

# ENFORCE

# NPDES STORMWATER

**GROUP:** NPDES STORMWATER FACILITIES

**MEASURE:** ENFORCEMENT ACTIONS

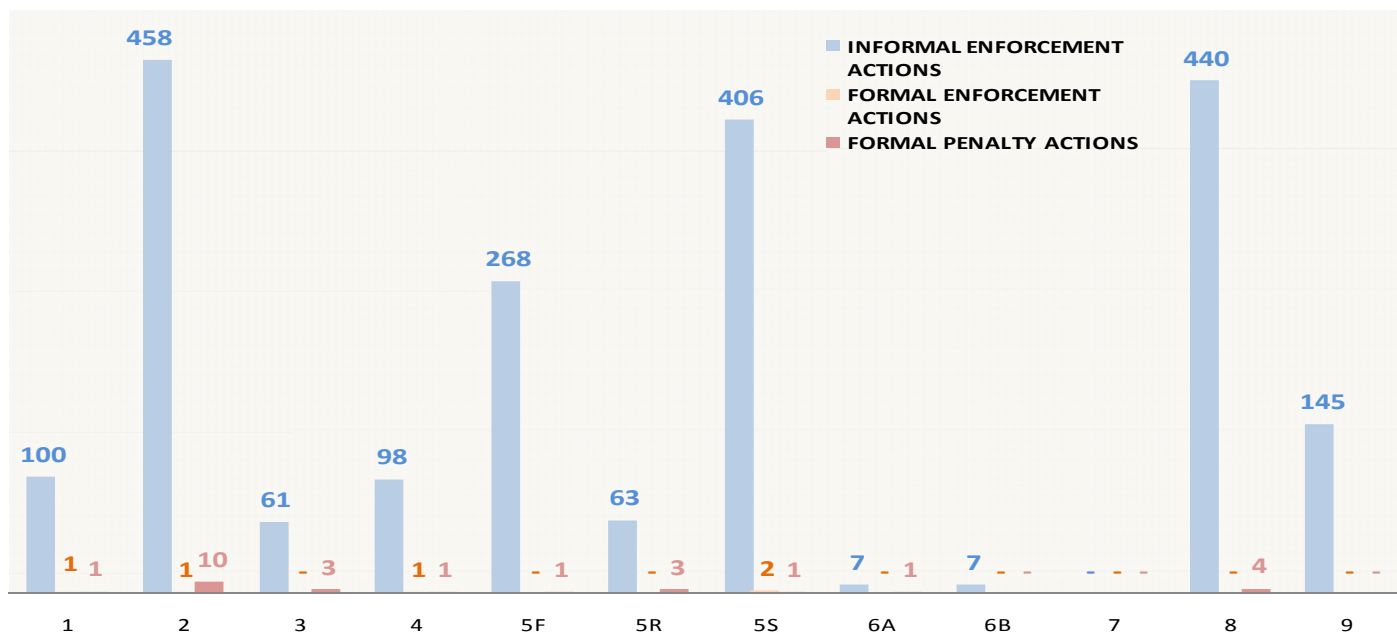
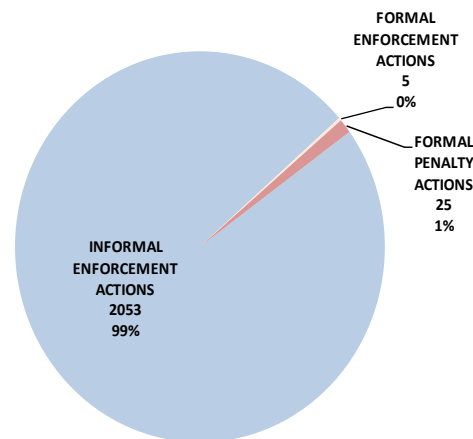
**MESSAGE:** *High informal enforcement response.*

**MEASUREMENTS:**

*KEY STATISTICS FOR FY 2008-09*

NUMBER OF INFORMAL ACTIONS\*: 2,053  
 NUMBER OF FORMAL ACTIONS\*\*: 5  
 NUMBER OF PENALTY ACTIONS: 25

Region	Informal Enforcement	Formal Enforcement	Formal Penalty Enforcement	Total Enforcement Actions
1	100	1	1	102
2	458	1	10	469
3	61	-	3	64
4	98	1	1	100
5	737	2	5	744
6	14	-	1	15
7	-	-	-	-
8	440	-	4	444
9	145	-	-	145
<b>TOTAL</b>	<b>2,053</b>	<b>5</b>	<b>25</b>	<b>2,083</b>



**WHAT THE MEASURE IS SHOWING:**

The stormwater program addresses most violations through informal enforcement. The enforcement program is very active in most regional boards specially in Regions 2, 5S and 8. Formal enforcement is only used in exceptional cases; penalties were assessed for 25 dischargers.



**WHY THIS MEASURE IS IMPORTANT:**

Enforcement plays a significant role in the Water Boards' strategies to protect water quality and represents a significant amount of work for both the State and Regional Boards. Enforcement deters potential violators and protects public health and the environment. Enforcement can prevent threatened pollution from occurring and can promote prompt cleanup and correction of existing pollution problems. The Water Boards use progressive enforcement by addressing some violations with an informal response such as a phone call or staff enforcement letter followed, if needed, with a more formal action. If violations continue, the enforcement response should be quickly escalated to increasingly more formal and serious actions until compliance is achieved. This measure displays the use of formal versus informal actions to address documented violations.

**TECHNICAL CONSIDERATIONS:**

- Data Source: CIWQS. Period: July 1, 2008 to June 30, 2009. Extracted on August 15, 2009.
- Unit of Measure: Number of enforcement actions issued during FY 08-09 for stormwater.
- Data Definitions: **Informal enforcement:** any communication from that notifies the discharger of a problem (\* for reporting purposes it includes 13267 letters, notices to comply and notices of stormwater noncompliance). **Formal enforcement:** administrative or judicial actions that impose sanctions and/or require compliance where a hearing is available to contest the allegations (\*\* for reporting purposes it does not include Administrative Civil Liabilities actions). **Formal Penalty enforcement:** includes Administrative Civil Liability actions and any other monetary assessment imposed.
- References: More information on the Water Boards' Stormwater program is available at: [http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/](http://www.waterboards.ca.gov/water_issues/programs/stormwater/)
- Public reports and data are available at: [http://www.waterboards.ca.gov/water\\_issues/programs/ciwqs/publicreports.shtml](http://www.waterboards.ca.gov/water_issues/programs/ciwqs/publicreports.shtml)
- Enforcement and compliance assurance information is available at: [http://www.waterboards.ca.gov/water\\_issues/programs/enforcement/](http://www.waterboards.ca.gov/water_issues/programs/enforcement/)
- The Water Boards' enforcement policy is also available at: [http://www.waterboards.ca.gov/plans\\_policies/docs/wqep.doc](http://www.waterboards.ca.gov/plans_policies/docs/wqep.doc)

**GLOSSARY:****CONSTRUCTION STORM WATER PROGRAM**

Dischargers whose projects disturb 1 or more acres of soil or are part of a larger common plan of development that in total disturbs 1 or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity ([Construction General Permit, 99-08-DWQ](#)).

**INDUSTRIAL STORM WATER PROGRAM**

Discharges associated with 10 broad categories of industrial activities are regulated under the Industrial Storm Water General Permit Order 97-03-DWQ ([General Industrial Permit](#)) which is an NPDES permit..

**National Pollutant Discharge Elimination System (NPDES)**

The NPDES permit program (Section 402 of the Clean Water Act ) controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or man-made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. US EPA has approved the Water Board's program to issue NPDES permits.