

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

STAFF REPORT FOR REGULAR MEETING AUGUST 31, 2009

Prepared on August 5, 2009

ITEM NUMBER: 9

SUBJECT: Enforcement Report

DISCUSSION

Violations Listing

Staff uses the California Integrated Water Quality System (CIWQS) to track Water Board data, including violations and enforcement actions. The following pages contain a list of violations generated from CIWQS that occurred between April 1, 2009, and June 30, 2009. CIWQS has a sewer system overflow (SSO) module which provides better 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 June 1, 2009, and July 31, 2009.

Notices of Violation

Bernardus Lodge, Carmel Valley, Monterey County

Staff Enforcement Letters

Natural Selection Foods, Inc., San Juan Bautista, San Benito County

13267 Orders

Mushroom Farms, Inc., Royal Oaks, Monterey County

Cleanup and Abatement Orders

None

Administrative Civil Liability Complaints

None

Administrative Civil Liability Settlements

R3-2008-0037 for Bardex Corporation, Goleta, Santa Barbara County

On July 21, 2008, the Water Board's Assistant Executive Officer issued Administrative Civil Liability Complaint No. R3-2008-0037 (Complaint), which proposed assessing liability of \$25,000 against Bardex Corporation (Bardex) for alleged violations of Cleanup and Abatement Order (CAO) No. R3-2004-0063, the Water Board's October 31, 2007 Water Code Section 13267 Order, and CAO No. R3-2007-0087, for failing to submit various workplans, reports, and other information resulting in procedural delays in actions to cleanup soil and groundwater polluted by tetrachloroethene (PCE) and trichloroethylene (TCE). Staff scheduled a hearing for the Board's consideration of the Complaint on October 16-17, 2008. On August 7, 2008, the Executive Officer granted the

Discharger's request to postpone the hearing to facilitate settlement discussions between Bardex and Enforcement Staff. Upon finalizing the settlement terms in June 2009, staff published a proposed agreement and order on the Water Board's web site for no less than 30 days. After receiving no public comments, on July 27, 2009, the Executive Officer signed Stipulated Administrative Civil Liability Order No. R3-2008-0037, thereby approving the settlement and requiring the Discharger to pay \$25,000 within 30 days. As a previous act of good faith during the settlement discussions, on January 28, 2009, Bardex submitted a check for \$25,000. Bardex did not propose a Supplemental Environmental Project (SEP). In March 2008, Bardex corrected the alleged violations.

RECOMMENDATION

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

ATTACHMENTS

Violation List