-	-	-
	Admin Civil Liability	-	-	-	1	-	-	-	-	-	-	-	-	1
TOTAL	TOTAL	-	1	11	3	1	-	1	-	1	-	1	2	21

The enforcement efforts for the stormwater program saw a significant increase in the number of penalty actions and all other actions, since 2005 as shown in Figure 11.

Figure 11: NPDES Stormwater (Construction and Industrial only) Enforcement Actions Trends



This Annual Enforcement Report include stormwater program information for three categories of dischargers: municipal, construction and industrial. The [Municipal Storm Water Permitting Program](#) (regulating storm water discharges from municipal separate storm sewer systems or MS4s) is divided into two phases. Under [Phase I](#), the Regional Water Quality Control Boards have adopted National Pollutant Discharge Elimination System General Permit (NPDES) storm water permits for medium (serving between 100,000 and 250,000 people) and large (serving 250,000 people) municipalities. Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. As part of [Phase II](#), the State Water Resources Control Board regulates smaller municipalities, including non-traditional Small MS4s, which include governmental facilities such as military bases, public campuses, and prison and hospital complexes.

Table 27: Municipal Stormwater MS4 Compliance and Enforcement Outputs in 2010

MUNICIPAL STORMWATER MS4	No. of Facilities* Phase I	No. of Facilities* Phase II	Facilities* Inspected/ Audited	Violations		
				Total Violations	Receiving Enforcement	% of Violations Receiving Enforcement
Region 1	8	14	7	-	-	
Region 2	78	26	21	4	-	0%
Region 3	3	34	-	4	4	100%
Region 4	100		-	4	1	25%
Region 5 Fresno	8	15	-	-	-	
Region 5 Redding	2	6	1	-	-	
Region 5 Sacramento	22	44	2	9	9	100%
Region 5 Total	32	65	3	9	9	100%
Region 6 Tahoe	3	2	1	3	-	0%
Region 6 Victorville	1	4	1	-	-	
Region 6 Total	4	6	2	3	-	0%
Region 7	14	5	-	-	-	
Region 8	74		19	14	7	50%
Region 9	78		8	5	4	80%
Totals	391	150	60	43	25	58%

* Data from CIWQS and information provided by program managers. The term facilities includes co-permittees, enrollees and other entities.

Compliance assessment relies on inspections and audits that evaluate the activities conducted to comply with the permit requirements. Audits may be

conducted directly by a Regional Water Board or by a third party under contract with USEPA and in cooperation with a Regional Water Board. Audits are not required under the Clean Water Act, though the US EPA Office of Compliance and Enforcement Assurance did establish a 5-year audit frequency as a performance measure for 2005-07. No consistent funding source has been identified at the State or federal levels to conduct audits. As a result, audits have only been conducted when and where resources are available.

401 Certification Program Outputs

Compliance Outputs

For the 401 Certification Program, 147 facilities were reported as inspected during 2010 (161 facilities in 2009). The 401 Certification Program does not yet use CIWQS consistently and the data provided is only current for some Regional Water Boards.

Tables 28 and 29 shows the total number of 401 certifications issued during 2010, the number of inspections conducted and the number of violations detected based on information provided by program managers and recorded in CIWQS.

Table 28: 401 Certification Facilities, Inspections 2010

401 CER	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED*	% Facilities Inspected
Region 1*	31	16	510	3%
Region 2	3	3	55	5%
Region 3*	16	16	5	320%
Region 4*	50	50	6	833%
<i>Region 5 Fresno</i>	2	2	55	4%
<i>Region 5 Redding</i>	54	28	319	9%
<i>Region 5 Sacramento</i>	-	-	38	0%
Region 5	56	30	412	7%
<i>Region 6 Tahoe</i>	19	10	67	15%
<i>Region 6 Victorville</i>	24	17	86	20%
Region 6	43	27	153	18%
Region 7	-	-	78	0%
Region 8	3	3	35	9%
Region 9	2	2	74	3%
Total	204	147	1,328	11%

*Data previously reported by regional program managers and now in CIWQS

Table 29 shows that there were few documented inspections conducted at the 1,769 active facilities in the program for the reporting period (inspections were recorded for fewer than 11% of the active facilities) . However, where 401 certification violations were documented in CIWQS, 59% received enforcement.

Table 29: 401 Certification Compliance and Enforcement Outputs 2010

401 CER	No. of "Active" Facilities (certifications issued 2005-2010)*	Facilities Inspected	Violations		
			Total Violations	Receiving Enforcement	% of Violations Receiving Enforcement
Region 1	510	16	2	2	100%
Region 2	55	3	1	-	0%
Region 3*	52	16	-	-	
Region 4*	~400	50	-	-	
Region 5 Fresno	55	2	2	1	50%
Region 5 Redding	319	28	8	8	100%
Region 5 Sacramento	38	-	-	-	
Region 5 Total	412	30	10	9	90%
Region 6 Tahoe	67	10	9	4	44%
Region 6 Victorville	86	17	4	1	25%
Region 6 Total	153	27	13	5	38%
Region 7	78	-	-	-	
Region 8	35	3	-	-	
Region 9	74	2	1	-	0%
Totals	1,769	147	27	16	59%

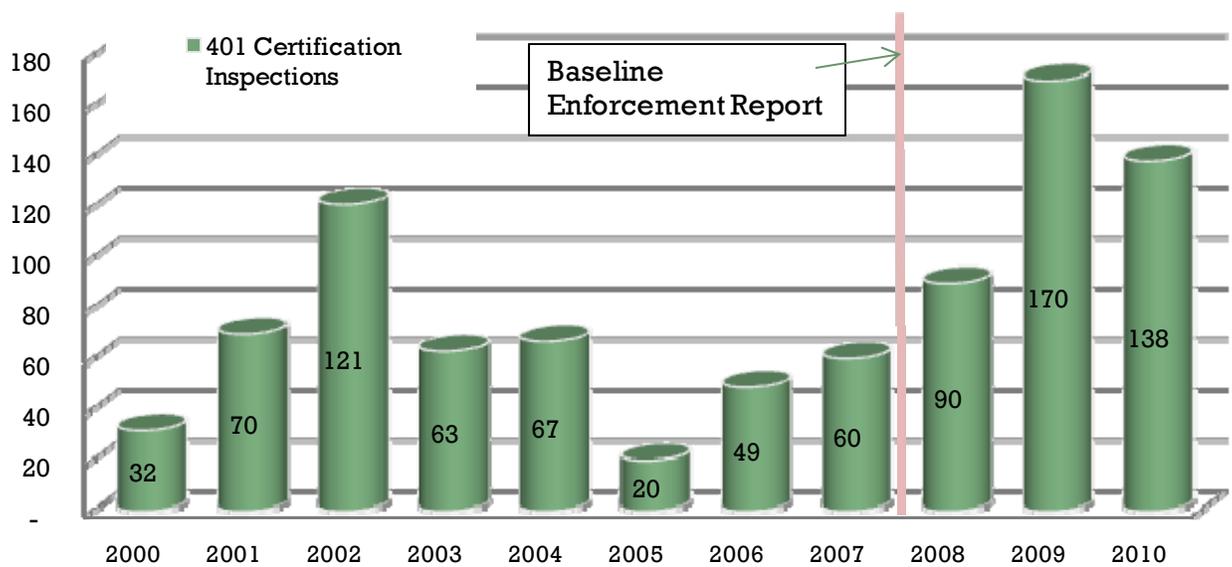
* Data is not from CIWQS. From the State Water Board 401 database and from 401 program managers.

Figure 12 shows the trends in the number of inspections conducted since 2000.

Trends in the number of violations receiving and not receiving enforcement for the 401 Certification Program has fluctuated since 2000 as shown in Figure 13.

Figure 12: 401 Certification, Inspections 2000-2010

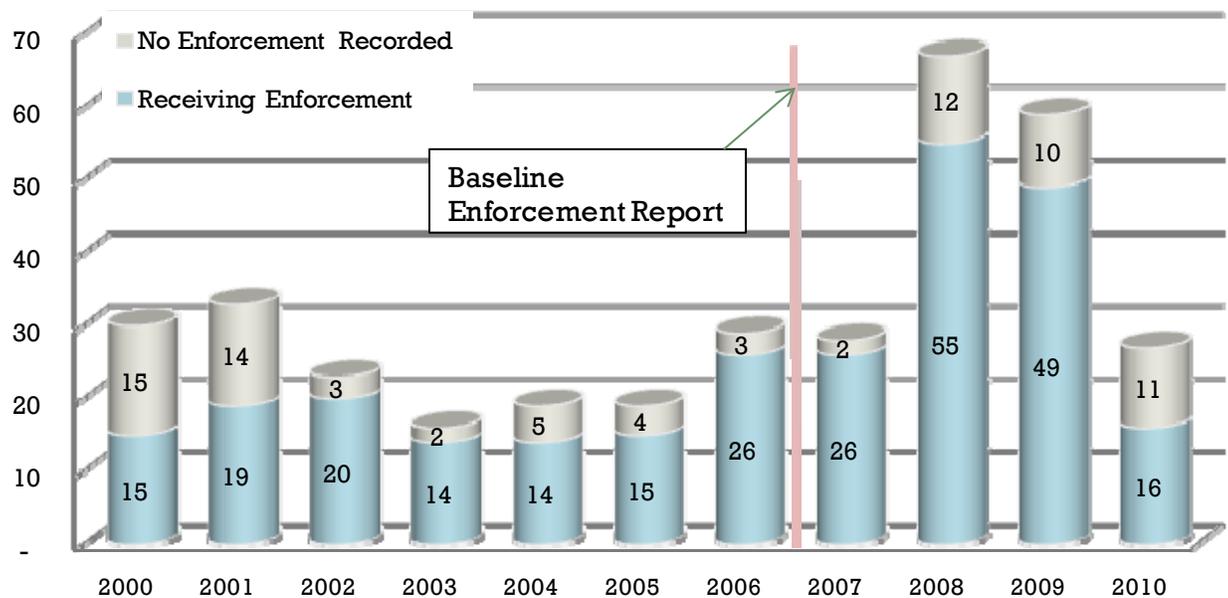
Inspections by Year



* Data only from CIWQS

Figure 13: 401 Certification, Violations 2000-2010

Violations by Year



* Data only from CIWQS

Enforcement Action Outputs

Table 30 lists the number of enforcement actions taken by the Regional Water Boards ranked from informal to more formal, in 2010.

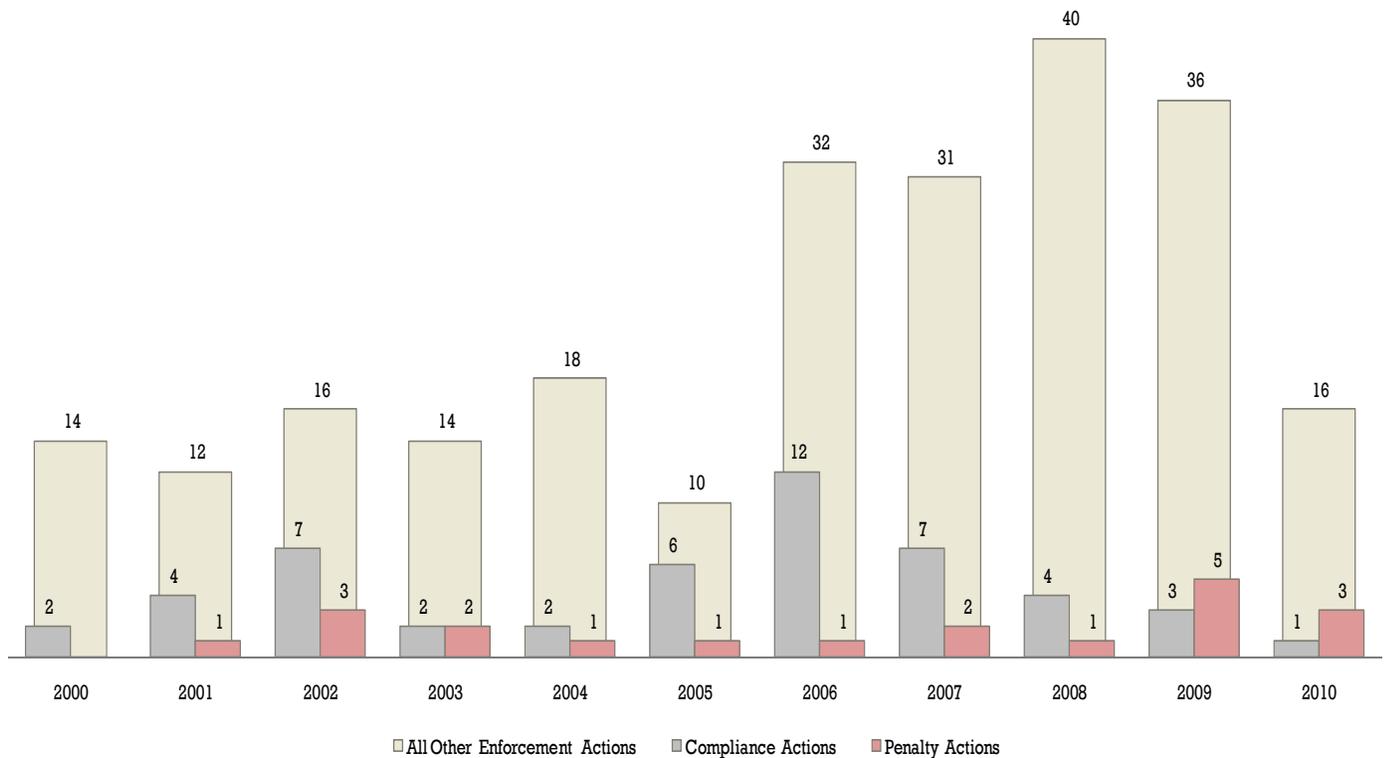
Table 30: 401 CERTIFICATION PROGRAM Enforcement Actions in 2010

401 Certification PROGRAM Enforcement Actions for Year 2010														
Enforcement CATEGORY	Enforcement ACTION TYPE	Regional Board												Total
		1	2	3	4	5F	5R	5S	6A	6B	7	8	9	
ALL OTHER ACTIONS	Staff Enforcement Letter	1	-	-	-	8	4	-	-	-	-	5	1	19
	Oral Communication	-	-	-	-	2	2	-	-	3	-	1	-	8
	Notice of Violation	5	4	-	-	7	4	-	1	-	-	2	6	29
	13267 Letter	1	-	-	-	-	-	-	-	-	-	-	-	1
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	1	1	-	-	1	-	-	1	1	5
	Time Schedule Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Cease and Desist Order	-	-	-	-	-	-	-	-	-	-	-	-	-
PENALTY ACTIONS	Settlement - Court Order	1	-	-	-	-	-	-	-	-	-	-	1	2
	Admin Civil Liability	3	-	-	-	1	-	-	1	-	-	-	-	5
TOTAL	TOTAL	11	4	-	1	19	10	-	3	3	-	9	9	69

*Data only from CIWQS

Figure 14 shows enforcement actions issued since 2000.

Figure 14: 401 Certification, Enforcement Actions Trends



Waste Discharge Requirements (WDR) Program Outputs

In this report we have grouped facilities regulated under the [Waste Discharge Requirements program](#) according to the type of facility, type of waste discharged, and size. We have separated facilities discharging treated municipal waste based on the size and type of regulatory measure used. Large municipal waste facilities are those serving a population of more than 1,000 people (or approximately a flow discharged greater than 100,000 gallons a day) and regulated with individual WDRs. Small municipal waste facilities are typically regulated under a general order or serve a community smaller than 1,000 people.

Compliance Outputs

More than 25,000 SMRs are received annually by the Regional Water Boards under the WDR program. Monitoring reports are submitted annually or as specified in Waste Discharge Requirements.

For Year 2010 the CIWQS database started to track monitoring reports due, received and reviewed for the programs described in this report. For that reason data for some facilities and regions is still incomplete.

Table 31: WDR Large Municipal Waste Facilities, Self Monitoring Reports in 2010

Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	18	16	203	155	29	76%
Region 2	4	1	18	17	17	94%
Region 3	36	35	350	273	273	78%
Region 4	15	10	53	35	12	66%
Region 5 Fresno	106	12	154	-	-	0%
Region 5 Redding	50	22	228	-	-	0%
Region 5 Sacramento	69	55	825	741	-	90%
Region 5	225	89	1,207	741	-	61%
Region 6 Tahoe	10	9	57	48	42	84%
Region 6 Victorville	30	28	206	194	142	94%
Region 6	40	37	263	242	184	92%
Region 7	29	1	2	-	-	0%
Region 8	15	1	12	-	-	0%
Region 9	41	31	365	276	271	76%
Total	423	221	2,473	1,739	786	70%

Table 32: WDR Small Municipal Waste Facilities, Self Monitoring Reports in 2010

Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	71	64	721	473	144	66%
Region 2	49	2	16	-	-	0%
Region 3	153	87	305	215	216	70%
Region 4	192	171	767	371	163	48%
Region 5 Fresno	182	30	300	-	-	0%
Region 5 Redding	93	29	278	-	-	0%
Region 5 Sacramento	172	161	1,977	1,488	1	75%
Region 5	447	220	2,555	1,488	1	58%
Region 6 Tahoe	21	12	49	28	22	57%
Region 6 Victorville	32	28	133	100	72	75%
Region 6	53	40	182	128	94	70%
Region 7	199	27	27	-	-	0%
Region 8	14	3	28	-	-	0%
Region 9	78	63	144	66	62	46%
Total	1,256	677	4,745	2,741	680	58%

Table 33: WDR Industrial Facilities, Self Monitoring Reports in 2010

Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	86	54	425	206	1	48%
Region 2	13	-	-	-	-	ND
Region 3	205	69	159	79	79	50%
Region 4	23	21	111	51	11	46%
Region 5 Fresno	219	49	314	90	90	29%
Region 5 Redding	60	20	149	-	-	0%
Region 5 Sacramento	195	166	1,773	1,263	3	71%
Region 5	474	235	2,236	1,353	93	61%
Region 6 Tahoe	6	6	13	6	4	46%
Region 6 Victorville	8	9	52	44	29	85%
Region 6	14	15	65	50	33	77%
Region 7	19	1	17	-	-	0%
Region 8	28	4	33	6	6	18%
Region 9	26	20	24	6	6	25%
Total	888	419	3,070	1,751	229	57%

Table 34: WDR All Other Facilities*, Self Monitoring Reports in 2010

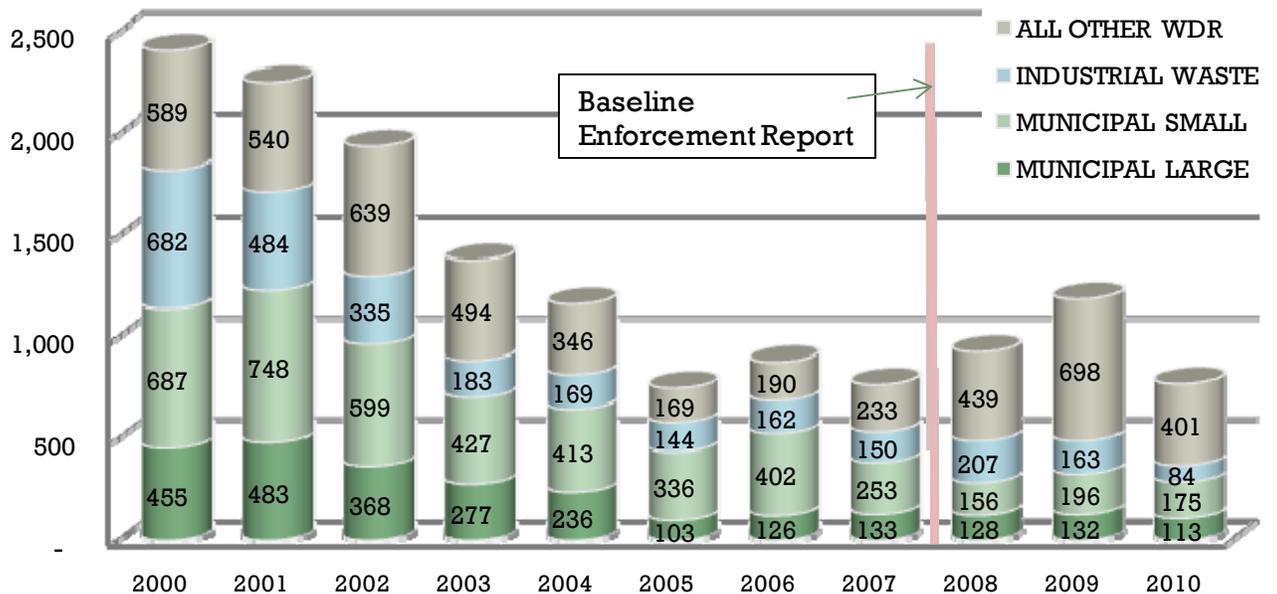
Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	137	55	423	215	35	51%
Region 2	130	3	8	4	4	50%
Region 3	312	57	181	90	90	50%
Region 4	207	203	895	471	55	53%
Region 5 Fresno	785	10	50	4	4	8%
Region 5 Redding	73	10	105	-	-	0%
Region 5 Sacramento	909	806	1,205	211	-	18%
Region 5	1,767	826	1,360	215	4	16%
Region 6 Tahoe	124	36	153	65	60	42%
Region 6 Victorville	69	41	162	97	71	60%
Region 6	193	77	315	162	131	51%
Region 7	49	3	33	-	-	0%
Region 8	33	5	56	6	6	11%
Region 9	229	17	73	15	15	21%
Total	3,057	1,246	3,344	1,178	340	35%

*Does not include timber harvest and collection systems.

Figure 15 shows inspection trends since 2000.

Figure 15: WDR Program, Inspections 2000-2010

Inspections by Year



The WDR figures and tables show a general reduction in enforcement related program activity. While the data does not describe why this reduction has occurred, it is probable that regional priorities to address permitting took precedent over compliance and enforcement activities in the WDR program.

Facilities regulated under the WDR program can be further classified into six categories based on the waste type, size and the activity type. Categories include: facilities that treat and discharge municipal waste, facilities that discharge industrial waste, wastewater collection systems, dairies and confined animal facilities and all other facilities such as recycled water, timber harvest activities etc. Tables 35 to 41 list inspections for the five types of WDR dischargers.

- Large municipal wastewater treatment plants discharging to land
- Small municipal wastewater treatment plants discharging to land
- Industrial wastewater treatment plants and food processing plants discharging to land
- Wastewater collection systems (sanitary sewer overflow prevention)
- Dairies and confined animal facilities
- All other activities, including, recycled water use, timber harvest, etc.

Table 35: WDR Large Municipal Waste Facilities. Inspections in 2010

WDR Municipal INDIVIDUAL POPULATION >1000	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	3	3	18	17%
Region 2	4	4	4	100%
Region 3	9	9	36	25%
Region 4	2	2	15	13%
<i>Region 5 Fresno</i>	14	12	106	11%
<i>Region 5 Redding</i>	7	6	50	12%
<i>Region 5 Sacramento</i>	17	15	69	22%
Region 5	38	33	225	15%
<i>Region 6 Tahoe</i>	6	5	10	50%
<i>Region 6 Victorville</i>	30	25	30	83%
Region 6	36	30	40	75%
Region 7	3	3	29	10%
Region 8	5	5	15	33%
Region 9	13	13	41	32%
Total	113	102	423	24%

* All data from CIWQS as of 4/11/2011

Table 36: WDR Small Municipal Waste Facilities. Inspections in 2010

WDR Municipal not Individual and Small	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	25	19	71	27%
Region 2	3	3	49	6%
Region 3	14	11	153	7%
Region 4	23	23	192	12%
<i>Region 5 Fresno</i>	20	19	182	10%
<i>Region 5 Redding</i>	7	6	93	6%
<i>Region 5 Sacramento</i>	30	28	172	16%
Region 5	57	53	447	12%
<i>Region 6 Tahoe</i>	4	3	21	14%
<i>Region 6 Victorville</i>	9	8	32	25%
Region 6	13	11	53	21%
Region 7	1	1	199	1%
Region 8	13	9	14	64%
Region 9	15	15	78	19%
Total	164	145	1,256	12%

* All data from CIWQS as of 4/11/2011

Table 37: WDR Industrial Waste Inspections in 2010

WDR Industrial	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	4	4	86	5%
Region 2	-	-	13	0%
Region 3	7	6	205	3%
Region 4	1	1	23	4%
<i>Region 5 Fresno</i>	35	32	219	15%
<i>Region 5 Redding</i>	8	8	60	13%
<i>Region 5 Sacramento</i>	13	11	195	6%
Region 5	56	51	474	11%
<i>Region 6 Tahoe</i>	1	1	6	17%
<i>Region 6 Victorville</i>	3	3	8	38%
Region 6	4	4	14	29%
Region 7	1	1	19	5%
Region 8	7	7	28	25%
Region 9	1	1	26	4%
Total	81	75	888	8%

Table 38: WDR Collection Systems/SSO Inspections in 2010

WDR SSO	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	2	2	67	3%
Region 2	1	1	127	1%
Region 3	1	1	103	1%
Region 4	1	1	145	1%
<i>Region 5 Fresno</i>	1	1	155	1%
<i>Region 5 Redding</i>	3	3	52	6%
<i>Region 5 Sacramento</i>	-	-	182	0%
Region 5	4	4	389	1%
<i>Region 6 Tahoe</i>	1	1	22	5%
<i>Region 6 Victorville</i>	1	1	46	2%
Region 6	2	2	68	3%
Region 7	-	-	30	0%
Region 8	-	-	87	0%
Region 9	-	-	54	0%
Total	11	11	1,070	1%

Table 39: WDR Timber Harvest/Forestry Inspections in 2010

TIMBER HARVEST	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	155	139	872	16%
Region 2	-	-	0	NA
Region 3	-	-	73	0%
Region 4	-	-	0	NA
<i>Region 5 Fresno</i>	-	-	0	NA
<i>Region 5 Redding</i>	-	-	10	0%
<i>Region 5 Sacramento</i>	-	-	0	NA
Region 5	-	-	10	0%
<i>Region 6 Tahoe</i>	7	5	48	10%
<i>Region 6 Victorville</i>	-	-	0	NA
Region 6	7	5	48	10%
Region 7	-	-	0	NA
Region 8	-	-	0	NA
Region 9	-	-	0	NA
Total	162	144	1,003	14%

Table 40: WDR Dairies/CAF Inspections in 2010

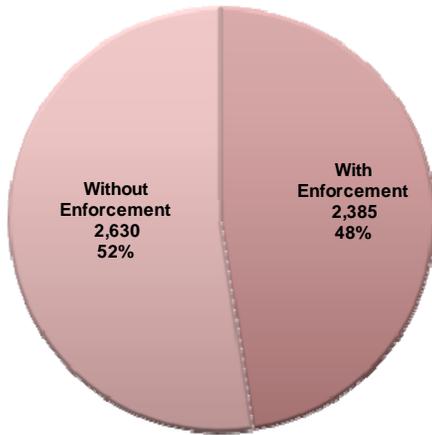
WDR CAFO/Dairies	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	-	-	1	0%
Region 2	-	-	50	0%
Region 3	1	1	2	50%
Region 4	-	-	0	NA
<i>Region 5 Fresno</i>	139	132	637	21%
<i>Region 5 Redding</i>	1	1	21	5%
<i>Region 5 Sacramento</i>	121	105	805	13%
Region 5	261	238	1,463	16%
<i>Region 6 Tahoe</i>	-	-	0	NA
<i>Region 6 Victorville</i>	-	-	0	
Region 6	-	-	-	
Region 7	-	-	0	NA
Region 8	-	-	0	NA
Region 9	4	4	8	50%
Total	266	243	1,524	16%

Table 41: WDR All Other Facilities Inspections in 2010

WDR Other	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	60	55	136	40%
Region 2	3	3	80	4%
Region 3	9	8	310	3%
Region 4	14	13	207	6%
<i>Region 5 Fresno</i>	9	6	148	4%
<i>Region 5 Redding</i>	10	8	52	15%
<i>Region 5 Sacramento</i>	1	1	104	1%
Region 5	20	15	304	5%
<i>Region 6 Tahoe</i>	5	5	124	4%
<i>Region 6 Victorville</i>	21	16	69	23%
Region 6	26	21	193	11%
Region 7	2	2	49	4%
Region 8	3	3	33	9%
Region 9	1	1	221	0%
Total	138	121	1,533	8%

Figure 16: WDR Facilities, Enforcement Response

Violations Receiving Enforcement in 2010



Approximately 48% of all documented WDR violations occurring during year 2010 received an enforcement action.

The following tables summarize information on the number of violations and enforcement actions for each of the five categories of dischargers regulated under the WDR program.

Table 42: WDR Large Municipal Waste Compliance and Enforcement Outputs in 2010

Regional Board	No. of Facilities	Violations			Priority Violations		
		Total Violations (including priority)	Receiving Enforcement	% of violations Receiving Enforcement	Total Priority Violations	Receiving Enforcement	% of violations Receiving Enforcement
1	18	36	-	0%	26	-	0%
2	4	3	1	33%	-	-	-
3	36	284	27	10%	115	8	7%
4	15	212	-	0%	-	-	-
5F	106	197	95	48%	39	12	31%
5R	50	24	11	46%	14	5	36%
5S	69	495	245	49%	9	2	22%
5 Total	225	716	351	49%	62	19	31%
6A	10	19	4	21%	11	2	18%
6B	30	521	301	58%	150	69	46%
6 Total	40	540	305	56%	161	71	44%
7	29	15	-	0%	15	-	0%
8	15	-	-	-	-	-	-
9	41	162	150	93%	99	88	89%
Totals	423	1,968	834	42%	478	186	39%

Table 43: WDR Small Municipal Waste Compliance and Enforcement Outputs in 2010

Regional Board	No. of Facilities	Violations			Priority Violations		
		Total Violations (including priority)	Receiving Enforcement	% of violations Receiving Enforcement	Total Priority Violations	Receiving Enforcement	% of violations Receiving Enforcement
1	71	134	27	20%	76	9	12%
2	49	-	-		-	-	
3	153	173	4	2%	56	1	2%
4	192	393	7	2%	-	-	
5F	182	153	92	60%	25	11	44%
5R	93	18	11	61%	10	3	30%
5S	172	90	65	72%	12	11	92%
5 Total	447	261	168	64%	47	25	53%
6A	21	59	4	7%	15	1	7%
6B	32	121	25	21%	82	23	28%
6 Total	53	180	29	16%	97	24	25%
7	199	9	8	89%	-	-	
8	14	-	-		-	-	
9	78	64	61	95%	14	12	86%
Totals	1,256	1,214	304	25%	290	71	24%

Table 44: WDR Industrial Waste Compliance and Enforcement Outputs in 2010

Regional Board	No. of Facilities	Violations			Priority Violations		
		Total Violations (including priority)	Receiving Enforcement	% of violations Receiving Enforcement	Total Priority Violations	Receiving Enforcement	% of violations Receiving Enforcement
1	86	19	19	100%	6	-	0%
2	13	-	-		-	-	
3	205	21	21	100%	4	-	0%
4	23	-	-		-	-	
5F	219	59	59	100%	15	5	33%
5R	60	18	17	94%	-	-	
5S	195	73	57	78%	10	4	40%
5 Total	474	150	133	89%	25	9	36%
6A	6	3	3	100%	-	-	
6B	8	10	10	100%	4	-	0%
6 Total	14	13	13	100%	4	-	0%
7	19	-	-		-	-	
8	28	-	-		-	-	
9	26	3	3	100%	-	-	
Totals	888	206	189	92%	39	9	23%

Table 45: WDR Collection Systems Compliance and Enforcement Outputs in 2010

Regional Board	No. of Facilities	Violations			Priority Violations		
		Total Violations (including priority)	Receiving Enforcement	% of violations Receiving Enforcement	Total Priority Violations	Receiving Enforcement	% of violations Receiving Enforcement
1	67	8	8	100%	-	-	
2	127	159	159	100%	4	4	100%
3	103	176	10	6%	22	1	5%
4	145	6	6	100%	5	5	100%
5F	155	31	31	100%	3	3	100%
5R	52	6	6	100%	-	-	
5S	182	19	19	100%	-	-	
5 Total	389	56	56	100%	3	3	100%
6A	22	2	1	50%	-	-	
6B	46	14	12	86%	6	4	67%
6 Total	68	16	13	81%	6	4	67%
7	30	14	13	93%	-	-	
8	87	8	7	88%	1	1	100%
9	54	91	91	100%	2	2	100%
Totals	1,070	534	363	68%	43	20	47%

Table 46: WDR Dairies/CAF Compliance and Enforcement Outputs in 2010

Regional Board	No. of Facilities	Violations			Priority Violations		
		Total Violations (including priority)	Receiving Enforcement	% of violations Receiving Enforcement	Total Priority Violations	Receiving Enforcement	% of violations Receiving Enforcement
1	1	-	-		-	-	
2	50	-	-		-	-	
3	2	-	-		-	-	
4	-	-	-		-	-	
5F	637	517	517	100%	147	113	77%
5R	21	-	-		-	-	
5S	805	27	27	100%	-	-	
5 Total	1,463	544	544	100%	147	113	77%
6A	-	-	-		-	-	
6B	-	-	-		-	-	
6 Total	-	-	-		-	-	
7	-	-	-		-	-	
8	-	-	-		-	-	
9	8	-	-		-	-	
Totals	1,524	544	544	100%	147	113	77%

Table 47: WDR Timber Harvest Compliance and Enforcement Outputs in 2010

Regional Board	No. of Facilities	Violations			Priority Violations		
		Total Violations (including priority)	Receiving Enforcement	% of violations Receiving Enforcement	Total Priority Violations	Receiving Enforcement	% of violations Receiving Enforcement
1	872	9	7	78%	-	-	
2	-	-	-		-	-	
3	73	-	-		-	-	
4	-	-	-		-	-	
5F	-	-	-		-	-	
5R	10	-	-		-	-	
5S	-	-	-		-	-	
5 Total	10	-	-		-	-	
6A	48	7	3	43%	-	-	
6B	-	-	-		-	-	
6 Total	48	7	3	43%	-	-	
7	-	-	-		-	-	
8	-	-	-		-	-	
9	-	-	-		-	-	
Totals	1,003	16	10	63%	-	-	

* Data only from CIWQS

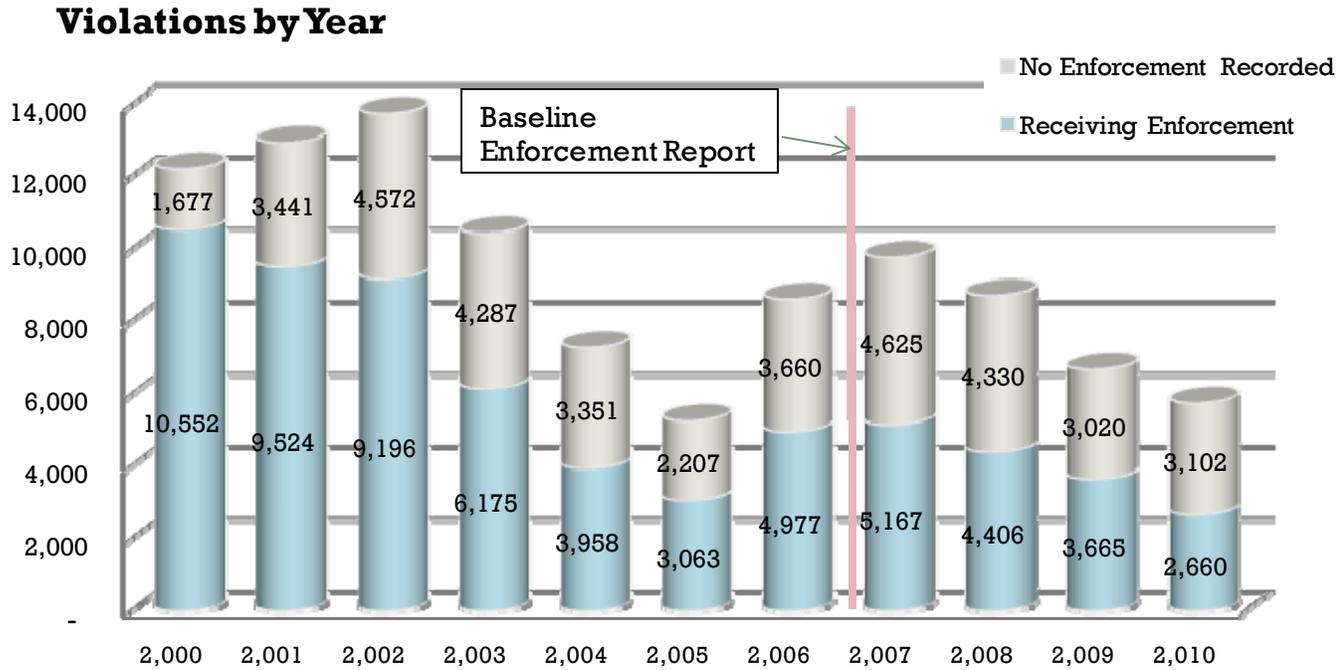
Table 48: WDR All Other Facilities Compliance and Enforcement Outputs in 2010

Regional Board	No. of Facilities	Violations			Priority Violations		
		Total Violations (including priority)	Receiving Enforcement	% of violations Receiving Enforcement	Total Priority Violations	Receiving Enforcement	% of violations Receiving Enforcement
1	136	11	5	45%	6	2	33%
2	80	10	7	70%	-	-	
3	310	25	2	8%	2	-	0%
4	207	375	12	3%	-	-	
5F	148	74	29	39%	7	7	100%
5R	52	4	4	100%	2	2	100%
5S	104	11	5	45%	6	5	83%
5 Total	304	89	38	43%	15	14	93%
6A	124	78	1	1%	32	1	3%
6B	69	442	396	90%	230	201	87%
6 Total	193	520	397	76%	262	202	77%
7	49	9	9	100%	6	6	100%
8	33	-	-		-	-	
9	221	44	44	100%	16	16	100%
Totals	1,533	1,083	514	47%	307	240	78%

* Data from CIWQS

The number of violations receiving enforcement for the entire WDR program has fluctuated substantially since 2000.

Figure 17: WDR Program, Violations Trends



As noted, the types of dischargers regulated under the NPDES and WDR programs are similar, the primary difference is that NPDES discharges are to surface waters and WDR discharges are to land and groundwater. While there are more WDR facilities, they are often smaller in scale than NPDES facilities. The land-intensive nature of these discharges means that these facilities are often found in more rural settings. WDR discharge violations can affect groundwater resources, and such effects can take longer to remediate or recover than surface water impacts.

As with NPDES violations and enforcement actions, regional variations in the outputs for WDR facilities reflect differences in the facilities regulated, resources made available for enforcement, and the priority assigned to tracking and recording violations and enforcement actions.

Enforcement Action Outputs

Tables 49 to 55 list the number of enforcement actions taken by the Regional Water Boards for the five categories of dischargers under the WDR program ranked from informal to more formal during year 2010.

Table 49: WDR Large Municipal Waste, Enforcement Actions for Year 2010

Large Municipal NON15 PROGRAM Enforcement Actions for Year 2010														
Enforcement CATEGORY	Enforcement Action TYPE	Regional Board											Total	
		1	2	3	4	5F	5R	5S	6A	6B	7	8		9
ALL OTHER ACTIONS	Staff Enforcement Letter	-	-	-	-	10	5	2	1	1	-	-	46	65
	Oral Communication	-	-	-	-	20	-	1	-	3	-	-	-	24
	Notice of Violation	-	-	2	-	10	4	16	-	2	-	-	6	40
	13267 Letter	-	-	-	-	-	-	-	-	2	-	-	1	3
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	-	-	-	1	-	1	-	-	-	2
	Time Schedule Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Cease and Desist Order	-	-	-	-	-	-	-	-	-	-	-	-	-
PENALTY ACTIONS	Admin Civil Liability	-	-	-	-	-	-	1	-	-	-	-	-	1
TOTAL	TOTAL	-	-	2	-	40	9	21	1	9	-	-	53	135

Table 50: WDR Small Municipal Waste, Enforcement Actions for Year 2010

Small Municipal NON15 PROGRAM Enforcement Actions for Year 2010														
Enforcement CATEGORY	Enforcement Action TYPE	Regional Board											Total	
		1	2	3	4	5F	5R	5S	6A	6B	7	8		9
ALL OTHER ACTIONS	Staff Enforcement Letter	1	-	-	-	7	12	4	-	1	11	-	46	82
	Oral Communication	-	1	2	-	24	3	3	2	5	-	-	3	43
	Notice of Violation	-	-	2	8	9	4	14	-	6	-	-	12	55
	13267 Letter	-	-	-	-	-	-	-	-	2	-	-	1	3
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	-	-	-	1	-	-	-	-	-	1
	Time Schedule Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Cease and Desist Order	-	-	-	-	-	-	1	-	-	-	-	-	1
PENALTY ACTIONS	Admin Civil Liability	1	-	-	-	-	-	1	-	1	-	-	-	3
TOTAL	TOTAL	2	1	4	8	40	19	24	2	15	11	-	62	188

Table 51: WDR Industrial Waste, Enforcement Actions for Year 2010

Industrial NON15 PROGRAM Enforcement Actions for Year 2010														
Enforcement Enforcement Action		Regional Board												Total
CATEGORY	TYPE	1	2	3	4	5F	5R	5S	6A	6B	7	8	9	
ALL OTHER ACTIONS	Staff Enforcement Letter	-	-	-	-	9	2	1	-	-	-	-	3	15
	Oral Communication	-	-	-	-	17	1	-	-	-	-	-	-	18
	Notice of Violation	-	-	2	-	5	2	9	-	-	-	-	1	19
	13267 Letter	-	-	-	-	1	-	1	-	-	-	-	-	2
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Time Schedule Order	-	-	-	-	1	-	-	-	-	-	-	-	1
	Cease and Desist Order	-	-	-	-	-	-	-	-	-	-	-	-	-
PENALTY ACTIONS	Admin Civil Liability	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	TOTAL	-	-	2	-	33	5	11	-	-	-	-	4	55

Table 52: WDR SSO, Enforcement Actions for Year 2010

SSO NON15 PROGRAM Enforcement Actions for Year 2010														
Enforcement Enforcement Action		Regional Board												Total
CATEGORY	TYPE	1	2	3	4	5F	5R	5S	6A	6B	7	8	9	
ALL OTHER ACTIONS	Staff Enforcement Letter	-	-	-	-	-	1	-	-	1	-	1	20	23
	Oral Communication	-	-	3	-	-	-	-	-	-	-	-	-	3
	Notice of Violation	8	1	9	5	30	6	16	1	11	10	8	9	114
	13267 Letter	-	-	-	2	-	-	-	-	-	2	-	1	5
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	2	-	-	-	-	-	-	-	-	2
	Time Schedule Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Cease and Desist Order	-	-	-	-	-	-	-	-	-	-	-	-	-
PENALTY ACTIONS	Admin Civil Liability	1	-	-	-	-	-	-	-	-	-	-	-	1
TOTAL	TOTAL	9	1	12	9	30	7	16	1	12	12	9	30	148

Table 53: WDR Dairies and CAF, Enforcement Actions for Year 2010

CAFO NON15 PROGRAM Enforcement Actions for Year 2010														
Enforcement Enforcement Action		Regional Board												Total
CATEGORY	TYPE	1	2	3	4	5F	5R	5S	6A	6B	7	8	9	
ALL OTHER ACTIONS	Staff Enforcement Letter	-	-	-	-	24	-	-	-	-	-	-	1	25
	Oral Communication	-	-	2	-	15	-	12	-	-	-	-	-	29
	Notice of Violation	-	-	2	-	226	2	36	-	-	-	-	-	266
	13267 Letter	-	-	-	-	18	-	25	-	-	-	-	-	43
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Time Schedule Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Cease and Desist Order	-	-	-	-	-	-	-	-	-	-	-	-	-
PENALTY ACTIONS	Admin Civil Liability	-	-	-	-	-	-	3	-	-	-	-	-	3
TOTAL	TOTAL	-	-	4	-	283	2	76	-	-	-	-	1	366

Table 54: WDR Timber Harvest/Forestry, Enforcement Actions for Year 2010

WDR TIMBER HARVEST PROGRAM Enforcement Actions for Year 2010														
Enforcement CATEGORY	Enforcement Action TYPE	Regional Board											Total	
		1	2	3	4	5F	5R	5S	6A	6B	7	8		9
ALL OTHER ACTIONS	Staff Enforcement Letter	-	-	-	-	-	-	-	1	-	-	-	-	1
	Oral Communication	-	-	-	-	-	-	-	1	-	-	-	-	1
	Notice of Violation	2	-	-	-	-	-	-	1	-	-	-	-	3
	13267 Letter	-	-	-	-	-	-	-	-	-	-	-	-	-
COMPLIANCE ACTIONS	Clean-up and Abatement Order	2	-	-	-	-	-	-	-	-	-	-	-	2
	Time Schedule Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Cease and Desist Order	-	-	-	-	-	-	-	-	-	-	-	-	-
PENALTY ACTIONS	Admin Civil Liability	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	TOTAL	4	-	-	-	-	-	-	3	-	-	-	-	7

Table 55: WDR All Other Facilities, Enforcement Actions for Year 2010

ALL OTHER NON15 PROGRAM Enforcement Actions for Year 2010														
Enforcement CATEGORY	Enforcement Action TYPE	Regional Board											Total	
		1	2	3	4	5F	5R	5S	6A	6B	7	8		9
ALL OTHER ACTIONS	Staff Enforcement Letter	1	-	-	-	5	3	-	1	-	-	-	10	20
	Oral Communication	-	-	-	-	5	1	-	-	8	-	-	-	14
	Notice of Violation	6	-	2	10	2	-	1	-	3	-	-	4	28
	13267 Letter	-	-	-	-	-	-	-	-	4	-	-	-	4
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	-	-	-	-	-	2	-	-	-	2
	Time Schedule Order	-	-	-	-	-	-	-	-	-	-	-	-	-
	Cease and Desist Order	-	-	-	-	-	-	-	-	-	-	-	-	-
PENALTY ACTIONS	Admin Civil Liability	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	TOTAL	7	-	2	10	12	4	1	1	17	-	-	14	68

The number of enforcement actions has fluctuated significantly since 2000. We have seen a significant decrease in the number of informal actions documented since 2003, although the level of formal enforcement remained at similar levels. As shown in Figure 19, there has been a steady decline in the percent of violations receiving any form of enforcement. This may be due, in part, to staff not recording informal actions in the new CIWQS database.

Figure 18: WDR Program, Enforcement Actions 2000-2010

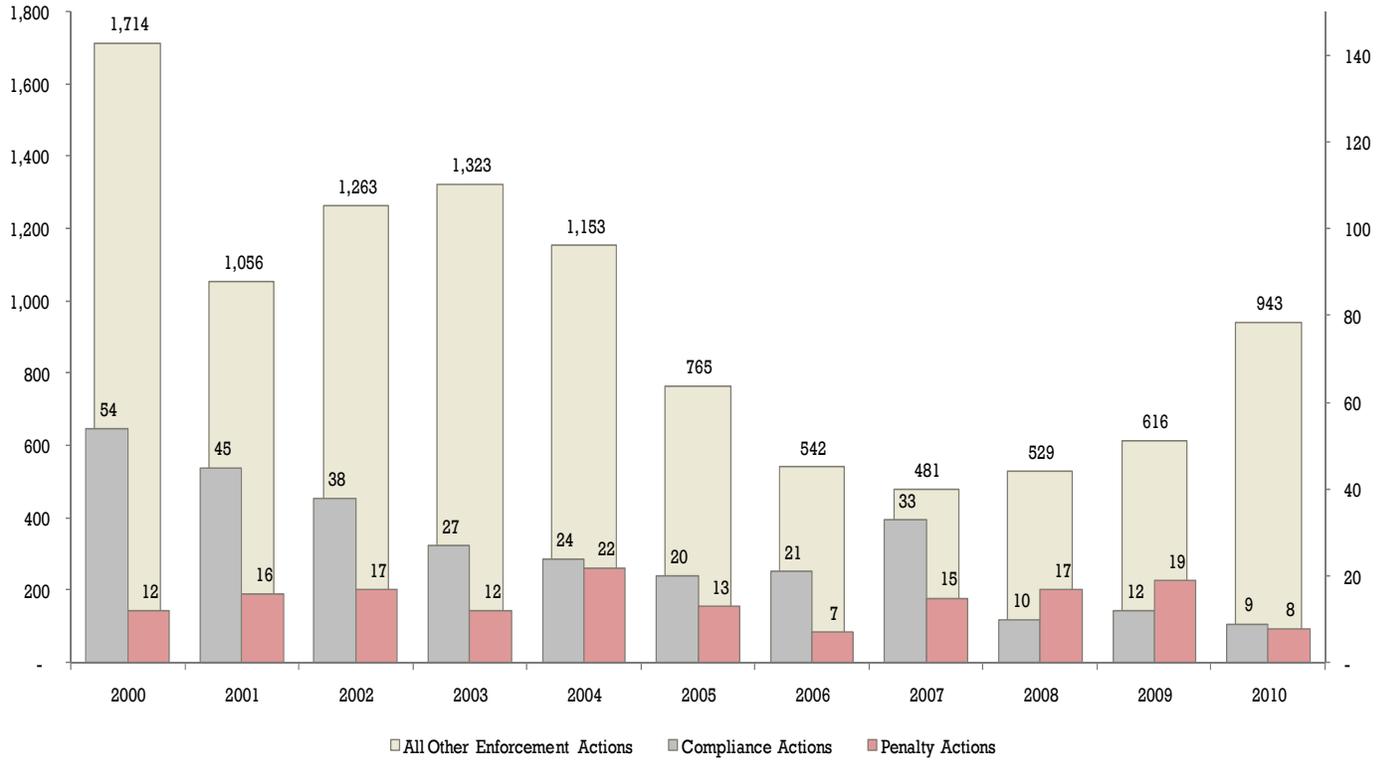
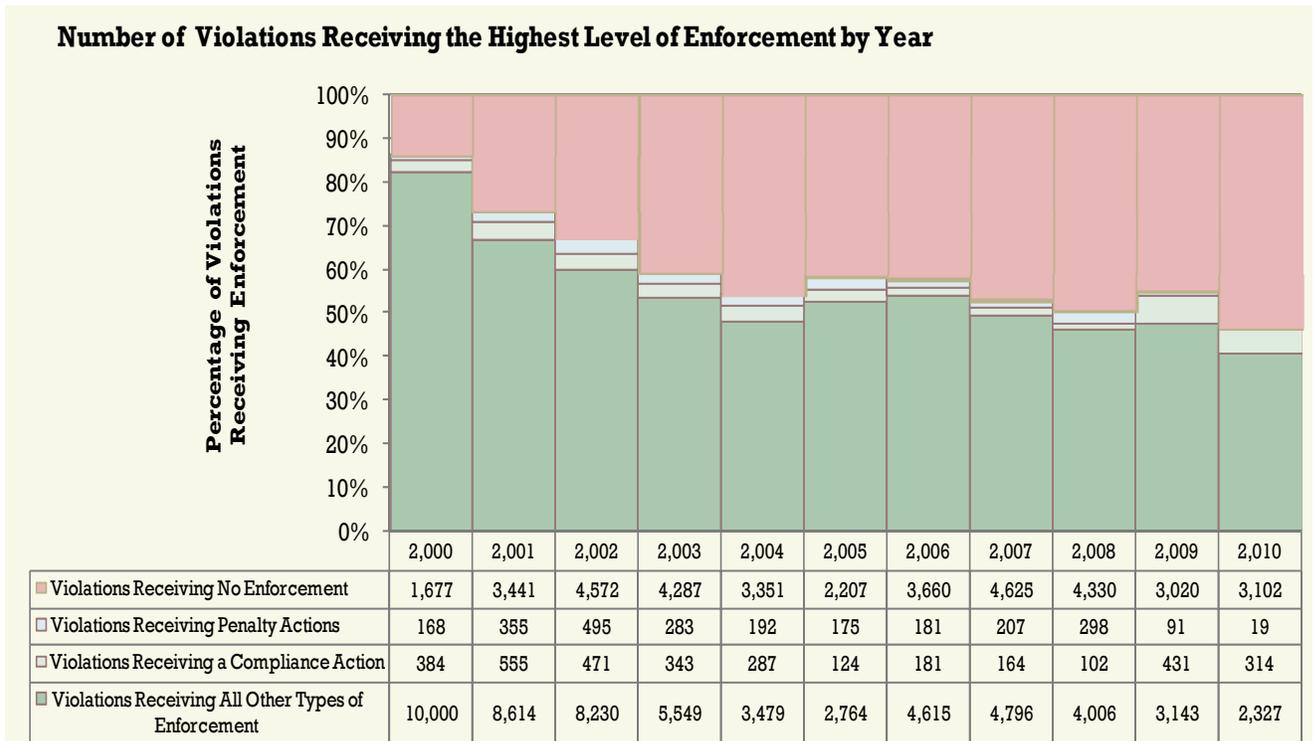


Figure 19: WDR Program, Enforcement Response 2000-2010



Land Disposal Program Outputs

Facilities regulated under the [Land Disposal program](#) can be classified into three categories based on the waste type and the threat to water quality. Categories include: Landfills actively receiving waste (open), landfills that are closed and no longer accept waste (closed), and all other land disposal facilities (including surface impoundments, waste piles, land treatment units, etc).

Compliance Outputs

More than 2,000 SMRs are received annually by the Regional Water Boards to comply with the land disposal program requirements. Monitoring reports are submitted as specified in the permit requirements. For year 2010, the CIWQS database tracked monitoring reports due, received and reviewed. The following tables display the number of monitoring report due, received and reviewed in 2010 and the number of facilities with one or more SMR during the period. The data in CIWQS is still incomplete and only 57% of facilities have their reporting requirements included in the databases.

Table 56: Land Disposal Open Landfills, Self Monitoring Reports in 2010

Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	1	1	6	2	-	33%
Region 2	12	6	15	2	2	13%
Region 3	13	6	20	6	6	30%
Region 4	11	8	25	24	23	96%
<i>Region 5 Fresno</i>	15	10	48	22	22	46%
<i>Region 5 Redding</i>	8	2	11	-	-	0%
<i>Region 5 Sacramento</i>	16	15	49	34	-	69%
Region 5	39	27	108	56	22	52%
<i>Region 6 Tahoe</i>	1	1	4	-	-	0%
<i>Region 6 Victorville</i>	16	17	63	42	18	67%
Region 6	17	18	67	42	18	63%
Region 7	17	3	9	-	-	0%
Region 8	9	2	10	-	-	0%
Region 9	6	-	-	-	-	ND
Total	125	71	260	132	71	51%

Table 57: Land Disposal Closed Landfills, Self Monitoring Reports in 2010

Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	20	22	127	54	-	43%
Region 2	41	17	32	3	4	9%
Region 3	31	6	22	7	7	32%
Region 4	18	17	49	34	32	69%
Region 5 Fresno	36	22	100	44	42	44%
Region 5 Redding	17	9	30	-	-	0%
Region 5 Sacramento	44	39	96	64	-	67%
Region 5	97	70	226	108	42	48%
Region 6 Tahoe	10	9	25	8	1	32%
Region 6 Victorville	18	13	50	22	7	44%
Region 6	28	22	75	30	8	40%
Region 7	19	4	10	-	-	0%
Region 8	18	4	14	-	-	0%
Region 9	17	1	3	-	-	0%
Total	289	163	558	236	93	42%

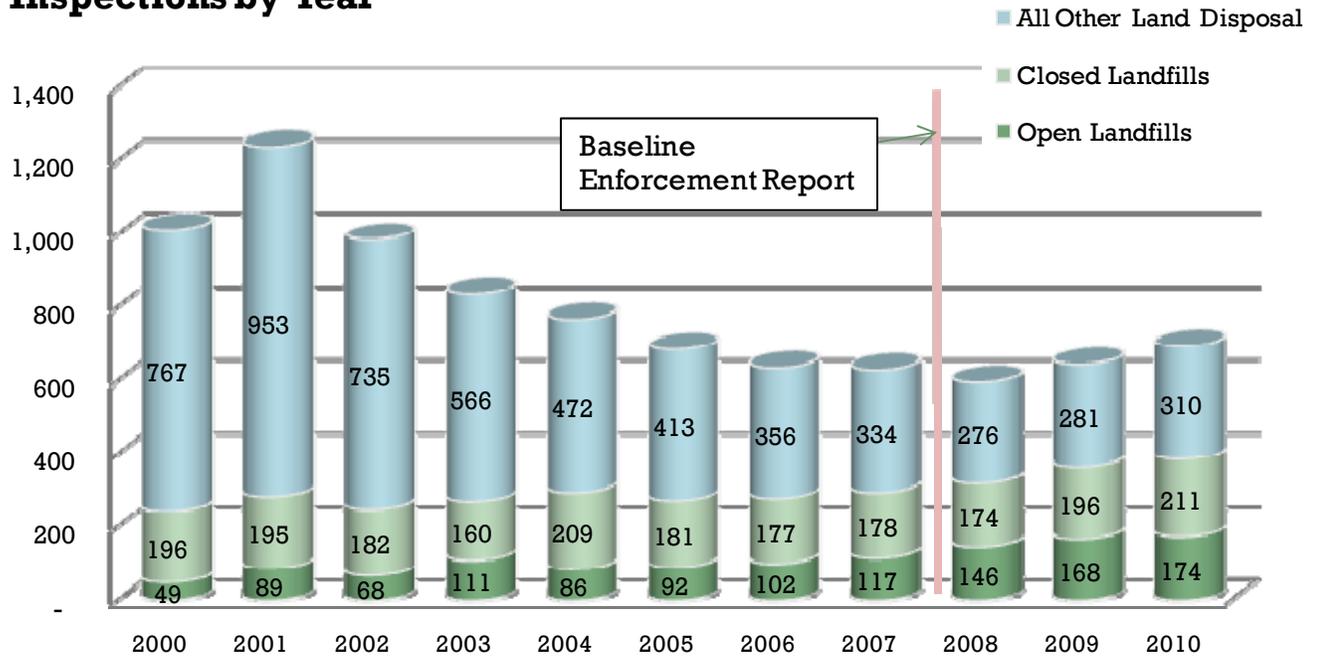
Table 58: Land Disposal All Other Facilities, Self Monitoring Reports in 2010

Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	14	4	31	4	-	13%
Region 2	33	10	24	2	2	8%
Region 3	14	3	7	2	2	29%
Region 4	30	28	104	66	59	63%
Region 5 Fresno	99	21	124	82	77	66%
Region 5 Redding	17	1	3	-	-	0%
Region 5 Sacramento	49	22	47	18	-	38%
Region 5	165	44	174	100	77	57%
Region 6 Tahoe	2	-	-	-	-	ND
Region 6 Victorville	50	35	136	109	59	80%
Region 6	52	35	136	109	59	80%
Region 7	37	11	28	-	-	0%
Region 8	34	7	35	-	-	0%
Region 9	28	1	3	-	-	0%
Total	407	143	542	283	199	52%

Figure 20 shows the trends in the number of inspections conducted since 2000. While the general trend is downward, the data show that inspection numbers have gradually increased since the FY 2007-2008 Baseline Enforcement Report.

Figure 20: Land Disposal Program, Inspections Trends 2000-2010

Inspections by Year



Inspections conducted are tracked in the CIWQS database. For the Land Disposal program, 471 facilities were inspected during 2010 (402 in 2009). Tables 59 to 61 below shows the total number of inspections conducted by each Regional Water Board in 2010.

Table 59: Land Disposal Open Landfills Inspections in 2010

LNDSP	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	2	1	1	100%
Region 2	17	11	12	92%
Region 3	26	9	13	69%
Region 4	26	11	11	100%
<i>Region 5 Fresno</i>	30	16	15	107%
<i>Region 5 Redding</i>	13	6	8	75%
<i>Region 5 Sacramento</i>	11	7	16	44%
Region 5	54	29	39	74%
<i>Region 6 Tahoe</i>	1	1	1	100%
<i>Region 6 Victorville</i>	15	14	16	88%
Region 6	16	15	17	88%
Region 7	14	5	17	29%
Region 8	16	8	9	89%
Region 9	3	3	6	50%
Total	174	92	125	74%

Table 60: Land Disposal Closed Landfills Inspections in 2010

LNDSP	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	4	4	20	20%
Region 2	20	14	41	34%
Region 3	22	15	31	48%
Region 4	23	18	18	100%
<i>Region 5 Fresno</i>	45	27	36	75%
<i>Region 5 Redding</i>	4	4	17	24%
<i>Region 5 Sacramento</i>	12	6	44	14%
Region 5	61	37	97	38%
<i>Region 6 Tahoe</i>	10	10	10	100%
<i>Region 6 Victorville</i>	17	16	18	89%
Region 6	27	26	28	93%
Region 7	15	7	19	37%
Region 8	28	18	18	100%
Region 9	11	10	17	59%
Total	211	149	289	52%

Table 61: Land Disposal All Other Facilities Inspections in 2010

LNDSP	INSPECTIONS	FACILITIES INSPECTED	FACILITIES REGULATED	% Facilities Inspected
Region 1	7	6	14	43%
Region 2	17	13	33	39%
Region 3	6	4	14	29%
Region 4	34	29	30	97%
Region 5 Fresno	69	66	99	67%
Region 5 Redding	12	8	17	47%
Region 5 Sacramento	14	14	49	29%
Region 5	95	88	165	53%
Region 6 Tahoe	1	1	2	50%
Region 6 Victorville	41	36	50	72%
Region 6	42	37	52	71%
Region 7	55	18	37	49%
Region 8	49	30	34	88%
Region 9	5	5	28	18%
Total	310	230	407	57%

* Data from CIWQS

Trends in the number of violations receiving and not receiving enforcement for the entire Land Disposal has fluctuated since 2000. The percentage of violations receiving enforcement fluctuated from 80% to 34% during this period.

Figure 21: Land Disposal, Violations Trends

Violations by Year

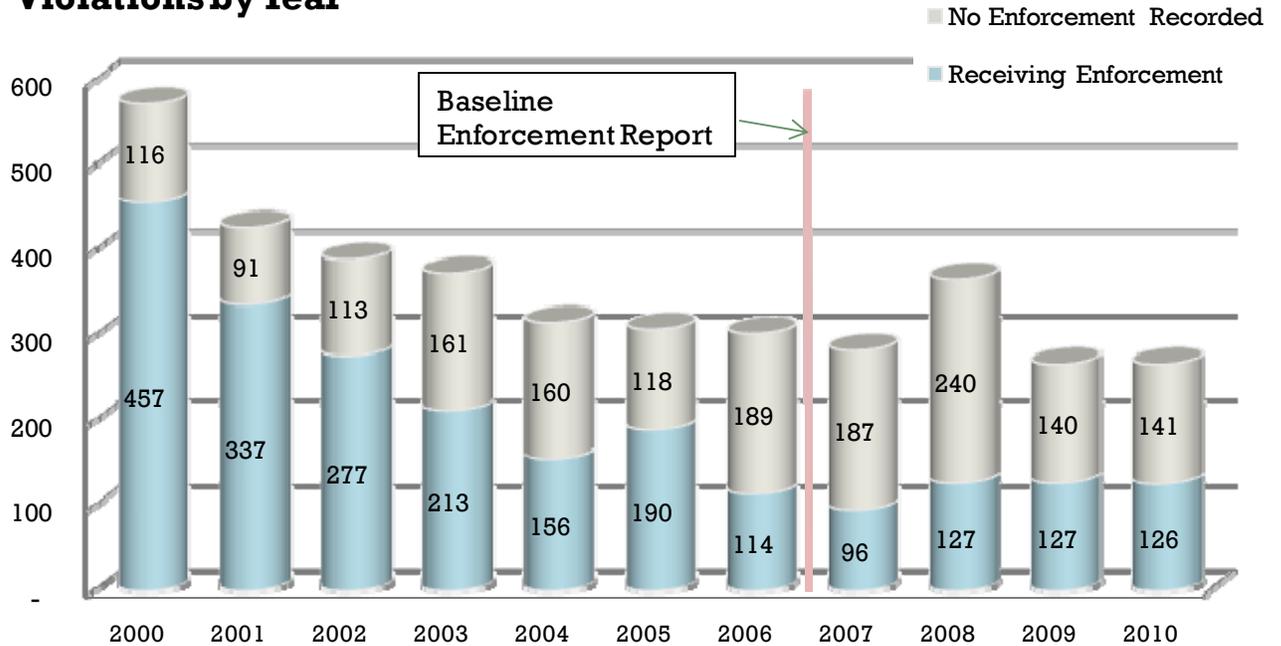


Table 62: Land Disposal, Open Landfills Compliance and Enforcement Outputs in 2010

LAND DISPOSAL	No. of Facilities	Violations		
		Total Violations	Receiving Enforcement	% of Violations Receiving Enforcement
Region 1	1	-	-	
Region 2	12	1	-	0%
Region 3	13	7	3	43%
Region 4	11	1	-	0%
Region 5 Fresno	15	1	1	100%
Region 5 Redding	8	1	1	100%
Region 5 Sacramento	16	22	16	73%
Region 5 Total	39	24	18	75%
Region 6 Tahoe	1	-	-	
Region 6 Victorville	16	36	9	25%
Region 6 Total	17	36	9	25%
Region 7	17	-	-	
Region 8	9	6	5	83%
Region 9	6	-	-	
Totals	125	75	35	47%

* Data from CIWQS

Table 63: Land Disposal, Closed Landfills, Compliance and Enforcement Outputs in 2010

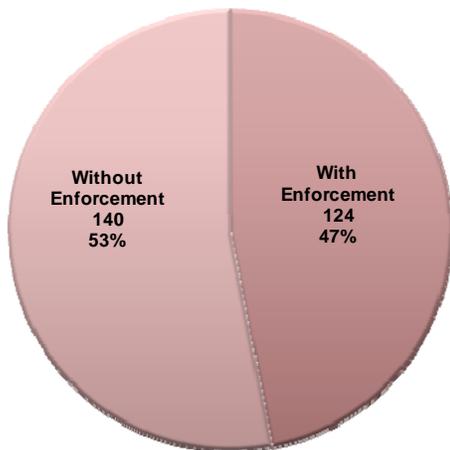
LAND DISPOSAL	No. of Facilities	Violations		
		Total Violations	Receiving Enforcement	% of Violations Receiving Enforcement
Region 1	20	-	-	
Region 2	41	-	-	
Region 3	31	-	-	
Region 4	18	-	-	
Region 5 Fresno	36	5	-	0%
Region 5 Redding	17	1	1	100%
Region 5 Sacramento	44	18	1	6%
Region 5 Total	97	24	2	8%
Region 6 Tahoe	10	-	-	
Region 6 Victorville	18	30	18	60%
Region 6 Total	28	30	18	60%
Region 7	19	-	-	
Region 8	18	7	-	0%
Region 9	17	5	5	100%
Totals	289	66	25	38%

Table 64: Land Disposal All Other Facilities, Compliance and Enforcement Outputs in 2010

LAND DISPOSAL	No. of Facilities	Violations		
		Total Violations	Receiving Enforcement	% of Violations Receiving Enforcement
Region 1	14	-	-	
Region 2	33	-	-	
Region 3	14	2	2	100%
Region 4	30	3	2	67%
Region 5 Fresno	99	14	11	79%
Region 5 Redding	17	2	2	100%
Region 5 Sacramento	49	29	20	69%
Region 5 Total	165	45	33	73%
Region 6 Tahoe	2	1	-	0%
Region 6 Victorville	50	61	21	34%
Region 6 Total	52	62	21	34%
Region 7	37	-	-	
Region 8	34	11	6	55%
Region 9	28	-	-	
Totals	407	123	64	52%

Figure 22: Land Disposal Enforcement Response

Violations Receiving Enforcement 2010



Land Disposal sites include landfills, surface impoundments, ponds, waste piles, and land treatment units. Sites regulated under the Land Disposal Program are generally stationary, long-term sites that require on-going monitoring to detect a release of waste that could impact groundwater.

Enforcement Action Outputs

The following table lists the number of enforcement actions taken by the Regional Water Boards ranked from informal to more formal, during 2010.

Table 65: Land Disposal Enforcement Actions for Year 2010

LAND DISPOSAL PROGRAM Enforcement Actions for Year 2010															
Enforcement CATEGORY	Enforcement Action TYPE	Regional Board													Total
		1	2	3	4	5F	5R	5S	6A	6B	7	8	9		
ALL OTHER ACTIONS	Staff Enforcement Letter	-	-	-	-	6	2	3	-	-	-	-	2	2	15
	Oral Communication	-	-	-	-	-	-	-	-	8	-	2	-	10	
	Notice to Comply	-	-	-	-	-	-	-	-	-	-	8	-	8	
	Notice of Violation	-	-	2	-	10	1	7	-	9	-	3	2	34	
	13267 Letter	-	1	-	-	-	-	1	-	3	1	-	1	7	
COMPLIANCE ACTIONS	Clean-up and Abatement Order	-	-	-	-	-	-	-	-	-	-	-	1	1	
	Time Schedule Order	-	-	-	-	1	-	-	-	-	-	-	-	1	
	Cease and Desist Order	-	-	-	-	-	-	1	-	-	-	-	-	1	
PENALTY ACTIONS	Admin Civil Liability	-	-	-	-	-	-	-	-	-	-	-	1	1	
TOTAL	TOTAL	-	1	2	-	17	3	12	-	20	1	15	7	78	

Figure 23 shows trends in enforcement actions issued since 2000.

Figure 23: Land Disposal, Enforcement Actions Trends

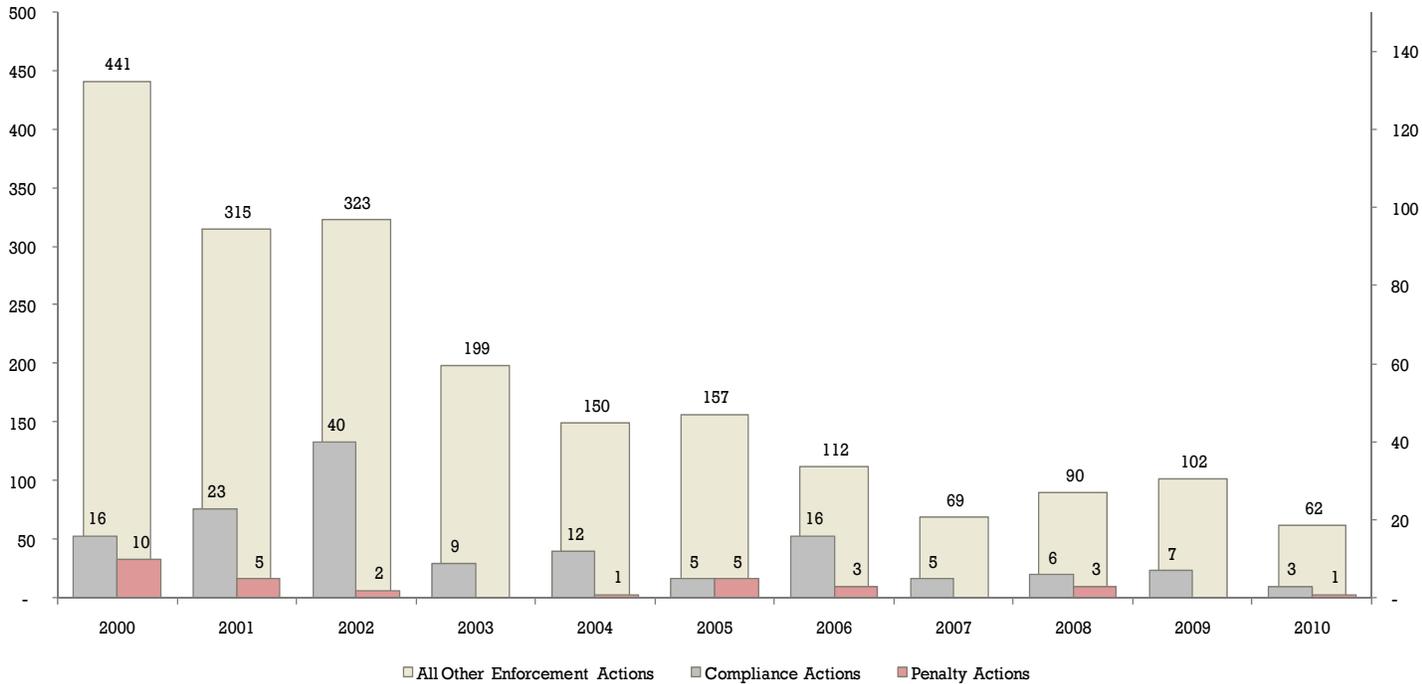


Figure 24: Land Disposal Program, Enforcement Response 2000-2010

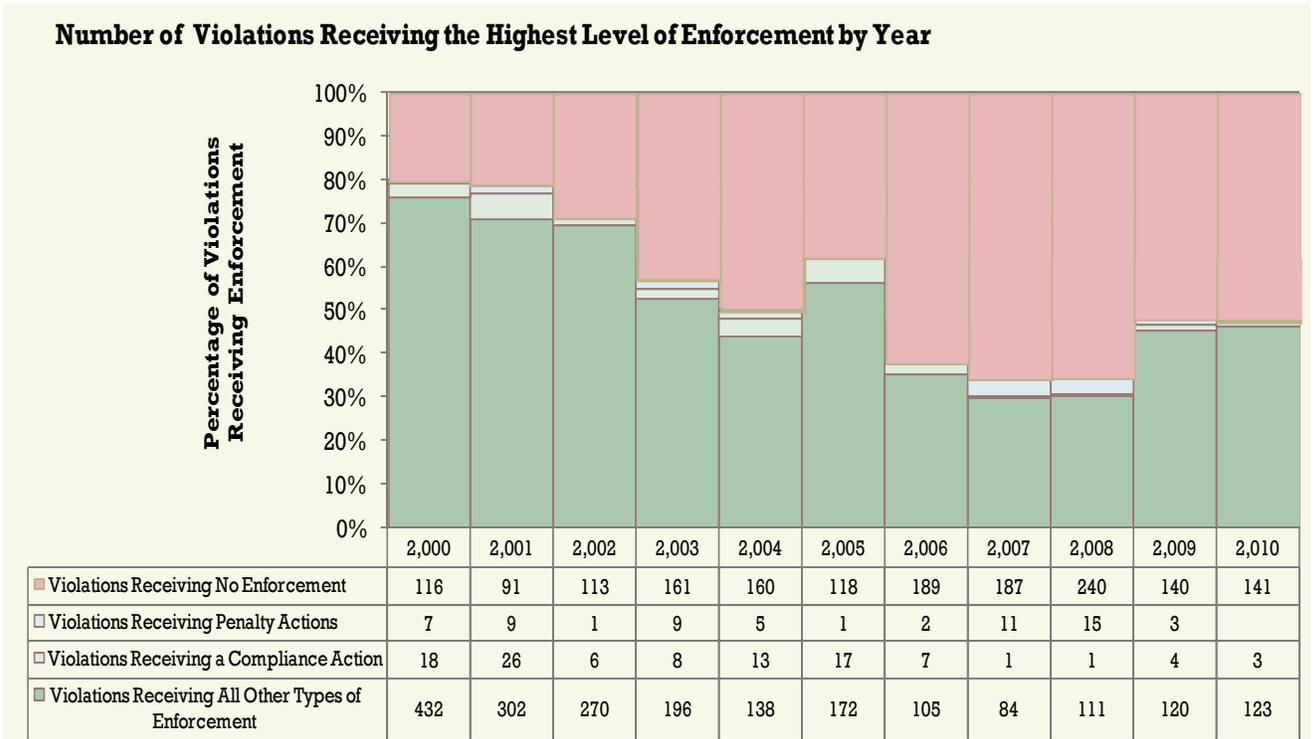


Figure 24 displays the percentage of violations addressed with an enforcement action that includes penalties, violations that received an enforcement action that requires compliance (under Article 1 of Chapter 5 of California Water Code), and those violations that only received an informal action or an action requiring further information (Under section 13267 of California Water Code). The data shows a downward trend of the number of violations that received any type of enforcement. The composition of the enforcement response is heavily weighted on all other type of enforcement.

Assessment of Administrative Civil Liability

The Water Boards have authority to assess Administrative Civil Liabilities (ACL) for certain violations. In some cases, these violations require the recovery of a Mandatory Minimum Penalty (MMP).

In 2010, the Regional Water Boards assessed more than \$13 million in liabilities. In some situations, the Regional Water Boards accepted a Supplemental Environmental Project (SEP) in lieu of monetary payment of some or all of the penalty. SEPs are for environmentally beneficial projects, either for projects the discharger would not otherwise have had to complete, or in some limited cases, for projects designed to return the discharger to compliance. Allowance for these projects is at the discretion of the Regional Water Board. There is a large variation from region-to-region in how these liabilities are allocated between penalties paid and SEPs allowed. In early 2009, the State Water Board adopted changes to limit the amount of a penalty that can be deferred to a SEP.

The Regional Water Boards record the amount for the SEP as part of the total amount assessed to the dischargers. Table 66 shows the breakdown by Regional Water Board. SEPs and compliance projects are addressed under "Project." The pending amounts are outstanding amounts that have not been recorded as paid, or projects that are not yet complete.

Table 66: Penalties Assessed in 2010*

RB	Number of Actions	Total Amount Assessed	Liability Amount	Liability Pending	Project Amount	Project Pending	Total Pending
1	8	\$1,269,764	\$1,133,570	\$994,921	\$136,194	\$110,509	\$1,105,430
2	59	\$2,554,551	\$2,264,551	\$1,053,475	\$290,000	\$290,000	\$1,343,475
3	4	\$1,293,000	\$1,027,000	\$800,000	\$266,000	\$266,000	\$1,066,000
4	91	\$3,191,981	\$2,891,981	\$963,218	\$300,000	\$0	\$963,218
5F	1	\$11,250	\$11,250	\$0	\$0	\$0	\$0
5R	4	\$165,000	\$90,000	\$0	\$75,000	\$0	\$0
5S	38	\$2,019,550	\$1,105,550	\$163,500	\$914,000	\$446,000	\$609,500
6A	1	\$0	\$0	\$0	\$0	\$0	\$0
6B	2	\$368,900	\$368,900	\$225,000	\$0	\$0	\$225,000
7	9	\$326,203	\$154,703	\$136,703	\$171,500	\$171,500	\$308,203
8	13	\$736,050	\$569,248	\$208,557	\$165,052	\$55,500	\$265,807
9	8	\$1,189,688	\$1,189,688	\$683,400	\$0	\$0	\$683,400
Totals	238	\$13,125,937	\$10,806,441	\$5,228,774	\$2,317,746	\$1,339,509	\$6,570,033

*Data from CIWQS, it does not include penalties assessed under the Underground Storage Tanks program.

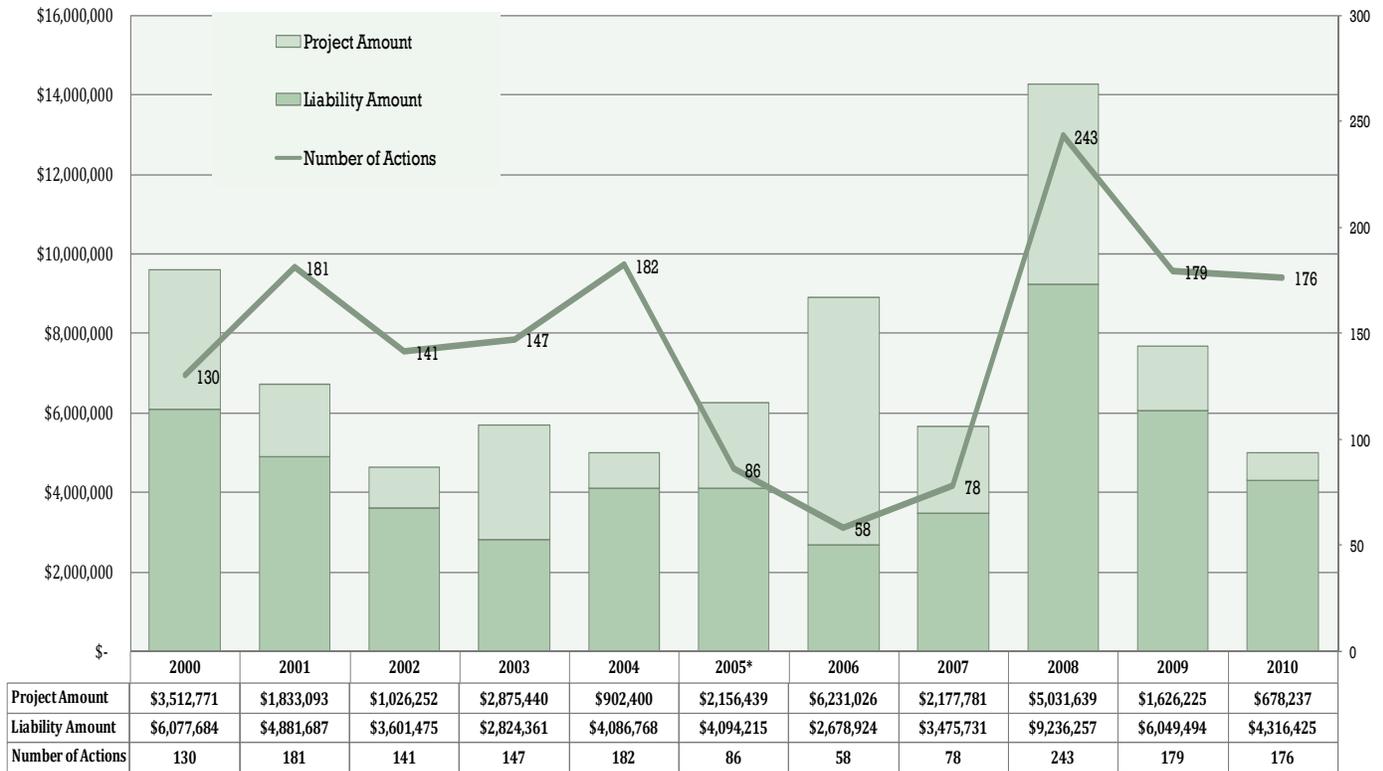
Information on penalties assessed and collected is available at the Water Boards CIWQS public reports site at:

<http://ciwqs.waterboards.ca.gov/ciwqs/readOnly/aclReport.jsp>

On average, roughly 80% of the penalties assessed are recorded as liability amounts that must be paid to the Water Boards' Cleanup and Abatement Account or the Waste Discharge Permit Fund. The remaining 20% of the amount was suspended pending the completion of supplemental environmental projects (SEP) or compliance projects.

Trends in liabilities and projects assessed and the number of ACL actions issued and resolved (liabilities paid or projects completed) since 2000 are presented in Figure 25.

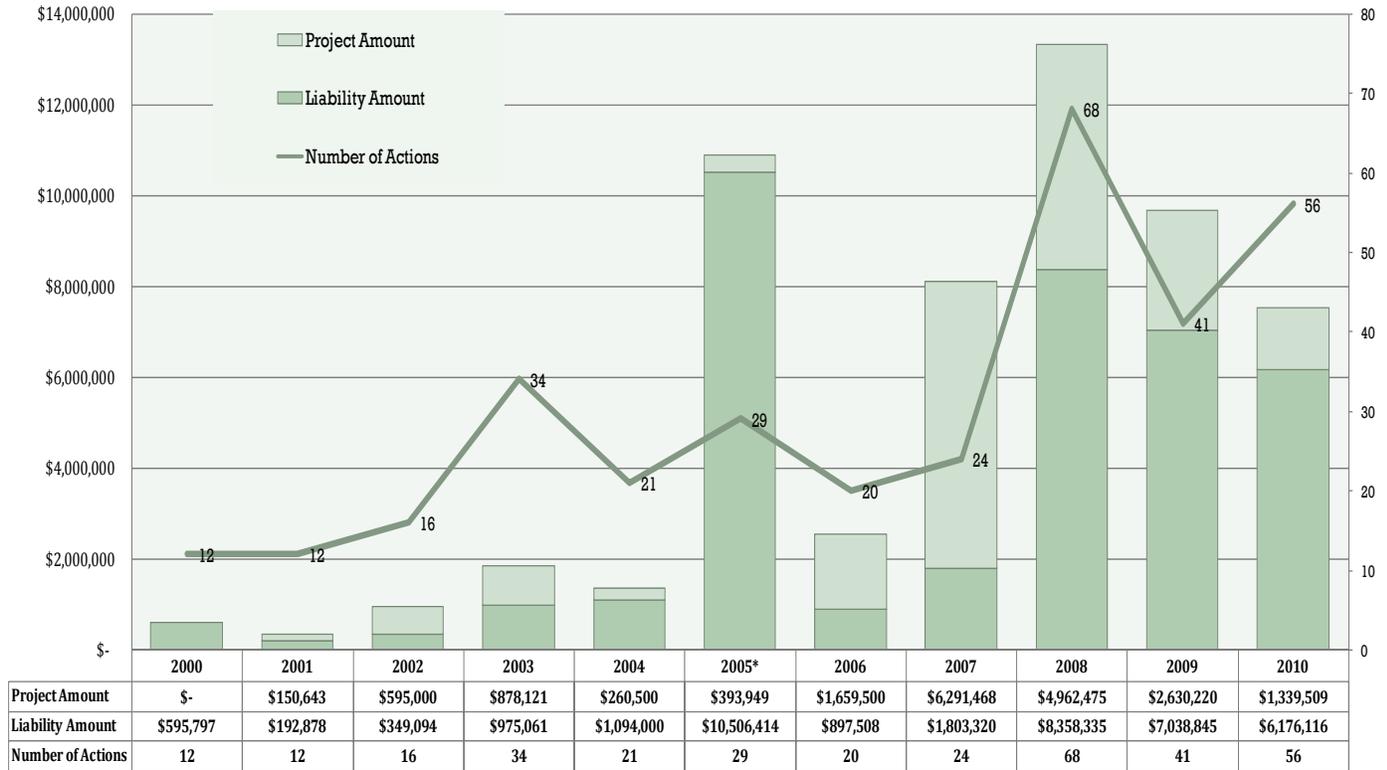
Figure 25: Penalties Assessed and Completed and Number of Actions Completed Trends



Of the 238 penalty actions initiated in 2010, 176 or approximately 75% of the actions have been completely resolved (penalty paid and projects completed).

Trends in liabilities and projects assessed and the number of ACL actions issued but still not completely resolved (liabilities not paid or projects not yet completed) since 2000 are presented in Figure 26.

Figure 26: Penalties Assessed and Pending Resolution and Number of Actions Pending Resolution



*The liability amount for FY 05-06 includes an action taken by Region 3 for the Los Osos Community Services District (LOCSO) in the amount of \$6,626,000. The LOCSO is in bankruptcy so the Regional Water Board would need permission for the court to proceed with the administrative action.

The following table shows the number of civil and criminal cases referred since 2006 and the number of administrative actions initiated.

Table 67: Cases Referred

Formal Enforcement Penalty Actions	2006	2007	2008	2009	2010
Civil Cases Referred	2	4	9	4	4
Administrative Actions Initiated	64	90	271	171	238
Criminal Cases Referred					1

*Criminal cases are referred to the Attorney General's Office. It is the decision of the Attorney General to pursue the case as a civil or criminal matter.

Section 5

5. Compliance and Enforcement Outcomes

The mission of compliance and enforcement programs is to ensure that compliance with laws and regulations is achieved and maintained over time. Measuring the outcome, or effect, of our activities is the most difficult part of performance measurement. Compliance rates assist managers to describe noncompliance problems in magnitude, frequency and duration and to evaluate the results of a program's compliance and enforcement strategies. Other recommended performance measures to assess the outcome of compliance and enforcement programs included measures to address the deterrent effects of enforcement recidivism, and environmental and economic benefits.

Approaches used to calculate compliance rates vary and must be tailored to each program. The approaches used in this section must be evaluated to determine if they reflect actual compliance for future reports. This report currently only addresses compliance rates among regions and programs

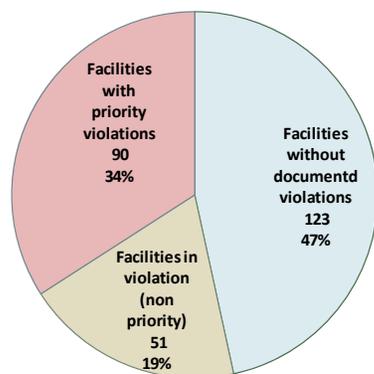
We define "compliance rate" as the number of facilities with one or more violations during the reporting period divided by the total number of facilities for which compliance has been assessed.

based on information available in current Water Board databases. Data and information is provided for the nine Regional Water Boards, but only for four of the five identified core regulatory programs. At this point it is not possible to provide information on compliance rates for the 401 Certification Program.

Compliance rates vary significantly among regions and programs. This variation may be in response to many factors including compliance efforts initiated by the discharges, compliance assistance provided by Regional Water Board staff, the level of enforcement resources dedicated to each program in each region, the number of inspections conducted and the number of SMRs reviewed.

NPDES WASTEWATER PROGRAM

NPDES Major Facilities

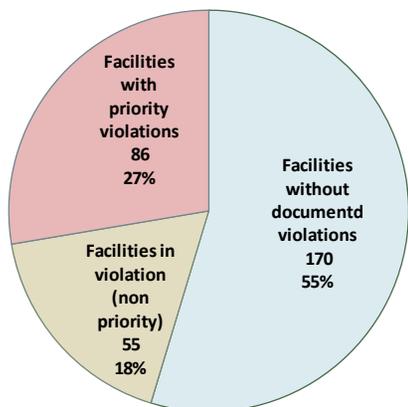


The NPDES Wastewater program regulates approximately 1,900 diverse facilities discharging to surface waters. This count includes both major individual dischargers with a high threat to water quality and minor dischargers enrolled under a general permit. Compliance rates are provided for each one of the discharger groups. For the NPDES Wastewater program, we assume that every facility and permit has received some degree of compliance assessment either by a review of the monitoring reports or through inspections. This is particularly true for major and minor individual permits.

Table 68: Compliance Rates, NPDES Wastewater Major 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	15	11	↓ 73%	56	8	53%	27	9	2	-	5.1
2	50	19	↑ 38%	81	12	24%	43	17	2	-	4.3
3	22	13	→ 59%	114	11	50%	60	9	2	2	8.8
4	45	27	→ 60%	351	11	24%	57	22	1	4	13.0
5F	7	6	↓ 86%	43	3	43%	7	5	1	-	7.2
5R	14	10	→ 71%	49	7	50%	27	9	-	1	4.9
5S	37	33	↓ 89%	1,948	28	76%	1,117	12	10	11	59.0
5 Total	58	49	↓ 84%	2,040	38	66%	1,151	26	11	12	41.6
6A	1	1	↓ 100%	24	1	100%	19	-	1	-	24.0
6B	2	1	→ 50%	31	1	50%	16	-	-	1	31.0
6 Total	3	2	→ 67%	55	2	67%	35	-	1	1	27.5
7	8	7	↓ 88%	152	6	75%	114	3	3	1	21.7
8	22	6	↑ 27%	37	1	5%	1	5	1	-	6.2
9	41	7	↑ 17%	21	1	2%	7	6	1	-	3.0
Total	264	141	→ 53%	2,907	90	34%	1,495	97	24	20	20.6

NPDES Minor Facilities



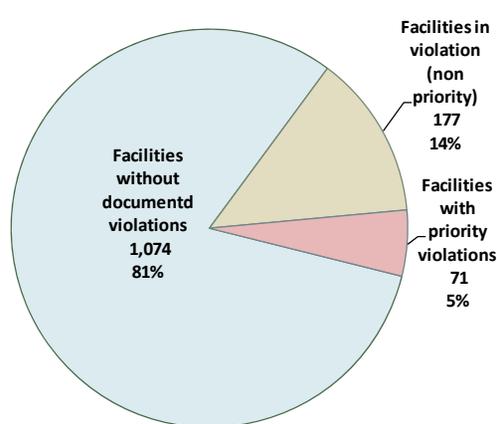
Minor dischargers can be regulated under individual Waste Discharge Requirements or enrolled under a general Waste Discharge Requirement permit. Compliance is assessed through review of self monitoring reports and by conducting inspections.

The data show slightly better compliance rates for individual minor dischargers than for individual majors. We also see a significantly lower average number of violations per facility in violation for the individual minors than for the major dischargers.

Table 69: Compliance Rates, NPDES Wastewater Minor Individual in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	31	16	52%	178	12	39%	113	11	3	2	11.1
2	25	4	16%	43	3	12%	9	2	1	1	10.8
3	17	5	29%	16	5	29%	11	4	1	-	3.2
4	74	42	57%	247	10	14%	60	34	7	1	5.9
5F	22	7	32%	36	5	23%	17	7	-	-	5.1
5R	37	19	51%	99	12	32%	52	15	4	-	5.2
5S	49	28	57%	1,256	24	49%	690	15	1	12	44.9
5 Total	108	54	50%	1,391	41	38%	759	37	5	12	25.8
6A	4	3	75%	6	2	50%	2	3	-	-	2.0
6B	5	4	80%	32	2	40%	12	2	2	-	8.0
6 Total	9	7	78%	38	4	44%	14	5	2	-	5.4
7	18	10	56%	141	10	56%	115	6	2	2	14.1
8	12	1	8%	26	-	0%	-	-	-	1	26.0
9	17	2	12%	4	1	6%	3	2	-	-	2.0
Total	311	141	45%	2,084	86	28%	1,084	101	21	19	14.8

NPDES General Facilities



Dischargers enrolled under a general NPDES permit are a larger and more heterogeneous group. The threat to water quality for these groups of dischargers is lower and compliance assurance activities such as inspections and monitoring reports are less frequent. Inspections are conducted once every five years and the reporting frequency may be reduced to quarterly or annual reporting. Because of the lower level of monitoring and inspection frequencies, annual compliance rates are expected to be better than with other groups. None the less, the variation in data suggest inconsistencies in data entry and violation documentation across the Regional Boards.

Table 70: Compliance Rates, NPDES Wastewater Minor General in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period		Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
		Count	Change									
1	16	-	↑	0%	-	-	0%	-	-	-	-	-
2	204	16	↑	8%	46	10	5%	27	15	1	-	2.9
3	72	3	↑	4%	17	3	4%	16	2	1	-	5.7
4	429	167	↓	39%	1,019	34	8%	112	137	27	3	6.1
5F	30	1	↑	3%	1	-	0%	-	1	-	-	1.0
5R	40	2	↑	5%	2	2	5%	2	2	-	-	1.0
5S	122	21	→	17%	47	18	15%	43	21	-	-	2.2
5 Total	192	24	↑	13%	50	20	10%	45	24	-	-	2.1
6A	9	3	↓	33%	19	1	11%	4	3	-	-	6.3
6B	7	2	↓	29%	2	-	0%	-	2	-	-	1.0
6 Total	16	5	↓	31%	21	1	6%	4	5	-	-	4.2
7	39	-	↑	0%	-	-	0%	-	-	-	-	-
8	285	26	↑	9%	32	2	1%	2	26	-	-	1.2
9	69	7	↑	10%	7	1	1%	1	7	-	-	1.0
Total	1,322	248	→	19%	1,192	71	5%	207	216	29	3	4.8

NPDES: ENFORCEMENT RESPONSE. PRIORITY VIOLATIONS

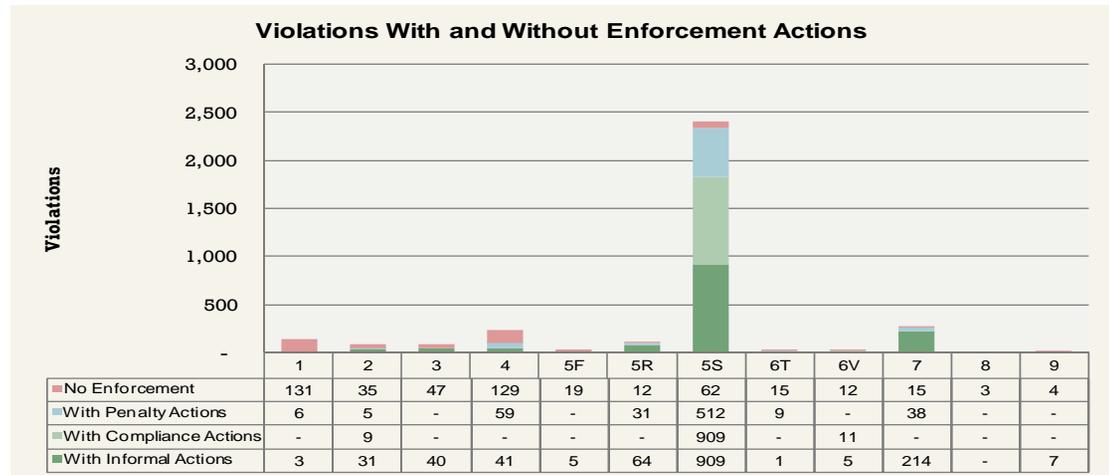
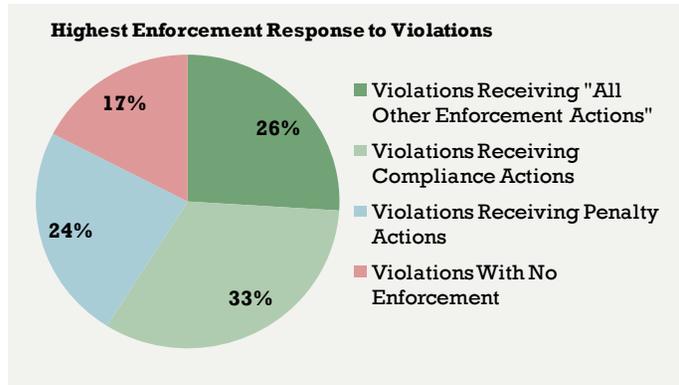


Table 71: Enforcement Response to 2010 NPDES Priority Violations

REGIONAL BOARD OFFICE	Violations Receiving "All Other Enforcement Actions"		Violations Receiving Compliance Actions		Violations Receiving Penalty Actions		Violations With Enforcement		Violations With No Enforcement		Total Number of Violations
		%		%		%		%		%	
Region 1	2	17%	-	0%	5	42%	7	58%	5	42%	12
Region 2	19	59%	-	0%	1	3%	19	59%	13	41%	32
Region 3	6	50%	-	0%	-	0%	6	50%	6	50%	12
Region 4	6	5%	-	0%	33	28%	39	33%	81	68%	120
Region 5 Fresno	-	N/A	-	N/A	-	N/A	-	N/A	-	N/A	-
Region 5 Redding	1	100%	-	0%	1	100%	1	100%	-	0%	1
Region 5 Sacramento	407	36%	610	54%	308	27%	1,070	95%	53	5%	1,123
Region 5 Total	408	36%	610	54%	309	27%	1,071	95%	53	5%	1,124
Region 6 Tahoe	-	0%	-	0%	1	100%	1	100%	-	0%	1
Region 6 Victorville	-	N/A	-	N/A	-	N/A	-	N/A	-	N/A	-
Region 6 Total	-	0%	-	0%	1	100%	1	100%	-	0%	1
Region 7	56	98%	-	0%	19	33%	56	98%	1	2%	57
Region 8	-	N/A	-	N/A	-	N/A	-	N/A	-	N/A	-
Region 9	7	88%	-	0%	-	0%	7	88%	1	13%	8
TOTAL	504	37%	610	45%	368	27%	1,206	88%	160	12%	1,366

**NPDES: ENFORCEMENT RESPONSE.
ALL OTHER VIOLATIONS**

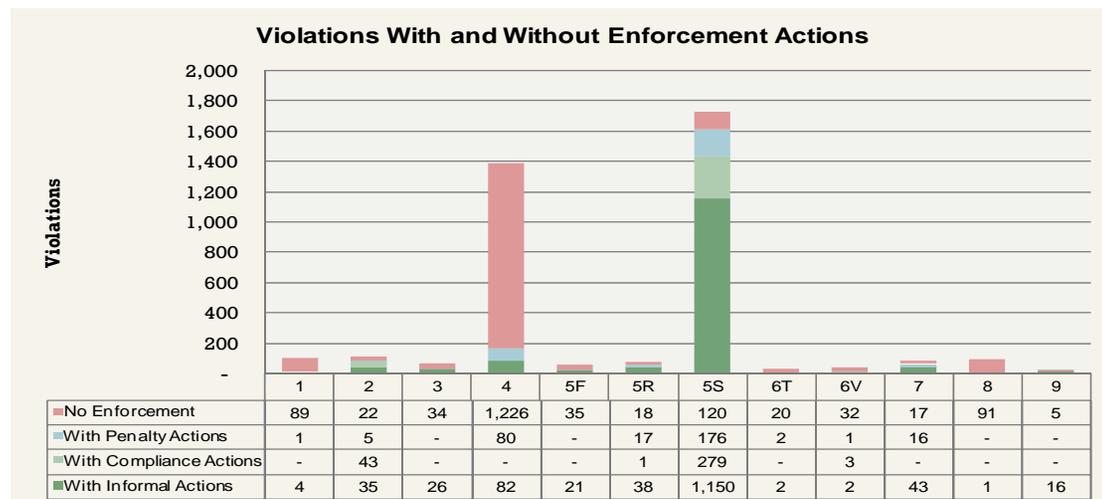
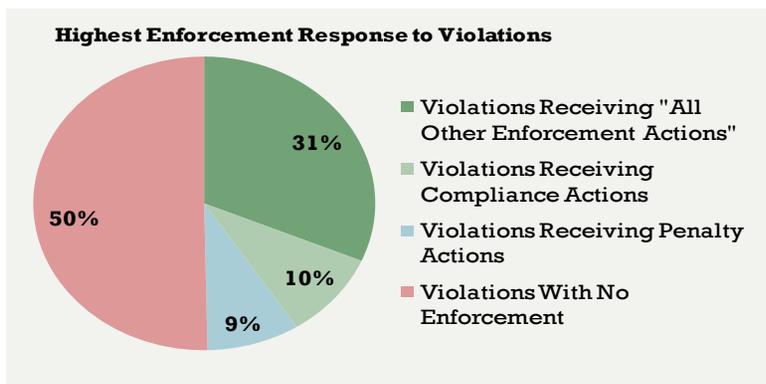
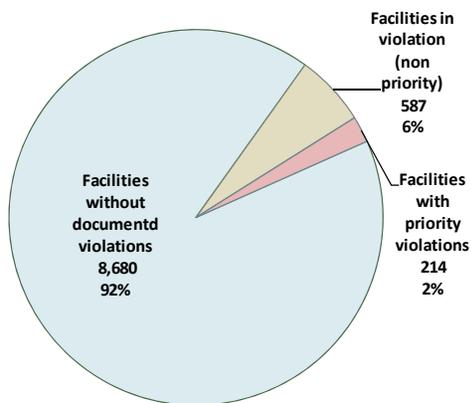


Table 72: Enforcement Response to 2010 NPDES All Other Violations

REGIONAL BOARD OFFICE	Violations Receiving "All Other Enforcement Actions"		Violations Receiving Compliance Actions		Violations Receiving Penalty Actions		Violations With Enforcement		Violations With No Enforcement		Total Number of Violations
		%		%		%		%		%	
Region 1	4	4%	-	0%	1	1%	5	5%	89	95%	94
Region 2	35	38%	43	47%	5	5%	69	76%	22	24%	91
Region 3	26	43%	-	0%	-	0%	26	43%	34	57%	60
Region 4	82	6%	-	0%	80	6%	162	12%	1,226	88%	1,388
Region 5 Fresno	21	38%	-	0%	-	0%	21	38%	35	63%	56
Region 5 Redding	38	55%	1	1%	17	25%	51	74%	18	26%	69
Region 5 Sacramento	1,150	82%	279	20%	176	13%	1,281	91%	120	9%	1,401
Region 5 Total	1,209	79%	280	18%	193	13%	1,353	89%	173	11%	1,526
Region 6 Tahoe	2	8%	-	0%	2	8%	4	17%	20	83%	24
Region 6 Victorville	2	5%	3	8%	1	3%	5	14%	32	86%	37
Region 6 Total	4	7%	3	5%	3	5%	9	15%	52	85%	61
Region 7	43	67%	-	0%	16	25%	47	73%	17	27%	64
Region 8	1	1%	-	0%	-	0%	1	1%	91	99%	92
Region 9	16	76%	-	0%	-	0%	16	76%	5	24%	21
TOTAL	1,420	42%	326	10%	298	9%	1,688	50%	1,709	50%	3,397

Stormwater Industrial Facilities



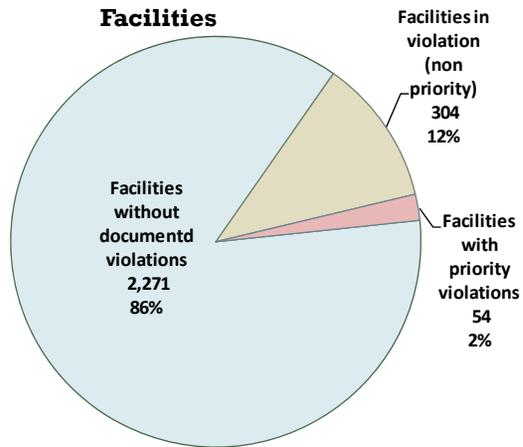
STORMWATER PROGRAM

Compliance for dischargers enrolled under the industrial stormwater permit is assessed by reviewing monitoring reports and with site-specific inspections. For purposes of calculating compliance rates for industrial stormwater facilities we assume that every industrial facility has received some level of compliance assessment. Therefore the compliance rate is calculated by dividing the number of facilities with one or more documented violations by the total number of industrial facilities enrolled under the stormwater program. The use of the priority flag for violations is also highly inconsistent. Despite the data limitations, the stormwater program identified the largest number of facilities with at least one violation.

Table 73: Compliance Rates, NPDES Stormwater Industrial in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	351	61	17%	63	2	1%	2	61	-	-	1.0
2	1,320	41	3%	44	3	0%	5	41	-	-	1.1
3	393	24	6%	33	24	6%	33	24	-	-	1.4
4	2,814	30	1%	63	11	0%	15	30	-	-	2.1
5F	525	1	0%	1	-	0%	-	1	-	-	1.0
5R	190	12	6%	12	1	1%	1	12	-	-	1.0
5S	1,144	285	25%	334	6	1%	8	285	-	-	1.2
5 Total	1,859	298	16%	347	7	0%	9	298	-	-	1.2
6A	67	4	6%	4	1	1%	1	4	-	-	1.0
6B	179	1	1%	3	-	0%	-	1	-	-	3.0
6 Total	246	5	2%	7	1	0%	1	5	-	-	1.4
7	165	7	4%	7	-	0%	-	7	-	-	1.0
8	1,565	268	17%	329	108	7%	120	268	-	-	1.2
9	768	67	9%	75	58	8%	63	67	-	-	1.1
Total	9,481	801	8%	968	214	2%	248	801	-	-	1.2

Stormwater Construction Facilities



The rate of compliance for construction activities enrolled under the stormwater program is calculated based on the number of facilities for which compliance was assessed (facilities inspected) and not the total number of facilities. Compliance assessment with NPDES Stormwater requirements at construction sites relies mostly on inspections for this reason, and to make the compliance rate calculation as accurate as possible, we have only included the number of facilities inspected in the compliance rate calculation.

Table 74: Compliance Rates, NPDES Stormwater Construction in 2010

Regional Board Office	Number of Facilities Inspected*	Facilities		Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
		with one or more violations in the period	Percentage of Facilities in Violation								
1	80	3	4%	3	2	3%	2	3	-	-	1.0
2	26	9	35%	11	1	4%	1	9	-	-	1.2
3	20	-	0%	-	-	0%	-	-	-	-	-
4	729	14	2%	22	5	1%	7	14	-	-	1.6
5F	15	-	0%	-	-	0%	-	-	-	-	-
5R	42	7	17%	10	-	0%	-	7	-	-	1.4
5S	319	69	22%	89	12	4%	19	69	-	-	1.3
5 Total	376	76	20%	99	12	3%	19	76	-	-	1.3
6A	3	2	67%	2	-	0%	-	2	-	-	1.0
6B	51	18	35%	48	12	24%	31	18	-	-	2.7
6 Total	54	20	37%	50	12	22%	31	20	-	-	2.5
7	86	-	0%	-	-	0%	-	-	-	-	-
8	1,213	228	19%	254	20	2%	28	228	-	-	1.1
9	45	8	18%	10	2	4%	3	8	-	-	1.3
Total	2,629	358	14%	449	54	2%	91	358	-	-	1.3

**STORMWATER: ENFORCEMENT RESPONSE.
ALL VIOLATIONS**

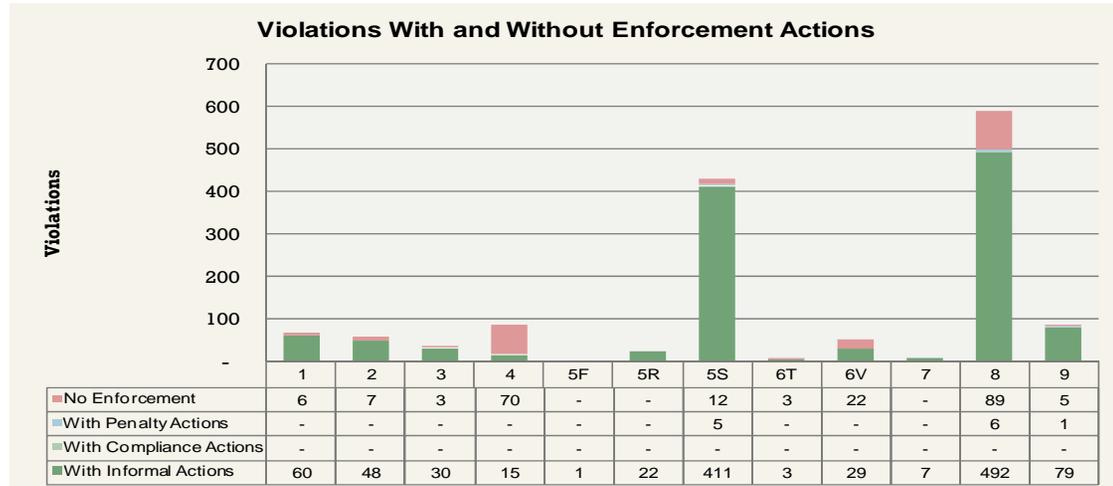
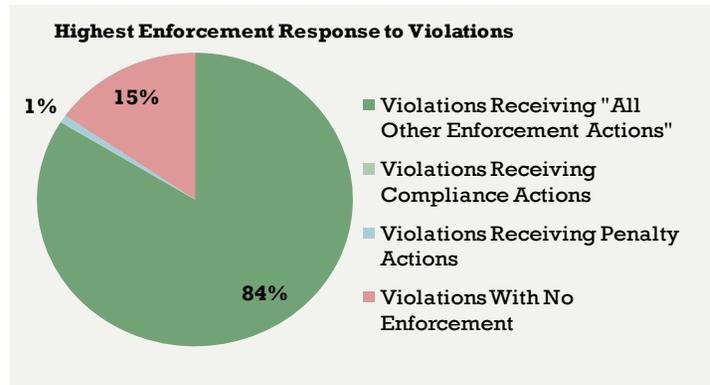
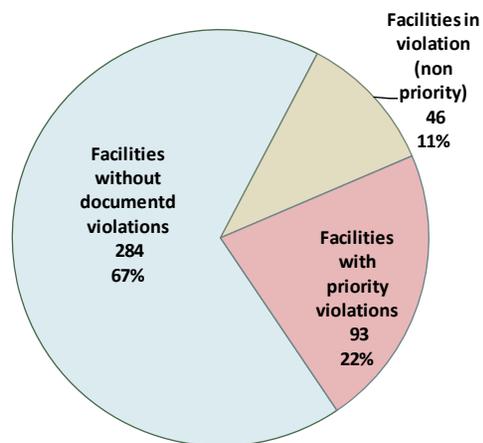


Table 75: Enforcement Response to 2010 STORMWATER All Violations

REGIONAL BOARD OFFICE	Violations Receiving "All Other Enforcement Actions"		Violations Receiving Compliance Actions		Violations Receiving Penalty Actions		Violations With Enforcement		Violations With No Enforcement		Total Number of Violations
		%		%		%		%		%	
Region 1	60	91%	-	0%	-	0%	60	91%	6	9%	66
Region 2	48	87%	-	0%	-	0%	48	87%	7	13%	55
Region 3	30	91%	-	0%	-	0%	30	91%	3	9%	33
Region 4	15	18%	-	0%	-	0%	15	18%	70	82%	85
Region 5 Total	434	97%	-	0%	5	1%	434	97%	12	3%	446
Region 5 Fresno	1	100%	-	0%	-	0%	1	100%	-	0%	1
Region 5 Redding	22	100%	-	0%	-	0%	22	100%	-	0%	22
Region 5 Sacramento	411	97%	-	0%	5	1%	411	97%	12	3%	423
Region 6 Total	32	56%	-	0%	-	0%	32	56%	25	44%	57
Region 6 Tahoe	3	50%	-	0%	-	0%	3	50%	3	50%	6
Region 6 Victorville	29	57%	-	0%	-	0%	29	57%	22	43%	51
Region 7	7	100%	-	0%	-	0%	7	100%	-	0%	7
Region 8	492	84%	-	0%	6	1%	494	85%	89	15%	583
Region 9	79	93%	-	0%	1	1%	80	94%	5	6%	85
TOTAL	1,197	84%	-	0%	12	1%	1,200	85%	217	15%	1,417

WDR Large Municipal Facilities



WDR PROGRAM

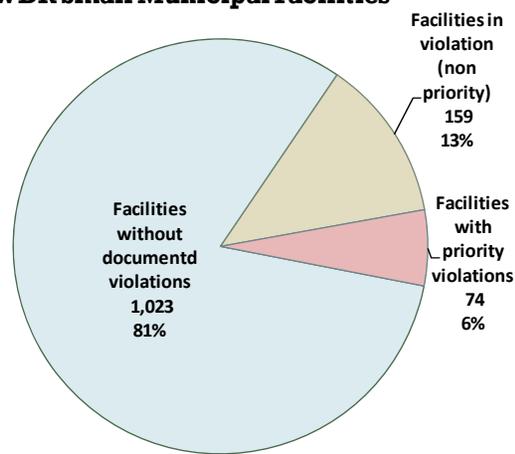
Compliance rates for the WDR program vary dramatically among Regional Water Boards, from no facilities reported in violation in Region 8 (Santa Ana Regional Board) to 80% of the facilities in violation in Region 6.

The compliance rate was calculated assuming that each facility received some level of oversight. Overall, 33% of the 423 large municipal waste facilities in the program had one or more violations during the reporting period. Twelve of those facilities had chronic compliance problems with more than 25 violations each recorded in the reporting period. Based on the data, it appears that the priority flag for violations is used inconsistently by the Water Boards.

Table 76: Compliance Rates, WDR Large Facilities Municipal Waste in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	18	3	17%	36	3	17%	26	1	2	-	12.0
2	4	1	25%	3	-	0%	-	1	-	-	3.0
3	36	17	47%	284	15	42%	115	9	6	2	16.7
4	15	8	53%	212	-	0%	-	3	3	2	26.5
5F	106	23	22%	197	13	12%	39	17	3	3	8.6
5R	50	7	14%	24	3	6%	14	6	1	-	3.4
5S	69	17	25%	495	3	4%	9	13	2	2	29.1
5 Total	225	47	21%	716	19	8%	62	36	6	5	15.2
6A	10	7	70%	19	5	50%	11	7	-	-	2.7
6B	30	25	83%	521	24	80%	150	16	7	2	20.8
6 Total	40	32	80%	540	29	73%	161	23	7	2	16.9
7	29	4	14%	15	4	14%	15	4	-	-	3.8
8	15	-	0%	-	-	0%	-	-	-	-	-
9	41	27	66%	162	23	56%	99	22	4	1	6.0
Total	423	139	33%	1,968	93	22%	478	99	28	12	14.2

WDR Small Municipal Facilities



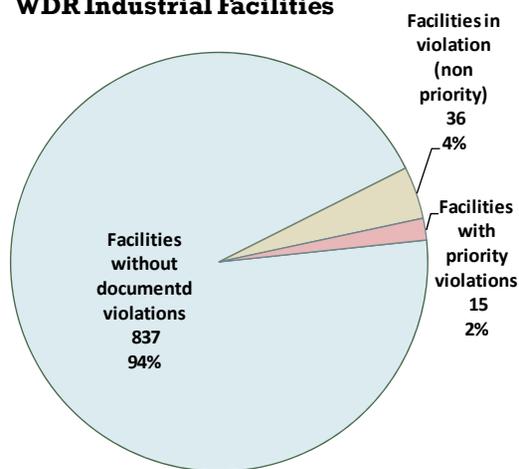
Compliance rates for small municipal facilities regulated under the Waste Discharge Requirements program also vary significantly. We find the highest noncompliance rate in Victorville (Region 6B) although this may be due to better violation documentation procedures and data entry in CIWQS.

Compliance rates for regions 2, and 8, with no facilities with one or more violations in the period, may not be accurate and may be due to incomplete data entry and documentation of violations in CIWQS.

Table 77: Compliance Rates, WDR Small Facilities Municipal Waste in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	71	19	↑ 27%	134	10	14%	76	16	2	1	7.1
2	49	-	↑ 0%	-	-	0%	-	-	-	-	-
3	153	23	↑ 15%	173	16	10%	56	18	4	1	7.5
4	192	60	→ 31%	393	-	0%	-	53	4	3	6.6
5F	182	28	↑ 15%	153	11	6%	25	22	5	1	5.5
5R	93	5	↑ 5%	18	2	2%	10	4	1	-	3.6
5S	172	21	↑ 12%	90	4	2%	12	19	2	-	4.3
5 Total	447	54	↑ 12%	261	17	4%	47	45	8	1	4.8
6A	21	14	↓ 67%	59	8	38%	15	13	1	-	4.2
6B	32	20	↓ 63%	121	17	53%	82	17	3	-	6.1
6 Total	53	34	↓ 64%	180	25	47%	97	30	4	-	5.3
7	199	9	↑ 5%	9	-	0%	-	9	-	-	1.0
8	14	-	↑ 0%	-	-	0%	-	-	-	-	-
9	78	34	→ 44%	64	6	8%	14	34	-	-	1.9
Total	1,256	233	↑ 19%	1,214	74	6%	290	205	22	6	5.2

WDR Industrial Facilities



Compliance rates for industrial facilities regulated under the Waste Discharge Requirements program also vary significantly. We find the highest noncompliance rate in Sacramento (Region 5S), again this may be due to better violation documentation procedures and data entry in CIWQS.

Compliance rates for regions 1, 2, 4, 7 and 8, with no facilities with one or more violations in the period, may not be accurate and it may be due to incomplete data entry and documentation of violations in CIWQS.

Table 78: Compliance Rates, WDR Industrial Waste in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	86	1 ↑	1%	19	1	1%	6	-	1	-	19.0
2	13	- ↑	0%	-	-	0%	-	-	-	-	
3	205	6 ↑	3%	21	3	1%	4	6	-	-	3.5
4	23	- ↑	0%	-	-	0%	-	-	-	-	
5F	219	16 ↑	7%	59	5	2%	15	14	2	-	3.7
5R	60	8 →	13%	18	-	0%	-	8	-	-	2.3
5S	195	13 ↑	7%	73	4	2%	10	11	2	-	5.6
5 Total	474	37 ↑	8%	150	9	2%	25	33	4	-	4.1
6A	6	1 →	17%	3	-	0%	-	1	-	-	3.0
6B	8	3 ↓	38%	10	2	25%	4	3	-	-	3.3
6 Total	14	4 ↓	29%	13	2	14%	4	4	-	-	3.3
7	19	- ↑	0%	-	-	0%	-	-	-	-	
8	28	- ↑	0%	-	-	0%	-	-	-	-	
9	26	3 ↑	12%	3	-	0%	-	3	-	-	1.0
Total	888	51 ↑	6%	206	15	2%	39	46	5	-	4.0

WDR: Sanitary Sewer Overflows

A sanitary sewer system is any system of pipes, pump stations, sewer lines, or other conveyances, which is owned or operated by a public entity, used to collect and convey wastewater to a treatment facility.

The compliance rate was calculated assuming that each facility received some level of oversight. This assumption may be inaccurate for many regions, such as in those regions where few or no inspections were conducted, those regions where SMRs are not receiving necessary review or for new program categories that are currently in the development stage. For this reason, pie charts reflecting the compliance rate for several of the WRD program categories currently in development are not presented. Compliance rate information for collection systems is not reliable at this point and the program is working on developing procedures for classifying sewage spill violations in CIWQS. Not all sewage spills may be classified and documented in a violation record and many of the documented violations in the program are related to failure to meet their regular reporting requirements and "no spill certification" reporting requirements.

Table 79: Compliance Rates, WDR SSO in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	67	8	↑ 12%	8	-	0%	-	8	-	-	1.0
2	127	27	→ 21%	159	2	2%	4	24	2	1	5.9
3	103	49	↓ 48%	176	12	12%	22	46	3	-	3.6
4	145	3	↑ 2%	6	2	1%	5	3	-	-	2.0
5F	155	27	↑ 17%	31	2	1%	3	27	-	-	1.1
5R	52	6	↑ 12%	6	-	0%	-	6	-	-	1.0
5S	182	16	↑ 9%	19	-	0%	-	16	-	-	1.2
5 Total	389	49	↑ 13%	56	2	1%	3	49	-	-	1.1
6A	22	2	↑ 9%	2	-	0%	-	2	-	-	1.0
6B	46	11	→ 24%	14	4	9%	6	11	-	-	1.3
6 Total	68	13	→ 19%	16	4	6%	6	13	-	-	1.2
7	30	12	↓ 40%	14	-	0%	-	12	-	-	1.2
8	87	7	↑ 8%	8	1	1%	1	7	-	-	1.1
9	54	29	↓ 54%	91	1	2%	2	28	-	1	3.1
Total	1,070	197	↑ 18%	534	24	2%	43	190	5	2	2.7

WDR: Dairies and Confined Animal Facilities (CAF)

Reporting compliance rates for confined animal facilities (CAF) and for dairies using information available in our CIWQS database represent several challenges due to the inconsistent use of the information system as reflected in the low number of violations and the low number of inspections documented (see Table 40).

As in previous examples, the compliance rate was calculated assuming that each facility received some level of oversight. This assumption may be inaccurate for many regions, such as in those regions where few or no inspections were conducted, those regions where SMRs are not receiving necessary review or for new program categories that are currently in the development stage. For this reason, pie charts reflecting the compliance rate for several of the WRD program categories currently in development are not being presented. The great majority of facilities are concentrated in the Central Valley Regional Water Board (region 5).

Table 80: Compliance Rates, WDR Dairies and CAF in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	1	-	↑ 0%	-	-	0%	-	-	-	-	
2	50	-	↑ 0%	-	-	0%	-	-	-	-	
3	2	-	↑ 0%	-	-	0%	-	-	-	-	
4	-	-	-	-	-	-	-	-	-	-	
5F	637	161	↓ 25%	517	94	15%	147	157	4	-	3.2
5R	21	-	↑ 0%	-	-	0%	-	-	-	-	
5S	805	27	↑ 3%	27	-	0%	-	27	-	-	1.0
5 Total	1,463	188	→ 13%	544	94	6%	147	184	4	-	2.9
6A	-	-	-	-	-	-	-	-	-	-	
6B	-	-	-	-	-	-	-	-	-	-	
6 Total	-	-	-	-	-	-	-	-	-	-	
7	-	-	-	-	-	-	-	-	-	-	
8	-	-	-	-	-	-	-	-	-	-	
9	8	-	↑ 0%	-	-	0%	-	-	-	-	
Total	1,524	188	→ 12%	544	94	6%	147	184	4	-	2.9

WDR: All other Facilities

Facilities in this category include, among others, timber harvest facilities, recycled water use and any other category. The low non-compliance rate of only 7% compared to the other categories may be explained because of the low percentage of these facilities being inspected and inconsistencies in data entry and violation documentation.

As in previous examples, the compliance rate was calculated assuming that each facility received some level of oversight. This assumption may be inaccurate for many regions, such as in those regions where few or no inspections were conducted, those regions where SMRs are not receiving necessary review or for new program categories that are currently in the development stage. For this reason, pie charts reflecting the compliance rate for several of the WRD program categories currently in development are not presented.

Table 81: Compliance Rates, WDR All Other Facilities in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	136	8	6%	11	5	4%	6	8	-	-	1.4
2	80	2	3%	10	-	0%	-	2	-	-	5.0
3	310	8	3%	25	2	1%	2	8	-	-	3.1
4	207	26	13%	375	-	0%	-	16	6	4	14.4
5F	148	8	5%	74	5	3%	7	7	-	1	9.3
5R	52	4	8%	4	2	4%	2	4	-	-	1.0
5S	104	2	2%	11	2	2%	6	2	-	-	5.5
5 Total	304	14 	5%	89	9	3%	15	13	-	1	6.4
6A	124	14	11%	78	11	9%	32	13	-	1	5.6
6B	69	26	38%	442	20	29%	230	24	1	1	17.0
6 Total	193	40 	21%	520	31	16%	262	37	1	2	13.0
7	49	1	2%	9	1	2%	6	1	-	-	9.0
8	33	-	0%	-	-	0%	-	-	-	-	-
9	221	11	5%	44	2	1%	16	10	-	1	4.0
Total	1,533	110 	7%	1,083	50	3%	307	95	7	8	9.8

**WDR: ENFORCEMENT RESPONSE.
PRIORITY VIOLATIONS**

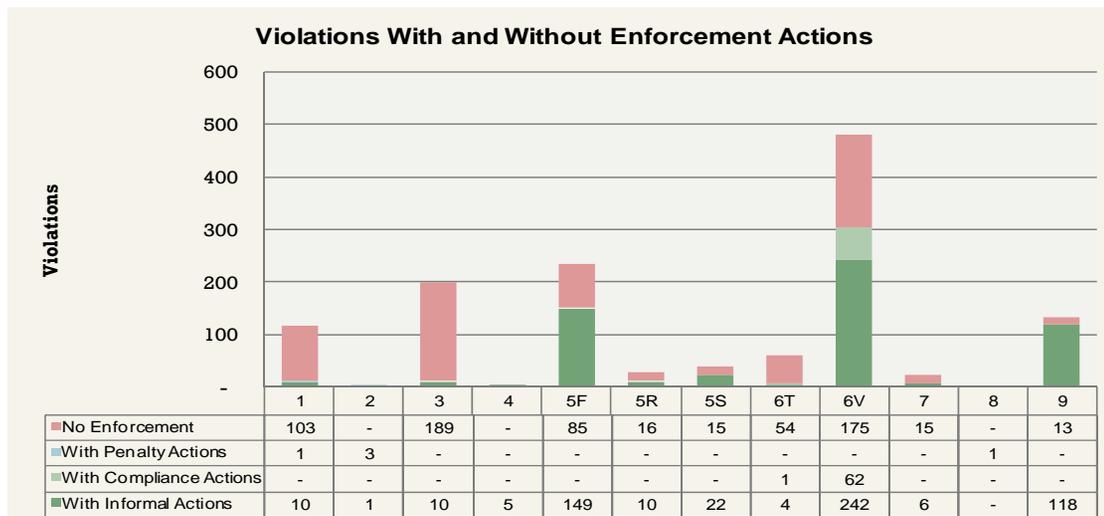
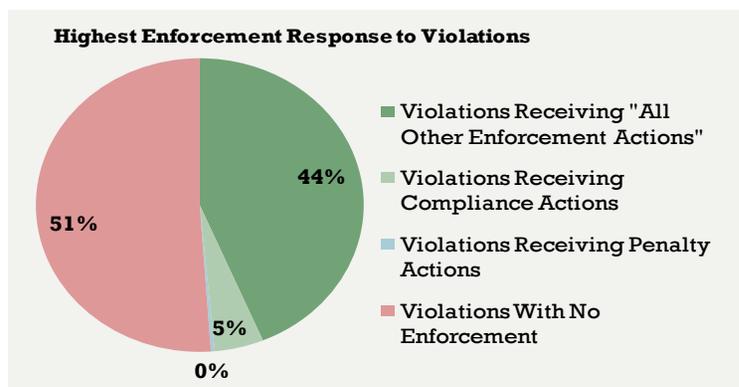


Table 82: Enforcement Response to 2010 WDR Priority Violations

REGIONAL BOARD OFFICE	Violations Receiving "All Other Enforcement Actions"		Violations Receiving Compliance Actions		Violations Receiving Penalty Actions		Violations With Enforcement		Violations With No Enforcement		Total Number of Violations
		%		%		%		%		%	
Region 1	10	9%	-	0%	1	1%	11	10%	103	90%	114
Region 2	1	25%	-	0%	3	75%	4	100%	-	0%	4
Region 3	10	5%	-	0%	-	0%	10	5%	189	95%	199
Region 4	5	100%	-	0%	-	0%	5	100%	-	0%	5
Region 5 Total	181	61%	-	0%	-	0%	181	61%	116	39%	297
Region 5 Fresno	149	64%	-	0%	-	0%	149	64%	85	36%	234
Region 5 Redding	10	38%	-	0%	-	0%	10	38%	16	62%	26
Region 5 Sacramento	22	59%	-	0%	-	0%	22	59%	15	41%	37
Region 6 Total	246	46%	63	12%	-	0%	301	57%	229	43%	530
Region 6 Tahoe	4	7%	1	2%	-	0%	4	7%	54	93%	58
Region 6 Victorville	242	51%	62	13%	-	0%	297	63%	175	37%	472
Region 7	6	29%	-	0%	-	0%	6	29%	15	71%	21
Region 8	-	0%	-	0%	1	100%	1	100%	-	0%	1
Region 9	118	90%	-	0%	-	0%	118	90%	13	10%	131
TOTAL	577	44%	63	5%	5	0%	637	49%	665	51%	1,302

**WDR: ENFORCEMENT RESPONSE.
ALL OTHER VIOLATIONS**

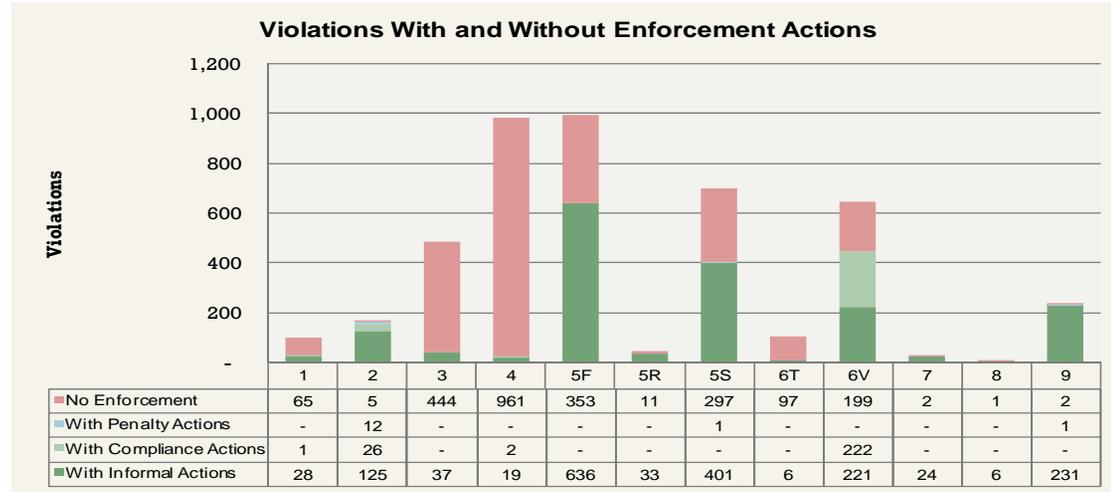
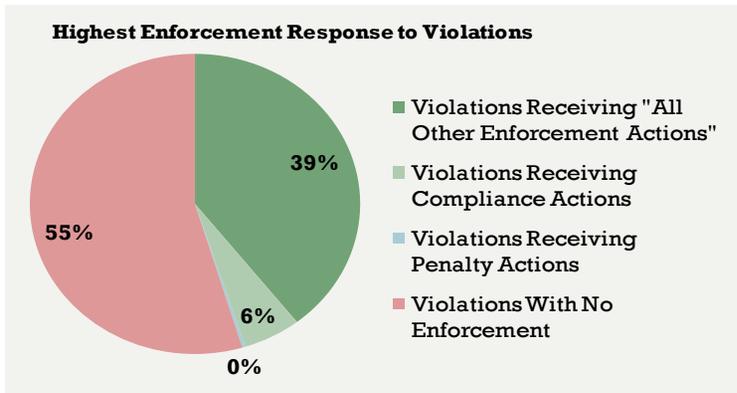
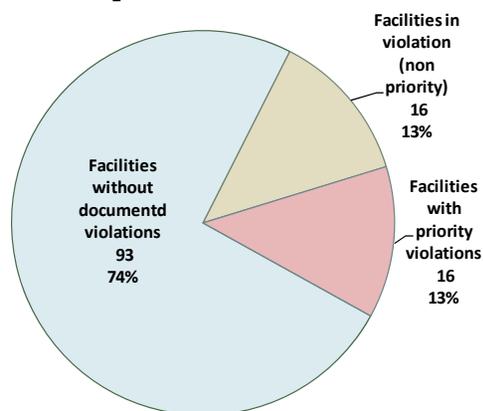


Table 83: Enforcement Response to 2010 WDR All Other Violations

REGIONAL BOARD OFFICE	Violations Receiving "All Other Enforcement Actions"		Violations Receiving Compliance Actions		Violations Receiving Penalty Actions		Violations With Enforcement		Violations With No Enforcement		Total Number of Violations
		%		%		%		%		%	
Region 1	28	30%	1	1%	-	0%	29	31%	65	69%	94
Region 2	125	74%	26	15%	12	7%	163	97%	5	3%	168
Region 3	37	8%	-	0%	-	0%	37	8%	444	92%	481
Region 4	19	2%	2	0%	-	0%	20	2%	961	98%	981
Region 5 Fresno	636	64%	-	0%	-	0%	636	64%	353	36%	989
Region 5 Redding	33	75%	-	0%	-	0%	33	75%	11	25%	44
Region 5 Sacramento	401	57%	-	0%	1	0%	401	57%	297	43%	698
Region 5 Total	1,070	62%	-	0%	1	0%	1,070	62%	661	38%	1,731
Region 6 Tahoe	6	6%	-	0%	-	0%	6	6%	97	94%	103
Region 6 Victorville	221	35%	222	35%	-	0%	437	69%	199	31%	636
Region 6 Total	227	31%	222	30%	-	0%	443	60%	296	40%	739
Region 7	24	92%	-	0%	-	0%	24	92%	2	8%	26
Region 8	6	86%	-	0%	-	0%	6	86%	1	14%	7
Region 9	231	99%	-	0%	1	0%	231	99%	2	1%	233
TOTAL	1,767	40%	251	6%	14	0%	2,023	45%	2,437	55%	4,460

Land Disposal Active Landfills



LAND DISPOSAL PROGRAM

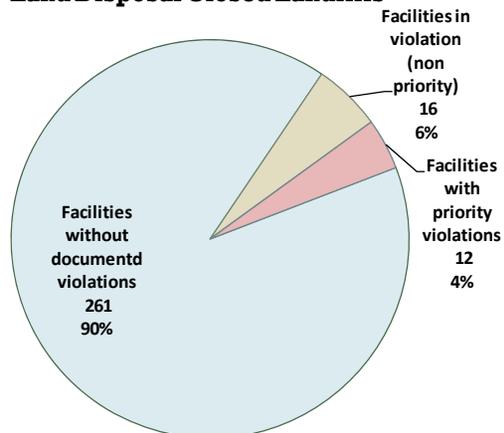
Compliance rates in this program vary significantly among Regional Water Boards. In 2010, 116 facilities under the land disposal program were identified as having one or more violations. This represents a noncompliance rate of 14%.

Similar to the NPDES Wastewater program, the compliance rate was calculated assuming that each facility received some level of oversight. The inspection rate for this program is very high at 57%. The lack of violation information in some regions may be due to inconsistencies in data entry.

Table 84: Compliance Rates, Land Disposal Open-Active Landfills in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	1	-	0%	-	-	0%	-	-	-	-	-
2	12	1	8%	1	1	8%	1	1	-	-	1.0
3	13	3	23%	7	3	23%	7	3	-	-	2.3
4	11	1	9%	1	1	9%	1	1	-	-	1.0
5F	15	1	7%	1	-	0%	-	1	-	-	1.0
5R	8	1	13%	1	1	13%	1	1	-	-	1.0
5S	16	8	50%	22	-	0%	-	8	-	-	2.8
5 Total	39	10	26%	24	1	3%	1	10	-	-	2.4
6A	1	-	0%	-	-	0%	-	-	-	-	-
6B	16	12	75%	36	8	50%	12	12	-	-	3.0
6 Total	17	12	71%	36	8	47%	12	12	-	-	3.0
7	17	-	0%	-	-	0%	-	-	-	-	-
8	9	5	56%	6	2	22%	2	5	-	-	1.2
9	6	-	0%	-	-	0%	-	-	-	-	-
Total	125	32	26%	75	16	13%	24	32	-	-	2.3

Land Disposal Closed Landfills



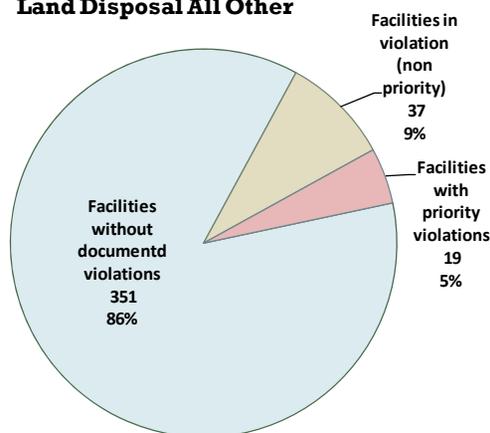
Once a Landfill is no longer accepting waste the Water Boards continue inspecting and regulating the facility to ensure compliance with waste discharge requirements.

The non-compliance rate for closed landfills at 10% is better than open-active landfills at 26% although this information varies by Regional Water Board

Table 85: Compliance Rates, Land Disposal Closed Landfills in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	20	-	0%	-	-	0%	-	-	-	-	
2	41	-	0%	-	-	0%	-	-	-	-	
3	31	-	0%	-	-	0%	-	-	-	-	
4	18	-	0%	-	-	0%	-	-	-	-	
5F	36	3	8%	5	-	0%	-	3	-	-	1.7
5R	17	1	6%	1	-	0%	-	1	-	-	1.0
5S	44	4	9%	18	-	0%	-	4	-	-	4.5
5 Total	97	8	8%	24	-	0%	-	8	-	-	3.0
6A	10	-	0%	-	-	0%	-	-	-	-	
6B	18	12	67%	30	10	56%	13	12	-	-	2.5
6 Total	28	12	43%	30	10	36%	13	12	-	-	2.5
7	19	-	0%	-	-	0%	-	-	-	-	
8	18	5	28%	7	1	6%	1	5	-	-	1.4
9	17	3	18%	5	1	6%	1	3	-	-	1.7
Total	289	28	10%	66	12	4%	15	28	-	-	2.4

Land Disposal All Other



The Land Disposal program regulates waste discharge to land for treatment, storage and disposal in waste management units. Waste management units include waste piles, surface impoundments, and landfills. All other land disposal facilities include surface impoundments, waste piles, land treatment units, etc.

Table 86: Compliance Rates, All Other Facilities Land Disposal in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	14	-	0% ↑	-	-	0%	-	-	-	-	
2	33	-	0% ↑	-	-	0%	-	-	-	-	
3	14	1	7% ↑	2	1	7%	2	1	-	-	2.0
4	30	2	7% ↑	3	1	3%	1	2	-	-	1.5
5F	99	10	10% ↑	14	-	0%	-	10	-	-	1.4
5R	17	2	12% ↑	2	2	12%	2	2	-	-	1.0
5S	49	8	16% ↑	29	-	0%	-	7	1	-	3.6
5 Total	165	20	12% ↑	45	2	1%	2	19	1	-	2.3
6A	2	1	50% ↓	1	-	0%	-	1	-	-	1.0
6B	50	27	54% ↓	61	15	30%	32	27	-	-	2.3
6 Total	52	28	54% ↓	62	15	29%	32	28	-	-	2.2
7	37	-	0% ↑	-	-	0%	-	-	-	-	
8	34	5	15% ↑	11	-	0%	-	5	-	-	2.2
9	28	-	0% ↑	-	-	0%	-	-	-	-	
Total	407	56	14% ↑	123	19	5%	37	55	1	-	2.2

**LAND DISPOSAL: ENFORCEMENT RESPONSE.
ALL VIOLATIONS**

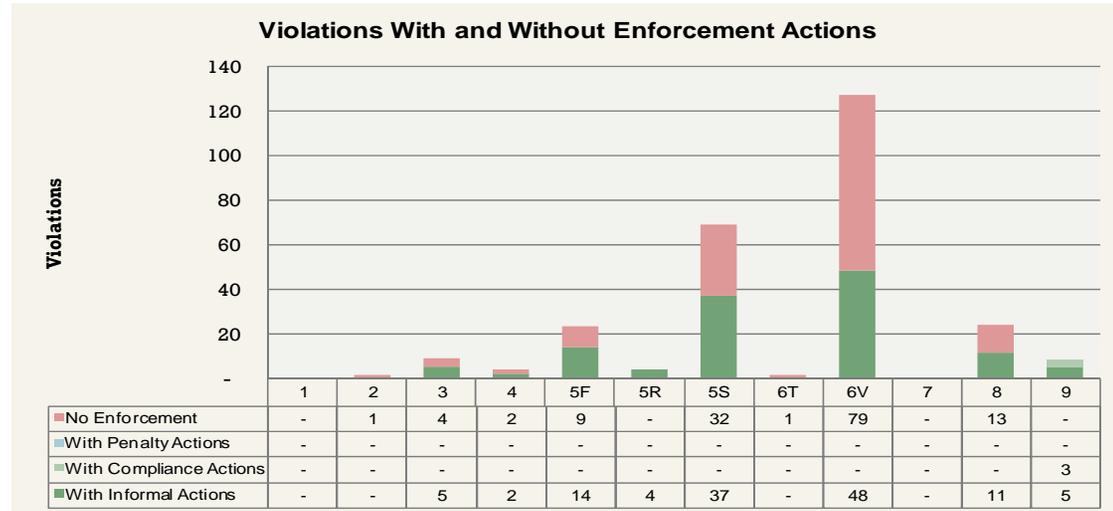
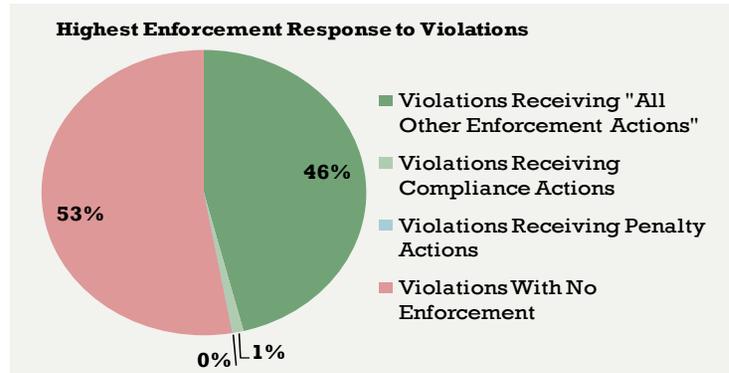
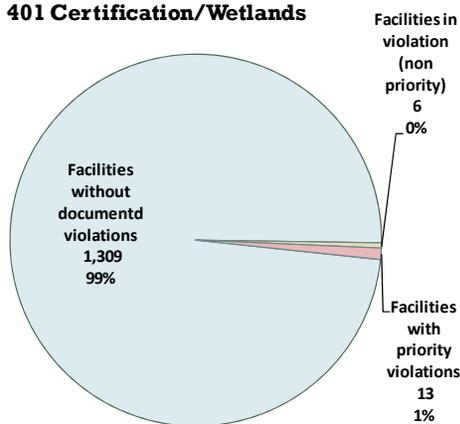


Table 87: Enforcement Response to 2010 LAND DISPOSAL Violations

REGIONAL BOARD OFFICE	Violations Receiving "All Other Enforcement Actions"		Violations Receiving Compliance Actions		Violations Receiving Penalty Actions		Violations With Enforcement		Violations With No Enforcement		Total Number of Violations
		%		%		%		%		%	
Region 1	-	N/A	-	N/A	-	N/A	-	N/A	-	N/A	-
Region 2	-	0%	-	0%	-	0%	-	0%	1	100%	1
Region 3	5	56%	-	0%	-	0%	5	56%	4	44%	9
Region 4	2	50%	-	0%	-	0%	2	50%	2	50%	4
Region 5 Fresno	14	61%	-	0%	-	0%	14	61%	9	39%	23
Region 5 Redding	4	100%	-	0%	-	0%	4	100%	-	0%	4
Region 5 Sacramento	37	54%	-	0%	-	0%	37	54%	32	46%	69
Region 5 Total	55	57%	-	0%	-	0%	55	57%	41	43%	96
Region 6 Tahoe	-	0%	-	0%	-	0%	-	0%	1	100%	1
Region 6 Victorville	48	38%	-	0%	-	0%	48	38%	79	62%	127
Region 6 Total	48	38%	-	0%	-	0%	48	38%	80	63%	128
Region 7	-	N/A	-	N/A	-	N/A	-	N/A	-	N/A	-
Region 8	11	46%	-	0%	-	0%	11	46%	13	54%	24
Region 9	5	100%	3	60%	-	0%	5	100%	-	0%	5
TOTAL	126	47%	3	1%	-	0%	126	47%	141	53%	267

401 Certification/Wetlands



401 CERTIFICATION/WETLANDS PROGRAM

This program regulates discharges of fill and dredged material under Clean Water Act Section 401 and the Porter-Cologne Water Quality Control Act.

This program has regulatory responsibility for wetlands, riparian areas, and headwaters because these water bodies have high resource value, are vulnerable to filling, and are not systematically protected by other programs. Protection of special-status species and regulation of hydro modification impacts are key components of the 401 Certification program. The data in Table 88 is directly from CIWQS and does not include additional information provided by program managers.

Table 88: Compliance Rates, 401 Certifications and Wetlands in 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	510	1	0%	2	1	0%	1	1	-	-	2.0
2	55	1	2%	1	1	2%	1	1	-	-	1.0
3	5	-	0%	-	-	0%	-	-	-	-	
4	6	-	0%	-	-	0%	-	-	-	-	
5F	55	2	4%	2	1	2%	1	2	-	-	1.0
5R	319	5	2%	8	5	2%	7	5	-	-	1.6
5S	38	-	0%	-	-	0%	-	-	-	-	
5 Total	412	7	2%	10	6	1%	8	7	-	-	1.4
6A	67	7	10%	9	4	6%	4	7	-	-	1.3
6B	86	2	2%	4	-	0%	-	2	-	-	2.0
6 Total	153	9	6%	13	4	3%	4	9	-	-	1.4
7	78	-	0%	-	-	0%	-	-	-	-	
8	35	-	0%	-	-	0%	-	-	-	-	
9	74	1	1%	1	1	1%	1	1	-	-	1.0
Total	1,328	19	1%	27	13	1%	15	19	-	-	1.4

Section 6

6. Update on Recommendations for Improvements in Water Boards' Enforcement Programs

After reviewing the summary enforcement statistics and recommendations received about the Water Boards' enforcement activities through public forums, the State Water Board's Office of Enforcement recommended a series of actions below for core regulatory enforcement program improvements in prior enforcement reports. Like last year's report, this year's report does not include a "Recommendations" section but updates the information regarding previously uncompleted recommendations. However, the Water Boards will continue to evaluate and identify improvements to their enforcement activities including structural and operational changes related to enforcement efficiency, consistency and prioritization.

Following is a status update on actions taken to implement the uncompleted recommendations identified in the prior enforcement reports ---FY 2006-2007 *Baseline Enforcement Report*, the FY 2007-2008 and the 2009 Annual Enforcement Report.

1. Enhance Inspection and Enforcement Training (FY 2006-07)

The Water Boards should develop minimum training requirements for compliance and enforcement staff. Each compliance and enforcement staff person should have an individual development plan that specifies required training elements. The training should be administered through the Water Boards' Training Academy or Cal EPA's Enforcement Training Program. This training should also include information on CIWQS data entry procedures.

Related Strategic Plan Action Item: Assess training needs and deliver core curricula to enforcement staff, [SPA 7.1.1](#)

Status: Ongoing

The Water Boards' Training Academy completed a training needs assessment in January 2009. OE continues to work with Cal/EPA Training Committee and Water Board Training Academy on developing minimum training requirements.

2. Increased Field Presence of Water Board Staff (FY 2006-07)

Inspection frequencies should be specified and maintained for each regulated facility. Increased inspector field presence can be of great value in locating non-filers and illegal discharges.

Status: No action.

No additional work on this recommendation has occurred since the last annual enforcement report.

3. Evaluate Opportunities for Citizen Enforcement of the Water Code And Track Notices of Intent to Sue (FY 2006-07 and FY 2007-08)

The Water Boards' data shows that a large percentage of detected violations do not have any enforcement action associated with them. If the Water Boards are unable to address all water quality violations because of a lack of enforcement resources, the Water Boards should evaluate whether California residents should have the ability to bring actions to enforce the *Water Code* similar to citizen enforcement action provisions under the federal *Clean Water Act*.

Status: In progress.

The Office of Enforcement is now tracking citizen suit notices under the federal Clean Water Act. Tracking began in March 2009. From March 2009 to December 31, 2010, OE was made aware of 60 notices of Intent to File Suit under the citizen enforcement action provisions of the Clean Water Act by approximately 20 different parties. OE has prepared an analysis of citizen suit activity for those notices of intent to file suit which is posted on its webpage at http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/citizen_suits/citzn_suit_rpt.pdf

4. Evaluate Establishing Minimum Penalties for Water Code Violations (FY 2006-07)

The Water Boards should evaluate imposing minimum penalties, similar to *Health and Safety Code section 25299 and Water Code section 13350(e)(1)*, for the most serious water quality violations. Health and Safety Code section 25299 has been a significant factor in supporting enforcement cases and obtaining fines and penalties against non-complying owners and operators of UST systems. Adopting a minimum penalty regimen for other water quality violations would provide consistency in assessing monetary administrative and civil liabilities.

Status: In progress.

The Office of Enforcement is evaluating a possible mandatory minimum penalty process to apply to sanitary sewer overflows.

5. Create a Dedicated Enforcement Staff and Budget (FY 2006-07)

The Water Boards should develop a consistent way of identifying the enforcement staff and budget for each region and at the State Water Board. The Water Boards' electronic time-keeping system should track the time and cost spent on enforcement matters, particularly those which go to formal enforcement actions. The Water Boards should seek authority to recover the reasonable costs of enforcement as an assessment of liability (in administrative or civil liability matters) in addition to any monetary civil liability imposed in the enforcement proceeding.

Status: No action.

No additional work on this recommendation has occurred since the last annual enforcement report.

6. Increase the Use of the Attorney General's Office, District Attorneys, and City Attorneys in Enforcement Actions (FY 2006-07)

The Water Boards' enforcement program relies on administrative enforcement activity. There are matters and violations which warrant referral to other prosecuting agencies for the imposition of significant penalties, injunctive relief, and other actions. The Water Boards should better coordinate and communicate with these enforcement partners to ensure maximum deterrence. The Water Boards should evaluate whether additional legislative changes would help this effort.

Related Strategic Plan Action Item: Develop partnerships to leverage inspection and enforcement authority, [SPA 7.4.1](#)

Status: Ongoing.

[The Water Quality Improvement Initiative](#) contains provisions for increased use of outside prosecutors in support of water quality enforcement actions. OE, the Los Angeles Regional Water Board, and the Attorney General's Office continue to implement their pilot project to evaluate enhanced use of that office for water quality enforcement cases. There has been an increase in referrals to the Attorney General's Office which have resulted in significant judgments.

7. Reduce the Backlog of Enforcement Cases by Targeting MMP-Related Violations for Enforcement Priority (FY 2006-07)

Cases requiring MMPs continue to buildup in the Water Board enforcement system. These cases have been designated as an enforcement priority by the Legislature. The Water Boards should initiate action to significantly and measurably reduce the backlog in 2008. The Water Boards should evaluate the effectiveness of MMPs in achieving compliance at regulated facilities.

Related Strategic Plan Action Item: Reduce the backlog of facilities subject to MMPs, [SPA 1.3.1](#)

Status: Completed.

The MMP Enforcement Backlog was launched in July 2008. The Water Boards have initiated enforcement at each of the facilities that were the target of the backlog reduction effort. The latest update can be found at http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/mmp_update_030110.pdf

The Office of Enforcement coordinated a team of State Board staff to address over 45 facilities in the Los Angeles Basin with unresolved MMP violations.

8. Evaluate Updating the Statutory Penalty Limits to Address Inflation (FY 2006-07)

The 2008 oil spill in the San Francisco Bay from the M/V *Cosco Busan* illustrated that the authorized penalty amounts for the illegal discharge of oil and petroleum products into the state's waterways have not been updated since 1984. Cost of living indices suggest that the penalties should be adjusted by at least 100% to account for inflation. To maintain the deterrent impact of our water quality protection laws as intended, the Water Boards should evaluate the need and effects of adjusting the penalty provisions for both inflation and the environmental costs that result from these illegal discharges.

Status: No action.

No additional work on this recommendation has occurred since the last annual enforcement report. However, there has been legislation introduced by other entities addressing this issue.

9. Develop and Implement Plans to Compel Participation in Key Water Board Regulatory Programs (FY 2006-07)

As the Water Boards develop new initiatives and programs addressing emerging contaminant and pollution threats to water quality, it is essential for the success and integrity of these regulatory approaches to have full participation of the newly regulated entities. The Water Boards should develop plans, as a part of any new regulatory initiative or program, to target nonparticipants for early and well-publicized enforcement actions.

Status: In progress.

The Water Boards have begun considering strategies to compel participation in new program areas, however, more work is needed. For example, with the implementation of the Pre-Production Plastic Debris Program, the Water Boards are rolling out a strategy that use inspections to identify facilities subject to the Industrial General Permit (IGP) for storm water discharges, but have not yet enrolled..

10. Develop a Uniform Tracking and Reporting Mechanism for Illegal Discharges That Do Not Fall Within One of the Current Core Regulatory Programs (FY 2006-07)

The Water Boards should work with stakeholders to develop a consistent mechanism for recording violations and tracking enforcement response to the violations. Based on a baseline of verifiable information, the Water Boards can better determine the extent of the problem and develop more appropriate regulatory and enforcement responses.

Status: No action.

No additional work on this recommendation has occurred since the last annual enforcement report.

11. Target and Address Data Issues that Adversely Impact Effective Reporting of Enforcement Outputs and Outcomes (FY 2007-08)

As a priority management action, the State Water Board should lead an effort to identify and correct data issues as they affect enforcement-related information. The use and evaluation of enforcement data will be impeded because of defects within the data used by the Water Boards for enforcement data tracking and analysis, particularly with regard to data that addresses enforcement outputs and outcomes.

Status: In progress.

The Water Boards initiated an Enforcement Data Summit which identified data improvement targets. This work is ongoing.

12. Evaluate the Development of Criminal Investigation Capability to Address Water Quality Violations (FY 2007-08)

Water Code section 13387 provides for criminal sanctions for specified water quality violations. *Health and Safety Code section 25299* provides criminal sanctions for violation of underground storage tank requirements. The Water Boards, however, have no specialized investigation staff to support a criminal investigation related to water quality violations or underground storage tank violations. The process for obtaining authority to employ criminal investigators is arduous. The need for such investigators should be thoroughly evaluated, and if the need is justified, the State Water Board should obtain permission to employ specialized investigators for use throughout the Water Boards.

Status: Completed.

The Office of Enforcement developed a proposal for a pilot project for criminal investigation staff. The proposal has not been brought to the State Board for action and will be considered at a later date.

13. Approaches to Address Chronic Poor Operation and Maintenance at Wastewater Treatment Plants Serving Small Communities Should be Developed and Implemented (FY 2007-08)

All wastewater treatment plants must meet minimum operation and maintenance criteria to achieve compliance with federal and state permit requirements. Small communities face unique financial and facility operation challenges due to the small number of fee payers available to support new plant construction, upgrades and ongoing management responsibilities. The State Water Board adopted a small community strategy in 2008 to better assist these communities in achieving compliance. The Water Boards should evaluate the effectiveness of these strategies and propose a comprehensive approach that addresses common fiscal and operational deficiencies. An element of this approach should explore the development of a system of "general permits" to address similar activities at small community waste water treatment plants, such as the use of pond systems and "package plants."

Status: In Progress

The State Water Board adopted a Small Community Strategy in 2008 to assist small and/or disadvantaged communities with wastewater needs. In 2009, staff presented an update to this policy to the Board which summarized the status of prior recommendations and proposed a number of new recommendations. To address operational deficiencies, several new workshops are being offered this calendar year. In addition, proposed revisions to the [Operator Certification Regulations](#) include allowance for provisional operators at certain wastewater treatment facilities serving small communities. This provision recognizes the unique challenges such communities face, and allows for a more cost effective approach to ensuring proper operation of such facilities. The Water Boards are in the process of updating general permits to standardize requirements for similar types of treatment systems serving small communities.

14. Conduct an Evaluation of the Waste Discharge Requirements Program to Examine the Declining Compliance and Enforcement Trend Data Presented in this Report and Make Recommendations (FY 2007-08)

The data presented for the waste discharge requirements program contained in the Compliance and Enforcement Outputs section demonstrates a decline in program activity for several years. The Water Boards should conduct a comprehensive evaluation to identify the causes of this decline. The evaluation should include data entry and data quality issues, resource distribution across programs as well as the activities conducted by program staff. The results of this evaluation, including recommendations, should be presented in next year's Annual Enforcement Report.

Status: In Progress

As part of the Management Coordinating Committee, a diagnostic of the program has commenced. The evaluation will extend beyond direct program administration and cover the program's effectiveness in protecting the State's groundwater resources. The evaluation will make recommendations that, when implemented, should regulate potential sources of groundwater contamination more effectively and result in more timely and targeted enforcement actions against entities that do not comply with groundwater protection standards.

15. Prepare an Analysis of the Authorities of the Water Boards to Require Actions that Promote Water Conservation, Water Recycling, and Urban Water Reuse (FY 2007-08)

The Water Boards have proposed a series of measures in response to the [Global Warming Solutions Act \(AB 32\)](#) and ongoing drought conditions to reduce water consumption and enhance locally sustainable water supplies. Many of the actions that the Water Boards and other state agencies are taking to implement these measures rely on voluntary participation and financial incentives. An analysis of the enforcement tools available to the Water Boards to require these and similar measures will shape additional strategies to require reductions in water consumption and enhance local water supplies.

Status: In Progress

The Water Boards are conducting this analysis in a piecemeal fashion as the specific measures contained in the Scoping Plan, adopted by the Air Resources Board, and the California Adaptation Strategy, prepared by the California Natural Resources Agency, are being implemented.

Section 7

7. Annual Enforcement Priorities for 2011

The new Water Quality Enforcement Policy requires identification of enforcement priorities on an annual basis. The Water Boards are committed to timely implementation of this policy and identifying enforcement priorities for both its water quality and water rights programs, recognizing that most priorities will be implemented over multiple years. These priorities are similar in concept with the National Enforcement Initiatives established by the United States Environmental Protection Agency (USEPA). These priorities determine the focus for water quality enforcement efforts by the State and Regional Water Boards and water rights enforcement by the State Water Board, recognizing that the individual regions may have other priorities based on special issues facing those regions. The overarching priorities described below will be further enhanced by specific initiatives and actions at both the State and Regional Water Boards.

401 CERTIFICATION VIOLATIONS:

Historic loss of wetlands throughout the state signal an urgent need to protect the remaining wetland resources, as remnant wetlands in many watersheds provide the only extant sources of critical water quality functions, such as maintenance of plant and animal communities, pollutant filtration, sediment retention, and flood peak attenuation/flood water storage.

The U.S. Fish and Wildlife Service (USFWS) estimate that 91 percent of historic wetland acreage in California has been lost, a greater percentage than in any other state in the nation (Dahl 1990). This loss represents an estimated 4.5 million acres of wetlands, along with their associated water quality functions and beneficial uses, statewide. The extent of wetland loss has varied by region of the state with significant losses occurring in the Central Valley and along the California coast (Dahl 1990).

The State Water Board is in the process of preparing a "Wetland Area Protection Policy and Dredge and Fill Regulations". This policy will include a new, more inclusive, definition of "wetlands", propose standard deliniation methods, and specify assessment and monitoring program requirements. The proposed regulations will standardize how the Regional

Water Boards permit dredge and fill projects and impose mitigation requirements.

Calendar Year 2011 Enforcement Priorities:

- The Water Boards to take formal enforcement actions against parties who knowingly discharge material into or otherwise alter the physical environment of inland surface water bodies without obtaining 401 Water Quality Certifications.
- In regions where there are numerous instances of the above, highest priority will be placed on cases with impacts to anadromous fish habitat, impaired water bodies, or instances of hydromodification.

More information on the proposed Wetland Area Protection Policy and Dredge and Fill Regulations may be found at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.s.html

SANITARY SEWER OVERFLOWS:

Sanitary sewer overflows (SSOs) result in discharges of untreated sewage, bacteria, pathogens, hazardous materials, and industrial wastewater. The causes of the discharges include aging infrastructure, undersized facilities, inadequate operation and maintenance, faulty equipment, and poor system design.

The State Water Board adopted Statewide General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems, Water Quality Order No. 2006-0003 (Sanitary Sewer Order) in May 2006 to provide a consistent, statewide regulatory approach. The Sanitary Sewer Order requires public agencies that own or operate sanitary sewer systems to develop and implement sewer system management plans (SSMPs) and report all SSOs.

There have been over 22,000 SSO incidents reported since January 2, 2007 from approximately 1,100 sanitary sewer systems currently enrolled under the Sanitary Sewer Order. Of the approximately 98 million gallons of waste associated with these incidents, about 78 million gallons reportedly reached surface waters. Recent inspections revealed that some dischargers are violating the Sanitary Sewer Order and are underestimating the volume of sewage spilled and/or failing to report SSOs. Further, there are numerous sanitary sewer collection systems in the

State that have not yet enrolled for coverage under the Sanitary Sewer Order.

The Water Boards will target enforcement resources to address both SSOs and violations of the Sanitary Sewer Order to decrease both the volume and number of SSO discharges through compliance with improved system operations, maintenance, management and performance requirements.

Calendar Year 2011 Enforcement Priorities:

- Achieve 95% of all enrollees monthly reporting their SSO or No Spill Certifications. For 2010, reporting improved to 85%.
- Achieve a 100% compliance rate for SSMP element certification. For 2010, the target was 75% and averages were approximately 65%.
- Conduct 24 onsite compliance inspections to identify Sanitary Sewer Order violations and implement necessary enforcement response.
- Initiate formal enforcement against all SSO incidents where there is a discharge of sewage that reaches surface waters in excess of 50,000 gallons unless another enforcement action such as a cease and desist order or judicial order is in place which addresses the underlying cause(s) of the SSO incident and the discharger is on schedule with those required actions.
- Develop methodology for prioritizing sanitary sewer systems for enforcement action based on chronic violations and other noncompliance factors

More information on the Sanitary Sewer Order can be found at:

http://www.waterboards.ca.gov/water_issues/programs/ssso/index.shtml

STORM WATER:

Storm water runoff from urban areas, industrial facilities and construction sites, which is most often discharged untreated, significantly impairs water quality in rivers, lakes, streams, reservoirs, estuaries, near-shore ocean environments, and wetlands. Unmanaged soil disturbance and vegetation removal that occurs during construction increases erosion that results in sediment discharges into waterways. As storm water flows over urban areas and construction and industrial sites, it picks up and carries other pollutants including pathogens, pesticides, petroleum products, toxic chemicals, and debris from the land into water bodies that serve as drinking water, aquatic habitat, and public swimming areas.

The Water Boards regulate storm water discharges under the Municipal Storm Water Permitting program and a variety of statewide general permits including:

- Industrial Storm Water General Permit Order 97-03-DWQ
- Construction Storm Water General Permit Order 2009-0009-DWQ (effective July 1, 2010)
- Caltrans Storm Water Permit Order 99-06-DWQ
- Small Municipal Separate Storm Sewer System Permit Order 2003-0005-DWQ

Enforcement of these permits is a high priority, particularly in areas where discharges may cause or contribute to water quality impairments.

Calendar Year 2011 Enforcement Priorities:

- Audit 3 Phase II Small MS4s, including a non-traditional Small MS4 and one Phase I MS4.
- For Regions with significant highway construction activity, assess project-specific compliance with Caltrans Storm Water Permit requirements and initiate enforcement actions for violations.
- Begin to monitor compliance with the Construction General Permit and initiate enforcement actions as appropriate. This would include a non-filer program.
- Focus industrial storm water inspections on specific sectors of industry.

More information about the storm water program can be found at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/index.shtml

MANDATORY MINIMUM PENALTIES:

In 1999, the California Legislature passed SB 709, which required that certain State Water Code violations be subject to mandatory minimum penalties (MMPs). While the Water Boards did begin assessing MMPs after the passage of the bill, a variety of factors led to a backlog of unresolved cases. In 2008, Water Boards commenced a statewide Initiative for MMP enforcement, with the goal of substantially reducing or eliminating the MMP backlog of more than 12,000 violations accumulated between Jan. 1, 2000 and Dec. 31, 2007. The Water Boards have significantly reduced

the MMP backlog, and in some regions the backlog has been completely eliminated. To date, the enforcement activities consist of 147 Administrative Civil Liability (ACL) complaints and 274 Notices of Violations/Expedited Payment Offers. New legislation, effective January 1, 2011, also has reduced the number of reporting violations subject to MMPs and therefore has reduced the number of facilities with outstanding violations. 421 enforcement actions have been initiated to address the backlogged violations, and 382 of those actions have been completely resolved or settled resulting in total imposed liabilities of \$ 25,288,478:

\$ 14,855,232 as liabilities paid or due to the State Water Board's Cleanup and Abatement Account;

\$ 7,896,000 as credits for completion of Compliance Projects (CP) at facilities serving small communities with financial hardship; and

\$ 2,537,246 as credits for Supplemental Environmental Projects (SEP).

There are approximately 39 facilities with 2,868 unresolved violations from the backlogged period (i.e. are disputed or outstanding), with an associated minimum potential liability of \$8,648,612. Of those facilities, three (3) facilities with 45 alleged violations have not responded to the Water Boards notices.

The goal of this multi-year enforcement priority is to eliminate all existing MMP backlog violations and ensure that all future violations are addressed within 18 months of discovery.

Calendar Year 2011 Enforcement Priorities:

- Completely resolve the outstanding violations at the remaining facilities (that are still viable) with backlogged violations.
- Address each new MMP violation within 18 months of discovery.
- Implement an electronic notification system to remind dischargers of upcoming reporting deadlines.

The update on the Water Boards' MMP Initiative is available on-line at:
http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/mmp_update0411.pdf

ADDITIONAL REGIONAL WATER BOARD ENFORCEMENT PRIORITIES

This section reflects enforcement priorities that a Regional Water Board has identified that are in addition to the statewide priorities described above.

Region 1

- Emphasis will be placed on enforcement of violations subject to discretionary penalties associated with the land disposal of treated wastewater.
- Enforcement will be focused on violations of TMDL implementation provisions for non-point source discharges and those discovered through complaint investigations.

Region 2

- Pursue enforcement against recalcitrant parties who are not cleaning up soil and groundwater pollution in a timely manner, particularly where there are clear threats to human and/or ecological health.
- Pursue enforcement for violations of effluent toxicity limits or chronic violations of other limits by wastewater dischargers.
- Pursue enforcement for the un-permitted filling of wetlands or streams and require restoration and/or mitigation for such actions.
- Swiftly respond and enforce against spills or illicit discharges to San Francisco Bay and its tributaries.

Region 3

- Identify nitrate pollution of drinking water and require responsible parties to provide replacement water and clean up pollution.
- Identify and prosecute illegal conversion of wetlands and riparian and aquatic habitat.

Region 4

- Increase enforcement activity across all Regional Board Programs by continuing cross program efforts started with the 401/SLIC/UST/TMDL Programs. The efforts include addressing un-permitted dischargers and facilities not in compliance with Regional Board issued regulatory requirements, developing these cases and working in conjunction with OE to issue discretionary ACLs, or taking other appropriate action.
- Increase enforcement of sanitary sewer overflows (SSOs) by ranking SSOs, addressing SSO "clusters" and taking enforcement action that is more than just punitive, when appropriate (i.e. including injunctive relief that will result in fixing the shortcomings that led to the SSO). Address all SSOs with discharges greater than 50,000 gallons to waters of the United States with formal enforcement action.

- Increase enforcement on stormwater discretionary cases; continue to address the backlog of facilities failing to submit annual reports.
- Continue efforts to address MMP violations.
- Continue the Pilot Project between the LA Regional Water Quality Control Board and the Attorney General's Office by extending the contract for an additional three years.

Region 5

- Emphasize enforcement of violations on Irrigated Lands and at Confined Animal Feeding Operations that threaten groundwater and surface water resources.
- Emphasize enforcement of violations of existing formal enforcement orders.
- Take enforcement against dischargers that fail to submit complete self monitoring reports.

Region 6

- Enforce against violations of WDRs for discharges that affect underlying groundwater. Enforcement actions will eliminate the source of the pollution, provide alternative water supplies if pollution is adversely affecting use, and begin groundwater cleanup activities.
- Enforce against violations of WDRs for inadequate treatment and disposal capacity at municipal facilities where the inadequate capacity is adversely affecting receiving water quality, or creating conditions of pollution and/or nuisance.
- Enforce requirements to submit complete self monitoring reports where missing information adversely affects Water Board staff's ability to assess a facility's impacts upon water quality and beneficial uses.
- Enforce against violations of WDRs identified during facility inspections where the violations are resulting in adverse impacts to water quality and beneficial uses.

Region 7

- Issue Time Schedule Orders to the Cities of Calexico and El Centro (Imperial County) for the earthquake damages from the 7.2 Mexicali event (April 2010) at their wastewater treatment plants.
- Eliminate the backlog of actions for Imperial County dischargers that used uncertified labs to analyze effluent bacterial samples.

Region 8

- Enforce provisions of the 2009/2010 MS4 permits with an emphasis on compliance with the low impact development (LID) aspects to insure implementation of appropriate control measures for new developments and significant redevelopment projects.

- Take appropriate enforcement actions against those who failed to re-certify their projects under the Statewide General Construction Storm Water Permit.
- Continue enforcement against agricultural dischargers that have failed to comply with 13267 Orders requiring dischargers to submit a plan for compliance under the Nutrient TMDL Implementation Plan for Canyon Lake and Lake Elsinore.

Region 9

- Emphasize enforcement of violations of existing formal enforcement orders.
- Take enforcement action against violations with severe adverse or potentially adverse effects on public health or environment.
- Pursue enforcement of unauthorized discharges into 303(d) listed surface waters, Areas of Special Biological Significance and other high priority surface waters or high priority ground water basins.

Section 8

8. Initiatives for 2011

A) Government-Owned/Operated Tank (GOT) Enforcement Initiative

Compliance with underground storage tank (UST) leak prevention laws and regulations at government-owned/operated facilities has been an issue for some time. The problem was recognized by the federal government in 2005 when it passed the Energy Policy Act, which included the UST Compliance Act. The UST Compliance Act required a one-time report concerning the compliance status of government-owned and/or operated USTs throughout the nation. In August 2007, the State Water Resources Control Board reported to the United States Environmental Protection Agency ("USEPA") that 415 government facilities (with a total of 634 USTs) were non-compliant.

The most common violations were failure to operate or maintain release detection equipment and failure to maintain and test secondary containment. These violations are considered to be significant because failed monitoring equipment or failed secondary containment threatens the environment by limiting the ability to detect or contain a release of hazardous substances.

This initiative is a continuing initiative from the prior year and continues to target noncompliance with state and federal leak prevention laws at facilities that are owned and/or operated by government agencies through targeted inspections and enforcement. The goals of the GOT Initiative are to:

Eliminate the compliance and enforcement disparity between privately and publicly owned and/or operated underground storage tanks (USTs); Enhance consistency throughout the UST program of the State Water Board, on an ongoing basis, to ensure the processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures (consistent with Goal 6 of the Water Board's Strategic Plan); and Ensure that human health and the environment are not adversely affected by releases of hazardous substances from USTs owned/operated by government agencies.

Administrative civil enforcement is not available to address UST violations with either injunctive relief or civil liability. Those remedies are only

available via judicial enforcement brought by the Attorney General's Office or a local prosecutor (Health and Safety Code sections 25299 - 25299.02). All formal enforcement cases will be handled through the California Attorney General's Office. Both OE and the Attorney General's Office recognize the unique challenges faced by public agencies in complying with regulatory requirements. While civil liabilities will be evaluated and applied as appropriate, the anticipated enforcement actions will emphasize compliance and corrective action.

Performance Outputs to Date:

OE staff has performed 198 file reviews to date, and 59 facility inspections in eight (8) local agency jurisdictions. OE is in the process of initiating enforcement actions against one local agency and is developing enforcement actions against two other local agencies for leak prevention violations at multiple facilities owned and/or operated by those agencies.

Performance Outputs for 2011:

- Conduct between 200 to 300 file reviews and perform an additional 30 to 60 inspections at government-owned and/or operated UST facilities in at least six (6) different local agency jurisdictions in a one-year time period. Inspections will be conducted at federal, state, and local owned and/or operated UST facilities.
- Take enforcement actions against governmental agencies when appropriate to ensure compliance with state and federal UST laws and regulations. Enforcement actions will be based on inspections previously completed and the additional inspections referenced above. Public agencies with multiple tank systems in noncompliance will be the priority for enforcement. Based on the previous year's experience, enforcement actions will be initiated against 15 % to 20% of the facilities inspected.
- Provide a final report, summarizing activities completed and compare accomplishments with goals. Regular status reports have been provided in the monthly Executive Director's Reports to the State Water Resources Control Board.

B) Land Disposal Financial Assurance Enforcement Initiative

Title 27, California Code of Regulations (CCR)] require dischargers to obtain and maintain assurances of financial responsibility for closure, post-closure, and corrective action for known or reasonably foreseeable releases from waste management units¹². The Water Board's Title 27 regulations are combined with CalRecycle's, which are applicable to a more limited universe (e.g., municipal solid waste (MSW) landfills). Both agencies require financial assurance for closure and post-closure activities for the universe of facilities they regulate. However, only the Water Board's regulations require financial assurance for corrective action for a known or foreseeable release that could affect water quality.

The required financial assurances are necessary to protect public health, safety and the environment in the event the discharger fails, for any reason, to carry out all activities required in the solid waste facility permit and the waste discharge requirements.

The goal of the Initiative is to achieve 100 percent compliance with the regulations requiring financial assurance for closure, post-closure and corrective action.

Municipal Solid Waste (MSW) Landfills

As of February 2011, there were 282 MSW landfills that are required to comply with all three financial assurance types. Owners/operators of all 282 MSW landfills have demonstrated financial assurances in accordance with closure and post-closure financial assurance requirements. However, approximately 57% of the facilities do not have an approved corrective action financial assurance (CAFA) demonstration to protect groundwater quality.¹³

In addition, even for the 44% of the landfills that have a CAFA demonstration, the demonstration may be inadequate to support the cleanup activities by a third party.

¹² The Water Board's rules under Title 27 do not require financial assurance at confined animal feeding operations (CAFO's) and do not require corrective action financial assurance at mining waste management units, although the Regional Water Board can impose such financial assurance requirements separately, under its California Water Code authority.

¹³ CalRecycle has adopted regulations to require financial assurance for corrective action that does not affect water quality. After July 1, 2011, owners/operators will also be required to submit a cost estimate for "non-water" corrective action. The owner/operator's CAFA mechanism must provide the higher of the two estimates ("water" or "non-water").

It is vital to have 100% CAFA compliance and for CAFA mechanisms to be sufficiently funded. Recent events at landfills without sufficient funds could potentially require the state to fund millions of dollars of cleanup work. The landfills either with no, or an insufficient CAFA demonstration put the surrounding communities at risk if landfill owners/operators go bankrupt or prove unable to pay for necessary cleanup activities.

Other Waste Management Units

The Water Boards are solely responsible for requiring owners/operators of waste management units other than MSW landfills to maintain all three types of financial assurances, although CalRecycle staff is willing to support reviews of financial mechanisms at Water Board request.

Implementation of the Initiative will be divided into two phases as reflected in the table below:

Phase I will include obtaining and improving compliance and ensuring financial assurance demonstrations are sufficient to cover reasonably anticipated costs for CAFA at all MSW landfills

Phase II will include obtaining compliance and ensuring financial assurance demonstrations are sufficient to cover reasonably anticipated costs for closure, post-closure and corrective action financial assurances at other waste management units.

Financial Assurance Type	MSW Landfills	Other Waste Management Units
Closure	Monitor and reevaluate as needed	Phase II
Post-closure	Monitor and reevaluate as needed	Phase II
Corrective Action	Phase I	Phase II

Performance Outputs:

The Land Disposal Program Financial Assurance Initiative's performance measures are intended to facilitate its mission and goals and those of the Water Boards' Strategic Plan. In order to accomplish these goals, the following performance measures have been developed:

PHASE I – MSW LANDFILLS

- Confirm appropriateness of cost estimates
- Obtain CAFA from all MSW owner/operators
- Achieve 100% compliance by June 30, 2013

PHASE II – OTHER WASTE MANAGEMENT UNITS WHERE APPROPRIATE¹⁴

- Identify financial assurance compliance status.
- Confirm appropriateness of cost estimates
- Obtain adequate financial assurances for all three activities
- Increase compliance target by 25% for each of the three activities each fiscal year until 100% compliance is achieved.
- Achieve 100% compliance by June 30, 2015

C) State Board Mandatory Minimum Penalty (MMP) Enforcement Initiative:

To assist with the reduction of backlogged MMP violations, the Office of Enforcement has lead of team of SWRCB technical staff from OIMA, OE, and DWQ (State Board Team) to address MMP violations in the Los Angeles region.

The goals of the initiative are to:

- Assist the Los Angeles Regional Board with the elimination of their backlog of historic MMP violations.
- Establish a process to expeditiously manage ACL complaints.

The State Board team assumed responsibility for 50 matters.

¹⁴ The Water Board's rules under Title 27 do not require financial assurance at confined animal feeding operations (CAFO's) and do not require corrective action financial assurance at mining waste management units, although the Regional Water Board can impose such financial assurance requirements separately, under its California Water Code authority.

At the end of 2010, 7 cases had been dismissed completely after review by state board staff addressing 140 alleged violations. An additional 20 cases were resolved with the agreement to pay proposed liability totaling \$471,000 in MMPs. An additional 2 cases were placed on hold because the responsible entity is in bankruptcy. 1 case (involving 46 violations) is part of a global settlement being negotiated by Region 4 enforcement staff. Finally, 1 case will be addressed with discretionary penalties.

In addition to the 20 cases where the dischargers have agreed to pay the proposed liability, it was the SB Team's intent to file ACL complaints (ACLs), ACL settlements or otherwise resolve the targeted MMP violations with 17 facilities by December 31, 2010. However, as dischargers presented additional evidence for consideration or the impacts of SB 1284 are evaluated, some cases were delayed for ACL complaint issuance.

In summary, of the 17 ACL complaints initially targeted for hearings, 8 have settled resulting in \$261,000 in liabilities. 7 have been continued for settlement discussions and 2 went to panel hearing on November 18, 2010. Therefore, at the end of 2010, a total of 28 out of 50 cases were resolved without hearing and have resulted in MMPs of \$609,000 and an additional two cases (with MMPs of \$98,000) have gone through an evidentiary hearing.

Performance Outputs for 2011:

- Resolve all of the remaining facilities with backlogged violations to be addressed with ACL complaints in coordination with the Los Angeles Regional Water Board enforcement managers.

Appendix 1: Description of Enforcement Authorities

INFORMAL ENFORCEMENT

For minor violations, the first step is informal enforcement action. The Oral Communication is an action taken directly by staff to verbally inform the discharger of specific violations. A Staff Enforcement Letter (SEL) also notifies the discharger of specific violations but it is in writing and is signed by staff. The Notice of Violation (NOV) letter is also an informal enforcement action. Its purpose is to bring a violation to the discharger's attention and to give the discharger an opportunity to correct the violation before formal enforcement actions are taken. Continued noncompliance should trigger formal enforcement action. A NOV letter should be signed by the Regional Water Board's Executive Officer or Assistant Executive Officer.

TIME SCHEDULE ORDER

Actual or threatened discharges of waste in violation of requirements can result in a time schedule order which sets forth the actions a discharger shall take to correct or prevent the violation [*Water Code section 13300*]

NOTICES TO COMPLY

Notices to Comply are an expedited approach for dealing with minor violations. Commonly referred to as the "fix-it-ticket" legislation, this law requires the use of field-issued notices to comply as the sole enforcement option involving minor violations. [*Chapter 5.8 (beginning with section 13399) of Division 7 of the Water Code.*]

Notices to Comply are ordinarily written during the course of an inspection by an authorized representative of the State or Regional Water Board to require a discharger to address minor violations that can be corrected within 30 days.

CEASE AND DESIST ORDERS

Cease and Desist Orders (CDOs) are normally issued to dischargers regulated by WDRs and often remain in force for years. [*Water Code sections 13301-13303*].

CDOs are typically issued to regulate dischargers with chronic noncompliance problems. These problems are rarely amenable to a short-term solution; often, compliance involves extensive capital improvements or operational changes. The CDO will usually establish a compliance schedule, including interim deadlines (if appropriate), interim effluent limits (if appropriate), and a final compliance date. CDOs may also include restrictions on additional service connections (referred to as a connection ban) to community sewer systems. These have been applied to sanitary sewer systems but can be applied to storm

sewer systems, as well. Violations of CDOs should trigger an ACL or referral to the Attorney General for injunctive relief or monetary remedies.

CLEANUP AND ABATEMENT ORDERS

Cleanup and Abatement Orders (CAOs) are generally issued to dischargers that are not regulated by WDRs. With the exception of groundwater cleanups, CAOs are typically short-lived enforcement orders. [*Water Code section 13304.*]

CAOs are issued by the Regional Water Board, or by a designee, such as the EO, under delegation from the Regional Water Board. [*Water Code section 13223*] Designee-issued CAOs should be used when speed is important, such as when a major spill or upset has occurred and waiting until the Regional Water Board can meet to approve a CAO would be inappropriate. If staff costs are not recovered voluntarily or through civil court actions, the amount of the costs constitutes a lien on the property. Violations of CAOs should trigger an ACL or referral to the Attorney General for injunctive relief or monetary remedies.

MODIFICATION OR RESCISSION OF WASTE DISCHARGE REQUIREMENTS

In accordance with the provisions of the Water Code, and in the case of NPDES permits, the *Federal Water Pollution Control Act*, the Regional Water Board may modify or rescind WDRs in response to violations. Rescission of WDRs generally is not an appropriate enforcement response where the discharger is unable to prevent the discharge, as in the case of a Waste Water Treatment Plant.

ADMINISTRATIVE CIVIL LIABILITY

Administrative Civil Liability (ACL) means monetary assessments imposed by a Regional Water Board. The Water Code authorizes ACLs in several circumstances.

Once an ACL complaint is issued, the discharger may either waive the right to a hearing or appear at the Regional Water Board hearing to dispute the complaint. In the latter case, the Regional Water Board has the choice of dismissing the complaint, adopting an ACL order (ACL amount need not be the same as in the complaint), or adopting a different enforcement order (*e.g.* referral to Attorney General).

ACL actions are intended to address past violations. If the underlying problem has not been corrected, the ACL action should be accompanied by a Regional Water Board order to compel future work by the discharger (*e.g.* CAO or CDO). The following is a list of Water Code sections for which civil liability can be accessed.

<u>Water Code Section</u>	<u>Type of Violation</u>
13261	Failure to furnish report of waste discharge or to pay fees.
13265	Unauthorized discharge of waste.
13268	Failure to furnish technical report.
13308	Failure to comply with time schedule.
13350	Intentional or negligent: (1) violation of CDO or CAO; (2) discharge of waste, or causing or permitting waste to be deposited where it is discharged, into the water of the state in violation of any WDR, waiver condition, certification, Basin Plan Prohibition or other Regional Water Board order or prohibition; or (3) causing or permitting the unauthorized release of any petroleum product to waters of the state.
13385	Violation of NPDES permit, Basin Plan Prohibition, etc.
13399.33	Failure to submit notice of intent to obtain coverage under the appropriate storm water NPDES permit
13627.1	Violations of wastewater treatment plant operators requirements
13627.2	Submitting false or misleading information on an application for certificate or registration for operator certification
13627.3	Failure to provide required registration information by a person or entity who contracts to operate a wastewater treatment plant

REFERRALS TO ATTORNEY GENERAL OR DISTRICT ATTORNEY

The Regional Water Board can refer violations to the state Attorney General or ask the county district attorney to seek criminal relief. In either case, a superior court judge will be asked to impose civil or criminal penalties. In some cases, the Regional Water Board may find it appropriate to request the U.S. Attorney's Office to review violations of federal environmental statutes, including the CWA, *Migratory Bird Treaty Act*, or the *Resource Conservation and Recovery Act*.

a. California Attorney General

The California Attorney General can seek civil enforcement of a variety of Water Code violations, essentially the same ones for which the Regional Water Board can impose an ACL. Maximum per-day or per-gallon civil monetary remedies are two to ten times higher when imposed by the court instead of the Regional Water Board. The Attorney General can also seek injunctive relief in the form of a restraining order, preliminary injunction, or permanent injunction pursuant to *Water Code sections 13262, 13264, 13304, 13331, 13340, and 13386*. Injunctive relief may be appropriate where a discharger has ignored enforcement orders.

For civil assessments, referrals to the Attorney General should be reserved for cases where the violation merits a significant enforcement response but where ACL is inappropriate. A violation (or series of violations) with major public health

or water quality impacts should be considered for referral, to maximize the monetary assessment because of its effect as a deterrent.

b. District Attorney

District attorneys cannot directly pursue the provisions of the Water Code that grant the Water Boards authority to impose an ACL. District attorneys may, however, seek civil or criminal penalties under their own authority for many of the same violations the Regional Water Board pursues. While the Water Code requires a formal Regional Water Board referral to the Attorney General, the Regional Water Board's EO is not precluded from bringing appropriate matters to the attention of a district attorney for enforcement under statutes other than the Water Code.

District attorney involvement should be considered for unauthorized releases of hazardous substances. In most of these cases, the Regional Water Board is not the lead agency, and the referral action is intended to support the local agency that is taking the lead (e.g. county health department or city fire department). Many district attorney offices have created task forces specifically staffed and equipped to investigate environmental crimes including water pollution. These task forces may ask for Regional Water Board support which should be given within available resources.

The district attorney often pursues injunctive actions to prevent unfair business advantage in addition to the criminal sanctions and civil fines.

c. Civil Versus Criminal Actions

Enforcement actions taken by the Regional Water Board are civil actions. In cases where there is reason to believe that individuals or entities have engaged in criminal conduct, the Regional Water Board or EO may request that criminal actions be pursued by a criminal prosecuting office. Under criminal law, individual persons, as well as responsible parties in public agencies and business entities, may be subject to fines or imprisonment.

Table 89: Types and Classification of Enforcement Actions

Types of Enforcement Action	Descriptions	Classification
Verbal Communication	Any communication regarding the violation that takes place in person or by telephone.	Informal
Staff Enforcement Letter	Any written communication regarding violations and possible enforcement actions that is signed at the staff level.	Informal
Notice of Violation	A letter officially notifying a discharger of violations, possible enforcement actions, penalties, and liabilities that is signed by the Executive Officer.	Informal
Expedited Payment Offer	A conditional offer that provides a discharger with an opportunity to resolve any outstanding violations subject to mandatory minimum penalties by acknowledging them and providing full payment of the accrued mandatory penalties identified in the payment letter.	Informal
Notice to Comply	Issuance of a Notice to Comply per Water Code Section 13399.	Formal
13267 Letter	A letter using Water Code Section 13267 authority to require further information or studies.	Formal
Clean-up and Abatement Order	Any order pursuant to Water Code Section 13304.	Formal
Cease and Desist Order	Any order pursuant to Water Codes Sections 13301-13303.	Formal
Time Schedule Order	Any order pursuant to Water Code Section 13300.	Formal
Administrative Civil Liability (ACL) Complaint	ACL Complaint issued by the Executive Officer for liability pursuant to Water Code 13385.	Formal
Administrative Civil Liability (ACL) Order	An ACL Order that has been imposed by the State or Regional Water Board.	Formal
Settlement	A settlement agreement per California Government Code Section 11415.6	Formal
Referral	Referral to the District Attorney, Attorney General, or US EPA.	Formal
Referred to a Task Force	Any referral of a violation to an environmental crimes task force.	Formal
Referral to Other Agency	Any referral to another State agency.	Formal
Third Party Action	An enforcement action taken by a non-governmental third party and to which the State or Water Board is a party.	Formal
Waste Discharge Requirements	Any modification or rescission of Waste Discharge Requirements in response to a violation.	Formal

Appendix 2: Examples of Water Board Enforcement Actions

Statistics alone cannot tell the story of the Water Boards' enforcement efforts. The following are examples of significant enforcement actions taken by the Regional Water Boards in 2010.

Region 1: North Coast Regional Water Quality Control Board

City of Santa Rosa, Oakmont Treatment Facility

In January 2011, the North Coast Regional Water Board adopted ACL No. R1-2011-0005, formalizing the settlement of an enforcement case that had begun with the issuance of an ACL Complaint to the City of Santa Rosa in May 2009, proposing a penalty of \$65,300 for three unauthorized discharges of wastewater to surface waters in the Santa Rosa Creek watershed, which occurred in 2006 and 2008. Through subsequent discussions, Board staff agreed to a reduction in the total penalty to \$40,300, and developed a settlement in which the Discharger would pay \$20,800 to the Cleanup and Abatement Account and apply the remaining \$19,500 to a Supplemental Environmental Project (SEP). The SEP involved the modification of structures under bridges at three locations along Santa Rosa Creek, a tributary to the Laguna de Santa Rosa, in order to prevent encampments and associated discharges of waste, including trash and human waste, into the creek, which is listed on the Clean Water Act section 303(d) list for impairments associated with sediment, temperature, and indicator bacteria. North Coast Regional Water Board staff are in the process of developing a Total Maximum Daily Load (TMDL) for a number of pollutants in the Laguna de Santa Rosa watershed. Where possible, staff have been working with dischargers and other stakeholders to identify and engage in early TMDL implementation activities; the SEP associated with this ACL provided just such an opportunity.

Complaint Management

Starting in 2010, North Coast Regional Water Board staff began formally tracking complaints received on non-regulated facilities. The Board has also implemented a complaint management system for receiving, assessing, routing, assigning, and tracking complaints. Over the course of 2010, approximately 110 complaints were entered into the system and approximately a third of those cases were successfully closed or resolved. We expect to continue to develop and refine this process over 2011, but note that the process is already proving very effective in identifying violation patterns and trends, improving complaint and enforcement communication, and improving cooperative complaint and enforcement

response both in-house and between our office and other agencies throughout our region.

Region 2: San Francisco Bay Regional Water Quality Control Board

Suisun Bay Reserve Fleet (Mothball Fleet) Enforcement

The San Francisco Bay Regional Water Board was party to an enforcement case (co-plaintiffs National Resources Defense Council, San Francisco Baykeeper, and Arc Ecology) against the U.S. Maritime Administration (Marad) and the U.S. Department of Transportation alleging environmental impacts to San Francisco Bay from deteriorating ships moored in Suisun Bay, the Suisun Bay Reserve Fleet or "Mothball Fleet." A Consent Decree negotiated with Marad through the United States Eastern District of California Federal Court requires cleanup and maintenance of the deteriorating ships and removal of over 50 of the "non-retention" vessels. The agreement represents a significant step forward in the control of these vessels' ongoing discharges of heavy metals and other pollutants to Suisun Bay. Efforts are currently underway to dismantle ships at the dry docks of a former Navy facility at Mare Island. http://www.waterboards.ca.gov/sanfranciscobay/water_issues/hot_topics/mothball.shtml

Construction Stormwater Enforcement

The San Francisco Bay Regional Water Board and OG Property Owner, LLC reached a \$530,000 settlement over an Administrative Civil Liability complaint for alleged violations of the Statewide Construction Storm Water Permit at its residential construction project in the City of Orinda. The Regional Water Board alleged that runoff from the construction project (discharging approximately 37,000 gallons of sediment-laden stormwater) and water pumped from a pond (discharging approximately 55,000 gallons of sediment-laden, chlorinated, and concrete wash-water) impacted Brookside Creek, and that OG Property Owner's Storm Water Pollution Prevention Plan was not adequately prepared or implemented for the project. Settlement of the matter resulted in OG Property Owner, LLC paying \$530,000 to the Cleanup and Abatement Account. http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2010/R2-2010-0085.pdf

NPDES Permit Enforcement

The San Francisco Bay Regional Water Board and ConocoPhillips Company reached a \$600,000 settlement over an Administrative Civil Liability complaint primarily for alleged violations of acute toxicity effluent limits over a period of six months. Of the \$600,000 settlement, ConocoPhillips Company paid \$310,000 to the Cleanup and Abatement Account and is completing a Supplemental Environmental Project (\$290,000) to restore the upper reaches of Pinole Creek for steelhead trout access, and is implementing an Enhanced Compliance Action (\$100,000) to make upgrades to a wastewater treatment plant that will improve effluent water quality.

http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/adopted_orders/2010/R2-2010-0103.pdf

Industrial Stormwater Permit Enforcement

Staff at the San Francisco Bay Regional Water Board developed an expedited approach to enforce the annual reporting requirement of the Statewide Industrial Storm Water General NPDES Permit. Implementation of this approach for reports due July 1, 2009, resulted in over a hundred penalty assessments during 2010 with 61 dischargers accepting offers to settle late report allegations and paying a \$1,000 penalty and 41 dischargers not accepting the offer and receiving an Administrative Civil Liability complaint. Of the Administrative Civil Liability complaints issued, 30 dischargers agreed to pay the proposed liability (ranging from \$2,475 to \$13,300), 7 dischargers resolved the proposed liability through settlement (ranging from \$1,425 to \$13,300), and 4 discharger's had the proposed liability resolved at a Board hearing (ranging from \$300 to \$3,550).

Staff noticed improved compliance with the annual reports due July 1, 2010, in part due to this enforcement effort and in part due to better notification to dischargers about the report deadlines and potential penalties associated with late or absent reports. As a result, less than 20 penalty assessments are being considered for noncompliance with the 2010 deadline.

Region 3: Central Coast Regional Water Quality Control Board

Greka Oil & Gas

On May 13, 2010, the Central Coast Water Board adopted an order accepting a settlement agreement with Greka Oil & Gas, Inc. regarding allegations that Greka violated cleanup requirements applying to

numerous oil-impacted soil piles in the Santa Maria area. The order and settlement required Greka to pay \$400,000 to the Water Board and proceed with reusing or disposing of approximately 70,000 cubic yards of oily dirt generated from its petroleum excavation operations. If Greka fails to meet deadlines in the agreement, additional penalties of up to \$800,000 may become due. The agreement allows Greka to reuse most of the soil piles in asphalt it intends to apply on roads throughout its oilfield properties in Santa Barbara County. Oil-impacted soil piles commonly result from efforts to clean up oil spilled on the ground or in creeks. However, this settlement is not directly related to Greka oil spills. The Central Coast Water Board referred the prosecution of civil liabilities relating to Greka's oil spills to the Attorney General's Office at a July 10, 2009, meeting.

Region 4: Los Angeles Regional Water Quality Control Board

The Boeing Company

On April 15, 2010, a Stipulated Consent Judgment and Final Order (Order) in The People of the State of California, ex rel., Regional Water Quality Control Board, Los Angeles Region v. The Boeing Company was lodged with the Superior Court of the State of California, County of Ventura for failing to comply with the terms of its National Pollutant Discharge Elimination System (NPDES) Permit at its Santa Susana Field Laboratory (SSFL). The Boeing Company agreed to pay \$500,000 in civil penalties of which Boeing will contribute \$300,000 to fund a Supplemental Environmental Project plus \$75,500 for attorney's fees and investigative costs. The Stipulated Consent Judgment and Final Order were signed by a Superior Court Judge on June 2, 2010. This case was part of the Region's Pilot Program with the Attorney General.

City of Los Angeles

On July 29, 2010, the Executive Officer issued Administrative Complaint No. R4-2010-0112, to the City of Los Angeles and MCM Construction Inc., for failing to obtain a §401 certification, thus violating §301 of the CWA, and discharging hydraulic fluid into the waters of the state and United States. On January 28, 2011, a Settlement Agreement and Stipulation for Entry of Administrative Liability Order (Stipulation) was entered into between the Executive Officer of the Regional Water Quality Control Board, Los Angeles Region, the City of Los Angeles, and MCM Construction Inc. Under the proposed Stipulation, the City of Los Angeles and MCM Construction agreed to pay \$65,000 in administrative civil

penalties. This case was part of the Region's "cross program enforcement" Program.

Coast United Property Management

On July 29, 2010, the Interim Executive Officer of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) issued Administrative Civil Liability Complaint No. R4-2010-0115, against Coast United Property Management, in the amount of \$39,900 for failing to submit two technical reports. On October 27, 2010, a Hearing Panel of the Regional Board recommended an administrative liability of \$56,362.50. On February 3, 2011, the Regional Board approved the Panel's recommendation and imposed administrative civil liability of \$50,762.50. Payment in full was received by the Regional Board on March 7, 2011. This case was part of the Region's "cross program enforcement" Program.

Region 5: Central Valley Regional Water Quality Control Board

California Dairies, Inc. Tipton Milk Producing Facility

The Central Valley Regional Water Board assessed an Administrative Civil Liability in the amount of \$1,983,000 for violations of their Waste Discharge Requirements and NPDES permit. Violations included 661 violations subject to Mandatory Minimum Penalties (MMPs), each assessed at \$3,000. The Discharger elected to satisfy \$999,000 of the monetary assessment by completing two Supplemental Environmental Projects (SEPs): 1) Construction and evaluation of a test well in an effort to reduce arsenic concentrations in a nearby community water supply, and 2) addition of dissolved air flotation to Discharger's wastewater treatment facility, improving effluent quality and facilitating elimination of effluent discharge to surface water. The SEPs are above and beyond Central Valley Water Board requirements. The monetary portion of the civil penalty was paid in full.

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/tulare/r5-2011-0515_enf.pdf

Stanislaus Almond Ranch, LLC and Lake Road Grizzly Ranch, LLC

The Central Valley Regional Water Board assessed an Administrative Civil Liability in the amount of \$300,000 for violations of the Coalition Group Conditional Waiver of Waste Discharges Requirements for Discharges from Irrigated Lands (Order R5-2006-0053) and Cleanup and Abatement Order R5-2008-0701. The Discharger failed to implement adequate management practices for erosion and sediment control which resulted in

discharges of sediment-laden storm water to the Tuolumne River. The precedent-setting \$300,000 ACL is the largest of its kind against a grower. The matter was pursued in close coordination with Department of Fish & Game (DFG) and Stanislaus County District Attorney staff.

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/stanislaus/r5-2010-0554_enf.pdf

Region 6: Lahontan Regional Water Quality Control Board

Dairy Operations Strategy

Dairy operations produce wastewater and manure which, if improperly managed, can adversely affect ground and surface water quality by increasing nitrate, total dissolved solids, among other pollutant concentrations. There are approximately 11 active dairies and a number of historical dairies in the southern portion of the Lahontan Region (Los Angeles and San Bernardino Counties). Water Board staff has received groundwater quality data for a number of the dairies through monitoring and reporting programs associated with waste discharge requirements and Water Board staff sampling a number of wells in the area. The data has shown in a number of cases that groundwater contamination associated with nitrates and total dissolved solids (salts) is present at and in close proximity to a number of the dairies. In some cases, private drinking water wells have been adversely affected. Water Board staff has also identified a number of data gaps preventing staff from completing an impacts assessment for all of the dairies.

To fill the data gaps and address the known groundwater impacts, Water Board staff presented a strategy to the Water Board during its May 2010 Board meeting. The proposed strategy relies upon a combination of regulatory and enforcement actions to obtain adequate information for purposes of:

- identifying all private/municipal supply wells that have been polluted (i.e., pollutant concentrations above maximum contaminant levels) by dairy waste;
- identifying the magnitude and extent of adverse groundwater impacts related to dairies, and the specific pollutant sources (e.g., wash down water, manure management, supplement storage) at each dairy that has caused the adverse impacts; and
- identifying where groundwater cleanup actions are necessary.

The information will be used to:

- ensure that those with polluted wells are provided a safe alternative water supply;
- that source controls are implemented to address identified pollutant sources; and
- to begin groundwater cleanup activities where necessary.

Staff has issued a number of enforcement actions related to this initiative including:

- a cleanup and abatement order addressing previously known inadequate/improper manure management and disposal practices causing nuisance conditions at and adjacent to one dairy;
- four investigative orders to identify private wells that have been impacted/polluted by dairy waste; and
- developing an order for technical reports requiring all active dairies to develop nutrient/waste management plans.

The cleanup and abatement order has successfully addressed the nuisance conditions created by improper/inadequate manure management/disposal. Sampling results required by the investigative orders identified several private wells that have been contaminated likely by dairy operations. Those well owners have been notified of the situation and Water Board staff will likely be developing cleanup and abatement orders requiring alternative water supplies be provided to the owners of the polluted wells once additional sample results are provided and the pollutant source is confirmed.

In 2011, Water Board staff will continue to implement its strategy addressing dairy operations in the southern Lahontan region. Staff anticipates issuing additional investigative orders, issuing cleanup and abatement orders requiring alternative water supplies be provided to those with polluted wells, and issuing orders for technical reports requiring nutrient/waste management plans be developed and implemented for each active dairy. These actions will result in protecting public health and beginning the process of restoring beneficial uses of the adversely affected groundwater beneath and surrounding the dairies located in the southern Lahontan region.

City of Barstow

On May 13, 2010, the Lahontan Water Board adopted a Settlement Agreement and Stipulation for Order and Administrative Civil Liability Order (ACL Order) requiring the City of Barstow (City) to pay \$143,900 to the State Water Board's Pollution Cleanup and Abatement Account. This

action and payment of the liability concluded a three-year investigation/enforcement effort by both Lahontan Water Board and State Water Board staffs to address alleged monitoring data and monitoring program violations associated with the City's wastewater treatment facility. The alleged violations included:

- failure to establish chain of custody procedures;
- failure to collect, store, and analyze samples in accordance with an approved Sampling and Analysis Plan; and
- submitting self monitoring reports with duplicated monitoring and reporting information.

The joint Lahontan Water Board/State Water Board staff investigation identified a period of alleged violations related to the City's monitoring program lasting from March 14, 2003 through July 31, 2009. As a result of the alleged violations, the data provided in the City's self monitoring reports during this period are suspect at best. All of the regional boards' compliance programs rely heavily upon dischargers providing valid data in their self monitoring reports.

Following the investigation and as a result of pursuing the liability, the City came into compliance with its monitoring program by developing and implementing a Sampling and Analysis Plan that includes chain of custody procedures. The Sampling and Analysis Plan also includes procedures to help prevent submission of erroneous and/or duplicated monitoring data. The substantial liability assessed against the City also served as a strong reminder to all dischargers that it is critical to submit valid data and failure to do so can have significant consequences.

Region 7: Colorado River Basin Regional Water Quality Control Board

Use of Uncertified Laboratories in Imperial County

Regional Water Board staff discovered in late 2008 that most municipal wastewater treatment plant operators in Imperial County were unknowingly using state-uncertified commercial laboratories to perform bacteria analyses for effluent monitoring. After consulting with the California Department of Public Health (CDPH), Environmental Laboratory Accreditation Program (ELAP), the regulatory agency responsible for laboratory certification, Regional Water Board staff issued fourteen separate Time Schedule Orders (TSOs) in February 2009, requiring each facility to achieve compliance with its NPDES permit monitoring requirements by July 1, 2009. Administrative Civil Liability Complaints

(ACLs) have been issued to all thirteen dischargers involved, assessing discretionary penalties for noncompliance with permit Monitoring and Reporting Requirements. Settlement agreements are being negotiated for the remaining outstanding cases.

Noncompliance at Wastewater Treatment Plants and Other Facilities

A total of eleven ACLs were issued, assessing penalties of over \$390,000. In addition, the Regional Water Board adopted two Cease and Desist Orders (CDOs) with compliance schedules, requiring a return to compliance for the Coachella Sanitary District and City of Westmorland wastewater treatment plants.

Region 8: Santa Ana Regional Water Quality Control Board

Chino Basin Watermaster and Inland Empire Utilities Agency

On April 13, 2010, the Santa Ana Regional Board issued an administrative civil liability complaint (ACL) for violations stemming from a failure to implement a program to maintain hydraulic control to eliminate or control the discharge of groundwater from the Chino Basin to the Santa Ana River. The 2004 amendments to the Basin Plan established a so-called "maximum benefit" objectives for total dissolved solids (TDS) and nitrogen for groundwater in the Chino Basin. These maximum benefit objectives accommodated water recycling and recharge projects, while ensuring protection of the beneficial uses of the Chino Basin and downstream water bodies. One of the maximum benefit requirements specified in the Basin Plan amendment was that hydraulic controls be maintained to eliminate groundwater discharge from Chino Basin to the Santa Ana River, or to keep it to de minimus levels. Chino Basin Watermaster and the Inland Empire Utilities Agency were the parties responsible for maintaining hydraulic controls. The ACL was issued to these parties for their failure to comply with the Basin Plan requirements.

On July 1, 2010, the administrative civil liability complaint was settled with Order No. R8-2010-0031 with the assessment of \$227,700 in civil liability and the reaffirmation of the commitment to implement projects already identified to maintain hydraulic control. The settling parties agreed to the payment of \$124,350 to State Water Resources Control Board Cleanup and Abatement Account and the suspension of \$103,350 to fund a Supplemental Environmental Project (SEP) for removal of self-regenerating water softeners. The SEP funds were to be used only for the rebate program for removal of existing self-regenerating water softeners from

residential properties to reduce the discharge of TDS into the sewer system and thence to the Chino Basin groundwater.

Irvine Ranch Water District

The Irvine Ranch Water District (IRWD) owns and operates a sanitary sewer system that consists of 800 miles of pipelines and several lift (pump) stations, and is regulated under the State Water Resources Control Board's General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003-DWQ. On July 2, 2010, on a Friday before the 4th of July weekend, an overflow of sewage occurred as a result of a break in a pipeline serving the Newport Coast Lift Station. IRWD staff responded to the incident promptly, mobilized equipment and a repair contractor, and solicited mutual aid of several surrounding sanitary sewer agencies to control most of the overflowing sewage. However, due to the IRWD's failure to fully control the overflow, sewage continued to be discharged to Buck Gully which discharged to Little Corona Del Mar Beach and an Area of Special Biological Significance (ASBS). This discharge caused the closure of a popular swimming beach during the 4th of July weekend.

On January 21, 2011, a settlement of the alleged violations in this administrative civil liability complaint was agreed to by the imposition of \$43,099 in civil liability against IRWD. Payment of \$26,049.50 was made to the Cleanup and Abatement Account and \$17,049.50 was suspended upon completion of a SEP. The Orange County Coastkeeper proposed to use the SEP funds to assist them with the construction of an eco-friendly model garden at the Santiago Canyon College that would be open to the public.

Veolia ES Industrial Services, Inc and Hoag Hospital

In May of 2010, Veolia ES Industrial Services, Inc. (Veolia) contracted with Hoag Hospital (Hoag) to perform routine maintenance on a hydrogen sulfide gas scrubber unit. The maintenance operation consisted of removing and replacing the spent media used to remove hydrogen sulfide. During the media cleanout of the reactor vessel, spent media and cleaning water were discharged to an on-site storm drain that allowed this material to be discharged into Newport Bay. This discharge caused a nuisance, caused discoloration of water in Newport Bay and potentially impacted the beneficial uses in the Bay. Regional Board staff investigations concluded that both parties were responsible for this discharge. The Regional Water Board issued an administrative civil liability complaint to Veolia and Hoag on December 14, 2010.

On February 8, 2011, a settlement was executed that assigned financial responsibility to each party for payment of the assessed civil liability of \$10,000 (to be paid to the Cleanup and Abatement Account). This represented the maximum liability for one day of discharge.

Region 9: San Diego Regional Water Quality Control Board

San Diego Unified School District, Bell Junior High School

Administrative Civil Liability \$155,000. This is an inactive landfill upon which sits a public junior high school in a highly urbanized area of San Diego. The ACL Order compelled the school district to comply with waste discharge requirements and begin a comprehensive ground water monitoring program to ensure the waste does not threaten public health. The school district had previously challenged the San Diego Water Board in court opposing requirements to conduct groundwater monitoring. Earlier monitoring indicated the presence of several hazardous substances, notably volatile organic compounds in ground water downgradient of the landfill site, including several at concentrations in excess of maximum contaminant levels. The school district had challenged the issuance of the WDRs in Court, and in 2006, the court of appeals upheld a trial court's decision to reject the school district's argument. Even after the Appellate Court's decision, and until the ACL Complaint was issued, the school district refused to comply with the WDR monitoring requirements.

County of Riverside Municipal Storm Water Program

Administrative Civil Liability \$234,291. This case exposed and led to corrections of systemic operational flaws within the County's storm water management structure. One vital component of the municipal storm water permit issued by the San Diego Water Board is the implementation of numerical post-construction storm water treatment requirements. The rapid pace of development within the Santa Margarita Watershed portion of Riverside County over the last several years exacerbated the need for implementing post-construction storm water requirements designed to protect receiving water quality. However, San Diego Water Board inspectors found that County failed to identify its own Capital Improvement Projects as subject to the storm water permit's requirements and, therefore, failed to implement adequate measures.

Bulldog Concrete Pumping

This ACL Complaint motivated corrective actions where criminal prosecution and a Cleanup and Abatement Order (CAO) had not. This

Complaint compelled the responsible party to remove concrete waste discharges from Chollas Creek in southeast San Diego. Discharges of uncured concrete had occurred in 2004 and 2005 and had been subject to criminal prosecution by the City of San Diego in 2006 and a CAO from the San Diego Water Board in 2008. However, the responsible party made no effort to cleanup the waste until the San Diego Water Board issued an ACL Complaint, with a recommended penalty of \$329,091, for violating the CAO requirements. Shortly after receiving the complaint, the responsible party removed the concrete and replanted the affected area. The ACL Complaint was subsequently withdrawn.

Chevron Environmental Management Agency, San Juan Capistrano

This Cleanup and Abatement Order (CAO No. R9-2010-0019) jump-started assessment and cleanup activities that otherwise faced being delayed due to legal disputes between a municipal well owner and the party responsible for the waste discharges. The CAO was issued to delineate and cleanup discharges of gasoline from underground storage tanks (USTs) that resulted in a methyl tertiary butyl ether (MTBE) plume in groundwater in close proximity to a municipal domestic supply well serving residents of San Juan Capistrano.

OFFICE OF ENFORCEMENT

\$1,200,000 Civil Judgment Entered Against E2C Remediation for Alleged Fraud Against Underground Storage Tank Cleanup Fund

The Office of Enforcement lead an investigation of E2C Remediation, Inc. (E2C) which resulted in a civil judgment, filed on February 26, 2010, of \$1.2 million to resolve allegations of submitting fraudulent reimbursement requests to the Underground Storage Tank Cleanup Fund (Fund) between 2005 and 2008. The enforcement action was the first of its kind by the State Water Board. The State Water Board was represented by the Attorney General's Office and Office of Enforcement attorneys assisted in the organization and settlement of the litigation.

Under the terms of the judgment, the Fund will retain just over \$465,000 that was withheld from E2C during the Water Board's investigation, and E2C will pay the Fund an additional \$450,000 through additional withholdings from future reimbursement requests. In addition, E2C will pay \$50,000 in penalties for engaging in unfair business practices.

The settlement suspends an additional \$250,000 in penalties for three years, which will become due if E2C violates specifically enumerated water quality protection laws, or submits any further fraudulent claims to the Fund.

The civil case comes on the heels of a criminal case against the President of E2C, Philip Goalwin, brought by the Attorney General's Office in 2007. In that case, Mr. Goalwin pleaded no contest to one misdemeanor count of submitting fraudulent claims to the state and paid \$9,586.69 in restitution. Mr. Goalwin also received three years of informal probation and was ordered to serve 354 hours of community service.

This case led to the creation of a Fraud Waste and Abuse Prevention Pilot Project with the Office of Enforcement and the Division of Financial Assistance. The Project investigated instances of alleged fraud by other contractors and is preferred enforcement referrals for those investigations. http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/e2c_judgment2.pdf

\$1.1 million Civil Judgment Entered Against Big Oil & Tire Co.(Big Oil) and Richard W. Pomhren

A Consent Judgment was entered on March 30, 2010 which resulted from a joint action by the California Attorney General's Office, the State Water Resources Control Board (State Board), and the Humboldt County District Attorney for alleged monitoring and construction violations at ten underground storage tank facilities owned and operated by Big Oil in Humboldt County.

Plaintiffs contended that Big Oil failed to comply with leak prevention construction and monitoring standards to ensure that hazardous substances stored in tanks do not leak and pollute groundwater resources. Specifically, the plaintiffs alleged that Big Oil failed to perform secondary containment testing, failed to repair secondary containment systems, failed to comply with overfill prevention requirements, failed to conduct 10-year lining inspections, and failed to perform cathodic protection testing. In addition, plaintiffs asserted that defendants had a history of noncompliance with their underground storage tank facilities beginning in 2000 and continuing through 2008.

Under the consent judgment and permanent injunction, which reflected the defendant's ability to pay, Big Oil was liable for \$225,000 to the State Board and Humboldt County over a period of five years. In addition Big Oil is liable for \$50,000 to the State Board, Humboldt County and the

California District Attorney's Association for reimbursement of enforcement costs, including attorney's fees. Big Oil will receive \$418,000 in credit against additional penalties for improvements to its underground storage tank systems that exceed those required by law. The settlement suspends an additional \$407,000 in penalties for a period of five years, provided that Big Oil does not violate certain enumerated leak prevention requirements.

http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/bot_judgement033010.pdf

Appendix 3: Clean Water Act Citizen Suits Provisions

As discussed in this report, NPDES permits establish effluent limitations (treated or untreated wastewater from a treatment plant, sewer, or industrial site), monitoring protocols, and reporting requirements. US EPA and the state's enforce violations of the Clean Water Act through civil enforcement and criminal prosecution. To supplement state and federal enforcement of the Clean Water Act, Congress empowered citizens to bring their own lawsuits to stop illegal pollution discharges. The citizen suit authority can be found in Subchapter V, General Provisions, Section 505, of the Clean Water Act (USC 33, Section 1365).

If a violator does not comply with the Clean Water Act or with the regulatory agency's enforcement actions, then any person or entity that either is or might be adversely affected by any violation has the right to file a citizen suit against the violator. Citizens can seek injunctive relief (court orders prohibiting the pollution from continuing), civil penalties, and reimbursement of legal costs and attorneys' fees. Section 505(b) of the Clean Water Act regulates if and when a citizen can sue a polluter or any regulatory agency for their failure to enforce the Clean Water Act. Before a citizen can file a citizen suit against any alleged violator, the Clean Water Act requires citizen plaintiffs to send a 60-day Notice of their Intent to File Suit to the entity for its alleged violation, and copy the state regulatory agency and the U.S. EPA Administrator. Receipt of this notice initiates the 60-day period in which the violator must come into compliance with its permit or Administrative Order in order to avoid a court case. This "grace period" allows a violator to comply or temporarily comply. Any citizen can file a suit against any violator of the Clean Water Act, only after the 60th day of the period of notification of Intent to Sue and if the following two actions occurred during the 60-day period: (1) the regulatory agency failed to require a violator's compliance with the Clean Water Act's effluent standards or limitations or with an Order requiring compliance with these standards or limitations, and (2) the regulatory agency did not begin, and did not continue to diligently prosecute a civil or criminal action against the violator.

The Office of Enforcement is now recording citizen suit notices under the federal Clean Water Act. The OE prepared a report regarding the status of actions that were the subject of citizen suit notices served on the Water Boards between March 2009 and June 2010. The report can be found at http://www.waterboards.ca.gov/water_issues/programs/enforcement/

Appendix 4: Links To Required Enforcement Reports

State Water Board Enforcement

http://www.waterboards.ca.gov/water_issues/programs/enforcement/

CIWQS PUBLIC REPORTS

http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml

CWC section 13225(e) and (k) Quarterly Enforcement Summaries

Region 1:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/enforcement/

Region 2:

http://www.waterboards.ca.gov/sanfranciscobay/public_notices/pending_enforcement.shtml

http://www.waterboards.ca.gov/sanfranciscobay/board_decisions/tentative_orders.shtml

Region 3:

http://www.waterboards.ca.gov/centralcoast/water_issues/programs/enforcement/index.shtml

Region 4:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/enforcement/

Region 5:

http://www.waterboards.ca.gov/centralvalley/water_issues/enforcement/index.shtml

Region 6:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/enforcement/index.shtml

Region 7: http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/enforcement/

Region 8:

http://www.waterboards.ca.gov/santaana/public_notices/enforcement_summary.shtml

Region 9:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/enforcement/index.shtml

CWC section 13323(e) Quarterly Enforcement Summaries

The list of Administrative Civil Liability proposed and imposed is available at:

<http://ciwqs.waterboards.ca.gov/ciwqs/readOnly/aclReport.jsp>

List of Enforcement Orders

<http://ciwqs.waterboards.ca.gov/ciwqs/enforcementOrders.jsp>



CALIFORNIA

Water Boards

STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS

ENFORCEMENT COORDINATORS

North Coast Region (1)
www.waterboards.ca.gov/northcoast
5550 Skylane Blvd., Suite A
Santa Rosa, CA 95403
Diana Henriouille (707) 576-2350
dhenriouille@waterboards.ca.gov

San Francisco Bay Region (2)
www.waterboards.ca.gov/sanfranciscobay
1515 Clay Street, Suite 1400
Oakland, CA 94612
Brian Thompson (510) 622-2422
BRThompson@waterboards.ca.gov

Central Coast Region (3)
www.waterboards.ca.gov/centralcoast
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401
Harvey Packard (805) 542-4639
hpackard@waterboards.ca.gov

Los Angeles Region (4)
www.waterboards.ca.gov/losangeles
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
Hugh Marley (213) 620-6375
hmarley@waterboards.ca.gov

Central Valley Region (5)
www.waterboards.ca.gov/centralvalley
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
Dan Radulescu (916) 464-4736
dradulescu@waterboards.ca.gov

Fresno branch office
1685 E Street, Suite 200
Fresno, CA 93706

Redding branch office
415 Knollcrest Drive, Suite 100
Redding, CA 96002

Lahontan Region (6)
www.waterboards.ca.gov/lahontan
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
Scott Ferguson (530) 542-5432
sferguson@waterboards.ca.gov

Victorville branch office
14440 Civic Drive, Suite 200
Victorville, CA 92392-2383

Colorado River Basin Region (7)
www.waterboards.ca.gov/coloradoriver
73-720 Fred Waring Dr., Suite 100
Palm Desert, CA 92260
Doug Wylie (760) 346-6585
dwyllie@waterboards.ca.gov

Santa Ana Region (8)
www.waterboards.ca.gov/santaana
California Tower
3737 Main Street, Suite 500
Riverside, CA 92501-3339
Steve Mayville (951) 782-4992
smayville@waterboards.ca.gov

San Diego Region (9)
www.waterboards.ca.gov/sandiego
9174 Sky Park Court, Suite 100
San Diego, CA 92123
Jeremy Haas (858) 467-2735
jhaas@waterboards.ca.gov

Division of Water Rights
State Water Board Enforcement Section
1001 I Street
Sacramento, CA 95814
John O'Hagan (916) 341-5368
johagan@waterboards.ca.gov

★ **State Water Resources Control Board (Headquarters)**
1001 I Street, Sacramento, CA 95814
www.waterboards.ca.gov

Director of Office of Enforcement
Reed Sato

Underground Storage Tanks Enforcement Unit
Kim Sellards (916) 341-5869
ksellards@waterboards.ca.gov

All other Enforcement
Mark Bradley (916) 341-5891
mbradley@waterboards.ca.gov

State of California
Edmund G. Brown Jr., Governor

California Environmental Protection Agency
Linda S. Adams, Acting Secretary

State Water Resources Control Board
Charles R. Hoppin, Chair
Thomas Howard, Executive Director

