

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION**

STAFF REPORT FOR REGULAR MEETING OF MAY 11-12, 2017
Prepared on April 10, 2017

ITEM NUMBER: 10

SUBJECT: Enforcement Report

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DISCUSSION

This staff report includes a summary of the Enforcement Team’s recent enforcement actions taken from December 1, 2016 to March 31, 2017. Tables 1 through 3 include summaries of Administrative Civil Liability Orders issued, Expedited Payment Program Letters issued to offer settlement proposals for resolving mandatory minimum penalties or other non-controversial violations, and notices of violations. During this time period, staff did not issue Cleanup and Abatement Orders, Cease and Desist Orders, Time Schedule Orders, or Notices of Non-Compliance issued for dischargers that did not submit annual reports as required by the Industrial Stormwater General Permit,. This staff report also includes a summary of violations reported by dischargers from October 1, 2016 through December 31, 2016. These violations are currently under review by program and enforcement staff to assess priorities for potential future enforcement. A general description of the different types of enforcement actions that can be taken by Water Board staff are provided in Attachment 1, and a detailed description is provided in the [State Water Board Water Quality Enforcement Policy](#). Definitions of abbreviations used throughout this staff report are available in Attachment 2.

**SUMMARY OF ENFORCEMENT ACTIONS TAKEN
(DECEMBER 1, 2016 – MARCH 31, 2017)**

Table 1: Issued Final Administrative Civil Liability Orders (ACL)			
<u>Discharger/Facility</u>	<u>Violations</u>	<u>Penalty Imposed</u>	<u>Supplemental Environmental Project¹</u>
Suey Ranch AW 4701, Santa Maria, San Luis Obispo County	Failure to enroll	\$35,340	\$17,670
<i>Summary: ACL Order No. R3-2016-0005 imposing penalty for failing to enroll eight parcels comprising 1,827 irrigated acres subject to regulation by the General Waiver for Irrigated Lands.</i>			

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<u>Discharger/Facility</u>	<u>Violations</u>	<u>Penalty Imposed</u>	<u>Supplemental Environmental Project¹</u>
City of El Paso de Robles Wastewater Treatment Plant, San Luis Obispo, San Luis Obispo County	Copper Biochemical Oxygen Demand Selenium Total Coliform Sodium Total Dissolved Solids Chloride Dissolved Oxygen Total Residual Chlorine Dibromochloromethane Dichlorobromomethane Nitrogen Settleable Solids	\$495,000	- CCAMP-GAP Paso Robles GW Basin Projects: - Sustainable GW Management Strategy Methodology - GW Sampling - Expand GAP Domestic Well Sampling Program
<i>Summary: ACL Order No. R3-2016-0038 imposing mandatory minimum penalty for 165 violations of NPDES permit effluent limitations. Resolved by settlement via Expedited Payment Program Offer.</i>			
Atlas Copco Mafi Trench – Santa Maria, Santa Barbara County	Failure to submit industrial stormwater annual report	\$1,300	N/A
<i>Summary: ACL Order No. R3-2016-0042 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via Expedited Payment Program Offer.</i>			
Fresh Express – Salinas, Monterey County	Failure to submit industrial stormwater annual report	\$1,300	N/A
<i>Summary: ACL Order No. R3-2016-0043 imposing mandatory minimum penalty for one violation of NPDES permit reporting requirements. Resolved by settlement via Expedited Payment Program Offer.</i>			
Granite Rock Arthur Wilson Quarry – Aromas, San Benito County	Total Dissolved Solids	\$3,000	Declined by Discharger
<i>Summary: ACL Order No. R3-2016-0046 imposing mandatory minimum penalty for one violation of NPDES permit effluent limitation.</i>			

¹ Unless otherwise noted, the Supplemental Environmental Project (SEP) is the Central Coast Ambient Monitoring Program - Groundwater Assessment and Protection (CCAMP-GAP) Project, identified by the Water Board in Resolution No. R3-2012-0024 as being among the Water Board's highest priorities.

Table 2: Issued Expedited Payment Program Letters (EPLs; Settlement Proposals for Mandatory Minimum Penalties per the Water Code or for Other Non-Controversial Issues)

<u>Discharger/Facility</u>	<u>Violations</u>	<u>Proposed Penalty</u>	<u>Status²</u>
Ca. Dept. of Corrections & Rehabilitation CMC WWTP	Total Nitrogen Bis (2-Ethylhexyl Phthalate) Total Copper	\$84,000	Issued on March 28, 2017
<i>Summary: Proposed EPL No. R3-2017-0017 offering to settle mandatory minimum penalties for 28 violations of NPDES permit reporting requirements.</i>			

² EPL Offers have three primary stages: 1) issued to a discharger and under consideration, 2) agreed upon and out for public comment, or 3), issued by the Executive Officer as ACL Order. EPLs executed as ACL Orders are listed in Table 1 above.

Table 3: Issued Notices of Violation (NOVs)

<u>Discharger/Facility</u>	<u>Responsible Party</u>	<u>Program</u>	<u>Violation Type</u>	<u>County</u>
Guggia Farms/AW1072	Gary & Domenic Guggia	Irrigated Lands	- (4) Failures to Report	Santa Barbara
Fresh Venture Farms Ranch 1 AW3812	Fresh Venture Farms, LLC	Irrigated Lands	- Erosion	Santa Barbara
City of Hollister Municipal Sewage Collection System	City of Hollister	WDR	- (2) SSOs - Failure to Notify - Failure to Report - Creating Nuisance Odors - Failure to Update SSMP	San Benito
City of Hollister MS4	City of Hollister	Municipal Stormwater	- Failure to inspect sites and enforce - Post-Construction Requirement failures - Failure to establish and maintain SW control measure tracking database	San Benito
Sun-Land Garden Products	Sun-Land Garden Products Inc.	Industrial Stormwater	- Failure to submit SWPPP - Failure to submit site map - Failure to design sediment basin properly - Failure to conduct monitoring	Santa Cruz
Scotts Valley Dry Cleaners Cleanup Site	The Pratt Company	NPDES	- Toxicity - Failure to Report	Santa Cruz
City of Gilroy MS4	City of Gilroy	Municipal Stormwater	- Failure to Adopt Updated Landscaping Code related to Post-Construction Requirements	Santa Clara

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City of Salinas MS4	City of Salinas	Municipal Stormwater	- Construction Site BMPs - Failure to Inspect Construction Sites	Monterey
City of Marina MS4	City of Marina	Municipal Stormwater	- Failure to submit annual reports	Monterey
Monterey County MS4	Monterey County Resource Management Agency	Municipal Stormwater	- Failure to field verify post-construction control measures. - Failure to require O&M plans and maintenance agreements.	Monterey
Huntington Farms AW 1748 (Arnold, Callaghan, and Pryor Ranches)	Huntington Farms	Irrigated Lands	- Failure to Develop, Implement, and Report Irrigation and Nutrient Management Plan	Monterey
Cambria CSD Emergency Water Supply Facility	Cambria CSD	WDR	- Chronic Late Reporting - Failure to Timely Update Operations Plan	San Luis Obispo
Cambria CSD Class II Surface Impoundment	Cambria CSD	WDR	- Late Report	San Luis Obispo
Cambria CSD Class II Surface Impoundment	Cambria CSD	WDR	- Failure to Notify - Late Report - Failure to Prevent Inundation	San Luis Obispo
Arroyo Grande Mushroom Farm	Spawn Mate, Inc.	WDR	- Failure to line pond - Increase in Groundwater Minerals	San Luis Obispo

**VIOLATIONS PENDING FURTHER ENFORCEMENT STAFF REVIEW
(October 1, 2016 – December 31, 2016)**

Water Board staff uses the California Integrated Water Quality System (CIWQS) to track Water Board data, including violations and enforcement actions. For the time period between October 1, 2016 and December 31, 2016, Water Board staff observed the various categories of violations summarized below. While some of the violations included in the table below may have already been addressed in the recent enforcement actions listed above, a majority of these violations do not correlate with the above enforcement actions. Program and Enforcement staff are currently reviewing these violations to assess priorities for potential future enforcement.

Recent Violations Pending Further Enforcement Staff Review			
<u>Violation Type</u>	<u>Number of Violations</u>	<u>Associated Programs</u>	<u>Primary Sources of Violations</u>
Effluent Limitations	58	NPDES WDR	Flow, Chlorine, Biochemical Oxygen Demand, Chloride, Settleable Solids, Nitrogen (various forms), Total Suspended Solids, Volatile Organics, Metals, Selenium, Coliforms, and Chronic Toxicity.
Narrative Order Conditions	4	NPDES WDR IRRIGATED LANDS	Failures to properly operate treatment system, line ponds, prevent erosion, reduce runoff, and properly place compost to eliminate potential discharges to surface waters.
Receiving Water Limitations	27	NPDES	Boron, Chloride, Sodium, Manganese, Un-ionized Ammonia, Total Dissolved Solids, Dissolved Oxygen, Color.
Sanitary Sewer Overflows	4	WDR	Collection system blockages caused by debris, fats/oils/grease, or root intrusion.
Deficient BMPs	2	MS4 SW	Failures to require minimum construction BMPs or source control implementation, inspect, and assess BMPs.
Reporting	9	NPDES IRRIGATED LANDS LAND DISPOSAL WDR MS4 SW	Failures to include required information in reports, submit reports on time, notify Water Board of discharger actions, and submit plans or reports.
Deficient Monitoring	10	NPDES	Failures to monitor due to equipment failure, operator error, and lab error.

Violation reports are available to the public as described in further detail in the fact sheet located at:
http://www.waterboards.ca.gov/water_issues/programs/ciwqs/docs/pub_vio_rpt_fs_pub.pdf

RECOMMENDATION

This report is for Board information; the Board may provide direction to staff.

ATTACHMENTS

1. Description of Enforcement Actions
2. Definitions of Abbreviations