

ENFORCE

NPDES WASTEWATER

GROUP: NPDES WASTEWATER FACILITIES

MEASURE: ENFORCEMENT ACTIONS

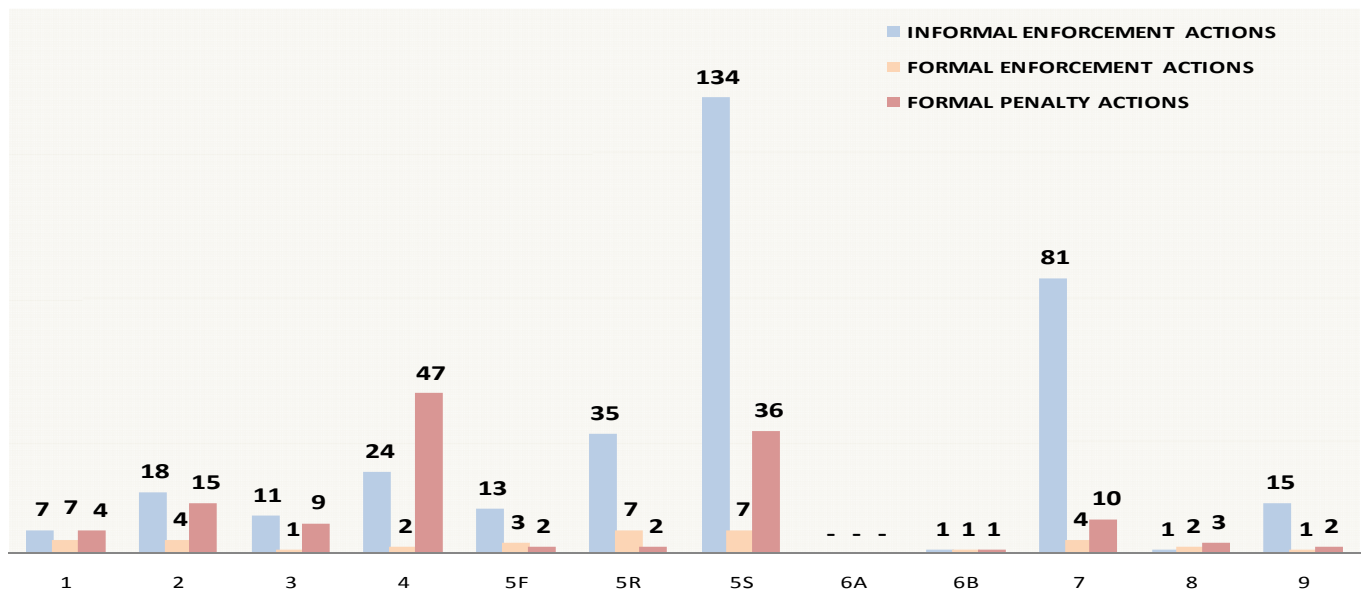
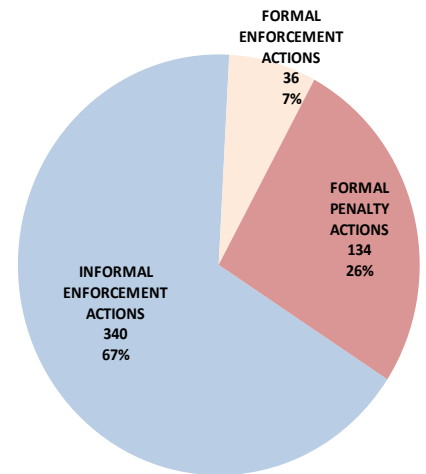
MESSAGE: *Most formal enforcement has been focused on assessing penalties for violations under the program.*

MEASUREMENTS:

KEY STATISTICS FOR FY 2009-10

NUMBER OF INFORMAL ACTIONS*: 340
 NUMBER OF FORMAL ACTIONS**: 36
 NUMBER OF PENALTY ACTIONS: 134

Region	Informal Enforcement	Formal Enforcement	Formal Penalty Enforcement	Total Enforcement Actions
1	7	4	7	18
2	18	4	15	37
3	11	1	9	21
4	24	2	47	73
5	182	17	40	239
6	1	1	1	3
7	81	4	10	95
8	1	2	3	6
9	15	1	2	18
TOTAL	340	36	134	510



WHAT THE MEASURE IS SHOWING:

As expected, the Regional Boards use informal actions more often to notify dischargers that violations have been noted and recorded. The use of formal actions in several regions is limited to the imposition of penalties. Using information from other measures, a large number of penalty actions for the NPDES program addressed mandatory minimum penalties.



WHY THIS MEASURE IS IMPORTANT:

Enforcement plays a significant role in the Water Boards' strategies to protect water quality and represents a significant amount of work for both the State and Regional Boards. Enforcement deters potential violators and protects public health and the environment. Enforcement can prevent threatened pollution from occurring and can promote prompt cleanup and correction of existing pollution problems. The Water Boards use progressive enforcement by addressing some violations with an informal response such as a phone call or staff enforcement letter followed, if needed, with a more formal action. If violations continue, the enforcement response should be quickly escalated to increasingly more formal and serious actions until compliance is achieved. This measure displays the use of formal versus informal actions to address documented violations.

TECHNICAL CONSIDERATIONS:

- Data Source: CIWQS July 1, 2009 to June 30, 2010. Extracted on July 17, 2010.
- Unit of Measure: Number of enforcement actions issued during FY 09-10.
- Data Definitions: **Informal enforcement:** any communication from that notifies the discharger of a problem (* for reporting purposes it includes 13267 letters and notices to comply). **Formal enforcement:** administrative or judicial actions that impose sanctions and/or require compliance where a hearing is available to contest the allegations (** for reporting purposes it does not include Administrative Civil Liabilities actions). **Formal Penalty enforcement:** includes Administrative Civil Liability actions and any other monetary assessment imposed.
- References: More information on the Water Boards' NPDES program is available at: http://www.waterboards.ca.gov/water_issues/programs/npdes/
- Public reports and data are available at: http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml
- Enforcement and compliance assurance information is available at: http://www.waterboards.ca.gov/water_issues/programs/enforcement/
- The Water Boards' enforcement policy is also available at: http://www.waterboards.ca.gov/plans_policies/docs/wqep.doc

GLOSSARY:**National Pollutant Discharge Elimination System (NPDES)**

The NPDES permit program (Section 402 of the Clean Water Act) controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. US EPA has approved the Water Board's program to issue NPDES permits.