

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

**STAFF REPORT FOR REGULAR MEETING DECEMBER 1, 2011**

Prepared on October 31, 2011

**ITEM NUMBER: 21**

**SUBJECT: Enforcement Report**

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**DISCUSSION**

**Violations Listing**

Staff uses the California Integrated Water Quality System (CIWQS) to track Water Board data, including violations and enforcement actions. Attachment 1 is a CIWQS list of violations by dischargers between June 1, 2011, and August 31, 2011. CIWQS has a sewer system overflow (SSO) module that provides tracking and reporting of such spills.

**Summary of Enforcement Activities**

The following information summarizes significant enforcement actions taken by the Water Board during the period between August 1, 2011, and October 31, 2011.

Notices of Violation

Grimsley Parcels, Nash Road, Hollister, San Benito County  
Davenport WWTP, Santa Cruz County  
Pacific Skyline Council, Santa Cruz County  
Cielo Vista Estates, Hollister, San Benito County  
Ridgemark Estates WWTP, Hollister, San Benito County CA

Administrative Civil Liability Orders

- Bradley Land Company, Santa Barbara County (WDID#3420002N05-AW0236). On October 4, 2011, the Executive Officer approved a stipulated order requiring Bradley Land Company to pay a \$60,000 fine to settle allegations by the Central Coast Water Board that it violated laws against filling waterways without a permit. Bradley Land Company will direct \$30,000 of the penalty to the Central Coast Low Impact Development Endowment Fund as a supplemental environmental project.

In 2007, Bradley Land Company and its tenant graded and relocated the channel of Green Canyon Creek, southeast of Santa Maria, without first obtaining required permits. Bradley Land Company claimed that its tenant, Main Street Farms, was doing the work to make farming of the property easier. However, while federal law does include some exceptions for agriculture, converting wetlands and watercourses to agricultural land is not allowed unless properly reviewed and permitted. It is likely that the Central Coast

Water Board would not have permitted the activity even if Bradley had applied for a permit.

Bradley Land Company did obtain and implement an after-the-fact streambed alteration agreement from the California Department of Fish and Game that included a robust mitigation, monitoring, and planting plan for the relocated section of creek.

- City of San Luis Obispo, San Luis Obispo County (WDID#3SS010320). On October 4, 2011, the Executive Officer approved a stipulated order requiring Bradley Land Company to pay a \$57,130 fine to settle allegations by the Central Coast Water Board that it violated laws against filling waterways without a permit. The City will direct \$22,565 of the penalty to a supplemental environmental project to restore the Froom Creek jeep road.

The penalties are in response to four specific spills from the city's wastewater collection system. In September 2008, 3,000 gallons reached San Luis Obispo Creek; in February 2009, 30,000 gallons reached Orcutt Creek; In March 2009, 9,000 gallons were spilled into Old Garden Creek; and in January 2010, 1,000 gallons were spilled into Stenner Creek.

#### Agricultural Order Enforcement

##### **Requirements to Update Electronic Notice of Intent**

As part of existing Water Board requirements, growers that irrigate cropland for commercial production must enroll in the Agricultural Order by submitting a Notice of Intent to the Water Board. Growers are also required to keep the information in the Notice of Intent up to date. On September 15, 2011, the Central Coast Water Board issued approximately 800 notices of violation to growers who failed to submit their electronic Notice of Intent (eNOI) for the existing Agricultural Order. Growers who did not submit their eNOIs by the October 3, 2011 deadline may face monetary fines and staff may recommend termination of their enrollments, which may subject the operation to more significant enforcement actions and penalties. As of October 18, 2011, approximately 70% (559) of the growers who received a notice of violation and have responded by submitting an eNOI or a Notice of Termination because they are no longer farming. Currently staff is following up to locate and contact the growers who have not responded to the notice of violation.

##### **Failure to Pay Cooperative Monitoring Program Fees**

In April 2011, enforcement staff issued 183 enforcement letters to enrolled growers that had failed to comply with the monitoring and reporting requirements of the Agricultural Order. These enrolled growers selected the cooperative monitoring option but failed to pay fees for participation in the cooperative monitoring program. The enforcement actions issued were expedited payment letters, which are offers of settlement for the enrolled growers to pay their past due monitoring fees and a penalty ranging from \$250 to \$1050. Approximately 27 of the 183 dischargers have taken some action to resolve the enforcement issues, resulting in payment of approximately \$29,000 in delinquent cooperative monitoring program fees. At this time, enforcement staff is considering recommendations for administrative civil liabilities against enrollees who have not resolved their past-due fees.

**Failure to Submit Individual Monitoring Reports**

In April 2011, enforcement staff issued 23 enforcement letters to enrolled growers who selected individual monitoring and failed to conduct monitoring and submit reports. Staff contacted these growers and in many cases confirmed that they are participating in the Cooperative Monitoring Program but did not update their monitoring program selection in their electronic Notice of Intent. In addition, many growers did not fully understand the individual monitoring program requirements and have now decided to participate in the Cooperative Monitoring Program after evaluating the monitoring program options in more detail. In some cases, growers subsequently submitted a Notice of Termination because they are no longer in operation. At this time, most growers who previously elected individual monitoring are currently in compliance and staff is evaluating if additional follow up is warranted. Staff will also follow up with the growers who newly elect individual monitoring to confirm their understanding and ensure they conduct the required monitoring and reporting.

**RECOMMENDATION**

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

**ATTACHMENTS**

1. Violation List
2. List of Abbreviations