

STATE WATER RESOURCES CONTROL BOARD

**WATER QUALITY
ENFORCEMENT POLICY**

February 19, 2002

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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INTRODUCTION

The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) (together "Boards") are the principal state agencies with primary responsibility for the coordination and control of water quality. In the Porter-Cologne Water Quality Control Act (Porter-Cologne), the Legislature declared that the "state must be prepared to exercise its full power and jurisdiction to protect the quality of the waters in the state from degradation..." (California Water Code section 13000). Porter-Cologne grants the Boards the authority to implement and enforce the water quality laws, regulations, policies and plans to protect the groundwater and surface waters of the state. Timely and consistent enforcement of these laws is critical to the success of the water quality program and to ensure that the people of the State have clean water. It is the policy of the SWRCB that the Boards shall strive to be fair, firm and consistent in taking enforcement actions throughout the State, while recognizing the individual facts of each case. The primary goal of this Enforcement Policy is to create a framework for identifying and investigating instances of noncompliance, for taking enforcement actions that are appropriate in relation to the nature and severity of the violation, and for prioritizing enforcement resources to achieve maximum environmental benefits. Toward that end, it is the intent of the SWRCB that the RWQCBs operate within the framework provided by this Policy.

Enforcement serves many purposes. First and foremost, it assists in protecting the beneficial uses of waters of the State. Swift and firm enforcement can prevent threatened pollution from occurring and can promote prompt cleanup and correction of existing pollution problems. Enforcement ensures compliance with requirements in SWRCB and RWQCB regulations, plans, policies, and orders. Enforcement not only protects the public health and the environment, but also creates an "even playing field," ensuring that dischargers who comply with the law are not placed at a competitive disadvantage by those who do not. It also deters potential violators and, thus, further protects the environment. Monetary remedies, an essential component of an effective enforcement program, provide a measure of compensation for the damage that pollution causes to the environment and ensure that polluters do not gain an economic advantage from violations of water quality laws.

It is important to note that enforcement of the State's water quality requirements is not solely the purview of the Boards and their staff. Other agencies (e.g., the California Department of Fish and Game) have the ability to enforce certain water quality provisions in state law. State law also allows for members of the public to bring enforcement matters to the attention of the Boards and authorizes aggrieved persons to petition the SWRCB to review most actions or in-actions by the RWQCB. In addition, state and federal statutes provide for public participation in the issuance of most orders, policies and water quality control plans. Finally, the federal Clean Water Act (CWA) authorizes citizens to bring suit against dischargers for certain types of CWA violations.

I. FAIR, FIRM AND CONSISTENT REGULATION AND ENFORCEMENT

A. Standard, Enforceable Orders

Fair, firm and consistent enforcement depends on a foundation of solid requirements in law, regulations, policies, and the adequacy of enforceable orders. Such orders include but are not limited to: waste discharge requirements (WDRs), including National Pollutant Discharge Elimination System (NPDES) permits; waivers; certifications; and cleanup and abatement orders. The extent to which enforceable orders include well-defined requirements and apply similar requirements to similar situations affects the consistency of compliance and enforcement. Whenever the circumstances of a discharge are similar, the provisions of the enforceable orders should be comparable.

The SWRCB, with assistance and advice from the RWQCBs and other stakeholders will compile and maintain examples of standard enforceable orders. RWQCBs' orders shall be consistent except as appropriate for the specific circumstances related to the discharge and to be consistent with applicable water quality control plans. Such modifications must be consistent with applicable state and federal law. RWQCB Water Quality Control Plans may include unique requirements that apply within a region and that must be implemented.

B. Determining Compliance

The Boards shall implement consistent and valid methods to determine compliance with enforceable orders. Compliance assurance activities include the review of self-monitoring reports, facility inspections and complaint response. Compliance assurance activities are discussed in more detail in section II of this Policy.

C. Timely and Appropriate Enforcement

An enforcement action is any informal or formal action taken to address the failure to comply or the threatened failure to comply with applicable statutes, regulations, plans, policies, or enforceable orders. Enforcement actions should be initiated as soon as possible after discovery of the violation.

Enforcement actions should be appropriate for each type of violation and should be similar for violations that are similar in nature and have similar water quality impacts. Appropriate enforcement informs the violator that the violation has been noted and recorded by the Board, results in a swift return to compliance, and serves as a deterrent for future violations. When appropriate, enforcement also requires remediation of environmental damage.

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D. Progressive Enforcement

Progressive enforcement is an escalating series of actions that allows for the efficient and effective use of enforcement resources to: 1) assist cooperative dischargers in achieving compliance; 2) compel compliance for repeat violations and recalcitrant violators; and 3) provide a disincentive for noncompliance. For some violations, an informal response such as a phone call or staff enforcement letter is sufficient to inform the discharger that the violation has been noted by the RWQCB and to encourage a swift return to compliance. More formal enforcement is often an appropriate first response for more consequential violations. If any violation continues, the enforcement response should be quickly escalated to increasingly more formal and serious actions until compliance is achieved. Progressive enforcement is not appropriate in all circumstances. For example, where there is an emergency situation needing immediate response, immediate issuance of a cleanup and abatement order may be appropriate.

E. Enforcement Priorities

Every violation deserves an appropriate enforcement response. However, because resources are limited, the RWQCBs must continuously balance the need to complete non-enforcement program tasks with the need to address violations. Within available resources for enforcement, the RWQCBs must then balance the importance or impact of each potential enforcement action with the cost of that action. Informal enforcement actions are usually very cost effective and are therefore the most frequently used enforcement response. Most formal enforcement actions are relatively costly and must therefore be targeted to the RWQCB's highest priority violations.

The first step in enforcement prioritization is the determination of the relative importance of the violation. Section III of this Policy identifies criteria for determining if a violation should be identified as a priority violation. Priority violations include: all NPDES violations that the United States Environmental Protection Agency (USEPA) requires to be reported on the Quarterly Non-Compliance Report (QNCR) for the purpose of tracking significant non-compliance; all serious violations as defined in California Water Code section 13385; and other violations that the SWRCB and/or RWQCB considers to be significant and therefore high priority. Staff will indicate, for each violation, whether or not the violation meets the "priority violation" criteria in section III of this Policy.

The second step is to identify dischargers that are repeatedly or continuously in violation of requirements. California Water Code section 13385(i) prescribes mandatory minimum penalties for specific instances of multiple violations for NPDES discharges. Those provisions are discussed in more detail in Section V.D. of this Policy. In addition to those violations, and for non-NPDES discharges, the RWQCB will identify those dischargers with an excessive number of violations (e.g., four or more similar types of violations in a six month period) or seasonally recurring violations (e.g., violations of a monthly average effluent limitation for a specific pollutant in the same season¹ for two consecutive years). The SWRCB will develop enhanced

¹ "Season" means either: 1) spring, summer, autumn, or winter; or 2) a time or part of the year during which a specified kind of agricultural work is performed or a specified kind of weather prevails (e.g., the harvest season, the rainy season, etc.).

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data routines and reporting capabilities to enhance the RWQCBs' ability to identify such dischargers with chronic violations.

The third step is for senior staff and management to review, for each newly identified priority violation and for each discharger identified as having chronic violations, other characteristics of the discharger and violations that would affect decisions about the appropriate enforcement response. Once each month senior staff and management should meet and assign, for each discharger with priority or chronic violations, a relative priority for enforcement of "high", "medium" or "low". Except for confidential information regarding ongoing investigations or enforcement, the list of dischargers identified as high priority for enforcement should be reported to the RWQCB and should be available upon request from the RWQCB. The criteria for selecting relative enforcement priority include, but are not limited to:

- (a) the applicability of mandatory minimum penalty provisions of California Water Code sections 13385 and 13399.33;
- (b) evidence of, or threat of, pollution or nuisance and the magnitude or impacts of the violation;
- (c) evidence of negligence or recalcitrance;
- (d) the availability of resources for enforcement;
- (e) USEPA expectations for timely and appropriate enforcement for NPDES delegated programs²;
- (f) specific recommended enforcement pursuant to Section V of this Policy;
- (g) case-by-case factors that may mitigate a violation including the compliance history of the violator and good-faith efforts of the violator to eliminate noncompliance;
- (h) impact or threat to watersheds or water bodies that the RWQCB considers high priority (e.g., due to the vulnerability of an existing beneficial use or an existing state of impairment);
- (i) potential to cleanup and abate effects of pollution; and
- (j) the strength of evidence in the record to support the enforcement action.

Serious threats of violation must also be dealt with promptly in order to avoid or mitigate the effects of the threatened violation. Within available resources, formal enforcement actions should be targeted at dischargers with the highest priority violations, chronic violations and/or threatened violations. Dischargers with priority violations that do not receive formal enforcement should receive informal enforcement.

² For NPDES facilities that are listed on the Quarterly Noncompliance Reports (QNCR) USEPA considers timely enforcement of Significant Noncompliance (SNC) violations to be an enforcement action taken within five months after the first quarter of SNC (Guidance for Oversight of NPDES Programs, USEPA Office of Water, May 1987). USEPA considers appropriate enforcement to be an enforceable order or agreement that requires specific corrections to address the violations; in California, Cease and Desist Orders, Cleanup and Abatement Orders, or judicial consent decrees are considered by USEPA to meet this expectation.

F. Environmental Justice

The State and Regional Boards shall promote enforcement of all health and environmental statutes within their jurisdictions in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state. The SWRCB is participating in, and fully supports, the efforts of the California Environmental Protection Agency Working Group on Environmental Justice (convened pursuant to Public Resources Code 72002) to develop and implement an interagency environmental justice strategy.

II. COMPLIANCE ASSURANCE

Compliance with WDRs, Water Quality Control Plan prohibitions, enforcement orders, and other provisions of law administered by the SWRCB or RWQCBs can be determined through discharger self-monitoring reports (SMRs), compliance inspections, facility reporting, complaints, or file review.

A. Self-Monitoring Reports (SMRs)

The Boards ensure compliance with WDRs and other Board orders by requiring dischargers to implement a monitoring and reporting program under California Water Code sections 13267 and 13383, and to periodically submit SMRs. Reporting frequency for regulated dischargers depends on the nature and impact of the discharge. The regulations that implement the CWA also specify monitoring requirements. Enforceable orders that require a monitoring and reporting program should explicitly require the discharger to clearly identify all violations of applicable requirements in a cover letter or in the SMR and to discuss corrective actions taken or planned and the proposed time schedule of corrective actions. Identified violations should include a description of the requirement that was violated and a description of the violation.

When specifying signatory requirements in WDRs, the RWQCB should ensure that those individuals who have responsibility for the collection, analysis and/or reporting of compliance monitoring data are required to sign and certify reports of monitoring results. Responsible individuals may include the following: the chief plant operator; the chief of an in-house laboratory; and/or the individual(s) responsible for preparation and submittal of SMRs.

RWQCB staff shall regularly review all discharger SMRs and document all violations and any subsequent enforcement response in the Boards' enforcement data management system.

B. Compliance Inspections

On-site compliance inspections are conducted by the RWQCB staff under the authority provided in California Water Code sections 13267 and 13383. Compliance inspections provide the RWQCB an opportunity to verify that information submitted in SMRs is complete and accurate. Compliance inspections address compliance with WDRs, laboratory quality control and assurance, record keeping and reporting, time schedules, best management practices, pollution

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prevention plans, and any other pertinent requirements. RWQCB staff shall document all violations identified as the result of compliance inspections and any subsequent enforcement response in the facility file and in the Boards' enforcement data management system.

C. Direct Facility Reporting

California Water Code section 13271 requires any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the state, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state to notify the Office of Emergency Services of the discharge as specified in that section. The Office of Emergency Services then immediately notifies the appropriate RWQCB and the local health officer and administrator of environmental health of the discharge.

WDRs, including NPDES permits, should require regulated facilities to report to the RWQCB by phone within a specified time, followed by a written report and/or a discussion in the next SMR, when certain events occur, such as:

- (a) Discharges that are not in accordance with WDRs and that pose an immediate public health threat;
- (b) Bypass of raw or partially treated sewage or other waste from a treatment unit or discharge of wastewater from a collection system in a manner inconsistent with WDRs;
- (c) Treatment unit failure or loss of power that threatens to cause a bypass; and
- (d) Any other operational problems that threaten to cause significant violations of WDRs or impacts to receiving waters or public health.

D. Complaints and Complaint Investigations

Often information regarding an actual or potential violation or unauthorized discharge is obtained through telephone or written notification from a member of the public, another public agency or an employee working at a regulated facility. Complaints may also involve nuisance conditions, such as noxious odors that extend beyond a wastewater treatment plant boundary. During the course of an investigation additional violations that are indirectly related or unrelated to the original investigation may also be discovered. RWQCB staff shall document all complaints and findings resulting from complaint investigations.

E. Case Record Maintenance and Review

WDRs, enforcement orders (e.g., cleanup and abatement orders, cease and desist orders, and time schedule orders), and requests for reports required pursuant to California Water Code section 13267 frequently mandate completion of tasks, which the dischargers must confirm by submission of appropriate reports to the RWQCBs. Failure to submit the reports or to complete the required tasks may be the basis for additional enforcement. RWQCBs shall use data management systems to track tasks and reports required of dischargers.

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Often the RWQCB first hears about spills or other violations from the California Department of Fish and Game, the California Department of Toxic Substance Control, the Office of Emergency Services or other agencies. District Attorneys are another source of information. The RWQCBs can use this information to decide whether to initiate joint or separate enforcement actions.

III. DETERMINING "PRIORITY" VIOLATIONS

Priority violations include: all NPDES violations that the United States Environmental Protection Agency (USEPA) requires to be reported on the Quarterly Non-Compliance Report (QNCR) for the purpose of tracking significant non-compliance; all violations subject to mandatory minimum penalties pursuant to California Water Code section 13385; and other violations that the SWRCB and/or RWQCB considers to be significant and therefore high priority. The general criteria below have been developed to assist the RWQCBs in identifying priority violations in order to help establish priorities for enforcement efforts. Depending on the circumstances, violations that are not included on this list could nonetheless be considered "priority" as well. RWQCB staff should indicate, for each violation, whether or not the violation meets the "priority violation" criteria in this section. RWQCB senior staff and management should use the criteria specified in Section I. E. of this policy to further evaluate the priority violations and, within available resources, target formal enforcement actions at the highest priority violations.

The following subsections comprise a non-exclusive list of "priority" violations that will be identified as priority violations in the enforcement database, that will be further evaluated for possible formal enforcement, and that should, at a minimum, receive informal enforcement.

A. NPDES Effluent and Receiving Water Limitation Violations

For facilities with NPDES permits, except as specified in subsection (e) of this section, the following violations of numeric effluent and receiving water limits are priority violations:

- (a) Except as specified in subsections (a)(i) and (a)(ii), any violation of an effluent or receiving water limitation for a Group 1 pollutant (see Table III-1) by 40 percent or more or any violation of an effluent or receiving water limitation for a Group 2 pollutant (see Table III-2) by 20 percent or more.
 - (i) For discharges of pollutants subject to the SWRCB's "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California," or the "California Ocean Plan", where the effluent or receiving water limitation for a pollutant is lower than the applicable Minimum Level, any discharge that equals or exceeds the Minimum Level is a priority violation. For violations of effluent limitations only, such a discharge would also be considered to be a serious violation pursuant to California Water Code section 13385(h)(2)(a).
 - (ii) For discharges of pollutants that are not subject to the SWRCB's "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California," or the California Ocean Plan (e.g., pollutants that are not addressed by the applicable plan) where the effluent or receiving water limitation

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for a pollutant is lower than the applicable quantitation limit³, any discharge that: 1) equals or exceeds the quantitation limit; and 2) exceeds the effluent or receiving water limitation by 40 percent or more for a Group 1 pollutant or by 20 percent or more for a Group 2 pollutant, is a priority violation. For violations of effluent limitations only, such discharges would be considered to be serious violations pursuant to California Water Code section 13385(h)(2)(a).

- (b) Any waste discharge that violates a flow limitation by ten percent or more.
- (c) Any waste discharge that violates a receiving water temperature limitation by three degrees Celsius (5.4 degrees Fahrenheit) or more.
- (d) Any waste discharge that violates an effluent or receiving water limitation for pH by one pH unit or more or, where the discharger is continuously monitoring pH, any discharge that violates the effluent or receiving water limit by 1 pH unit for ten minutes or longer in a calendar day.
- (e) Violations of receiving water limits will not be considered priority violations if: the NPDES permit contains requirements for responding to receiving water violations by investigating the cause of the violation; the facility is in compliance with those requirements; and the facility takes necessary action to ensure that its effluent does not cause or contribute to future violations of receiving water limits.

³ There are also multiple definitions for the term "quantitation limit." One generally accepted definition for the quantitation limit is the concentration at which a state certified laboratory has determined with a specified degree of confidence, that the actual concentration of the pollutant present in the sample is within a specified percentage of the concentration reported. For the purpose of this policy, the applicable quantitation limit is the quantitation limit specified or authorized in the applicable waste discharge requirements.

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Table III-1. Group 1 Pollutants. This list of pollutants is based on Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations. For the purpose of data entry into the Permit Compliance System (PCS), the United States Environmental Protection Agency (USEPA) has identified a list of pollutants, which are included as Group 1 pollutants under the various classifications of "other." This list is included in Appendix A of this Policy and is hereby incorporated into this Table III-1.

Oxygen Demand

Biochemical Oxygen Demand (BOD)
Chemical Oxygen Demand (COD)
Total Oxygen Demands
Total Organic Carbon
Other

Solids

Total Suspended Solids (TSS)
Total Dissolved Solids (TDS)
Other

Nutrients

Inorganic Phosphorous Compounds
Inorganic Nitrogen Compounds
Other

Detergents and Oils

Methylene Blue Active Substances
Nitrilotriacetic Acid
Oil and Grease
Other Detergents or Algicides

Minerals

Calcium
Chloride
Fluoride
Magnesium
Sodium
Potassium
Sulfur
Sulfate
Total Alkalinity
Total Hardness
Other Minerals

Metals

Aluminum
Cobalt
Iron
Vanadium

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Table III-2. Group 2 Pollutants. This list of pollutants is based on Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations. For the purpose of data entry into the Permit Compliance System (PCS), USEPA has identified a list of pollutants, which are included as Group 2 pollutants. This list is included in Appendix B of this Policy and is hereby incorporated into this Table III-2.

Metals

All metals not specifically listed under Group 1.

Inorganics

Cyanide

Total Residual Chlorine

Organics

All organics not specifically listed under Group 1.

B. Toxicity Violations

Failure to conduct whole effluent toxicity (WET) monitoring tests when required by an enforceable order is a priority violation. Failure to provide valid test results (i.e., meet all test acceptability criteria) or otherwise comply with test and quality assurance procedures, including failure to retest as required following the failure to meet test acceptability criteria, is a priority violation.

Violations of numeric whole effluent toxicity limits contained in WDRs, Water Quality Control Plan prohibitions or other provisions of law are priority violations unless: the WDRs contain requirements for responding to the violation by investigating the cause of the violation (e.g., a Toxicity Identification Evaluation and/or a Toxicity Reduction Evaluation); the facility is in compliance with those requirements; and the facility takes necessary action to ensure that its effluent does not cause or contribute to future violations of whole effluent toxicity limits.

Failure to implement a required Toxicity Identification Evaluation and/or a Toxicity Reduction Evaluation or to otherwise comply with conditions of WDRs or other enforceable orders in response to toxicity violations is a priority violation.

C. Violations of Prohibitions

WDRs, Water Quality Control Plans, and enforcement orders often contain prohibitions (year-round or seasonal) against certain types of discharges of waste. Violations of such prohibitions that result in an adverse impact to beneficial uses or in a condition of nuisance or pollution are considered priority violations.

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D. Spills (including other unauthorized discharges)

Priority violations include:

- (a) sewage or treated wastewater spills that cause a public health threat and/or are greater than 5000 gallons;
- (b) spills of other materials that cause a public health threat or cause toxicity to fish or other aquatic or terrestrial species or that result in an adverse impact to other beneficial uses of groundwater or surface water;
- (c) spills of materials containing persistent, bioaccumulative pollutants in quantities and or concentrations that pose a significant risk to human health or the environment;
- (d) unpermitted discharges of pollutants in Areas of Special Biological Significance;
- (e) discharges from unregulated facilities that cause violations of water quality objectives;
- (f) discharges of sediment that impact spawning habitat; and
- (g) unpermitted discharges of pollutants to waters identified as impaired (on the Clean Water Act section 303(d) List) for that pollutant.

E. Failure to Submit Plans and Reports

Failure by waste water treatment facilities that are approaching treatment capacity to submit plans that are required to address capacity issues within six months of the date specified in WDRs is a priority violation.

Failure to submit reports required by WDRs, California Water Code sections 13267 and 13383, California Water Code section 13260, regulations or Water Quality Control Plans within 30 days from the due date, or submission of reports which are so deficient or incomplete as to impede the review of the status of compliance are priority violations. When required in WDRs or other enforceable orders, the failure to clearly identify all violations of applicable requirements in a cover letter or in the SMR is a priority violation. In addition, failure to comply with the notification requirements contained in California Water Code sections 13271 and 13272 is a priority violation. Failure to submit a Spill Prevention, Control, and Countermeasures (SPCC) Plan, required by Health and Safety Code Section 25270.5(c) within 30 days from the due date is a priority violation. Violation of signatory requirements for plans and reports is a priority violation.

F. Violations of Compliance Schedules

Violations of compliance schedule dates (e.g., schedule dates for starting construction, completing construction, or attaining final compliance) by 30 days or more from the compliance date specified in an enforceable order are priority violations.

G. Pretreatment Program Violations

Failure of a publicly-owned treatment works (POTW) to substantially implement its approved pretreatment program as required in its WDRs, including failure to enforce industrial pretreatment requirements on industrial users and failure to meet pretreatment program compliance schedules is a priority violation.

Note: This policy is not effective until after approval by the
Office of Administrative Law.

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Discharges from Industrial Users (IUs) that cause a POTW to have a plant upset or an effluent limit violation are priority violations. Discharges from an IU that exceed a categorical limit for a Group 1 pollutant by 40% or more or for a Group 2 pollutant by 20% or more are priority violations. Note: The SWRCB or RWQCB normally takes enforcement against an IU only when the POTW fails to take appropriate enforcement actions.

H. Storm Water Program Violations

1. Industrial and Construction Discharges

Certain construction and industrial activities require compliance with either the General NPDES Permit for Storm Water Discharges Associated with Construction Activity (Construction Storm Water Permit) or the General NPDES Permit for Discharges of Storm Water Associated with Industrial Activity Excluding Construction (Industrial Storm Water Permit). Failure to submit a Notice of Intent for coverage under the general permits is a priority violation if a discharge to a water of the United States has occurred or is likely to occur. Priority violations include failure to:

- (a) develop a Storm Water Pollution Prevention Plan (SWPPP) within 30 days of the due date which includes appropriate, site-specific best management practices (BMPs);
- (b) implement a SWPPP;
- (c) conduct required monitoring; or
- (d) submit an annual report within 30 days of the due date.

The Storm Water Enforcement Act of 1998 (California Water Code section 13399.25 et seq.) includes mandatory enforcement actions. It requires the RWQCB to notify the discharger if it fails to submit a Notice of Intent or an annual report. The RWQCB must impose administrative penalties for failure to respond to two notifications. In addition to any penalty mandated by the Storm Water Enforcement Act of 1998, the RWQCB may, without prior notice, assess administrative civil liability against all priority violations, as these are also violations of section 13385(a).

2. Municipal Discharges

In most urban areas, discharges of storm water from municipal separate storm sewer systems (MS4s) to waters of the United States must be in compliance with a Municipal NPDES Storm Water Permit. Failure to either submit a report of waste discharge, to develop a storm water management plan within 30 days of the due date, to implement one or more components of its storm water management plan, to conduct monitoring, or to submit an annual report within 30 days of the due date is a priority violation. For example, the failure of a municipality to develop and/or implement a construction site program element that includes a demonstration of adequate legal authority and the implementation of an effective inspection and enforcement program is a priority violation.

Under the Storm Water Enforcement Act of 1998 (California Water Code section 13399.25 et seq.), the RWQCB must send notices to a permittee who fails to submit an annual report, and must impose administrative penalties for failure to respond to two notifications. However, the

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RWQCB may, without prior notice, assess administrative civil liability for failure to submit an annual report, as this also violates section 13385(a).

3. Failure to attain performance standards and failure to report and address violations

Most storm water permits require the discharger(s) to comply with general performance practices or standards. For example, performance standards applicable to industrial and construction storm water discharges are to implement best management practices using the best available technology economically achievable and best conventional technology. Performance standards applicable to municipal storm water discharges are to implement best management practices that reduce the discharge of pollutants from municipal separate storm sewer systems to the maximum extent practicable. If storm water and/or authorized non-storm water discharges cause or substantially contribute to a violation of an applicable water quality standard, the discharger is usually required to take specific, iterative actions (e.g., modify its Storm Water Management Plan) to resolve such violations. Priority violations include the failure to report violations as required by the permit and/or the failure to comply with permit requirements for addressing identified violations. The criteria for priority violations in section III (A) of this Policy apply to NPDES storm water permits that contain numeric effluent limitations.

I. Clean Water Act Section 401 Violations

Discharges into waters of the United States that require a federal permit or license also require certification (in accordance with Section 401 of the Clean Water Act) from the SWRCB or RWQCB that the discharge will comply with the State's water quality standards. Failure to obtain required certification prior to a discharge that causes or contributes to a condition of nuisance or pollution or violates water quality standards is a priority violation. Failure to comply with conditions specified in the certification is a priority violation.

J. Violation of Water Quality Objectives in Groundwater

Any discharge of waste resulting in, or likely to result in, a violation of an applicable water quality objective, groundwater limitations, groundwater protection standards or other applicable concentration limits in waste discharge requirements for pollutants in groundwater, or in the creation of a condition of nuisance, is a priority violation unless the discharge is permitted or otherwise specifically authorized by the SWRCB or RWQCB.

K. Discharge of Bio-solids to Land

The following violations of the SWRCB General WDRs for discharge of bio-solids to land are priority violations:

- (a) Any discharge in violation of the setback requirements;
- (b) Any discharge that exceeds 1.4 times the agronomic rate⁴ for nitrogen, where the site is not a land-reclamation site;

⁴ Agronomic Rate: The nitrogen requirements of a plant needed for optimal growth and production, as cited in professional publications for California or recommended by the County Agricultural Commissioner, a Certified Agronomist or Certified Soil Scientist.

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- (c) Any discharge of tail-water in violation of the requirements;
- (d) Any discharge that exceeds the Background Cumulative Adjusted Loading Rate in the requirements, or exceeds the Ceiling Pollutant Concentration Limits;
- (e) Any violation of the specific Class B Discharge Specifications; and
- (f) Any violations of pathogen reduction requirements or violations of harvesting and site restriction requirements.

L. Waste Discharge Requirement (WDR) Program

The following violations of requirements in WDRs for discharges regulated by the WDR Program are priority violations:

- (a) Failure to monitor as required;
- (b) The failure to maintain required freeboard in ponds;
- (c) Any discharge that exceeds flow limits by 20 percent or more;
- (d) Any discharge that exceeds the effluent limitation for biological oxygen demand or total dissolved solids by 100 percent or more;
- (e) Any discharge where the dissolved oxygen is less than 50 percent of the effluent limitation; or
- (f) Other violations as determined by the Board.

It is a priority violation for a person to discharge waste in violation of California Water Code section 13264.

M. Aboveground Petroleum Storage Act

The following violations of the Aboveground Petroleum Storage Act (California Health and Safety Code section 25270 et.seq.) are priority violations:

- (a) Failure to file a storage report;
- (b) Failure to prepare a Spill Prevention, Control and Countermeasures Plan prepared in accordance with guidelines contained in Part 112 of Title 40 of the Code of Federal Regulations;
- (c) Failure to establish a monitoring system;
- (d) Failure to report spills;
- (e) Failure to conduct daily visual inspections of any tank storing petroleum;
- (f) Failure to allow the regional board to conduct periodic inspections of the tank facility; and
- (g) Failure to install a secondary means of containment when required.

N. Land Disposal

The following violations of requirements in WDRs for facilities regulated by the Land Disposal Program are priority violations:

- (a) Failure to submit required construction quality assurance plans prior to construction;

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- (b) Failure to submit required construction quality assurance / quality control certification reports prior to waste discharge;
- (c) Failure to implement an adequate waste load checking program and/or knowing acceptance of un-permitted waste;
- (d) Failure to install and/or maintain required thickness of acceptable cover material;
- (e) Failure to monitor (ground and surface water) as required;
- (f) The failure to respond to evidence of a release of waste to groundwater as required in WDRs or other enforceable orders (i.e., failure to develop and implement an Evaluation Monitoring and/ or a Corrective Action Program);
- (g) Un-permitted discharge of leachate or waste to surface water;
- (h) Slope failure or erosion resulting in the exposure of waste and/or the discharge of sediment or other pollutants to surface water that impacts beneficial uses, causes or contributes to a violation of an applicable water quality objective or in the creation of a condition of nuisance or pollution; and
- (i) Failure to maintain required freeboard.

O. Failure to Pay Fees, Penalties or Liabilities

Failure to pay fees, penalties or liabilities within 30 days of the due date is a priority violation unless the discharger has filed a timely petition pursuant to California Water Code section 13320 for review of the fee, penalty or liability; or an alternate payment schedule has been accepted by the RWQCB.

P. Falsifying Information

Falsification of information submitted to the Board or intentional withholding of information required by applicable laws, regulations or an enforceable order is a priority violation.

IV. ENFORCEMENT ACTIONS

The Boards have a variety of enforcement tools to use in response to non-compliance by dischargers. This section describes the range of options and discusses procedures that are common to some or all of these options. With specified exceptions California Water Code section 13360 (a) prohibits the SWRCB or RWQCB from specifying the design, location, type of construction, or particular manner in which compliance may be had with a particular requirement.

A. Standard Language

In order to provide a consistent approach to enforcement throughout the state, enforcement orders should be standardized where appropriate. The SWRCB intends to maintain model enforcement orders containing standardized provisions for use by the RWQCBs. RWQCBs should use the models and modify terms and conditions as appropriate for the specific circumstances related to the discharge and to be consistent with RWQCB plans and policies.

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B. Informal Enforcement Actions

An informal enforcement action is any enforcement action taken by SWRCB or RWQCB staff that is not defined in statute. An informal enforcement action can include any form of communication (verbal, written, or electronic) between SWRCB and/or RWQCB staff and a discharger about a violation or potential violation. These actions may, in some circumstances, be petitioned to the RWQCB or the RWQCB Executive Officer but cannot be directly petitioned to the SWRCB.

The purpose of an informal enforcement action is to quickly bring a violation to the discharger's attention and to give the discharger an opportunity to return to compliance as soon as possible. The RWQCB may take formal enforcement action in place of, or in addition to, informal enforcement actions. Continued noncompliance is considered a priority violation and should trigger formal enforcement action.

1. Verbal Enforcement Actions and Enforcement Letters

For many violations, the first step is a verbal enforcement action. Staff should contact the discharger by phone or in person and inform the discharger of the specific violations, discuss how and why the violations occurred, and discuss how and when the discharger will correct the violation and achieve compliance. Staff shall document the conversation in the facility case file and in the enforcement database.

An enforcement letter is often appropriate as a follow-up, or in lieu of, a verbal enforcement action. Enforcement letters are signed by staff or by the appropriate senior staff. The letter should inform the discharger of the specific violations, and, if known to staff, discuss how and why the violations occurred and how and when the discharger will correct the violation and achieve compliance.

Verbal enforcement actions and enforcement letters must not include language that excuses the violation or that modifies a compliance date in WDRs or other orders issued by the State or RWQCB.

2. Notice of Violation (NOV)

The NOV letter is the highest level of informal enforcement action. An NOV should be signed by the RWQCB Executive Officer or designated staff and should be addressed and mailed to the discharger(s) by certified mail. In cases where the discharger has requested that their consultant be notified of RWQCB actions, the consultant should also receive a copy of the NOV. The NOV letter should include a description of specific violations, a summary of potential enforcement options available for non-compliance (including the potential daily or per gallon maximum Administrative Civil Liability (ACL) available), and, when appropriate, a request for a written response by a specified date. The summary of potential enforcement options shall include appropriate citations to the California Water Code and should specify that the RWQCB reserves the right to take any enforcement action authorized by law.

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C. Formal Enforcement Actions

Formal enforcement actions are statutorily recognized actions to address a violation or threatened violation of water quality laws, regulations, policy or orders. Formal enforcement orders should contain findings of facts that establish all the statutory requirements of the specific statutory provision being utilized. The actions listed below present options available for enforcement.

1. Notices to Comply

Notices to Comply are issued pursuant to California Water Code section 13399 et seq., which requires the use of Notices to Comply as the only means by which the SWRCB or RWQCB can issue citations for minor violations. A violation is determined to be minor by the SWRCB or the RWQCB after considering factors defined in California Water Code sections 13399(e) and (f) and the danger the violation poses to, or the potential that the violation has for endangering human health, safety, or welfare or the environment.

- (a) The violations listed below are considered to be minor violations for the purpose of compliance with California Water Code section 13399 et seq.:
 - (i) Inadvertent omissions or deficiencies in recordkeeping that do not prevent an overall compliance determination.
 - (ii) Records (including WDRs) not physically available at the time of the inspection provided the records do exist and can be produced in a timely manner.
 - (iii) Inadvertent violations of insignificant administrative provisions that do not involve a discharge of waste or a threat thereof.
 - (iv) Failure to have permits available during an inspection.
 - (v) Violations that result in an insignificant discharge of waste or a threat thereof; provided, however, there is no significant threat to human health, safety, welfare or the environment.
- (b) A violation is not considered minor in nature if it is a priority violation as described in Section III of this Policy or includes any of the following:
 - (i) Any knowing, willful, or intentional violation of Division 7 (commencing with Section 13000) of the California Water Code.
 - (ii) It involves any violation that enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage.
 - (iii) Chronic violations or violations committed by a recalcitrant violator.
 - (iv) Violations that cannot be corrected within 30 days.

2. Notices of Stormwater Noncompliance

The Stormwater Enforcement Act of 1998 (California Water Code section 13399.25 et seq.) requires that each RWQCB notify storm water dischargers who have failed to file a notice of intent to obtain coverage, a notice of non-applicability, a construction certification, or annual reports. If, after two notifications, the discharger fails to file the applicable document a mandatory civil liability shall be assessed against the discharger.

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3. Technical Reports and Investigations

California Water Code sections 13267(b) and 13383 allow RWQCBs to conduct investigations and to require technical or monitoring reports from any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste in accordance with the conditions in the section. Failure to comply with requirements made by a RWQCB pursuant to California Water Code section 13267(b) is a priority violation and may result in administrative civil liability pursuant to California Water Code section 13268. Failure to comply with orders made pursuant to California Water Code section 13383 may result in administrative civil liability pursuant to California Water Code section 13385. Section 13267(b) and 13383 requirements are enforceable when signed by the Executive Officer of the RWQCB.

California Water Code section 13267 (b) requires Regional Boards to:

- provide the person who is required to provide the reports with a written explanation with regard to the need for the reports, and
- identify the evidence that supports requiring that person to provide the reports.

To comply with these requirements, the RWQCB should include a brief statement regarding the relationship between the information that is being sought and the water quality issue that is being investigated (e.g., to determine the level of the discharge's impact on beneficial uses or to determine compliance with waste discharge requirements.) The Regional Board should also identify a basis for suspecting that the recipient(s) of the order discharged, is discharging, or may discharge waste. This may be accomplished by including a brief statement regarding the person's current or former ownership or control over the location of the discharge or the person's control over the discharge itself. If the existence of a discharge is in question, the statement should also identify a basis for suspecting a discharge (e.g., a brief description of the condition downstream or down-gradient of the suspected discharge). These statements required by 13267(b) may, for example, be contained in a transmittal letter, in the 13267(b) requirements, or in the findings in an order. Note these statements are not required by California Water Code section 13383, which applies only to discharges subject to regulation under the NPDES program.

Although they should be cited in Cleanup and Abatement Orders, Cease and Desist Orders, and section 13308 Time Schedule Orders, it is important to note that California Water Code sections 13267 and 13383 are not strictly enforcement statutes. RWQCBs should routinely cite those sections as authority whenever asking for technical or monitoring reports. California Water Code section 13267 should also be cited in all non-NPDES WDRs, waivers and certifications as authority for monitoring and reporting requirements. California Water Code section 13383 should be cited in all NPDES permits.

4. Cleanup and Abatement Orders (CAOs)

Cleanup and Abatement Orders (CAOs) are adopted pursuant to California Water Code section 13304. CAOs may be issued to any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of

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pollution or nuisance (discharger). The CAO requires the discharger to clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

RWQCBs should keep an accurate record of staff oversight costs for CAOs, because dischargers are liable for such costs. When a CAO specifies that staff costs are to be recovered from the discharger, failure to pay invoiced amounts for staff costs is a violation of the CAO that is subject to an ACL.

RWQCBs shall comply with SWRCB Resolution No. 92-49, "Policies And Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304", in issuing CAOs. CAOs should require discharger(s) to clean up the pollution to background levels or the best water quality which is reasonable if background levels of water quality cannot be restored in accordance with Resolution No. 92-49. At a minimum, cleanup levels must be sufficiently stringent to fully support beneficial uses, unless the RWQCB allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the CAO should require the discharger(s) to abate the effects of the discharge. Abatement activities may include the provision of alternate water supplies. CAOs should name all dischargers for whom there is sufficient evidence of responsibility as set forth in California Water Code section 13304.

CAOs that require submission of technical and monitoring reports should always state that the reports are required pursuant to California Water Code section 13267. CAOs shall contain language describing likely enforcement options available for non-compliance and should specify that the RWQCB reserves its right to take any enforcement action authorized by law. Such language shall include appropriate California Water Code citations. Violations of CAOs should trigger further enforcement in the form of an ACL, a Time Schedule Order (TSO) under California Water Code section 13308, or referral to the Attorney General for injunctive relief or monetary remedies.

5. Section 13300 Time Schedule Orders (TSOs)

Pursuant to California Water Code section 13300, the RWQCB can require the discharger to submit a time schedule which sets forth the actions that the discharger will take to address actual or threatened discharges of waste in violation of requirements. TSOs that require submission of technical and monitoring reports should state that the reports are required pursuant to California Water Code section 13267.

6. Section 13308 Time Schedule Orders (13308 TSOs)

California Water Code section 13308 authorizes the RWQCB to issue a Section 13308 Time Schedule Order (13308 TSO) which prescribes a civil penalty if compliance is not achieved in accordance with the time schedule. The RWQCB may issue a 13308 TSO if there is a threatened or continuing violation of a cleanup and abatement order, cease and desist order, or any requirement issued under California Water Code sections 13267 or 13383. The penalty must be set based on an amount reasonably necessary to achieve compliance and may not contain any amount intended to punish or redress previous violations. Therefore, the 13308 TSO should contain findings explaining how the penalty amount will induce compliance without imposing

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punishment. For example, it could include a calculation of how much money the discharger is saving each day by delaying compliance. The 13308 TSO provides the RWQCBs with their primary mechanism for motivating compliance, and if necessary, assessing monetary penalties against federal facilities.

If the discharger fails to comply with the 13308 time schedule, the penalty is imposed when the RWQCB Executive Officer issues a complaint for Administrative Civil Liability. If the amount of proposed liability in the Complaint is less than the amount specified in the 13308 Order, the RWQCB is required by California Water Code 13308(c) to include specific findings setting forth the reasons for its action based on California Water Code section 13327. The penalty may not exceed \$10,000 for each day in which the violation of the 13308 TSO occurs.

7. Cease And Desist Orders (CDOs)

Cease and Desist Orders (CDOs) are adopted pursuant to California Water Code sections 13301-13303. CDOs may be issued to dischargers violating or threatening to violate WDRs or prohibitions prescribed by the RWQCB or the SWRCB. CDOs are often issued to dischargers with chronic non-compliance problems. These problems are rarely amenable to a short-term solution. Often, compliance involves extensive capital improvements or operational changes. The CDO will usually contain 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 to community sewer systems and combined stormwater/sewer systems.

Section 4477 of the Government Code prohibits all state agencies from entering into contracts of \$5,000 or more for the purchase of supplies, equipment, or services from any nongovernmental entity who is the subject of a CDO which is no longer under review and which was issued for violation of WDRs or which has been finally determined to be in violation of federal laws relating to air or water pollution. The SWRCB provides the list of such violators to other state agencies and publishes the list on the internet at <http://www.swrcb.ca.gov>.

CDOs that require submission of technical and monitoring reports should state that the reports are required pursuant to California Water Code section 13267. CDOs shall contain language describing likely enforcement options available for non-compliance and specify that the RWQCB reserves its right to take any further enforcement action authorized by law. Such language shall include appropriate California Water Code citations. Violations of CDOs should trigger further enforcement in the form of an ACL, 13308 Order or referral to the Attorney General for injunctive relief or monetary remedies.

8. Modification Or Rescission Of Waste Discharge Requirements

In accordance with the provisions of the California Water Code, the RWQCB may modify or rescind WDRs in response to violations. Depending on the circumstances of the case, rescission of WDRs may be appropriate for failure to pay fees, penalties or liabilities; discharges that adversely affect beneficial uses of the waters of the state; and violation of the SWRCB General WDRs for discharge of bio-solids due to violation of the Background Cumulative Adjusted Loading Rate. Rescission of WDRs generally is not an appropriate enforcement response where

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the discharger is unable to prevent the discharge, as in the case of a publicly owned treatment works (POTW).

9. Administrative Civil Liability (ACL)

ACL means monetary assessments imposed by a RWQCB or the SWRCB. The California Water Code and the Health and Safety Code authorize ACLs in several circumstances which are summarized in Table IV-1⁵. Staff working on ACLs should consult the appropriate section of the Code to review the entire text.

Table IV-1. Summary of Relevant California Water Code and Health and Safety Code Authority for Imposing Administrative Civil Liability Pursuant to this Policy.

STATUTE	COVERAGE
§ 13261 (California Water Code)	Up to \$1,000 per day for failure to furnish reports of waste discharge or failure to pay annual program fees. (\$5,000 per day for non-NPDES discharges if hazardous waste is involved and there is a willful violation.)
§ 13265 (California Water Code)	Up to \$1,000 per day for discharging without a permit. (\$5,000 per day for non-NPDES discharges if hazardous waste is involved and violation is due to negligence.)
§ 13268 (California Water Code)	Up to \$1,000 per day for failing or refusing to furnish technical or monitoring reports or falsifying information therein. (Up to \$5,000 per day for non-NPDES discharges if hazardous waste is involved and there is a knowing violation.)
§ 13271 (California Water Code)	Up to \$20,000 for failing to notify the Office of Emergency Services (OES) of a discharge of hazardous substances that exceeds the reportable quantity or more than 1000 gallons of sewage.
§ 13272 (California Water Code)(Limitation: Does not apply to spills of oil into marine waters as defined in Government Code §8670.3(f).)	Not less than \$500 and not more than \$5000 per day for each day of failure to notify OES of a discharge of any oil or product in or on the waters of the state.

⁵ Sections 13627.1, 13627.2, 13627.3 and 13627.4 of the Water Code and section 25284.4 of the Health and Safety Code authorize the SWRCB to impose administrative civil liability on wastewater treatment plant operators and underground storage tank testers, respectively. This policy does not apply to, and is not intended to limit in any way, the SWRCB's imposition of any disciplinary action, including administrative civil liability, on these individuals pursuant to this authority, except that the types of enforcement actions discussed in subpart V. B. shall be considered.

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§ 13308 (California Water Code)	Up to \$10,000 per day for violations of time schedules. Amount to be prescribed when time schedule is established.
§ 13350 (California Water Code)	• Up to \$10 per gallon of waste discharged, or • Up to \$5000 per day of violation. The Regional Board is required to make a specific finding if it imposes civil liability in an amount less than \$100 per day of violation if there is no discharge, or less than \$500 per day of violation if there is a discharge and a CAO is issued.
§ 13385 (a) (California Water Code)	For NPDES permit program violations or discharges to surface water: Up to \$10,000 per day of violation plus an additional liability of \$10 per gallon for each gallon over 1,000 gallons where there is a discharge that is not cleaned up. A "discharge" as used in this section is defined as any discharge from a point source to navigable waters of the United States, any introduction of pollutants into a POTW, or any use or disposal of sewage sludge.
§ 13385 (h) and (i) (California Water Code)	• 13385 (h) (1) ... Mandatory minimum penalties of three thousand dollars (\$3,000) shall be assessed for the first serious violation as defined by statute and each additional serious violation in any period of six consecutive months, except that the SWRCB or RWQCB may elect to require the discharger to spend an amount equal to the penalty for the first serious violation on a supplemental environmental project or to develop a pollution prevention plan. • 13385 (i) Mandatory minimum penalties of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations: (1) Exceeds a waste discharge requirement effluent limitation. (2) Fails to file a report pursuant to Section 13260. (3) Files an incomplete report pursuant to Section 13260. (4) Exceeds a toxicity discharge limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

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§ 13399.33 (California Water Code)	• Not less than \$5,000 per year or fraction thereof for failure to submit required notice of intent for coverage under stormwater permit. • Not less than \$1,000 per year or fraction thereof for failure to submit notices on non-applicability, annual reports or construction certification as required by stormwater program.
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a) ACL Complaint

California Water Code sections 13323-13327 describe the process to be used to assess ACLs. The California Water Code authorizes RWQCB Executive Officers to issue an ACL Complaint. California Water Code section 13261(b)(1) authorizes both the RWQCB Board Executive Officers and the State Board Executive Director to issue an ACL complaint for failing to furnish a report of waste discharge or pay a waste discharge requirement fee. The ACL Complaint describes the violation and provision of law authorizing imposition of the civil liability, proposes a specific civil liability, and informs the recipient that a public hearing will be held within 60 days after the Complaint is served. Section VII of this policy provides specific instructions for staff to use when developing and documenting a recommendation for the amount of the assessment. It is the policy of the SWRCB that a public comment period should be provided prior to the settlement of any ACL, including mandatory minimum penalties. The SWRCB or RWQCB should use appropriate methods to notify the public of the proposed action. Appropriate methods include, but are not limited to, posting notices on the internet, mailing and/or e-mailing documents to all known interested parties and publishing notices in newspapers. ACLs issued under section 13385 for violations of the CWA must allow a 30-day public comment period and public notice must include publishing a notice in a newspaper of general circulation for any proposed settlement of the ACL.

Upon receipt of an ACL Complaint, the discharger(s) may waive its right to a public hearing and pay the liability; negotiate a settlement (memorialized in the form of an amended complaint); or appear at the RWQCB or SWRCB hearing to dispute the Complaint. If the discharger waives its right to a public hearing and pays the liability, a third party may still comment on the Complaint at any time during the public comment period. Following review of the comments, the Executive Officer may withdraw the ACL complaint. An ACL Complaint may be redrafted and issued as appropriate. In cases where a public hearing before the RWQCB or SWRCB is not held, summary information regarding the final disposition of the Complaint should be included in the SWRCB or RWQCB Agenda.

If the discharger does not waive the right to a public hearing, California Water Code section 13233(b) requires that a public hearing be held within 60 days of the issuance of the complaint. The discharger may agree in writing that the hearing can be held more than 60 days after the issuance of the complaint. The hearing shall be before a panel of the RWQCB or before the RWQCB or SWRCB. Following the hearing the RWQCB or SWRCB will consider whether to affirm, modify or reject the liability. If the RWQCB or SWRCB adopts an ACL Order, it may be for an amount that is greater or less than the amount proposed in the complaint but may not exceed the maximum statutory liability. If the Executive Officer decides to dismiss the liability prior to the hearing, the Executive Officer must withdraw the Complaint.

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b) Suspended Liability

The RWQCB or SWRCB may, by various means, allow a portion of the liability to be satisfied through the successful completion of a Supplemental Environmental Project (SEP) and/or a Compliance Project (CP). The remaining portion of the liability shall be paid to the State Cleanup and Abatement Account or other fund or account as authorized by statute. The specific procedures for suspending liability for SEPs and CPs are discussed in greater detail in Sections IX and X of this Policy.

c) Staff Costs

The portion of the ACL amount that is intended to recover staff costs should always be paid to the State Cleanup and Abatement Account or other fund or account as authorized by statute. Staff costs are discussed in greater detail in Section VII of this Policy.

d) ACL Order

ACL Orders are final upon adoption and cannot be reconsidered by the RWQCB. ACL Orders can only be modified by the SWRCB pursuant to California Water Code section 13320 or in superior court if a petition for writ of mandate was properly filed in accordance with California Water Code section 13330. All cash payments to the SWRCB or RWQCBs, shall be paid to the State Cleanup and Abatement Account or other fund or account as authorized by statute.

10. Referrals To Attorney General, District Attorney, United States (U.S.) Attorney or City Attorney

The RWQCB or SWRCB can refer violations to the state Attorney General for civil enforcement actions. The RWQCB or SWRCB can also request the appropriate county District Attorney or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties. In some cases (e.g., when the District Attorney or Attorney General is unable or unwilling to accept a case), the RWQCB may find it appropriate to request the USEPA's criminal investigation division or the U.S. Attorney's Office to review potential violations of federal environmental statutes, including but not limited to the CWA, the Endangered Species Act, the Migratory Bird Treaty Act, or the Resource Conservation and Recovery Act.

a) Attorney General

At the request of the RWQCB or SWRCB, the Attorney General can seek judicial civil liabilities on behalf of the RWQCB or SWRCB for California Water Code violations, essentially the same ones for which the RWQCB or SWRCB can impose ACLs. Maximum per-day or per-gallon civil monetary remedies are two to ten times higher when imposed by the court instead of the RWQCB. The Attorney General can also seek injunctive relief in the form of a restraining order, preliminary injunction, or permanent injunction pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. Injunctive relief may be appropriate in emergency situations, or where a discharger has ignored enforcement orders or does not have the ability to pay a large ACL.

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For civil assessments, referrals to the Attorney General should be reserved for cases where the violation merits a significant enforcement response but where an ACL would be inappropriate or ineffective. For example, when a major oil spill occurs, several state agencies can seek civil monetary remedies under different state laws; a single civil action by the Attorney General may be more efficient than numerous individual agency actions. A violation (or series of violations) with major public health or water quality impacts should be considered for referral in order to maximize the monetary assessment because of its effect as a deterrent. Referral for recovery of natural resources damages under common law theories, such as nuisance, may also be appropriate.

b) District Attorney, City Attorney, USEPA or U.S. Attorney

District Attorneys, City Attorneys, USEPA, or U.S. Attorneys may seek civil or criminal penalties under their own authority for some of the same violations the RWQCB pursues. A request by the RWQCB is not required. The decision to file a criminal action and what charges to bring is within the sole discretion of the prosecutor who acts on behalf of the people of the state in general. A RWQCB can request prosecution or investigation and should cooperate with a prosecutor but the criminal action is not controlled by, or the responsibility of, the RWQCB. Staff should always request that any settlement by the District Attorney require any actions that are necessary to prevent recurrence of a spill and/or to mitigate damage to the environment and include recovery of staff costs.

A major area where District Attorney involvement should be considered is where there is suspected criminal action related to releases of hazardous substances or toxic materials. A request for District Attorney involvement would support the local agency or another state agency that is taking the lead (e.g., county health department, city fire department, California Department of Fish and Game or the California Department of Toxic Substances Control). Many District Attorney offices have created task forces specifically staffed and equipped to investigate environmental crimes including water pollution. These task forces may request RWQCB support which should be provided within available resources. District Attorneys also have the resources to carry out investigations that may be beyond the expertise of RWQCB staff. For example, a District Attorney's investigator is skilled at interviewing witnesses and collecting evidence. Such assistance can help a RWQCB determine if enforcement action is required and help with developing the evidence needed to prove the basis for enforcement.

In addition to the criminal sanctions and civil fines, the District Attorney often pursues injunctive actions to prevent unfair business advantage. The law provides that one business may not gain unfair advantage over its competitors by using prohibited tactics. A business that fails to comply with its WDRs or an enforcement order competes unfairly with other businesses that obey the law.

In cases where there is a serious violation of the CWA and additional investigatory resources are needed, the USEPA or U.S. Attorney may be contacted. Civil matters should be referred to the USEPA, not directly to the U.S. Attorney

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Investigations by prosecutors are confidential and are generally not subject to Public Records Act disclosure. It is essential that staff working with the prosecutor or prosecutor's investigators maintain this confidentiality.

c) Civil versus Criminal Actions

Enforcement actions taken by the RWQCB are administrative or civil actions. In cases where there is reason to believe that specific individuals or entities have engaged in criminal conduct, the RWQCB may refer the case to the District Attorney, City Attorney, Attorney General, USEPA's criminal investigation division or the U.S. Attorney. Under criminal law, individual persons, as well as responsible parties in public agencies and business entities, may be subject to fines or imprisonment.

While criminal statutes differ, most require some type of intent or knowing behavior on the part of the violator. This intent may be described as knowing, reckless, or willful. In addition to the required intent, criminal offenses usually consist of a number of elements, each one of which must be proven. Determining whether the required degree of intent and each of the elements exists often involves a complex analysis. If a potential environmental criminal matter comes to the attention of staff, staff should inform RWQCB management and the RWQCB's attorney.

D. Petitions of Enforcement Actions

Persons affected by most formal enforcement actions or failures to act by a RWQCB may file petitions with the SWRCB for review of such actions or failures to act. The petition must be received by the SWRCB within 30 days of the RWQCB action. A petition on the RWQCB's failure to act must be filed within 30 days of the date the RWQCB refuses to act or within 60 days after a request has been made to the RWQCB to act. Actions taken by the Executive Officer of the RWQCB pursuant to authority delegated by the RWQCB (e.g., cleanup and abatement orders) are considered actions by the Board and are also subject to the 30-day time limit. In addition, significant enforcement actions by a RWQCB Executive Officer may be reviewed by the RWQCB at the request of the discharger. When a discharger has unsuccessfully petitioned the RWQCB and subsequently petitions the SWRCB for review, the petition to the SWRCB must be filed within 30 days of the Executive Officer's action. The SWRCB may, at any time and on its own motion, review most actions or failures to act by a RWQCB. When a petition is filed with the SWRCB, the time for payment of fees, liabilities or penalties that are the subject of the petition is extended during the SWRCB review of the petition.

V. SPECIFIC RECOMMENDED ENFORCEMENT

It is the intent of the SWRCB that the following specific instances of non-compliance receive consistent enforcement responses from the SWRCB and all nine RWQCBs. These specific recommendations should be considered when senior staff and management establish the relative priority for enforcement pursuant to section I.E. of this Policy. Decisions by the SWRCB and RWQCB to deviate from these specific recommendations should be based on extenuating circumstances that are documented in the discharger/facility record (e.g., file, databases, other records).

A. Dischargers Knowingly Falsifying or Knowingly Withholding Information that is Required to be Submitted to State Regulatory Agencies

The foundation of the State's regulatory program relies on dischargers accurately, and honestly reporting information required by the Boards. This required information includes, but is not limited to: reports of waste discharge; self monitoring reports including influent and effluent quality; flow data; surface and groundwater data; spills of untreated or partially treated wastewater; and technical reports. Knowingly falsifying or knowingly withholding such information that would indicate violations of requirements contained in board orders, plans and policies erodes the State's regulatory program and places the health of the public and the environment at risk. The SWRCB views these violations as very important and strongly encourages the RWQCBs to respond to any instance of falsification or withholding of required information in accordance with this policy.

The discharger is responsible for compliance with orders and reporting of required information, including violations, to the SWRCB or RWQCB. The discharger is also responsible for ensuring that any employees, agents, or contractors acting on its behalf report required information truthfully, accurately and on time.

Enforcement of statutes pertaining to falsification or withholding of required information should be a high priority and considered as follows:

- (a) Initiate investigation of all instances of suspected falsification or withholding of water quality data within thirty days of becoming aware of the allegations. If the results of preliminary investigation suggest a possibility of criminal wrongdoing by the discharger, the SWRCB and RWQCB staff shall consult with management and the RWQCB's counsel to consider informing the appropriate criminal investigative agency.
- (b) Protect the confidentiality of all staff investigations of potential instances of knowingly falsifying or withholding required information. The RWQCBs shall protect the complainant's personal information such as name, address, phone numbers and employment data by providing a secure location for files about matters related to ongoing criminal investigations or licensing (e.g., treatment plant operator certification). The information in these files shall not be released to the public without consulting with the RWQCB attorney.

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- (c) Forward all cases where the investigation supports the allegation of falsification or intentional withholding of water quality data to the District Attorney, Circuit Prosecutor, Attorney General or the U.S. Attorney for criminal investigation.
- (d) The SWRCB and the RWQCBs should pursue administrative actions against the discharger including assessment of civil liabilities and consideration of rescission of WDRs if there is sufficient evidence of falsification or intentional or negligent withholding of required information and the criminal investigators and/or prosecutors agree that the administrative and civil process will not interfere with, or jeopardize, the criminal investigation.
- (e) The RWQCB should implement an intensive inspection schedule (e.g., bi-monthly inspections for a period of six months) for any facility where the investigation supports the allegation of falsification or withholding of water quality data. Inspections should involve thorough review of facility water quality records, procedures and processes, logbooks, and sampling of effluent at regular intervals. Requesting the assistance of the District Attorney, Attorney General, or U.S. Attorney should be considered in complex cases.

B. Certified Wastewater Treatment Plant Operators and Licensed Underground Storage Tank Testers Knowingly Falsifying or Knowingly Withholding Information that is Required to be Submitted to State Regulatory Agencies

1. The SWRCB's Office of Operator Certification shall promptly consider suspending or revoking the Operator Certificate, or imposing administrative civil liability, on any operator who knowingly commits any of the following acts if doing so impacts or threatens to impact water quality:

- (a) knowingly falsifies required information submitted to the SWRCB or RWQCB;
- (b) withholds required information from the SWRCB or RWQCB;
- (c) knowingly submits false information on an application for operator certification; or
- (d) through threats, coercion, or intimidation forces others to falsify or withhold required information from the SWRCB or RWQCB. The Office of Operator Certification shall report to the SWRCB at a public meeting its decisions where formal disciplinary action has been taken against any operator for such action(s).

2. The SWRCB's Office of Tank Tester Licensing shall promptly consider suspension or revocation, or the imposition of administrative civil liability, of any licensed tank tester who knowingly commits any of the following acts if doing so impacts or threatens to impact water quality:

- (a) knowingly falsifies required information submitted to the SWRCB;
- (b) withholds required information from the SWRCB;
- (c) knowingly submits false information on an application for license, or
- (d) through threats, coercion, or intimidation forces others to falsify or withhold required information from the SWRCB.

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C. Failure to Submit Reports and Submittal of Inadequate Reports

As stated above, the State's water quality regulatory program relies on dischargers to report information specified in the WDR or in another enforceable order. If the discharger fails to submit a report, or submits a report that is inadequate (i.e., so deficient or incomplete as to impede the review of the status of compliance) the RWQCB should issue a notice of violation to the discharger. The notice of violation must not include language that excuses the violation or that modifies the original compliance date. If the discharger does not submit an adequate report within 60 days of the original compliance date, the RWQCB should issue an ACL unless the delay is beyond the reasonable control of the discharger.

D. Mandatory Minimum Penalties for NPDES Violations

Mandatory penalty provisions are required by California Water Code section 13385(h) and (i) for specified violations of NPDES permits. For violations that are subject to those mandatory minimum penalties, the RWQCB must either assess an ACL for the mandatory minimum penalty or assess an ACL for a greater amount. California Water Code section 13385(h) requires that a mandatory minimum penalty of \$3,000 be assessed by the RWQCB for each serious violation. A serious violation is any waste discharge that exceeds the effluent limitation for a Group I pollutant by 40 percent or more, or a Group II pollutant by 20 percent or more. (See Tables III-1 and III-2). Section III.A.(a) of this policy addresses situations where the effluent limit for a pollutant is less than or equal to the quantitation limit. As an alternative to assessing \$3,000 for the first serious violation in a six-month period, the RWQCB may require the discharger to spend an amount equal to the penalty for a SEP or to develop a pollution prevention plan (PPP). Exceptions to the imposition of mandatory minimum penalties are provided for violations that are caused by acts of war or by an unanticipated, grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character or by an intentional act of a third party. Such exceptions do not apply if the violation could have been prevented or avoided by the exercise of due care or foresight by the discharger. Such exceptions are fact specific and should be evaluated on a case by case basis.

If the RWQCB allows the discharger to prepare a PPP pursuant to California Water Code section 13263.3 or an SEP in lieu of paying \$3,000 for the first violation, the RWQCB must wait until the discharger has not had any serious violations for six months before it can allow the discharger to prepare an SEP or PPP in lieu of the mandatory penalty for additional serious violations. Any SEP or PPP allowed pursuant to California Water Code section 13263.3 should only consist of measures that go above and beyond the existing obligation of the discharger.

The RWQCB is required by California Water Code section 13385(i) to assess mandatory minimum penalties of \$3,000 per non-serious violation, not counting the first three violations. A non-serious violation occurs if the discharger does any of the following four or more times in any period of six consecutive months:

- (a) exceeds WDR effluent limitations;
- (b) fails to file a report of waste discharge pursuant to California Water Code section 13260;
- (c) files an incomplete report of waste discharge pursuant to California Water Code section 13260; or

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- (d) exceeds a toxicity discharge limitation where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.

The six-month time period is calculated as a "rolling" 180 days.

The intent of these portions of the California Water Code is to assist in bringing the State's permitted facilities into compliance with WDRs. RWQCBs should issue mandatory minimum penalties within seven months of the time that the violations qualify as mandatory minimum penalty violations, or sooner if the total mandatory penalty amount is \$30,000 or more. This will encourage the discharger to correct the violation in a timely manner.

A single operational upset which leads to simultaneous violations of one or more pollutant parameters shall be treated as a single violation. EPA defines "single operational upset" as "an exceptional incident which causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one CWA effluent discharge pollutant parameter. Single operational upset does not include... noncompliance to the extent caused by improperly designed or inadequate treatment facilities" ("Issuance of Guidance Interpreting Single Operational Upset" Memorandum from the Associate Enforcement Counsel, Water Division, U.S.EPA, September 27, 1989.). The EPA Guidance further defines an "exceptional" incident as a "non-routine malfunctioning of an otherwise generally compliant facility." Single operational upsets include such things as upset caused by a sudden violent storm, a bursting tank, or other exceptional event and may result in violations of multiple pollutant parameters. The discharger has the burden of demonstrating a single operational upset occurred. The RWQCB shall apply the above EPA Guidance in determining if a single operational upset occurred. A finding that a single operational upset has occurred is not a defense to liability, but may affect the number of violations.

California Water Code section 13385(j) includes several limited exceptions to the mandatory minimum penalty provisions. The primary exceptions are for discharges that are in compliance with a cease and desist order or time schedule order under narrowly specified conditions. California Water Code section 13385(k) provides an alternative to assessing mandatory minimum penalties against a POTW that serves a small community, "as defined by subdivision (b) of Section 79084". Under this alternative, the RWQCBs may require the POTW to spend an amount equivalent to the mandatory minimum penalty toward a compliance project that is designed to correct the violations.

California Water Code section 79084 defines "small community" as a municipality with a population of 10,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the population of the segment is 10,000 persons or less, with a financial hardship as determined by the board.

It is the policy of the SWRCB that "rural county" means a county classified by the Economic Research Service, United States Department of Agriculture (ERS, USDA) with a rural-urban continuum code of four through nine.

It is the policy of the SWRCB that "financial hardship" means that the median annual household income for the community is less than 80% of the California median annual household income. It is the policy of the SWRCB that "median annual household income" means the median annual

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household income of the community based on the most recent census data or a local survey approved by the SWRCB. If a community believes that the census data does not represent the community, and the community is not a Census Designated Place, a City or a Town, the community may apply to the SWRCB for designation as a "small community with a financial hardship". The application must include a map of community boundaries, a list of properties, the number of households and the number of people in the community. Additional information including information regarding income and/or property values of the community may be submitted in support of the application. If the application does not provide an adequate basis for the calculation of median household income, the SWRCB may require an independent income survey conducted in accordance with a pre-approved methodology. A subdivision of state government shall not be considered a small community with a financial hardship. The SWRCB will maintain a current list of designated small communities with a financial hardship.

The following counties qualify as rural counties with a financial hardship		
Alpine	Inyo	Plumas
Calaveras	Kings	Sierra
Colusa	Lake	Siskiyou
Del Norte	Lassen	Tehama
Glenn	Mariposa	Trinity
Humboldt	Mendocino	Tuolumne
Imperial	Modoc	
Based on 1990 Census Data		

E. Failure To Pay Annual Fees

California Water Code section 13260 requires that each person prescribed WDRs shall pay an annual fee, except confined animal feeding or holding operations, which have a one-time \$2,000 fee and solid waste landfills, which are not subject to WDR fees pursuant to an exclusion in Public Resources Code section 48004(b). Failure to pay the fee when requested is a misdemeanor (and a priority violation) and may be subject to an ACL imposed by the RWQCB or SWRCB of up to \$1,000 per day pursuant to California Water Code section 13261.

If the annual fee is not paid within 30 days of the due date on the original invoice, the SWRCB staff shall issue a Demand Letter for the annual fee which informs the recipient of the amount due and states that non-payment of the fee within 30 days could result in one or more of the following:

- (a) an ACL imposed by the RWQCB not to exceed \$1,000 per day;
- (b) a civil liability imposed by the superior court not to exceed \$5,000 per day;
- (c) rescission of existing WDRs; or
- (d) prosecution as a misdemeanor.

If the fee is not paid within 30 days of the date of the Demand Letter, the SWRCB staff shall issue a Notice of Violation and an ACL Complaint should be issued by the RWQCB Executive Officer. The amount of an ACL for nonpayment of fees should reflect an escalation of liability if there is a past history of failure to pay fees. In addition to the ACL, the discharger remains responsible for payment of the annual fees.

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F. Failure To Pay Administrative Civil Liabilities

The SWRCB should pursue collection of unpaid administrative civil liabilities. The California Water Code states that ACLs shall be paid within 30 days of the RWQCB's adoption of an ACL Order unless the petitioner files a petition for review under California Water Code section 13320. When a petition is filed with the SWRCB, payment is extended during the SWRCB review of the petition and shall be paid within 30 days of the SWRCB's decision on the petition unless the petitioner seeks judicial review pursuant to California Water Code section 13330. Payment of an ACL is also extended while a writ of mandate is pending before the superior court. If the petitioner fails to pay the liability and fails to seek judicial review within 30 days of the SWRCB action, the SWRCB may file for a judgment to collect the ACL pursuant to California Water Code section 13328. Application is made to the appropriate court in the county in which the liability was imposed, generally within 60 days of the failure to pay.

As an alternative to Section 13328, the SWRCB or RWQCB may pursue judicial collection for failure to pay an ACL imposed for CWA violations pursuant to California Water Code section 13385. After the time to file for judicial review has expired, the California Water Code provides that the Attorney General upon request must petition the appropriate court to collect the liability. The person failing to pay the liability on a timely basis is required to pay, in addition to that penalty, interest, attorney's fees, cost for collection proceedings and a quarterly nonpayment fee for each quarter during which the failure to pay persists. The nonpayment fee is equal to 20 percent of the aggregate amount of the person's liability and the nonpayment fees unpaid at the beginning of each quarter.

G. Acute and Chronic Toxicity and Public Health

Where any violation can be shown to be the result of a discharger's failure to exercise normal care in handling, treating, or discharging waste, and that failure has resulted in acute or chronic toxicity to fish or wildlife and/or a public health threat, the SWRCB or RWQCB should consider assessing civil liability.

Acute toxicity is toxicity that is severe enough to cause mortality or extreme physiological disorder rapidly (typically within 48 or 96 hours). Chronic toxicity is the toxicity impact that lingers or continues for a relatively long period of time, often 1/10 of a lifespan or more. Chronic effects include, but are not limited to mortality, stunted growth, or reduced reproduction rates.

VI. SPECIAL CONSIDERATIONS

A. Violations at Federal Facilities

The CWA and the Resource Conservation and Recovery Act contain limited waivers of sovereign immunity. Due to sovereign immunity, the State cannot assess penalties or liabilities against federal agencies for past violations (i.e., no ACLs) under most circumstances. One significant exception is provided by the Federal Facilities Compliance Act of 1992 (42 USCA

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6901 et seq), which allows the States to penalize federal agencies, under specified circumstances, for violations of state hazardous waste management requirements. In addition, under California Water Code section 13308, a RWQCB may seek an ACL, up to a maximum of \$10,000 per day of violation, against federal facilities for any violation of a time schedule order. The time schedule order issued pursuant to Section 13308 prescribes a civil penalty that is based upon the amount necessary to achieve future compliance with an existing enforcement order. The RWQCB should take the action administratively, but if the federal government declines to pay, the RWQCB must refer the matter to the Attorney General's Office to file an action in state or federal court.

B. Integrated Enforcement

SWRCB and RWQCB staff should cooperate with other environmental regulatory agencies, where appropriate, to ensure that enforcement actions are coordinated. The aggregate enforcement authorities of the Boards and Departments of the California Environmental Protection Agency (Cal/EPA) and the Resources Agency should be coordinated to eliminate inconsistent and inappropriately duplicative efforts. Where appropriate and as resources allow, RWQCB staff should take the following steps to assist in integrated enforcement efforts:

- (a) participate in multi-agency enforcement coordination;
- (b) share enforcement information;
- (c) participate in cross-training efforts;
- (d) participate with other agencies in enforcement efforts focused on specific individuals or categories of discharges; and
- (e) where other regulatory agencies have jurisdiction regarding site remediation, the RWQCB should inform and consult with those agencies to ensure that remedial activities will satisfy the aggregate requirements for all.

1. Solid Waste Facilities

Where a RWQCB has issued, or is likely to issue an enforcement action to a solid waste facility that is also under the jurisdiction of the Integrated Waste Management Board, the RWQCB must comply with California Public Resources Code sections 45016, 45019 and 45020.

2. Hazardous Waste Facilities

The role of the RWQCBs regarding enforcement at "offsite hazardous waste treatment, storage, or disposal activities and onsite activities which are required to have a Resource Conservation and Recovery Act (RCRA) Subtitle C permit" was prescribed by the 1995 Cal/EPA "Framework for the Implementation of Health and Safety Code Section 25204.6(b) (SB 1082)". The RWQCB issues WDRs and monitoring programs that are no less stringent than RCRA requirements. The Department of Toxic Substances Control incorporates those WDRs by reference into its permit and carries out all oversight responsibilities associated with hazardous waste facilities, including oversight of groundwater monitoring and other requirements in WDRs. The Department of Toxic Substances Control must coordinate enforcement actions for violation of the WDRs with the RWQCB before initiation of enforcement.

Under RCRA Subtitle C Authorization, corrective action is normally implemented pursuant to the authority of the Department of Toxic Substances Control. The Framework, however,

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identified over 60 hazardous waste facilities where the RWQCB acts as lead agency for corrective action oversight of existing releases. RWQCBs shall consult with the Department of Toxic Substances Control to ensure that corrective action at those facilities is at least RCRA equivalent.

3. Oil Spills

Responses to oil spills to inland waters that may impact fish and wildlife resources or to marine or estuarine waters should be coordinated with the Department of Fish and Game's Office of Oil Spill Prevention and Response (OSPR). Staff shall consult with the RWQCB management and the RWQCB attorney to determine appropriate action. Staff should assist in an investigation by providing documentation, sampling, etc. If the discharger has not prepared a spill prevention plan or the plan is not acceptable to the RWQCB, the RWQCB should request a technical report under California Water Code sections 13267 or 13383. Major oil spills, those in excess of 10,000 gallons, usually involve a number of governmental jurisdictions. Such spills should be brought to the RWQCB for consideration of referral to the Attorney General for recovery of civil liability and other remedies.

If formal enforcement actions are taken, they are usually enforced by either the county District Attorney under either the Fish and Game Code or Health and Safety Code, or by the RWQCB under the California Water Code. In general, if the District Attorney is interested in pursuing the case, the RWQCB should consult with the District Attorney before pursuing its own enforcement action to avoid any potential double jeopardy issues. However, staff should always request that any settlement by the District Attorney include recovery of staff costs and require any actions that appear necessary to prevent recurrence of a spill and/or to mitigate damage to the environment. If a District Attorney is the enforcement lead, RWQCB staff should generally focus their efforts on cleanup and prevention of future spills.

4. Hazardous Waste Spills

Hazardous wastes are those meeting the criteria specified in Title 22, Division 4.5, Chapter 11, California Code of Regulations. RWQCB staff should coordinate enforcement actions involving hazardous waste spills with the California Department of Toxic Substances Control and/or any local or county hazardous waste program. The Department of Fish and Game should be consulted whenever pollution events may impact fish and wildlife resources. Spills constitute unlawful disposal of hazardous waste pursuant to the Health and Safety Code. RWQCB staff should consider referring spills of all but the smallest amounts to the appropriate District Attorney. In addition, the RWQCB should consider assessing an ACL unless the spill was very small or limited in impact. Due to the nature of the materials discharged, the RWQCB should consider assessing an ACL in an amount at or near the legal maximum. If the California Department of Toxic Substances Control is seeking penalties or damages through a referral to the Attorney General, the RWQCB should consider joining that action in lieu of assessing an ACL.

Large spills of hazardous waste or hazardous substances, 10,000 gallons or more, should be treated like large oil spills, and should be considered for referral to the Attorney General. If appropriate, RWQCB staff should coordinate with the District Attorney or U.S. Attorney to determine whether criminal prosecution is warranted. In addition, such spills may constitute the unlawful disposal of hazardous waste pursuant to the Hazardous Waste Control Act (Health and

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Safety Code section 25100 et seq.) and, in most cases, should be investigated in conjunction with the California Department of Toxic Substances Control.

C. Violations at Waste Water Treatment Facilities that are Operating at 80% or more of Design Capacity

In addition to any formal or informal response to a violation at a waste water treatment facilities that is operating at 80% or more of its permitted capacity, when appropriate, the RWQCB should require, pursuant to Water Code section 13300 or section 13301, a detailed time schedule of specific actions the discharger proposes to take in order to correct or prevent a violation of requirements.

VII. Monetary Assessments in Administrative Civil Liabilities (ACLs)

The following provisions apply to all ACLs except mandatory minimum penalties required pursuant to California Water Code sections 13385(h) and (i) and penalties pursuant to California Water Code section 13399.33. Mandatory minimum penalties are discussed in Section V.D. of this Policy.

The SWRCB or RWQCB must make several important decisions in specifying the conditions of an ACL. First, the Board must determine the amount of the liability considering the factors in law. The factors that must be considered are included in the stepwise approach presented later in this section. Next, the Board must consider whether the discharger should be allowed to satisfy some or all of that monetary assessment by completing or funding one or more supplemental environmental projects (SEPs). SEPs are discussed in Section IX. Finally, when the underlying problem that caused the violation(s) has not been corrected, the Board may include provisions in the ACL to encourage future work by the discharger to address problems related to the violation. The Board does this by including an additional monetary assessment against the discharger that is based on the cost of returning to and/or maintaining compliance (i.e., the estimated cost of completing the specified Compliance Projects). This portion of the monetary assessment will be suspended pending the satisfactory completion of the specified Compliance Projects (CPs). CPs are discussed in greater detail in Section X.

The California Water Code requires that the determination of the amount of the liability include the consideration of a number of factors. Prior to issuing a complaint the RWQCB Executive Officer should consider each factor. This consideration shall be documented in the ACL Complaint or in a staff report. If the RWQCB issues an ACL Order, the order shall contain findings explaining the Board's consideration of the factors. The documentation of elements such as the economic benefit, staff costs and avoided costs are necessary for the appropriate distribution of the total liability.

The California Water Code lists a number of factors that must be taken into consideration when setting ACLs. California Water Code section 13327, governing ACL amounts for a wide variety of violations, states that:

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[The Board] shall take into consideration the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.

California Water Code section 13385(e), governing ACL amounts for violations subject to the CWA, requires consideration of different factors stating that:

The regional board, the state board, or the superior court, as the case may be shall take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

The California Water Code does not specify how these factors are to be weighed or combined when setting the actual dollar amount of an ACL. This section describes the procedure to be used by SWRCB and RWQCB staff to develop a recommendation for the amount of the monetary assessment in an ACL based on the facts of the case. The steps in the procedure are shown in Table VII-1. This procedure applies to ACLs issued under both California Water Code section 13327 and California Water Code section 13385(e). Staff should carefully document each step in the ACL Complaint, ACL Order or the staff-report for the ACL. The manner in which the SWRCB or RWQCB considers these factors for any given situation is up to the discretion of the Board within the limits of statutory maximums and minimums described in Section VII.I.

Table VII-1. Procedure to set ACL amounts

Step	Procedure
A. Initial Liability	Set an initial liability based on the extent and severity of the violation and the sensitivity of the receiving water. An initial liability should also be calculated for non-discharge violations.
B. Beneficial Use Liability	If possible, estimate the dollar value of any impacts of the violation on beneficial uses of the affected waters.
C. Base Amount	The Base Amount is a single amount that is a result of combining the figures derived from the first 2 steps. For many ACLs, the base amount will simply be the initial liability from step A. because the calculation of the beneficial use liability may not be appropriate. The base amount reflects the extent and severity of the violation and its impact on beneficial uses.
D. Adjustment for discharger's conduct	Determine factors to adjust the Base Amount with respect to the conduct of the discharger's history of violations and other considerations. Apply these factors to the Base Amount from step C.
E. Adjustment for other factors	Determine whether any other factors should be taken into consideration when setting the ACL amount. If appropriate, adjust the figure from Step D to include these factors.

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F. Economic Benefit	Estimate the economic benefit to the discharger. Economic benefit is any savings or monetary gain derived from the acts that constitute the violation. Add the economic benefit to the amount in step E.
G. Staff Costs	Estimate the SWRCB and RWQCB staff costs resulting from the violation. Add this cost to the figure determined from steps A through F.
H. Adjustment for ability to pay	If appropriate, increase or reduce the figure from Steps A through G with respect to the discharger's ability to pay and ability to continue in business.
I. Check against statutory limits	Check the figure from steps A through H against the statutory maximum and minimum limits.

A. Initial Liability

Set an Initial Liability based on factors related to the discharge - the nature, circumstances, extent, and gravity of the violation, the degree of toxicity of the discharge, and the susceptibility of the discharge to cleanup or abatement. This may include the consideration of information such as the pollutants contained in a discharge, the volume of the discharge, the sensitivity of the receiving water and its beneficial uses, threats to water quality and aquatic life, threats to human health and the volume of the receiving water relative to the discharge. The way that this amount is calculated will depend on the type of violation. For spills, effluent limitation violations, and similar violations, the initial water quality liability can be based on a per-gallon and/or per day charge.

For non-discharge violations such as late reports, failure to submit reports, and failure to pay fees, this initial water quality liability should be set considering the impact on the RWQCB's ability to effectively administer its water quality programs in addition to the above factors. These impacts include, but are not limited to, additional RWQCB staff costs beyond the normally required effort and the potential consequences of delayed clean-up, coordination, mitigation and enforcement response by the RWQCB due to late or omitted reports. For late or missing reports, the initial water quality liability amount could also consider impacts to water quality caused by the delay or failure. Timely follow-up on these violations acts as a deterrent to the violator and others and supports those dischargers who readily commit the resources necessary to comply with similar requirements.

B. Beneficial Use Liability

Review the designated beneficial uses of the receiving water and determine whether the violation has resulted in any quantifiable impacts related to beneficial uses. Quantitative information may only be available for a limited number of impacts such as beach closure days, but where readily available the RWQCB should consider it.

C. Base Amount

The Base Amount is the Initial Liability, the Beneficial Use Liability or a combination of the Initial Liability and the Beneficial Use Liability. When it is possible to calculate the Beneficial Use Liability, the RWQCBs should assess the extent to which the Beneficial Use Liability represents the entire harm resulting from the violation. The RWQCBs may, at their discretion,

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find it appropriate to combine the amounts from Steps A and B in a way that reflects the significance of the impacts quantified in Step B relative to the total impacts of the violation.

The way that the Initial Liability and the Beneficial Use Liability should be combined will depend on how the violation harms the beneficial uses of the receiving waters and the extent to which this harm has been quantified. For example, a sewage spill will typically result in a wide variety of impacts, such as fish kills, degradation of wildlife habitat, and beach closures. For a sewage spill to the ocean in an urban area with high beach use, impacts on beach recreation may represent most of the harm resulting from the spill. If it is possible to estimate the value of the lost beach recreation in step B, it is appropriate to take this value and add it to some portion of the Initial Liability amount to reflect the total impact.

For a sewage spill contaminating a beach in a remote area, where beach use is relatively low, impacts on beach use may be less important than other impacts, such as degradation of wildlife habitat and harm to a pristine environment. In such a case, the combined liability (steps A and B) may be based more heavily on the Initial Liability, because the impacts quantified in step B may be less significant relative to the entire impacts of the violation.

D. Conduct of the Discharger

The Base Amount from Step C must then be adjusted to reflect the conduct of the discharger. This adjustment reflects factors such as the degree of culpability of the discharger, any voluntary cleanup efforts undertaken and the discharger's history of violations. This adjustment can be made by determining values for the four factors in Table VII-2, and using them to determine a conduct factor that is applied to the Base Amount. The RWQCB may apply the various conduct factors using percentages. A percentage less than 100 percent may be appropriate for a discharger that made exemplary efforts such as voluntary cleanup. Percentages greater than 100 percent are appropriate for dischargers that demonstrated less than exemplary behavior such as delaying notification of a spill. Large multiplier percentages 200 - 500 percent may be appropriate for cases involving falsification of data or other deliberate acts or in cases where the discharger disregarded warnings from Board staff or other parties about the threat of discharge.

This calculation is:

$$ACL = \text{Base Amount} \times CF1 \times CF2 \times CF3 \times CF4$$

Note: Conduct factors should be expressed as a decimal (e.g. 90% = .9).

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Table VII-2. Conduct Factors to adjust ACLs

Factor	Adjustment for
Culpability Factor (CF1)	Discharger's degree of culpability regarding the discharge. Higher ACL amounts should be set for intentional or negligent violations than for accidental, non-negligent violations. A first step is to identify any performance standards (or, in their absence, prevailing industry practices) in the context of the violation. The test is what a reasonable and prudent person would have done or not done under similar circumstances.
Notification Factor (CF2)	Extent to which the discharger reported the violation as required by law or regulation.
Cleanup and Cooperation Factor (CF3)	Extent to which the discharger cooperated in returning to compliance and correcting environmental damage, including any voluntary cleanup efforts undertaken.
History of violations factor (CF4)	Prior history of violations

In considering the discharger's prior history of violations careful consideration should be given to whether or not past violations that were not subject to previous ACLs should be included in the current ACL. Where there is a pattern of violations or the violation was intentional, the assessed liability could be substantially affected when considerations such as aggregate impacts and economic benefit are included.

E. Other Factors

If the RWQCB believes that the amount determined using Steps A through D is inappropriate, the amount may be adjusted. Examples of circumstances warranting an adjustment under this step are:

- (a) The discharger publicized the violation and the subsequent enforcement actions in a way that encourages others to violate water quality laws and regulations.
- (b) The threat to human health or the environment was so egregious that the preceding factors did not, in the opinion of the RWQCB, adequately address this violation.
- (c) The discharger has provided, or RWQCB staff has identified other pertinent information not previously considered that indicates a higher or lower amount is justified.
- (d) A consideration of issues of environmental justice indicates that the amount would have a disproportionate impact on a particular socioeconomic group.

If such an adjustment is made, the reasons for the extent and direction of the adjustment must be noted in the administrative record.

F. Economic Benefit

Economic benefit is any savings or monetary gain derived from the acts that constitute the violation. In cases when the violation occurred through no fault of the discharger and it was demonstrated that the discharger exercised due care, there may be no economic benefit. In cases where the violation occurred because the discharger postponed improvements to a treatment system, failed to implement adequate control measures (such as Best Management Practices (BMPs)) or did not take other measures needed to prevent the violations, economic benefit should be estimated as follows:

- (a) Determine those actions required by an enforcement order or an approved facility plan, or that were necessary in the exercise of reasonable care, to prevent the violation. Needed actions may have been capital improvements to the discharger's treatment system, implementation of adequate BMPs or the introduction of procedures to improve management of the treatment system.
- (b) Determine when and/or how often these actions should have been taken as specified in the order or approved facility plan, or as necessary to exercise reasonable care, in order to prevent the violation.
- (c) Estimate the type and cost of these actions. There are two types of costs that should be considered, delayed costs and avoided costs. Delayed costs include expenditures that should have been made sooner (e.g. for capital improvements such as plant upgrades and collection system improvements, training, development of procedures and practices, etc) but that the discharger is still obligated to perform. Avoided costs include expenditures for equipment or services that the discharger should have incurred to avoid the incident of non-compliance, but that are no longer required. Avoided costs also include ongoing costs such as needed additional staffing from the time determined under step "b" to the present, treatment or disposal costs for waste that cannot be cleaned up, and the cost of effective erosion control measures that were not implemented as required.
- (d) Calculate the present value of the economic benefit. The economic benefit is equal to the present value of the avoided costs plus the "interest" on the delayed costs. This calculation reflects the fact that the discharger has had the use of the money that should have been used to avoid the instance of non-compliance. This calculation should be done using the USEPA's BEN ⁶computer program (the most recent version is accessible at

⁶ USEPA developed the BEN model to calculate the economic benefit a violator derives from delaying and/or avoiding compliance with environmental statutes. Funds not spent on environmental compliance are available for other profit-making activities or, alternatively, a defendant avoids the costs associated with obtaining additional funds for environmental compliance. BEN calculates the economic benefits gained from delaying and avoiding required environmental expenditures such as capital investments, one-time non-depreciable expenditures, and annual operation and maintenance costs.

BEN uses standard financial cash flow and net present value analysis techniques based on generally accepted financial principles. First, BEN calculates the costs of complying on time and of complying late adjusted for inflation and tax deductibility. To compare the on time and delayed compliance costs in a common measure, BEN calculates the present value of both streams of costs, or "cash flows," as of the date of initial noncompliance. BEN derives these values by discounting the annual cash flows at an average of the cost of capital throughout this time period. BEN can then subtract the delayed-case present value from the on-time-case present value to determine the initial economic benefit as of the

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<http://www.swrcb.ca.gov>) unless the SWRCB or RWQCB determines, or the discharger demonstrates to the satisfaction of the SWRCB or RWQCB, that, based on case-specific factors, an alternate method is more appropriate for a particular situation.

- (e) Determine whether the discharger has gained any other economic benefits. These may include income from continuing in production when equipment used to treat discharges should have been shut down for repair or replacement.
- (f) The RWQCBs should not adjust the economic benefit for expenditures by the discharger to abate the effects of the discharge.

The economic benefit shall be added to the adjusted base amount calculated from the previous steps unless the RWQCB determines that it is not appropriate. The ACLC or ACL Order shall include a finding that supports the determination.

G. Staff Costs

Staff costs may be one of the "other factors that justice may require", and should be estimated when setting an ACL. Staff should estimate the cost that investigation of the violation and preparation of the enforcement action(s) has imposed on government agencies. This can include all activities of a progressive enforcement response that results in the ACL. Staff costs should be added to the amount calculated from the previous steps.

H. Ability to Pay and Ability to Continue in Business

The procedure in Steps A through G gives an amount that is appropriate to the extent and severity of the violation, economic benefit and the conduct of the discharger. This amount may be reduced or increased based on the discharger's ability to pay.

The ability of a discharger to pay an ACL is limited by its revenues and assets. In most cases, it is in the public interest for the discharger to continue in business and bring operations into compliance. If there is strong evidence that an ACL would result in widespread hardship to the service population or undue hardship to the discharger, it may be reduced on the grounds of ability to pay. The RWQCBs may also consider increasing an ACL to assure that the enforcement action would have a similar deterrent effect for a business or public agency that has a greater ability to pay.

Normally, an ACL should not seriously jeopardize the discharger's ability to continue in business or operation. The discharger has the burden of proof of demonstrating lack of ability to pay and must provide the information needed to support this position. This adjustment can be used to reduce the ACL to an amount that the discharger can reasonably pay and still bring operations into compliance. The downward adjustment for ability to pay should be made only in cases where the discharger is cooperative and has the ability and the intention to bring operations into compliance within a reasonable amount of time. If the violation occurred as a result of

noncompliance date. Finally, BEN compounds this initial economic benefit forward to the penalty payment date at the same cost of capital to determine the final economic benefit of noncompliance.

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deliberate or malicious conduct, or there is reason to believe that the discharger can not or will not bring operations into compliance, the ACL must not be adjusted for ability to pay.

The RWQCBs may also consider increasing the ACL because of ability to pay. For example, if the RWQCB determines that the proposed amount is unlikely to have an appropriate deterrent effect on an uncooperative discharger with a greater ability to pay, the amount should be increased to the level that the Board determines is necessary to assure future compliance.

I. Statutory Maximum and Minimum Limits

The ACL must be checked against the statutory maximum and minimum limits to ensure that it is in compliance with the appropriate section of law. The maximum amount for an ACL issued under California Water Code section 13385 is \$10,000 for each day in which a violation occurs plus \$10 per gallon for amounts discharged but not cleaned up in excess of 1,000 gallons. The statutory maximum amounts for ACLs issued under California Water Code sections 13261, 13350, and 13399.33 are summarized in Table IV-1.

California Water Code section 13385, which applies to discharges regulated pursuant to the CWA, was amended effective January 1, 2000, to state that "At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation". Therefore, for such violations occurring on or after January 1, 2000, the minimum amount for an ACL is the economic benefit. For violations subject to mandatory minimum penalties pursuant to California Water Code section 13385 (h) and (i), the Regional Board may choose in its discretion to assess civil liability in addition to the mandatory penalty. In such cases, the total recovered amount must be no less than the mandatory penalty amount or the economic benefit, whichever is greater.

It is the policy of the SWRCB that all ACLs that are not Mandatory Minimum Penalties should be assessed at a level that at a minimum recovers the economic benefit.

VIII. STATE WATER POLLUTION CLEANUP AND ABATEMENT ACCOUNT

Sections 13440-13443 of the California Water Code establish a Cleanup and Abatement Account⁷ (CAA) which is administered by the SWRCB. The CAA receives monies from court judgments, ACLs⁸, and other specified sources. A RWQCB attempting to remedy a significant unforeseen water quality problem that poses an actual or potential public health threat, and for which the RWQCB does not have adequate resources budgeted, may apply to the SWRCB to receive money from the CAA to assist it in responding to the problem. In addition, the SWRCB and other public agencies with the authority to cleanup waste or abate the effects thereof may

⁷ The SWRCB Administrative Procedures Manual, Chapter 4.4, 1992 (subject to amendment), explains the process and responsibilities for the management of the CAA.

⁸ Not all of the money received from ACLs is deposited in the CAA. For example, money received from ACLs issued pursuant to California Water Code 13399.33 is deposited in the Waste Discharge Permit Fund.

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utilize the account to assist in the cleanup or abatement of the waste. Each application for CAA funds is judged on its own merits.

A. Emergency Requests

RWQCB Executive Officers (or their designee) or public agencies may request emergency funds verbally for amounts up to \$100,000. These requests shall be directed to the Chief of the Division of Clean Water Programs. In the absence of that individual, other designated staff should be called in the order listed: the Chief Counsel, the Executive Director, the Chief Deputy Director, the Chief of the Division of Administrative Services. Any of these five individuals may review and approve the request.

Within one week following the oral request, the requesting agency shall submit the request in writing to the Chief of the Division of Clean Water Programs.

B. Non-Emergency Requests

Non-emergency requests and all requests for more than \$100,000 must be submitted, in writing, for approval by the SWRCB. The Chief of the Division of Clean Water Programs, determines if the request is eligible for funding, and presents eligible requests to the SWRCB with a staff recommendation.

C. Contracts

Contracts executed by a RWQCB consistent with Water Code Section 13304 and funded by the CAA are exempt from General Services review, and may be approved more quickly. When time permits, these contracts should be in writing. Otherwise, Section 13304 allows a RWQCB to enter into oral contracts. If the RWQCB enters into an oral contract, the terms of the contract must be documented and submitted to the Division of Clean Water Programs. It must be submitted within one week of the date of the oral contract with copies for the Accounting and Contracts Offices.

IX. Supplemental Environmental Projects (SEPs)

The SWRCB or RWQCB may allow a discharger to satisfy some or all of the monetary assessment imposed in an ACL Complaint or Order completing or funding one or more SEPs. SEPs are projects that enhance the beneficial uses of the waters of the State, provide a benefit to the public at large, and that, at the time they are included in an ACL action, are not otherwise required of the discharger. California Water Code section 13385(h)(3) allows limited use of SEPs associated with mandatory minimum penalties. California Water Code section 13399.35 also allows limited use of SEPs for up to 50 percent of a penalty assessed under section 13399.33. In addition, the SWRCB supports the inclusion of SEPs in other ACL actions, so long as these projects meet the criteria specified in this section. These criteria should also be considered when the SWRCB or RWQCB is negotiating SEPs as part of the settlement of civil actions brought in court.

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A. Process for Project Selection

Any public or private entity may submit a proposal to the SWRCB (or to the RWQCB for transmittal to the SWRCB) for an SEP that they propose to fund through this process. Staff at the SWRCB shall evaluate each proposal and maintain a list of candidate SEPs that satisfy the general criteria in subsection C of this section. The list of candidate SEPs shall be made available on the Internet along with information on completed SEPs and SEPs that are in-progress. When a RWQCB is considering allowing a discharger to perform an SEP in lieu of some or all of a monetary assessment, the RWQCB should direct the discharger to the list of candidate SEPs. The discharger may select a SEP from the list of candidate SEPs or may propose a different SEP that satisfies the general criteria for SEPs. When the discharger submits a proposal to the RWQCB for a SEP, it should include draft provisions (i.e., details of the specific activities that will be conducted, and of the estimated budget for each activity in the SEP) for a contract to be executed between the discharger(s) who will be funding the project and the entity performing the SEP if different from the discharger. The discharger should be requested to provide information regarding the additional selection criteria in subsection D of this section and shall demonstrate to the satisfaction of the Board that the selected or proposed SEP also satisfies the Nexus requirements in subsection E of this section.

B. ACL Complaints and ACL Orders allowing SEPs

All ACL Complaints and Orders that include suspended liabilities for SEPs shall include or reference detailed specifications for evaluating the timely and successful completion of the SEP. The ACL Complaint or Order shall contain or reference specific performance standards, and identified measures or indicators of performance. The ACL Complaint or Order shall specify that the discharger is required to meet these standards and indicators.

Any portion of the liability that is not suspended must be paid to the State Cleanup and Abatement Account or other fund or account as authorized by statute. The ACL Complaint or Order shall state that failure to pay any required monetary assessment on a timely basis will cancel the provisions for suspended penalties for SEPs and the suspended amounts will become immediately due and payable.

The ACL Complaint or Order shall either include a time schedule or reference a TSO with a single or multiple milestones and the amount of liability that will be permanently suspended upon the timely and successful completion of each milestone. Except for the final milestone, the amount of the liability suspended for any portion of a SEP cannot exceed the projected cost of performing that portion of the SEP. The Complaint or Order should state that, if the final total cost of the successfully completed SEP is less than the amount suspended for completion of the SEP, the discharger must remit the difference to the State Cleanup and Abatement Account or other fund or account as authorized by statute. The Complaint or Order should state that if any SEP milestone is not completed to the satisfaction of the Executive Officer by the date of that milestone, the previously suspended liability associated with that milestone shall be immediately due and payable to the State Cleanup and Abatement Account or other fund or account as authorized by statute. It is the discharger's responsibility to pay the amount(s) due, regardless of any agreements between the discharger and any third party contracted to implement the project. Therefore, the discharger may want to consider a third party performance bond or the inclusion of a penalty clause in their contract.

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Since ACL Orders are final upon adoption and cannot be reconsidered by the RWQCB, the RWQCB may want to include provisions in the ACL Order to extend the deadline for any milestone if it, or its Executive Officer, determines that the delay was beyond the reasonable control of the discharger. If the RWQCB fails to reserve jurisdiction for this purpose, the time schedule in the ACL Order can only be modified by the SWRCB pursuant to California Water Code section 13320.

The ACL Complaint or Order shall include provisions for project tracking, reporting, and oversight:

- (a) The ACL Complaint or Order shall require the discharger to provide the SWRCB or RWQCB progress reports, as appropriate, and shall require a final report, certifying the completion of the SEP.
- (b) The ACL Complaint or Order shall require the discharger to provide the SWRCB or RWQCB a post-project accounting of expenditures.
- (c) The SWRCB or RWQCB shall not manage or control funds that may be set aside or escrowed for performance of a SEP. Nor may the SWRCB or RWQCB retain authority to manage or administer the SEP. The SWRCB or RWQCB may require the discharger to select and hire an independent management company or other appropriate third party, which reports solely to the SWRCB or RWQCB, to audit implementation of the SEP. The company should evaluate compliance with performance measures and report to the SWRCB or RWQCB about the timely and successful completion of the SEP. Alternatively, as a condition of the SEP, the SWRCB or RWQCB may require the discharger to pay into the Cleanup and Abatement Account or other fund or account as authorized by statute an amount equal to the estimated cost for oversight of the SEP by the SWRCB or RWQCB. The RWQCB or third party auditor shall track the implementation of the SEP (e.g., through progress reports, meetings with the discharger, etc.) to ensure that the implemented SEP reasonably follows the approved project and achieves the original objectives.
- (d) The ACL Complaint or Order should require that, whenever the discharger publicizes an SEP or the results of the SEP, it will state in a prominent manner that the Project is being undertaken as part of the settlement of an enforcement action.

C. General SEP Qualification Criteria

All SEPs approved by the SWRCB or RWQCB must satisfy the following general criteria:

- (a) An SEP shall only consist of measures that go above and beyond the obligation of the discharger. For example, sewage pump stations should have appropriate reliability features to minimize the occurrence of sewage spills in that particular collection system. The installation of these reliability features following a pump station spill would not qualify as an SEP.
- (b) The SEP should directly benefit or study groundwater or surface water quality or quantity, and the beneficial uses of waters of the State. Examples include but are not limited to:

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- (i) monitoring programs;
 - (ii) studies or investigations (e.g., pollutant impact characterization, pollutant source identification, etc.);
 - (iii) water or soil treatment;
 - (iv) habitat restoration or enhancement;
 - (v) pollution prevention or reduction;
 - (vi) wetland, stream, or other waterbody protection, restoration or creation;
 - (vii) conservation easements;
 - (viii) stream augmentation;
 - (ix) reclamation;
 - (x) public awareness projects (e.g., industry specific, public-awareness activity, or community environmental education projects such as watershed curriculum, brochures, television public service announcements, etc.);
 - (xi) watershed assessment (e.g., citizen monitoring, coordination and facilitation);
 - (xii) watershed management facilitation services; and
 - (xiii) non-point source program implementation.
- (c) The SEP shall not directly benefit the SWRCB or RWQCB functions or staff. For example, SEPs shall not be gifts of computers, equipment, etc. to the SWRCB or RWQCB.
- (d) The SEP shall not be an action, process or product that is otherwise required of the discharger by any rule or regulation of any entity (e.g., local government, California Coastal Commission, United States Environmental Protection Agency, United States Army Corps of Engineers, etc.) or proposed as mitigation to offset the impacts of a discharger's project(s).

D. Additional SEP Qualification Criteria

The following additional criteria should be evaluated by the SWRCB and RWQCB during final approval of SEPs proposed by the discharger:

- (a) The SEP should, when appropriate, include documented support by other resource agencies, public groups and affected persons.
- (b) The SEP should, when appropriate, document that the project complies with the California Environmental Quality Act.
- (c) Regionwide use/benefit - Some projects may benefit the specific watershed yet still provide added value regionwide or even statewide. For example, development of a spill prevention course could benefit not just the local watershed but the whole region or state if properly packaged and utilized. Likewise, a monitoring program for a particular water body could also provide information that staff could use in assessing other discharges, spills, 401 certifications or flood control activities in a river. Projects, which provide the SWRCB or RWQCB with added value, are encouraged.
- (d) Combined funding - Some projects use seed money to create a much greater or leveraged impact. Often other agencies will contribute staff time, laboratory services, boat use, or

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other services as part of a monitoring project. While the applicant may propose to spend hard money on equipment or materials, they may be donating expertise and labor to accomplish a much larger project. Matching funds, in kind services and leveraged projects are encouraged.

- (e) Institutional stability and capacity - The RWQCB shall consider the ability of the discharger or third party contractor to accomplish the work and provide the products and reports expected. This criterion is especially important when a Board receives money as the result of a settlement and must then select and fund projects proposed from many sources.
- (f) Projects that involve environmental protection, restoration, enhancement or creation of waterbodies should include requirements for monitoring to track the long-term success of the project.

E. Nexus Criteria

An SEP must have a nexus (connection or link) between the violation(s) and the SEP. Nexus is the relationship between the violation and the proposed project. This relationship exists only if the project remediates or reduces the probable overall environmental or public health impacts or risks to which the violation at issue contributes, or if the project is designed to reduce the likelihood that similar violations will occur in the future. An SEP must meet one or more of the following criteria. SEP approval is more likely for projects meeting more criteria.

Geographic Nexus - The proposed project should have a geographic link or nexus with the area where the water quality problem or violation occurred. For example, a spill to a river might require a plan to improve habitat or fish populations in the river in the general area of the spill. Work in a tributary watershed might be appropriate depending on the circumstances, however, work in a far different part of the region or state would likely not meet the geographic nexus criteria.

Spill Type or Violation - The proposed project should be related to the specific spill type or violation. For example, an SEP for a sewage spill ACL could include holding spill prevention workshops for other dischargers in the general area (both a geographic and violation type nexus). The workshops should go beyond what is necessary just to address mandatory work, equipment, and improvements required to correct the nature of the violation.

Beneficial use protection - Where specific beneficial uses were affected by the violation, it is appropriate to design SEPs that address protection and improvement of those uses. Where fish populations and habitats are affected, efforts to improve habitats and populations would be ideal, especially in the same watershed. Water quality monitoring, including flows, channel morphology, and habitat characteristics would be appropriate projects. In this case, the nexus is between the type of violation and the specific beneficial uses impacted. It is also important to keep endangered species issues in focus and to consult with the Department of Fish and Game, the National Marine Fisheries Service, and US Fish and Wildlife Service about impacts of violations on these species and possible SEPs.

X. Compliance Projects (CPs)

A CP is a project that is designed to address problems related to the violation and bring the discharger back into compliance in a timely manner.

A. CPs under California Water Code Section 13385(k)

In lieu of assessing all or a portion of a mandatory minimum penalties against a POTW serving an eligible small community, the SWRCB or RWQCB may, pursuant to California Water Code section 13385 (k), require that the POTW to spend an equivalent amount toward the completion of a CP. CPs must be proposed by the POTW and the SWRCB or RWQCB must find all of the following:

- (a) The CP is designed to correct the violations within five years;
- (b) The CP is in accordance with this Enforcement Policy; and
- (c) The POTW has demonstrated that it has sufficient funding to complete the CP.

It is the policy of the SWRCB that the following conditions shall apply to Compliance Projects under California Water Code section 13385(k):

- (d) The amount of the penalty suspended shall not exceed the cost to return to and/or maintain future compliance.
- (e) CPs shall also comply with the general conditions for CPs specified in subsection C of this Section.

B. CPs in other ACLs

If the underlying problem that caused the violation(s) has not been corrected, the cost of returning to and/or maintaining compliance (i.e., the estimated cost of completing the CP) may be included by the RWQCB in the ACL as an additional monetary assessment against the discharger that is suspended pending the satisfactory completion of a CP. Payment of the additional monetary assessment is only required the CP is not satisfactorily completed. The monetary assessment for the CP is in addition to the economic benefit calculated as part of the ACL in accordance with section VII.F.

It is the policy of the SWRCB that the following conditions shall apply to Compliance Projects in all ACLs except ACLs under California Water Code section 13385(k):

- (a) The amount of the assessment suspended shall not exceed the additional portion of the monetary assessment that was based on the discharger's cost of completing the CP.
- (b) Either the RWQCB or the discharger may recommend specific CPs that could be included in the ACL action.
- (c) CPs shall also comply with the general conditions for CPs specified in subsection C of this Section.

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C. General Conditions for all CPs

The following general conditions apply to all CPs:

- (a) CPs may include, but are not limited to: construction of new facilities; upgrade or repair of existing facilities; conducting water quality investigations or monitoring; operating a cleanup system; adding staff; training; studies; and the development of operation, maintenance and/or monitoring procedures.
- (b) CPs should be designed to bring the discharger back into compliance in a timely manner and/or prevent future noncompliance.
- (c) A CP is a project that the discharger is otherwise obligated to perform independent of the ACL itself.
- (d) CPs shall have clearly identified project goals, costs, milestones, and completion dates and these shall be specified in the ACL action.
- (e) CPs that will last longer than one year shall have at least annual reporting requirements.
- (f) If the discharger completes the CP to the satisfaction of the RWQCB or the Executive Officer by the specified date, the suspended amount is permanently suspended.
- (g) If the CP is not completed to the satisfaction of the RWQCB or the Executive Officer on the specified date the amount suspended becomes due and payable to the State Cleanup and Abatement Account or other fund or account as authorized by statute.
- (h) The ACL Complaint or Order shall clearly state that payment of the previously suspended amount does not relieve the discharger of the independent obligation to take necessary actions to achieve compliance.

Since ACL Orders are final upon adoption and cannot be reconsidered by the RWQCB, the RWQCB should include a clause in the time schedule for completing CPs. Such clause should reserve the RWQCB's jurisdiction to modify the time schedule if it, or its Executive Officer, determines that the delay was beyond the reasonable control of the discharger. If the RWQCB fails to reserve jurisdiction for this purpose, the time schedule in the ACL Order can only be modified by the SWRCB pursuant to California Water Code section 13320. Another option that allows some flexibility in the time schedule for a CP is for the Board to adopt a CAO or a CDO at the same time it adopts the ACL Order. The ACL would require compliance with the time schedule in the CAO or CDO. All cash payments to the SWRCB or RWQCBs, including previously suspended liabilities assessed for failure to comply with CPs or SEPs, shall be paid to the State Cleanup and Abatement Account or other fund or account as authorized by statute.

XI. DISCHARGER SELF-AUDITING

It is desirable to encourage self-auditing, self-policing, and voluntary disclosure of environmental violations by dischargers. Self-auditing and voluntary disclosure of violations that are not otherwise required to be reported to the Boards shall be considered by the Boards when determining enforcement actions and in appropriate cases may lead to a determination to forego or lessen the severity of an enforcement action. Falsification or misrepresentation of such voluntary disclosures shall be brought to the attention of the appropriate RWQCB for possible enforcement action.

XII. ENFORCEMENT REPORTING

In order to ensure greater consistency in the reporting by the RWQCBs on violations and enforcement actions, the enforcement reports for all Regions will be standardized. These reports will include a listing of facilities with a water quality violation during the reporting period or unresolved from a previous reporting period, including violations without a RWQCB response. This listing shall include at least the following information:

- (a) The date of violation;
- (b) An identification whether the violation is considered to be a priority violation (see Section III);
- (c) The RWQCB response, if any;
- (d) The date of the response;
- (e) The corrective action taken by the discharger, at least in cases of priority violations; and
- (f) A listing of all previous violations for the facility which occurred in the previous 12 months and the associated RWQCB response.

The enforcement reports will be presented to the RWQCBs on no greater than quarterly intervals. The report format will be produced by the State Water Information Management (SWIM) data system and the RWQCBs will utilize the SWIM to track and monitor discharger's violations and RWQCB's enforcement activities. Utilization of the SWIM data system by the RWQCBs is essential for the SWRCB's compliance with California Water Code section 13385 (m), which requires statewide reporting of violations to the Legislature.

A. Summary Violation and Enforcement Reports

All RWQCBs shall produce standard quarterly reports addressing priority violations. The SWRCB will specify the format of the summary reports.

B. Spill Reporting for Sanitary Sewer Collection Systems

The RWQCBs shall enter all available data on spills into the Sanitary Sewer Overflow/Spills Module of the SWRCB's SWIM data system. It is the SWRCB's goal to achieve consistent reporting of spills from regulated sanitary sewer collections systems.

XIII. POLICY REVIEW AND REVISION

It is the intent of the SWRCB that this Policy be reviewed and revised, as appropriate, at least every five years.

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Appendix A. Group 1 Pollutants

The following list of pollutants is hereby included as Group 1 pollutants (pursuant to Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations) under the classifications of "other."

5-DAY SUM OF WLA VALUES	BOD, CARBONACEOUS 5 DAY, 5 C
5-DAY SUM OF BOD5 DISCHARGED	BOD, CARBONACEOUS (5-DAY, 20 DEG C)
7-DAY SUM OF WLA VALUES	BOD, CARBONACEOUS 05 DAY, 20C
7-DAY SUM OF BOD5 DISCHARGED	BOD, CARBONACEOUS 20 DAY, 20C
ACIDITY	BOD, CARBONACEOUS, 28-DAY (20 DEG.C)
ACIDITY, CO2 PHENOL (AS CaCO3)	BOD, CARBONACEOUS, PERCENT REMOVAL
ACIDITY, TOTAL (AS CaCO3)	BOD, FILTERED, 5 DAY, 20 DEG C
ACIDITY-MINRL METHYL ORANGE (AS CaCO3)	BOD, NITROGEN INHIB 5-DAY (20 DEG. C)
ALGICIDES, GENERAL	BOD, PERCENT REMOVAL (TOTAL)
ALKALINITY, BICARBONATE (AS CaCO3)	BOD, MASS, TIMES FLOW PROP. MULTIPLIER
ALKALINITY, CARBONATE (AS CaCO3)	BOD-5 LB/CU FT PROCESS
ALKALINITY, PHENOL- PHTHALINE METHOD	BORIC ACID
ALKALINITY, TOTAL (AS CaCO3)	BORON, DISSOLVED (AS B)
ALUMINUM	BORON, SLUDGE, TOTAL DRY WEIGHT (AS B)
ALUMINUM CHLORIDE, DISSOLVED, WATER	BORON, TOTAL
ALUMINUM SULFATE	BORON, TOTAL (AS B)
ALUMINUM, POTENTIALLY DISSOLVED	BORON, TOTAL RECOVERABLE
ALUMINUM, TOTAL RECOVERABLE	BROMIDE (AS BR)
ALUMINUM, ACID SOLUBLE	BROMINE CHLORIDE
ALUMINUM, DISSOLVED (AS AL)	BROMINE REPORTED AS THE ELEMENT
ALUMINUM, IONIC	
ALUMINUM, TOTAL	CALCIUM IN BOTTOM DEPOSITS
ALUMINUM, TOTAL (AS AL)	CALCIUM, TOTAL RECOVERABLE
AMMONIA & AMMONIUM - TOTAL	CALCIUM, DISSOLVED (AS CA)
AMMONIA (AS N) + UNIONIZED AMMONIA	CALCIUM, PCT EXCHANGE
AMMONIA, UNIONIZED	CALCIUM, PCT IN WATER, (PCT)
AVG. OF 7-DAY SUM OF BOD5 VALUES	CALCIUM, TOTAL (AS CA)
BARIUM, SLUDGE, TOT, DRY WEIGHT (AS BA)	CARBON DIOXIDE (AS CO2)
BICARBONATE ION- (AS HCO3)	
BIOCHEMICAL OXYGEN DEMAND-5	CARBON, TOT ORGANIC (TOC)
BIOCIDES	CARBON, TOT ORGANIC (TOC) PER 1000 GALS.
BOD % OVER INFLUENT	CARBON, TOTAL (AS C)
BOD (ULT. 1ST STAGE)	CARBON, TOTAL INORGANIC (AS C)
BOD (ULT. 2ND STAGE)	CARBONACEOUS OXYGEN DEMAND, %
BOD (ULT. ALL STAGES)	REMOVAL
BOD 35-DAY (20 DEG. C)	CARBONATE ION- (AS CO3)
BOD CARBONACEOUS, 25-DAY (20 DEG. C)	CBOD5 / NH3-N
BOD, 11-DAY (20 DEG. C)	CHEM. OXYGEN DEMAND (COD) % REMOVAL
BOD, 20-DAY (20 DEG. C)	CHEM. OXYGEN DEMAND PER PRODUCTION
BOD, 20-DAY, PERCENT REMOVAL	CHEMICAL OXYGEN DEMAND (COD)
BOD, 5-DAY (20 DEG. C)	CHEMICAL OXYGEN DEMAND (COD)
BOD, 5-DAY 20 DEG C PER CFS OF	CHEMICAL OXYGEN DEMAND (COD)
STREAMFLOW	CHLORIDE
BOD, 5-DAY DISSOLVED	CHLORIDE (AS CL)
BOD, 5-DAY PERCENT REMOVAL	CHLORIDE, DISSOLVED (AS CL)
BOD, 5-DAY (20 DEG.C) PER PRODUCTION	CHLORIDE, DISSOLVED IN WATER
BOD, CARB-5 DAY, 20 DEG C, PERCENT	CHLORIDE, PER CFS OF STREAMFLOW
REMOVAL	CHLORIDE, PERCENT REMOVAL

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CHLORIDE, SLUDGE, TOTAL DRY WEIGHT	MANGANESE IN BOTTOM DEPOSITS (DRY
CHLORIDES & SULFATES	WGT)
CHLORINE DEMAND, 1 HR	MANGANESE, POTENTIALLY DISSOLVD
CHLORITE	MANGANESE, DISSOLVED (AS MN)
COBALT, DISSOLVED (AS CO)	MANGANESE, SUSPENDED
COBALT, TOTAL (AS CO)	MANGANESE, TOTAL
CONDUCTIVITY, NET	MANGANESE, TOTAL (AS MN)
COPPER, SLUDGE, TOT, DRY WEIGHT (AS CU)	MANGANESE, TOTAL RECOVERABLE
DIGESTER SOLIDS CONTENT, PERCENT	METHYLENE BLUE ACTIVE SUBSTANCES
DITHIOCARBAMATE, RPTD AS	MICROSCOPIC ANALYSIS
DITHIOCARBONATE	MOLYBDENUM, DRY WEIGHT
DRILLED SOLIDS IN DRILLING FLUIDS	MONOBORO CHLORATE
E.COLI, MTEC-MF	NICKEL, DRY WEIGHT
ENDRIN KETONE, IN WATER	NITRILOTRIACETIC ACID (NTA)
FERROCHROME LIGNO- SULFONATED	NITRITE NITROGEN, DISSOLVED (AS N)
FRWTR MUD	NITRITE PLUS NITRATE DISSOLVED 1 DET.
FERROCYANIDE	NITRITE PLUS NITRATE IN BOTTOM
FERROUS SULFATE	DEPOSITS
FIRST STAGE OXYGEN DEMAND, %	NITRITE PLUS NITRATE TOTAL 1 DET. (AS N)
REMOVAL	NITROGEN (AS NO3) SLUDGE SOLID
FLOW, MAXIMUM FLOW RANGE	NITROGEN OXIDES (AS N)
FLUORIDE - FREE	NITROGEN SLUDGE SOLID
FLUORIDE, DISSOLVED (AS F)	NITROGEN SLUDGE TOTAL
FLUORIDE, TOTAL (AS F)	NITROGEN, AMMONIA DISSOLVED
FLUOROBORATES	NITROGEN, AMMONIA PER CFS OF
FREE ACID, TOTAL	STREAMFLW
HARDNESS, TOTAL (AS CACO3)	NITROGEN, AMMONIA TOTAL (AS N)
HYDROCHLORIC ACID	NITROGEN, AMMONIA TOTAL (AS NH4)
HYDROCHLORIC ACID	NITROGEN, AMMONIA IN BOTTOM DEPOSITS
HYDROGEN PEROXIDE	NITROGEN, AMMONIA, PERCENT REMOVAL
HYDROGEN PEROXIDE (T) DILUTION RATIO	NITROGEN, AMMONIA, SLUDGE, TOT DRY
HYDROGEN SULFIDE	WGT
IODIDE (AS I)	NITROGEN, AMMONIA, TOT UNIONIZED (AS
IRON	N)
IRON AND MANGANESE -SOLUBLE	NITROGEN, KJELDAHL DISSOLVED (AS N)
IRON AND MANGANESE -TOTAL	NITROGEN, KJELDAHL TOTAL (AS N)
IRON, POTENTIALLY DISSOLVD	NITROGEN, NITRATE DISSOLVED
IRON, DISSOLVED (AS FE)	NITROGEN, NITRATE TOTAL (AS N)
IRON, DISSOLVED FROM DRY DEPOSITION	NITROGEN, NITRATE TOTAL (AS NO3)
IRON, FERROUS	NITROGEN, NITRITE TOTAL (AS N)
IRON, SLUDGE, TOTAL, DRY WEIGHT (AS FE)	NITROGEN, NITRITE TOTAL (AS NO2)
IRON, SUSPENDED	NITROGEN, ORGANIC TOTAL (AS N)
IRON, TOTAL (AS FE)	NITROGEN, SLUDGE, TOT, DRY WT. (AS N)
IRON, TOTAL PER BATCH	NITROGEN, TOTAL KJELDAHL, % REMOVAL
IRON, TOTAL PER PRODUCTION	NITROGEN, INORGANIC TOTAL
IRON, TOTAL PERCENT REMOVAL	NITROGEN, OXIDIZED
LIGHTLY TREATED LIG-NOSULFONATED	NITROGEN-NITRATE IN WATER, (PCT)
MUD	NITROGEN-NITRITE IN WATER, (PCT)
LITHIUM, DISSOLVED (AS LI)	NITROGENOUS OXYGEN DEMAND (20-DAY,
LITHIUM, TOTAL (AS LI)	20C)
MAGNESIUM, DISSOLVED (AS MG)	NITROGENOUS OXYGEN DEMAND, %
MAGNESIUM, IN BOTTOM DEPOSITS	REMOVAL
MAGNESIUM, PCT EXCHANGE	NON-IONIC DISPERSANT (NALSPERSE 7348)
MAGNESIUM, TOTAL (AS MG)	NON-NITROGENOUS BOD
MAGNESIUM, TOTAL RECOVERABLE	OIL & GREASE

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OIL & GREASE AROMATIC	POTASSIUM, TOTAL PCTIN WATER, (PCT)
OIL & GREASE % REMOVAL	PROPARGITE
OIL & GREASE (FREON EXTR.-IR	RATIO FECAL COLIFORM & STREPTOCOCCI
METH)TOT,RC	RESIDUE, SETTLEABLE
OIL AND GREASE	RESIDUE, TOTAL FILTERABLE
OIL AND GREASE	RESIDUE, TOTAL FILTERABLE
OIL AND GREASE (SOXHLET EXTR.) TOT.	RESIDUE, TOTAL VOLATILE
OIL AND GREASE PER CFS OF STREAMFLW	RESIDUE, TOTAL NON- SETTLEABLE
OIL AND GREASE PER PRODUCTION	RESIDUE, VOLATILE NONFILTERABLE
OIL AND GREASE VISUAL	SEAWATER GEL MUD
OIL AND GREASE, HEXANE EXTR METHOD	SETTLEABLE SOLIDS PERCENT REMOVAL
OIL AND GREASE, PER 1000 GALLONS	SILICA, DISSOLVED (AS SIO2)
OXYGEN DEMAND FIRST STAGE	SILICA, TOTAL (AS SIO2)
OXYGEN DEMAND, DISSOLVED	SILICON, TOTAL
OXYGEN DEMAND, SUM PRODUCT	SLUDGE BUILD-UP IN WATER
OXYGEN DEMAND, ULTIMATE	SLUDGE SETTLEABILITY 30 MINUTE
OXYGEN DEMAND, CHEM. (COD), DISSOLVED	SLUDGE VOLUME DAILY INTO A WELL
OXYGEN DEMAND, CHEM. (HIGH LEVEL)	SLUDGE, RATE OF WASTING
(COD)	SODIUM ADSORPTION RATIO
OXYGEN DEMAND, CHEM. (LOW LEVEL)	SODIUM ARSENITE
(COD)	SODIUM CHLORIDE (SALT)
OXYGEN DEMAND, TOTAL	SODIUM HEXAMETA- PHOSPHATE
OXYGEN DEMAND, TOTAL (TOD)	SODIUM IN BOTTOM DEP (AS NA) (DRY WGT)
OXYGEN DEMAND, ULT. CARBONACEOUS	SODIUM NITRITE
(UCOD)	SODIUM SULFATE, TOTAL
OXYGEN DEMAND, ULT., PERCENT	SODIUM, %
REMOVAL	SODIUM, % EXCHANGE- ABLE SOIL, TOTAL
OZONE	SODIUM, DISSOLVED (AS NA)
OZONE - RESIDUAL	SODIUM, SLUDGE, TOT, DRY WEIGHT (AS NA)
PH, CAC03 STABILITY	SODIUM, TOTAL (AS NA)
PHOSPHATE TOTAL SOLUBLE	SODIUM, TOTAL (AS NA)
PHOSPHATE, DISSOLVED COLOR METHOD	SODIUM, TOTAL RECOVERABLE
(AS P)	SOLIDS ACCUMULATION RATE TOT DRY
PHOSPHATE, ORTHO (AS PO4)	WEIGHT
PHOSPHATE, ORTHO (AS P)	SOLIDS, FIXED DISSOLVED
PHOSPHATE, TOTAL (AS PO4)	SOLIDS, FIXED SUSPENDED
PHOSPHATE, TOTAL COLOR. METHOD (AS P)	SOLIDS, SETTLEABLE
PHOSPHATE, DISSOLVED/ORTHOPHOSPHATE	SOLIDS, SLUDGE, TOT, DRY WEIGHT
(AS P)	SOLIDS, SUSPENDED PERCENT REMOVAL
PHOSPHATE, POLY (AS PO4)	SOLIDS, TOTAL
PHOSPHOROUS 32, TOTAL	SOLIDS, TOTAL DISSOLVED
PHOSPHOROUS, IN TOTAL	SOLIDS, TOTAL DISSOLVED (TDS)
ORTHOPHOSPHATE	SOLIDS, TOTAL DISSOLVED- 180 DEG.C
PHOSPHOROUS, TOTAL ELEMENTAL	SOLIDS, TOTAL FIXED
PHOSPHOROUS, TOTAL ORGANIC (AS P)	SOLIDS, TOTAL SUSPENDED
PHOSPHOROUS, TOTAL, IN BOTTOM	SOLIDS, TOTAL VOLATILE
DEPOSITS	SOLIDS, TOTAL DISS., PERCENT BY WEIGHT
PHOSPHORUS (REACTIVE AS P)	SOLIDS, TOTAL DISSOLVED, TOTAL TONS
PHOSPHORUS, DISSOLVED	SOLIDS, TOTAL NON-VOLATILE, NON-FIXED
PHOSPHORUS, TOTAL PERCENT REMOVAL	SOLIDS, TOTAL SUSP PER PRODUCTION
PHOSPHORUS,TOTAL SOLUBLE (AS PO4)	SOLIDS, TOTAL SUSP PER 1000 GALLONS
POTASSIUM, DISSOLVED (AS K)	SOLIDS, TOTAL SUSP PER BATCH
POTASSIUM, IN BOTTOM DEPOSITS	SOLIDS, TOTAL SUSP PER CFS OF
POTASSIUM, PCT EXCHANGE	STREAMFLW
POTASSIUM, TOTAL RECOVERABLE	SOLIDS, VOLATILE DISSOLVED

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SOLIDS, VOLATILE SUSPENDED
SOLIDS, VOLATILE SUSPENDED, % REMOVAL
SOLIDS, VOLATILE SUSP IN MIXED LIQUOR
SOLIDS, DRY, DISCHARGE TO SOL. HANDLING
SYS.
SOLIDS, DRY, INCIN. AS % OF
DRY SOL. FROM TRMT PLT
SOLIDS, DRY, REMOVED FROM SOL.
HANDLING SYS.
SOLIDS-FLOATING-VISUAL DETRIMENT-# DAYS
OBS
SOLIDS, TOT. VOLATILE PERCENT REMOVAL
SOLIDS, VOLATILE % OF TOTAL SOLIDS
SULFATE
SULFATE (AS S)
SULFATE, DISSOLVED (AS SO₄)
SULFATE, TOTAL (AS SO₄)
SULFIDE, DISSOLVED, (AS S)
SULFIDE, TOTAL
SULFIDE, TOTAL (AS S)
SULFITE (AS S)
SULFITE (AS SO₃)

SULFITE WASTE LIQUOR PEARL BENSON
INDEX
SULFUR DIOXIDE TOTAL
SULFUR, TOTAL
SULPHUR, TOTAL ELEMENTAL
SUM BOD AND AMMONIA, WATER
SURFACTANTS (MBAS)
SURFACTANTS (LINEAR ALKYLATE
SULFONATE)
SURFACTANTS, AS CTAS, EFFLUENT
SUSPENDED SOLIDS
SUSPENDED SOLIDS, TOTAL ANNUAL
SUSPENDED SOLIDS, TOTAL DISCHARGE
TOTAL SUSP. SOLIDS- LB/CU FT PROCESS
TRIARYL PHOSPHATE
TURBIDITY, HCH TURBIDIMETER
VANADIUM, DISSOLVED (AS V)
VANADIUM, SUSPENDED (AS V)
VANADIUM, TOTAL
VANADIUM, TOTAL (AS V)
VANADIUM, TOTAL DRY WEIGHT (AS V)
VANADIUM, TOTAL RECOVERABLE
WLA BOD-5 DAY VALUE

Appendix B. Group 2 Pollutants

The following list of pollutants are hereby included as Group 2 pollutants (pursuant to Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations) under the classifications of "other."

1,2,3 TRICHLORO-ETHANE	1,3-DIAMINOUREA
2,4,6 TRICHLOROPHENOL, DRY WEIGHT	1,3-DICHLOROBENZENE
2-HEXANONE	1,3-DICHLOROBENZENE, DRY WEIGHT
2-PROPANONE	1,3-DICHLOROPROPENE, TOTAL WEIGHT
1, 2, 4-TRIMETHYL-BENZENE	1,4 DICHLOROBUTANE
1, 3, 5-TRIMETHYL-BENZENE	1,4-DIOXANE
1,1 DICHLORO 1,2,2,2 TETRAFLUOROETHANE	1,4'-DDT (O,P'-DDT)
1,1 DICHLORO 2,2,2- TRIFLUOROETHANE	1,4-DICHLOROBENZENE
1,1,1 TRICHLORO-2,2,2TRIFLUOROETHANE	1,4-DICHLOROBENZENE, DRY WEIGHT
1,1,1,2,2-PENTA - FLUOROETHANE	1,4-XYLENE
1,1,1,3,3-PENTA - FLUOROBUTANE	1-BROMO-2-CHLOROETHANE
1,1,1-TRICHLORO- ETHANE	1-CHLORO-1,1- DIFLUOROETHANE
1,1,1-TRICHLOROETHANE, DRY WEIGHT	1-HYDROXY-ETHYLIDENE
1,1,1-TRIFLUORO-ETHANE	1-METHYLNAPHTHALENE
1,1,2,2-TETRACHLORO-ETHANE	1-NITROSOPIPERIDINE
1,1,2,2-TETRACHLOROETHANE, DRY WEIGHT	2,2DIBROMO-3-NITRILOPROPIONAMIDE
1,1,2-TRICHLORO- ETHANE	2,2-DICHLOROVINYL
1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE	DIMETHYLPHOSPHATE
1,1,2-TRICHLOROETHANE, DRY WEIGHT	2,2-DIMETHYL-2,3-DI-HYDRO-7-
1,1-DICHLORO-1- FLUOROETHANE	BENZOFURANOL
1,1-DICHLOROETHANE	2,3 DICHLOROPROPYLENE
1,1-DICHLOROETHANE, DRY WEIGHT	2,3,4,6-TETRACHLORO-PHENOL
1,1-DICHLOROETHENE	2,3,7,8 CHLORO- DIBENZOFURAN
1,1-DICHLOROETHYLENE	2,3,7,8 TETRACHLORODIBENZO-P-DIOXIN
1,1-DICHLOROETHYLENE, DRY WEIGHT	2,3,7,8 TETRACHLORODIBENZO-P-DIOXIN
1,1-DIMETHYL- HYDRAZINE	SED,
1,2,3 TRICHLORO- BENZENE	2,3,7,8-TETRACHLORO-DIBENZO-P-DIOXIN
1,2,4,5-TETRACHLORO-BENZENE	2,4,5 - T
1,2,4,5-TETRAMETHYL-BENZENE	2,4,5 - TRICHLORO- PHENOL
1,2,4-TRICHLORO- BENZENE	2,4,5, TP(SILVEX)
1,2,4-TRICHLOROBENZENE, DRY WEIGHT	2,4,5-TP(SILVEX) ACIDS/SALTS WHOLE
1,2-BIS(2-CHLOROETH-ONY) ETHANE	WATER SAMPLE
1,2-CIS-DICHLORO-ETHYLENE	2,4,5-TRICHLOROPHENOXYPROPIONIC ACID
1,2-DICHLOROBENZENE	2,4,6-TRICHLORO- PHENOL
1,2-DICHLOROBENZENE, DRY WEIGHT	2,4-DB
1,2-DICHLOROETHANE	2,4-DICHLOROPHENOL
1,2-DICHLOROETHANE, DRY WEIGHT	2,4-DICHLOROPHENOXYACETIC ACID
1,2-DICHLOROETHANE, TOTAL WEIGHT	2,4-DIMETHYLPHENOL
1,2-DICHLOROPROPANE	2,4-DINITROPHENOL
1,2-DICHLOROPROPANE, DRY WEIGHT	2,4-DINITROTOLUENE
1,2-DICHLOROPROPENE	2,4-DINITROTOLUENE, DRY WEIGHT
1,2-DIPHENYL- HYDRAZINE	2,4-TOLUENEDIAMINE
1,2-DIPHENYL-HYDRAZINE, DRY WEIGHT	2,5-TOLUENEDIAMINE
1,2-PROPANEDIOL	2,6-DINITROTOLUENE
1,2-TRANS-DICHLORO- ETHYLENE	2,6-DINITROTOLUENE, DRY WEIGHT
1,2-TRANS-DICHLOROETHYLENE, DRY	2-ACETYL AMINO- FLOURCENE
WEIGHT	2-BUTANONE
1,3 DICHLOROPROPANE	2-BUTANONE PEROXIDE

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2-CHLOROANILINE	ACID COMPOUNDS
2-CHLOROETHANOL	ACIDS,TOTAL VOLATILE (AS ACETIC ACID)
2-CHLOROETHYL VINYL ETHER (MIXED)	ACROLEIN
2-CHLOROETHYL VINYL ETHER, DRY WEIGHT	ACROLEIN, DRY WEIGHT
2-CHLORONAPHTHALENE	ACRYLAMIDE MONOMER
2-CHLOROPHENOL	ACRYLIC ACID
2-ETHYL-1-HEXANOL	ACRYLONITRILE
2-ETHYL-2-METHYL- DIOXOLANE	ACRYLONITRILE, DRY WEIGHT
2-METHYL-2-PROPANOL	A-ENDOSULFAN-ALPHA
2-METHYL-4,6-DINITROPHENOL	ALACHLOR (BRAND NAME-LASSO)
2-METHYL-4-CHLOROPHENOL	ALACHLOR, DISSOLVED
2-METHYLNAPHTHALENE	ALDICARB
2-METHYLNAPHTHALENE	ALDICARB SULFONE
2-METHYLPHENOL	ALDICARB SULFOXIDE
2-NAPHTHYLAMINE	ALDRIN
2-NITROANILINE	ALDRIN + DIELDRIN
2-NITROPHENOL	ALDRIN, DRY WEIGHT
2-SECONDARY BUTYL- 4,6-DINITROPHENOL	ALKYL BENZENE SULFONATED (ABS)
3,3'-DICHLORO- BENZIDINE	ALKYLDIMETHYL ETHYL AMMONIUM BROMIDE
3,3'-DICHLOROBENZIDINE, DRY WEIGHT	ALKYLDIMETHYLBENZYL AMMONIUM CHLORIDE
3,4 BENZOFLUORAN- THENE	ALPHA ACTIVITY
3,4,5 TRICHLORO- GUACACOL	ALPHA EMITTING RADI-UM ISOTOPES, DISSOL.
3,4,6-TRICHLORO- CATECHOL	ALPHA GROSS RADIOACTIVITY
3,4,6-TRICHLORO- GUAIACOL	ALPHA, DISSOLVED
3-CHLOROPHENOL	ALPHA, SUSPENDED
3-NITROANILINE, TOTAL IN WATER	ALPHA, TOTAL
4,4'-BUTYLDENEBIS- (6-T-BUTYL-M-CRESOL)	ALPHA, TOTAL, COUNTING ERROR
4,4'-DDD (P,P'-DDD)	ALPHABHC DISSOLVED
4,4'-DDE (P,P'-DDE)	ALPHA-ENDOSULFAN
4,4'-DDT (P,P'-DDT)	AMIBEN (CHLORAMBEN)
4,6-DINITRO-O-CRESOL	AMINES, ORGANIC TOTAL
4-BROMOPHENYL PHENYL ETHER	AMINOTROL - METHYLENE PHOSPHATE
4-CHLORO-3, 5-DIMETHYLPHENOL	ANILINE
4-CHLORO-3-METHYL PHENOL	ANTHRACENE
4-CHLOROPHENYL PHENYL ETHER	ANTIMONY IN BOTTOM DEPOSITS (DRY WGT)
4-METHYLPHENOL	ANTIMONY, DISSOLVED (AS SB)
4-METHYLPHENOL	ANTIMONY, TOTAL (AS SB)
4-NITRO-M-CRESOL	ANTIMONY, TOTAL RECOVERABLE
4-NITRO-N-METHYLPHTHALIMIDE, TOTAL	AROMATICS, SUBSTITUTED
4-NITROPHENOL	AROMATICS, TOTAL PURGEABLE
9,10 DICHLOROSTEARIC ACID	ARSENIC
9,10 EPOXYSTEARIC ACID	ARSENIC, POTENTIALLY DISSOLVD
A-BHC-ALPHA	ARSENIC, DISSOLVED (AS AS)
ABIETIC ACID	ARSENIC, DRY WEIGHT
ACENAPHTHENE	ARSENIC, TOTAL (AS AS)
ACENAPHTHENE, SED (DRY WEIGHT)	ARSENIC, TOTAL RECOVERABLE
ACENAPHTHYLENE	ASBESTOS
ACETALDEHYDE	ASBESTOS (FIBROUS)
ACETAMINOPHEN	ATRAZINE
ACETIC ACID	ATRAZINE, DISSOLVED
ACETONE	AZOBENZENE
ACETONE, DRY WEIGHT	
ACETONE IN WASTE	
ACETOPHENONE	

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BALAN (BENEFIN)	BEZONITRILE (CYANOBENZENE)
BARIUM IN BOTTOM DEPOSITS (DRY WGT)	BHC, TOTAL
BARIUM, POTENTIALLY DISSOLVD	BHC-ALPHA
BARIUM, DISSOLVED (AS BA)	BHC-DELTA
BARIUM, TOTAL (AS BA)	BHC-GAMMA
BARIUM, TOTAL RECOVERABLE	BIOASSAY (24 HR.)
BASE NEUTRALS & ACID (METHOD 625),	BIOASSAY (48 HR.)
TOTAL	BIOASSAY (96 HR.)
BASE NEUTRALS & ACID (METHOD 625),	BIOASSAY (24 HR)
EFFLNT	BIOASSAY (48 HR)
BASE/NEUTRAL COMPOUNDS	BIOASSAY (96 HR)
BAYER 73 LAMPREYCIDE IN WATER	BIS -- PHENOL-A (ALPHA)
B-BHC-BETA	BIS (2-CHLORO-ISOPROPYL) ETHER
B-BHC-BETA DISSOLVED	BIS (2-CHLOROETHOXY) METHANE
B-ENDOSULFAN-BETA	BIS (2-CHLOROETHOXY) METHANE, DRY WT.
BENTAZON, TOTAL	BIS (2-CHLOROETHYL) ETHER
BENZENE	BIS (2-ETHYLHEXYL) PHTHALATE
BENZENE (VOLATILE ANALYSIS)	BIS (2-ETHYLHEXYL) PHTHALATE, DRY WGT
BENZENE HEXACHLORIDE	BIS (CHLOROMETHYL) ETHER
BENZENE SULPHONIC ACID	BIS (TRICHLOROMETHYL) SULFONE
BENZENE, DISSOLVED	BIS ETHER
BENZENE, DRY WEIGHT	BISMUTH, TOTAL (AS BI)
BENZENE, HALOGENATED	BISPHENOL-A
BENZENE, TOLUENE, XYLENE IN	BROMACIL
COMBINATN	BROMACIL (HYVAR)
BENZENE, ETHYLBENZENETOLUENE,	BROMOCHLOROMETHANE
XYLENE COMBN	BROMODICHLOROETHANE
BENZENEHEXACHLORIDE	BROMOFORM
BENZIDINE	BROMOFORM, DRY WEIGHT
BENZIDINE, DRY WEIGHT	BROMOMETHANE
BENZIAC ACIDS-TOTAL	BUTACHLOR
BENZISOTHIAZOLE	BUTANE
BENZO(A)ANTHRACENE	BUTANOIC ACID
BENZO(A)PYRENE	BUTANOL
BENZO(A)PYRENE, DRY WEIGHT	BUTANONE
BENZO(B)FLUORANTHENE (3,4-BENZO)	BUTHDIENE TOTAL
BENZO(GHI)PERYLENE	BUTOXY ETHOXY ETHANOL TOTAL
BENZO(K)FLUORANTHENE	BUTYL ACETATE
BENZOFURAN	BUTYL BENZYL PHTHALATE
BENZY CHLORIDE	BUTYLATE (SUTAN)
BENZYL ALCOHOL	CADMIUM
BENZYL CHLORIDE	CADMIUM TOTAL RECOVERABLE
BERYLLIUM IN BOTTOM DEPOSITS (DRY	CADMIUM IN BOTTOM DEPOSITS (DRY WGT)
WGT)	CADMIUM SLUDGE SOLID
BERYLLIUM, POTENTIALLY DISSOLVD	CADMIUM SLUDGE TOTAL
BERYLLIUM, DISSOLVED (AS BE)	CADMIUM, POTENTIALLY DISSOLVD
BERYLLIUM, TOTAL (AS BE)	CADMIUM, DISSOLVED (AS CD)
BERYLLIUM, TOTAL RECOVERABLE (AS	CADMIUM, TOTAL (AS CD)
BE)	CADMIUM, SLUDGE, TOT DRY WEIGHT (AS
BETA, DISSOLVED	CD)
BETA, SUSPENDED	CAFFEINE
BETA, TOTAL	CAPTAN
BETA, TOTAL, COUNTING ERROR	CARBAMATES
BETASAN(N-2-	CARBARYL TOTAL
MERCAPTOETHYLBENZENESULFAMID	

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CARBON CHLOROFORM EXTRACTS, ETHER INSOLUBLE	CHLORODIBROMOMETHANE
CARBOFURAN	CHLORODIBROMOMETHANE, DRY WEIGHT
CARBON DISULFIDE	CHLORODIFLUORO- METHANE
CARBON TETRACHLORIDE	CHLORODIMEFORM
CARBON TETRACHLORIDE, DRY WEIGHT	CHLOROETHANE
CARBON, CHLOROFORM EXTRACTABLES	CHLOROETHANE, TOTAL WEIGHT
CARBON, DISSOLVED ORGANIC (AS C)	CHLOROETHYLENE BISTHIOCYANATE
CARBOSULFAN, TOTAL	CHLOROFORM
CERIUM, TOTAL	CHLOROFORM EXTRACTABLES, TOTAL
CESIUM, TOTAL (AS CS)	CHLOROFORM, DISSOLVED
CHLOR, PHENOXY ACID GP, NONE FOUND	CHLOROFORM, DRY WEIGHT
CHLORAL	CHLOROHEXANE, TOTAL
CHLORAL HYDRATE	CHLOROMETHANE
CHLORAMINE RESIDUAL	CHLOROMETHYL BENZENE
CHLORDANE (CA OCEAN PLAN DEFINITION)	CHLORONITROBENZENE
CHLORDANE (TECH MIX & METABS), DRY WGT	CHLOROPHENOXY PROPANANOL
CHLORDANE (TECH MIX. AND METABOLITES)	CHLOROSYRINGALDEHYDE, EFFLUENT
CHLORDANE, ALPHA, WHOLE WATER	CHLOROTOLUENE
CHLORDANE, GAMMA, WHOLE WATER	CHLOROXAZONE
CHLORENDIC ACID	CHLORPHENIRAMINE
	CHLORPYRIFOS
CHLORIDE, ORGANIC, TOTAL	CHROMIUM
CHLORINATED DIBENZO-FURANS, EFFLUENT	CHROMIUM, DRY WEIGHT
CHLORINATED DIBENZO-FURANS, SLUDGE	CHROMIUM TOTAL RECOVERABLE
CHLORINATED DIBENZO-P-DIOXINS, EFFLUENT	CHROMIUM SLUDGE SOLID
CHLORINATED DIBENZO-P-DIOXINS, SLUDGE	CHROMIUM SLUDGE TOTAL
CHLORINATED ETHANES	CHROMIUM TRIVALENT IN BOTTOM DEPOSITS
CHLORINATED HYDRO- CARBONS, GENERAL	CHROMIUM, DISSOLVED (AS CR)
CHLORINATED METHANES	CHROMIUM, HEXAVALENT
CHLORINATED ORGANIC COMPOUNDS	CHROMIUM, HEXAVALENT
CHLORINATED PESTICIDES, TOTAL	CHROMIUM, HEXAVALENT (AS CR)
CHLORINATED PESTICIDES, TOT & PCB'S	CHROMIUM, HEXAVALENT DISSOLVED (AS CR)
CHLORINATED PHENOLS	CHROMIUM, HEXAVALENT IN BOT DEP (DRY WT)
CHLORINATION	CHROMIUM, HEXAVALENT POTENTIALLY DISSOLVED
CHLORINE DIOXIDE	CHROMIUM, HEXAVALENT TOTAL RECOVERABLE
CHLORINE DOSE	CHROMIUM, SUSPENDED (AS CR)
CHLORINE RATE	CHROMIUM, TOTAL
CHLORINE USAGE	CHROMIUM, TOTAL (AS CR)
CHLORINE, COMBINED AVAILABLE	CHROMIUM, TOTAL PERCENT REMOVAL
CHLORINE, FREE AVAILABLE	CHROMIUM, TOTAL DRY WEIGHT (AS CR)
CHLORINE, FREE RESIDUAL, TOTAL EFFLUENT	CHROMIUM, TOTAL IN BOT DEP (WET WGT)
CHLORINE, TOTAL RESIDUAL	CHROMIUM, TRIVALENT (AS CR)
CHLORINE, TOTAL RESIDUAL (DSG. TIME)	CHROMIUM, TRIVALENT, POTENTIALLY DISSOLVED
CHLORINE, TOTAL RES.DURATION OF VIOLATION	CHRYSENE
	CIS-1,3-DICHLORO PROPENE
CHLOROBENZENE	CITRIC ACID
CHLOROBENZENE, DRY WEIGHT	CN, FREE (AMENABLE TO CHLORINE)
CHLOROBENZILATE	COBALT, TOTAL RECOVERABLE
CHLOROBUTADIENE (CHLOROPRENE)	COLUMBIUM, TOTAL

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COMBINED METALS SUM	DIBROMOMETHANE
COPPER	DICHLONE
COPPER TOTAL RECOVERABLE	DICHLORAN, TOTAL
COPPER AS SUSPENDED BLACK OXIDE	DICHLOROBENZENE
COPPER IN BOTTOM DEPOSITS (DRY WGT)	DICHLOROBENZENE, ISOMER
COPPER SLUDGE SOLID	DICHLOROBENZYLTRIFLUORIDE
COPPER SLUDGE TOTAL	DICHLOROBROMOMETHANE
COPPER, DISSOLVED (AS CU)	DICHLOROBROMOMETHANE, DRY WEIGHT
COPPER, POTENTIALLY DISSOLVED	DICHLOROBUTADIENE
COPPER, SUSPENDED (AS CU)	DICHLOROBUTENE- (ISOMERS)
COPPER, TOTAL (AS CU)	DICHLORODEHYDRO- ABEIETIC ACID
COPPER, TOTAL PER BATCH	DICHLORODIBROMOMETHANE
COUMAPHOS	DICHLORODIFLUORO- METHANE
CRESOL	DICHLOROETHENE, TOTAL
CYANATE (AS OCN)	DICHLOROFUORO METHANE
CYANIDE (A)	DICHLOROMETHANE
CYANIDE AND THIOCYANATE - TOTAL	DICHLOROPROPYLENE, 1,2
CYANIDE COMPLEXED TO RANGE OF	DICHLOROTOLUENE
COMPOUND	DICHLOROTRIFLUORO- ETHANE
CYANIDE FREE NOT AMENABLE TO	DICHLORVOS, TOTAL
CHLORIN.	DICHLORVOS, TOTAL DISSOLVED
CYANIDE IN BOTTOM DEPOSITS (DRY WGT)	DICHLORVOS, TOTAL SED DRY WEIGHT
CYANIDE SLUDGE SOLID	DICHLORVOS, TOTAL SUSPENDED
CYANIDE, FILTERABLE, TOTAL	DICYCLOHEXYLAMINE, TOTAL
CYANIDE, FREE-WATER PLUS	DICYCLOPENTADIENE
WASTEWATERS	DIDECYLDIMETHYL AMMONIUM CHLORIDE
CYANIDE, TOTAL (AS CN)	DIDROMOMETHANE, 1-2
CYANIDE, TOTAL RECOVERABLE	DIELDRIN
CYANIDE, WEAK ACID, DISSOCIABLE	DIELDRIN, DRY WEIGHT
CYANIDE, DISSOLVED STD METHOD	DIETHL METHYL BENZENESULFONAMIDE
CYANIDE, FREE (AMEN. TO CHLORINATION)	DIETHYL PHTHALATE
CYCLOATE (RONEET)	DIETHYL PHTHALATE, DRY WEIGHT
CYCLOHEXANE	DIETHYLAMINE
CYCLOHEXANONE	DIETHYLAMINOETHANOL
CYCLOHEXYL AMINE (AMINO	DIETHYLBENZENE
HEXAHYDRO)	DIETHYLENE GLYCOL DINITRATE, TOTAL
CYCLOHEXANONE	DIETHYLHEXYL PHTHALATE ISOMER
DACONIL (C8CL4N2)	DIETHYLHEXYL- PHTHALATE
DACTHAL	DIETHYLSTILBESTEROL
DDD IN WHOLE WATER SAMPLE	DIFOLATAN
DDE	DIISOPROPYL ETHER
DDT	DIMETHOXYBENZIDINE
DDT/DDD/DDE, SUM OF P,P' & O,P' ISOMERS	DIMETHYL BENZIDINE
DECACHLOROBIPHENYL (DCBP) TOTAL	DIMETHYL DISULFIDE TOTAL
DECHLORANE PLUS	DIMETHYL NAPHTHALENE
DEHYDROABIETIC ACID	DIMETHYL PHTHALATE
DELNAV	DIMETHYL PHTHALATE
DELTA BENZENE HEXACHLORIDE	DIMETHYL PHTHALATE, DRY WEIGHT
DEMETON	DIMETHYL SULFIDE TOTAL
DIAZINON	DIMETHYL SULFOXIDE TOTAL
DIBENZO (A,H) ANTHRACENE	DIMETHYLAMINE
DIBENZO (A,H) ANTHRACENE, DRY WEIGHT	DIMETHYLANILINE
DIBENZOFURAN	DI-N-BUTYL PHTHALATE
DIBROMOCHLORO- METHANE	DI-N-BUTYL PHTHALATE, DRY WEIGHT
DIBROMODICHLOROMETHANE	DI-NITRO BUTYL PHENOL (DNBP)

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DINITROTOLUENE	FLUORANTHENE
DI-N-OCTYL PHTHALATE	FLUORANTHENE, DRY WEIGHT
DI-N-OCTYL PHTHALATE, DRY WEIGHT	FLUORENE
DINOSEB	FLUORENE, DRY WEIGHT
DINOSEB (DNBP)	FLUORIDE - COMPLEX
DIOXANE	FLUSILAZOLE
DIOXIN	FOAMING AGENTS
DIOXIN (TCDD) SUSPENDED	FORMALDEHYDE
DISSOLVED RADIOACTIVE GASSES	FORMIC ACID
DISULFOTON	FREON 113 (1,1,1-TRIFLUORO-2,2-
DIURON	FREON, TOTAL
DOCOSANE	FUEL, DIESEL, #1
DODECYLGUANIDINE SALTS	FURFURAL
DYFONATE	GAMMA, TOTAL
DYPHYLLINE	GAMMA, TOTAL COUNTING ERROR
EDTA	GAMMA-BHC
EDTA AMMONIATED	GASOLINE, REGULAR
ENDOSULFAN SULFATE	GERMANIUM, TOTAL (AS GE)
ENDOSULFAN, ALPHA, IN WASTE	GLYPHOSATE, TOTAL
ENDOSULFAN, BETA, INWASTE	GOLD, TOTAL (AS AU)
ENDOSULFAN, TOTAL	GROSS BETA
ENDRIN	GUAFENSIN
ENDRIN + ENDRIN ALDEHYDE (SUM)	GUANIDINE NITRATE
ENDRIN ALDEHYDE	GUTHION
EPHEDRINE SULFATE	HALOGEN, TOTAL ORGANIC
EPICHLOROHYDRIN	HALOGEN, TOTAL RESIDUAL
EPTC (EPTAM)	HALOGENATED HYDRO- CARBONS, TOTAL
ESTRADIOL	HALOGENATED ORGANICS
ETHALFLURALIN WATER, TOTAL	HALOGENATED TOLUENE
ETHANE, 1,2-BIS (2- CLRETHXY), HOMLG SUM	HALOGENS, ADSORBABLEORGANIC
ETHANOL	HALOGENS, TOT ORGAN-ICS BOTTOM
ETHION	SEDIMENT
ETHYL METHANESULFONATE	HALOMETHANES, SUM
ETHYL ACETATE	HEPTACHLOR
ETHYL BENZENE	HEPTACHLOR EPOXIDE
ETHYL BENZENE	HEPTACHLOR, DRY WEIGHT
ETHYL ETHER BY GAS CHROMATOGRAPH	HEPTANE
ETHYL METHYL- DIOXOLANE	HERBICIDES, TOTAL
ETHYL PARATHION	HEXACHLOROBENZENE
ETHYLBENZENE	HEXACHLOROBENZENE, DRY WEIGHT
ETHYLBENZENE, DRY WEIGHT	HEXACHLOROBIPHENYL
ETHYLENE CHLOROHYDRIN	HEXACHLOROBUTADIENE
ETHYLENE DIBROMIDE (1,2	HEXACHLOROBUTADIENE
DIBROMOETHANE)	HEXACHLOROBUTADIENE, DRY WEIGHT
ETHYLENE GLYCOL	HEXACHLOROCYCLO- PENTADIENE
ETHYLENE GLYCOL	HEXACHLOROCYCLOHEXANE (BHC) TOTAL
ETHYLENE GLYCOL DINITRATE	HEXACHLOROCYCLOPENTADIENE, DRY
ETHYLENE OXIDE	WEIGHT
ETHYLENE THIOUREA (ETU)	HEXACHLOROETHANE
ETHYLENE, DISSOLVED (C2H4)	HEXACHLOROETHANE, DRY WEIGHT
ETHYLHEXYL	HEXACHLOROPENTADIENE
EXPLOSIVE LIMIT, LOWER	HEXADECANE
EXPLOSIVES, COMBINED TNT + RDX +	HEXAHYDROAZEPINONE
TETRYL	HEXAMETHYL- PHOSPHORAMINE(HMPA)
FERRICYANIDE	HEXAMETHYLBENZENE

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HEXANE	LEAD, DRY WEIGHT
HEXAZIMONE	LEAD, TOTAL DRY WEIGHT (AS PB)
HMX-1,3,5,7-TETRA ZOCINE	LEAD, TOTAL (AS PB)
HYDRAZINE	LINDANE
HYDRAZINES, TOTAL	LINOLEIC ACID
HYDROCARBON, TOTAL RECOVERABLE	LINOLENIC ACID
HYDROCARBONS NITRATED	M - ALKYLDIMETHLBENZYLAMCL
HYDROCARBONS NITRATED, TOTAL	MALATHION
HYDROCARBONS, AROMATIC	MB 121
HYDROCARBONS, TOTAL GAS	MERCAPTANS, TOTAL
CHROMATOGRAPH	MERCAPTOBENZOTHAZOLE
HYDROCARBONS, IN H ₂ O, IR, CC14 EXT.	MERCURY
CHROMAT	MERCURY, POTENTIALLY DISSOLVD
HYDROGEN CYANIDE	MERCURY, DISSOLVED (AS HG)
HYDROQUINONE	MERCURY, TOT IN BOT DEPOSITS (DRY WGT)
HYDROXYACETOPHENONE	MERCURY, TOTAL (AS HG)
HYDROXYQUINOLINE TOTAL	MERCURY TOTAL RECOVERABLE
HYDROXYZINE	MERCURY, DRY WEIGHT
INDENE	METALS TOXICITY RATIO
INDENO (1,2,3-CD) PYRENE	METALS, TOTAL
INDENO (1,2,3-CD) PYRENE, DRY WEIGHT	METALS, TOX PRIORITY POLLUTANTS,
INDIUM	TOTAL
IODINE 129	META-XYLENE
IODINE RESIDUAL	METHAM SODIUM (VAPAM)
IODINE TOTAL	METHANE
ISOBUTYL ACETATE	METHANOL, TOTAL
ISOBUTYL ALCOHOL	METHOCARBAMOL
ISODECYLDIPHENYL- PHOSPHATE	METHOMYL
ISO-OCTANE	METHOXYCHLOR
ISOOCITYL 2,4,5-T	METHOXYPROPYLAMINE
ISOOCITYL SILVEX	METHYL METHANESULFONATE
ISOPHORONE	METHYL ACETATE
ISOPHORONE, DRY WEIGHT	METHYL BROMIDE
ISOPIMARIC ACID	METHYL BROMIDE, DRY WEIGHT
ISOPRENE	METHYL CHLORIDE
ISOPROPALIN WATER, TOTAL	METHYL CHLORIDE, DRY WEIGHT
ISOPROPANOL	METHYL CYANIDE (ACETONITRILE)
ISOPROPYL ALCOHOL (C ₃ H ₈ O), SED.	METHYL ETHYL BENZENE
ISOPROPYL ETHER	METHYL ETHYL KETONE
ISOPROPYLBENZENE	METHYL ETHYL SULFIDE
ISOPROPYLBIPHENYL, TOTAL	METHYL ISOBUTYL KETONE (MIBK)
ISOPROPYLIDINE DIOXYPHENOL	METHYL MERCAPTAN
ISOTHIAZOLONE	METHYL METHACRYLATE
ISOTHIOZOLINE, TOTAL	METHYL NAPHTHALENE
ISOXSUPRINE	METHYL PARATHION
KELTHANE	METHYL STYRENE
KEPONE	METHYLAMINE
LANTHANUM, TOTAL	METHYLENE BIS-THIOCYANATE
LEAD	METHYLENE CHLORIDE
LEAD TOTAL RECOVERABLE	METHYLENE CHLORIDE, DRY WEIGHT
LEAD 210, TOTAL	METHYLENE CHLORIDE, SUSPENDED
LEAD SLUDGE SOLID	METHYLHYDRAZINE
LEAD SLUDGE TOTAL	METRIBUZIN (SENCOR), WATER, DISSOLVED
LEAD, POTENTIALLY DISSOLVD	METRIOL TRINITRATE, TOTAL
LEAD, DISSOLVED (AS PB)	MIREX

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MOLYBDENUM DISSOLVED (AS MO)
MOLYBDENUM, TOTAL (AS MO)
MONOCHLOROACETIC ACID
MONO-CHLORO-BENZENES
MONOCHLOROBENZYLTRIFLUORIDE
MONOCHLORODEHYDRO- ABIETIC ACID
MONOCHLOROTOLUENE
N PENTANE
N, N- DIMETHYLFORMAMIDE
N, N'DIETHYL CARBANILIDE
N, N-DIMETHYL FORMAMIDE
NAPHTHALENE
NAPHTHALENE, DRY WEIGHT
NAPHTHENIC ACID
NAPROPAMIDE (DEVIRINOL)
N-BUTYL ACETATE
N-BUTYL-BENZENE SULFONAMIDE (IN
WAT)
N-BUTYLBENZENE (WHOLE WATER, UG/L
NEPTUNE BLUE
N-HEPTADECANE
NIACINAMIDE
NICKEL
NICKEL TOTAL RECOVERABLE
NICKEL SLUDGE SOLID
NICKEL SLUDGE TOTAL
NICKEL, POTENTIALLY DISSOLVD
NICKEL, DISSOLVED (AS NI)
NICKEL, SUSPENDED (AS NI)
NICKEL, TOTAL (AS NI)
NICKEL, TOTAL PER BATCH
NICKEL, TOT IN BOTTOM DEPOSITS (DRY
WGT)
NICOTINE SULFATE
NITROBENZENE
NITROBENZENE, DRY WEIGHT
NITROCELLULOSE
NITROFURANS
NITROGEN, ORGANIC, DISSOLVED (AS N)
NITROGLYCERIN BY GAS
CHROMATOGRAPHY
NITROGUANIDINE
NITROSODIPHENYLAMINE
NITROSTYRENE
N-NITROSO COMPOUNDS, VOLATILE
N-NITROSO COMPOUNDS, VOLATILE
N-NITROSODIBUTYL- AMINE
N-NITROSODIETHYL- AMINE
N-NITROSODIMETHYL- AMINE
N-NITROSODIMETHYLAMINE, DRY WEIGHT
N-NITROSODI-N-PROPYLAMINE
N-NITROSODI-N-PROPYLAMINE, DRY
WEIGHT
N-NITROSODIPHENYL- AMINE
N-NITROSODIPHENYLAMINE, DRY WEIGHT

N-NITROSOPYRROLIDINE
N-PROPYLBENZENE
O - CHLOROBENZYL CHLORIDE
OCTACHLORO- CYCLOPENTENE
OCTYLPHENOXY POLYETHOXYETHANOL
OIL, PETROLEUM ETHER EXTRACTABLES
OIL/GREASE CALCULATED LIMIT
OLEIC ACID
ORDRAM (HYDRAM)
ORGANIC ACTIVE IN- GREDIENTS (40CFR455)
ORGANIC COMPOUNDS, CHLOROFORM
EXTRACT.
ORGANIC HALIDES, TOTAL
ORGANIC PESTICIDE CHEMICALS (40CFR455)
ORGANICS, GASOLINE RANGE
ORGANICS, TOT PURGE-ABLES (METHOD 624)
ORGANICS, TOTAL
ORGANICS, TOTAL TOXIC (TTO)
ORGANICS, VOLATILE (NJAC REG. 7:23-17E)
ORGANICS-TOT VOLATILE (NJAC REG.7:23-17E)
ORTHENE
ORTHOCHLOROTOLUENE
ORTHO-CRESOL
ORTHO-XYLENE
O-TOLUIDINE
OXALIC ACID
P,P'-DDE - DISSOLVED
P,P'-DDT - DISSOLVED
PALLADIUM, TOTAL (AS PD)
P-AMINOBIIPHENYL
PANTHALIUM, TOTAL
PARABEN (METHYL AND PROPYL)
PARACHLOROMETA CRESOL
PARA-DICHLOROBENZENE
PARAQUAT
PARATHION
PCB - 1262
PCB, TOTAL SLUDGE, SCAN CODE
PCB, TOTAL, SCAN EFFLUENT
PCB-1016 (AROCHLOR 1016)
PCB-1221 (AROCHLOR 1221)
PCB-1232 (AROCHLOR 1232)
PCB-1242 (AROCHLOR 1242)
PCB-1248 (AROCHLOR 1248)
PCB-1254 (AROCHLOR 1254)
PCB-1260 (AROCHLOR 1260)
PCBS IN BOTTOM DEPS. (DRY SOLIDS)
P-CRESOL
P-DIMETHYLAMINO- AZOBENZENE
PEBULATE (TILLAM)
PENTACHLOROBENZENE
PENTACHLOROETHANE
PENTACHLOROPHENOL
PESTICIDES, GENERAL
P-ETHYLTOLUENE

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PETROL HYDROCARBONS, TOTAL RECOVERABLE	RARE EARTH METALS, TOTAL
PHENACETIN	RATIO OF FECAL COLIFORM TO FECAL STREPOC
PHENANTHRENE	R-BHC (LINDANE) GAMMA
PHENANTHRENE, DRY WEIGHT	RDX, DISSOLVED
PHENOL, SINGLE COMPOUND	RDX, TOTAL
PHENOLIC COMPOUNDS, SLUDGE TOTAL, DRY WEIGHT	RESIN ACIDS, TOTAL
PHENOLIC COMPOUNDS, UNCHLORINATED	RESORCINOL
PHENOLICS IN BOTTOM DEPOSITS (DRY WGT)	RHODIUM, TOTAL
PHENOLICS, TOTAL RECOVERABLE	ROTENONE
PHENOLS	ROUNDUP
PHENOLS, CHLORINATED	RUBIDIUM, TOTAL (AS RB)
PHENOXY ACETIC ACID	SAFROLE
PHENYLPROPANOLAMINE	SAMARIUM, TOTAL (AS SM IN WATER)
PHENYLTOLOXAMINE	SELENIUM, ACID SOLUBLE
PHORATE	SELENIUM SLUDGE SOLID
PHOSPHATED PESTICIDES	SELENIUM, POTENTIALLY DISSOLVD
PHOSPHOROTHIOIC ACID 0,0,0-TRIETHYL ESTR	SELENIUM, DISSOLVED (AS SE)
PHTHALATE ESTERS	SELENIUM, DRY WEIGHT
PHTHALATES, TOTAL	SELENIUM, SLUDGE, TOTAL DRY WEIGHT
PHTHALIC ACID	SELENIUM, TOTAL (AS SE)
PHTHALIC ANHYDRIDE	SELENIUM, TOTAL RECOVERABLE
PLATINUM, TOTAL (AS PT)	SEVIN
POLONIUM 210	SEVIN (CARBARYL) IN TISSUE
POLYACRILAMIDE CHLORIDE	SILVER
POLYBROMINATED BIPHENYLS	SILVER TOTAL RECOVERABLE
POLYBROMINATED DIPHENYL OXIDES	SILVER IN BOTTOM DEPOSITS (DRY WGT)
POLYCHLORINATED BIPHENYLS (PCBS)	SILVER, DISSOLVED (AS AG)
POLYMETHYLACRYLIC ACID	SILVER, IONIC
PROPABHLOR (RAMROD) DISSOLVED	SILVER, POTENTIALLY DISSOLVED
PROPANE, 2-METHOXY- 2-METHYL	SILVER, TOTAL (AS AG)
PROPANIL	SILVER, TOTAL PER BATCH
PROPENE, TOTAL	SILVEX
PROPRANE, TOTAL	SODIUM CHLORATE
PROPYL ACETATE	SODIUM DICHROMATE
PROPYLENE OXIDE	SODIUM DIMETHYL-DITHIOCARBAMATE, TOTAL
PROPYLENGLYCOL, TOTAL	SODIUM PENTACHLORO- PHENATE
PURGEABLE AROMATICS METHOD 602	SODIUM POLYACRYLATE, TOTAL
PURGEABLE HYDRO- CARBONS, METH. 601	SODIUM-O-PPTH
PYRENE	
PYRENE, DRY WEIGHT	STRONTIUM 90, TOTAL
PYRETHRINS	STRONTIUM, DISSOLVED
PYRIDINE	STRONTIUM, TOTAL (AS SR)
QUARTERNARY AMMONIUM COMPOUNDS	STYRENE
QUINOLINE	STYRENE, TOTAL
RADIATION, GROSS BETA	SULFABENZAMIDE
RADIATION, GROSS ALPHA	SULFACETAMIDE
RADIOACTIVITY	SULFATHIAZOLE
RADIOACTIVITY, GROSS	SULFOTEPP (BLADAFUME)
RADIUM 226 + RADIUM 228, TOTAL	TANNIN AND LIGNIN
RADIUM 226, DISSOLVED	TCDD EQUIVALENTS
RADIUM 228, TOTAL	TELLURIUM, TOTAL
	TERBACIL
	TERBUFOS (COUNTER) TOTAL

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TETRA SODIUM EDTA	TOTAL TOXIC ORGANICS (TTO) (40CFR469)
TETRACHLORDIBENZOFURAN,2378-(TCDF)	TOTAL TOXIC ORGANICS (TTO) (40CFR465)
SED,	TOTAL VOLATILE PRIORITY POLLUTANTS
TETRACHLORO BENZENE	TOXAPHENE
TETRACHLOROETHANE, TOTAL	TOXAPHENE, DRY WEIGHT
TETRACHLOROETHENE	TOXICITY
TETRACHLOROETHYLENE	TOXICITY, CERIODAPHNIA ACUTE
TETRACHLOROETHYLENE	TOXICITY, CERIODAPHNIA CHRONIC
TETRACHLOROETHYLENE, DRY WEIGHT	TOXICITY, PIMEPHALES ACUTE
TETRACHLOROGUAIACOL (4CG) IN WHOLE	TOXICITY, PIMEPHALES CHRONIC
WATER	TOXICITY, CHOICE OF SPECIES
TETRAHYDRO-3,5-DIMETHYL-2-HYDRO-1,3,5-	TOXICITY, FINAL CONC TOXICITY UNITS
TH	TOXICITY, SALMO CHRONIC
TETRAHYDROFURAN	TOXICITY, SAND DOLLAR
TETRAMETHYLBENZENE	TOXICITY, TROUT
THALLIUM IN BOTTOM DEPOSITS (DRY WGT)	TOXICS, PERCENT REMOVAL
THALLIUM, POTENTIALLY DISSOLVD	TRANS-1,2-DICHLORO- ETHYLENE
THALLIUM, ACID SOLUBLE	TRANS-1,3-DICHLORO PROPENE
THALLIUM, DISSOLVED (AS TL)	TREFLAN (TRIFLURALIN)
THALLIUM, TOTAL (AS TL)	TRIBUTHYLAMINE
THALLIUM, TOTAL RECOVERABLE	TRIBUTYL TIN
THC, DRY & 02	TRICHLORO BENZENE
THEOPHYLLINE	TRICHLORO BENZENE 1,2,4 TOTAL
THIOCARBAMATES	TRICHLOROETHANE
THIOCYANATE (AS SCN)	TRICHLOROETHENE
THIOSULFATE ION(2-)	TRICHLOROETHYLENE
THORIUM 230	TRICHLOROETHYLENE, DISSOLVED
THORIUM 232	TRICHLOROETHYLENE, DRY WEIGHT
TIN	TRICHLOROFLUORO- METHANE
TIN, DISSOLVED (AS SN)	TRICHLOROGUAIACOL
TIN, TOTAL (AS SN)	TRICHLOROPHENATE- (ISOMERS)
TIN, TOTAL RECOVERABLE	TRICHLOROPHENOL
TITANIUM, DISSOLVED (AS TI)	TRICHLOROTOLUENE
TITANIUM, TOTAL (AS TI)	TRICHLOROTRIFLUORO- ETHANE
TITANIUM, TOTAL DRY WEIGHT (AS TI)	TRIETHANOLAMINE
TOLUENE	TRIETHYLAMINE
TOLUENE, DISSOLVED	TRIFLURALIN (C13H16F3N3O4)
TOLUENE, DRY WEIGHT	TRIHALOMETHANE, TOT.
TOLUENE-2,4 -DIISOCYANITE	TRIMETHYL BENZENE
TOLYTRIAZOLE	TRINITROTOLUENE (TNT), DISSOLVED
TOTAL ACID PRIORITY POLLUTANTS	TRINITROTOLUENE (TNT), TOTAL
TOTAL BASE/NEUTRAL PRIORITY	TRIPHENYL PHOSPHATE
POLLUTANTS	TRITHION
TOTAL PESTICIDES	TRITIUM (1 H3), TOTAL
TOTAL PHENOLS	TRITIUM, TOTAL
TOTAL POLONIUM	TRITIUM, TOTAL COUN-TING ERROR (PC/L)
TOTAL PURGEABLE HALOCARBONS	TRITIUM, TOTAL NET INCREASE H-3 UNITS
TOTAL TOXIC ORGANICS (TTO) (40CFR413)	TUNGSTEN, DISSOLVED
TOTAL TOXIC ORGANICS (TTO) (40CFR433)	TUNGSTEN, TOTAL
TOTAL TOXIC ORGANICS (TTO) (40CFR464A)	U-236 TOTAL WTR
TOTAL TOXIC ORGANICS (TTO) (40CFR464B)	URANIUM, POTENTIALLY DISSOLVD
TOTAL TOXIC ORGANICS (TTO) (40CFR464C)	URANIUM, 235 TOTAL
TOTAL TOXIC ORGANICS (TTO) (40CFR464D)	URANIUM, 238 TOTAL
TOTAL TOXIC ORGANICS (TTO) (40CFR467)	URANIUM, NATURAL, DISSOLVED
TOTAL TOXIC ORGANICS (TTO) (40CFR468)	URANIUM, NATURAL, TOTAL

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URANIUM, NATURAL, TOTAL (IN PCI/L)	XC POLYMER IN DRILLING FLUIDS
URANIUM, TOTAL AS U308	XYLENE
URANYL-ION	XYLENE, PARA- TOTAL
UREA	ZINC
VERNAM (S-PROPYLDI- PROPYLTHIOCARBAMATE)	ZINC TOTAL RECOVERABLE
VINYL ACETATE	ZINC IN BOTTOM DEPOSITS (DRY WGT)
VINYL CHLORIDE	ZINC SLUDGE SOLID
VINYL CHLORIDE, DRY WEIGHT	ZINC SLUDGE TOTAL
VOLATILE COMPOUNDS, (GC/MS)	ZINC, DISSOLVED (AS ZN)
VOLATILE FRACTION ORGANICS (EPA 624)	ZINC, DRY WEIGHT
VOLATILE HALOGENATED HYDROCARBONS	ZINC, POTENTIALLY DISSOLVED
VOLATILE HALOGENATED ORGANICS (VHO), TOT	ZINC, TOTAL
VOLATILE HYDROCARBONS	ZINC, TOTAL (AS ZN)
VOLATILE ORGANICS DETECTED	ZIRCONIUM, TOTAL
XANTHATES	

STATE WATER RESOURCES CONTROL BOARD

**WATER QUALITY
ENFORCEMENT POLICY**

February 19, 2002

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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INTRODUCTION

The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) (together "Boards") are the principal state agencies with primary responsibility for the coordination and control of water quality. In the Porter-Cologne Water Quality Control Act (Porter-Cologne), the Legislature declared that the "state must be prepared to exercise its full power and jurisdiction to protect the quality of the waters in the state from degradation..." (California Water Code section 13000). Porter-Cologne grants the Boards the authority to implement and enforce the water quality laws, regulations, policies and plans to protect the groundwater and surface waters of the state. Timely and consistent enforcement of these laws is critical to the success of the water quality program and to ensure that the people of the State have clean water. It is the policy of the SWRCB that the Boards shall strive to be fair, firm and consistent in taking enforcement actions throughout the State, while recognizing the individual facts of each case. The primary goal of this Enforcement Policy is to create a framework for identifying and investigating instances of noncompliance, for taking enforcement actions that are appropriate in relation to the nature and severity of the violation, and for prioritizing enforcement resources to achieve maximum environmental benefits. Toward that end, it is the intent of the SWRCB that the RWQCBs operate within the framework provided by this Policy.

Enforcement serves many purposes. First and foremost, it assists in protecting the beneficial uses of waters of the State. Swift and firm enforcement can prevent threatened pollution from occurring and can promote prompt cleanup and correction of existing pollution problems. Enforcement ensures compliance with requirements in SWRCB and RWQCB regulations, plans, policies, and orders. Enforcement not only protects the public health and the environment, but also creates an "even playing field," ensuring that dischargers who comply with the law are not placed at a competitive disadvantage by those who do not. It also deters potential violators and, thus, further protects the environment. Monetary remedies, an essential component of an effective enforcement program, provide a measure of compensation for the damage that pollution causes to the environment and ensure that polluters do not gain an economic advantage from violations of water quality laws.

It is important to note that enforcement of the State's water quality requirements is not solely the purview of the Boards and their staff. Other agencies (e.g., the California Department of Fish and Game) have the ability to enforce certain water quality provisions in state law. State law also allows for members of the public to bring enforcement matters to the attention of the Boards and authorizes aggrieved persons to petition the SWRCB to review most actions or in-actions by the RWQCB. In addition, state and federal statutes provide for public participation in the issuance of most orders, policies and water quality control plans. Finally, the federal Clean Water Act (CWA) authorizes citizens to bring suit against dischargers for certain types of CWA violations.

I. FAIR, FIRM AND CONSISTENT REGULATION AND ENFORCEMENT

A. Standard, Enforceable Orders

Fair, firm and consistent enforcement depends on a foundation of solid requirements in law, regulations, policies, and the adequacy of enforceable orders. Such orders include but are not limited to: waste discharge requirements (WDRs), including National Pollutant Discharge Elimination System (NPDES) permits; waivers; certifications; and cleanup and abatement orders. The extent to which enforceable orders include well-defined requirements and apply similar requirements to similar situations affects the consistency of compliance and enforcement. Whenever the circumstances of a discharge are similar, the provisions of the enforceable orders should be comparable.

The SWRCB, with assistance and advice from the RWQCBs and other stakeholders will compile and maintain examples of standard enforceable orders. RWQCBs' orders shall be consistent except as appropriate for the specific circumstances related to the discharge and to be consistent with applicable water quality control plans. Such modifications must be consistent with applicable state and federal law. RWQCB Water Quality Control Plans may include unique requirements that apply within a region and that must be implemented.

B. Determining Compliance

The Boards shall implement consistent and valid methods to determine compliance with enforceable orders. Compliance assurance activities include the review of self-monitoring reports, facility inspections and complaint response. Compliance assurance activities are discussed in more detail in section II of this Policy.

C. Timely and Appropriate Enforcement

An enforcement action is any informal or formal action taken to address the failure to comply or the threatened failure to comply with applicable statutes, regulations, plans, policies, or enforceable orders. Enforcement actions should be initiated as soon as possible after discovery of the violation.

Enforcement actions should be appropriate for each type of violation and should be similar for violations that are similar in nature and have similar water quality impacts. Appropriate enforcement informs the violator that the violation has been noted and recorded by the Board, results in a swift return to compliance, and serves as a deterrent for future violations. When appropriate, enforcement also requires remediation of environmental damage.

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D. Progressive Enforcement

Progressive enforcement is an escalating series of actions that allows for the efficient and effective use of enforcement resources to: 1) assist cooperative dischargers in achieving compliance; 2) compel compliance for repeat violations and recalcitrant violators; and 3) provide a disincentive for noncompliance. For some violations, an informal response such as a phone call or staff enforcement letter is sufficient to inform the discharger that the violation has been noted by the RWQCB and to encourage a swift return to compliance. More formal enforcement is often an appropriate first response for more consequential violations. If any violation continues, the enforcement response should be quickly escalated to increasingly more formal and serious actions until compliance is achieved. Progressive enforcement is not appropriate in all circumstances. For example, where there is an emergency situation needing immediate response, immediate issuance of a cleanup and abatement order may be appropriate.

E. Enforcement Priorities

Every violation deserves an appropriate enforcement response. However, because resources are limited, the RWQCBs must continuously balance the need to complete non-enforcement program tasks with the need to address violations. Within available resources for enforcement, the RWQCBs must then balance the importance or impact of each potential enforcement action with the cost of that action. Informal enforcement actions are usually very cost effective and are therefore the most frequently used enforcement response. Most formal enforcement actions are relatively costly and must therefore be targeted to the RWQCB's highest priority violations.

The first step in enforcement prioritization is the determination of the relative importance of the violation. Section III of this Policy identifies criteria for determining if a violation should be identified as a priority violation. Priority violations include: all NPDES violations that the United States Environmental Protection Agency (USEPA) requires to be reported on the Quarterly Non-Compliance Report (QNCR) for the purpose of tracking significant non-compliance; all serious violations as defined in California Water Code section 13385; and other violations that the SWRCB and/or RWQCB considers to be significant and therefore high priority. Staff will indicate, for each violation, whether or not the violation meets the "priority violation" criteria in section III of this Policy.

The second step is to identify dischargers that are repeatedly or continuously in violation of requirements. California Water Code section 13385(i) prescribes mandatory minimum penalties for specific instances of multiple violations for NPDES discharges. Those provisions are discussed in more detail in Section V.D. of this Policy. In addition to those violations, and for non-NPDES discharges, the RWQCB will identify those dischargers with an excessive number of violations (e.g., four or more similar types of violations in a six month period) or seasonally recurring violations (e.g., violations of a monthly average effluent limitation for a specific pollutant in the same season¹ for two consecutive years). The SWRCB will develop enhanced

¹ "Season" means either: 1) spring, summer, autumn, or winter; or 2) a time or part of the year during which a specified kind of agricultural work is performed or a specified kind of weather prevails (e.g., the harvest season, the rainy season, etc.).

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data routines and reporting capabilities to enhance the RWQCBs' ability to identify such dischargers with chronic violations.

The third step is for senior staff and management to review, for each newly identified priority violation and for each discharger identified as having chronic violations, other characteristics of the discharger and violations that would affect decisions about the appropriate enforcement response. Once each month senior staff and management should meet and assign, for each discharger with priority or chronic violations, a relative priority for enforcement of "high", "medium" or "low". Except for confidential information regarding ongoing investigations or enforcement, the list of dischargers identified as high priority for enforcement should be reported to the RWQCB and should be available upon request from the RWQCB. The criteria for selecting relative enforcement priority include, but are not limited to:

- (a) the applicability of mandatory minimum penalty provisions of California Water Code sections 13385 and 13399.33;
- (b) evidence of, or threat of, pollution or nuisance and the magnitude or impacts of the violation;
- (c) evidence of negligence or recalcitrance;
- (d) the availability of resources for enforcement;
- (e) USEPA expectations for timely and appropriate enforcement for NPDES delegated programs²;
- (f) specific recommended enforcement pursuant to Section V of this Policy;
- (g) case-by-case factors that may mitigate a violation including the compliance history of the violator and good-faith efforts of the violator to eliminate noncompliance;
- (h) impact or threat to watersheds or water bodies that the RWQCB considers high priority (e.g., due to the vulnerability of an existing beneficial use or an existing state of impairment);
- (i) potential to cleanup and abate effects of pollution; and
- (j) the strength of evidence in the record to support the enforcement action.

Serious threats of violation must also be dealt with promptly in order to avoid or mitigate the effects of the threatened violation. Within available resources, formal enforcement actions should be targeted at dischargers with the highest priority violations, chronic violations and/or threatened violations. Dischargers with priority violations that do not receive formal enforcement should receive informal enforcement.

² For NPDES facilities that are listed on the Quarterly Noncompliance Reports (QNCR) USEPA considers timely enforcement of Significant Noncompliance (SNC) violations to be an enforcement action taken within five months after the first quarter of SNC (Guidance for Oversight of NPDES Programs, USEPA Office of Water, May 1987). USEPA considers appropriate enforcement to be an enforceable order or agreement that requires specific corrections to address the violations; in California, Cease and Desist Orders, Cleanup and Abatement Orders, or judicial consent decrees are considered by USEPA to meet this expectation.

F. Environmental Justice

The State and Regional Boards shall promote enforcement of all health and environmental statutes within their jurisdictions in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state. The SWRCB is participating in, and fully supports, the efforts of the California Environmental Protection Agency Working Group on Environmental Justice (convened pursuant to Public Resources Code 72002) to develop and implement an interagency environmental justice strategy.

II. COMPLIANCE ASSURANCE

Compliance with WDRs, Water Quality Control Plan prohibitions, enforcement orders, and other provisions of law administered by the SWRCB or RWQCBs can be determined through discharger self-monitoring reports (SMRs), compliance inspections, facility reporting, complaints, or file review.

A. Self-Monitoring Reports (SMRs)

The Boards ensure compliance with WDRs and other Board orders by requiring dischargers to implement a monitoring and reporting program under California Water Code sections 13267 and 13383, and to periodically submit SMRs. Reporting frequency for regulated dischargers depends on the nature and impact of the discharge. The regulations that implement the CWA also specify monitoring requirements. Enforceable orders that require a monitoring and reporting program should explicitly require the discharger to clearly identify all violations of applicable requirements in a cover letter or in the SMR and to discuss corrective actions taken or planned and the proposed time schedule of corrective actions. Identified violations should include a description of the requirement that was violated and a description of the violation.

When specifying signatory requirements in WDRs, the RWQCB should ensure that those individuals who have responsibility for the collection, analysis and/or reporting of compliance monitoring data are required to sign and certify reports of monitoring results. Responsible individuals may include the following: the chief plant operator; the chief of an in-house laboratory; and/or the individual(s) responsible for preparation and submittal of SMRs.

RWQCB staff shall regularly review all discharger SMRs and document all violations and any subsequent enforcement response in the Boards' enforcement data management system.

B. Compliance Inspections

On-site compliance inspections are conducted by the RWQCB staff under the authority provided in California Water Code sections 13267 and 13383. Compliance inspections provide the RWQCB an opportunity to verify that information submitted in SMRs is complete and accurate. Compliance inspections address compliance with WDRs, laboratory quality control and assurance, record keeping and reporting, time schedules, best management practices, pollution

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prevention plans, and any other pertinent requirements. RWQCB staff shall document all violations identified as the result of compliance inspections and any subsequent enforcement response in the facility file and in the Boards' enforcement data management system.

C. Direct Facility Reporting

California Water Code section 13271 requires any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the state, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state to notify the Office of Emergency Services of the discharge as specified in that section. The Office of Emergency Services then immediately notifies the appropriate RWQCB and the local health officer and administrator of environmental health of the discharge.

WDRs, including NPDES permits, should require regulated facilities to report to the RWQCB by phone within a specified time, followed by a written report and/or a discussion in the next SMR, when certain events occur, such as:

- (a) Discharges that are not in accordance with WDRs and that pose an immediate public health threat;
- (b) Bypass of raw or partially treated sewage or other waste from a treatment unit or discharge of wastewater from a collection system in a manner inconsistent with WDRs;
- (c) Treatment unit failure or loss of power that threatens to cause a bypass; and
- (d) Any other operational problems that threaten to cause significant violations of WDRs or impacts to receiving waters or public health.

D. Complaints and Complaint Investigations

Often information regarding an actual or potential violation or unauthorized discharge is obtained through telephone or written notification from a member of the public, another public agency or an employee working at a regulated facility. Complaints may also involve nuisance conditions, such as noxious odors that extend beyond a wastewater treatment plant boundary. During the course of an investigation additional violations that are indirectly related or unrelated to the original investigation may also be discovered. RWQCB staff shall document all complaints and findings resulting from complaint investigations.

E. Case Record Maintenance and Review

WDRs, enforcement orders (e.g., cleanup and abatement orders, cease and desist orders, and time schedule orders), and requests for reports required pursuant to California Water Code section 13267 frequently mandate completion of tasks, which the dischargers must confirm by submission of appropriate reports to the RWQCBs. Failure to submit the reports or to complete the required tasks may be the basis for additional enforcement. RWQCBs shall use data management systems to track tasks and reports required of dischargers.

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Often the RWQCB first hears about spills or other violations from the California Department of Fish and Game, the California Department of Toxic Substance Control, the Office of Emergency Services or other agencies. District Attorneys are another source of information. The RWQCBs can use this information to decide whether to initiate joint or separate enforcement actions.

III. DETERMINING "PRIORITY" VIOLATIONS

Priority violations include: all NPDES violations that the United States Environmental Protection Agency (USEPA) requires to be reported on the Quarterly Non-Compliance Report (QNCR) for the purpose of tracking significant non-compliance; all violations subject to mandatory minimum penalties pursuant to California Water Code section 13385; and other violations that the SWRCB and/or RWQCB considers to be significant and therefore high priority. The general criteria below have been developed to assist the RWQCBs in identifying priority violations in order to help establish priorities for enforcement efforts. Depending on the circumstances, violations that are not included on this list could nonetheless be considered "priority" as well. RWQCB staff should indicate, for each violation, whether or not the violation meets the "priority violation" criteria in this section. RWQCB senior staff and management should use the criteria specified in Section I. E. of this policy to further evaluate the priority violations and, within available resources, target formal enforcement actions at the highest priority violations.

The following subsections comprise a non-exclusive list of "priority" violations that will be identified as priority violations in the enforcement database, that will be further evaluated for possible formal enforcement, and that should, at a minimum, receive informal enforcement.

A. NPDES Effluent and Receiving Water Limitation Violations

For facilities with NPDES permits, except as specified in subsection (e) of this section, the following violations of numeric effluent and receiving water limits are priority violations:

- (a) Except as specified in subsections (a)(i) and (a)(ii), any violation of an effluent or receiving water limitation for a Group 1 pollutant (see Table III-1) by 40 percent or more or any violation of an effluent or receiving water limitation for a Group 2 pollutant (see Table III-2) by 20 percent or more.
 - (i) For discharges of pollutants subject to the SWRCB's "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California," or the "California Ocean Plan", where the effluent or receiving water limitation for a pollutant is lower than the applicable Minimum Level, any discharge that equals or exceeds the Minimum Level is a priority violation. For violations of effluent limitations only, such a discharge would also be considered to be a serious violation pursuant to California Water Code section 13385(h)(2)(a).
 - (ii) For discharges of pollutants that are not subject to the SWRCB's "Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California," or the California Ocean Plan (e.g., pollutants that are not addressed by the applicable plan) where the effluent or receiving water limitation

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for a pollutant is lower than the applicable quantitation limit³, any discharge that: 1) equals or exceeds the quantitation limit; and 2) exceeds the effluent or receiving water limitation by 40 percent or more for a Group 1 pollutant or by 20 percent or more for a Group 2 pollutant, is a priority violation. For violations of effluent limitations only, such discharges would be considered to be serious violations pursuant to California Water Code section 13385(h)(2)(a).

- (b) Any waste discharge that violates a flow limitation by ten percent or more.
- (c) Any waste discharge that violates a receiving water temperature limitation by three degrees Celsius (5.4 degrees Fahrenheit) or more.
- (d) Any waste discharge that violates an effluent or receiving water limitation for pH by one pH unit or more or, where the discharger is continuously monitoring pH, any discharge that violates the effluent or receiving water limit by 1 pH unit for ten minutes or longer in a calendar day.
- (e) Violations of receiving water limits will not be considered priority violations if: the NPDES permit contains requirements for responding to receiving water violations by investigating the cause of the violation; the facility is in compliance with those requirements; and the facility takes necessary action to ensure that its effluent does not cause or contribute to future violations of receiving water limits.

³ There are also multiple definitions for the term "quantitation limit." One generally accepted definition for the quantitation limit is the concentration at which a state certified laboratory has determined with a specified degree of confidence, that the actual concentration of the pollutant present in the sample is within a specified percentage of the concentration reported. For the purpose of this policy, the applicable quantitation limit is the quantitation limit specified or authorized in the applicable waste discharge requirements.

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Table III-1. Group 1 Pollutants. This list of pollutants is based on Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations. For the purpose of data entry into the Permit Compliance System (PCS), the United States Environmental Protection Agency (USEPA) has identified a list of pollutants, which are included as Group 1 pollutants under the various classifications of "other." This list is included in Appendix A of this Policy and is hereby incorporated into this Table III-1.

Oxygen Demand

Biochemical Oxygen Demand (BOD)
Chemical Oxygen Demand (COD)
Total Oxygen Demands
Total Organic Carbon
Other

Solids

Total Suspended Solids (TSS)
Total Dissolved Solids (TDS)
Other

Nutrients

Inorganic Phosphorous Compounds
Inorganic Nitrogen Compounds
Other

Detergents and Oils

Methylene Blue Active Substances
Nitrilotriacetic Acid
Oil and Grease
Other Detergents or Algicides

Minerals

Calcium
Chloride
Fluoride
Magnesium
Sodium
Potassium
Sulfur
Sulfate
Total Alkalinity
Total Hardness
Other Minerals

Metals

Aluminum
Cobalt
Iron
Vanadium

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Table III-2. Group 2 Pollutants. This list of pollutants is based on Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations. For the purpose of data entry into the Permit Compliance System (PCS), USEPA has identified a list of pollutants, which are included as Group 2 pollutants. This list is included in Appendix B of this Policy and is hereby incorporated into this Table III-2.

Metals

All metals not specifically listed under Group 1.

Inorganics

Cyanide

Total Residual Chlorine

Organics

All organics not specifically listed under Group 1.

B. Toxicity Violations

Failure to conduct whole effluent toxicity (WET) monitoring tests when required by an enforceable order is a priority violation. Failure to provide valid test results (i.e., meet all test acceptability criteria) or otherwise comply with test and quality assurance procedures, including failure to retest as required following the failure to meet test acceptability criteria, is a priority violation.

Violations of numeric whole effluent toxicity limits contained in WDRs, Water Quality Control Plan prohibitions or other provisions of law are priority violations unless: the WDRs contain requirements for responding to the violation by investigating the cause of the violation (e.g., a Toxicity Identification Evaluation and/or a Toxicity Reduction Evaluation); the facility is in compliance with those requirements; and the facility takes necessary action to ensure that its effluent does not cause or contribute to future violations of whole effluent toxicity limits.

Failure to implement a required Toxicity Identification Evaluation and/or a Toxicity Reduction Evaluation or to otherwise comply with conditions of WDRs or other enforceable orders in response to toxicity violations is a priority violation.

C. Violations of Prohibitions

WDRs, Water Quality Control Plans, and enforcement orders often contain prohibitions (year-round or seasonal) against certain types of discharges of waste. Violations of such prohibitions that result in an adverse impact to beneficial uses or in a condition of nuisance or pollution are considered priority violations.

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D. Spills (including other unauthorized discharges)

Priority violations include:

- (a) sewage or treated wastewater spills that cause a public health threat and/or are greater than 5000 gallons;
- (b) spills of other materials that cause a public health threat or cause toxicity to fish or other aquatic or terrestrial species or that result in an adverse impact to other beneficial uses of groundwater or surface water;
- (c) spills of materials containing persistent, bioaccumulative pollutants in quantities and or concentrations that pose a significant risk to human health or the environment;
- (d) unpermitted discharges of pollutants in Areas of Special Biological Significance;
- (e) discharges from unregulated facilities that cause violations of water quality objectives;
- (f) discharges of sediment that impact spawning habitat; and
- (g) unpermitted discharges of pollutants to waters identified as impaired (on the Clean Water Act section 303(d) List) for that pollutant.

E. Failure to Submit Plans and Reports

Failure by waste water treatment facilities that are approaching treatment capacity to submit plans that are required to address capacity issues within six months of the date specified in WDRs is a priority violation.

Failure to submit reports required by WDRs, California Water Code sections 13267 and 13383, California Water Code section 13260, regulations or Water Quality Control Plans within 30 days from the due date, or submission of reports which are so deficient or incomplete as to impede the review of the status of compliance are priority violations. When required in WDRs or other enforceable orders, the failure to clearly identify all violations of applicable requirements in a cover letter or in the SMR is a priority violation. In addition, failure to comply with the notification requirements contained in California Water Code sections 13271 and 13272 is a priority violation. Failure to submit a Spill Prevention, Control, and Countermeasures (SPCC) Plan, required by Health and Safety Code Section 25270.5(c) within 30 days from the due date is a priority violation. Violation of signatory requirements for plans and reports is a priority violation.

F. Violations of Compliance Schedules

Violations of compliance schedule dates (e.g., schedule dates for starting construction, completing construction, or attaining final compliance) by 30 days or more from the compliance date specified in an enforceable order are priority violations.

G. Pretreatment Program Violations

Failure of a publicly-owned treatment works (POTW) to substantially implement its approved pretreatment program as required in its WDRs, including failure to enforce industrial pretreatment requirements on industrial users and failure to meet pretreatment program compliance schedules is a priority violation.

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Discharges from Industrial Users (IUs) that cause a POTW to have a plant upset or an effluent limit violation are priority violations. Discharges from an IU that exceed a categorical limit for a Group 1 pollutant by 40% or more or for a Group 2 pollutant by 20% or more are priority violations. Note: The SWRCB or RWQCB normally takes enforcement against an IU only when the POTW fails to take appropriate enforcement actions.

H. Storm Water Program Violations

1. Industrial and Construction Discharges

Certain construction and industrial activities require compliance with either the General NPDES Permit for Storm Water Discharges Associated with Construction Activity (Construction Storm Water Permit) or the General NPDES Permit for Discharges of Storm Water Associated with Industrial Activity Excluding Construction (Industrial Storm Water Permit). Failure to submit a Notice of Intent for coverage under the general permits is a priority violation if a discharge to a water of the United States has occurred or is likely to occur. Priority violations include failure to:

- (a) develop a Storm Water Pollution Prevention Plan (SWPPP) within 30 days of the due date which includes appropriate, site-specific best management practices (BMPs);
- (b) implement a SWPPP;
- (c) conduct required monitoring; or
- (d) submit an annual report within 30 days of the due date.

The Storm Water Enforcement Act of 1998 (California Water Code section 13399.25 et seq.) includes mandatory enforcement actions. It requires the RWQCB to notify the discharger if it fails to submit a Notice of Intent or an annual report. The RWQCB must impose administrative penalties for failure to respond to two notifications. In addition to any penalty mandated by the Storm Water Enforcement Act of 1998, the RWQCB may, without prior notice, assess administrative civil liability against all priority violations, as these are also violations of section 13385(a).

2. Municipal Discharges

In most urban areas, discharges of storm water from municipal separate storm sewer systems (MS4s) to waters of the United States must be in compliance with a Municipal NPDES Storm Water Permit. Failure to either submit a report of waste discharge, to develop a storm water management plan within 30 days of the due date, to implement one or more components of its storm water management plan, to conduct monitoring, or to submit an annual report within 30 days of the due date is a priority violation. For example, the failure of a municipality to develop and/or implement a construction site program element that includes a demonstration of adequate legal authority and the implementation of an effective inspection and enforcement program is a priority violation.

Under the Storm Water Enforcement Act of 1998 (California Water Code section 13399.25 et seq.), the RWQCB must send notices to a permittee who fails to submit an annual report, and must impose administrative penalties for failure to respond to two notifications. However, the

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RWQCB may, without prior notice, assess administrative civil liability for failure to submit an annual report, as this also violates section 13385(a).

3. Failure to attain performance standards and failure to report and address violations

Most storm water permits require the discharger(s) to comply with general performance practices or standards. For example, performance standards applicable to industrial and construction storm water discharges are to implement best management practices using the best available technology economically achievable and best conventional technology. Performance standards applicable to municipal storm water discharges are to implement best management practices that reduce the discharge of pollutants from municipal separate storm sewer systems to the maximum extent practicable. If storm water and/or authorized non-storm water discharges cause or substantially contribute to a violation of an applicable water quality standard, the discharger is usually required to take specific, iterative actions (e.g., modify its Storm Water Management Plan) to resolve such violations. Priority violations include the failure to report violations as required by the permit and/or the failure to comply with permit requirements for addressing identified violations. The criteria for priority violations in section III (A) of this Policy apply to NPDES storm water permits that contain numeric effluent limitations.

I. Clean Water Act Section 401 Violations

Discharges into waters of the United States that require a federal permit or license also require certification (in accordance with Section 401 of the Clean Water Act) from the SWRCB or RWQCB that the discharge will comply with the State's water quality standards. Failure to obtain required certification prior to a discharge that causes or contributes to a condition of nuisance or pollution or violates water quality standards is a priority violation. Failure to comply with conditions specified in the certification is a priority violation.

J. Violation of Water Quality Objectives in Groundwater

Any discharge of waste resulting in, or likely to result in, a violation of an applicable water quality objective, groundwater limitations, groundwater protection standards or other applicable concentration limits in waste discharge requirements for pollutants in groundwater, or in the creation of a condition of nuisance, is a priority violation unless the discharge is permitted or otherwise specifically authorized by the SWRCB or RWQCB.

K. Discharge of Bio-solids to Land

The following violations of the SWRCB General WDRs for discharge of bio-solids to land are priority violations:

- (a) Any discharge in violation of the setback requirements;
- (b) Any discharge that exceeds 1.4 times the agronomic rate⁴ for nitrogen, where the site is not a land-reclamation site;

⁴ Agronomic Rate: The nitrogen requirements of a plant needed for optimal growth and production, as cited in professional publications for California or recommended by the County Agricultural Commissioner, a Certified Agronomist or Certified Soil Scientist.

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- (c) Any discharge of tail-water in violation of the requirements;
- (d) Any discharge that exceeds the Background Cumulative Adjusted Loading Rate in the requirements, or exceeds the Ceiling Pollutant Concentration Limits;
- (e) Any violation of the specific Class B Discharge Specifications; and
- (f) Any violations of pathogen reduction requirements or violations of harvesting and site restriction requirements.

L. Waste Discharge Requirement (WDR) Program

The following violations of requirements in WDRs for discharges regulated by the WDR Program are priority violations:

- (a) Failure to monitor as required;
- (b) The failure to maintain required freeboard in ponds;
- (c) Any discharge that exceeds flow limits by 20 percent or more;
- (d) Any discharge that exceeds the effluent limitation for biological oxygen demand or total dissolved solids by 100 percent or more;
- (e) Any discharge where the dissolved oxygen is less than 50 percent of the effluent limitation; or
- (f) Other violations as determined by the Board.

It is a priority violation for a person to discharge waste in violation of California Water Code section 13264.

M. Aboveground Petroleum Storage Act

The following violations of the Aboveground Petroleum Storage Act (California Health and Safety Code section 25270 et.seq.) are priority violations:

- (a) Failure to file a storage report;
- (b) Failure to prepare a Spill Prevention, Control and Countermeasures Plan prepared in accordance with guidelines contained in Part 112 of Title 40 of the Code of Federal Regulations;
- (c) Failure to establish a monitoring system;
- (d) Failure to report spills;
- (e) Failure to conduct daily visual inspections of any tank storing petroleum;
- (f) Failure to allow the regional board to conduct periodic inspections of the tank facility; and
- (g) Failure to install a secondary means of containment when required.

N. Land Disposal

The following violations of requirements in WDRs for facilities regulated by the Land Disposal Program are priority violations:

- (a) Failure to submit required construction quality assurance plans prior to construction;

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- (b) Failure to submit required construction quality assurance / quality control certification reports prior to waste discharge;
- (c) Failure to implement an adequate waste load checking program and/or knowing acceptance of un-permitted waste;
- (d) Failure to install and/or maintain required thickness of acceptable cover material;
- (e) Failure to monitor (ground and surface water) as required;
- (f) The failure to respond to evidence of a release of waste to groundwater as required in WDRs or other enforceable orders (i.e., failure to develop and implement an Evaluation Monitoring and/ or a Corrective Action Program);
- (g) Un-permitted discharge of leachate or waste to surface water;
- (h) Slope failure or erosion resulting in the exposure of waste and/or the discharge of sediment or other pollutants to surface water that impacts beneficial uses, causes or contributes to a violation of an applicable water quality objective or in the creation of a condition of nuisance or pollution; and
- (i) Failure to maintain required freeboard.

O. Failure to Pay Fees, Penalties or Liabilities

Failure to pay fees, penalties or liabilities within 30 days of the due date is a priority violation unless the discharger has filed a timely petition pursuant to California Water Code section 13320 for review of the fee, penalty or liability; or an alternate payment schedule has been accepted by the RWQCB.

P. Falsifying Information

Falsification of information submitted to the Board or intentional withholding of information required by applicable laws, regulations or an enforceable order is a priority violation.

IV. ENFORCEMENT ACTIONS

The Boards have a variety of enforcement tools to use in response to non-compliance by dischargers. This section describes the range of options and discusses procedures that are common to some or all of these options. With specified exceptions California Water Code section 13360 (a) prohibits the SWRCB or RWQCB from specifying the design, location, type of construction, or particular manner in which compliance may be had with a particular requirement.

A. Standard Language

In order to provide a consistent approach to enforcement throughout the state, enforcement orders should be standardized where appropriate. The SWRCB intends to maintain model enforcement orders containing standardized provisions for use by the RWQCBs. RWQCBs should use the models and modify terms and conditions as appropriate for the specific circumstances related to the discharge and to be consistent with RWQCB plans and policies.

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B. Informal Enforcement Actions

An informal enforcement action is any enforcement action taken by SWRCB or RWQCB staff that is not defined in statute. An informal enforcement action can include any form of communication (verbal, written, or electronic) between SWRCB and/or RWQCB staff and a discharger about a violation or potential violation. These actions may, in some circumstances, be petitioned to the RWQCB or the RWQCB Executive Officer but cannot be directly petitioned to the SWRCB.

The purpose of an informal enforcement action is to quickly bring a violation to the discharger's attention and to give the discharger an opportunity to return to compliance as soon as possible. The RWQCB may take formal enforcement action in place of, or in addition to, informal enforcement actions. Continued noncompliance is considered a priority violation and should trigger formal enforcement action.

1. Verbal Enforcement Actions and Enforcement Letters

For many violations, the first step is a verbal enforcement action. Staff should contact the discharger by phone or in person and inform the discharger of the specific violations, discuss how and why the violations occurred, and discuss how and when the discharger will correct the violation and achieve compliance. Staff shall document the conversation in the facility case file and in the enforcement database.

An enforcement letter is often appropriate as a follow-up, or in lieu of, a verbal enforcement action. Enforcement letters are signed by staff or by the appropriate senior staff. The letter should inform the discharger of the specific violations, and, if known to staff, discuss how and why the violations occurred and how and when the discharger will correct the violation and achieve compliance.

Verbal enforcement actions and enforcement letters must not include language that excuses the violation or that modifies a compliance date in WDRs or other orders issued by the State or RWQCB.

2. Notice of Violation (NOV)

The NOV letter is the highest level of informal enforcement action. An NOV should be signed by the RWQCB Executive Officer or designated staff and should be addressed and mailed to the discharger(s) by certified mail. In cases where the discharger has requested that their consultant be notified of RWQCB actions, the consultant should also receive a copy of the NOV. The NOV letter should include a description of specific violations, a summary of potential enforcement options available for non-compliance (including the potential daily or per gallon maximum Administrative Civil Liability (ACL) available), and, when appropriate, a request for a written response by a specified date. The summary of potential enforcement options shall include appropriate citations to the California Water Code and should specify that the RWQCB reserves the right to take any enforcement action authorized by law.

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C. Formal Enforcement Actions

Formal enforcement actions are statutorily recognized actions to address a violation or threatened violation of water quality laws, regulations, policy or orders. Formal enforcement orders should contain findings of facts that establish all the statutory requirements of the specific statutory provision being utilized. The actions listed below present options available for enforcement.

1. Notices to Comply

Notices to Comply are issued pursuant to California Water Code section 13399 et seq., which requires the use of Notices to Comply as the only means by which the SWRCB or RWQCB can issue citations for minor violations. A violation is determined to be minor by the SWRCB or the RWQCB after considering factors defined in California Water Code sections 13399(e) and (f) and the danger the violation poses to, or the potential that the violation has for endangering human health, safety, or welfare or the environment.

- (a) The violations listed below are considered to be minor violations for the purpose of compliance with California Water Code section 13399 et seq.:
 - (i) Inadvertent omissions or deficiencies in recordkeeping that do not prevent an overall compliance determination.
 - (ii) Records (including WDRs) not physically available at the time of the inspection provided the records do exist and can be produced in a timely manner.
 - (iii) Inadvertent violations of insignificant administrative provisions that do not involve a discharge of waste or a threat thereof.
 - (iv) Failure to have permits available during an inspection.
 - (v) Violations that result in an insignificant discharge of waste or a threat thereof; provided, however, there is no significant threat to human health, safety, welfare or the environment.
- (b) A violation is not considered minor in nature if it is a priority violation as described in Section III of this Policy or includes any of the following:
 - (i) Any knowing, willful, or intentional violation of Division 7 (commencing with Section 13000) of the California Water Code.
 - (ii) It involves any violation that enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage.
 - (iii) Chronic violations or violations committed by a recalcitrant violator.
 - (iv) Violations that cannot be corrected within 30 days.

2. Notices of Stormwater Noncompliance

The Stormwater Enforcement Act of 1998 (California Water Code section 13399.25 et seq.) requires that each RWQCB notify storm water dischargers who have failed to file a notice of intent to obtain coverage, a notice of non-applicability, a construction certification, or annual reports. If, after two notifications, the discharger fails to file the applicable document a mandatory civil liability shall be assessed against the discharger.

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3. Technical Reports and Investigations

California Water Code sections 13267(b) and 13383 allow RWQCBs to conduct investigations and to require technical or monitoring reports from any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste in accordance with the conditions in the section. Failure to comply with requirements made by a RWQCB pursuant to California Water Code section 13267(b) is a priority violation and may result in administrative civil liability pursuant to California Water Code section 13268. Failure to comply with orders made pursuant to California Water Code section 13383 may result in administrative civil liability pursuant to California Water Code section 13385. Section 13267(b) and 13383 requirements are enforceable when signed by the Executive Officer of the RWQCB.

California Water Code section 13267 (b) requires Regional Boards to:

- provide the person who is required to provide the reports with a written explanation with regard to the need for the reports, and
- identify the evidence that supports requiring that person to provide the reports.

To comply with these requirements, the RWQCB should include a brief statement regarding the relationship between the information that is being sought and the water quality issue that is being investigated (e.g., to determine the level of the discharge's impact on beneficial uses or to determine compliance with waste discharge requirements.) The Regional Board should also identify a basis for suspecting that the recipient(s) of the order discharged, is discharging, or may discharge waste. This may be accomplished by including a brief statement regarding the person's current or former ownership or control over the location of the discharge or the person's control over the discharge itself. If the existence of a discharge is in question, the statement should also identify a basis for suspecting a discharge (e.g., a brief description of the condition downstream or down-gradient of the suspected discharge). These statements required by 13267(b) may, for example, be contained in a transmittal letter, in the 13267(b) requirements, or in the findings in an order. Note these statements are not required by California Water Code section 13383, which applies only to discharges subject to regulation under the NPDES program.

Although they should be cited in Cleanup and Abatement Orders, Cease and Desist Orders, and section 13308 Time Schedule Orders, it is important to note that California Water Code sections 13267 and 13383 are not strictly enforcement statutes. RWQCBs should routinely cite those sections as authority whenever asking for technical or monitoring reports. California Water Code section 13267 should also be cited in all non-NPDES WDRs, waivers and certifications as authority for monitoring and reporting requirements. California Water Code section 13383 should be cited in all NPDES permits.

4. Cleanup and Abatement Orders (CAOs)

Cleanup and Abatement Orders (CAOs) are adopted pursuant to California Water Code section 13304. CAOs may be issued to any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of

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pollution or nuisance (discharger). The CAO requires the discharger to clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

RWQCBs should keep an accurate record of staff oversight costs for CAOs, because dischargers are liable for such costs. When a CAO specifies that staff costs are to be recovered from the discharger, failure to pay invoiced amounts for staff costs is a violation of the CAO that is subject to an ACL.

RWQCBs shall comply with SWRCB Resolution No. 92-49, "Policies And Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304", in issuing CAOs. CAOs should require discharger(s) to clean up the pollution to background levels or the best water quality which is reasonable if background levels of water quality cannot be restored in accordance with Resolution No. 92-49. At a minimum, cleanup levels must be sufficiently stringent to fully support beneficial uses, unless the RWQCB allows a containment zone. In the interim, and if restoration of background water quality cannot be achieved, the CAO should require the discharger(s) to abate the effects of the discharge. Abatement activities may include the provision of alternate water supplies. CAOs should name all dischargers for whom there is sufficient evidence of responsibility as set forth in California Water Code section 13304.

CAOs that require submission of technical and monitoring reports should always state that the reports are required pursuant to California Water Code section 13267. CAOs shall contain language describing likely enforcement options available for non-compliance and should specify that the RWQCB reserves its right to take any enforcement action authorized by law. Such language shall include appropriate California Water Code citations. Violations of CAOs should trigger further enforcement in the form of an ACL, a Time Schedule Order (TSO) under California Water Code section 13308, or referral to the Attorney General for injunctive relief or monetary remedies.

5. Section 13300 Time Schedule Orders (TSOs)

Pursuant to California Water Code section 13300, the RWQCB can require the discharger to submit a time schedule which sets forth the actions that the discharger will take to address actual or threatened discharges of waste in violation of requirements. TSOs that require submission of technical and monitoring reports should state that the reports are required pursuant to California Water Code section 13267.

6. Section 13308 Time Schedule Orders (13308 TSOs)

California Water Code section 13308 authorizes the RWQCB to issue a Section 13308 Time Schedule Order (13308 TSO) which prescribes a civil penalty if compliance is not achieved in accordance with the time schedule. The RWQCB may issue a 13308 TSO if there is a threatened or continuing violation of a cleanup and abatement order, cease and desist order, or any requirement issued under California Water Code sections 13267 or 13383. The penalty must be set based on an amount reasonably necessary to achieve compliance and may not contain any amount intended to punish or redress previous violations. Therefore, the 13308 TSO should contain findings explaining how the penalty amount will induce compliance without imposing

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punishment. For example, it could include a calculation of how much money the discharger is saving each day by delaying compliance. The 13308 TSO provides the RWQCBs with their primary mechanism for motivating compliance, and if necessary, assessing monetary penalties against federal facilities.

If the discharger fails to comply with the 13308 time schedule, the penalty is imposed when the RWQCB Executive Officer issues a complaint for Administrative Civil Liability. If the amount of proposed liability in the Complaint is less than the amount specified in the 13308 Order, the RWQCB is required by California Water Code 13308(c) to include specific findings setting forth the reasons for its action based on California Water Code section 13327. The penalty may not exceed \$10,000 for each day in which the violation of the 13308 TSO occurs.

7. Cease And Desist Orders (CDOs)

Cease and Desist Orders (CDOs) are adopted pursuant to California Water Code sections 13301-13303. CDOs may be issued to dischargers violating or threatening to violate WDRs or prohibitions prescribed by the RWQCB or the SWRCB. CDOs are often issued to dischargers with chronic non-compliance problems. These problems are rarely amenable to a short-term solution. Often, compliance involves extensive capital improvements or operational changes. The CDO will usually contain 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 to community sewer systems and combined stormwater/sewer systems.

Section 4477 of the Government Code prohibits all state agencies from entering into contracts of \$5,000 or more for the purchase of supplies, equipment, or services from any nongovernmental entity who is the subject of a CDO which is no longer under review and which was issued for violation of WDRs or which has been finally determined to be in violation of federal laws relating to air or water pollution. The SWRCB provides the list of such violators to other state agencies and publishes the list on the internet at <http://www.swrcb.ca.gov>.

CDOs that require submission of technical and monitoring reports should state that the reports are required pursuant to California Water Code section 13267. CDOs shall contain language describing likely enforcement options available for non-compliance and specify that the RWQCB reserves its right to take any further enforcement action authorized by law. Such language shall include appropriate California Water Code citations. Violations of CDOs should trigger further enforcement in the form of an ACL, 13308 Order or referral to the Attorney General for injunctive relief or monetary remedies.

8. Modification Or Rescission Of Waste Discharge Requirements

In accordance with the provisions of the California Water Code, the RWQCB may modify or rescind WDRs in response to violations. Depending on the circumstances of the case, rescission of WDRs may be appropriate for failure to pay fees, penalties or liabilities; discharges that adversely affect beneficial uses of the waters of the state; and violation of the SWRCB General WDRs for discharge of bio-solids due to violation of the Background Cumulative Adjusted Loading Rate. Rescission of WDRs generally is not an appropriate enforcement response where

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the discharger is unable to prevent the discharge, as in the case of a publicly owned treatment works (POTW).

9. Administrative Civil Liability (ACL)

ACL means monetary assessments imposed by a RWQCB or the SWRCB. The California Water Code and the Health and Safety Code authorize ACLs in several circumstances which are summarized in Table IV-1⁵. Staff working on ACLs should consult the appropriate section of the Code to review the entire text.

Table IV-1. Summary of Relevant California Water Code and Health and Safety Code Authority for Imposing Administrative Civil Liability Pursuant to this Policy.

<u>STATUTE</u>	<u>COVERAGE</u>
§ 13261 (California Water Code)	Up to \$1,000 per day for failure to furnish reports of waste discharge or failure to pay annual program fees. (\$5,000 per day for non-NPDES discharges if hazardous waste is involved and there is a willful violation.)
§ 13265 (California Water Code)	Up to \$1,000 per day for discharging without a permit. (\$5,000 per day for non-NPDES discharges if hazardous waste is involved and violation is due to negligence.)
§ 13268 (California Water Code)	Up to \$1,000 per day for failing or refusing to furnish technical or monitoring reports or falsifying information therein. (Up to \$5,000 per day for non-NPDES discharges if hazardous waste is involved and there is a knowing violation.)
§ 13271 (California Water Code)	Up to \$20,000 for failing to notify the Office of Emergency Services (OES) of a discharge of hazardous substances that exceeds the reportable quantity or more than 1000 gallons of sewage.
§ 13272 (California Water Code)(Limitation: Does not apply to spills of oil into marine waters as defined in Government Code §8670.3(f).)	Not less than \$500 and not more than \$5000 per day for each day of failure to notify OES of a discharge of any oil or product in or on the waters of the state.

⁵ Sections 13627.1, 13627.2, 13627.3 and 13627.4 of the Water Code and section 25284.4 of the Health and Safety Code authorize the SWRCB to impose administrative civil liability on wastewater treatment plant operators and underground storage tank testers, respectively. This policy does not apply to, and is not intended to limit in any way, the SWRCB's imposition of any disciplinary action, including administrative civil liability, on these individuals pursuant to this authority, except that the types of enforcement actions discussed in subpart V. B. shall be considered.

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§ 13308 (California Water Code)	Up to \$10,000 per day for violations of time schedules. Amount to be prescribed when time schedule is established.
§ 13350 (California Water Code)	• Up to \$10 per gallon of waste discharged, or • Up to \$5000 per day of violation. The Regional Board is required to make a specific finding if it imposes civil liability in an amount less than \$100 per day of violation if there is no discharge, or less than \$500 per day of violation if there is a discharge and a CAO is issued.
§ 13385 (a) (California Water Code)	For NPDES permit program violations or discharges to surface water: Up to \$10,000 per day of violation plus an additional liability of \$10 per gallon for each gallon over 1,000 gallons where there is a discharge that is not cleaned up. A "discharge" as used in this section is defined as any discharge from a point source to navigable waters of the United States, any introduction of pollutants into a POTW, or any use or disposal of sewage sludge.
§ 13385 (h) and (i) (California Water Code)	• 13385 (h) (1) ... Mandatory minimum penalties of three thousand dollars (\$3,000) shall be assessed for the first serious violation as defined by statute and each additional serious violation in any period of six consecutive months, except that the SWRCB or RWQCB may elect to require the discharger to spend an amount equal to the penalty for the first serious violation on a supplemental environmental project or to develop a pollution prevention plan. • 13385 (i) Mandatory minimum penalties of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations: (1) Exceeds a waste discharge requirement effluent limitation. (2) Fails to file a report pursuant to Section 13260. (3) Files an incomplete report pursuant to Section 13260. (4) Exceeds a toxicity discharge limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

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§ 13399.33 (California Water Code)	• Not less than \$5,000 per year or fraction thereof for failure to submit required notice of intent for coverage under stormwater permit. • Not less than \$1,000 per year or fraction thereof for failure to submit notices on non-applicability, annual reports or construction certification as required by stormwater program.
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a) ACL Complaint

California Water Code sections 13323-13327 describe the process to be used to assess ACLs. The California Water Code authorizes RWQCB Executive Officers to issue an ACL Complaint. California Water Code section 13261(b)(1) authorizes both the RWQCB Board Executive Officers and the State Board Executive Director to issue an ACL complaint for failing to furnish a report of waste discharge or pay a waste discharge requirement fee. The ACL Complaint describes the violation and provision of law authorizing imposition of the civil liability, proposes a specific civil liability, and informs the recipient that a public hearing will be held within 60 days after the Complaint is served. Section VII of this policy provides specific instructions for staff to use when developing and documenting a recommendation for the amount of the assessment. It is the policy of the SWRCB that a public comment period should be provided prior to the settlement of any ACL, including mandatory minimum penalties. The SWRCB or RWQCB should use appropriate methods to notify the public of the proposed action. Appropriate methods include, but are not limited to, posting notices on the internet, mailing and/or e-mailing documents to all known interested parties and publishing notices in newspapers. ACLs issued under section 13385 for violations of the CWA must allow a 30-day public comment period and public notice must include publishing a notice in a newspaper of general circulation for any proposed settlement of the ACL.

Upon receipt of an ACL Complaint, the discharger(s) may waive its right to a public hearing and pay the liability; negotiate a settlement (memorialized in the form of an amended complaint); or appear at the RWQCB or SWRCB hearing to dispute the Complaint. If the discharger waives its right to a public hearing and pays the liability, a third party may still comment on the Complaint at any time during the public comment period. Following review of the comments, the Executive Officer may withdraw the ACL complaint. An ACL Complaint may be redrafted and issued as appropriate. In cases where a public hearing before the RWQCB or SWRCB is not held, summary information regarding the final disposition of the Complaint should be included in the SWRCB or RWQCB Agenda.

If the discharger does not waive the right to a public hearing, California Water Code section 13233(b) requires that a public hearing be held within 60 days of the issuance of the complaint. The discharger may agree in writing that the hearing can be held more than 60 days after the issuance of the complaint. The hearing shall be before a panel of the RWQCB or before the RWQCB or SWRCB. Following the hearing the RWQCB or SWRCB will consider whether to affirm, modify or reject the liability. If the RWQCB or SWRCB adopts an ACL Order, it may be for an amount that is greater or less than the amount proposed in the complaint but may not exceed the maximum statutory liability. If the Executive Officer decides to dismiss the liability prior to the hearing, the Executive Officer must withdraw the Complaint.

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b) Suspended Liability

The RWQCB or SWRCB may, by various means, allow a portion of the liability to be satisfied through the successful completion of a Supplemental Environmental Project (SEP) and/or a Compliance Project (CP). The remaining portion of the liability shall be paid to the State Cleanup and Abatement Account or other fund or account as authorized by statute. The specific procedures for suspending liability for SEPs and CPs are discussed in greater detail in Sections IX and X of this Policy.

c) Staff Costs

The portion of the ACL amount that is intended to recover staff costs should always be paid to the State Cleanup and Abatement Account or other fund or account as authorized by statute. Staff costs are discussed in greater detail in Section VII of this Policy.

d) ACL Order

ACL Orders are final upon adoption and cannot be reconsidered by the RWQCB. ACL Orders can only be modified by the SWRCB pursuant to California Water Code section 13320 or in superior court if a petition for writ of mandate was properly filed in accordance with California Water Code section 13330. All cash payments to the SWRCB or RWQCBs, shall be paid to the State Cleanup and Abatement Account or other fund or account as authorized by statute.

10. Referrals To Attorney General, District Attorney, United States (U.S.) Attorney or City Attorney

The RWQCB or SWRCB can refer violations to the state Attorney General for civil enforcement actions. The RWQCB or SWRCB can also request the appropriate county District Attorney or City Attorney seek criminal prosecution. A superior court may be requested to impose civil or criminal penalties. In some cases (e.g., when the District Attorney or Attorney General is unable or unwilling to accept a case), the RWQCB may find it appropriate to request the USEPA's criminal investigation division or the U.S. Attorney's Office to review potential violations of federal environmental statutes, including but not limited to the CWA, the Endangered Species Act, the Migratory Bird Treaty Act, or the Resource Conservation and Recovery Act.

a) Attorney General

At the request of the RWQCB or SWRCB, the Attorney General can seek judicial civil liabilities on behalf of the RWQCB or SWRCB for California Water Code violations, essentially the same ones for which the RWQCB or SWRCB can impose ACLs. Maximum per-day or per-gallon civil monetary remedies are two to ten times higher when imposed by the court instead of the RWQCB. The Attorney General can also seek injunctive relief in the form of a restraining order, preliminary injunction, or permanent injunction pursuant to California Water Code sections 13262, 13264, 13304, 13331, 13340 and 13386. Injunctive relief may be appropriate in emergency situations, or where a discharger has ignored enforcement orders or does not have the ability to pay a large ACL.

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For civil assessments, referrals to the Attorney General should be reserved for cases where the violation merits a significant enforcement response but where an ACL would be inappropriate or ineffective. For example, when a major oil spill occurs, several state agencies can seek civil monetary remedies under different state laws; a single civil action by the Attorney General may be more efficient than numerous individual agency actions. A violation (or series of violations) with major public health or water quality impacts should be considered for referral in order to maximize the monetary assessment because of its effect as a deterrent. Referral for recovery of natural resources damages under common law theories, such as nuisance, may also be appropriate.

b) District Attorney, City Attorney, USEPA or U.S. Attorney

District Attorneys, City Attorneys, USEPA, or U.S. Attorneys may seek civil or criminal penalties under their own authority for some of the same violations the RWQCB pursues. A request by the RWQCB is not required. The decision to file a criminal action and what charges to bring is within the sole discretion of the prosecutor who acts on behalf of the people of the state in general. A RWQCB can request prosecution or investigation and should cooperate with a prosecutor but the criminal action is not controlled by, or the responsibility of, the RWQCB. Staff should always request that any settlement by the District Attorney require any actions that are necessary to prevent recurrence of a spill and/or to mitigate damage to the environment and include recovery of staff costs.

A major area where District Attorney involvement should be considered is where there is suspected criminal action related to releases of hazardous substances or toxic materials. A request for District Attorney involvement would support the local agency or another state agency that is taking the lead (e.g., county health department, city fire department, California Department of Fish and Game or the California Department of Toxic Substances Control). Many District Attorney offices have created task forces specifically staffed and equipped to investigate environmental crimes including water pollution. These task forces may request RWQCB support which should be provided within available resources. District Attorneys also have the resources to carry out investigations that may be beyond the expertise of RWQCB staff. For example, a District Attorney's investigator is skilled at interviewing witnesses and collecting evidence. Such assistance can help a RWQCB determine if enforcement action is required and help with developing the evidence needed to prove the basis for enforcement.

In addition to the criminal sanctions and civil fines, the District Attorney often pursues injunctive actions to prevent unfair business advantage. The law provides that one business may not gain unfair advantage over its competitors by using prohibited tactics. A business that fails to comply with its WDRs or an enforcement order competes unfairly with other businesses that obey the law.

In cases where there is a serious violation of the CWA and additional investigatory resources are needed, the USEPA or U.S. Attorney may be contacted. Civil matters should be referred to the USEPA, not directly to the U.S. Attorney

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Investigations by prosecutors are confidential and are generally not subject to Public Records Act disclosure. It is essential that staff working with the prosecutor or prosecutor's investigators maintain this confidentiality.

c) Civil versus Criminal Actions

Enforcement actions taken by the RWQCB are administrative or civil actions. In cases where there is reason to believe that specific individuals or entities have engaged in criminal conduct, the RWQCB may refer the case to the District Attorney, City Attorney, Attorney General, USEPA's criminal investigation division or the U.S. Attorney. Under criminal law, individual persons, as well as responsible parties in public agencies and business entities, may be subject to fines or imprisonment.

While criminal statutes differ, most require some type of intent or knowing behavior on the part of the violator. This intent may be described as knowing, reckless, or willful. In addition to the required intent, criminal offenses usually consist of a number of elements, each one of which must be proven. Determining whether the required degree of intent and each of the elements exists often involves a complex analysis. If a potential environmental criminal matter comes to the attention of staff, staff should inform RWQCB management and the RWQCB's attorney.

D. Petitions of Enforcement Actions

Persons affected by most formal enforcement actions or failures to act by a RWQCB may file petitions with the SWRCB for review of such actions or failures to act. The petition must be received by the SWRCB within 30 days of the RWQCB action. A petition on the RWQCB's failure to act must be filed within 30 days of the date the RWQCB refuses to act or within 60 days after a request has been made to the RWQCB to act. Actions taken by the Executive Officer of the RWQCB pursuant to authority delegated by the RWQCB (e.g., cleanup and abatement orders) are considered actions by the Board and are also subject to the 30-day time limit. In addition, significant enforcement actions by a RWQCB Executive Officer may be reviewed by the RWQCB at the request of the discharger. When a discharger has unsuccessfully petitioned the RWQCB and subsequently petitions the SWRCB for review, the petition to the SWRCB must be filed within 30 days of the Executive Officer's action. The SWRCB may, at any time and on its own motion, review most actions or failures to act by a RWQCB. When a petition is filed with the SWRCB, the time for payment of fees, liabilities or penalties that are the subject of the petition is extended during the SWRCB review of the petition.

V. SPECIFIC RECOMMENDED ENFORCEMENT

It is the intent of the SWRCB that the following specific instances of non-compliance receive consistent enforcement responses from the SWRCB and all nine RWQCBs. These specific recommendations should be considered when senior staff and management establish the relative priority for enforcement pursuant to section I.E. of this Policy. Decisions by the SWRCB and RWQCB to deviate from these specific recommendations should be based on extenuating circumstances that are documented in the discharger/facility record (e.g., file, databases, other records).

A. Dischargers Knowingly Falsifying or Knowingly Withholding Information that is Required to be Submitted to State Regulatory Agencies

The foundation of the State's regulatory program relies on dischargers accurately, and honestly reporting information required by the Boards. This required information includes, but is not limited to: reports of waste discharge; self monitoring reports including influent and effluent quality; flow data; surface and groundwater data; spills of untreated or partially treated wastewater; and technical reports. Knowingly falsifying or knowingly withholding such information that would indicate violations of requirements contained in board orders, plans and policies erodes the State's regulatory program and places the health of the public and the environment at risk. The SWRCB views these violations as very important and strongly encourages the RWQCBs to respond to any instance of falsification or withholding of required information in accordance with this policy.

The discharger is responsible for compliance with orders and reporting of required information, including violations, to the SWRCB or RWQCB. The discharger is also responsible for ensuring that any employees, agents, or contractors acting on its behalf report required information truthfully, accurately and on time.

Enforcement of statutes pertaining to falsification or withholding of required information should be a high priority and considered as follows:

- (a) Initiate investigation of all instances of suspected falsification or withholding of water quality data within thirty days of becoming aware of the allegations. If the results of preliminary investigation suggest a possibility of criminal wrongdoing by the discharger, the SWRCB and RWQCB staff shall consult with management and the RWQCB's counsel to consider informing the appropriate criminal investigative agency.
- (b) Protect the confidentiality of all staff investigations of potential instances of knowingly falsifying or withholding required information. The RWQCBs shall protect the complainant's personal information such as name, address, phone numbers and employment data by providing a secure location for files about matters related to ongoing criminal investigations or licensing (e.g., treatment plant operator certification). The information in these files shall not be released to the public without consulting with the RWQCB attorney.

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- (c) Forward all cases where the investigation supports the allegation of falsification or intentional withholding of water quality data to the District Attorney, Circuit Prosecutor, Attorney General or the U.S. Attorney for criminal investigation.
- (d) The SWRCB and the RWQCBs should pursue administrative actions against the discharger including assessment of civil liabilities and consideration of rescission of WDRs if there is sufficient evidence of falsification or intentional or negligent withholding of required information and the criminal investigators and/or prosecutors agree that the administrative and civil process will not interfere with, or jeopardize, the criminal investigation.
- (e) The RWQCB should implement an intensive inspection schedule (e.g., bi-monthly inspections for a period of six months) for any facility where the investigation supports the allegation of falsification or withholding of water quality data. Inspections should involve thorough review of facility water quality records, procedures and processes, logbooks, and sampling of effluent at regular intervals. Requesting the assistance of the District Attorney, Attorney General, or U.S. Attorney should be considered in complex cases.

B. Certified Wastewater Treatment Plant Operators and Licensed Underground Storage Tank Testers Knowingly Falsifying or Knowingly Withholding Information that is Required to be Submitted to State Regulatory Agencies

1. The SWRCB's Office of Operator Certification shall promptly consider suspending or revoking the Operator Certificate, or imposing administrative civil liability, on any operator who knowingly commits any of the following acts if doing so impacts or threatens to impact water quality:

- (a) knowingly falsifies required information submitted to the SWRCB or RWQCB;
- (b) withholds required information from the SWRCB or RWQCB;
- (c) knowingly submits false information on an application for operator certification; or
- (d) through threats, coercion, or intimidation forces others to falsify or withhold required information from the SWRCB or RWQCB. The Office of Operator Certification shall report to the SWRCB at a public meeting its decisions where formal disciplinary action has been taken against any operator for such action(s).

2. The SWRCB's Office of Tank Tester Licensing shall promptly consider suspension or revocation, or the imposition of administrative civil liability, of any licensed tank tester who knowingly commits any of the following acts if doing so impacts or threatens to impact water quality:

- (a) knowingly falsifies required information submitted to the SWRCB;
- (b) withholds required information from the SWRCB;
- (c) knowingly submits false information on an application for license, or
- (d) through threats, coercion, or intimidation forces others to falsify or withhold required information from the SWRCB.

C. Failure to Submit Reports and Submittal of Inadequate Reports

As stated above, the State's water quality regulatory program relies on dischargers to report information specified in the WDR or in another enforceable order. If the discharger fails to submit a report, or submits a report that is inadequate (i.e., so deficient or incomplete as to impede the review of the status of compliance) the RWQCB should issue a notice of violation to the discharger. The notice of violation must not include language that excuses the violation or that modifies the original compliance date. If the discharger does not submit an adequate report within 60 days of the original compliance date, the RWQCB should issue an ACL unless the delay is beyond the reasonable control of the discharger.

D. Mandatory Minimum Penalties for NPDES Violations

Mandatory penalty provisions are required by California Water Code section 13385(h) and (i) for specified violations of NPDES permits. For violations that are subject to those mandatory minimum penalties, the RWQCB must either assess an ACL for the mandatory minimum penalty or assess an ACL for a greater amount. California Water Code section 13385(h) requires that a mandatory minimum penalty of \$3,000 be assessed by the RWQCB for each serious violation. A serious violation is any waste discharge that exceeds the effluent limitation for a Group I pollutant by 40 percent or more, or a Group II pollutant by 20 percent or more. (See Tables III-1 and III-2). Section III.A.(a) of this policy addresses situations where the effluent limit for a pollutant is less than or equal to the quantitation limit. As an alternative to assessing \$3,000 for the first serious violation in a six-month period, the RWQCB may require the discharger to spend an amount equal to the penalty for a SEP or to develop a pollution prevention plan (PPP). Exceptions to the imposition of mandatory minimum penalties are provided for violations that are caused by acts of war or by an unanticipated, grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character or by an intentional act of a third party. Such exceptions do not apply if the violation could have been prevented or avoided by the exercise of due care or foresight by the discharger. Such exceptions are fact specific and should be evaluated on a case by case basis.

If the RWQCB allows the discharger to prepare a PPP pursuant to California Water Code section 13263.3 or an SEP in lieu of paying \$3,000 for the first violation, the RWQCB must wait until the discharger has not had any serious violations for six months before it can allow the discharger to prepare an SEP or PPP in lieu of the mandatory penalty for additional serious violations. Any SEP or PPP allowed pursuant to California Water Code section 13263.3 should only consist of measures that go above and beyond the existing obligation of the discharger.

The RWQCB is required by California Water Code section 13385(i) to assess mandatory minimum penalties of \$3,000 per non-serious violation, not counting the first three violations. A non-serious violation occurs if the discharger does any of the following four or more times in any period of six consecutive months:

- (a) exceeds WDR effluent limitations;
- (b) fails to file a report of waste discharge pursuant to California Water Code section 13260;
- (c) files an incomplete report of waste discharge pursuant to California Water Code section 13260; or

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- (d) exceeds a toxicity discharge limitation where the WDRs do not contain pollutant-specific effluent limitations for toxic pollutants.

The six-month time period is calculated as a "rolling" 180 days.

The intent of these portions of the California Water Code is to assist in bringing the State's permitted facilities into compliance with WDRs. RWQCBs should issue mandatory minimum penalties within seven months of the time that the violations qualify as mandatory minimum penalty violations, or sooner if the total mandatory penalty amount is \$30,000 or more. This will encourage the discharger to correct the violation in a timely manner.

A single operational upset which leads to simultaneous violations of one or more pollutant parameters shall be treated as a single violation. EPA defines "single operational upset" as "an exceptional incident which causes simultaneous, unintentional, unknowing (not the result of a knowing act or omission), temporary noncompliance with more than one CWA effluent discharge pollutant parameter. Single operational upset does not include... noncompliance to the extent caused by improperly designed or inadequate treatment facilities" ("Issuance of Guidance Interpreting Single Operational Upset" Memorandum from the Associate Enforcement Counsel, Water Division, U.S.EPA, September 27, 1989.). The EPA Guidance further defines an "exceptional" incident as a "non-routine malfunctioning of an otherwise generally compliant facility." Single operational upsets include such things as upset caused by a sudden violent storm, a bursting tank, or other exceptional event and may result in violations of multiple pollutant parameters. The discharger has the burden of demonstrating a single operational upset occurred. The RWQCB shall apply the above EPA Guidance in determining if a single operational upset occurred. A finding that a single operational upset has occurred is not a defense to liability, but may affect the number of violations.

California Water Code section 13385(j) includes several limited exceptions to the mandatory minimum penalty provisions. The primary exceptions are for discharges that are in compliance with a cease and desist order or time schedule order under narrowly specified conditions. California Water Code section 13385(k) provides an alternative to assessing mandatory minimum penalties against a POTW that serves a small community, "as defined by subdivision (b) of Section 79084". Under this alternative, the RWQCBs may require the POTW to spend an amount equivalent to the mandatory minimum penalty toward a compliance project that is designed to correct the violations.

California Water Code section 79084 defines "small community" as a municipality with a population of 10,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the population of the segment is 10,000 persons or less, with a financial hardship as determined by the board.

It is the policy of the SWRCB that "rural county" means a county classified by the Economic Research Service, United States Department of Agriculture (ERS, USDA) with a rural-urban continuum code of four through nine.

It is the policy of the SWRCB that "financial hardship" means that the median annual household income for the community is less than 80% of the California median annual household income. It is the policy of the SWRCB that "median annual household income" means the median annual

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household income of the community based on the most recent census data or a local survey approved by the SWRCB. If a community believes that the census data does not represent the community, and the community is not a Census Designated Place, a City or a Town, the community may apply to the SWRCB for designation as a "small community with a financial hardship". The application must include a map of community boundaries, a list of properties, the number of households and the number of people in the community. Additional information including information regarding income and/or property values of the community may be submitted in support of the application. If the application does not provide an adequate basis for the calculation of median household income, the SWRCB may require an independent income survey conducted in accordance with a pre-approved methodology. A subdivision of state government shall not be considered a small community with a financial hardship. The SWRCB will maintain a current list of designated small communities with a financial hardship.

The following counties qualify as rural counties with a financial hardship		
Alpine	Inyo	Plumas
Calaveras	Kings	Sierra
Colusa	Lake	Siskiyou
Del Norte	Lassen	Tehama
Glenn	Mariposa	Trinity
Humboldt	Mendocino	Tuolumne
Imperial	Modoc	
Based on 1990 Census Data		

E. Failure To Pay Annual Fees

California Water Code section 13260 requires that each person prescribed WDRs shall pay an annual fee, except confined animal feeding or holding operations, which have a one-time \$2,000 fee and solid waste landfills, which are not subject to WDR fees pursuant to an exclusion in Public Resources Code section 48004(b). Failure to pay the fee when requested is a misdemeanor (and a priority violation) and may be subject to an ACL imposed by the RWQCB or SWRCB of up to \$1,000 per day pursuant to California Water Code section 13261.

If the annual fee is not paid within 30 days of the due date on the original invoice, the SWRCB staff shall issue a Demand Letter for the annual fee which informs the recipient of the amount due and states that non-payment of the fee within 30 days could result in one or more of the following:

- (a) an ACL imposed by the RWQCB not to exceed \$1,000 per day;
- (b) a civil liability imposed by the superior court not to exceed \$5,000 per day;
- (c) rescission of existing WDRs; or
- (d) prosecution as a misdemeanor.

If the fee is not paid within 30 days of the date of the Demand Letter, the SWRCB staff shall issue a Notice of Violation and an ACL Complaint should be issued by the RWQCB Executive Officer. The amount of an ACL for nonpayment of fees should reflect an escalation of liability if there is a past history of failure to pay fees. In addition to the ACL, the discharger remains responsible for payment of the annual fees.

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F. Failure To Pay Administrative Civil Liabilities

The SWRCB should pursue collection of unpaid administrative civil liabilities. The California Water Code states that ACLs shall be paid within 30 days of the RWQCB's adoption of an ACL Order unless the petitioner files a petition for review under California Water Code section 13320. When a petition is filed with the SWRCB, payment is extended during the SWRCB review of the petition and shall be paid within 30 days of the SWRCB's decision on the petition unless the petitioner seeks judicial review pursuant to California Water Code section 13330. Payment of an ACL is also extended while a writ of mandate is pending before the superior court. If the petitioner fails to pay the liability and fails to seek judicial review within 30 days of the SWRCB action, the SWRCB may file for a judgment to collect the ACL pursuant to California Water Code section 13328. Application is made to the appropriate court in the county in which the liability was imposed, generally within 60 days of the failure to pay.

As an alternative to Section 13328, the SWRCB or RWQCB may pursue judicial collection for failure to pay an ACL imposed for CWA violations pursuant to California Water Code section 13385. After the time to file for judicial review has expired, the California Water Code provides that the Attorney General upon request must petition the appropriate court to collect the liability. The person failing to pay the liability on a timely basis is required to pay, in addition to that penalty, interest, attorney's fees, cost for collection proceedings and a quarterly nonpayment fee for each quarter during which the failure to pay persists. The nonpayment fee is equal to 20 percent of the aggregate amount of the person's liability and the nonpayment fees unpaid at the beginning of each quarter.

G. Acute and Chronic Toxicity and Public Health

Where any violation can be shown to be the result of a discharger's failure to exercise normal care in handling, treating, or discharging waste, and that failure has resulted in acute or chronic toxicity to fish or wildlife and/or a public health threat, the SWRCB or RWQCB should consider assessing civil liability.

Acute toxicity is toxicity that is severe enough to cause mortality or extreme physiological disorder rapidly (typically within 48 or 96 hours). Chronic toxicity is the toxicity impact that lingers or continues for a relatively long period of time, often 1/10 of a lifespan or more. Chronic effects include, but are not limited to mortality, stunted growth, or reduced reproduction rates.

VI. SPECIAL CONSIDERATIONS

A. Violations at Federal Facilities

The CWA and the Resource Conservation and Recovery Act contain limited waivers of sovereign immunity. Due to sovereign immunity, the State cannot assess penalties or liabilities against federal agencies for past violations (i.e., no ACLs) under most circumstances. One significant exception is provided by the Federal Facilities Compliance Act of 1992 (42 USCA

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6901 et seq), which allows the States to penalize federal agencies, under specified circumstances, for violations of state hazardous waste management requirements. In addition, under California Water Code section 13308, a RWQCB may seek an ACL, up to a maximum of \$10,000 per day of violation, against federal facilities for any violation of a time schedule order. The time schedule order issued pursuant to Section 13308 prescribes a civil penalty that is based upon the amount necessary to achieve future compliance with an existing enforcement order. The RWQCB should take the action administratively, but if the federal government declines to pay, the RWQCB must refer the matter to the Attorney General's Office to file an action in state or federal court.

B. Integrated Enforcement

SWRCB and RWQCB staff should cooperate with other environmental regulatory agencies, where appropriate, to ensure that enforcement actions are coordinated. The aggregate enforcement authorities of the Boards and Departments of the California Environmental Protection Agency (Cal/EPA) and the Resources Agency should be coordinated to eliminate inconsistent and inappropriately duplicative efforts. Where appropriate and as resources allow, RWQCB staff should take the following steps to assist in integrated enforcement efforts:

- (a) participate in multi-agency enforcement coordination;
- (b) share enforcement information;
- (c) participate in cross-training efforts;
- (d) participate with other agencies in enforcement efforts focused on specific individuals or categories of discharges; and
- (e) where other regulatory agencies have jurisdiction regarding site remediation, the RWQCB should inform and consult with those agencies to ensure that remedial activities will satisfy the aggregate requirements for all.

1. Solid Waste Facilities

Where a RWQCB has issued, or is likely to issue an enforcement action to a solid waste facility that is also under the jurisdiction of the Integrated Waste Management Board, the RWQCB must comply with California Public Resources Code sections 45016, 45019 and 45020.

2. Hazardous Waste Facilities

The role of the RWQCBs regarding enforcement at "offsite hazardous waste treatment, storage, or disposal activities and onsite activities which are required to have a Resource Conservation and Recovery Act (RCRA) Subtitle C permit" was prescribed by the 1995 Cal/EPA "Framework for the Implementation of Health and Safety Code Section 25204.6(b) (SB 1082)". The RWQCB issues WDRs and monitoring programs that are no less stringent than RCRA requirements. The Department of Toxic Substances Control incorporates those WDRs by reference into its permit and carries out all oversight responsibilities associated with hazardous waste facilities, including oversight of groundwater monitoring and other requirements in WDRs. The Department of Toxic Substances Control must coordinate enforcement actions for violation of the WDRs with the RWQCB before initiation of enforcement.

Under RCRA Subtitle C Authorization, corrective action is normally implemented pursuant to the authority of the Department of Toxic Substances Control. The Framework, however,

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identified over 60 hazardous waste facilities where the RWQCB acts as lead agency for corrective action oversight of existing releases. RWQCBs shall consult with the Department of Toxic Substances Control to ensure that corrective action at those facilities is at least RCRA equivalent.

3. Oil Spills

Responses to oil spills to inland waters that may impact fish and wildlife resources or to marine or estuarine waters should be coordinated with the Department of Fish and Game's Office of Oil Spill Prevention and Response (OSPR). Staff shall consult with the RWQCB management and the RWQCB attorney to determine appropriate action. Staff should assist in an investigation by providing documentation, sampling, etc. If the discharger has not prepared a spill prevention plan or the plan is not acceptable to the RWQCB, the RWQCB should request a technical report under California Water Code sections 13267 or 13383. Major oil spills, those in excess of 10,000 gallons, usually involve a number of governmental jurisdictions. Such spills should be brought to the RWQCB for consideration of referral to the Attorney General for recovery of civil liability and other remedies.

If formal enforcement actions are taken, they are usually enforced by either the county District Attorney under either the Fish and Game Code or Health and Safety Code, or by the RWQCB under the California Water Code. In general, if the District Attorney is interested in pursuing the case, the RWQCB should consult with the District Attorney before pursuing its own enforcement action to avoid any potential double jeopardy issues. However, staff should always request that any settlement by the District Attorney include recovery of staff costs and require any actions that appear necessary to prevent recurrence of a spill and/or to mitigate damage to the environment. If a District Attorney is the enforcement lead, RWQCB staff should generally focus their efforts on cleanup and prevention of future spills.

4. Hazardous Waste Spills

Hazardous wastes are those meeting the criteria specified in Title 22, Division 4.5, Chapter 11, California Code of Regulations. RWQCB staff should coordinate enforcement actions involving hazardous waste spills with the California Department of Toxic Substances Control and/or any local or county hazardous waste program. The Department of Fish and Game should be consulted whenever pollution events may impact fish and wildlife resources. Spills constitute unlawful disposal of hazardous waste pursuant to the Health and Safety Code. RWQCB staff should consider referring spills of all but the smallest amounts to the appropriate District Attorney. In addition, the RWQCB should consider assessing an ACL unless the spill was very small or limited in impact. Due to the nature of the materials discharged, the RWQCB should consider assessing an ACL in an amount at or near the legal maximum. If the California Department of Toxic Substances Control is seeking penalties or damages through a referral to the Attorney General, the RWQCB should consider joining that action in lieu of assessing an ACL.

Large spills of hazardous waste or hazardous substances, 10,000 gallons or more, should be treated like large oil spills, and should be considered for referral to the Attorney General. If appropriate, RWQCB staff should coordinate with the District Attorney or U.S. Attorney to determine whether criminal prosecution is warranted. In addition, such spills may constitute the unlawful disposal of hazardous waste pursuant to the Hazardous Waste Control Act (Health and

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Safety Code section 25100 et seq.) and, in most cases, should be investigated in conjunction with the California Department of Toxic Substances Control.

C. Violations at Waste Water Treatment Facilities that are Operating at 80% or more of Design Capacity

In addition to any formal or informal response to a violation at a waste water treatment facilities that is operating at 80% or more of its permitted capacity, when appropriate, the RWQCB should require, pursuant to Water Code section 13300 or section 13301, a detailed time schedule of specific actions the discharger proposes to take in order to correct or prevent a violation of requirements.

VII. Monetary Assessments in Administrative Civil Liabilities (ACLs)

The following provisions apply to all ACLs except mandatory minimum penalties required pursuant to California Water Code sections 13385(h) and (i) and penalties pursuant to California Water Code section 13399.33. Mandatory minimum penalties are discussed in Section V.D. of this Policy.

The SWRCB or RWQCB must make several important decisions in specifying the conditions of an ACL. First, the Board must determine the amount of the liability considering the factors in law. The factors that must be considered are included in the stepwise approach presented later in this section. Next, the Board must consider whether the discharger should be allowed to satisfy some or all of that monetary assessment by completing or funding one or more supplemental environmental projects (SEPs). SEPs are discussed in Section IX. Finally, when the underlying problem that caused the violation(s) has not been corrected, the Board may include provisions in the ACL to encourage future work by the discharger to address problems related to the violation. The Board does this by including an additional monetary assessment against the discharger that is based on the cost of returning to and/or maintaining compliance (i.e., the estimated cost of completing the specified Compliance Projects) This portion of the monetary assessment will be suspended pending the satisfactory completion of the specified Compliance Projects (CPs). CPs are discussed in greater detail in Section X.

The California Water Code requires that the determination of the amount of the liability include the consideration of a number of factors. Prior to issuing a complaint the RWQCB Executive Officer should consider each factor. This consideration shall be documented in the ACL Complaint or in a staff report. If the RWQCB issues an ACL Order, the order shall contain findings explaining the Board's consideration of the factors. The documentation of elements such as the economic benefit, staff costs and avoided costs are necessary for the appropriate distribution of the total liability.

The California Water Code lists a number of factors that must be taken into consideration when setting ACLs. California Water Code section 13327, governing ACL amounts for a wide variety of violations, states that:

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[The Board] shall take into consideration the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.

California Water Code section 13385(e), governing ACL amounts for violations subject to the CWA, requires consideration of different factors stating that:

The regional board, the state board, or the superior court, as the case may be shall take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

The California Water Code does not specify how these factors are to be weighed or combined when setting the actual dollar amount of an ACL. This section describes the procedure to be used by SWRCB and RWQCB staff to develop a recommendation for the amount of the monetary assessment in an ACL based on the facts of the case. The steps in the procedure are shown in Table VII-1. This procedure applies to ACLs issued under both California Water Code section 13327 and California Water Code section 13385(e). Staff should carefully document each step in the ACL Complaint, ACL Order or the staff-report for the ACL. The manner in which the SWRCB or RWQCB considers these factors for any given situation is up to the discretion of the Board within the limits of statutory maximums and minimums described in Section VII.I.

Table VII-1. Procedure to set ACL amounts

Step	Procedure
A. Initial Liability	Set an initial liability based on the extent and severity of the violation and the sensitivity of the receiving water. An initial liability should also be calculated for non-discharge violations.
B. Beneficial Use Liability	If possible, estimate the dollar value of any impacts of the violation on beneficial uses of the affected waters.
C. Base Amount	The Base Amount is a single amount that is a result of combining the figures derived from the first 2 steps. For many ACLs, the base amount will simply be the initial liability from step A. because the calculation of the beneficial use liability may not be appropriate. The base amount reflects the extent and severity of the violation and its impact on beneficial uses.
D. Adjustment for discharger's conduct	Determine factors to adjust the Base Amount with respect to the conduct of the discharger's history of violations and other considerations. Apply these factors to the Base Amount from step C.
E. Adjustment for other factors	Determine whether any other factors should be taken into consideration when setting the ACL amount. If appropriate, adjust the figure from Step D to include these factors.

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F. Economic Benefit	Estimate the economic benefit to the discharger. Economic benefit is any savings or monetary gain derived from the acts that constitute the violation. Add the economic benefit to the amount in step E.
G. Staff Costs	Estimate the SWRCB and RWQCB staff costs resulting from the violation. Add this cost to the figure determined from steps A through F.
H. Adjustment for ability to pay	If appropriate, increase or reduce the figure from Steps A through G with respect to the discharger's ability to pay and ability to continue in business.
I. Check against statutory limits	Check the figure from steps A through H against the statutory maximum and minimum limits.

A. Initial Liability

Set an Initial Liability based on factors related to the discharge - the nature, circumstances, extent, and gravity of the violation, the degree of toxicity of the discharge, and the susceptibility of the discharge to cleanup or abatement. This may include the consideration of information such as the pollutants contained in a discharge, the volume of the discharge, the sensitivity of the receiving water and its beneficial uses, threats to water quality and aquatic life, threats to human health and the volume of the receiving water relative to the discharge. The way that this amount is calculated will depend on the type of violation. For spills, effluent limitation violations, and similar violations, the initial water quality liability can be based on a per-gallon and/or per day charge.

For non-discharge violations such as late reports, failure to submit reports, and failure to pay fees, this initial water quality liability should be set considering the impact on the RWQCB's ability to effectively administer its water quality programs in addition to the above factors. These impacts include, but are not limited to, additional RWQCB staff costs beyond the normally required effort and the potential consequences of delayed clean-up, coordination, mitigation and enforcement response by the RWQCB due to late or omitted reports. For late or missing reports, the initial water quality liability amount could also consider impacts to water quality caused by the delay or failure. Timely follow-up on these violations acts as a deterrent to the violator and others and supports those dischargers who readily commit the resources necessary to comply with similar requirements.

B. Beneficial Use Liability

Review the designated beneficial uses of the receiving water and determine whether the violation has resulted in any quantifiable impacts related to beneficial uses. Quantitative information may only be available for a limited number of impacts such as beach closure days, but where readily available the RWQCB should consider it.

C. Base Amount

The Base Amount is the Initial Liability, the Beneficial Use Liability or a combination of the Initial Liability and the Beneficial Use Liability. When it is possible to calculate the Beneficial Use Liability, the RWQCBs should assess the extent to which the Beneficial Use Liability represents the entire harm resulting from the violation. The RWQCBs may, at their discretion,

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find it appropriate to combine the amounts from Steps A and B in a way that reflects the significance of the impacts quantified in Step B relative to the total impacts of the violation.

The way that the Initial Liability and the Beneficial Use Liability should be combined will depend on how the violation harms the beneficial uses of the receiving waters and the extent to which this harm has been quantified. For example, a sewage spill will typically result in a wide variety of impacts, such as fish kills, degradation of wildlife habitat, and beach closures. For a sewage spill to the ocean in an urban area with high beach use, impacts on beach recreation may represent most of the harm resulting from the spill. If it is possible to estimate the value of the lost beach recreation in step B, it is appropriate to take this value and add it to some portion of the Initial Liability amount to reflect the total impact.

For a sewage spill contaminating a beach in a remote area, where beach use is relatively low, impacts on beach use may be less important than other impacts, such as degradation of wildlife habitat and harm to a pristine environment. In such a case, the combined liability (steps A and B) may be based more heavily on the Initial Liability, because the impacts quantified in step B may be less significant relative to the entire impacts of the violation.

D. Conduct of the Discharger

The Base Amount from Step C must then be adjusted to reflect the conduct of the discharger. This adjustment reflects factors such as the degree of culpability of the discharger, any voluntary cleanup efforts undertaken and the discharger's history of violations. This adjustment can be made by determining values for the four factors in Table VII-2, and using them to determine a conduct factor that is applied to the Base Amount. The RWQCB may apply the various conduct factors using percentages. A percentage less than 100 percent may be appropriate for a discharger that made exemplary efforts such as voluntary cleanup. Percentages greater than 100 percent are appropriate for dischargers that demonstrated less than exemplary behavior such as delaying notification of a spill. Large multiplier percentages 200 - 500 percent may be appropriate for cases involving falsification of data or other deliberate acts or in cases where the discharger disregarded warnings from Board staff or other parties about the threat of discharge.

This calculation is:

$$ACL = \text{Base Amount} \times CF1 \times CF2 \times CF3 \times CF4$$

Note: Conduct factors should be expressed as a decimal (e.g. 90% = .9).

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Table VII-2. Conduct Factors to adjust ACLs

Factor	Adjustment for
Culpability Factor (CF1)	Discharger's degree of culpability regarding the discharge. Higher ACL amounts should be set for intentional or negligent violations than for accidental, non-negligent violations. A first step is to identify any performance standards (or, in their absence, prevailing industry practices) in the context of the violation. The test is what a reasonable and prudent person would have done or not done under similar circumstances.
Notification Factor (CF2)	Extent to which the discharger reported the violation as required by law or regulation.
Cleanup and Cooperation Factor (CF3)	Extent to which the discharger cooperated in returning to compliance and correcting environmental damage, including any voluntary cleanup efforts undertaken.
History of violations factor (CF4)	Prior history of violations

In considering the discharger's prior history of violations careful consideration should be given to whether or not past violations that were not subject to previous ACLs should be included in the current ACL. Where there is a pattern of violations or the violation was intentional, the assessed liability could be substantially affected when considerations such as aggregate impacts and economic benefit are included.

E. Other Factors

If the RWQCB believes that the amount determined using Steps A through D is inappropriate, the amount may be adjusted. Examples of circumstances warranting an adjustment under this step are:

- (a) The discharger publicized the violation and the subsequent enforcement actions in a way that encourages others to violate water quality laws and regulations.
- (b) The threat to human health or the environment was so egregious that the preceding factors did not, in the opinion of the RWQCB, adequately address this violation.
- (c) The discharger has provided, or RWQCB staff has identified other pertinent information not previously considered that indicates a higher or lower amount is justified.
- (d) A consideration of issues of environmental justice indicates that the amount would have a disproportionate impact on a particular socioeconomic group.

If such an adjustment is made, the reasons for the extent and direction of the adjustment must be noted in the administrative record.

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F. Economic Benefit

Economic benefit is any savings or monetary gain derived from the acts that constitute the violation. In cases when the violation occurred through no fault of the discharger and it was demonstrated that the discharger exercised due care, there may be no economic benefit. In cases where the violation occurred because the discharger postponed improvements to a treatment system, failed to implement adequate control measures (such as Best Management Practices (BMPs)) or did not take other measures needed to prevent the violations, economic benefit should be estimated as follows:

- (a) Determine those actions required by an enforcement order or an approved facility plan, or that were necessary in the exercise of reasonable care, to prevent the violation. Needed actions may have been capital improvements to the discharger's treatment system, implementation of adequate BMPs or the introduction of procedures to improve management of the treatment system.
- (b) Determine when and/or how often these actions should have been taken as specified in the order or approved facility plan, or as necessary to exercise reasonable care, in order to prevent the violation.
- (c) Estimate the type and cost of these actions. There are two types of costs that should be considered, delayed costs and avoided costs. Delayed costs include expenditures that should have been made sooner (e.g. for capital improvements such as plant upgrades and collection system improvements, training, development of procedures and practices, etc) but that the discharger is still obligated to perform. Avoided costs include expenditures for equipment or services that the discharger should have incurred to avoid the incident of non-compliance, but that are no longer required. Avoided costs also include ongoing costs such as needed additional staffing from the time determined under step "b" to the present, treatment or disposal costs for waste that cannot be cleaned up, and the cost of effective erosion control measures that were not implemented as required.
- (d) Calculate the present value of the economic benefit. The economic benefit is equal to the present value of the avoided costs plus the "interest" on the delayed costs. This calculation reflects the fact that the discharger has had the use of the money that should have been used to avoid the instance of non-compliance. This calculation should be done using the USEPA's BEN ⁶ computer program (the most recent version is accessible at

⁶ USEPA developed the BEN model to calculate the economic benefit a violator derives from delaying and/or avoiding compliance with environmental statutes. Funds not spent on environmental compliance are available for other profit-making activities or, alternatively, a defendant avoids the costs associated with obtaining additional funds for environmental compliance. BEN calculates the economic benefits gained from delaying and avoiding required environmental expenditures such as capital investments, one-time non-depreciable expenditures, and annual operation and maintenance costs.

BEN uses standard financial cash flow and net present value analysis techniques based on generally accepted financial principles. First, BEN calculates the costs of complying on time and of complying late adjusted for inflation and tax deductibility. To compare the on time and delayed compliance costs in a common measure, BEN calculates the present value of both streams of costs, or "cash flows," as of the date of initial noncompliance. BEN derives these values by discounting the annual cash flows at an average of the cost of capital throughout this time period. BEN can then subtract the delayed-case present value from the on-time-case present value to determine the initial economic benefit as of the

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<http://www.swrcb.ca.gov>) unless the SWRCB or RWQCB determines, or the discharger demonstrates to the satisfaction of the SWRCB or RWQCB, that, based on case-specific factors, an alternate method is more appropriate for a particular situation.

- (e) Determine whether the discharger has gained any other economic benefits. These may include income from continuing in production when equipment used to treat discharges should have been shut down for repair or replacement.
- (f) The RWQCBs should not adjust the economic benefit for expenditures by the discharger to abate the effects of the discharge.

The economic benefit shall be added to the adjusted base amount calculated from the previous steps unless the RWQCB determines that it is not appropriate. The ACLC or ACL Order shall include a finding that supports the determination.

G. Staff Costs

Staff costs may be one of the "other factors that justice may require", and should be estimated when setting an ACL. Staff should estimate the cost that investigation of the violation and preparation of the enforcement action(s) has imposed on government agencies. This can include all activities of a progressive enforcement response that results in the ACL. Staff costs should be added to the amount calculated from the previous steps.

H. Ability to Pay and Ability to Continue in Business

The procedure in Steps A through G gives an amount that is appropriate to the extent and severity of the violation, economic benefit and the conduct of the discharger. This amount may be reduced or increased based on the discharger's ability to pay.

The ability of a discharger to pay an ACL is limited by its revenues and assets. In most cases, it is in the public interest for the discharger to continue in business and bring operations into compliance. If there is strong evidence that an ACL would result in widespread hardship to the service population or undue hardship to the discharger, it may be reduced on the grounds of ability to pay. The RWQCBs may also consider increasing an ACL to assure that the enforcement action would have a similar deterrent effect for a business or public agency that has a greater ability to pay.

Normally, an ACL should not seriously jeopardize the discharger's ability to continue in business or operation. The discharger has the burden of proof of demonstrating lack of ability to pay and must provide the information needed to support this position. This adjustment can be used to reduce the ACL to an amount that the discharger can reasonably pay and still bring operations into compliance. The downward adjustment for ability to pay should be made only in cases where the discharger is cooperative and has the ability and the intention to bring operations into compliance within a reasonable amount of time. If the violation occurred as a result of

noncompliance date. Finally, BEN compounds this initial economic benefit forward to the penalty payment date at the same cost of capital to determine the final economic benefit of noncompliance.

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deliberate or malicious conduct, or there is reason to believe that the discharger can not or will not bring operations into compliance, the ACL must not be adjusted for ability to pay.

The RWQCBs may also consider increasing the ACL because of ability to pay. For example, if the RWQCB determines that the proposed amount is unlikely to have an appropriate deterrent effect on an uncooperative discharger with a greater ability to pay, the amount should be increased to the level that the Board determines is necessary to assure future compliance.

I. Statutory Maximum and Minimum Limits

The ACL must be checked against the statutory maximum and minimum limits to ensure that it is in compliance with the appropriate section of law. The maximum amount for an ACL issued under California Water Code section 13385 is \$10,000 for each day in which a violation occurs plus \$10 per gallon for amounts discharged but not cleaned up in excess of 1,000 gallons. The statutory maximum amounts for ACLs issued under California Water Code sections 13261, 13350, and 13399.33 are summarized in Table IV-1.

California Water Code section 13385, which applies to discharges regulated pursuant to the CWA, was amended effective January 1, 2000, to state that "At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation". Therefore, for such violations occurring on or after January 1, 2000, the minimum amount for an ACL is the economic benefit. For violations subject to mandatory minimum penalties pursuant to California Water Code section 13385 (h) and (i), the Regional Board may choose in its discretion to assess civil liability in addition to the mandatory penalty. In such cases, the total recovered amount must be no less than the mandatory penalty amount or the economic benefit, whichever is greater.

It is the policy of the SWRCB that all ACLs that are not Mandatory Minimum Penalties should be assessed at a level that at a minimum recovers the economic benefit.

VIII. STATE WATER POLLUTION CLEANUP AND ABATEMENT ACCOUNT

Sections 13440-13443 of the California Water Code establish a Cleanup and Abatement Account⁷ (CAA) which is administered by the SWRCB. The CAA receives monies from court judgments, ACLs⁸, and other specified sources. A RWQCB attempting to remedy a significant unforeseen water quality problem that poses an actual or potential public health threat, and for which the RWQCB does not have adequate resources budgeted, may apply to the SWRCB to receive money from the CAA to assist it in responding to the problem. In addition, the SWRCB and other public agencies with the authority to cleanup waste or abate the effects thereof may

⁷ The SWRCB Administrative Procedures Manual, Chapter 4.4, 1992 (subject to amendment), explains the process and responsibilities for the management of the CAA.

⁸ Not all of the money received from ACLs is deposited in the CAA. For example, money received from ACLs issued pursuant to California Water Code 13399.33 is deposited in the Waste Discharge Permit Fund.

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utilize the account to assist in the cleanup or abatement of the waste. Each application for CAA funds is judged on its own merits.

A. Emergency Requests

RWQCB Executive Officers (or their designee) or public agencies may request emergency funds verbally for amounts up to \$100,000. These requests shall be directed to the Chief of the Division of Clean Water Programs. In the absence of that individual, other designated staff should be called in the order listed: the Chief Counsel, the Executive Director, the Chief Deputy Director, the Chief of the Division of Administrative Services. Any of these five individuals may review and approve the request.

Within one week following the oral request, the requesting agency shall submit the request in writing to the Chief of the Division of Clean Water Programs.

B. Non-Emergency Requests

Non-emergency requests and all requests for more than \$100,000 must be submitted, in writing, for approval by the SWRCB. The Chief of the Division of Clean Water Programs, determines if the request is eligible for funding, and presents eligible requests to the SWRCB with a staff recommendation.

C. Contracts

Contracts executed by a RWQCB consistent with Water Code Section 13304 and funded by the CAA are exempt from General Services review, and may be approved more quickly. When time permits, these contracts should be in writing. Otherwise, Section 13304 allows a RWQCB to enter into oral contracts. If the RWQCB enters into an oral contract, the terms of the contract must be documented and submitted to the Division of Clean Water Programs. It must be submitted within one week of the date of the oral contract with copies for the Accounting and Contracts Offices.

IX. Supplemental Environmental Projects (SEPs)

The SWRCB or RWQCB may allow a discharger to satisfy some or all of the monetary assessment imposed in an ACL Complaint or Order completing or funding one or more SEPs. SEPs are projects that enhance the beneficial uses of the waters of the State, provide a benefit to the public at large, and that, at the time they are included in an ACL action, are not otherwise required of the discharger. California Water Code section 13385(h)(3) allows limited use of SEPs associated with mandatory minimum penalties. California Water Code section 13399.35 also allows limited use of SEPs for up to 50 percent of a penalty assessed under section 13399.33. In addition, the SWRCB supports the inclusion of SEPs in other ACL actions, so long as these projects meet the criteria specified in this section. These criteria should also be considered when the SWRCB or RWQCB is negotiating SEPs as part of the settlement of civil actions brought in court.

A. Process for Project Selection

Any public or private entity may submit a proposal to the SWRCB (or to the RWQCB for transmittal to the SWRCB) for an SEP that they propose to fund through this process. Staff at the SWRCB shall evaluate each proposal and maintain a list of candidate SEPs that satisfy the general criteria in subsection C of this section. The list of candidate SEPs shall be made available on the Internet along with information on completed SEPs and SEPs that are in-progress. When a RWQCB is considering allowing a discharger to perform an SEP in lieu of some or all of a monetary assessment, the RWQCB should direct the discharger to the list of candidate SEPs. The discharger may select a SEP from the list of candidate SEPs or may propose a different SEP that satisfies the general criteria for SEPs. When the discharger submits a proposal to the RWQCB for a SEP, it should include draft provisions (i.e., details of the specific activities that will be conducted, and of the estimated budget for each activity in the SEP) for a contract to be executed between the discharger(s) who will be funding the project and the entity performing the SEP if different from the discharger. The discharger should be requested to provide information regarding the additional selection criteria in subsection D of this section and shall demonstrate to the satisfaction of the Board that the selected or proposed SEP also satisfies the Nexus requirements in subsection E of this section.

B. ACL Complaints and ACL Orders allowing SEPs

All ACL Complaints and Orders that include suspended liabilities for SEPs shall include or reference detailed specifications for evaluating the timely and successful completion of the SEP. The ACL Complaint or Order shall contain or reference specific performance standards, and identified measures or indicators of performance. The ACL Complaint or Order shall specify that the discharger is required to meet these standards and indicators.

Any portion of the liability that is not suspended must be paid to the State Cleanup and Abatement Account or other fund or account as authorized by statute. The ACL Complaint or Order shall state that failure to pay any required monetary assessment on a timely basis will cancel the provisions for suspended penalties for SEPs and the suspended amounts will become immediately due and payable.

The ACL Complaint or Order shall either include a time schedule or reference a TSO with a single or multiple milestones and the amount of liability that will be permanently suspended upon the timely and successful completion of each milestone. Except for the final milestone, the amount of the liability suspended for any portion of a SEP cannot exceed the projected cost of performing that portion of the SEP. The Complaint or Order should state that, if the final total cost of the successfully completed SEP is less than the amount suspended for completion of the SEP, the discharger must remit the difference to the State Cleanup and Abatement Account or other fund or account as authorized by statute. The Complaint or Order should state that if any SEP milestone is not completed to the satisfaction of the Executive Officer by the date of that milestone, the previously suspended liability associated with that milestone shall be immediately due and payable to the State Cleanup and Abatement Account or other fund or account as authorized by statute. It is the discharger's responsibility to pay the amount(s) due, regardless of any agreements between the discharger and any third party contracted to implement the project. Therefore, the discharger may want to consider a third party performance bond or the inclusion of a penalty clause in their contract.

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Since ACL Orders are final upon adoption and cannot be reconsidered by the RWQCB, the RWQCB may want to include provisions in the ACL Order to extend the deadline for any milestone if it, or its Executive Officer, determines that the delay was beyond the reasonable control of the discharger. If the RWQCB fails to reserve jurisdiction for this purpose, the time schedule in the ACL Order can only be modified by the SWRCB pursuant to California Water Code section 13320.

The ACL Complaint or Order shall include provisions for project tracking, reporting, and oversight:

- (a) The ACL Complaint or Order shall require the discharger to provide the SWRCB or RWQCB progress reports, as appropriate, and shall require a final report, certifying the completion of the SEP.
- (b) The ACL Complaint or Order shall require the discharger to provide the SWRCB or RWQCB a post-project accounting of expenditures.
- (c) The SWRCB or RWQCB shall not manage or control funds that may be set aside or escrowed for performance of a SEP. Nor may the SWRCB or RWQCB retain authority to manage or administer the SEP. The SWRCB or RWQCB may require the discharger to select and hire an independent management company or other appropriate third party, which reports solely to the SWRCB or RWQCB, to audit implementation of the SEP. The company should evaluate compliance with performance measures and report to the SWRCB or RWQCB about the timely and successful completion of the SEP. Alternatively, as a condition of the SEP, the SWRCB or RWQCB may require the discharger to pay into the Cleanup and Abatement Account or other fund or account as authorized by statute an amount equal to the estimated cost for oversight of the SEP by the SWRCB or RWQCB. The RWQCB or third party auditor shall track the implementation of the SEP (e.g., through progress reports, meetings with the discharger, etc.) to ensure that the implemented SEP reasonably follows the approved project and achieves the original objectives.
- (d) The ACL Complaint or Order should require that, whenever the discharger publicizes an SEP or the results of the SEP, it will state in a prominent manner that the Project is being undertaken as part of the settlement of an enforcement action.

C. General SEP Qualification Criteria

All SEPs approved by the SWRCB or RWQCB must satisfy the following general criteria:

- (a) An SEP shall only consist of measures that go above and beyond the obligation of the discharger. For example, sewage pump stations should have appropriate reliability features to minimize the occurrence of sewage spills in that particular collection system. The installation of these reliability features following a pump station spill would not qualify as an SEP.
- (b) The SEP should directly benefit or study groundwater or surface water quality or quantity, and the beneficial uses of waters of the State. Examples include but are not limited to:

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- (i) monitoring programs;
 - (ii) studies or investigations (e.g., pollutant impact characterization, pollutant source identification, etc.);
 - (iii) water or soil treatment;
 - (iv) habitat restoration or enhancement;
 - (v) pollution prevention or reduction;
 - (vi) wetland, stream, or other waterbody protection, restoration or creation;
 - (vii) conservation easements;
 - (viii) stream augmentation;
 - (ix) reclamation;
 - (x) public awareness projects (e.g., industry specific, public-awareness activity, or community environmental education projects such as watershed curriculum, brochures, television public service announcements, etc.);
 - (xi) watershed assessment (e.g., citizen monitoring, coordination and facilitation);
 - (xii) watershed management facilitation services; and
 - (xiii) non-point source program implementation.
- (c) The SEP shall not directly benefit the SWRCB or RWQCB functions or staff. For example, SEPs shall not be gifts of computers, equipment, etc. to the SWRCB or RWQCB.
- (d) The SEP shall not be an action, process or product that is otherwise required of the discharger by any rule or regulation of any entity (e.g., local government, California Coastal Commission, United States Environmental Protection Agency, United States Army Corps of Engineers, etc.) or proposed as mitigation to offset the impacts of a discharger's project(s).

D. Additional SEP Qualification Criteria

The following additional criteria should be evaluated by the SWRCB and RWQCB during final approval of SEPs proposed by the discharger:

- (a) The SEP should, when appropriate, include documented support by other resource agencies, public groups and affected persons.
- (b) The SEP should, when appropriate, document that the project complies with the California Environmental Quality Act.
- (c) Regionwide use/benefit - Some projects may benefit the specific watershed yet still provide added value regionwide or even statewide. For example, development of a spill prevention course could benefit not just the local watershed but the whole region or state if properly packaged and utilized. Likewise, a monitoring program for a particular water body could also provide information that staff could use in assessing other discharges, spills, 401 certifications or flood control activities in a river. Projects, which provide the SWRCB or RWQCB with added value, are encouraged.

- (d) Combined funding - Some projects use seed money to create a much greater or leveraged impact. Often other agencies will contribute staff time, laboratory services, boat use, or

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other services as part of a monitoring project. While the applicant may propose to spend hard money on equipment or materials, they may be donating expertise and labor to accomplish a much larger project. Matching funds, in kind services and leveraged projects are encouraged.

- (e) Institutional stability and capacity - The RWQCB shall consider the ability of the discharger or third party contractor to accomplish the work and provide the products and reports expected. This criterion is especially important when a Board receives money as the result of a settlement and must then select and fund projects proposed from many sources.
- (f) Projects that involve environmental protection, restoration, enhancement or creation of waterbodies should include requirements for monitoring to track the long-term success of the project.

E. Nexus Criteria

An SEP must have a nexus (connection or link) between the violation(s) and the SEP. Nexus is the relationship between the violation and the proposed project. This relationship exists only if the project remediates or reduces the probable overall environmental or public health impacts or risks to which the violation at issue contributes, or if the project is designed to reduce the likelihood that similar violations will occur in the future. An SEP must meet one or more of the following criteria. SEP approval is more likely for projects meeting more criteria.

Geographic Nexus - The proposed project should have a geographic link or nexus with the area where the water quality problem or violation occurred. For example, a spill to a river might require a plan to improve habitat or fish populations in the river in the general area of the spill. Work in a tributary watershed might be appropriate depending on the circumstances, however, work in a far different part of the region or state would likely not meet the geographic nexus criteria.

Spill Type or Violation - The proposed project should be related to the specific spill type or violation. For example, an SEP for a sewage spill ACL could include holding spill prevention workshops for other dischargers in the general area (both a geographic and violation type nexus). The workshops should go beyond what is necessary just to address mandatory work, equipment, and improvements required to correct the nature of the violation.

Beneficial use protection - Where specific beneficial uses were affected by the violation, it is appropriate to design SEPs that address protection and improvement of those uses. Where fish populations and habitats are affected, efforts to improve habitats and populations would be ideal, especially in the same watershed. Water quality monitoring, including flows, channel morphology, and habitat characteristics would be appropriate projects. In this case, the nexus is between the type of violation and the specific beneficial uses impacted. It is also important to keep endangered species issues in focus and to consult with the Department of Fish and Game, the National Marine Fisheries Service, and US Fish and Wildlife Service about impacts of violations on these species and possible SEPs.

X. Compliance Projects (CPs)

A CP is a project that is designed to address problems related to the violation and bring the discharger back into compliance in a timely manner.

A. CPs under California Water Code Section 13385(k)

In lieu of assessing all or a portion of a mandatory minimum penalties against a POTW serving an eligible small community, the SWRCB or RWQCB may, pursuant to California Water Code section 13385 (k), require that the POTW to spend an equivalent amount toward the completion of a CP. CPs must be proposed by the POTW and the SWRCB or RWQCB must find all of the following:

- (a) The CP is designed to correct the violations within five years;
- (b) The CP is in accordance with this Enforcement Policy; and
- (c) The POTW has demonstrated that it has sufficient funding to complete the CP.

It is the policy of the SWRCB that the following conditions shall apply to Compliance Projects under California Water Code section 13385(k):

- (d) The amount of the penalty suspended shall not exceed the cost to return to and/or maintain future compliance.
- (e) CPs shall also comply with the general conditions for CPs specified in subsection C of this Section.

B. CPs in other ACLs

If the underlying problem that caused the violation(s) has not been corrected, the cost of returning to and/or maintaining compliance (i.e., the estimated cost of completing the CP) may be included by the RWQCB in the ACL as an additional monetary assessment against the discharger that is suspended pending the satisfactory completion of a CP. Payment of the additional monetary assessment is only required the CP is not satisfactorily completed. The monetary assessment for the CP is in addition to the economic benefit calculated as part of the ACL in accordance with section VII.F.

It is the policy of the SWRCB that the following conditions shall apply to Compliance Projects in all ACLs except ACLs under California Water Code section 13385(k):

- (a) The amount of the assessment suspended shall not exceed the additional portion of the monetary assessment that was based on the discharger's cost of completing the CP.
- (b) Either the RWQCB or the discharger may recommend specific CPs that could be included in the ACL action.
- (c) CPs shall also comply with the general conditions for CPs specified in subsection C of this Section.

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C. General Conditions for all CPs

The following general conditions apply to all CPs:

- (a) CPs may include, but are not limited to: construction of new facilities; upgrade or repair of existing facilities; conducting water quality investigations or monitoring; operating a cleanup system; adding staff; training; studies; and the development of operation, maintenance and/or monitoring procedures.
- (b) CPs should be designed to bring the discharger back into compliance in a timely manner and/or prevent future noncompliance.
- (c) A CP is a project that the discharger is otherwise obligated to perform independent of the ACL itself.
- (d) CPs shall have clearly identified project goals, costs, milestones, and completion dates and these shall be specified in the ACL action.
- (e) CPs that will last longer than one year shall have at least annual reporting requirements.
- (f) If the discharger completes the CP to the satisfaction of the RWQCB or the Executive Officer by the specified date, the suspended amount is permanently suspended.
- (g) If the CP is not completed to the satisfaction of the RWQCB or the Executive Officer on the specified date the amount suspended becomes due and payable to the State Cleanup and Abatement Account or other fund or account as authorized by statute.
- (h) The ACL Complaint or Order shall clearly state that payment of the previously suspended amount does not relieve the discharger of the independent obligation to take necessary actions to achieve compliance.

Since ACL Orders are final upon adoption and cannot be reconsidered by the RWQCB, the RWQCB should include a clause in the time schedule for completing CPs. Such clause should reserve the RWQCB's jurisdiction to modify the time schedule if it, or its Executive Officer, determines that the delay was beyond the reasonable control of the discharger. If the RWQCB fails to reserve jurisdiction for this purpose, the time schedule in the ACL Order can only be modified by the SWRCB pursuant to California Water Code section 13320. Another option that allows some flexibility in the time schedule for a CP is for the Board to adopt a CAO or a CDO at the same time it adopts the ACL Order. The ACL would require compliance with the time schedule in the CAO or CDO. All cash payments to the SWRCB or RWQCBs, including previously suspended liabilities assessed for failure to comply with CPs or SEPs, shall be paid to the State Cleanup and Abatement Account or other fund or account as authorized by statute.

XI. DISCHARGER SELF-AUDITING

It is desirable to encourage self-auditing, self-policing, and voluntary disclosure of environmental violations by dischargers. Self-auditing and voluntary disclosure of violations that are not otherwise required to be reported to the Boards shall be considered by the Boards when determining enforcement actions and in appropriate cases may lead to a determination to forego or lessen the severity of an enforcement action. Falsification or misrepresentation of such voluntary disclosures shall be brought to the attention of the appropriate RWQCB for possible enforcement action.

XII. ENFORCEMENT REPORTING

In order to ensure greater consistency in the reporting by the RWQCBs on violations and enforcement actions, the enforcement reports for all Regions will be standardized. These reports will include a listing of facilities with a water quality violation during the reporting period or unresolved from a previous reporting period, including violations without a RWQCB response. This listing shall include at least the following information:

- (a) The date of violation;
- (b) An identification whether the violation is considered to be a priority violation (see Section III);
- (c) The RWQCB response, if any;
- (d) The date of the response;
- (e) The corrective action taken by the discharger, at least in cases of priority violations; and
- (f) A listing of all previous violations for the facility which occurred in the previous 12 months and the associated RWQCB response.

The enforcement reports will be presented to the RWQCBs on no greater than quarterly intervals. The report format will be produced by the State Water Information Management (SWIM) data system and the RWQCBs will utilize the SWIM to track and monitor discharger's violations and RWQCB's enforcement activities. Utilization of the SWIM data system by the RWQCBs is essential for the SWRCB's compliance with California Water Code section 13385 (m), which requires statewide reporting of violations to the Legislature.

A. Summary Violation and Enforcement Reports

All RWQCBs shall produce standard quarterly reports addressing priority violations. The SWRCB will specify the format of the summary reports.

B. Spill Reporting for Sanitary Sewer Collection Systems

The RWQCBs shall enter all available data on spills into the Sanitary Sewer Overflow/Spills Module of the SWRCB's SWIM data system. It is the SWRCB's goal to achieve consistent reporting of spills from regulated sanitary sewer collections systems.

XIII. POLICY REVIEW AND REVISION

It is the intent of the SWRCB that this Policy be reviewed and revised, as appropriate, at least every five years.

Appendix A. Group 1 Pollutants

The following list of pollutants is hereby included as Group 1 pollutants (pursuant to Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations) under the classifications of "other."

5-DAY SUM OF WLA VALUES	BOD, CARBONACEOUS 5 DAY, 5 C
5-DAY SUM OF BOD5 DISCHARGED	BOD, CARBONACEOUS (5-DAY, 20 DEG C)
7-DAY SUM OF WLA VALUES	BOD, CARBONACEOUS 05 DAY, 20C
7-DAY SUM OF BOD5 DISCHARGED	BOD, CARBONACEOUS 20 DAY, 20C
ACIDITY	BOD, CARBONACEOUS, 28-DAY (20 DEG.C)
ACIDITY, CO2 PHENOL (AS CACO3)	BOD, CARBONACEOUS, PERCENT REMOVAL
ACIDITY, TOTAL (AS CACO3)	BOD, FILTERED, 5 DAY, 20 DEG C
ACIDITY-MINRL METHYL ORANGE (AS CACO3)	BOD, NITROG INHIB 5-DAY (20 DEG. C)
ALGICIDES, GENERAL	BOD, PERCENT REMOVAL (TOTAL)
ALKALINITY, BICARBO-NATE (AS CACO3)	BOD, MASS, TIMES FLOW PROP. MULTIPLIER
ALKALINITY, CARBO- NATE (AS CACO3)	BOD-5 LB/CU FT PROCESS
ALKALINITY, PHENOL- PHTHALINE METHOD	BORIC ACID
ALKALINITY, TOTAL (AS CACO3)	BORON, DISSOLVED (AS B)
ALUMINUM	BORON, SLUDGE, TOTAL DRY WEIGHT (AS B)
ALUMINUM CHLORIDE, DISSOLVED, WATER	BORON, TOTAL
ALUMINUM SULFATE	BORON, TOTAL (AS B)
ALUMINUM, POTENTIALLY DISSOLVD	BORON, TOTAL RECOVERABLE
ALUMINUM, TOTAL RECOVERABLE	BROMIDE (AS BR)
ALUMINUM, ACID SOLUABLE	BROMINE CHLORIDE
ALUMINUM, DISSOLVED (AS AL)	BROMINE REPORTED AS THE ELEMENT
ALUMINUM, IONIC	
ALUMINUM, TOTAL	CALCIUM IN BOTTOM DEPOSITS
ALUMINUM, TOTAL (AS AL)	CALCIUM, TOTAL RECOVERABLE
AMMONIA & AMMONIUM- TOTAL	CALCIUM, DISSOLVED (AS CA)
AMMONIA (AS N) + UNIONIZED AMMONIA	CALCIUM, PCT EXCHANGE
AMMONIA, UNIONIZED	CALCIUM, PCT IN WATER, (PCT)
AVG. OF 7-DAY SUM OF BOD5 VALUES	CALCIUM, TOTAL (AS CA)
BARIUM, SLUDGE, TOT, DRY WEIGHT (AS BA)	CARBON DIOXIDE (AS CO2)
BICARBONATE ION- (AS HCO3)	
BIOCHEMICAL OXYGEN DEMAND-5	CARBON, TOT ORGANIC (TOC)
BIOCIDES	CARBON, TOT ORGANIC (TOC) PER 1000 GALS.
BOD % OVER INFLUENT	CARBON, TOTAL (AS C)
BOD (ULT. 1ST STAGE)	CARBON, TOTAL INORGANIC (AS C)
BOD (ULT. 2ND STAGE)	CARBONACEOUS OXYGEN DEMAND, %
BOD (ULT. ALL STAGES)	REMOVAL
BOD 35-DAY (20 DEG. C)	CARBONATE ION- (AS CO3)
BOD CARBONACEOUS, 25-DAY (20 DEG. C)	CBOD5 / NH3-N
BOD, 11-DAY (20 DEG. C)	CHEM. OXYGEN DEMAND (COD) % REMOVAL
BOD, 20-DAY (20 DEG. C)	CHEM. OXYGEN DEMAND PER PRODUCTION
BOD, 20-DAY, PERCENT REMOVAL	CHEMICAL OXYGEN DEMAND (COD)
BOD, 5-DAY (20 DEG. C)	CHEMICAL OXYGEN DEMAND (COD)
BOD, 5-DAY 20 DEG C PER CFS OF	CHEMICAL OXYGEN DEMAND (COD)
STREAMFLW	CHLORIDE
BOD, 5-DAY DISSOLVED	CHLORIDE (AS CL)
BOD, 5-DAY PERCENT REMOVAL	CHLORIDE, DISSOLVED (AS CL)
BOD, 5-DAY (20 DEG.C) PER PRODUCTION	CHLORIDE, DISSOLVED IN WATER
BOD, CARB-5 DAY, 20 DEG C, PERCENT	CHLORIDE, PER CFS OF STREAMFLOW
REMOVL	CHLORIDE, PERCENT REMOVAL

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CHLORIDE, SLUDGE, TOTAL DRY WEIGHT
CHLORIDES & SULFATES
CHLORINE DEMAND, 1 HR
CHLORITE
COBALT, DISSOLVED (AS CO)
COBALT, TOTAL (AS CO)
CONDUCTIVITY, NET
COPPER, SLUDGE, TOT, DRY WEIGHT (AS CU)
DIGESTER SOLIDS CONTENT, PERCENT
DITHIOCARBAMATE, RPTD AS
DITHIOCARBONATE
DRILLED SOLIDS IN DRILLING FLUIDS
E.COLI, MTEC-MF
ENDRIN KETONE, IN WATER
FERROCHROME LIGNO- SULFONATED
FRWTR MUD
FERROCYANIDE
FERROUS SULFATE
FIRST STAGE OXYGEN DEMAND, %
REMOVAL
FLOW, MAXIMUM FLOW RANGE
FLUORIDE - FREE
FLUORIDE, DISSOLVED (AS F)
FLUORIDE, TOTAL (AS F)
FLUOROBORATES
FREE ACID, TOTAL
HARDNESS, TOTAL (AS CaCO₃)
HYDROCHLORIC ACID
HYDROCHLORIC ACID
HYDROGEN PEROXIDE
HYDROGEN PEROXIDE (T) DILUTION RATIO
HYDROGEN SULFIDE
IODIDE (AS I)
IRON
IRON AND MANGANESE -SOLUBLE
IRON AND MANGANESE -TOTAL
IRON, POTENTIALLY DISSOLVD
IRON, DISSOLVED (AS FE)
IRON, DISSOLVED FROM DRY DEPOSITION
IRON, FERROUS
IRON, SLUDGE, TOTAL, DRY WEIGHT (AS FE)
IRON, SUSPENDED
IRON, TOTAL (AS FE)
IRON, TOTAL PER BATCH
IRON, TOTAL PER PRODUCTION
IRON, TOTAL PERCENT REMOVAL
LIGHTLY TREATED LIG-NOSULFONATED
MUD
LITHIUM, DISSOLVED (AS LI)
LITHIUM, TOTAL (AS LI)
MAGNESIUM, DISSOLVED (AS MG)
MAGNESIUM, IN BOTTOM DEPOSITS
MAGNESIUM, PCT EXCHANGE
MAGNESIUM, TOTAL (AS MG)
MAGNESIUM, TOTAL RECOVERABLE

MANGANESE IN BOTTOM DEPOSITS (DRY
WGT)
MANGANESE, POTENTIALLY DISSOLVD
MANGANESE, DISSOLVED (AS MN)
MANGANESE, SUSPENDED
MANGANESE, TOTAL
MANGANESE, TOTAL (AS MN)
MANGANESE, TOTAL RECOVERABLE
METHYLENE BLUE ACTIVE SUBSTANCES
MICROSCOPIC ANALYSIS
MOLYBDENUM, DRY WEIGHT
MONOBORO CHLORATE
NICKEL, DRY WEIGHT
NITRILOTRIACETIC ACID (NTA)
NITRITE NITROGEN, DISSOLVED (AS N)
NITRITE PLUS NITRATE DISSOLVED 1 DET.
NITRITE PLUS NITRATE IN BOTTOM
DEPOSITS
NITRITE PLUS NITRATE TOTAL 1 DET. (AS N)
NITROGEN (AS NO₃) SLUDGE SOLID
NITROGEN OXIDES (AS N)
NITROGEN SLUDGE SOLID
NITROGEN SLUDGE TOTAL
NITROGEN, AMMONIA DISSOLVED
NITROGEN, AMMONIA PER CFS OF
STREAMFLW
NITROGEN, AMMONIA TOTAL (AS N)
NITROGEN, AMMONIA TOTAL (AS NH₄)
NITROGEN, AMMONIA IN BOTTOM DEPOSITS
NITROGEN, AMMONIA, PERCENT REMOVAL
NITROGEN, AMMONIA, SLUDGE, TOT DRY
WGT
NITROGEN, AMMONIA, TOT UNIONIZED (AS
N)
NITROGEN, KJELDAHL DISSOLVED (AS N)
NITROGEN, KJELDAHL TOTAL (AS N)
NITROGEN, NITRATE DISSOLVED
NITROGEN, NITRATE TOTAL (AS N)
NITROGEN, NITRATE TOTAL (AS NO₃)
NITROGEN, NITRITE TOTAL (AS N)
NITROGEN, NITRITE TOTAL (AS NO₂)
NITROGEN, ORGANIC TOTAL (AS N)
NITROGEN, SLUDGE, TOT, DRY WT. (AS N)
NITROGEN, TOTAL KJELDAHL, % REMOVAL
NITROGEN, INORGANIC TOTAL
NITROGEN, OXIDIZED
NITROGEN-NITRATE IN WATER, (PCT)
NITROGEN-NITRITE IN WATER, (PCT)
NITROGENOUS OXYGEN DEMAND (20-DAY,
20C)
NITROGENOUS OXYGEN DEMAND, %
REMOVAL
NON-IONIC DISPERSANT (NALSPERSE 7348)
NON-NITROGENOUS BOD
OIL & GREASE

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OIL & GREASE AROMATIC	POTASSIUM, TOTAL PCTIN WATER, (PCT)
OIL & GREASE % REMOVAL	PROPARGITE
OIL & GREASE (FREON EXTR.-IR	RATIO FECAL COLIFORM & STREPTOCOCCI
METH)TOT,RC	RESIDUE, SETTLEABLE
OIL AND GREASE	RESIDUE, TOTAL FILTERABLE
OIL AND GREASE	RESIDUE, TOTAL FILTERABLE
OIL AND GREASE (SOXHLET EXTR.) TOT.	RESIDUE, TOTAL VOLATILE
OIL AND GREASE PER CFS OF STREAMFLW	RESIDUE, TOTAL NON- SETTLEABLE
OIL AND GREASE PER PRODUCTION	RESIDUE, VOLATILE NONFILTERABLE
OIL AND GREASE VISUAL	SEAWATER GEL MUD
OIL AND GREASE, HEXANE EXTR METHOD	SETTLEABLE SOLIDS PERCENT REMOVAL
OIL AND GREASE, PER 1000 GALLONS	SILICA, DISSOLVED (AS SIO2)
OXYGEN DEMAND FIRST STAGE	SILICA, TOTAL (AS SIO2)
OXYGEN DEMAND, DISSOLVED	SILICON, TOTAL
OXYGEN DEMAND, SUM PRODUCT	SLUDGE BUILD-UP IN WATER
OXYGEN DEMAND, ULTIMATE	SLUDGE SETTLEABILITY 30 MINUTE
OXYGEN DEMAND, CHEM. (COD), DISSOLVED	SLUDGE VOLUME DAILY INTO A WELL
OXYGEN DEMAND, CHEM. (HIGH LEVEL)	SLUDGE, RATE OF WASTING
(COD)	SODIUM ADSORPTION RATIO
OXYGEN DEMAND, CHEM. (LOW LEVEL)	SODIUM ARSENITE
(COD)	SODIUM CHLORIDE (SALT)
OXYGEN DEMAND, TOTAL	SODIUM HEXAMETA- PHOSPHATE
OXYGEN DEMAND, TOTAL (TOD)	SODIUM IN BOTTOM DEP (AS NA) (DRY WGT)
OXYGEN DEMAND, ULT. CARBONACEOUS	SODIUM NITRITE
(UCOD)	SODIUM SULFATE, TOTAL
OXYGEN DEMAND, ULT., PERCENT	SODIUM, %
REMOVAL	SODIUM, % EXCHANGE- ABLE SOIL, TOTAL
OZONE	SODIUM, DISSOLVED (AS NA)
OZONE - RESIDUAL	SODIUM, SLUDGE, TOT, DRY WEIGHT (AS NA)
PH, CAC03 STABILITY	SODIUM, TOTAL (AS NA)
PHOSPHATE TOTAL SOLUBLE	SODIUM, TOTAL (AS NA)
PHOSPHATE, DISSOLVED COLOR METHOD	SODIUM, TOTAL RECOVERABLE
(AS P)	SOLIDS ACCUMULATION RATE TOT DRY
PHOSPHATE, ORTHO (AS PO4)	WEIGHT
PHOSPHATE, ORTHO (AS P)	SOLIDS, FIXED DISSOLVED
PHOSPHATE, TOTAL (AS PO4)	SOLIDS, FIXED SUSPENDED
PHOSPHATE, TOTAL COLOR. METHOD (AS P)	SOLIDS, SETTLEABLE
PHOSPHATE, DISSOLVED/ORTHOPHOSPHATE	SOLIDS, SLUDGE, TOT, DRY WEIGHT
(AS P)	SOLIDS, SUSPENDED PERCENT REMOVAL
PHOSPHATE, POLY (AS PO4)	SOLIDS, TOTAL
PHOSPHOROUS 32, TOTAL	SOLIDS, TOTAL DISSOLVED
PHOSPHOROUS, IN TOTAL	SOLIDS, TOTAL DISSOLVED (TDS)
ORTHOPHOSPHATE	SOLIDS, TOTAL DISSOLVED- 180 DEG.C
PHOSPHOROUS, TOTAL ELEMENTAL	SOLIDS, TOTAL FIXED
PHOSPHOROUS, TOTAL ORGANIC (AS P)	SOLIDS, TOTAL SUSPENDED
PHOSPHOROUS, TOTAL, IN BOTTOM	SOLIDS, TOTAL VOLATILE
DEPOSITS	SOLIDS, TOTAL DISS., PERCENT BY WEIGHT
PHOSPHORUS (REACTIVE AS P)	SOLIDS, TOTAL DISSOLVED, TOTAL TONS
PHOSPHORUS, DISSOLVED	SOLIDS, TOTAL NON-VOLATILE, NON-FIXED
PHOSPHORUS, TOTAL PERCENT REMOVAL	SOLIDS, TOTAL SUSP PER PRODUCTION
PHOSPHORUS,TOTAL SOLUBLE (AS PO4)	SOLIDS, TOTAL SUSP PER 1000 GALLONS
POTASSIUM, DISSOLVED (AS K)	SOLIDS, TOTAL SUSP PER BATCH
POTASSIUM, IN BOTTOM DEPOSITS	SOLIDS, TOTAL SUSP PER CFS OF
POTASSIUM, PCT EXCHANGE	STREAMFLW
POTASSIUM, TOTAL RECOVERABLE	SOLIDS, VOLATILE DISSOLVED

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SOLIDS, VOLATILE SUSPENDED
SOLIDS, VOLATILE SUSPENDED, % REMOVAL
SOLIDS, VOLATILE SUSP IN MIXED LIQUOR
SOLIDS, DRY, DISCHARGE TO SOL. HANDLING
SYS.
SOLIDS, DRY, INCIN. AS % OF
DRY SOL. FROM TRMT PLT
SOLIDS, DRY, REMOVED FROM SOL.
HANDLING SYS.
SOLIDS-FLOATING-VISUAL DETRIMENT-# DAYS
OBS
SOLIDS, TOT. VOLATILE PERCENT REMOVAL
SOLIDS, VOLATILE % OF TOTAL SOLIDS
SULFATE
SULFATE (AS S)
SULFATE, DISSOLVED (AS SO₄)
SULFATE, TOTAL (AS SO₄)
SULFIDE, DISSOLVED, (AS S)
SULFIDE, TOTAL
SULFIDE, TOTAL (AS S)
SULFITE (AS S)
SULFITE (AS SO₃)

SULFITE WASTE LIQUOR PEARL BENSON
INDEX
SULFUR DIOXIDE TOTAL
SULFUR, TOTAL
SULPHUR, TOTAL ELEMENTAL
SUM BOD AND AMMONIA, WATER
SURFACTANTS (MBAS)
SURFACTANTS (LINEAR ALKYLATE
SULFONATE)
SURFACTANTS, AS CTAS, EFFLUENT
SUSPENDED SOLIDS
SUSPENDED SOLIDS, TOTAL ANNUAL
SUSPENDED SOLIDS, TOTAL DISCHARGE
TOTAL SUSP. SOLIDS- LB/CU FT PROCESS
TRIARYL PHOSPHATE
TURBIDITY, HCH TURBIDIMETER
VANADIUM, DISSOLVED (AS V)
VANADIUM, SUSPENDED (AS V)
VANADIUM, TOTAL
VANADIUM, TOTAL (AS V)
VANADIUM, TOTAL DRY WEIGHT (AS V)
VANADIUM, TOTAL RECOVERABLE
WLA BOD-5 DAY VALUE

Appendix B. Group 2 Pollutants

The following list of pollutants are hereby included as Group 2 pollutants (pursuant to Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations) under the classifications of "other."

1,2,3 TRICHLORO-ETHANE	1,3-DIAMINOUREA
2,4,6 TRICHLOROPHENOL, DRY WEIGHT	1,3-DICHLOROBENZENE
2-HEXANONE	1,3-DICHLOROBENZENE, DRY WEIGHT
2-PROPANONE	1,3-DICHLOROPROPENE, TOTAL WEIGHT
1, 2, 4-TRIMETHYL-BENZENE	1,4 DICHLOROBUTANE
1, 3, 5-TRIMETHYL-BENZENE	1,4-DIOXANE
1,1 DICHLORO 1,2,2,2 TETRAFLUOROETHANE	1,4'-DDT (O,P'-DDT)
1,1 DICHLORO 2,2,2- TRIFLUOROETHANE	1,4-DICHLOROBENZENE
1,1,1 TRICHLORO-2,2,2TRIFLUOROETHANE	1,4-DICHLOROBENZENE, DRY WEIGHT
1,1,1,2,2-PENTA- FLUOROETHANE	1,4-XYLENE
1,1,1,3,3-PENTA- FLUOROBUTANE	1-BROMO-2-CHLOROETHANE
1,1,1-TRICHLORO- ETHANE	1-CHLORO-1,1- DIFLUOROETHANE
1,1,1-TRICHLOROETHANE, DRY WEIGHT	1-HYDROXY-ETHYLIDENE
1,1,1-TRIFLUORO-ETHANE	1-METHYLNAPHTHALENE
1,1,2,2-TETRACHLORO-ETHANE	1-NITROSOPIPERIDINE
1,1,2,2-TETRACHLOROETHANE, DRY WEIGHT	2,2DIBROMO-3-NITRILOPROPIONAMIDE
1,1,2-TRICHLORO- ETHANE	2,2-DICHLOROVINYL
1,1,2-TRICHLORO-1,2,2-TRIFLUOROETHANE	DIMETHYLPHOSPHATE
1,1,2-TRICHLOROETHANE, DRY WEIGHT	2,2-DIMETHYL-2,3-DI-HYDRO-7-
1,1-DICHLORO-1- FLUOROETHANE	BENZOFURANOL
1,1-DICHLOROETHANE	2,3 DICHLOROPROPYLENE
1,1-DICHLOROETHANE, DRY WEIGHT	2,3,4,6-TETRACHLORO-PHENOL
1,1-DICHLOROETHENE	2,3,7,8 CHLORO- DIBENZOFURAN
1,1-DICHLOROETHYLENE	2,3,7,8 TETRACHLORODIBENZO-P-DIOXIN
1,1-DICHLOROETHYLENE, DRY WEIGHT	2,3,7,8 TETRACHLORODIBENZO-P-DIOXIN
1,1-DIMETHYL- HYDRAZINE	SED,
1,2,3 TRICHLORO- BENZENE	2,3,7,8-TETRACHLORO-DIBENZO-P-DIOXIN
1,2,4,5-TETRACHLORO-BENZENE	2,4,5 - T
1,2,4,5-TETRAMETHYL-BENZENE	2,4,5 - TRICHLORO- PHENOL
1,2,4-TRICHLORO- BENZENE	2,4,5, TP(SILVEX)
1,2,4-TRICHLOROBENZENE, DRY WEIGHT	2,4,5-TP(SILVEX) ACIDS/SALTS WHOLE
1,2-BIS(2-CHLOROETH-ONY) ETHANE	WATER SAMPLE
1,2-CIS-DICHLORO-ETHYLENE	2,4,5-TRICHLOROPHENOXYPROPIONIC ACID
1,2-DICHLOROBENZENE	2,4,6-TRICHLORO- PHENOL
1,2-DICHLOROBENZENE, DRY WEIGHT	2,4-DB
1,2-DICHLOROETHANE	2,4-DICHLOROPHENOL
1,2-DICHLOROETHANE, DRY WEIGHT	2,4-DICHLOROPHENOXYACETIC ACID
1,2-DICHLOROETHANE, TOTAL WEIGHT	2,4-DIMETHYLPHENOL
1,2-DICHLOROPROPANE	2,4-DINITROPHENOL
1,2-DICHLOROPROPANE, DRY WEIGHT	2,4-DINITROTOLUENE
1,2-DICHLOROPROPENE	2,4-DINITROTOLUENE, DRY WEIGHT
1,2-DIPHENYL- HYDRAZINE	2,4-TOLUENEDIAMINE
1,2-DIPHENYL-HYDRAZINE, DRY WEIGHT	2,5-TOLUENEDIAMINE
1,2-PROPANEDIOL	2,6-DINITROTOLUENE
1,2-TRANS-DICHLORO- ETHYLENE	2,6-DINITROTOLUENE, DRY WEIGHT
1,2-TRANS-DICHLOROETHYLENE, DRY WEIGHT	2-ACETYL AMINO- FLOURCENE
1,3 DICHLOROPROPANE	2-BUTANONE
	2-BUTANONE PEROXIDE

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2-CHLOROANILINE	ACID COMPOUNDS
2-CHLOROETHANOL	ACIDS, TOTAL VOLATILE (AS ACETIC ACID)
2-CHLOROETHYL VINYL ETHER (MIXED)	ACROLEIN
2-CHLOROETHYL VINYL ETHER, DRY WEIGHT	ACROLEIN, DRY WEIGHT
2-CHLORONAPHTHALENE	ACRYLAMIDE MONOMER
2-CHLOROPHENOL	ACRYLIC ACID
2-ETHYL-1-HEXANOL	ACRYLONITRILE
2-ETHYL-2-METHYL- DIOXOLANE	ACRYLONITRILE, DRY WEIGHT
2-METHYL-2-PROPANOL	A-ENDOSULFAN-ALPHA
2-METHYL-4,6-DINITROPHENOL	ALACHLOR (BRAND NAME-LASSO)
2-METHYL-4-CHLOROPHENOL	ALACHLOR, DISSOLVED
2-METHYLNAPHTHALENE	ALDICARB
2-METHYLNAPHTHALENE	ALDICARB SULFONE
2-METHYLPHENOL	ALDICARB SULFOXIDE
2-NAPHTHYLAMINE	ALDRIN
2-NITROANILINE	ALDRIN + DIELDRIN
2-NITROPHENOL	ALDRIN, DRY WEIGHT
2-SECONDARY BUTYL- 4,6-DINITROPHENOL	ALKYL BENZENE SULFONATED (ABS)
3,3'-DICHLORO- BENZIDINE	ALKYLDIMETHYL ETHYL AMMONIUM BROMIDE
3,3'-DICHLOROBENZIDINE, DRY WEIGHT	ALKYLDIMETHYLBENZYL AMMONIUM CHLORIDE
3,4 BENZOFLUORAN- THENE	ALPHA ACTIVITY
3,4,5 TRICHLORO- GUACACOL	ALPHA EMITTING RADI-UM ISOTOPES, DISSOL.
3,4,6-TRICHLORO- CATECHOL	ALPHA GROSS RADIOACTIVITY
3,4,6-TRICHLORO- GUAIACOL	ALPHA, DISSOLVED
3-CHLOROPHENOL	ALPHA, SUSPENDED
3-NITROANILINE, TOTAL IN WATER	ALPHA, TOTAL
4,4'-BUTYLDENE BIS- (6-T-BUTYL-M-CRESOL)	ALPHA, TOTAL, COUNTING ERROR
4,4'-DDD (P,P'-DDD)	ALPHABHC DISSOLVED
4,4'-DDE (P,P'-DDE)	ALPHA-ENDOSULFAN
4,4'-DDT (P,P'-DDT)	AMIBEN (CHLORAMBEN)
4,6-DINITRO-O-CRESOL	AMINES, ORGANIC TOTAL
4-BROMOPHENYL PHENYL ETHER	AMINOTROL - METHYLENE PHOSPHATE
4-CHLORO-3, 5-DIMETHYLPHENOL	ANILINE
4-CHLORO-3-METHYL PHENOL	ANTHRACENE
4-CHLOROPHENYL PHENYL ETHER	ANTIMONY IN BOTTOM DEPOSITS (DRY WGT)
4-METHYLPHENOL	ANTIMONY, DISSOLVED (AS SB)
4-METHYLPHENOL	ANTIMONY, TOTAL (AS SB)
4-NITRO-M-CRESOL	ANTIMONY, TOTAL RECOVERABLE
4-NITRO-N-METHYLPHTHALIMIDE, TOTAL	AROMATICS, SUBSTITUTED
4-NITROPHENOL	AROMATICS, TOTAL PURGEABLE
9,10 DICHLOROSTEARIC ACID	ARSENIC
9,10 EPOXYSTEARIC ACID	ARSENIC, POTENTIALLY DISSOLVD
A-BHC-ALPHA	ARSENIC, DISSOLVED (AS AS)
ABIETIC ACID	ARSENIC, DRY WEIGHT
ACENAPHTHENE	ARSENIC, TOTAL (AS AS)
ACENAPHTHENE, SED (DRY WEIGHT)	ARSENIC, TOTAL RECOVERABLE
ACENAPHTHYLENE	ASBESTOS
ACETALDEHYDE	ASBESTOS (FIBROUS)
ACETAMINOPHEN	ATRAZINE
ACETIC ACID	ATRAZINE, DISSOLVED
ACETONE	AZOBENZENE
ACETONE, DRY WEIGHT	
ACETONE IN WASTE	
ACETOPHENONE	

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BALAN (BENEFIN)	BEZONITRILE (CYANO BENZENE)
BARIUM IN BOTTOM DEPOSITS (DRY WGT)	BHC, TOTAL
BARIUM, POTENTIALLY DISSOLVD	BHC-ALPHA
BARIUM, DISSOLVED (AS BA)	BHC-DELTA
BARIUM, TOTAL (AS BA)	BHC-GAMMA
BARIUM, TOTAL RECOVERABLE	BIOASSAY (24 HR.)
BASE NEUTRALS & ACID (METHOD 625),	BIOASSAY (48 HR.)
TOTAL	BIOASSAY (96 HR.)
BASE NEUTRALS & ACID (METHOD 625),	BIOASSAY (24 HR)
EFFLNT	BIOASSAY (48 HR)
BASE/NEUTRAL COMPOUNDS	BIOASSAY (96 HR)
BAYER 73 LAMPREYCID IN WATER	BIS - PHENOL-A (ALPHA)
B-BHC-BETA	BIS (2-CHLORO-ISOPROPYL) ETHER
B-BHC-BETA DISSOLVED	BIS (2-CHLOROETHOXY) METHANE
B-ENDOSULFAN-BETA	BIS (2-CHLOROETHOXY) METHANE, DRY WT.
BENTAZON, TOTAL	BIS (2-CHLOROETHYL) ETHER
BENZENE	BIS (2-ETHYLHEXYL) PHTHALATE
BENZENE (VOLATILE ANALYSIS)	BIS (2-ETHYLHEXYL) PHTHALATE, DRY WGT
BENZENE HEXACHLORIDE	BIS (CHLOROMETHYL) ETHER
BENZENE SULPHONIC ACID	BIS (TRICHLOROMETHYL) SULFONE
BENZENE, DISSOLVED	BIS ETHER
BENZENE, DRY WEIGHT	BISMUTH, TOTAL (AS BI)
BENZENE, HALOGENATED	BISPHENOL-A
BENZENE, TOLUENE, XYLENE IN	BROMACIL
COMBINATN	BROMACIL (HYVAR)
BENZENE, ETHYLBENZENETOLUENE,	BROMOCHLOROMETHANE
XYLENE COMBN	BROMODICHLOROETHANE
BENZENEHEXACHLORIDE	BROMOFORM
BENZIDINE	BROMOFORM, DRY WEIGHT
BENZIDINE, DRY WEIGHT	BROMOMETHANE
BENZIAC ACIDS-TOTAL	BUTACHLOR
BENZISOTHIAZOLE	BUTANE
BENZO(A)ANTHRACENE	BUTANOIC ACID
BENZO(A)PYRENE	BUTANOL
BENZO(A)PYRENE, DRY WEIGHT	BUTANONE
BENZO(B)FLUORANTHENE (3,4-BENZO)	BUTHDIENE TOTAL
BENZO(GHI)PERYLENE	BUTOXY ETHOXY ETHANOL TOTAL
BENZO(K)FLUORANTHENE	BUTYL ACETATE
BENZOFURAN	BUTYL BENZYL PHTHALATE
BENZY CHLORIDE	BUTYLATE (SUTAN)
BENZYL ALCOHOL	CADMIUM
BENZYL CHLORIDE	CADMIUM TOTAL RECOVERABLE
BERYLLIUM IN BOTTOM DEPOSITS (DRY	CADMIUM IN BOTTOM DEPOSITS (DRY WGT)
WGT)	CADMIUM SLUDGE SOLID
BERYLLIUM, POTENTIALLY DISSOLVD	CADMIUM SLUDGE TOTAL
BERYLLIUM, DISSOLVED (AS BE)	CADMIUM, POTENTIALLY DISSOLVD
BERYLLIUM, TOTAL (AS BE)	CADMIUM, DISSOLVED (AS CD)
BERYLLIUM, TOTAL RECOVERABLE (AS	CADMIUM, TOTAL (AS CD)
BE)	CADMIUM, SLUDGE, TOT DRY WEIGHT (AS
BETA, DISSOLVED	CD)
BETA, SUSPENDED	CAFFEINE
BETA, TOTAL	CAPTAN
BETA, TOTAL, COUNTING ERROR	CARBAMATES
BETASAN(N-2-	CARBARYL TOTAL
MERCAPTOETHYLBENZENESULFAMID	

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CARBON CHLOROFORM EXTRACTS, ETHER INSOLUBLE	CHLORODIBROMOMETHANE
CARBOFURAN	CHLORODIBROMOMETHANE, DRY WEIGHT
CARBON DISULFIDE	CHLORODIFLUORO-METHANE
CARBON TETRACHLORIDE	CHLORODIMEFORM
CARBON TETRACHLORIDE, DRY WEIGHT	CHLOROETHANE
CARBON, CHLOROFORM EXTRACTABLES	CHLOROETHANE, TOTAL WEIGHT
CARBON, DISSOLVED ORGANIC (AS C)	CHLOROETHYLENE BISTHIOCYANATE
CARBOSULFAN, TOTAL	CHLOROFORM
CERIUM, TOTAL	CHLOROFORM EXTRACTABLES, TOTAL
CESIUM, TOTAL (AS CS)	CHLOROFORM, DISSOLVED
CHLOR, PHENOXY ACID GP, NONE FOUND	CHLOROFORM, DRY WEIGHT
CHLORAL	CHLOROHEXANE, TOTAL
CHLORAL HYDRATE	CHLOROMETHANE
CHLORAMINE RESIDUAL	CHLOROMETHYL BENZENE
CHLORDANE (CA OCEAN PLAN DEFINITION)	CHLORONITROBENZENE
CHLORDANE (TECH MIX & METABS), DRY WGT	CHLOROPHENOXY PROPANANOL
CHLORDANE (TECH MIX. AND METABOLITES)	CHLOROSYRINGEALDEHYDE, EFFLUENT
CHLORDANE, ALPHA, WHOLE WATER	CHLOROTOLUENE
CHLORDANE, GAMMA, WHOLE WATER	CHLOROXAZONE
CHLORENDIC ACID	CHLORPHENIRAMINE
	CHLORPYRIFOS
CHLORIDE, ORGANIC, TOTAL	CHROMIUM
CHLORINATED DIBENZO-FURANS, EFFLUENT	CHROMIUM, DRY WEIGHT
CHLORINATED DIBENZO-FURANS, SLUDGE	CHROMIUM TOTAL RECOVERABLE
CHLORINATED DIBENZO-P-DIOXINS, EFFLUENT	CHROMIUM SLUDGE SOLID
CHLORINATED DIBENZO-P-DIOXINS, SLUDGE	CHROMIUM SLUDGE TOTAL
CHLORINATED ETHANES	CHROMIUM TRIVALENT IN BOTTOM DEPOSITS
CHLORINATED HYDRO-CARBONS, GENERAL	CHROMIUM, DISSOLVED (AS CR)
CHLORINATED METHANES	CHROMIUM, HEXAVALENT
CHLORINATED ORGANIC COMPOUNDS	CHROMIUM, HEXAVALENT
CHLORINATED PESTICIDES, TOTAL	CHROMIUM, HEXAVALENT (AS CR)
CHLORINATED PESTICIDES, TOT & PCB'S	CHROMIUM, HEXAVALENT DISSOLVED (AS CR)
CHLORINATED PHENOLS	CHROMIUM, HEXAVALENT IN BOT DEP (DRY WT)
CHLORINATION	CHROMIUM, HEXAVALENT POTENTIALLY DISSOLVED
CHLORINE DIOXIDE	CHROMIUM, HEXAVALENT TOTAL RECOVERABLE
CHLORINE DOSE	CHROMIUM, SUSPENDED (AS CR)
CHLORINE RATE	CHROMIUM, TOTAL
CHLORINE USAGE	CHROMIUM, TOTAL (AS CR)
CHLORINE, COMBINED AVAILABLE	CHROMIUM, TOTAL PERCENT REMOVAL
CHLORINE, FREE AVAILABLE	CHROMIUM, TOTAL DRY WEIGHT (AS CR)
CHLORINE, FREE RESIDUAL, TOTAL EFFLUENT	CHROMIUM, TOTAL IN BOT DEP (WET WGT)
CHLORINE, TOTAL RESIDUAL	CHROMIUM, TRIVALENT (AS CR)
CHLORINE, TOTAL RESIDUAL (DSG. TIME)	CHROMIUM, TRIVALENT, POTENTIALLY DISSOLVED
CHLORINE, TOTAL RES.DURATION OF VIOLATION	CHRYSENE
	CIS-1,3-DICHLORO PROPENE
CHLOROBENZENE	CITRIC ACID
CHLOROBENZENE, DRY WEIGHT	CN, FREE (AMENABLE TO CHLORINE)
CHLOROBENZILATE	COBALT, TOTAL RECOVERABLE
CHLOROBUTADIENE (CHLOROPRENE)	COLUMBIUM, TOTAL

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COMBINED METALS SUM	DIBROMOMETHANE
COPPER	DICHLONE
COPPER TOTAL RECOVERABLE	DICHLORAN, TOTAL
COPPER AS SUSPENDED BLACK OXIDE	DICHLOROBENZENE
COPPER IN BOTTOM DEPOSITS (DRY WGT)	DICHLOROBENZENE, ISOMER
COPPER SLUDGE SOLID	DICHLOROBENZYLTRIFLUORIDE
COPPER SLUDGE TOTAL	DICHLOROBROMOMETHANE
COPPER, DISSOLVED (AS CU)	DICHLOROBROMOMETHANE, DRY WEIGHT
COPPER, POTENTIALLY DISSOLVED	DICHLOROBUTADIENE
COPPER, SUSPENDED (AS CU)	DICHLOROBUTENE- (ISOMERS)
COPPER, TOTAL (AS CU)	DICHLORODEHYDRO- ABEIETIC ACID
COPPER, TOTAL PER BATCH	DICHLORODIBROMOMETHANE
COUMAPHOS	DICHLORODIFLUORO- METHANE
CRESOL	DICHLOROETHENE, TOTAL
CYANATE (AS OCN)	DICHLOROFLUORO METHANE
CYANIDE (A)	DICHLOROMETHANE
CYANIDE AND THIOCYANATE - TOTAL	DICHLOROPROPYLENE, 1,2
CYANIDE COMPLEXED TO RANGE OF	DICHLOROTOLUENE
COMPOUND	DICHLOROTRIFLUORO- ETHANE
CYANIDE FREE NOT AMENABLE TO	DICHLORVOS, TOTAL
CHLORIN.	DICHLORVOS, TOTAL DISSOLVED
CYANIDE IN BOTTOM DEPOSITS (DRY WGT)	DICHLORVOS, TOTAL SED DRY WEIGHT
CYANIDE SLUDGE SOLID	DICHLORVOS, TOTAL SUSPENDED
CYANIDE, FILTERABLE, TOTAL	DICYCLOHEXYLAMINE, TOTAL
CYANIDE, FREE-WATER PLUS	DICYCLOPENTADIENE
WASTEWATERS	DIDECYLDIMETHYL AMMONIUM CHLORIDE
CYANIDE, TOTAL (AS CN)	DIDROMOMETHANE, 1-2
CYANIDE, TOTAL RECOVERABLE	DIELDRIN
CYANIDE, WEAK ACID, DISSOCIABLE	DIELDRIN, DRY WEIGHT
CYANIDE, DISSOLVED STD METHOD	DIETHL METHYL BENZENESULFONAMIDE
CYANIDE, FREE (AMEN. TO CHLORINATION)	DIETHYL PHTHALATE
CYCLOATE (RONEET)	DIETHYL PHTHALATE, DRY WEIGHT
CYCLOHEXANE	DIETHYLAMINE
CYCLOHEXANONE	DIETHYLAMINOETHANOL
CYCLOHEXYL AMINE (AMINO	DIETHYLBENZENE
HEXAHYDRO)	DIETHYLENE GLYCOL DINITRATE, TOTAL
CYCLOHEXANONE	DIETHYLHEXYL PHTHALATE ISOMER
DACONIL (C8CL4N2)	DIETHYLHEXYL- PHTHALATE
DACTHAL	DIETHYLSTILBESTEROL
DDD IN WHOLE WATER SAMPLE	DIFOLATAN
DDE	DIISOPROPYL ETHER
DDT	DIMETHOXYBENZIDINE
DDT/DDD/DDE, SUM OF P,P' & O,P' ISOMERS	DIMETHYL BENZIDINE
DECACHLOROBIPHENYL (DCBP) TOTAL	DIMETHYL DISULFIDE TOTAL
DECHLORANE PLUS	DIMETHYL NAPHTHALENE
DEHYDROABIETIC ACID	DIMETHYL PHTHALATE
DELNAV	DIMETHYL PHTHALATE
DELTA BENZENE HEXACHLORIDE	DIMETHYL PHTHALATE, DRY WEIGHT
DEMETON	DIMETHYL SULFIDE TOTAL
DIAZINON	DIMETHYL SULFOXIDE TOTAL
DIBENZO (A,H) ANTHRACENE	DIMETHYLAMINE
DIBENZO (A,H) ANTHRACENE, DRY WEIGHT	DIMETHYLANILINE
DIBENZOFURAN	DI-N-BUTYL PHTHALATE
DIBROMOCHLORO- METHANE	DI-N-BUTYL PHTHALATE, DRY WEIGHT
DIBROMODICHLOROMETHANE	DI-NITRO BUTYL PHENOL (DNBP)

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DINITROTOLUENE	FLUORANTHENE
DI-N-OCTYL PHTHALATE	FLUORANTHENE, DRY WEIGHT
DI-N-OCTYL PHTHALATE, DRY WEIGHT	FLUORENE
DINOSEB	FLUORENE, DRY WEIGHT
DINOSEB (DNBP)	FLUORIDE - COMPLEX
DIOXANE	FLUSILAZOLE
DIOXIN	FOAMING AGENTS
DIOXIN (TCDD) SUSPENDED	FORMALDEHYDE
DISSOLVED RADIOACTIVE GASSES	FORMIC ACID
DISULFOTON	FREON 113 (1,1,1-TRIFLUORO-2,2-
DIURON	FREON, TOTAL
DOCOSANE	FUEL, DIESEL, #1
DODECYLGUANIDINE SALTS	FURFURAL
DYFONATE	GAMMA, TOTAL
DYPHYLLINE	GAMMA, TOTAL COUNTING ERROR
EDTA	GAMMA-BHC
EDTA AMMONIATED	GASOLINE, REGULAR
ENDOSULFAN SULFATE	GERMANIUM, TOTAL (AS GE)
ENDOSULFAN, ALPHA, IN WASTE	GLYPHOSATE, TOTAL
ENDOSULFAN, BETA, INWASTE	GOLD, TOTAL (AS AU)
ENDOSULFAN, TOTAL	GROSS BETA
ENDRIN	GUAFENSIN
ENDRIN + ENDRIN ALDEHYDE (SUM)	GUANIDINE NITRATE
ENDRIN ALDEHYDE	GUTHION
EPHEDRINE SULFATE	HALOGEN, TOTAL ORGANIC
EPICHLOROHYDRIN	HALOGEN, TOTAL RESIDUAL
EPTC (EPTAM)	HALOGENATED HYDRO- CARBONS, TOTAL
ESTRADIOL	HALOGENATED ORGANICS
ETHALFLURALIN WATER, TOTAL	HALOGENATED TOLUENE
ETHANE, 1,2-BIS (2- CLRETHXY), HOMLG SUM	HALOGENS, ADSORBABLEORGANIC
ETHANOL	HALOGENS, TOT ORGAN-ICS BOTTOM
ETHION	SEDIMENT
ETHYL METHANESULFONATE	HALOMETHANES, SUM
ETHYL ACETATE	HEPTACHLOR
ETHYL BENZENE	HEPTACHLOR EPOXIDE
ETHYL BENZENE	HEPTACHLOR, DRY WEIGHT
ETHYL ETHER BY GAS CHROMATOGRAPH	HEPTANE
ETHYL METHYL- DIOXOLANE	HERBICIDES, TOTAL
ETHYL PARATHION	HEXACHLOROBENZENE
ETHYLBENZENE	HEXACHLOROBENZENE, DRY WEIGHT
ETHYLBENZENE, DRY WEIGHT	HEXACHLOROBIPHENYL
ETHYLENE CHLOROXYDRIN	HEXACHLOROBUTADIENE
ETHYLENE DIBROMIDE (1,2	HEXACHLOROBUTADIENE
DIBROMOETHANE)	HEXACHLOROBUTADIENE, DRY WEIGHT
ETHYLENE GLYCOL	HEXACHLOROCYCLO- PENTADIENE
ETHYLENE GLYCOL	HEXACHLOROCYCLOHEXANE (BHC) TOTAL
ETHYLENE GLYCOL DINITRATE	HEXACHLOROCYCLOPENTADIENE, DRY
ETHYLENE OXIDE	WEIGHT
ETHYLENE THIOUREA (ETU)	HEXACHLOROETHANE
ETHYLENE, DISSOLVED (C2H4)	HEXACHLOROETHANE, DRY WEIGHT
ETHYLHEXYL	HEXACHLOROPENTADIENE
EXPLOSIVE LIMIT, LOWER	HEXADECANE
EXPLOSIVES, COMBINED TNT + RDX +	HEXAHYDROAZEPINONE
TETRYL	HEXAMETHYL- PHOSPHORAMINE(HMPA)
FERRICYANIDE	HEXAMETHYLBENZENE

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HEXANE	LEAD, DRY WEIGHT
HEXAZIMONE	LEAD, TOTAL DRY WEIGHT (AS PB)
HMX-1,3,5,7-TETRA ZOCINE	LEAD, TOTAL (AS PB)
HYDRAZINE	LINDANE
HYDRAZINES, TOTAL	LINOLEIC ACID
HYDROCARBON, TOTAL RECOVERABLE	LINOLENIC ACID
HYDROCARBONS NITRATED	M - ALKYL DIMETHYL BENZYL AMCL
HYDROCARBONS NITRATED, TOTAL	MALATHION
HYDROCARBONS, AROMATIC	MB 121
HYDROCARBONS, TOTAL GAS	MERCAPTANS, TOTAL
CHROMATOGRAPH	MERCAPTOBENZOTHAZOLE
HYDROCARBONS, IN H ₂ O, IR, CC14 EXT.	MERCURY
CHROMAT	MERCURY, POTENTIALLY DISSOLVD
HYDROGEN CYANIDE	MERCURY, DISSOLVED (AS HG)
HYDROQUINONE	MERCURY, TOT IN BOT DEPOSITS (DRY WGT)
HYDROXYACETOPHENONE	MERCURY, TOTAL (AS HG)
HYDROXYQUINOLINE TOTAL	MERCURY TOTAL RECOVERABLE
HYDROXYZINE	MERCURY, DRY WEIGHT
INDENE	METALS TOXICITY RATIO
INDENO (1,2,3-CD) PYRENE	METALS, TOTAL
INDENO (1,2,3-CD) PYRENE, DRY WEIGHT	METALS, TOX PRIORITY POLLUTANTS,
INDIUM	TOTAL
IODINE 129	META-XYLENE
IODINE RESIDUAL	METHAM SODIUM (VAPAM)
IODINE TOTAL	METHANE
ISOBUTYL ACETATE	METHANOL, TOTAL
ISOBUTYL ALCOHOL	METHOCARBAMOL
ISODECYLDIPHENYL- PHOSPHATE	METHOMYL
ISO-OCTANE	METHOXYCHLOR
ISOOCITYL 2,4,5-T	METHOXYPROPYLAMINE
ISOOCITYL SILVEX	METHYL METHANESULFONATE
ISOPHORONE	METHYL ACETATE
ISOPHORONE, DRY WEIGHT	METHYL BROMIDE
ISOPIMARIC ACID	METHYL BROMIDE, DRY WEIGHT
ISOPRENE	METHYL CHLORIDE
ISOPROPALIN WATER, TOTAL	METHYL CHLORIDE, DRY WEIGHT
ISOPROPANOL	METHYL CYANIDE (ACETONITRILE)
ISOPROPYL ALCOHOL (C ₃ H ₈ O), SED.	METHYL ETHYL BENZENE
ISOPROPYL ETHER	METHYL ETHYL KETONE
ISOPROPYLBENZENE	METHYL ETHYL SULFIDE
ISOPROPYLBIPHENYL, TOTAL	METHYL ISOBUTYL KETONE (MIBK)
ISOPROPYLIDINE DIOXYPHENOL	METHYL MERCAPTAN
ISOTHIAZOLONE	METHYL METHACRYLATE
ISOTHIOZOLINE, TOTAL	METHYL NAPHTHALENE
ISOXSUPRINE	METHYL PARATHION
KELTHANE	METHYL STYRENE
KEPONE	METHYLAMINE
LANTHANUM, TOTAL	METHYLENE BIS-THIOCYANATE
LEAD	METHYLENE CHLORIDE
LEAD TOTAL RECOVERABLE	METHYLENE CHLORIDE, DRY WEIGHT
LEAD 210, TOTAL	METHYLENE CHLORIDE, SUSPENDED
LEAD SLUDGE SOLID	METHYLHYDRAZINE
LEAD SLUDGE TOTAL	METTRIBUZIN (SENCOR), WATER, DISSOLVED
LEAD, POTENTIALLY DISSOLVD	METRIOL TRINITRATE, TOTAL
LEAD, DISSOLVED (AS PB)	MIREX

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MOLYBDENUM DISSOLVED (AS MO)	N-NITROSOPYRROLIDINE
MOLYBDENUM, TOTAL (AS MO)	N-PROPYLBENZENE
MONOCHLOROACETIC ACID	O - CHLOROBENZYL CHLORIDE
MONO-CHLORO-BENZENES	OCTACHLORO- CYCLOPENTENE
MONOCHLOROBENZYLTRIFLUORIDE	OCTYLPHENOXY POLYETHOXYETHANOL
MONOCHLORODEHYDRO- ABIETIC ACID	OIL, PETROLEUM ETHER EXTRACTABLES
MONOCHLOROTOLUENE	OIL/GREASE CALCULATED LIMIT
N PENTANE	OLEIC ACID
N, N- DIMETHYLFORMAMIDE	ORDRAM (HYDRAM)
N, N'DIETHYL CARBANILIDE	ORGANIC ACTIVE IN- GREDIENTS (40CFR455)
N, N-DIMETHYL FORMAMIDE	ORGANIC COMPOUNDS, CHLOROFORM
NAPHTHALENE	EXTRACT.
NAPHTHALENE, DRY WEIGHT	ORGANIC HALIDES, TOTAL
NAPHTHENIC ACID	ORGANIC PESTICIDE CHEMICALS (40CFR455)
NAPROPAMIDE (DEVIRINOL)	ORGANICS, GASOLINE RANGE
N-BUTYL ACETATE	ORGANICS, TOT PURGE-ABLES (METHOD 624)
N-BUTYL-BENZENE SULFONAMIDE (IN	ORGANICS, TOTAL
WAT)	ORGANICS, TOTAL TOXIC (TTO)
N-BUTYLBENZENE (WHOLE WATER, UG/L	ORGANICS, VOLATILE (NJAC REG. 7:23-17E)
NEPTUNE BLUE	ORGANICS-TOT VOLITILE (NJAC REG.7:23-17E)
N-HEPTADECANE	ORTHENE
NIACINAMIDE	ORTHOCHLOROTOLUENE
NICKEL	ORTHO-CRESOL
NICKEL TOTAL RECOVERABLE	ORTHO-XYLENE
NICKEL SLUDGE SOLID	O-TOLUIDINE
NICKEL SLUDGE TOTAL	OXALIC ACID
NICKEL, POTENTIALLY DISSOLVD	P,P'-DDE - DISSOLVED
NICKEL, DISSOLVED (AS NI)	P,P'-DDT - DISSOLVED
NICKEL, SUSPENDED (AS NI)	PALLADIUM, TOTAL (AS PD)
NICKEL, TOTAL (AS NI)	P-AMINOBIHENYL
NICKEL, TOTAL PER BATCH	PANTHALIUM, TOTAL
NICKEL, TOT IN BOTTOM DEPOSITS (DRY	PARABEN (METHYL AND PROPYL)
WGT)	PARACHLOROMETA CRESOL
NICOTINE SULFATE	PARA-DICHLOROBENZENE
NITROBENZENE	PARAQUAT
NITROBENZENE, DRY WEIGHT	PARATHION
NITROCELLULOSE	PCB - 1262
NITROFURANS	PCB, TOTAL SLUDGE, SCAN CODE
NITROGEN, ORGANIC, DISSOLVED (AS N)	PCB, TOTAL, SCAN EFFLUENT
NITROGLYCERIN BY GAS	PCB-1016 (AROCHLOR 1016)
CHROMATOGRAPHY	PCB-1221 (AROCHLOR 1221)
NITROGUANIDINE	PCB-1232 (AROCHLOR 1232)
NITROSODIPHENYLAMINE	PCB-1242 (AROCHLOR 1242)
NITROSTYRENE	PCB-1248 (AROCHLOR 1248)
N-NITROSO COMPOUNDS, VOLATILE	PCB-1254 (AROCHLOR 1254)
N-NITROSO COMPOUNDS, VOLATILE	PCB-1260 (AROCHLOR 1260)
N-NITROSODIBUTYL- AMINE	PCBS IN BOTTOM DEPS. (DRY SOLIDS)
N-NITROSODIETHYL- AMINE	P-CRESOL
N-NITROSODIMETHYL- AMINE	P-DIMETHYLAMINO- AZOBENZENE
N-NITROSODIMETHYLAMINE, DRY WEIGHT	PEBULATE (TILLAM)
N-NITROSODI-N-PROPYLAMINE	PENTACHLOROBENZENE
N-NITROSODI-N-PROPYLAMINE, DRY	PENTACHLOROETHANE
WEIGHT	PENTACHLOROPHENOL
N-NITROSODIPHENYL- AMINE	PESTICIDES, GENERAL
N-NITROSODIPHENYLAMINE, DRY WEIGHT	P-ETHYLTOLUENE

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PETROL HYDROCARBONS, TOTAL RECOVERABLE	RARE EARTH METALS, TOTAL
PHENACETIN	RATIO OF FECAL COLIFORM TO FECAL STREPOC
PHENANTHRENE	R-BHC (LINDANE) GAMMA
PHENANTHRENE, DRY WEIGHT	RDX, DISSOLVED
PHENOL, SINGLE COMPOUND	RDX, TOTAL
PHENOLIC COMPOUNDS, SLUDGE TOTAL, DRY WEIGHT	RESIN ACIDS, TOTAL
PHENOLIC COMPOUNDS, UNCHLORINATED	RESORCINOL
PHENOLICS IN BOTTOM DEPOSITS (DRY WGT)	RHODIUM, TOTAL
PHENOLICS, TOTAL RECOVERABLE	ROTENONE
PHENOLS	ROUNDUP
PHENOLS, CHLORINATED	RUBIDIUM, TOTAL (AS RB)
PHENOXY ACETIC ACID	SAFROLE
PHENYLPROPANOLAMINE	SAMARIUM, TOTAL (AS SM IN WATER)
PHENYLTOLOXAMINE	SELENIUM, ACID SOLUBLE
PHORATE	SELENIUM SLUDGE SOLID
PHOSPHATED PESTICIDES	SELENIUM, POTENTIALLY DISSOLVD
PHOSPHOROTHIOIC ACID 0,0,0-TRIETHYL ESTR	SELENIUM, DISSOLVED (AS SE)
PHTHALATE ESTERS	SELENIUM, DRY WEIGHT
PHTHALATES, TOTAL	SELENIUM, SLUDGE, TOTAL DRY WEIGHT
PHTHALIC ACID	SELENIUM, TOTAL (AS SE)
PHTHALIC ANHYDRIDE	SELENIUM, TOTAL RECOVERABLE
PLATINUM, TOTAL (AS PT)	SEVIN
POLONIUM 210	SEVIN (CARBARYL) IN TISSUE
POLYACRILAMIDE CHLORIDE	SILVER
POLYBROMINATED BIPHENYLS	SILVER TOTAL RECOVERABLE
POLYBROMINATED DIPHENYL OXIDES	SILVER IN BOTTOM DEPOSITS (DRY WGT)
POLYCHLORINATED BIPHENYLS (PCBS)	SILVER, DISSOLVED (AS AG)
POLYMETHYLACRYLIC ACID	SILVER, IONIC
PROPABHLOR (RAMROD) DISSOLVED	SILVER, POTENTIALLY DISSOLVED
PROPANE, 2-METHOXY- 2-METHYL	SILVER, TOTAL (AS AG)
PROPANIL	SILVER, TOTAL PER BATCH
PROPENE, TOTAL	SILVEX
PROPRANE, TOTAL	SODIUM CHLORATE
PROPYL ACETATE	SODIUM DICHROMATE
PROPYLENE OXIDE	SODIUM DIMETHYL-DITHIOCARBAMATE, TOTAL
PROPYLENGLYCOL, TOTAL	SODIUM PENTACHLORO- PHENATE
PURGEABLE AROMATICS METHOD 602	SODIUM POLYACRYLATE, TOTAL
PURGEABLE HYDRO- CARBONS, METH. 601	SODIUM-O-PPTH
PYRENE	
PYRENE, DRY WEIGHT	STRONTIUM 90, TOTAL
PYRETHRINS	STRONTIUM, DISSOLVED
PYRIDINE	STRONTIUM, TOTAL (AS SR)
QUARTERNARY AMMONIUM COMPOUNDS	STYRENE
QUINOLINE	STYRENE, TOTAL
RADIATION, GROSS BETA	SULFABENZAMIDE
RADIATION, GROSS ALPHA	SULFACETAMIDE
RADIOACTIVITY	SULFATHIAZOLE
RADIOACTIVITY, GROSS	SULFOTEPP (BLADAFUME)
RADIUM 226 + RADIUM 228, TOTAL	TANNIN AND LIGNIN
RADIUM 226, DISSOLVED	TCDD EQUIVALENTS
RADIUM 228, TOTAL	TELLURIUM, TOTAL
	TERBACIL
	TERBUFOS (COUNTER) TOTAL

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TETRA SODIUM EDTA	TOTAL TOXIC ORGANICS (TTO) (40CFR469)
TETRACHLORDIBENZOFURAN,2378-(TCDF)	TOTAL TOXIC ORGANICS (TTO) (40CFR465)
SED,	TOTAL VOLATILE PRIORITY POLLUTANTS
TETRACHLOROBENZENE	TOXAPHENE
TETRACHLOROETHANE, TOTAL	TOXAPHENE, DRY WEIGHT
TETRACHLOROETHENE	TOXICITY
TETRACHLOROETHYLENE	TOXICITY, CERIODAPHNIA ACUTE
TETRACHLOROETHYLENE	TOXICITY, CERIODAPHNIA CHRONIC
TETRACHLOROETHYLENE, DRY WEIGHT	TOXICITY, PIMEPHALES ACUTE
TETRACHLOROGUAIACOL (4CG) IN WHOLE	TOXICITY, PIMEPHALES CHRONIC
WATER	TOXICITY, CHOICE OF SPECIES
TETRAHYDRO-3,5-DIMETHYL-2-HYDRO-1,3,5-	TOXICITY, FINAL CONC TOXICITY UNITS
TH	TOXICITY, SALMO CHRONIC
TETRAHYDROFURAN	TOXICITY, SAND DOLLAR
TETRAMETHYLBENZENE	TOXICITY, TROUT
THALLIUM IN BOTTOM DEPOSITS (DRY WGT)	TOXICS, PERCENT REMOVAL
THALLIUM, POTENTIALLY DISSOLVD	TRANS-1,2-DICHLORO- ETHYLENE
THALLIUM, ACID SOLUBLE	TRANS-1,3-DICHLORO PROPENE
THALLIUM, DISSOLVED (AS TL)	TREFLAN (TRIFLURALIN)
THALLIUM, TOTAL (AS TL)	TRIBUTYLAMINE
THALLIUM, TOTAL RECOVERABLE	TRIBUTYLTIN
THC, DRY & 02	TRICHLOROBENZENE
THEOPHYLLINE	TRICHLOROBENZENE 1,2,4 TOTAL
THIOCARBAMATES	TRICHLOROETHANE
THIOCYANATE (AS SCN)	TRICHLOROETHENE
THIOSULFATE ION(2-)	TRICHLOROETHYLENE
THORIUM 230	TRICHLOROETHYLENE, DISSOLVED
THORIUM 232	TRICHLOROETHYLENE, DRY WEIGHT
TIN	TRICHLOROFLUORO- METHANE
TIN, DISSOLVED (AS SN)	TRICHLOROGUAIACOL
TIN, TOTAL (AS SN)	TRICHLOROPHENATE- (ISOMERS)
TIN, TOTAL RECOVERABLE	TRICHLOROPHENOL
TITANIUM, DISSOLVED (AS TI)	TRICHLOROTOLUENE
TITANIUM, TOTAL (AS TI)	TRICHLOROTRIFLUORO- ETHANE
TITANIUM, TOTAL DRY WEIGHT (AS TI)	TRIETHANOLAMINE
TOLUENE	TRIETHYLAMINE
TOLUENE, DISSOLVED	TRIFLURALIN (C13H16F3N3O4)
TOLUENE, DRY WEIGHT	TRIHALOMETHANE, TOT.
TOLUENE-2,4 -DIISOCYANITE	TRIMETHYL BENZENE
TOLYTRIAZOLE	TRINITROTOLUENE (TNT), DISSOLVED
TOTAL ACID PRIORITY POLLUTANTS	TRINITROTOLUENE (TNT), TOTAL
TOTAL BASE/NEUTRAL PRIORITY	TRIPHENYL PHOSPHATE
POLLUTANTS	TRITHION
TOTAL PESTICIDES	TRITIUM (1 H3), TOTAL
TOTAL PHENOLS	TRITIUM, TOTAL
TOTAL POLONIUM	TRITIUM, TOTAL COUN-TING ERROR (PC/L)
TOTAL PURGEABLE HALOCARBONS	TRITIUM, TOTAL NET INCREASE H-3 UNITS
TOTAL TOXIC ORGANICS (TTO) (40CFR413)	TUNGSTEN, DISSOLVED
TOTAL TOXIC ORGANICS (TTO) (40CFR433)	TUNGSTEN, TOTAL
TOTAL TOXIC ORGANICS (TTO) (40CFR464A)	U-236 TOTAL WTR
TOTAL TOXIC ORGANICS (TTO) (40CFR464B)	URANIUM, POTENTIALLY DISSOLVD
TOTAL TOXIC ORGANICS (TTO) (40CFR464C)	URANIUM, 235 TOTAL
TOTAL TOXIC ORGANICS (TTO) (40CFR464D)	URANIUM, 238 TOTAL
TOTAL TOXIC ORGANICS (TTO) (40CFR467)	URANIUM, NATURAL, DISSOLVED
TOTAL TOXIC ORGANICS (TTO) (40CFR468)	URANIUM, NATURAL, TOTAL

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URANIUM, NATURAL, TOTAL (IN PCI/L)	XC POLYMER IN DRILLING FLUIDS
URANIUM, TOTAL AS U308	XYLENE
URANYL-ION	XYLENE, PARA- TOTAL
UREA	ZINC
VERNAM (S-PROPYLDI-	ZINC TOTAL RECOVERABLE
PROPYLTHIOCARBAMATE)	ZINC IN BOTTOM DEPOSITS (DRY WGT)
VINYL ACETATE	ZINC SLUDGE SOLID
VINYL CHLORIDE	ZINC SLUDGE TOTAL
VINYL CHLORIDE, DRY WEIGHT	ZINC, DISSOLVED (AS ZN)
VOLATILE COMPOUNDS, (GC/MS)	ZINC, DRY WEIGHT
VOLATILE FRACTION ORGANICS (EPA 624)	ZINC, POTENTIALLY DISSOLVED
VOLATILE HALOGENATED HYDROCARBONS	ZINC, TOTAL
VOLATILE HALOGENATED ORGANICS (VHO),	ZINC, TOTAL (AS ZN)
TOT	ZIRCONIUM, TOTAL
VOLATILE HYDROCARBONS	
VOLATILE ORGANICS DETECTED	
XANTHATES	

California and the World Ocean '02

Revisiting and Revising California's Ocean Agenda



**October 27-30, 2002
Santa Barbara, California**

HOTEL INFORMATION

FESS PARKER'S DOUBLTREE RESORT has been selected as the site for California and the World Ocean '02. With the Santa Ynez Mountains and the Pacific Ocean as its neighbors, Fess Parker's Doubletree is set on one of California's most beautiful coastlines. The 24-acre resort offers 337 luxuriously appointed guest rooms, 23 deluxe suites and 40,000 square feet of meeting and banquet space.

A BLOCK OF ROOMS has been set aside by Fess Parker's Doubletree Resort at a special conference rate of \$139 (single or double) for CWO '02 attendees. Up to two additional people may be added to a room for \$10 per person. Please call Fess Parker's directly for deluxe suite pricing.

HOTEL RESERVATIONS must be made by **Thursday, September 26, 2002** to ensure the conference rate and availability. Rooms and conference rates cannot be guaranteed after Thursday, September 26, 2002, so make your reservations as soon as possible! To make a reservation, call Fess Parker's reservation line (toll free in the United States) at 877.398.5182 and request the group rate for **California and the World Ocean '02**.

HOTEL CHECK-IN time is after 4:00 p.m. and checkout time is 11:00 a.m. Please note that for guests leaving prior to their reserved checkout date, the hotel will add an early checkout fee to their bill. To avoid this fee, please inform Fess Parker's Doubletree Resort at/or before check-in of any change in length of stay.

FOR ADDITIONAL INFORMATION visit the Fess Parker's Doubletree Resort web site at www.fpdtr.com or call 805.564.4333.

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