

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

**STAFF SUMMARY REPORT: Brian Thompson
MEETING DATE: September 11, 2024**

ITEM: 8

Enforcement Actions and Priorities for Fiscal Year 2024/25

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DISCUSSION:

This item summarizes enforcement actions for fiscal year (FY) 2023/24, including the issuance or settlement of administrative civil liability complaints. For FY 2024/25, our enforcement priorities will be similar to those for FY 2023/24.

Penalties Imposed

During FY 2023/24, we resolved 32 administrative civil liability enforcement cases with penalties totaling \$818,310 (see Tables A1 through A3). These enforcement cases addressed wastewater treatment plant discharges above effluent limits, a discharge of chlorinated (potable) water, a permit violation associated with system operation and maintenance, and reporting violations of the construction stormwater general permit. 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 2023/24**

We settled one case through a stipulated order imposing penalties of \$600,310, of which \$300,000 will be used to remove a dam and culvert and restore natural flow in a creek.

• **Table A2 – FY 2023/24 Mandatory Minimum Penalties of Individual NPDES Permits**

We settled 26 cases involving effluent limit violations subject to mandatory minimum penalties of \$3,000 per violation. The stipulated orders imposed total penalties of \$213,000, of which \$114,000 funded supplemental environmental projects.

• **Table A3 – FY 2023/24 Mandatory Penalties of Stormwater General NPDES Permits**

We settled five cases involving effluent limit violations subject to mandatory minimum penalties of \$1,000 per violation. The stipulated orders imposed total penalties of \$5,000, of which \$1,000 funded 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, other enforcement actions (e.g., notices of violation, cleanup and abatement orders), and case management. During FY 2023/24, 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 that included conducting nine inspections and preparing associated reports and

notices of violations.

Enforcement staff also advise and assist regulatory programs with the progressive enforcement process in coordination with attorneys from the State Water Board Office of Enforcement. At times, a referral to enforcement is all that is needed to return a discharger to compliance, though enforcement staff typically get more involved. For example, during FY 2023/24, enforcement staff assisted the groundwater protection and stormwater programs to address petroleum discharges to Union Creek from the Travis Air Force Base. Enforcement staff issued a technical and legal brief affirming that Union Creek is a water of the United States, despite the Sackett decision. The potential for formal enforcement facilitated cooperation.

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 and information about supplemental environmental projects are also available on the [State Water Board](#) and [San Francisco Estuary Partnership](#) websites.

Fiscal Year 2024/25 Enforcement Priorities

Like previous years, our enforcement priorities for FY 2024/25 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, the following:

- unauthorized discharges;
- 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 Fiscal Year 2023/2024 Penalty Enforcement Actions

Appendix A

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Tables of FY 2023/24 Penalty Enforcement Actions

**Table A1
Administrative Civil Liability Cases Settled in FY 2023/24**

| Discharger | Location | Allegation | Penalty |
|-------------------------------|-----------|---|------------------------|
| Lehigh Southwest Cement Plant | Cupertino | Unauthorized Water Discharge and Permit Violation | \$600,310 ¹ |

Total Administrative Civil Liability Penalties Imposed: \$600,310

- ¹ \$300,000 of the penalty will go toward a supplemental environmental project to restore a portion of Permanente Creek. The project will remove a dam and culvert, reestablish a natural channel, and construct floodplain to enhance habitat.

**Table A2
FY 2023/24 Mandatory Minimum Penalties for Wastewater NPDES Permit Violations**

| Discharger | Location | Violation | Penalty |
|--|---------------------|---------------------------|----------------------|
| Texas Instruments | Santa Clara | Effluent Limit Violations | \$3,000 |
| TI Lot 8 | San Francisco | Effluent Limit Violations | \$3,000 ¹ |
| Chevron | Port Costa | Effluent Limit Violations | \$3,000 |
| Advanced Micro Devices | Sunnyvale | Effluent Limit Violations | \$3,000 |
| San Francisco Public Utilities Commission | San Francisco | Effluent Limit Violations | \$9,000 |
| IQHQ-Spur Ph 1 | South San Francisco | Effluent Limit Violations | \$6,000 |
| PK II Creekside Center | Hayward | Effluent Limit Violations | \$3,000 |
| Millbrae Adrian Science Park | Millbrae | Effluent Limit Violations | \$6,000 |
| City of San Mateo | San Mateo | Effluent Limit Violations | \$6,000 ¹ |
| Schlumberger Technology | Mountain View | Effluent Limit Violations | \$9,000 ¹ |
| SUMCO Phoenix | Mountain View | Effluent Limit Violations | \$6,000 |
| San Francisco, City and County (Oceanside Plant) | San Francisco | Effluent Limit Violations | \$6,000 ¹ |

| | | | |
|--|---------------|---------------------------|-----------------------|
| San Francisco, City and County (International Airport) | San Francisco | Effluent Limit Violations | \$3,000 |
| Livermore-Amador Valley Water Management Authority | Pleasanton | Effluent Limit Violations | \$3,000 ¹ |
| Oro Loma and Castro Valley Sanitary Districts | San Lorenzo | Effluent Limit Violations | \$15,000 ¹ |
| City of Burlingame | Burlingame | Effluent Limit Violations | \$15,000 ¹ |
| Cedar Fair Entertainment | Santa Clara | Effluent Limit Violations | \$33,000 |
| Eco Services Operations | Martinez | Effluent Limit Violations | \$3,000 ¹ |
| Lehigh Southwest Cement Plant | Cupertino | Effluent Limit Violations | \$3,000 ¹ |
| Phillips 66 | Rodeo | Effluent Limit Violations | \$3,000 |
| Sewerage Agency Southern Marin | Mill Valley | Effluent Limit Violations | \$48,000 ¹ |
| Vallejo Flood and Wastewater District | Vallejo | Effluent Limit Violations | \$3,000 ¹ |
| Hanson Aggregates | Sunol | Effluent Limit Violations | \$6,000 ¹ |
| Oliver De Silva | Sunol | Effluent Limit Violations | \$3,000 ¹ |
| Rodeo Sanitary District | Rodeo | Effluent Limit Violations | \$3,000 |
| Cities of San Mateo and Foster City | San Mateo | Effluent Limit Violations | \$9,000 ¹ |

Total Mandatory Minimum Penalties for Wastewater NPDES Permit Violations Imposed: \$213,000

- 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 \$31,500 and totaled \$114,000.

**Table A3
FY 2023/24 Mandatory Penalties of Stormwater General NPDES Permits**

| Discharger | Location | Violation | Penalty |
|---|-------------|---|----------------------|
| BlueWave Express Carwash | Morgan Hill | Late Annual Report FY 2022/23 Construction Stormwater | \$1,000 ¹ |
| San Jose Evergreen Community College District | San Jose | Late Annual Report FY 2022/23 Construction Stormwater | \$1,000 ¹ |
| Meritage Homes | Hayward | Late Annual Report FY 2022/23 Construction Stormwater | \$1,000 |
| The Elks Lodge 552 | San Jose | Late Annual Report FY 2022/23 Construction Stormwater | \$1,000 |

| | | | |
|--|-----------|--|---------|
| San Bruno Park Elementary School District | San Bruno | Late Annual Report FY 2022/23 Construction Stormwater | \$1,000 |
|--|-----------|--|---------|

**Total Mandatory Penalties for Stormwater General NPDES Permit Violations
Imposed: \$5,000**

- 1 A portion of these penalties was paid to the Supplemental Environmental Project Fund for the San Francisco Bay Regional Monitoring Program. Individual contributions were \$500 and totaled \$1,000.