

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

STAFF REPORT FOR REGULAR MEETING OF SEPTEMBER 21, 2017

Prepared on August 18, 2017

ITEM NUMBER: 22

SUBJECT: Enforcement Report

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DISCUSSION

This staff report includes a summary of the Enforcement Team's recent enforcement actions taken from April 1, 2017 to July 31, 2017. Tables 1 through 5 include summaries of Administrative Civil Liability Orders issued, Cleanup and Abatement Orders issued, Cease and Desist Orders issued, Notices of Non-Compliance for Industrial or Construction Storm Water General Permit Annual Reporting or Enrollment issued, and Notices of Violations. During this time period, staff did not issue Expedited Payment Program Letters (EPLs; Settlement Proposals for Mandatory Minimum Penalties per the Water Code or for Other Non-Controversial Issues), or Time Schedule Orders.

This staff report also includes a summary of violations reported by dischargers from January 1, 2017 through May 31, 2017. 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.

| Table 1: Issued Final Administrative Civil Liability Complaints or Orders (ACL) | | | |
|--|---|-----------------------|--|
| <u>Discharger/Facility</u> | <u>Violations</u> | <u>Penalty</u> | <u>Supplemental Environmental Project¹</u> |
| Cambria Community Services District / Emergency Water Supply Project | Late Reporting | \$53,596 | Declined by Discharger |
| <i>Summary: ACL Complaint No. R3-2017-0015 proposing penalty for 77 violations of WDR Order No. R3-2014-0050 reporting requirements. On May 3, 2017, the District waived its right to a public hearing before the Water Board and paid \$53,596 in liability as recommended in the Complaint, making the Complaint a finalized Order. The Water Board heard an information-only item on this matter at its July 13, 2017 meeting in Watsonville.</i> | | | |
| Cuyama Community Services District WWTP | Dibromodichlormethane Dichlorobromomethane Fecal Coliform | \$15,000 | Compliance Project to address violations |
| <i>Summary: ACL Order No. R3-2017-0009 issued May 4, 2017, imposing mandatory minimum penalty for five violations of NPDES permit effluent limitations. The compliance project consists of constructing a test pond and four lined treated wastewater evaporation ponds, a concrete wet well, pump stations, buried pipelines, and associated electrical systems. The penalty amount of \$15,000 will be spent on building the test pond. After the overall project completion, the District will no longer discharge to surface waters and therefore will not require a NPDES permit and will not be subject to further mandatory minimum penalties. Instead, the Water Board will regulate the District via Waste Discharge Requirements as a discharge to land.</i> | | | |
| Ca. Dept. of Corrections & Rehabilitation CMC WWTP | Total Nitrogen Total Copper Bis (2-Ethylhexyl) Phthalate | \$84,000 | \$49,500 toward CCAMP-GAP |
| <i>Summary: ACL Order No. R3-2017-0017 imposing mandatory minimum penalty for 28 violations of NPDES permit effluent limitations. Resolved by settlement via Expedited Payment Program Offer.</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 Cleanup and Abatement Orders (CAOs)

| <u>Discharger/Facility</u> | <u>Responsible Party</u> | <u>County</u> | <u>Order Number</u> |
|--|-------------------------------|-----------------|---------------------|
| Sunrise Olive Ranch | Sunrise Ranch Properties, LLC | San Luis Obispo | R3-2017-0013 |
| <p><i>Summary: CAO issued May 15, 2017 requiring cleanup, abatement, and restoration of water of the State subjected to unauthorized excavation and fill activities detected in January 2017. Order requires acquisition of all necessary approvals and permits, status reports, and project completion before 2017-2018 rainy season.</i></p> | | | |

Table 3: Issued Cease and Desist Orders (CDOs)

| <u>Discharger/Facility</u> | <u>Responsible Party</u> | <u>County</u> | <u>Order Number</u> |
|--|-------------------------------------|-----------------|---------------------|
| Cambria Community Services District / Class II Surface Impoundment | Cambria Community Services District | San Luis Obispo | R3-2017-0016 |
| <p><i>Summary: The Order finds that Cambria Community Services District (CCSD) is in violation of Waste Discharge Requirements Order No. R3-2014-0047, and requires the CCSD to either discontinue using the surface impoundment for waste storage or rehabilitate the surface impoundment before recommencing waste storage operations. The Water Board adopted this CDO at its July 13, 2017 meeting in Watsonville.</i></p> | | | |

Table 4: Issued Notices of Non-Compliance for Industrial or Construction Stormwater General Permit Annual Reporting or Enrollment (NNCs)

| <u>Discharger/Facility</u> | <u>Responsible Party</u> | <u>Annual Report or Enrollment, 1st or 2nd NNC</u> | <u>County</u> |
|----------------------------|--|--|-----------------|
| Lash Construction | James Lash | Enrollment, 1 st | Santa Barbara |
| Felton Maintenance Yard | Santa Cruz County Dept of Public Works | Enrollment, 2 nd | Santa Cruz |
| Brommer Maintenance Yard | Santa Cruz County Dept of Public Works | Enrollment, 2 nd | Santa Cruz |
| Bonny Doon Quarry | Joe Bivert | Enrollment, 2 nd | Santa Cruz |
| Lundberg Studios | Rebecca Lundberg | Enrollment, 2 nd | Santa Cruz |
| Buchwald's Storage | Leonore Buchwald | Enrollment, 2 nd | Santa Cruz |
| H.A. Rider & Sons | George C. Rider | Enrollment, 1 st | Santa Cruz |
| Olive Springs Quarry | Christine Bone | Enrollment, 2 nd | Santa Cruz |
| Aaron Wines | Aaron Jackson | Enrollment, 1 st | San Luis Obispo |
| BarrelHouse Brewing Co. | Jason Carvalho and Kevin Nickell | Enrollment, 1 st | San Luis Obispo |
| Brian Benson Cellars | Brian Benson | Enrollment, 1 st | San Luis Obispo |
| Clos Solene | Guillaume and Solène Fabre | Enrollment, 1 st | San Luis Obispo |
| Desperada | Vailia From | Enrollment, 1 st | San Luis Obispo |

| Table 4: Issued Notices of Non-Compliance for Industrial or Construction Stormwater General Permit Annual Reporting or Enrollment (NNCs) | | | |
|---|---------------------------------------|---|----------------------|
| <u>Discharger/Facility</u> | <u>Responsible Party</u> | <u>Annual Report or Enrollment, 1st or 2nd NNC</u> | <u>County</u> |
| The Fableist | Curt Schalchlin | Enrollment, 1 st | San Luis Obispo |
| Field Recordings | Andrew Jones | Enrollment, 1 st | San Luis Obispo |
| Giornata | Brian and Stephanie Terrizzi | Enrollment, 1 st | San Luis Obispo |
| Jacob Toft | Jacob Toft | Enrollment, 1 st | San Luis Obispo |
| Lefondusac | Stewart Finlay-McLennan and JP French | Enrollment, 1 st | San Luis Obispo |
| Levo | Bret Urness | Enrollment, 1 st | San Luis Obispo |
| Nicora | Nick Elliott | Enrollment, 1 st | San Luis Obispo |
| ONX Wines | Steve Olson | Enrollment, 1 st | San Luis Obispo |
| Powell Mountain Cellars | Bill and Kim Powell | Enrollment, 1 st | San Luis Obispo |
| Sans Liege Wines | Curt Schalchlin | Enrollment, 1 st | San Luis Obispo |
| Tin City Cider Co. | Curt Schalchlin | Enrollment, 1 st | San Luis Obispo |
| Wine Shine | Patrick Brooks | Enrollment, 1 st | San Luis Obispo |

| Table 5: Issued Notices of Violation (NOVs) | | | | |
|--|---------------------------------|--------------------------|---|----------------------|
| <u>Discharger/Facility</u> | <u>Responsible Party</u> | <u>Program</u> | <u>Violation Type</u> | <u>County</u> |
| Former Model Industrial Supply (Site Cleanup Investigation Site) | Edwin Page | Site Cleanup | Failures to Report | San Luis Obispo |
| Cambria CSD Emergency Water Supply Facility | Cambria CSD | - Land Disposal - WDR | - Deficient Reporting - Deficient Monitoring - Failure to Maintain Required Freeboard | San Luis Obispo |
| Cambria CSD Emergency Water Supply Facility | Cambria CSD | WDR | Deficient Reporting (67 Violations) | San Luis Obispo |
| City of Morro Bay MS4 | City of Morro Bay | Municipal Storm Water | BMP Implementation | San Luis Obispo |
| City of Watsonville Landfill | City of Watsonville | Land Disposal | - Leachate discharges to storm drains - Failure to Notify | Santa Cruz |
| Monterey Bay Farms AW4562 | Monterey Bay Farms, LLC | Irrigated Ag | - Failure to Submit Technical Report | San Benito |
| Bulk Action for 13 Irrigated Agriculture Sites | Various | Irrigated Ag | - Failure to Submit Total Nitrogen Applied Report | Various |

| Table 5: Issued Notices of Violation (NOVs) | | | | |
|--|--|-----------------------|--|----------------------|
| <u>Discharger/Facility</u> | <u>Responsible Party</u> | <u>Program</u> | <u>Violation Type</u> | <u>County</u> |
| Dunn School WWTP | Dunn School | WDR | - Failure to comply with 13267 Tech Rpt Order - Failure to Submit Quarterly Reports | Santa Barbara |
| Santa Barbara County MS4 | County of Santa Barbara | MS4 | - Post-Construction Requirements | Santa Barbara |
| Van Wingerden Ranch | Eduard P. & Nadia Van Wingerden | Irrigated Ag | Failure to Submit Technical Report | Santa Barbara |
| J & C Farms | J & C Farms | Irrigated Ag | Failure to Submit Technical Report | Santa Barbara |
| Ocean Breeze Properties | Ocean Breeze Properties | Irrigated Ag | Failure to Submit Technical Report | Santa Barbara |
| T & A Farms | T & A Farms, LLC | Irrigated Ag | Failure to Submit Technical Report | Santa Barbara |
| TSP Filter, Inc. Cleanup Site at 93 So. La Patera Lane, Goleta | TSP Filter, Inc. (Formerly Trisep Corp.) | Site Cleanup | Failure to Submit Technical Report | Santa Barbara |
| Fresh Venture Farms Ranch 1 AW3812 | Fresh Venture Farms, LLC | Irrigated Ag | Failure to Submit Technical Report | Santa Barbara |
| Glez Farms AW 3690 Elkhorn Ranch | Abel and Alvaro Gonzales | Irrigated Ag | - Caused or contributed to sediment discharges to Elkhorn Slough - Failure to protect beneficial uses of slough - Failure to prevent erosion | Monterey |
| Rocha Farms AW 1614 Vasquez Ranch | Francisco Rocha, David & Elia Vasquez | Irrigated Ag | - Caused or contributed to sediment discharges to Elkhorn Slough - Failure to protect beneficial uses of slough - Failure to prevent erosion | Monterey |

VIOLATIONS PENDING FURTHER ENFORCEMENT STAFF REVIEW
(January 1, 2017 – May 31, 2017)

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 January 1, 2017, and May 31, 2017, 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 | 91 | NPDES WDR | Biochemical Oxygen Demand, Total Dissolved Solids, Sodium, Chloride, Settleable Solids, Nitrogen (various), Total Suspended Solids, Metals, Coliforms, Oil & Grease, Total Chlorine Residual, Chronic Toxicity |
| Receiving Water Limitations | 25 | NPDES | Boron, Chloride, Sodium, Sulfate, Nitrate, Metals |
| Sanitary Sewer Overflows | 39 | WDR | Debris in collection system, operator error, root intrusion, construction, inflow & infiltration, fats/oil/grease blockage, and equipment failure. |
| Unauthorized Discharges to Surface Waters | 1 | 401 Cert. | Unauthorized excavation and fill material discharged to creek. |
| Failure to Obtain Permit | 2 | Ind SW | N/A |
| Order Conditions | 21 | Land Disp. NPDES Irrigated Ag | Failure to properly construct and maintain surface impoundment, unauthorized treated effluent discharge due to I&I, freeboard exceedance, stormwater inflow/run-on to impoundment, flow rate exceedance, erosion and sedimentation, BMPs. |
| Deficient BMPs | 5 | Const SW Ind SW MS4 SW | Poor housekeeping, windblown materials, failure to properly design/install sediment basins, post-construction requirements, SWPPP and map development. |
| Reporting | 17 | 401 Cert. Land Disp. WDR SLIC Irrigated Ag Ind SW Const SW | Failing to report required data, failures to notify Water Board of conditions threatening water quality or of discharger actions, failure to respond to technical reporting requirements. |
| Deficient Monitoring | 10 | NPDES Land Disp. | Failures to monitor due to operator error or equipment failure. |

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

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