

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

**STAFF REPORT FOR REGULAR MEETING JULY 14, 2011**

Prepared on June 1, 2011

**ITEM NUMBER: 14**

**SUBJECT: Enforcement Report**

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**DISCUSSION**

**Violations Listing**

Staff uses the California Integrated Water Quality System (CIWQS) to track Water Board data, including violations and enforcement actions. Attachment 1 is a CIWQS list of violations by dischargers between February 1, 2011, and March 31, 2011. CIWQS has a sewer system overflow (SSO) module which provides tracking and reporting of such spills.

**Summary of Enforcement Activities**

The following information summarizes significant enforcement action taken by the Water Board during the period between April 1, 2011, and May 31, 2011.

Notices of Violation

USA Station #42, Monterey, Monterey County  
South San Luis Obispo County Sanitation District, San Luis Obispo County  
Inn at Pasatiempo, Santa Cruz, Santa Cruz County  
Ben Lomond Conservation Camp, Santa Cruz, Santa Cruz County  
Bear Creek Estates, Boulder Creek, Santa Cruz County  
Ridgemark Estates WWTP, Hollister, San Benito County  
OLAM West Coast, Inc – Gilroy Foods, Fresno, Fresno County  
Costanoa Resort, Pescadero, San Mateo County  
Cold Canyon Landfill, San Luis Obispo, San Luis Obispo County

Ag Order Enforcement

As discussed in the Enforcement Report for the May 2011 board meeting, in April staff issued 183 enforcement letters to dischargers for failure to pay fees for cooperative monitoring, as required by the Ag Order. Approximately 31 of those dischargers have taken some action to resolve the enforcement issues, resulting in payment of approximately \$29,000 in delinquent cooperative monitoring program fees. Staff also sent 23 additional notices of violation in April and May to dischargers for failure to conduct elected individual discharge monitoring. About half of them have provided information to indicate compliance with monitoring requirements by participating in the cooperative monitoring program. In some cases, dischargers have also indicated their intent to terminate their enrollments in the Ag Order because they are no longer in operation. Staff will determine what additional steps to take with the remaining dischargers who have not corrected their violations.

At the May meeting, the Board asked about reasons for delays in enforcement, given the noncompliance dates back to 2007 in some cases. Since initiating the implementation of the initial Ag Order in 2004 and the cooperative monitoring program in 2006, staff's focus has been on program development, education and outreach, and discharger enrollment in the Order. Staff considered compliance with monitoring and reporting requirements as high priority for compliance evaluation and observed that the cooperative monitoring program was successfully implemented. During that time, staff did not focus on evaluating compliance with monitoring fee payment since the dischargers were complying with the monitoring and reporting requirements via implementation of the cooperative monitoring program. We ranked this issue as lower priority. Earlier this year, in coordination with Central Coast Water Quality Preservation, Inc., staff advanced progressive enforcement actions related to failure to pay monitoring fees, in part because these violations became higher priority for enforcement due to their persistence.

Ag Program staff's most recent priority and highest allocation of resources are to support work on the Ag Order renewal. In addition, staff continues to advance implementation of the existing Order, including improvements related to data management and electronic submittals of required information (for example, the electronic Notice of Intent). Implementing these improvements will improve our ability to efficiently and timely evaluate priorities for enforcement and follow up on violations. Staff also continues to evaluate priorities based on water quality conditions and conduct appropriate follow-up, especially in cases where drinking water supplies are significantly degraded.

#### Expedited Payment Letters to Resolve MMP

Former Whittaker Ordnance Facility, 2751 San Juan Road

#### MMP Orders

ConocoPhillips Santa Maria Refinery: ConocoPhillips paid \$6,000 in mandatory minimum penalties (MMP) for two violations of its NPDES permit for the Santa Maria Refinery near Arroyo Grande, San Luis Obispo County.

Lompoc Regional WWTP: The City of Lompoc paid \$39,000 in mandatory minimum penalties for violations of its NPDES permit for its wastewater treatment facility.

El Estero WWTP: The City of Santa Barbara paid \$18,000 in mandatory minimum penalties for six violations of its NPDES permit for the El Estero wastewater treatment plant in Santa Barbara.

### **Statewide List of Administrative Civil Liability Actions**

For your information, Attachments 3 and 4 are lists developed by the State Water Board Office of Enforcement showing statewide ACL actions for March and April 2011.

### **RECOMMENDATION**

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

### **ATTACHMENTS**

- 1) Violation List
- 2) List of Abbreviations
- 3) Statewide List of Administrative Civil Liability Actions March 2011

4) Statewide List of Administrative Civil Liability Actions April 2011

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