

2010 Annual Enforcement Report

REED SATO
Office of Enforcement

RAFAEL MAESTU
Office of Research Planning & Performance

*Board Item #13
August 16, 2010*



2010 Enforcement Highlights

	2010	2009	FY 2007- 2008	FY 2006- 2007
Number of regulated facilities:	28,466	39,704	39,692	41,156
Inspections conducted:	6,255	6,129	3,763	3,839
Violations documented:	13,992	12,378	15,177	9,801
Facilities with one or more violations:	2,742	2,733	2,970	2,527
Informal enforcement actions taken:	4,066	3,001	2,706	1,915
Formal enforcement actions taken:	364	303	283	180
Administrative Civil Liability actions:	226	174	106	107
Penalties assessed:	\$13 million	\$20 million	\$19 million	\$12 million
Violations receiving enforcement:	8,300	6,668	8,643	5,485

Annual Statewide Priorities

- 401 Certification Violations
- Sanitary Sewer Overflows
- Storm Water Violations
- Mandatory Minimum Penalty Backlog

401 Certification Violations

- Take formal enforcement actions against parties who knowingly discharge material into or otherwise alter the physical environment of inland surface water bodies without obtaining 401 Water Quality Certifications.
- Highest Priority:
 - Impacts to Anadromous Fish Habitat
 - Impaired water bodies
 - Instances of hydromodification

Sanitary Sewer Overflows

- Conduct 24 onsite compliance inspections
- Bring formal actions for spills of more than 50,000 gallons
- Develop methodology for prioritizing sanitary sewer systems for enforcement action

Storm Water Priorities

- Audit Phase II Small MS4s
- Assess project-specific compliance with Caltrans Storm Water Permit
- Construction General Permit compliance including non-filer enforcement
- Sector-focused Industrial Storm Water Inspections

Mandatory Minimum Penalties

- Completely resolve the outstanding backlogged violations at 39 remaining facilities (out of an initial 421 facilities)
- Address each new MMP violation within 18 months of discovery
- Implement an electronic notification system to remind dischargers of report requirements

Highlights

- Fourth Year of the Annual Enforcement Report
- Significant Data improvements
- Water Quality and Water Rights information
- Consistent and predictable format
 - Inputs
 - Activities
 - Outputs
 - Outcomes

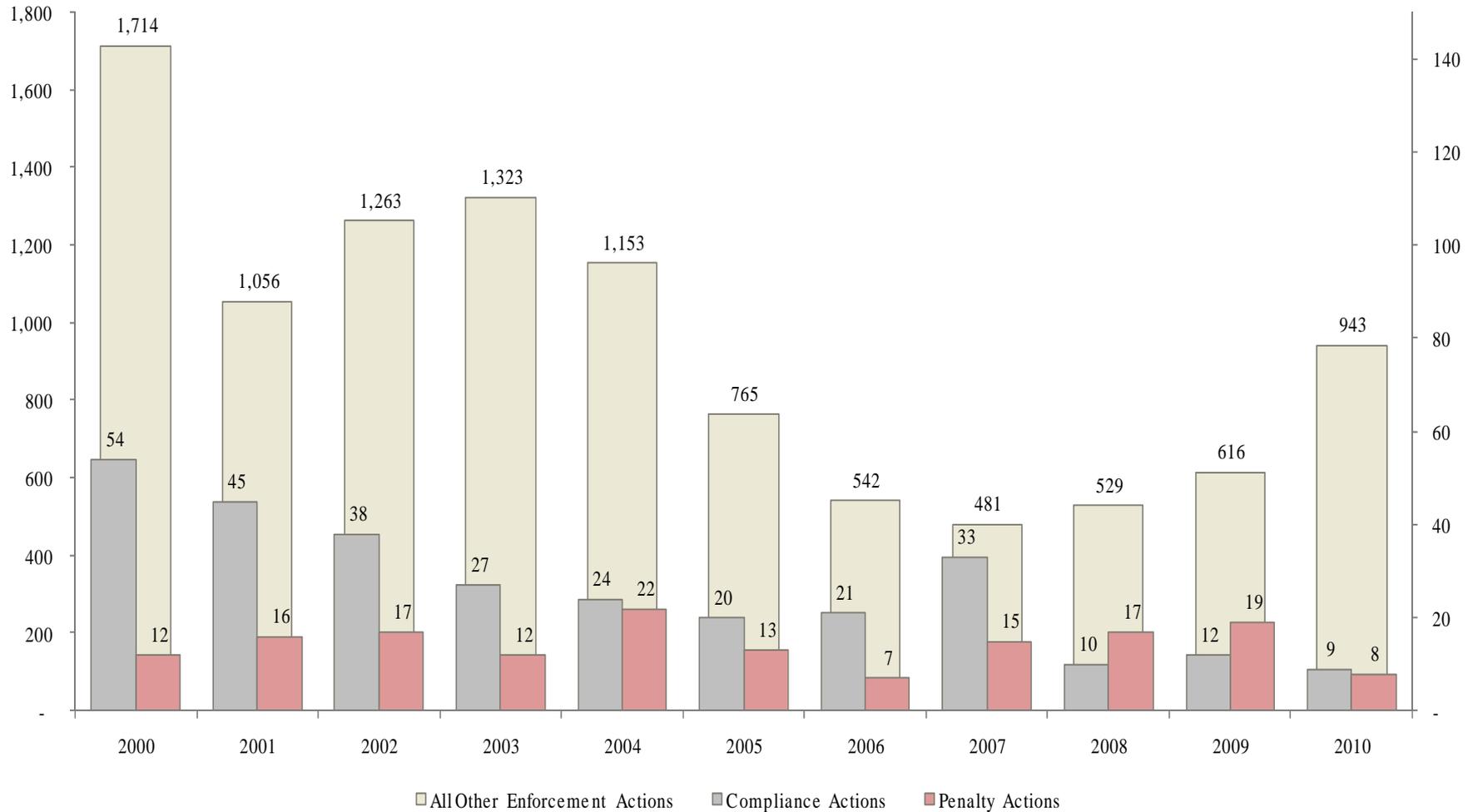
- Data available to all regions and divisions using CIWQS
- More and better Information
 - FY 2006-07: 22 tables and 21 figures
 - FY 2007-08: 55 tables and 23 figures
 - 2009: 72 tables and 23 figures
 - 2010: 89 tables and 26 figures

- Integration with CAL-EPA enforcement reporting needs
- Meets legislative mandates on enforcement reporting
- The information will be included in the Annual Performance Report

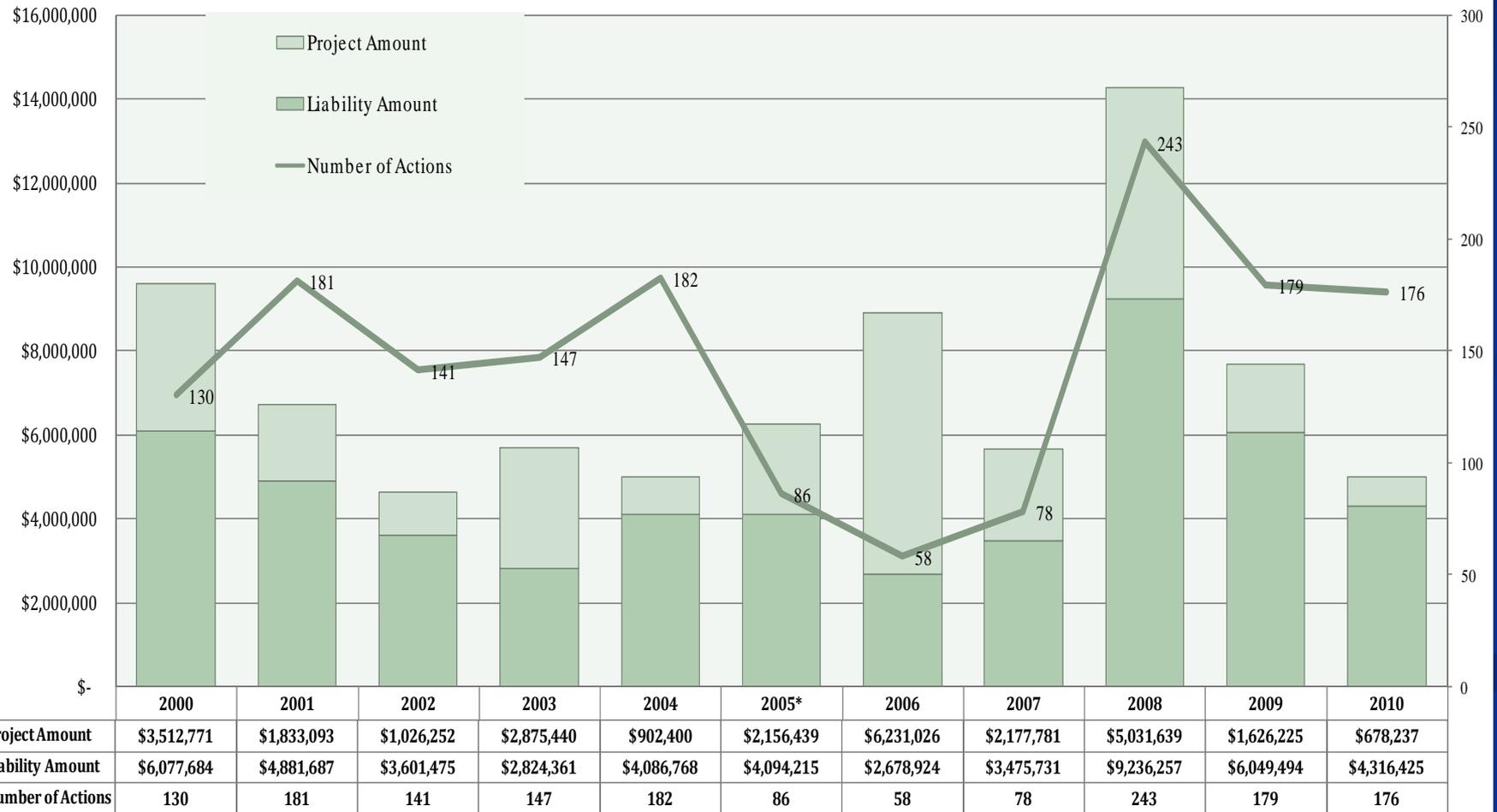
NPDES Wastewater, Major Facilities, Self Monitoring Reports in 2010

Regional Board Office	Facilities Regulated	Facilities With SMR Due in 2010 (In CIWQS)	Self Monitoring Reports Due in 2010 (In CIWQS)	Reports Fully Submitted	Reports Reviewed	% Reports Fully Submitted
Region 1	15	14	193	111	22	58%
Region 2	50	-	-	-	-	ND
Region 3	22	22	316	291	286	92%
Region 4	45	45	495	239	59	48%
Region 5 Fresno	7	7	132	85	1	64%
Region 5 Redding	14	14	188	162	43	86%
Region 5 Sacramento	37	36	440	374	232	85%
Region 5	58	57	760	621	276	82%
Region 6 Tahoe	1	1	19	12	11	63%
Region 6 Victorville	2	1	14	13	8	93%
Region 6	3	2	33	25	19	76%
Region 7	8	8	140	86	71	61%
Region 8	22	22	367	170	151	46%
Region 9	41	-	-	-	-	ND
Total	264	170	2,304	1,543	884	67%

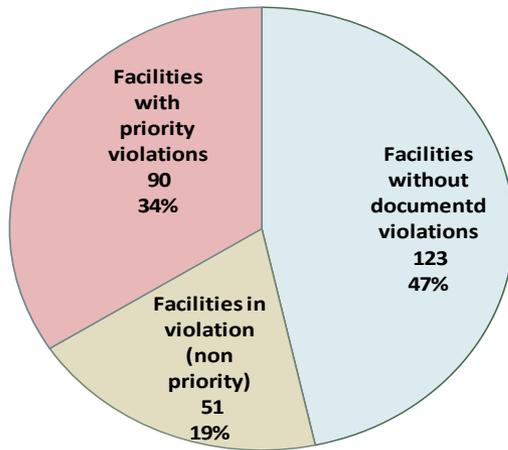
WDR Program, Enforcement Actions 2000-2010



Penalties Assessed and Completed, Number of Actions Completed



NPDES Major Facilities



Compliance Rates, NPDES Wastewater Major 2010

Regional Board Office	Number of Facilities	Facilities with one or more violations in the period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with priority violations	Total Priority Violations	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
1	15	11	↓ 73%	56	8	53%	27	9	2	-	5.1
2	50	19	↑ 38%	81	12	24%	43	17	2	-	4.3
3	22	13	→ 59%	114	11	50%	60	9	2	2	8.8
4	45	27	→ 60%	351	11	24%	57	22	1	4	13.0
5F	7	6	↓ 86%	43	3	43%	7	5	1	-	7.2
5R	14	10	→ 71%	49	7	50%	27	9	-	1	4.9
5S	37	33	↓ 89%	1,948	28	76%	1,117	12	10	11	59.0
5 Total	58	49	↓ 84%	2,040	38	66%	1,151	26	11	12	41.6
6A	1	1	↓ 100%	24	1	100%	19	-	1	-	24.0
6B	2	1	→ 50%	31	1	50%	16	-	-	1	31.0
6 Total	3	2	→ 67%	55	2	67%	35	-	1	1	27.5
7	8	7	↓ 88%	152	6	75%	114	3	3	1	21.7
8	22	6	↑ 27%	37	1	5%	1	5	1	-	6.2
9	41	7	↑ 17%	21	1	2%	7	6	1	-	3.0
Total	264	141	→ 53%	2,907	90	34%	1,495	97	24	20	20.6

Performance Measures

Measure Number	GOAL-Objective-Question	Measure Description
LI001	Self Monitoring-Reports Due, Received and Reviewed	Number of self monitoring reports received and reviewed and % of reports reviewed
LI002	Monitoring-Inspections	Number of inspections and % of facilities inspected
LI003	Compliance + Deterrence	Compliance Rates
LI004	Enforcement Response	Percentage of facilities in violation receiving an enforcement action requiring compliance
LI005	Enforcement Activities	Number and type of enforcement actions
LI006	Penalties Assessed + Collected	-Penalties Collected in Clean Up and Abatement Account, Waste Discharge Permit Fund, etc. -SEPS, Compliance Projects, etc. -Injunctive Relief
LI007	MMP violations addressed	Number of facilities with MMP violations receiving a penalty at or above the minimum. % of MMPs addressed.
LI008	Recidivism	Number and percentage of facilities not improving compliance after an enforcement action requiring compliance is issued.
LI009	Environmental Benefits <i>(as a result of an enforcement action)</i>	-Estimated pounds of pollutants reduced -Estimated soil cleaned up (cubic yards) -Water cleaned up (gallons groundwater) -Wetlands/stream/beach miles protected/restored (acres) -People with safe access to drinking water

Data Challenges from Water Quality Enforcement Policy

