

Instructions for completing CUPA to State Summary Reports

Annual Enforcement Summary Report

This report is to be submitted to the Secretary by September 30th each year pursuant to Title 27, CCR, Section 15290(a)(3). Send to:

California Environmental Protection Agency
Unified Program Section
1001 'I' Street, P.O. Box 2815
Sacramento, California 95814

All blank spaces that are not shaded must have a number count or use **N/A** and provide an explanation for the use of N/A on a separate sheet of paper or on the bottom or back of the form.

Enforcement Summary

Explanations of each of the program elements as stated in the rows of this report format can be found in the Annual Inspection Summary Report instructions.

VIOLATIONS INFORMATION

Number of Facilities with Violation Type

Class I – Applies to All Program Elements

Enter the number of regulated facilities with one or more Class I violations, discovered during the reporting fiscal year. The number entered should reflect the total number of facilities with Class I violations, not the total number of Class I violations. Do not include any facilities with outstanding violations from previous fiscal years.

Class II – Applies to All Program Elements

Enter the number of regulated facilities with one or more Class II violations, discovered during the reporting fiscal year. The number entered should reflect the total number of facilities with Class II violations, not the total number of Class II violations. Do not include any facilities with outstanding violations from previous fiscal years.

Minor- Applies to all Program Elements

Enter the number of regulated facilities with one or more Minor violations discovered during the reporting fiscal year. The number entered should reflect the total number of facilities with Minor violations, not the total number of Minor violations. Do not include any facilities with outstanding violations from previous fiscal years.

ENFORCEMENT ACTIONS TAKEN

No. of Informal Actions

Enter the number of informal enforcement actions that were initiated during the reporting fiscal year. Do not report the number of violations or the number of facilities with violations. Informal enforcement actions include notices of violation, letters, phone calls, and any other enforcement actions that do not extract a penalty.

No. of Formal Actions

Enter the number of formal enforcement actions that were initiated. Report only the number of formal enforcement actions taken, and not the number of Class I or Class II violations documented during the reporting fiscal year. This includes Red Tags issued for the UST program element.

Number of Local Administrative Enforcement Actions (AEO)

Enter the number of administrative enforcement actions initiated during the reporting fiscal year by the local agency under local ordinance. Do not report the AEO enforcement actions taken pursuant to HSC, Section 25404.1.1.

Total Number AEO

Enter the number of administrative enforcement actions taken pursuant to HSC, Section 25404.1.1. Any enforcement actions that are taken pursuant to any other code sections may be counted as informal, administrative, civil, or criminal actions, but not as AEO.

AEO Issued within 240 Days - Applies only to Hazardous Waste Generator Program Categories

Report only those facilities in each of the Hazardous Waste Generator Program categories that were actually issued an AEO within 240 days of failure to comply.

Number of Civil/Criminal Referrals

Total Number

Enter the number of civil and/or criminal enforcement referrals initiated during the reporting fiscal year.

For example: If a CUPA refers a HMRRP/RCRA LQG case to the City Attorney, County Counsel or the DA for a civil or a criminal enforcement action, count this as one civil or one criminal enforcement action under each program element or category that was cited in the case.

If a CUPA refers a HMRRP/RCRA LQG case to the City Attorney, County Counsel or the DA for civil or criminal enforcement, but the case is rejected and the CUPA then pursues an administrative enforcement action within the same reporting period, count these actions as one Civil/Criminal Referral in this column for the referral, and one Administrative

Action, in the “Number of Administrative Actions” column, for the HMRRP program element, and one AEO in the “Total Number AEO” column for the RCRA LQG program category.

Referred within 360 days

Enter the number of civil and/or criminal enforcement referrals made during the reporting year to the City Attorney, County Counsel, or the DA that were submitted within 360 days of non-compliance.

Cash Fines/Penalties Imposed

Enter the total amount of any fines/penalties imposed as the result of court or administrative actions, or the amount agreed upon in a formal legal settlement during the reporting fiscal year that the R.P. is required to pay in cash. This is based on the actual dollar amount of the fines/penalties. For multi-jurisdictional cases, the parties need to ensure that duplicative reporting does not occur. Do not include the value of Supplemental Environmental Projects (SEPs) that are imposed in lieu of a portion of the cash fines/penalties. Do not include fines/penalties for any non-Unified Program violation.

For this column enter a dollar amount – this is a currency field. Only include fines/penalties imposed during the reporting fiscal year.

Value of Supplemental Environmental Project (SEP) Penalties Imposed

Enter the total value of any SEPs that were imposed in lieu of a portion of the cash fines/penalties.

For this column enter a dollar amount – this is a currency field. Only include SEP values imposed during the reporting fiscal year.