

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

STAFF REPORT FOR REGULAR MEETING JULY 7-8, 2005

Prepared on June 10, 2005

ITEM NUMBER: 17

SUBJECT: Enforcement Report

SUMMARY

The System for Water Information Management (SWIM) Compliance Module (a database created by the State and Regional Boards) tracks violations and enforcement actions.

The attached report covers the period March 1, 2005, through April 30, 2005. During this period, 44 dischargers had 95 violations. Violations typically include effluent limit violations, violations resulting from compliance inspections, missing and late reports and sewer overflows. Enforcement actions range from verbal communications by staff to formal actions adopted by the Regional Board.

Any violation that is listed as "Y" for "Yes" in "Significant Violation" column, as well as being listed as an "NPDES" in the "Program Type" column, is subject to a mandatory minimum penalty. So-called "nonsignificant" violations may also trigger enforcement action, but it is not possible to determine all of those cases from just reviewing this report. We track those violations on a six-month period and follow up with action as appropriate.

DISCUSSION

Compliance Inspections

At the May 13, 2005 meeting in Watsonville, the Board asked staff to provide a description of typical inspection practices.

State policy, as defined in the 1990 administrative procedures manual, specifies that each permitted facility be inspected at least once per year and that major facilities be inspected three times per year. However, our permitting budgets have shrunk significantly since 1990. In our latest NPDES and WDR workplans, staff has committed to inspecting each NPDES facility at least once per year and to inspecting non-NPDES WDR facilities at least once every three years. We typically do more inspections than these minimums. For instance, in fiscal year 2003-2004, staff performed 42 NPDES inspections and 128 WDR inspections. Staff also inspects facilities in response to complaints, spills, and violation reports.

Staff performs a mix of announced and unannounced inspections. Standard provisions in each order require that dischargers allow staff to inspect facilities at any time during normal business hours subject to Section 13267, which allows the Regional Board to obtain an inspection warrant if access is denied. The knowledge that Water Board staff may show up for an inspection at any time is a powerful compliance tool.

Staff collect fewer samples from facilities now than in the past due to reduced budgets, though we still have the capability to sample discharges and spills.

Chronic Violations Report

Attachment 3 is a report provided by the State Water Board to the regions in April 2005. It shows chronic violators ordered by the number of

violations reported from 2001 through 2004. Most of the column headings are self-explanatory. When one gets to the right of the "flow" column, the columns list number of effluent violations per calendar quarter, then the sum, then if there have been effluent violations in any of the most recent four quarters. The source of the data is SWIM.

Attachment 4 is a spreadsheet offering additional information regarding the first 21 facilities listed on Attachment 3. This spreadsheet adds information on the number of enforcement actions we have taken and a brief summary of compliance issues. Enforcement actions range from verbal discussions with dischargers to imposition of penalties. Also note that a single enforcement action could cover many individual violations. For instance, one MMP order for Santa Barbara included 24 violations.

Looking at chronic violators alone provides some useful information, but does not provide a complete picture of compliance issues. The facility at the top of the list, Rancho San Carlos, despite the number of violations shown, is not a high-priority enforcement case for staff because it does not pose a significant threat to water quality. Even though it often violates its effluent limitations, the effluent is generally of good quality and is used solely for golf course irrigation, usually after being blended with groundwater.

Staff is working on better ways to present this type of data and will update the Board regularly.

RECOMMENDATION

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

ATTACHMENTS

1. Enforcement Report
2. Glossary of Abbreviations
3. List of Chronic Violators
4. Chronic Violators – Summary of Enforcement Actions

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