

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT: Brian Thompson
MEETING DATE: September 13, 2023

ITEM: 5

Enforcement Actions and Priorities for Fiscal Year 2023/24 – Summary Report

DISCUSSION:

This item summarizes enforcement actions for fiscal year (FY) 2022/23, including the issuance or settlement of administrative civil liability complaints. For FY 2023/24, our enforcement priorities will be similar to those for FY 2022/23.

Penalties Imposed

During FY 2022/23, we resolved 23 administrative civil liability enforcement cases with penalties totaling \$4,755,140 (see Tables A1 through A3). These enforcement cases addressed wastewater treatment plant discharges above effluent limits, discharges of process water and landfill leachate, permit violations associated with managing stormwater and dewatering operations, and wetland fill. The penalty assessments were consistent with the State Water Board's Enforcement Policy and as applicable, its Supplemental Environmental Project Policy.

• **Table A1 – Administrative Civil Liability Cases Settled in FY 2022/23**

We settled five cases through stipulated orders imposing total penalties of \$4,014,140. One of the cases assessed the penalties stipulated in a cease and desist order, and another stipulated penalties in a court judgement after settling litigation. The settlements included spending \$844,770 of the penalties on supplemental environmental projects, much of which will be used to improve our understanding of harmful algal blooms.

• **Table A2 – FY 2022/23 Mandatory Minimum Penalties**

We settled 18 cases involving effluent limit violations subject to mandatory minimum penalties of \$3,000 per violation. The stipulated orders imposed total penalties of \$740,000, of which \$281,500 was used to fund supplemental environmental projects.

Administrative Enforcement and Compliance Assistance

In addition to pursuing administrative civil liability cases, enforcement staff operate behind the scenes to triage complaints and spills, coordinate spill and wildfire response, and assist regulatory programs with investigations, administrative enforcement (e.g., cleanup and abatement orders), and case management. During FY 2022/23, much of our enforcement resources were dedicated to helping the Watershed Division address illegally filled streams and wetlands and the Toxics Cleanup Division oversee the clean-up of polluted properties. Enforcement staff assistance with regulatory programs often improves regulatory compliance.

Our approach to enforcement is progressive. When regulatory and enforcement staff's efforts do not improve compliance, we move to more aggressive formal enforcement, such as

imposing administrative civil liability, cease and desist orders, or cleanup and abatement orders. When necessary, we bring matters before the Board, and even beyond the Board to court. For example, during FY 2022/23, we settled litigation with Param and Amandeep Dhillon to resolve the unauthorized fill of wetlands at a property in Vallejo. The settlement required the payment of \$1.7 million and imposed deadlines to complete wetland restoration and mitigation, with additional stipulated penalties for noncompliance. The Bay Conservation and Development Commission also participated in this settlement. Both agencies will receive a portion of the penalty that includes reimbursement of staff costs to investigate and support the case. The settlement also resolves an outstanding debt of \$61,343 for an administrative civil liability the Board imposed in 2020.

Public Outreach

We continue to publicize our enforcement efforts. Notifying the regulated community and the public about pending and completed enforcement is an integral part of our enforcement program. Anyone can obtain information about our enforcement cases by [subscribing](#) to our email list, checking the current status of [enforcement cases](#), accessing documents on our website, and following [press releases](#). Additional enforcement-related information is also available on the [State Water Board](#) and [San Francisco Estuary Partnership](#) websites. The San Francisco Estuary Partnership website lists current and completed supplemental environmental projects, including the status of pending projects and links to associated documents.

Fiscal Year 2023/24 Enforcement Priorities

Like previous years, our enforcement priorities for FY 2023/24 will focus on egregious violations with the highest adverse water quality impacts, followed by violations that threaten the integrity of the Board's requirements. These cases may include, for example, the following:

- discharges that result in fish kills or other acute aquatic impacts;
- illegal fill of streams or wetlands, including violations at permitted stream or wetland projects;
- violations of site cleanup requirements; and
- violations of construction, industrial, and municipal stormwater permits.

We will also continue to maintain a near-zero backlog of mandatory minimum penalty assessments and will assist emergency response and recovery efforts associated with spills, wildfires, and vessels.

Consistent with the Enforcement Policy, we will prioritize enforcement efforts in coordination with the Assistant Executive Officers, program staff, and Office of Enforcement liaisons. Potential enforcement cases are typically suggested by program staff or come from notifications we receive through our complaint hotline, the CalEPA Complaint System, State Office of Emergency Services spill reports, or enforcement task force meetings. Factors we will weigh in prioritizing cases include case-specific factors, such as the magnitude of water quality impact, threat to high-priority watersheds or our regulatory programs, discharger culpability, discharger compliance history, strength of evidence, and possible mitigating circumstances.

APPENDIX:

A. Tables of FY 2022/23 Penalty Enforcement Action

Appendix A

Tables of FY 2022/23 Penalty Enforcement Actions

Table A1 – Administrative Civil Liability Cases Settled in FY 2022/23

Discharger	Location	Allegation	Penalty
Mission Valley Rock	Sunol	Unauthorized Discharge of Process Wastewater	\$368,940 ¹
Vista Corporation and Clover Flat Landfill	Calistoga	Unauthorized Discharges and Failure to Protect Stormwater	\$619,400
Meta (formerly Facebook)	Menlo Park	Effluent Limit Violations	\$509,800 ²
East Bay Municipal Utility District	Richmond	Effluent Limit Violations	\$816,000 ³
Param and Amandeep Dhillon	Vallejo	Unauthorized Wetland Fill	\$1,700,000 ⁴

Total Administrative Civil Liability Penalties Imposed: \$4,014,140

- 1 \$184,470 of the penalty will go toward a supplemental environmental project to assess phytoplankton and nutrient dynamics and bathymetry along the eastern shoals of South San Francisco to inform nutrient management and develop methods for monitoring algal blooms.
- 2 \$252,300 of the penalty will go toward a supplemental environmental project to analyze conditions associated with algal blooms and evaluate transport models and potential management practices.
- 3 This settlement included mandatory penalties stipulated in a consent decree. \$408,000 of the penalty will go toward a supplemental environmental project to model the fate and transport of sediment in the Bay and evaluate sediment loading and its effect on algal blooms.
- 4 This penalty was stipulated in a Superior Court Judgement.

Table A2 – FY 2022/23 Mandatory Minimum Penalties for Wastewater NPDES Permit Violations

Discharger	Location	Violation	Penalty
Mission Rock Horizontal Slab	San Francisco	Effluent Limit Violations	\$24,000
Sewage Agency of Southern Marin	Mill Valley	Effluent Limit Violations	\$9,000
North Marin Water District	Novato	Effluent Limit Violations	\$12,000 ¹
City of American Canyon	American Canyon	Effluent Limit Violations	\$3,000 ¹
City of San Mateo	San Mateo	Effluent Limit Violations	\$24,000
Vishay, Gould, Monsanto and, GlaxoSmithKline	Palo Alto	Effluent Limit Violations	\$9,000
City of San Mateo	San Mateo	Effluent Limit Violations	\$3,000
Crockett Cogeneration Plant	Crockett	Effluent Limit Violations	\$18,000
Las Gallinas Valley Sanitary District	San Rafael	Effluent Limit Violations	\$66,000 ¹
Sewer Authority Mid-Coastside	Half Moon Bay	Effluent Limit Violations	\$78,000 ¹
Hanson Aggregates Mid-Pacific	Oakland	Effluent Limit Violations	\$3,000 ¹
Valero Refining Company	Benecia	Effluent Limit Violations	\$39,000 ¹
Lehigh Southwest Cement Company	Cupertino	Effluent Limit Violations	\$6,000 ¹
Mt. View Sanitary District	Martinez	Effluent Limit Violations	\$12,000
Alameda Housing Associates	San Leandro	Effluent Limit Violations	\$9,000
City of St. Helena	St. Helena	Effluent Limit Violations	\$147,000
West County and Richmond (City and Sewer District)	Richmond	Effluent Limit Violations	\$69,000 ²
North San Mateo Sanitary District	Daily City	Effluent Limit Violations	\$210,000 ³

**Total Mandatory Minimum Penalties for Wastewater NPDES Permit Violations Imposed:
\$741,000**

- 1 A portion of these penalties was paid to the Supplemental Environmental Project Fund for the San Francisco Bay Regional Monitoring Program. Individual contributions ranged from \$1,500 to \$46,500 and totaled \$70,500.
- 2 \$40,000 of this penalty will go toward a supplemental environmental project for Kids for the Bay to work with disadvantaged schools in Richmond. Its Watershed Rangers Program will cleanup trash and raise social awareness of watershed health and non-point source pollution.
- 3 \$112,500 of this penalty will go toward a supplemental environmental project that integrates green infrastructure into a project to reduce stormwater runoff and improve stormwater quality.