

REPORT TO THE LEGISLATURE

Per California Water Code Chapter 5.5 Section 13385 (m) Enforcement Activities of the Regional Water Quality Control Boards

This report has been prepared by the State Water Resources Control Board (SWRCB) in compliance with the provisions contained in Chapter 5.5 Section 13385 (m) of the California Water Code. This report responds to the following provision:

13385. Civil Liability

(m)(1) Notwithstanding Section 7550.5 of the Government Code, the state board shall report annually to the Legislature regarding its enforcement activities. The reports shall include all of the following:

(A) A compilation of the number of violations of waste discharge requirements in the previous year.

(B) A record of the formal and informal compliance and enforcement actions taken for each violation.

(C) An analysis of the effectiveness of current enforcement policies, including minimum mandatory penalties.

(D) Recommendations, if any, necessary for improvements to the enforcement program in the following year.

(2) The report shall be submitted to the Chairperson of the Assembly Committee on Environmental Safety and Toxic Materials and the Chairperson of the Senate Committee on Environmental Quality on or before March 1, 2001, and annually thereafter.

This report details the violations of waste discharge requirements for discharges to surface water and the formal and informal enforcement actions for those violations. The report focuses on discharges to surface water because it has been prepared pursuant to Chapter 5.5 of the California Water Code. This chapter applies to implementation of the provisions of the Federal Water Pollution Control Act, which establishes a permit program for discharges to surface water only. This report also contains an analysis of current enforcement policies, and current progress that is being made towards revisions of the SWRCB's Enforcement Policy.

Violations and Enforcement Actions

Tracking Violations and Enforcement Actions

The SWRCB and Regional Water Quality Control Boards (RWQCB) use the System for Information on Noncompliance (SINC) database system to track all violations and the resulting enforcement actions. The SINC database system was implemented as an interim tracking system on July 1, 1999 and contains information on violations and enforcement actions that have occurred since that time. The SINC database system is currently being integrated into the SWRCB's System for Water Information Management (SWIM).

Violations of Waste Discharge Requirements

The violations enumerated in this report consist of those violations of Waste Discharge Requirements for discharges to surface water. Discharges to surface water are permitted and issued Waste Discharge Requirements under the National Pollutant Discharge Elimination System (NPDES). The NPDES program is delegated to the State by the United States Environmental Protection Agency and implemented through Chapter 5.5 of the California Water Code. NPDES Waste Discharge Requirements are usually issued by one the states nine RWQCB. The nine RWQCBs are divided by watersheds and are as follows (see Attachment No. 1 for map and details):

- Region 1 – North Coast RWQCB
- Region 2 – San Francisco Bay RWQCB
- Region 3 – Central Coast RWQCB
- Region 4 – Los Angeles RWQCB
- Region 5 – Central Valley RWQCB
- Region 6 – Lahontan RWQCB
- Region 7 – Colorado River Basin RWQCB
- Region 8 – Santa Ana RWQCB
- Region 9 – San Diego RWQCB

Statewide there are approximately 2182 facilities with NPDES Waste Discharge Requirements. These facilities are divided into three distinct categories:

- Major facilities – Facilities with an average daily discharge greater than 1 million gallons per day or those that pose a high degree of threat to water quality
- Minor facilities – Facilities with an average daily flow less than 1 million gallons per day and have a low threat to water quality
- General Permit Enrollees – Facilities that are enrolled in a State Board or RWQCB General Permit.

A summary of active NPDES facilities by category and RWQCB as of August 31, 2000 is shown in the table below.

NPDES FACILITIES				
REGION	MAJORS	INDIVIDUAL MINORS	GENERAL PERMIT ENROLLEES	TOTAL
1	14	41	5	60
2	65	69	200	334
3	21	41	30	92
4	47	181	407	635
5	66	218	58	342
6	3	13	18	34
7	12	22	28	62
8	18	29	484	531
9	21	10	61	92
TOTAL	267	624	1291	2182

This report will address violations occurring from January 1, 2000 through December 31, 2000. It should be noted however that the data for this time period is incomplete for the fourth quarter of the year resulting from built in time periods for submittal of self-monitoring reports by dischargers to the RWQCBs and subsequent review times by the RWQCBs. Typically, self-monitoring reports are due to the RWQCB 30 to 45 days after the end of the month for which the monitoring was done to allow for laboratory analysis and transmittal of data. Added to this can be up to another 30 to 60 days for review of the submitted reports by the RWQCBs. As a result of these time lags, the violations which have occurred in October are often not known and recorded in the tracking database until the following January.

There were a total of 3798 violations recorded in the database as of December 31, 2000. The table below breaks these violations out by Region and quarter.

Violations of Waste Discharge Requirements					
Region	Qtr 1 1/1/00 - 3/31/00	Qtr 2 4/1/00 - 6/30/00	Qtr 3 7/1/00 - 9/30/00	Qtr 4* 10/1/00 - 12/31/00	Total for 2000
1	162	73	47	24	306
2	149	81	29	1	260
3	92	58	69	36	255
4	118	88	10	2	218
5	391	213	114	45	763
6	7	7	5	1	20
7	76	27	65	64	232
8	190	68	52	25	335
9	709	523	173	4	1409
Totals	1894	1138	564	202	3798

* Note that as mentioned above, the data for the fourth quarter was incomplete at the time this report was prepared.

A comparison of violations by RWQCB and the number of facilities regulated by that RWQCB is illustrated by the table below.

Number of Facilities Compared to Number of Violations				
Region	NPDES Facilities	Percentage of Facilities	Total Violations	Percentage of Violations
1	60	2.75%	306	8.68%
2	334	15.31%	260	7.37%
3	92	4.22%	255	7.23%
4	635	29.10%	218	6.18%
5	342	15.67%	763	21.64%
6	34	1.56%	20	0.57%
7	62	2.84%	232	6.58%
8	531	24.34%	335	9.50%
9	92	4.22%	1409	39.96%
Total	2182		3798	

The above comparison indicates that Region 9, the San Diego Regional Water Quality Control Board, has a disproportionate share of the violations as compared to its share of NPDES facilities. This unbalance is due largely to two federal facilities with 1261 violations between

them. These facilities are listed below along with the other federal facilities that have violations in 2000.

Federal Facilities with Violations in 2000			
Region	Agency Name	Facility Name	Violations
9	INT'L BOUNDARY & WATER COMMIS	SOUTH BAY IWTP	266
9	USMC BASE, CAMP PENDLETON	PLANT #03, CHAPPO	261
9	USMC BASE, CAMP PENDLETON	PLANT #13, TWIN LAKES	248
9	USMC BASE, CAMP PENDLETON	PLANT #02, SAN LUIS REY	181
9	USMC BASE, CAMP PENDLETON	PLANT #01, HEADQUARTERS	173
9	USMC BASE, CAMP PENDLETON	PLANT #08, SANTA MARGARITA	96
7	US NAVAL AIR FACILITY	US NAVAL AIR FACILITY 95-095	10
5	U S DEPT INTERIOR	YOSEMITE NAT PRK, EL PORTAL	9
5	U.S. DEPT OF AGRICULTURE	UCD AQUATIC WEED LABORATORY	8
2	US NAVY NAVAL SUPPORT ACTIVITY	NPD MAJ-TREASURE ISLAND WWTP	5
5	US AIR FORCE – MCCLELLAN AFB	GRND WTR EXTR & TRMT SYSTEM	2
9	US NAVY	NAVY PUBLIC WRK GRAVING DOCK	2
		Total	1261

Another important distinction to consider when evaluating the violation data presented above is that not all violations are equivalent. Violations vary from not submitting monitoring reports to acute toxicity violations. The RWQCBs also make a distinction for each violations on whether it is considered significant. Significant violations are defined by the State Board's Enforcement Policy (Resolution No. 96-030, as amended by Resolution No. 97-085). A breakdown of the violations types and the number of those violations that were significant is presented in the table below. Please see Attachment No. 2 for a more detailed description of each violation category.

Violations by Category		
Description of Violation Category	Total Number of Violations in 2000	Total Number of Significant Violations in 2000
Category 2 Pollutant	915	228
Other Effluent Violation	829	192
Category 1 Pollutant	658	193
Failure to Submit Reports or Report is Deficient	517	25
Violation of Non-effluent Permit Condition	327	3
Acute Toxicity	291	273
Sanitary Sewer Overflow	148	6
Unregulated Discharge	41	5
Chronic Toxicity	27	14
Basin Plan Prohibition	12	0
Failure to Notify per Requirement	11	0
Previous Enforcement Action	7	2
Pretreatment	5	1
Compliance Schedule	4	0
Release to Groundwater	4	0
Failure to Obtain Permit	1	0
Failure to Pay Fees	1	0
Total	3798	942

Enforcement Actions Taken

Enforcement actions taken as a result of a violation are classified as either informal or formal. Informal enforcement actions are generally actions taken at the staff level. Formal enforcement actions generally consist of Board actions or actions taken by the Executive Officer.

Type of Enforcement Action	Description	Classification
Verbal Communication	Any communication regarding the violation that takes place in person or by telephone.	Informal
Notice to Comply	Issuance of a Notice to Comply per Water Code Section 13399.	Informal
Staff Enforcement Letter	Any written communication regarding violations and possible enforcement actions that is signed at the staff level.	Informal
Notice of Violation	A letter officially notifying a discharger of a violation and the possible enforcement actions, penalties, and liabilities that may result. This letter is signed by the Executive Officer.	Informal
13267 Letter	A letter utilizing Water Code Section 13267 authority to require further information or studies.	Formal
Clean-up and Abatement Order	Any order pursuant to Water Code Section 13304.	Formal
Cease and Desist Order	Any order pursuant to Water Codes Sections 13301-13303.	Formal
Time Schedule Order	Any order pursuant to Water Code Section 13300.	Formal
Administrative Civil Liability (ACL) Complaint	ACL Complaint issued by the Executive Officer for liability pursuant to Water Code 13385.	Formal
Administrative Civil Liability (ACL) Order	An ACL Order that has been imposed by the Regional or State Board.	Formal
Settlement	A settlement agreement not associated with any of the above orders.	Formal
Referral	Referral to the District Attorney, Attorney General, or USEPA.	Formal
Referred to a Task Force	Any referral of a violation to an environmental crimes task force.	Formal
Referral to Other Agency	Any referral to another State Agency.	Formal
Third Party Action	An enforcement action taken by a non-governmental third party and to which the State or Regional Board is a party.	Formal
Waste Discharge Requirements	Any modification or rescission of Waste Discharge Requirements in response to a violation.	Formal

Enforcement actions that are recorded in the SINC database are linked to the violations for which they are in response. It is important to recognize that one enforcement action is often in response to multiple violations. The State Board's Enforcement Policy also calls for progressive enforcement and as such many violations may first receive an informal enforcement action that is

followed by a formal enforcement action at a later time. The table below shows the number of violations for each quarter and the total for 2000 and compares this with the number of violations that did not receive any enforcement action, the number of violations that received an informal enforcement action, and the number of violation that received formal enforcement actions. The percentages at the bottom show the percentage of that category as compared to the total number of violations. The sum of these percentages is greater than 100 percent because one violation can receive multiple enforcement actions as discussed above.

Region	Qtr 1				Qtr 2				Qtr 3				Qtr 4				Total for 2000			
	1/1/00 - 3/31/00				4/1/00 - 6/30/00				7/1/00 - 9/30/00				10/1/00 - 12/31/00							
	Total Violations	Total Violations without Enforcement Actions	Total Violations with Informal Enforcement Actions	Total Violations with Formal Enforcement Actions	Total Violations	Total Violations without Enforcement Actions	Total Violations with Informal Enforcement Actions	Total Violations with Formal Enforcement Actions	Total Violations	Total Violations without Enforcement Actions	Total Violations with Informal Enforcement Actions	Total Violations with Formal Enforcement Actions	Total Violations	Total Violations without Enforcement Actions	Total Violations with Informal Enforcement Actions	Total Violations with Formal Enforcement Actions	Total Violations	Total Violations without Enforcement Actions	Total Violations with Informal Enforcement Actions	Total Violations with Formal Enforcement Actions
1	162	100	45	17	73	48	25	0	47	37	10	0	24	19	5	0	306	204	85	17
2	149	83	23	52	81	37	12	41	29	23	3	3	1	0	0	1	260	143	38	97
3	92	42	18	35	58	35	4	20	69	51	13	5	36	34	2	0	255	162	37	60
4	118	29	79	15	88	14	37	39	10	1	12	0	2	0	2	0	218	44	130	54
5	391	143	230	56	213	93	109	24	114	62	45	7	45	30	14	1	763	328	398	88
6	7	3	4	0	7	5	2	0	5	2	3	0	1	1	0	0	20	11	9	0
7	76	8	73	36	27	6	10	15	65	11	52	6	64	48	16	0	232	73	151	57
8	190	39	17	145	68	48	6	14	52	48	0	4	25	22	3	0	335	157	26	163
9	709	205	505	7	523	70	452	8	173	0	172	11	4	0	4	1	1409	275	1133	27
Totals	1894	652	994	363	1138	356	657	161	564	235	310	36	202	154	46	3	3798	1397	2007	563
Percentages	34%	52%	19%		31%	58%	14%		42%	55%	6%		76%	23%	1%		37%	53%	15%	

Effectiveness of Current Enforcement Policies

Analysis of Current Enforcement Policies

The SWRCB considers two main criteria when evaluating the effectiveness of its current enforcement policies:

- How quickly do out of compliance facilities return to compliance, and
- Is there an overall reduction in the number of violations.

Unfortunately, the SWRCB is not able to directly answer these questions at this time due to a lack of computerized data on violations and enforcement actions in the past. Our current data systems were only brought online in July of 1999 and do not yet hold enough information to provide insight on the effectiveness of the SWRCB's current Enforcement Policies.

It should also be noted that while the above data indicates that approximately 37 percent of the violations did not receive an enforcement action this is a result of a transition period whereby the effects of recent policy changes and the SWRCB Compliance Assurance and Enforcement Initiative have not yet been fully realized. The SWRCB has seen an increase in the number of formal enforcement actions as well as an increase in the total amount of liabilities and penalties collected. It is anticipated that these trends along with a corresponding reduction in the total number of violations should allow the SWRCB and the RWQCBs to respond to more violations without any increase in staff.

Lacking an adequate data set from which to evaluate overall compliance with Waste Discharge Requirements, the SWRCB has performed several small-scale reviews. One of these recent reviews evaluated eight facilities that were in chronic noncompliance and have received large Mandatory Minimum Penalties. The facilities were reviewed to determine if:

1. The facility is quickly returning to compliance,
2. The facility has undertaken measures that will return it to compliance in the future, or
3. There was no change in the facilities actions as a result of the MMP.

This review is discussed in the section below.

Analysis of Mandatory Minimum Penalties

The SWRCB and RWQCBs have been in the process of implementing the changes to Water Code Section 13385 by SB 709. Included in these changes were statutes requiring the issuance of Mandatory Minimum Penalties (MMP) for “serious violations” and when 4 or more violations have occurred in a 6-month period. A “serious violation” is defined as a violation 40 percent over the limit of a conventional pollutant and 20 percent over the limit of a toxic pollutant (WC Section 13385 references 40 CFR 123.45 for the definitions of pollutant types).

The table below lists the facilities with MMP violations during the first 6 months of 2000 and indicates how many of those violations have received an MMP. Only the first 6 months of violations are used in order to better capture those that have received MMPs due to the time lag in issuing the MMPs.

Region	Agency	Facility	MMP Violations	Violations Receiving Penalty
1	SONOMA COUNTY WATER AGENCY	SCWA OCCIDENTAL CSD	25	0
	SONOMA COUNTY WATER AGENCY	SCWA FORESTVILLE CITY CSD	20	0
	SANTA ROSA DEPT OF PUBLIC WORK	SANTA ROSA CITY WWTP, LAGUNA	13	10
	FORT BRAGG, CITY OF	FORT BRAGG CITY WWTP	11	0
	FORTUNA, CITY OF	FORTUNA CITY WWTP	8	0
	SONOMA COUNTY WATER AGENCY	SCWA RUSSIAN RIVER CSD	6	0
	GEORGIA PACIFIC CORPORATION	GP FORT BRAGG SAW	2	0
	LOLETA CSD	LOLETA POTW	2	0
	LOUISIANA PACIFIC CORPORATION	LP SAMOA PULPMILL	1	0
2	PACIFICA, CITY OF	NPD MAJ-PACIFICA WWTP	27	0
	SONOMA VALLEY COUNTY S. D.	NPD MAJ-SONOMA VALLEY CNTY SD	23	0
	PETALUMA, CITY OF	NPD MAJ-PETALUMA WPCP	12	12

NOVATO SANITARY DISTRICT	NPD MAJ-NOVATO AND IGNACIO STP	11	11
VALLEJO SAN AND FLOOD CONT DIS	NPD MAJ-VALLEJO SFCD WWTP	8	8
PINOLE, CITY OF	NPD MAJ-PINOLE STP	7	6
RODEO SANITARY DISTRICT	NPD MAJ-RODEO SD STP	7	0
WEST COUNTY AGENCY	NPD MAJ-COMBINED OUTFALL	7	7
CENTRAL MARIN SANITATION AG.	NPD MAJ-CENTRAL MARIN SAN AG.	5	5
LAS GALLINAS VALLEY S.D.	NPD MAJ-LAS GALLINAS WWTP	5	5
TOSCO CORPORATION (AVON)	NPD MAJ-AVON REFINERY	5	4
CALIFORNIA AND HAWAIIAN SUGAR	NPD-MAJ-C & H SUGAR	4	0
SAUSALITO-MARIN CITY SAN DIST	NPD MAJ-SAUSALITO STP	4	4
NEC ELECTRONIC INC	NPD-NEC ELECTRONIC INC.	2	1
SAN FRANCISCO, CITY & CO	NPD MAJ-BAYSIDE CSO	2	2
SANTA CLARA CO ROADS & AIRPORT	NPD-OREGON EXP UNDERPASS	2	2
TOSCO REFINING COMPANY	TOSCO PORT COSTA PROJECT	2	1
ZENECA AGRICULTURAL PRODUCTS	NPD-MAJ ZENECA, RICHMOND PLANT	2	2
BENICIA, CITY OF	NPD MAJ-BENICIA WWTP	1	1
COAST OIL CO.	NPD-COAST OIL CO	1	1
FAIRCHILD-SCHLUMBERGER	NPD-SCHLUMBERGER TECHNOLOGY CP	1	1
HEWLETT PACKARD CO	NPD-HP-1501 PMR-BLDGS 1-6	1	0
LIVERMORE, CITY OF	NPD MAJ-LIVERMORE WPCP	1	0
PALO ALTO, CITY OF	NPD MAJ-PALO ALTO REG WPC	1	1
SAN FRANCISCO, CITY AND CO	NPD MAJ-SF INT AIRPORT WQCP	1	1
SHELL MARTINEZ REFINING CO	NPD MAJ-SHELL MARTINEZ REFINRY	1	1
SOUTH SAN FRANCISCO	NPD MAJ-S SF-SAN BRUNO WQCP	1	1
USS-POSCO	NPD MAJ-USS-POSCO	1	1

3	RAGGED POINT INN	RAGGED POINT INN MOTEL	19	19
	CA DEPT OF CORRECTIONS	CALIFORNIA MEN'S COLONY	17	13
	PISMO BEACH, CITY OF	PISMO BEACH WWTP	7	5
	CA DEPT OF PARKS & RECREATION	BIG BASIN WWTP	6	0
	LOMPOC, CITY OF	LOMPOC REGIONAL WWTP	3	1
	CARMEL AREA WWD	CARMEL AREA WWTP	2	2
	SAN LUIS OBISPO, CITY OF	SAN LUIS OBISPO WWTP	2	0
	SANTA CRUZ CITY DPW	SANTA CRUZ WWTP	2	0
	MORRO BAY & CAYUCOS SD	MORRO BAY-CAYUCOS WWTF	1	1
	SAN SIMEON CSD	SAN SIMEON WWTP	1	1

4	San Buenaventura City Of	VENTURA WWRP, NPDES	36	36
	Tutor-Saliba Team	Mid-corridor Pipeline Relocati	6	5
	OMI-City of Santa Paula	SANTA PAULA WWRP, NPDES	3	0
	GTS Property Los Angeles Inc.	GW2-HANCOCK PARK PLACE APTS	2	0
	HPG Management	GW2-360 S. DETROIT APARTMENT	2	1
	Redman Equipment & Mfg Co	TORRANCE HEAT EXCHANGER MFG&RP	2	1
	H. R. Textron Inc.	VALENCIA FACILITY	1	1
	Hermetic Seal Corp.	HERMETIC SEAL CORP.	1	0
	Spyglass Homeowners Associatio	GW-SPTGLASS HOMEOWNERS ASSOC.	1	1
	Tidelands Oil Production Co.	WILMINGTON AND TERMINAL ISLAND	1	0

5	PLANADA CSD	WWTF	33	0
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CALIF DEPT. OF CORRECTIONS	SIERRA CONS. CENTER -WTP	30	0
BIGGS, CITY OF	BIGGS STP	21	0
ATWATER, CITY OF	WWTF	12	0
DEFENSE LOGISTICS AGENCY, ASCW	DDJC, SHARPE - GW CLEANUP	12	0
DISCOVERY BAY CSD	DISCOVERY BAY TRMT PLANT	12	0
VACAVILLE, CITY OF	EASTERLY SEWAGE TRT PLANT	8	0
RIO VISTA, CITY OF	WASTE TRT. FACILITY	7	0
TIECHERT AGGREGATES	SETTLING POND DISCHARGE	7	7
UC DAVIS	MAIN STP	7	0
CALIF DEPT. OF FISH & GAME	NIMBUS HATCHERY	6	6
HUNT-WESSON, INC.	HUNT-WESSON, INC.	5	0
MERCED, CITY OF	CITY OF MERCED WWTF	4	4
MINING REMEDIAL RECOVERY CO	MAMMOTH,KEYSTONE,STOWELL ET AL	4	0
MALAGA CWD	WWTF	3	0
MILLENNIUM HOLDINGS INC	BULLY HILL & RISING STAR MINES	3	0
ROSEVILLE, CITY OF	ROSEVILLE WWTP	3	0
HUNTSMAN FILM PRODUCTS CORP	VITAFILM PLANT	2	0
CHICO, CITY OF	REGIONAL WWTF	2	2
COLLINS PINE COMPANY	CHESTER SAWMILL AST	2	2
LODI, CITY OF	WHITE SLOUGH WATER POLL CON PU	2	2
WEST SACRAMENTO, CITY OF	WEST SACRAMENTO STP	2	0
ANDERSON, CITY OF	ANDERSON WPCP	1	0
HOLLY TREE RANCH DEVELOPMENT	GREENHORN MINE	1	0
EAST BAY MUD	CAMANCHE DAM POWER HOUSE	1	0
SACRAMENTO COUNTY DPW	KIEFER LANDFILL GW TREATMENT	1	1
US AIR FORCE - MCCLELLAN AFB	GRND WTR EXTR & TRMT SYSTEM	1	0

6	None		
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7	COACHELLA SANITARY DISTRICT	COACHELLA SD #2 NPDES 97-041	19	19
	COACHELLA, CITY OF	COACHELLA SD - NPDES 00-032	9	8
	IMPERIAL, CITY OF	IMPERIAL WPCP 00-040	4	4
	CA DEPT OF CORRECTIONS	CENTINELA STATE PRISON 98-014	3	3
	BRAWLEY, CITY OF	BRAWLEY WWTP-NPDES 00-087	2	2

8	YUCAIPA VALLEY WATER DISTRICT	STP,YUCAIPA	92	91
	RIALTO, CITY OF	STP,RIALTO	38	14
	WESTERN RIVERSIDE WASTEWATER	STP,NORCO	24	23
	CORONA, CITY OF	STP NO. 1	22	8
	MOUNTAINVIEW POWER COMPANY	GENERATING STATION,SAN BERDO	6	6

9	NATIONAL STEEL & SHIPBUILDING	NASSCO	21	0
	CONTINENTAL MARITIME IND, INC	CONTINENTAL MARITIME SHIPYARD	8	0
	SWEETWATER AUTHORITY	SWEETWATER AUTHORITY GRND DEMI	6	0
	SAN DIEGO,CITY OF,TRANSPORTAT.	SAN DIEGO CO, MSW	4	2
	ESCONDIDO, CITY OF	HALE AVE WASTEWATER TRMT PLNT	3	3
	RANCHO CA WD	SANTA ROSA WRF	3	0
	FALLBROOK PUBLIC UTILITY DIST	PLANT NOS 1 & 2, OCEAN OUTFALL	2	0
	OCEANSIDE,CITY OF,WTR UTIL DEP	OCEANSIDE OCEAN OUTFALL	1	1

The above table lists 102 facilities with 807 total MMP violations. The table also shows that 47 percent, or 382, of the MMP violations received an enforcement action and that accounted for 55 percent, or 56, of the facilities listed. Generally, enforcement actions have not been taken to date for the remaining violations for the following reasons:

- MMP violations are continuing and enforcement action postponed.
- Data for MMP violation are being reanalyzed to verify violation.
- Facility is under criminal investigation.
- An Administrative Civil Liability greater than the MMP is being prepared.
- The Regional Board staff was waiting for the “small community” exemption as provided by SB 2165 to take effect.
- Other higher priority tasks are being completed first.

Of the above facilities that have received a large MMP, the SWRCB has selected and gathered detailed information on eight facilities. Of these eight facilities, 5 have a moderate increase in compliance after receiving a MMP. The other 3 facilities have only seen a minor increase in compliance or none at all because of the long-term nature of the fixes required.

Discharger (Region)	Current overall compliance status	Change in permit compliance after assessment of MMPs ¹	Significant compliance expected by Jan. 2002? ¹
City of Petaluma (2)	A seasonal discharger (November through April) which previously reported numerous coliform violations. After \$36,000 of MMPs, two additional coliform violations were reported in November 2000. No violations were reported in December of 2000.	Moderate increase in compliance	Yes
Ragged Point Inn (3)	Assessed \$66,000 in MMPs for sporadic violations for both effluent quality problems and excessive flows. After the penalties, effluent quality problems have been corrected, however, the majority of violations (flow related) will not be corrected until Infiltration/Inflow is reduced (currently being addressed).	Moderate increase in compliance	Yes
California Men's Colony (3)	Assessed \$33,000 in MMPs, CMC is currently designing an upgrade of its collection and treatment facilities. Significant compliance is not expected for about two more years when the new facilities are constructed.	Minor increase in compliance	No
Pismo Beach (3)	Since the latest penalties assessed in July 2000 (\$15,000) the City of Pismo Beach reported four chronic violations and several spills, including two to surface waters. Collection and treatment facility upgrade will not be completed until 2004. Therefore, additional penalties are expected. The other cause of the problem has been chronic staffing shortages which the City plans to address as a result of MMPs.	Minor increase in compliance	No

Discharger (Region)	Current overall compliance status	Change in permit compliance after assessment of MMPs ¹	Significant compliance expected by Jan. 2002? ¹
Coachella Sanitary District #2 (7)	Since the \$48,000 in MMPs were issued for chlorine residual violations, the City has corrected the chlorination problem. However, additional MMPs are anticipated in January for other significant violations. Inadequate staffing and maintenance were the primary cause of violations and the City is making rapid progress in addressing these causes.	Moderate increase in compliance	Yes
City of Coachella (7)	This facility is part of the Coachella SD #2 facility (see above) and now operates under one permit (00-032).	Moderate increase in compliance	Yes
Centinella State Prison (7)	The \$21,000 MMP issued primarily for BOD and fecal coliform violations has not improved the discharger's compliance record. Additional MMPs are expected for more recent BOD and fecal coliform violations. However, as a result of the MMPs, the discharger is making efforts to identify the cause of the problems and significant improvements in compliance are expected in the future.	No change in compliance record	Yes
City of Corona (8)	Most of the MMPs assessed so far (\$15,000) have been for high effluent Total Dissolved Solids (TDS) concentration, caused primarily by high TDS in water supply. A new desalter is scheduled to go in operation by March 2001. This is expected to correct the problem, however, since the initial violations were "annual average" type, it will take several months before full compliance is achieved.	Minor increase in compliance	Yes

¹ Compliance record and predictions are for violations for which the MMPs were previously assessed. In some cases, different types of violations have been observed after the initial assessment of MMPs.

This preliminary analysis indicates that some facilities will quickly return to compliance and others have undertaken actions to return to compliance in future years. In every case the enforcement action was effective. However, those facilities requiring future actions need to be monitored to assure continued effectiveness of the enforcement action. There is also some evidence that facilities that may have had poor maintenance and were previously under staffed are now addressing those issues so as to avoid MMPs. These results should be considered preliminary and the SWRCB will continue to collect more data in order to make a more complete assessment of the overall effect of MMPs. Also, the changes being implemented by SB 2165 to the application of MMPs will likely improve the effectiveness of MMPs by allowing those facilities that require large capital improvements to seek temporary relief.

Recommendations for Improvements to the Enforcement Program

Enforcement Order Review Panel

At the request of the Legislature, the SWRCB formed the Enforcement Order Review Panel (EORP). The Panel consists of one member of the State Board and five members of different RWQCBs. The Panel's charge is to review and evaluate the enforcement orders taken by the RWQCBs and make recommendations to ensure greater consistency in the enforcement orders taken among the RWQCBs.

The EORP has recommended the following revisions to the SWRCB's Enforcement Policy:

- Mandatory escalation of liabilities for non-payment of fees or previous liabilities.
- Standard enforcement letters to include references to water code sections.
- Standard permit teams & administrative civil liability complaints language.
- Implementation of specific provision of Senate Bill 709.
- Application of the serious violations definition for NPDES violations to Waste Discharge Requirements for discharges to land.
- Increasing consistency by changing "should" to "shall" in portions of the Policy.
- Enforcement of Waivers and Water Quality Certifications.
- Enforcement for non-reporting or fraudulent reporting of required water quality data.
- Procedures for Supplemental Environmental Projects.
- Standardized calculation of economic benefit.
- Standardized calculation of Administrative Civil Liability amounts.

Revision of the State Board Enforcement Policy

Based on the recommendation of the EORP, the State Board is in the process of revising its Enforcement Policy. These revisions are out for public comment and a public hearing was held on January 9, 2001. The revised policy is tentatively scheduled for adoption by the State Board in late March of 2001.

Implementation of Mandatory Minimum Penalties

Numerous questions have arisen while trying to implement the Mandatory Minimum Penalties requirements. Some of these issues and questions that the SWRCB is working on addressing are:

- Clarifying how to count violations and provide more examples.
- Defining the application of MMPs to spills.
- Clarifying the application of MMPs to effluent limits of zero or non-detect values.
- Clarifying how MMPs apply to effluent limits based on averages and medians.
- Expounding on the use of the "upset" defense vs. the use of the "single operational upset" criteria for combining multiple violations.
- Addressing authorized bypasses.
- Clarifying the enforcement of pollution prevention plans, such as mechanisms for enforcement, including when done in lieu of the first serious MMP.
- Clarifying questions regarding 40 CFR 123.45 Appendix A and the classification of pollutants as Group I or Group II.
- Defining an effluent limitation (does it include prohibitions, flow limits, etc.).

- Defining toxicity limitations.
- Clarifying the requirement to assess economic benefit, including how economic benefit relates to daily maximum liability.
- Addressing SB 2165's provisions for exemption from MMPs when a facility is under a Time Schedule Order or a Cease and Desist Order.
- Addressing SB 2165's small community provisions.

Implementation of SB 2165

The SWRCB and RWQCB will be implementing the changes to the MMP provisions of Water Code Section 13385. These changes are the result SB 2165 which took effect January 1, 2001. Implementing these changes should result in the MMP provisions having the desired effect of discouraging facilities from remaining in noncompliance while allowing the RWQCBs to grant exemptions from MMP to those facilities that meet the requirements as set fourth in SB 2165. Exemptions will be allowed for facilities in strict compliance with a Cease and Desist Order or Time Schedule Order as well as other requirements and will allow small communities to utilize the penalty amounts towards projects that will help them achieve compliance.

Training for Inspectors and Compliance Staff

The Governor's FY 2000-2001 budget proposes a vigorous training program for the SWRCB and RWQCB inspectors and compliance staff. This training is needed to better utilize staff resources by creating more effective personnel. The SWRCB and RWQCB also have a large number of new staff do to recent hiring and staff turnover that need technical training in order to perform their job function effectively.

The training program will include some courses specifically related to compliance and enforcement activities as well as technical topics that allow staff to better interact with the community at large. The following list is sampling of the training topics under consideration:

- Basic inspection procedures,
- Industrial storm water inspections
- Construction storm water inspections
- Legal training on enforcement actions and application of the Water Code sections on enforcement
- Immediate spill response protocol for staff
- Emergency spill response for senior and supervisory staff
- Review of self monitoring reports and other technical reports
- Sampling procedures
- Environmental negotiations training
- Pollution prevention

Fully funding this wide spectrum of training activities is critical to the SWRCB and the RWQCB being able to effectively meet our mission and successfully service the regulated community.

LISTING AND DESCRIPTIONS OF VIOLATIONS TYPES USED IN THE SINC AND SWIM DATA SYSTEMS

Violation Type	Description		
CAT1	<p>Category 1 pollutant – Category 1 pollutants as defined by USEPA include:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; vertical-align: top;"> <p>Oxygen Demand</p> <p>Biochemical Oxygen Demand</p> <p>Chemical Oxygen Demands</p> <p>Total Organic Carbon</p> <p>Other</p> <p>Solids</p> <p>Total Suspended Solids (Residues)</p> <p>Total Dissolved Solids (Residues)</p> <p>Other</p> <p>Nutrients</p> <p>Inorganic Phosphorus Compounds</p> <p>Inorganic Nitrogen Compounds</p> <p>Other</p> <p>Detergents and Oils</p> <p>MBAS</p> <p>NTA</p> <p>Oil and Grease</p> <p>Other detergents or algicides</p> </td> <td style="width: 40%; vertical-align: top; border: none;"> <p><u>Minerals</u></p> <p>Calcium</p> <p>Chloride</p> <p>Fluoride</p> <p>Magnesium</p> <p>Sodium</p> <p>Potassium</p> <p>Sulfur</p> <p>Sulfate</p> <p>Total Alkalinity</p> <p>Total Hardness</p> <p>Other Minerals</p> <p>Metals</p> <p>Aluminum</p> <p>Cobalt</p> <p>Iron</p> <p>Vanadium</p> </td> </tr> </table>	<p>Oxygen Demand</p> <p>Biochemical Oxygen Demand</p> <p>Chemical Oxygen Demands</p> <p>Total Organic Carbon</p> <p>Other</p> <p>Solids</p> <p>Total Suspended Solids (Residues)</p> <p>Total Dissolved Solids (Residues)</p> <p>Other</p> <p>Nutrients</p> <p>Inorganic Phosphorus Compounds</p> <p>Inorganic Nitrogen Compounds</p> <p>Other</p> <p>Detergents and Oils</p> <p>MBAS</p> <p>NTA</p> <p>Oil and Grease</p> <p>Other detergents or algicides</p>	<p><u>Minerals</u></p> <p>Calcium</p> <p>Chloride</p> <p>Fluoride</p> <p>Magnesium</p> <p>Sodium</p> <p>Potassium</p> <p>Sulfur</p> <p>Sulfate</p> <p>Total Alkalinity</p> <p>Total Hardness</p> <p>Other Minerals</p> <p>Metals</p> <p>Aluminum</p> <p>Cobalt</p> <p>Iron</p> <p>Vanadium</p>
<p>Oxygen Demand</p> <p>Biochemical Oxygen Demand</p> <p>Chemical Oxygen Demands</p> <p>Total Organic Carbon</p> <p>Other</p> <p>Solids</p> <p>Total Suspended Solids (Residues)</p> <p>Total Dissolved Solids (Residues)</p> <p>Other</p> <p>Nutrients</p> <p>Inorganic Phosphorus Compounds</p> <p>Inorganic Nitrogen Compounds</p> <p>Other</p> <p>Detergents and Oils</p> <p>MBAS</p> <p>NTA</p> <p>Oil and Grease</p> <p>Other detergents or algicides</p>	<p><u>Minerals</u></p> <p>Calcium</p> <p>Chloride</p> <p>Fluoride</p> <p>Magnesium</p> <p>Sodium</p> <p>Potassium</p> <p>Sulfur</p> <p>Sulfate</p> <p>Total Alkalinity</p> <p>Total Hardness</p> <p>Other Minerals</p> <p>Metals</p> <p>Aluminum</p> <p>Cobalt</p> <p>Iron</p> <p>Vanadium</p>		
CAT2	<p>Category 2 pollutant – Category 2 pollutants as defined by USEPA:</p> <p><u>Metals</u> (all forms)</p> <p>Other metals not specifically listed under Group I</p> <p>Inorganic</p> <p>Cyanide</p> <p>Total Residual Chlorine</p> <p>Organics</p> <p>All organics are Group II except those specifically listed under Group I.</p>		
OFV	<u>Other effluent violation</u> – Any violation of an effluent requirement not cover under Category 1 or Category 2.		
CTOX	<u>Chronic Toxicity</u> – Violation of a chronic toxicity effluent requirement.		
ATOX	<u>Acute Toxicity</u> – Violation of an acute toxicity effluent requirement.		
PRMC	<u>Violation of Non-effluent Permit Condition</u> – Violation of any permit condition not pertaining to effluent requirements.		
RPT	<u>Failure to submit reports or report is deficient</u> – Failure to submit a report or a report that is either not complete or contains errors.		
CSCH	<u>Compliance schedule</u> – Failure to comply with a compliance schedule in a permit. This does not include schedules in an enforcement order likes a Cease & Desist and Time Schedule Orders.		
PRET	<u>Pretreatment</u> – Any permit violation related to a pretreatment program.		
SSO	<u>Sanitary Sewer Overflow</u> – Any spill from a sanitary sewer collection system or pump station.		
UNRD	<u>Unregulated Discharge</u> – Any spill that is not a SSO as described above.		

LISTING AND DESCRIPTIONS OF VIOLATIONS TYPES USED IN THE SINC AND SWIM DATA SYSTEMS

Violation Type	Description
RLGW	Release to groundwater – Any release to groundwater that violates permit conditions or basin plan prohibitions.
NOTR	Failure to Notify per Requirement – Failure to notify the Regional Board as required by permit condition.
PAYF	Failure to pay fees – Failure to pay permit fees. This does not include failure to pay any penalties assessed by an ACL or other enforcement action.
OBPR	Failure to obtain permit – Failure to obtain the appropriate permit prior to discharge or regulated activity.
PENF	Previous Enforcement Order – Failure to comply with a previous enforcement order by not meeting its requirements, its time schedule, or failure to pay penalties.
PROH	Basin Plan Prohibition – Violation of any basin plan prohibition.