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California Environmental Protection Agency

2013 Environmental Compliance and Enforcement Report

CalEPA
California Environmental Protection Agency

2013 Environmental Compliance and Enforcement Report

Air Resources Board
Water Resources Control Board
Department of Toxic Substances Control
Department of Pesticide Regulation
Department of Resources Recycling and Recovery
Office of Environmental Health Hazard Assessment

Edmund G. Brown Jr.
Governor

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Secretary for Environmental Protection

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Introduction

The California Environmental Protection Agency (CalEPA) is made up of the Office of the Secretary, the Air Resources Board, the State Water Resources Control Board and Regional Water Quality Control Boards, the Department of Toxic Substances Control, the Department of Pesticide Regulation, the Department of Resources Recycling and Recovery, and the Office of Environmental Health Hazard Assessment. The laws governing the implementation of the various environmental protection programs by CalEPA's boards, departments and offices also include requirements for ensuring compliance with those various program requirements. This report is a summary of the compliance and enforcement activities for calendar year 2013 and includes input from each board, department and office of CalEPA.

Under the Secretary for Environmental Protection, the Deputy Secretary for Law Enforcement and Counsel coordinates the enforcement activities for CalEPA. This includes developing a program to ensure consistent, effective, and coordinated compliance and enforcement actions, establishing a cross-media enforcement effort to assist in investigating and preparing matters for enforcement action, and where appropriate referring a violation to the State Attorney General, a district attorney, or city attorney for the filing of a civil or criminal action. This report provides an overview of CalEPA's cross-media enforcement compliance efforts, fulfilling the reporting requirements of Government Code section 12812.2.

The purpose of this report is to provide agency-wide information on environmental enforcement and compliance programs for calendar year 2013. The report presents an overview of environmental compliance and enforcement program activities including the enforcement program goals and objectives, major program highlights, successful enforcement cases, performance measures, multi-year summaries of enforcement action and penalties, and training efforts.

The Mission of CalEPA is to restore, protect, and enhance the environment, to ensure public health, environmental quality and economic vitality.

The Office of the Secretary

CalEPA Enforcement Steering Committee

The mission of the Enforcement Steering Committee is to plan and manage the continuing improvement and coordination of California's state, regional, and local environmental enforcement programs. The Steering Committee allows CalEPA and its boards, departments and offices to work together to increase coordination and consistency across enforcement programs. Through the Steering Committee, the agency can develop enforcement strategies jointly and share information about programs and cases to improve compliance rates, regulated entities' understanding of regulatory requirements, and environmental outcomes.

CalEPA Enforcement Training Team

The CalEPA Enforcement Training Team is comprised of members from CalEPA, the Office of the Secretary, and each of its boards and departments. The goal of the Training Team is to ensure that field personnel of state and local regulatory agencies have baseline training to ensure consistent, effective and coordinated enforcement. The Training Team partners with other regulatory agencies to conduct training throughout the year.

These regulatory agencies include:

- California District Attorneys Association (CDAA)
- California Office of Emergency Services (Cal OES)
- California Hazardous Materials Investigators Association (CHMIA)
- California Commission on Peace Officer Standards and Training (POST)
- California Specialized Training Institute (CSTI)
- Certified Unified Program Agency (CUPA) Forum Board
- Department of Forestry and Fire Protection (CAL FIRE)
- Department of Parks and Recreation
- Federal Law Enforcement Training Center (FLETC)
- U.S. Environmental Protection Agency (U.S. EPA)
- Western States Project

In 2013, CalEPA sponsored, co-sponsored, or participated in the following training activities:

- CalEPA Basic Inspector Academy – 8 four-day courses were conducted throughout the year in the following locations: Los Angeles, Merced, Sacramento, Camarillo, Chico, Davis, Clear Lake and Santa Ana. An additional one-day training was conducted in Fresno in conjunction with the CalEPA Environmental Justice Compliance and Enforcement Working Group's pilot project.
- Certified Unified Program Annual Conference – February 4-7
- Introduction to Environmental Enforcement, Western States Project – March 19-21

- California Hazardous Materials Investigators Association Training – April 16-18
- Advanced Topics in Environmental Prosecution, California District Attorneys Association – June 3-5
- Hazardous Materials Investigations, Cal OES – June 24-28
- The Smart Negotiator Workshop, Western States Project – August 20-21
- Advanced Environmental Crimes Training Program, U.S. EPA, CHMIA, Cal OES – September 16-20, September 23-27
- Introduction to Environmental Criminal Investigation, Western States Project – October 1-3

The CalEPA Enforcement Training Team also provided online training, via its Fundamental Inspector Course, throughout the year.

The Environmental Enforcement and Training Account Grant Program

The Environmental Enforcement and Training Account provides a non-general fund source of financial assistance for environmental enforcement, education and training to enhance statewide enforcement of environmental laws. (Pen. Code, § 14300 et seq. & Cal. Code Regs., tit. 27, § 10014 et seq.) Account contributions may come from public and private funding sources. The primary source of funds for the account is court-approved and administratively ordered environmental enforcement settlements. The amount available for distribution varies each year according to the funding contributions made in previous years. In 2013, funds from successful enforcement cases were contributed by the Department of Toxic Substances Control, as well as the Orange County District Attorney's Office.

Each year, funds in the Environmental Enforcement and Training Account are distributed according to the formula outlined in Penal Code Section 14314:

25% to the California District Attorneys Association for the Environmental Circuit Prosecutor Project

25% to the California District Attorneys Association for the Environmental Training Project

25% to the California Commission on Peace Officer Standards and Training (POST), up to $100,000*

The remaining balance to the Secretary to award grants supporting environmental enforcement training

*POST may decline all or part of the funds allocated, with any funds so declined going to CalEPA's grant program for the environmental training of peace officers.

CalEPA accepts applications for its Environmental Enforcement and Training Account Grant Program from September 1-30 each year. The Secretary awards grants from the remaining account balance to public agencies or private nonprofit organizations to support statewide environmental enforcement, education, and training programs for peace officers, investigators, state and local environmental regulators, and public prosecutors. In 2013, the Commission on Peace Officer Standards and Training declined its statutory portion of $63,796, and these funds were added to the remaining account balance to be used for grants supporting the environmental training of peace officers.

Discretionary Grants

The Secretary awarded a total of $127,500 in discretionary grant funds as follows:

- **$5,000** to the Central California Environmental Justice Network to provide training to regulators, agencies, and peace officers about its enforcement networks and other environmental justice issues affecting Central Valley communities.
- **$40,000** to the San Bernardino City Fire Department to procure necessary equipment and expand its hazardous materials and waste investigations unit, and to enable its peace officer arson investigators to attend environmental training courses.
- **$59,500** to CDAA for a multi-day training of peace officers, wardens, district attorney investigators and highway patrol officers in environmental crimes enforcement, and for continued operational support of the Circuit Prosecutor Project.
- **$23,000** to Orange County Coastkeeper to host a training for environmental regulators and peace officers focused on water quality violations, environmental justice, and investigation and enforcement strategies.

The Environmental Training Project

The California District Attorneys Association's Environmental Training Project is a primary source of environmental education for state and local prosecutors as well as law enforcement personnel. The project used its statutory distribution from CalEPA's Environmental Enforcement and Training Account to provide environmental enforcement training and education through a variety of special seminars, task forces, workshops, prosecutor roundtables, and publications. Training courses in 2013 were attended by over 200 prosecutors and law enforcement personnel, and included the Annual Environmental Law Enforcement Seminar, Environmental Crimes 101, and Advanced Topics in Environmental Enforcement.

The Environmental Circuit Prosecutor Project

The Environmental Circuit Prosecutor Project is a cooperative project of CalEPA and the California District Attorneys Association. The project fills the gap in enforcement of environmental laws in California's rural counties by providing environmental prosecutors to district attorneys who do not otherwise have prosecutors dedicated to environmental enforcement. In 2013, the project received its statutory distribution from the CalEPA Environmental Enforcement and Training Account, totaling $63,796, and continued to provide exemplary support to a majority of rural county district attorneys.

Table 2: Environmental Circuit Prosecutor Project Metrics

Year	Number of Prosecutors	Cases Opened	Cases Closed	Fines/Costs/SEPs	Jail Time	Probation
2008	4	50	39	$6,964,400	0 Days	8.5 Years
2009	3	26	38	$503,295	20 Days	21 Years
2010	3	18	16	$1,320,054	Not Reported	Not Reported
2011	3	49	35	$636,277	120 Days + 120 Days Community Service	10 Years
2012	2	49	35	$501,101	95 Days + 394 Days Community Service	18 Years
2013	2	33	43	$57,000	1,000 Hours Community Service	41 Years

Single Complaint Tracking System

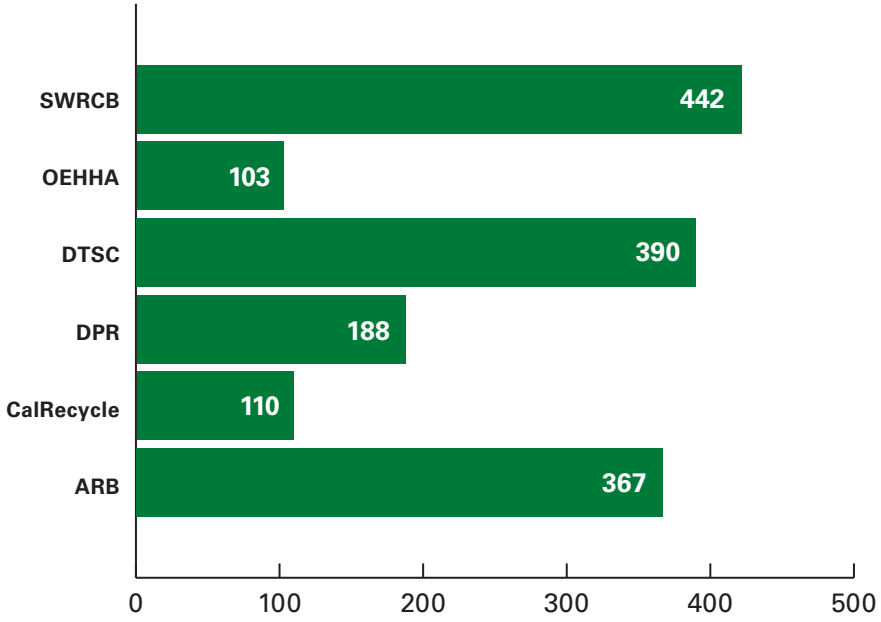
The Single Complaint Tracking System Committee was established to create an agency-wide, single complaint tracking system to receive, track, and respond to environmental complaints reported to CalEPA. This project resulted in a web-based system that provides a single point of contact for the public through the CalEPA website. The online complaint form is used to collect information about environmental complaints or enforcement tips. The system was designed as a tool to relay complaint information directly to the appropriate enforcement authority and to track complaint processing.

Complaints from members of the public are an important source of information about potential noncompliance with environmental laws. A single complaint system can facilitate cross-program responses where needed and assure that complaints are investigated and, if necessary, prosecuted properly. For example, in 2013, a citizen in Lake County filed a complaint through the system regarding unlawful asbestos removal. Following joint investigations by the appropriate agencies and collaboration with local prosecutors, a formal complaint was filed against the responsible party and prosecution was pursued. The single complaint system provides an effective outlet for reporting and following up on environmental concerns that may otherwise go undetected.

Table 1: Total Complaints Received by the Single Complaint Tracking System

YEAR	2008	2009	2010	2011	2012	2013
TOTAL	981	860	841	1033	1023	1324

Figure 1: 2013 Complaints Investigated by CalEPA Boards, Departments, and Office by Year*



* The total number of complaints investigated is higher than the total number of complaints received because some complaints require investigations by multiple BDOs (i.e., a complaint may involve potential violations of air, water, toxics and/or pesticide laws or regulations).

Environmental Justice Compliance and Enforcement Working Group

The Intra-Agency Environmental Justice Strategy, created in 2004, set forth the following goals linking enforcement to environmental justice:

1. Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
2. Ensure effective cross-media coordination and accountability in addressing environmental justice issues.
3. Ensure adequate and fair deployment of enforcement resources.
4. Give high priority to actions that will address violations in environmental justice communities.
5. Identify and target disproportionately disadvantaged economic areas, including Tribal areas and rural counties, in development, adoption, implementation, and enforcement of environmental laws, regulations, and polices.

To further the goals identified in the Environmental Justice Strategy, CalEPA formed an Environmental Justice Compliance and Enforcement Working Group (Working Group). The Working Group includes federal, state, and local agencies. In 2013, the Working Group selected its first target project area in the City and County of Fresno and established three goals: consult with and respond to issues raised by the Fresno community, encourage compliance assistance with regulated entities, and participate in multi-media inspections and enforcement.

The Working Group began meeting these objectives in 2013 through various activities. The efforts included a member-led community meeting in Fresno to explain the goals of the initiative and solicit community input, which was used to develop work plans for the participating member agencies. In addition, CalEPA directed its Basic Inspector Academy to the project area, conducting a one-day training program for state and local environmental inspectors. The class provided necessary tools for high-quality inspections and increased cross-media awareness to maximize inspection resources for the project. The Working Group also coordinated compliance and enforcement efforts, conducting over 200 inspections in the project area and carrying out compliance education and outreach activities. The report summarizing the Working Group activities is available on the CalEPA website: *www.calepa.ca.gov/Enforcement/Publications/2015/FresnoReport.pdf*.

California Environmental Reporting System Enforcement Data

The Unified Program for Hazardous Material Management consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs. (See the Unified Programs section for additional information.) CalEPA developed, implemented and maintains the California Environmental Reporting System (CERS) to support this program. This system provides for online business reporting of regulatory information across programs that regulate hazardous materials, hazardous waste, underground tanks and aboveground tanks. CERS also captures inspection and enforcement information reported by local governments. CERS supports direct input, file uploading, and electronic data exchange from local agency portals, consolidating the information into a single statewide database. Calendar year 2013 was the first year that businesses and local governments were required to submit electronically. In 2013 about 143,000 regulated businesses and 113 local governments were required to submit regulatory information.

Local government agencies entered 42,716 inspections into CERS in 2013 with a total of 30,384 violations. Of the violations, 20,215 violations, or about two-thirds, were minor violations. The inspection and violation information entered into CERS is only a portion of the information and does not yet represent a correct picture. For example, historical hardcopy inspection and

enforcement summary reports from CUPAs indicate that well over ninety percent of the violations are minor. CalEPA continues to work with local governments to enter all inspection information electronically.

Chart 1: 2013 Inspections and Violations by Program (incomplete)

Regulatory Program	Inspections	Violations
Hazardous Material Management	19,163	11,559
California Accidental Release Prevention	502	279
Underground Storage Tanks	6,041	4,659
Aboveground Petroleum Storage	1,663	1,060
Hazardous Waste Generator	14,335	12,223
Hazardous Waste Large Quantity Generator	532	288

As businesses and local governments continue to move fully to electronic reporting, the volume of enforcement data will continue to grow. The California Environmental Protection Agency's 2014 Environmental Compliance and Enforcement Report is expected to contain complete enforcement detail.

CalEPA Interagency Refinery Task Force

The Governor's Working Group on Refinery Safety published its draft report, "Improving Public and Worker Safety at Oil Refineries," in July 2013. This draft report recommended the creation of an Interagency Refinery Task Force to carry out the recommendations contained in the report and to promote more coordinated agency oversight of refineries. The report also recommended that the task force should continue as a permanent task force housed at CalEPA to provide an ongoing forum for interagency collaboration and to facilitate implementation of regulatory efforts. CalEPA formed the Interagency Refinery Task Force and held its first meeting on August 30, 2013, with additional meetings in October 2013 and December 2013.

The task force implemented two working groups to address the recommendations in the report. The Safety and Prevention Workgroup began work examining and modifying the CalOSHA and CalARP Process Safety Management standards in October 2013. The Emergency Preparedness and Response Workgroup began work at the same time on examining the emergency notification and response requirements. CalEPA also created a website for the Interagency Refinery Task Force in late 2013 to include information about the task force, its workgroups, and links to additional information gathered and developed with regard to refinery safety. The website is *www.calepa.ca.gov/refinery*. Through the Refinery Task Force, agencies with regulatory authority over refinery operations will coordinate efforts to increase compliance with environmental and worker health and safety laws at California's petroleum refinery facilities.

As a result of the Chevron Richmond Oil Refinery release and fire in August 2012, Chevron will pay $2 million in fines and restitution after pleading no contest to six misdemeanor criminal charges. Chevron accepted the terms, including three and a half years of probation, $1.28 million in fines, and more than $720,000 in restitution payments to three different agencies. The penalties resulted from joint charges filed in Contra Costa Superior Court by state Attorney General Kamala Harris and Contra Costa County District Attorney Mark Peterson.

Unified Programs

Unified Program Overview

California law consolidates six hazardous materials environmental programs in California into one regulatory program referred to as the Unified Program. (Health & Saf. Code, § 25404 et seq.) The Unified Program delegates inspection and enforcement activities for these programs to local agencies, which are certified by CalEPA and known as Certified Unified Program Agencies (CUPAs). A CUPA is a local agency, generally an environmental health agency, local fire department, or a designated state agency, that is responsible for the implementation of all the unified program elements within the local jurisdiction. The goal of the Unified Program is to reduce the impact of hazardous materials on public health and the environment by increasing statewide and cross-program consistency for more than 143,000 businesses regulated by 83 CUPAs. The Secretary for Environmental Protection is directly responsible for the implementation and oversight of the Unified Program by establishing uniform minimum standards and overseeing state agency partners who adopt and interpret the standards for their program elements.

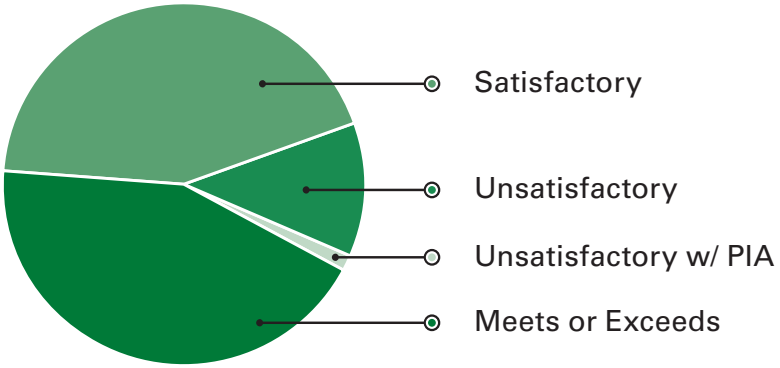
The Unified Program consolidates the administration, permits, inspections, and enforcement activities of the following six environmental and emergency management programs, which are managed by the state agencies also referenced below:

- Hazardous Materials Release Response Plans and Inventories (Business Plans) – Governor's Office Of Emergency Services (Cal OES)
- California Accidental Release Prevention (CalARP) Program – Cal OES
- Underground Storage Tank Program – State Water Resources Control Board (Water Board)
- Aboveground Petroleum Storage Act (APSA) Program – Cal Fire, Office of the State Fire Marshal (OSFM)
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment Programs – Department of Toxic Substances Control (DTSC)
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements – (OSFM)

A number of CUPAs also work with other local governments that implement one or more of the regulatory program elements. These other local governments are referred to as Participating Agencies. There are 83 CUPAs and 30 Participating Agencies for a total of 113 reporting entities, collectively known as Unified Program Agencies.

CalEPA and the state agencies listed above evaluate CUPAs at least once every three years. In 2013, the Unified Program conducted program evaluations for 19 of the 83 CUPAs. Results of CUPA evaluations conducted in 2013 show that 17 were considered satisfactory with improvements needed, and two were unsatisfactory with improvements needed.

Figure 1: CUPA Ratings in 2013

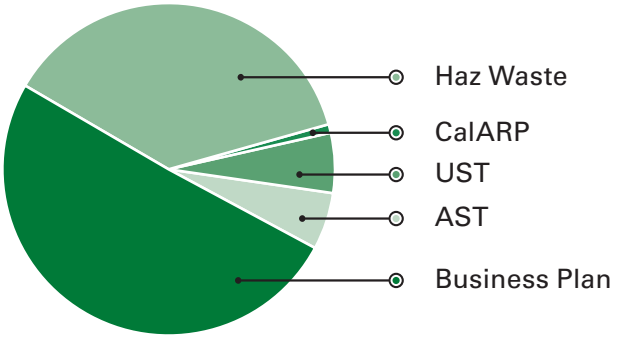


At the end of 2013, for the prior three years, 36 met or exceeded program standards, 37 were considered satisfactory with improvements needed, 9 were unsatisfactory with improvements needed, and 1 was unsatisfactory and subject to a Program Improvement Agreement.

The final outcome of each evaluation, as well as updates of each CUPA's progress toward correcting any deficiencies identified during the evaluation process are available at *http://cersapps.calepa.ca.gov/Public/Directory/CUPAEvaluationDocuments/*.

Size of the regulated "universe"

Figure 2: Regulated Businesses by Program Element



The number of regulated businesses reported by the CUPAs in FY 2012/2013 by program element are:

- Total Regulated Businesses – 143,336
- Business Plan Program – 122,534
- CalARP Program – 2,115
- Hazardous Waste Program – 89,590
- UST Program – 14,289
- AST Program – 13,117

Note: The numbers shown above, other than the total number of regulated businesses, include overlapping program elements. For example, a gas station will show up in the UST program, the Business Plan program and possibly the AST program.

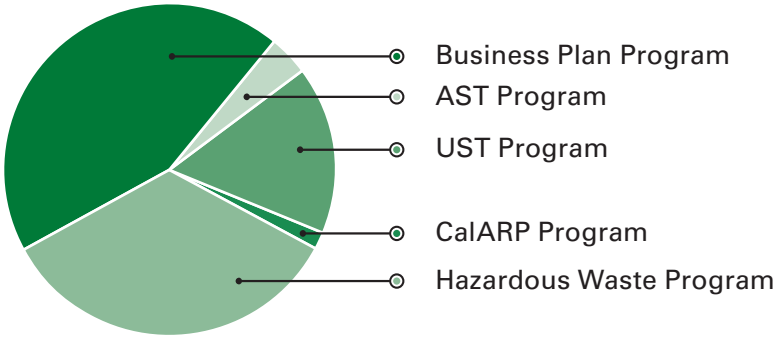
Inspection and Enforcement Overview

Summary Data

CUPAs are required to report the number of inspections and enforcement actions taken to CalEPA on an annual basis. A statewide summary of the annual reports submitted by the CUPAs is provided in the table below.

Inspections

Figure 3: Inspections by Program Element



CUPAs performed 98,060 inspections in FY 2012/13. Many of these inspections are multimedia and combined for efficiency in a consolidated inspection process. When possible, a CUPA's goal is to perform a single inspection that covers the combined program compliance requirements for regulated businesses in an attempt to incorporate all of the numerous statutes and regulations.

Enforcement Trends

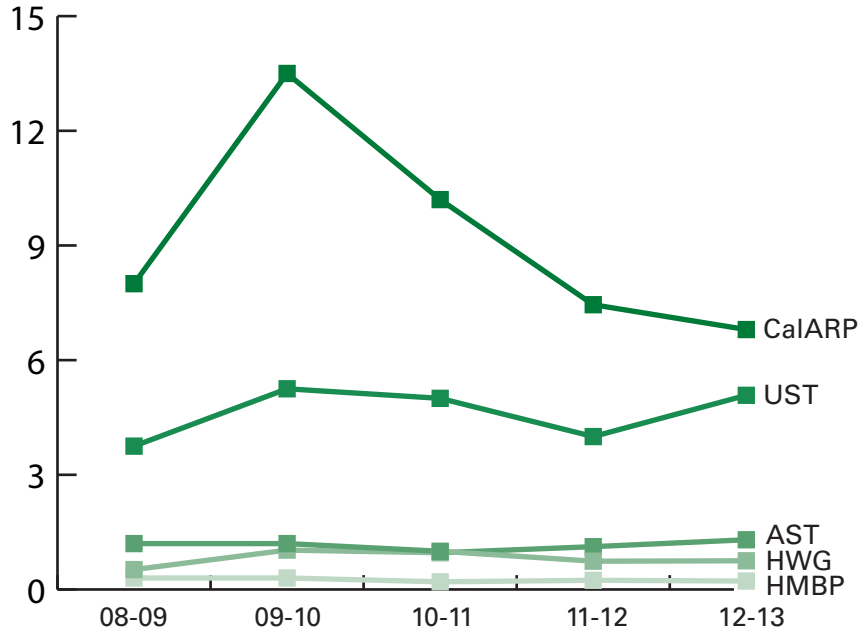
Table 2: Inspections and Violation Data Summary Comparison FY 2009-2010 to FY 2012-2013

Total Count	2009-2010	2010-2011	2011-2012	2012-2013
Regulated Facilities	146,205	144,124	145,101	143,336
Inspections (Routine only)	109,697	103,390	101,532	97,642
Facilities with Class I Violations	1,497	1,180	1,035	1,164
Civil /Criminal Referrals	1119	493	484*	142
Number of Administrative Enforcement Orders Issued	845	410	336	283
Penalties	$21,482,682	$6,286,680	$9,814,933	$8,792,620

* A single CUPA reported the majority of civil/criminal referrals in 2011- 2012. Attempts to validate that report were not successful and the number has been normalized to the 2010-11 reported value for that CUPA.

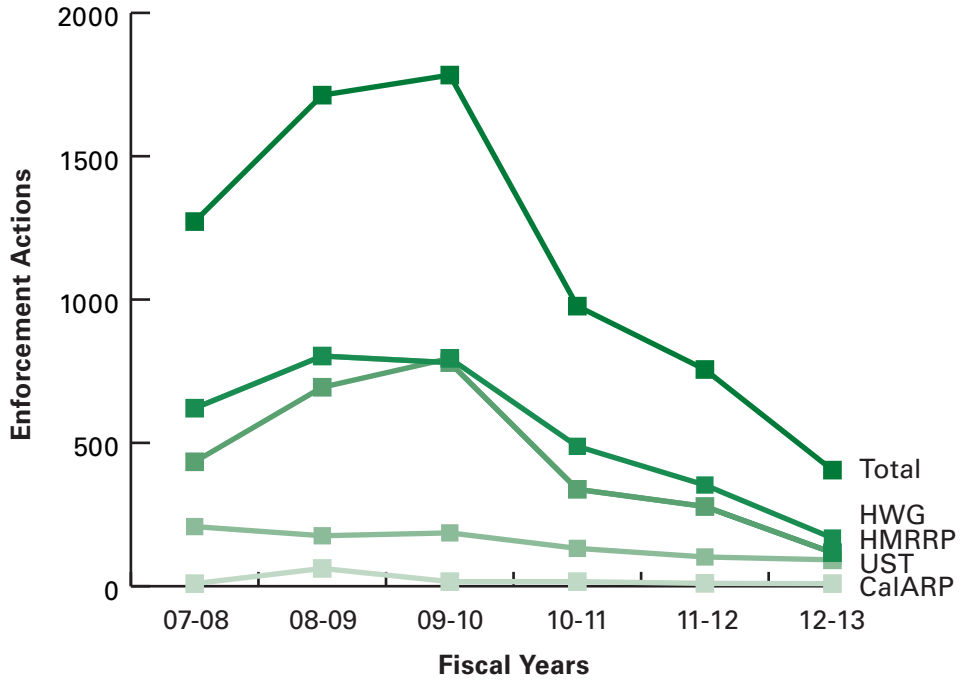
Formal Enforcement: In 2012-2013, there is a continued observable decrease in formal administrative enforcement actions taken by CUPAs (Table 2). This decrease is not unexpected, since the number of Class I violations per 100 routine inspections have also continued to decrease for the same year in all programs except the UST program (Figure 4).

Figure 4: CLASS I Violations per 100 Routine Inspections



In general, the number of formal enforcement actions has decreased since FY 2009-2010 (Figure 5). The decline in formal enforcement may be attributed to several factors, including attrition through retirements and position loss during the last economic recession, redirection of staff to meet requirements for electronic reports, and perhaps increased compliance by local business in some jurisdictions.

Figure 5: Formal Enforcement Trends (Administrative/Civil/Criminal Enforcement)

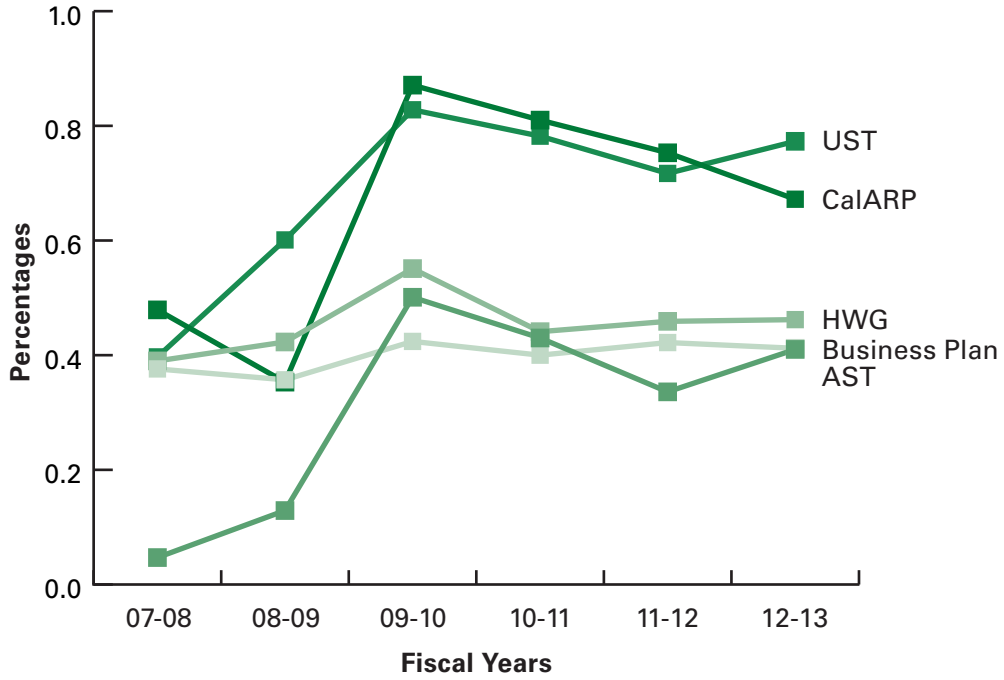


Enforcement Actions as a Percentage of Inspections (Figure 6): The percentage of inspections that result in an enforcement action (informal and formal) showed an increase over FY 2007/2008

through FY 2009/2010 in all five of the program elements. This shows that CUPAs were active in finding violations, documenting those violations, and taking some type of enforcement. More recently, from FY 2010/2011 to FY 2012/2013, all programs either flattened out or showed a slight decrease. This may be a result of escalating enforcement from the previous years, or more likely the result of significant resource reallocation to implementing electronic reporting which began in 2010/2011. A flattening or upward trend in future years could be expected as the implementation of electronic reporting is nearing completion.

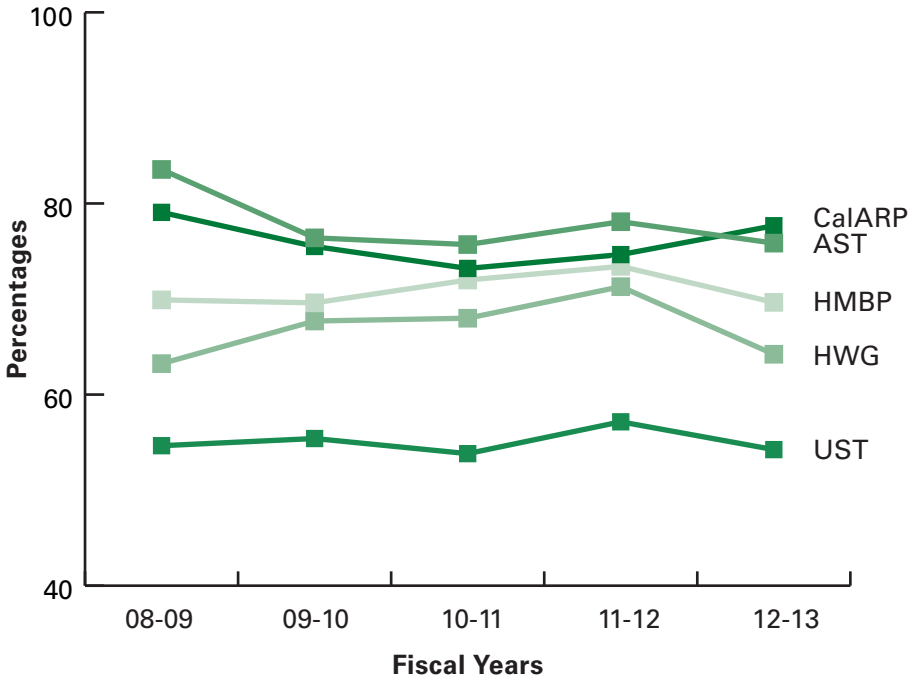
The number of enforcements as a percentage of inspections shows an overall slight increase of 0.4% to 0.5% between 2007 and 2013. There are a few anomalies, especially in UST and CalARP programs. FY 2008/2009 had decreases for three of the five program elements. The implementation of CERS and the collection of inspection and enforcement data will provide more detailed information in future years.

Figure 6: Enforcement as Percentage of Inspections



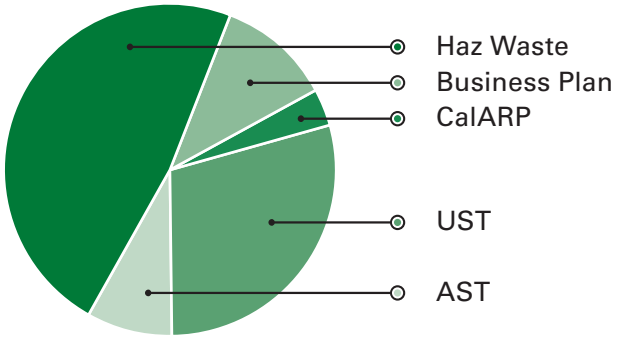
Facilities Inspected Without Violations: As noted below in the Performance Measures section, one measure of program success is the percentage of facilities inspected that did not have any violations. Since CUPAs track both minor and serious violations, this measure is a good indicator of compliance. The graph below shows that there has been a generally stable trend for businesses' compliance with the Business Plan, AST, Hazardous Waste Generator, and UST programs for the past five fiscal years.

Figure 7: Facilities Without Violations



Penalty Information: In FY 2008/2009, the Unified Program began accounting separately for the monetary value of Supplemental Environmental Projects (SEP). The total amount of penalties, not including SEP, assessed across all program elements for FY 2012/2013 was $6,240,358. By program element they were:

Figure 8: Penalty Spread by Program Element



- Business Plan facilities – $751,826
- CalARP facilities – $294,744
- UST facilities – $1,476,851
- AST facilities – $642,856
- Hazardous waste generator facilities – $3,073,979
- Value of SEP penalties – $2,103,803

CalEPA's guidance on SEPs recommends that the projects amount to no more than 25 percent of the total settlement exclusive of projected administrative costs. For FY 2012/2013, SEPs composed 25 percent of total penalties in compliance with this guidance.

Major Enforcement Cases for 2013

Local prosecutors settled statewide civil prosecutions related to hazardous materials and hazardous waste handling and management practices. The list below summarizes the total amounts awarded to CUPAs and state agencies in civil penalties and SEP assessments for each case. A direct link to the judgment for each case is provided.

People vs. Savemart Supermarkets, April 3, 2013

- 34 counties, 13 cities, and one state agency collaborated in this case.
- $2,550,000 total judgment included: $2,070,000 in civil penalties and $280,000 SEP.
- For more information please refer to the final judgment: *www.calepa.ca.gov/Enforcement/Orders/2013/SaveMart.pdf*

People vs. WINCO

- 17 counties collaborated in this case.
- $375,000 total judgment included $331,000 in civil penalties and the creation of two environmental compliance positions at WINCO to be staffed for a minimum of five years.
- For more information, please refer to the final judgement: *www.calepa.ca.gov/Enforcement/Orders/2013/WINCO.pdf*

People vs. Rite Aid, September 13, 2013

- 51 counties and 15 cities and two state agencies collaborated in this case.
- The judgment included $9,400,000 in civil penalties and $1,974,000 SEP.
- For more information, please refer to the final judgment: *www.calepa.ca.gov/Enforcement/Orders/2013/RiteAid2.pdf*

Performance Measures

Compliance

Table 3: FY 2012/2013 Compliance Percentages

Sector, facility type, or program focus	Total number of regulated facilities	Number of regulated facilities inspected	Number of inspected facilities with no violations	% of total facilities in compliance*	% of total facilities inspected
Business Plan	122,534	47,078	32,789	69.65	38.42
CalARP	2,115	963	748	77.67	45.53
UST	14,289	13,150	7,133	54.24	92.02
AST	13,117	4,047	3,070	75.85	30.85
Haz Waste	89,590	36,260	34,988	64.22	40.47
LQG**	1,642	678	417	61.50	41.29
HWT**	1,491	646	532	82.35	43.32
HHW**	209	82	69	84.14	39.23

* This percentage assumes that the compliance rate is equivalent for the total number of regulated facilities as it is for facilities inspected during the reporting year. In addition, the compliance rate is calculated by using the number of facilities with minor violations because the number of minor violations assessed annually is orders of magnitude greater than Class 1 or Class 2 violations, and dominates any calculation.

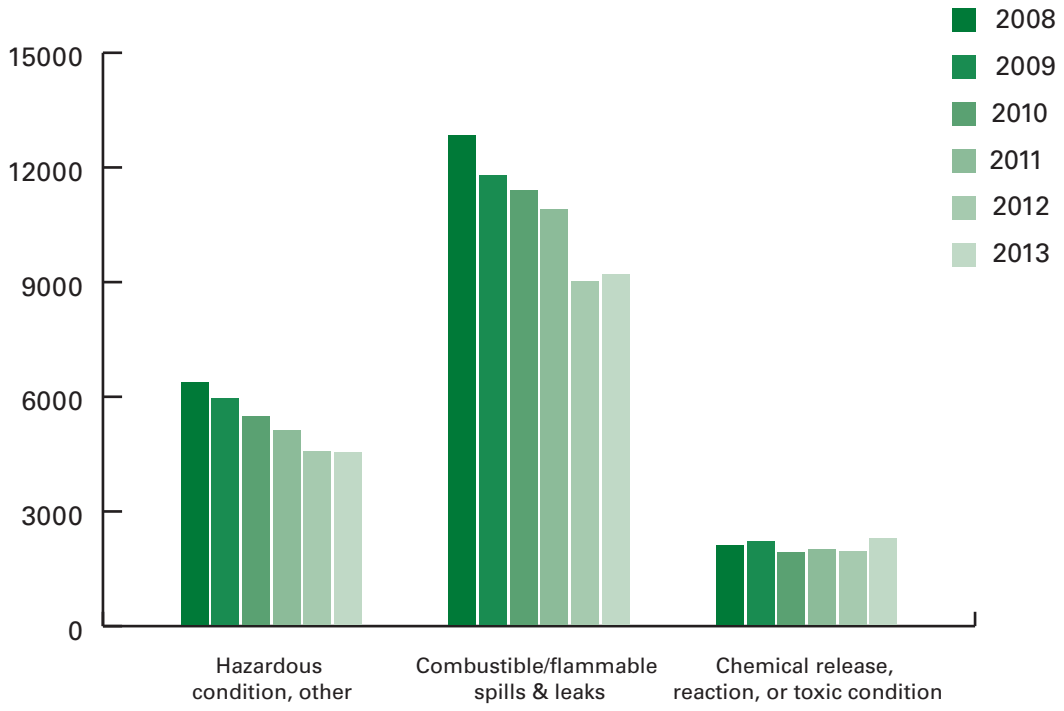
** Large Quantity Generators (LQG), Hazardous Waste Tiered Permitting (HWT), and Household Hazardous Waste (HHW) are each subsets of the Hazardous Waste Program.

In 2013, the Water Board reported that the frequency of required annual compliance inspections conducted by CUPAs remained the same at 95 percent (13,483 inspections conducted) as in 2012 (13,835 inspections conducted). The facility operational compliance percentage increased to 75 percent for release detection and 86 percent for release prevention, as compared to 68 percent in 2012. The Water Board reported that 144 new releases from USTs occurred in FY 2012/2013. Also in FY 2012/2013, 527 cleanup cases were initiated and 1066 were completed.

Public Health Indicators

Enforcement programs play an important role in protecting and improving public health and the environment. As the Unified Program has matured and oversight, inspections and enforcement have increased, we have seen decreases in hazardous conditions known to affect human health and the environment (Figure 10). In the graph below, incidents creating hazardous conditions have declined in nearly every category between 2009 and 2012, and stabilized in the last two years.

Figure 9: Hazardous Incidents Reported to the Office of the State Fire Marshal



Data Source: Cal Fire, Office of the State Fire Marshal, as reported by local fire agencies.

Chemical releases (Figure 9) have remained stable since 2008. This number of Hazardous Materials Spills Reported to Cal OES further illustrates that release of hazardous substances has stabilized over the last few years (Figure 10).

Figure 10: Hazardous Materials Spills Reported to the Governor's Office of Emergency Services

Additional Information

CalEPA Unified Program Homepage: *www.calepa.ca.gov/CUPA/*

Table 1: Inspection, Violation, and Enforcement Summary Data Fiscal Year 2012/2013

Total Count	Business Plan	CalARP	UST	AST	Haz Waste	LQG	HWT	HHW	Re-cyclers
No. of Regulated Business	122,534	2,115	14,289	13,117	89,590	1,642	1,491	209	N/A
No. of Regulated Businesses Inspected	47,078	963	13,150	4,047	36,260	678	646	82	N/A
*No. of Routine Inspections	44,724	765	13,346	3,611	33,915	635	570	76	N/A
% of Routine Inspections with Class I or II violation that RTC within 90 Days	69.65	77.67	54.24	75.86	64.22	61.50	82.35	84.15	N/A
*No. of Other Inspections	10,412	1,051	7,343	1,233	9,317	273	448	14	N/A
No. of Facilities with Class I Violation	97	52	678	47	255	18	14	0	3
No. of Facilities with Class II Violation	3,421	152	2,943	415	4,679	131	98	8	5
No. of facilities with Minor Violation	14,289	215	6,017	977	12,972	261	114	13	31
No. of Informal Actions	17,942	490	10,099	1,460	15,073	366	200	12	41
No. of Formal Actions	506	24	224	22	580	12	8	0	0
No. of Local AEOs	58	4	40	8	58	4	3	0	0
Total Number of AEOs	81	8	47	14	113	12	7	1	0
AEOs Issued within 240 Days	56	6	37	7	94	9	5	1	0
Total No. of Civil/ Criminal Referrals	36	1	45	5	55	2	1	0	0
Total No. of Civil/ Criminal Referrals	34	1	43	5	52	2	1	0	0
Cash Fines/Penalties	$751,926	$294,744	$1,476,851	$642,857	$3,073,980	$209,770	$82,521	$11,000	$0
Value of Supplemental Environmental Projects	$187,586	$0	$954,825	$43500	$917,892	$68,676	$76,492	$0	$0

* Routine Site Inspections are planned facility visits by an inspector to determine compliance.
* Other inspections are defined as non-routine inspections that are either follow-up inspections, referrals from state or federal agencies, or as a follow-up investigation to a citizen complaint.

Air Resources Board

The enforcement objective of the Air Resources Board (ARB) is to reduce emissions and facilitate compliance by working with other state, local, and federal agencies, and with environmental justice community groups, to improve air quality in California. ARB ensures that enforcement operations are conducted in a fair and responsible manner to promote a level playing field for the regulated community.

The Enforcement Division is responsible for enforcing regulations adopted by the Board, encompassing almost 70 separate air quality programs structured to reduce emissions from air pollution sources, including numerous mobile sources, motor vehicle fuels, and consumer products. While the sources of air pollution are numerous and diverse, common to each ARB regulation is the basic principle that air quality goals cannot be attained unless compliance is achieved.

The Enforcement Division's close working relationship with ARB's Legal Office is integral to the success of the enforcement program. Enforcement Division staff develop the cases, most of which are settled directly between it and the violator, resulting in the violator coming into compliance and paying appropriate civil penalties. For cases that cannot be resolved through this process, ARB attorneys help negotiate settlements and, when necessary, prepare cases for referral to the California Attorney General's Office, a local district or city attorney, or the U.S. Attorney's Office for civil litigation or criminal prosecution.

Upon case resolution, up to 25 percent of penalties may be applied to Supplemental Environmental Projects (SEP). SEPs are environmentally beneficial projects or payments that violators may undertake as part of settlement of an enforcement action. Two common SEP recipients in 2013 were the School Bus and Diesel Emission Reduction SEP and the California Council on Diesel Education and Technology (CCDET) SEP. The School Bus and Diesel Emission Reduction SEP provides funds for cleaner vehicles and equipment throughout California and is administered by the California Air Pollution Control Officers Association. The CCDET SEP distributes funds to CCDET programs to educate students and employees in the diesel industry on ARB regulations using hands-on training in a classroom and shop environment. The CCDET SEP money also enables colleges to purchase equipment to ensure that students are learning with current technology.

This report provides 2013 enforcement highlights including summaries of significant cases and penalties, training efforts, environmental justice activities, and program outcomes.

Highlighted Enforcement Cases for 2013

In 2013, the Enforcement Division settled 3,691 cases and collected $12,832,500 in penalties. These cases involved numerous regulatory programs including consumer products; heavy-duty diesel engines, vehicles, and other equipment used in goods movement and distribution; motor vehicle fuel composition and management during storage and distribution; ocean-going vessels and other marine fuels, vehicles, and equipment; locomotives; and other vehicles, engines, and aftermarket parts.

Roadside inspection of heavy-duty diesel trucks

Inspection of diesel-powered transport refrigeration unit

The Enforcement Division devotes about half of its resources to controlling emissions of diesel exhaust. California identified diesel exhaust particulate matter as a toxic air contaminant based on its potential to cause cancer, premature death, and other health problems. To reduce public exposure, numerous regulations have been developed, many as part of ARB's Diesel Risk Reduction Plan.

Field inspections are an important part of controlling diesel emissions. Inspections verify compliance with 10 different diesel regulations. In 2013, ARB conducted 29,913 inspections that resulted in 3,281 citations, an 89 percent compliance rate. Penalties totaled $1.3 million.

In addition to field inspections, desk audit investigations resulted in 256 diesel emission cases being settled for over $2 million.

There are also regulations in place to control emissions of other air pollutants, such as volatile organic compounds (VOCs) and oxides of nitrogen and sulfur, to reduce unhealthy concentrations of ozone and particulate matter in the air. One of the approaches ARB used to prevent emissions is adopting regulations that establish standards for the composition of motor vehicle fuels, i.e., gasoline, diesel, and alternative fuels such as propane and biofuels.

Mobile fuels laboratory and sample canisters

Analyzing a fuel sample in the mobile fuels laboratory

The Enforcement Division enforces these regulations by conducting inspections throughout the motor vehicle fuel distribution chain, with emphasis on import and production facilities. Focusing on upstream facilities prevents illegal fuel from being distributed to large numbers of gas stations. The Division's mobile fuels laboratory allows staff to travel around the state collecting and analyzing samples of gasoline and other fuels. Same-day analysis enables enforcement staff to take immediate action to prevent flow of violating fuel into the marketplace, resulting in a 98 percent compliance rate. In 2013, the Enforcement Division collected 1,474 samples of gasoline and 283 samples of diesel fuels.

Heavy-Duty Diesel Vehicle and Goods Movement Cases

Heavy-duty diesel vehicles are used for a variety of tasks, including utilities, solid waste collection, urban transit, bus transit to schools, public agency activities, and goods movement. Goods are moved and distributed throughout California via heavy-duty diesel vehicles, ocean-going vessels, diesel-powered cargo handling equipment at ports and rail yards, and locomotives.

Ports are centers of goods movement

KS Industries Case Settles for $230,250

Although heavy-duty diesel vehicles comprise less than 2 percent of California's on-road fleet, they produce more than 33 percent of the nitrogen oxide (NOx) and more than 65 percent of the particulate matter emissions attributed to motor vehicles. Because of the toxic nature of the sooty particles found in diesel exhaust, the emissions from these vehicles are of particular concern, especially in populated areas.

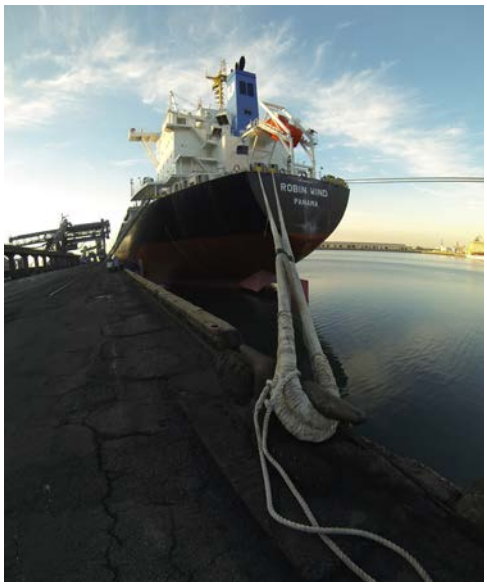
KS Industries is a national engineering and construction company with a fleet based in Bakersfield. An investigation revealed that KS Industries was in violation of the Statewide Truck and Bus Regulation for not meeting the model year engine compliance schedule. The company failed to install particulate matter filters on 20 trucks by January 1, 2012, and on 30 trucks by January 1, 2013. To settle the case, KS Industries agreed to the $230,250 penalty and to comply with the Statewide Truck and Bus Regulation and other ARB programs. Part of the settlement, $57,562, went to the School Bus and Diesel Emission Reduction SEP.

Thermo King Corporation Case Settles for $213,200

ARB's Verified Diesel Emission Control System program ensures that retrofit emission control devices for heavy-duty vehicles are manufactured and perform in accordance with ARB standards. The Thermo King Corporation's electric regenerative diesel particulate filter (eDPF) was conditionally verified for use on truck sleeper berth auxiliary power units for a period not to exceed three years from June 24, 2008. An ARB investigation showed that Thermo King Corporation continued to sell eDPFs after the conditional verification had expired. To settle the case, Thermo King Corporation agreed to a $213,200 penalty and to comply with ARB's Verification Procedure and the applicable Executive Order. In addition, the company agreed not to sell filters in the future without ARB's written approval, extend the warranty for filters not covered by verification letters to 3,000 hours, and notify the affected end users.

Hoegh Autoliners Shipping AS Company Case Settles for $299,500

ARB adopted the Ocean-going Vessel Regulation to protect the health of those who live near the state's busy ports and trade corridors. Switching from dirty "bunker" fuel to cleaner low-sulfur marine distillate fuel upon entering regulated California waters is required by State law. In 2013, ARB conducted 1,004 ship inspections to check for proper fuel usage, recordkeeping, and other compliance requirements. Staff collected marine gas oil or marine diesel oil samples for submission to ARB's laboratory to ensure they met California standards for sulfur.



Ocean-going vessel at port

An ARB investigation showed that on 17 visits to California ports between November 6, 2009, and July 18, 2011, the vessel Hoegh Inchon operated its main engines within regulated California waters on bunker fuel, contributing to onshore pollution levels of diesel particulate matter, sulfur oxides, and nitrogen oxides. The parent company, Hoegh Autoliners Shipping AS Company of Oslo, Norway, was fined $299,500 and agreed to abide by all pertinent ARB regulations, follow fuel switchover requirements, and keep accurate records.

Vehicles, Engines, Aftermarket Parts, and Consumer Products Cases

ARB has established certification procedures for vehicles, engines, and aftermarket parts to ensure that companies manufacture products that comply with emission standards. Once products are certified, ARB issues an Executive Order detailing conditions of manufacture and performance. Vehicles include cars, trucks, on- and off-road motorcycles, off-highway recreational vehicles, and recreational watercraft. Engines include large spark-ignition, compression ignition, and small off-road engines. Aftermarket parts include catalytic converters, fuel injectors, turbo chargers, superchargers, computer devices, sensors, and other engine performance enhancers. Products that do not meet California's emission requirements, or are modified after their sale, pose a significant health threat to California residents. These products create higher amounts of smog-forming pollutants, which can exacerbate respiratory ailments and negatively affect other health conditions, causing shortness of breath, headaches, or cancer.

Consumer products

To achieve air quality standards and to reduce the public's exposure to toxic air contaminants, it is necessary to control emissions from many small sources. There are more than 25,000 common everyday consumer products which cumulatively contribute to the formation of ground-level ozone, a major part of California's smog problem. Products that contain ozone-producing volatile organic compounds (VOC) include aerosol paints, adhesives, antiperspirants and deodorants, cleaning and degreasing products, polishes, personal and beauty care products, lawn and garden products, lubricants, disinfectants, sanitizers, automotive specialty products, paint thinners, and solvents.

Midway Importing Inc. Case Settles for $213,000

Midway Importing Inc., based in Houston, Texas, is a nationwide distributor and marketer of health and beauty care brands. During routine inspections at retail outlets in California in 2010, Enforcement Division staff purchased Gorilla Snot, a hair gel manufactured in Mexico. The product was tested by ARB's Monitoring and Laboratory Division and found to have exceeded the VOC limit for hair styling products. Further investigation revealed that other similar hair gel products were imported into the United States and distributed in California by Midway Importing. The company paid a penalty of $213,000 and agreed not to sell, supply, or offer for sale for use in California any consumer products in violation of ARB consumer products regulations.

Piaggio Group Americas Inc. Case Settles for $175,000

Piaggio Group Americas Inc., headquartered in New York City, imports and offers for sale scooters, motorcycles, and mopeds manufactured in Europe by the parent company. ARB investigators discovered a number of Aprilia brand motorcycles that were being offered for sale in California without first receiving an Executive Order, the official certification of compliance with state emissions standards. In addition, it was also determined that various Aprilia models had been manufactured with easily adjustable calibrations that were not disclosed to ARB during the certification process.

Variable or adjustable calibrations within the emission control system allow motorcycle dealers and owners to change how the engine runs. This may result in enhanced vehicle performance but could also significantly increase smog-forming emissions. Such adjustable calibrations are prohibited by California law if they are not disclosed to ARB prior to the vehicle's approval for sale. They are also prohibited if the emission control systems make it possible for vehicle owners or dealerships to make adjustments outside the certified configuration. The penalty amount was $175,000.

Husqvarna Professional Products, Inc. Case Settles for $1,038,000

Husqvarna is a Swedish company with a Consumer Outdoor Products Division that manufactures and distributes handheld outdoor power equipment. An ARB investigation discovered that over a period of three model years, spanning from 2011 to 2013, Husqvarna Professional Products, Inc. staff failed to obtain certification for nine different small off-road engine families prior to their sale in California. These engines powered thousands of hand-held consumer power products such as line trimmers, leaf blowers, and chain saws. Husqvarna agreed to a fine of $1,038,000, implemented new administration procedures related to emissions certification, and improved management oversight of the process.

Ed Tucker Distributor, Inc. Case Settles for $500,000

Ed Tucker Distributor, Inc., based in Fort Worth, Texas, is a distributor of motorcycle and all-terrain vehicle aftermarket parts, accessories, and apparel. An ARB investigation revealed that two Tucker companies, Tucker Rocky Distributing and Biker's Choice, sold, advertised, and offered for sale aftermarket parts to replace original emissions-critical components, such as catalytic converters for motorcycles. California anti-tampering laws prohibit the sale, distribution, and installation of parts that modify the emissions control systems of vehicles unless the modifications are proven to neither reduce the effectiveness of those systems nor cause excess emissions.

Aftermarket parts

ARB investigators found that between 2009 and 2013, Tucker Rocky Distributing and Biker's Choice failed to take advantage of an industry-requested regulation that provided aftermarket motorcycle exhaust manufacturers, distributors, and retailers a way to legally sell their products. This regulation allows modifications to emissions control systems once they undergo an engineering evaluation to ensure they are durable and continue to meet applicable emission standards. Parts successfully completing this process receive an Executive Order exemption that allows their sale and installation on pollution-controlled motorcycles. Ed Tucker Distributor, Inc. was fined $500,000 for violations of air quality laws related to the sale of illegal aftermarket "emissions-critical" parts in California. The company implemented a compliance plan to inform their dealers and customers about the types of motorcycle exhaust systems that are legal for sale in California.

Training and Outreach

Air District Oversight

Support services provided by the Enforcement Division to local air districts include rule reviews, variance reviews, Air Facility System and Continuous Emissions Monitoring System support services, stationary source and equipment inspection services, and specialized investigation services.

Public Outreach

The Enforcement Division provides hotline services as part of CalEPA's Single Complaint Tracking System. Also, in 2013 field staff inspected thousands of trucks throughout California as part of several ARB public outreach events to publicize the state's heavy-duty diesel vehicle regulations. Locations included the Mexican border, East Los Angeles, Los Angeles, Fresno, Salinas, and Sacramento.

California Council on Diesel Education and Technology (CCDET)

Upon case resolution, up to 25 percent of penalties may be applied to SEPs. In 2013, as a result of 137 settled diesel cases, $417,167 in SEP funding was disbursed to support 69 CCDET classes. Also, coordinated efforts through CCDET enabled the Santa Ana College Diesel Technology Program to upgrade and repair transport refrigeration units used by the not-for-profit Montebello, California-based Heart of Compassion (HOC) food bank. Another CCDET college, LA Trade Tech College, conducted emissions tests on the food bank's trucks. As a result of these efforts, this food bank continues to serve the greater Los Angeles region while reducing diesel particulate emissions.

Diesel engines at instructional facility

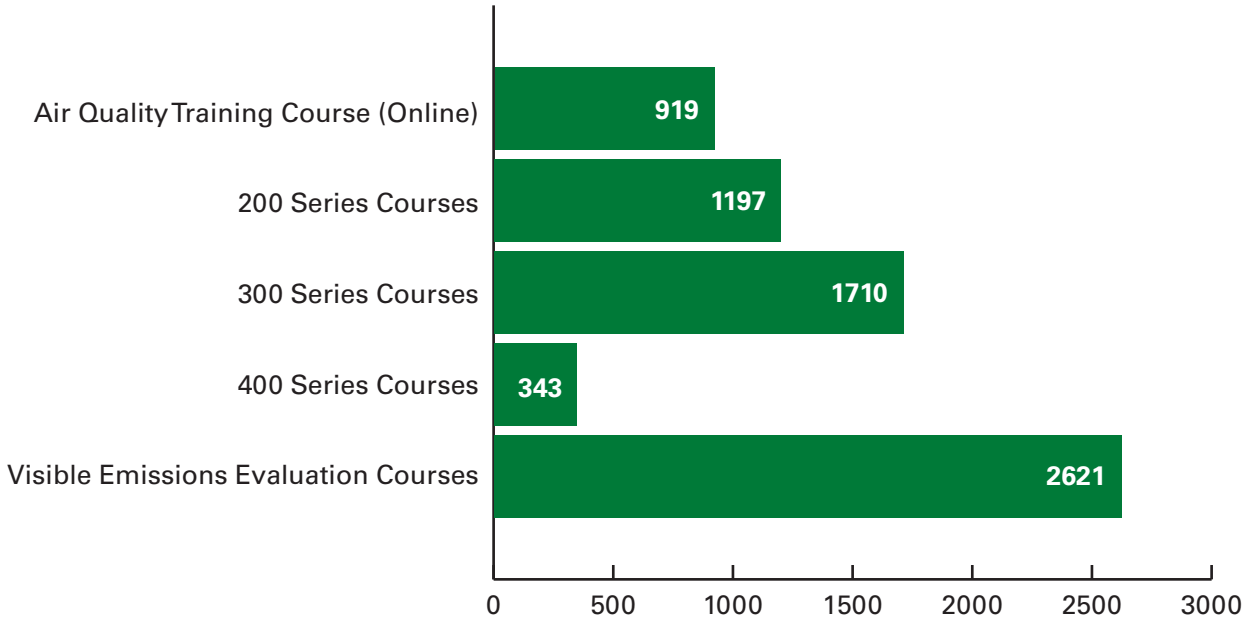
Training Program

ARB's Training Program provides comprehensive education to environmental professionals. The Training Program provides entry-level to advanced training focusing on a standardized core curriculum (100, 200, 300, and 400 series courses). Courses cover pollution history, air pollution control regulations, procedures for evaluating emissions and analyzing industrial processes, emission control application and theory, and waste stream reduction. ARB's Training Program serves as a model for training programs across the country.

The Fundamentals of Enforcement and Visible Emissions Evaluation (VEE) Program is a specialized training and certification program, commonly referred to as "Smoke School." The program standardizes methods utilized by local air district and ARB inspectors, industry personnel, and other environmental personnel across the state to determine the legality of visible emissions (smoke, fumes, dust, etc.). These methods are most commonly applied to stationary sources but can also be applied to construction sites and mobile sources.

The figure below shows student enrollment statistics in ARB's Training Program courses for 2013.

Chart 1: Student Enrollment in Training Courses in 2013



Environmental Justice

State law defines environmental justice (EJ) as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. The ARB's "Environmental Justice Policies and Actions" established a framework for incorporating EJ into ARB programs, consistent with the directives of state law.

Enforcement Division staff conduct field inspections of heavy-duty trucks operating within designated EJ communities, including seaports in Los Angeles, Long Beach, Port Hueneme, Oakland, and Stockton, and at major distribution centers, rail yards, and truck stops in and near residential communities. A primary focus of EJ community inspections is on drayage trucks, which transport goods from distribution centers, and on transport refrigeration units, which often use diesel engines to refrigerate goods during transport. To mitigate excessive toxic emissions from Mexico-domiciled vehicles, the Enforcement Division maintains on-road vehicle inspection

sites at the Otay Mesa, Calexico, and Tecate border crossings as well as other nearby locations.

In 2013, the Enforcement Division conducted 3,933 inspections of heavy-duty vehicles in or near EJ communities. There was a 91 percent compliance rate with diesel regulations, and 370 citations were issued. As part of ARB's EJ efforts, the Enforcement Division participated in CalEPA's environmental strike force effort in Fresno. Two roadside inspection events resulted in 214 vehicle inspections and 35 citations, an 84 percent compliance rate.

Also, ARB partnered with Caltrans, cities, and counties to identify and install "No Idling" signs in strategic locations throughout the state, as part of an ongoing multi-year effort.

Reducing exposure to diesel exhaust by restricting idling

Performance Measures

The table below indicates the total number of cases closed and penalties assessed in 2013.

Table 1: 2013 Enforcement Actions and Penalties by Program

Program	Enforcement Actions Closed	Penalties
Consumer Products[1]	63	$1,594,625
Engine and Parts[2]	56	$2,822,482
Fuels[3]	34	$456,000
Goods Movement[4]	3512	$4,623,893
Vehicles[5]	26	$3,335,500
Total	**3691**	**$12,832,500**

1 Consumer Products Programs include consumer products, aerosol coatings, composite wood products, and indoor air cleaning devices.
2 Engine Programs include large spark ignition, compression ignition, and small off-road engines. Parts Program includes aftermarket parts such as catalytic converters, fuel injectors, turbo chargers, superchargers, computer devices, sensors, and other engine performance enhancers.
3 Fuels Programs include gasoline and diesel fuels and vapor recovery from cargo tanks and dispensing facilities.
4 Goods Movement Programs includes heavy-duty diesel fleet investigations, heavy-duty diesel field inspections, the railroad MOU with U.S. EPA, and all marine programs, including ocean-going vessels.
5 Vehicles Programs include certifications of on- and off-road cars, trucks, and motorcycles, off-highway recreational vehicles, and recreational watercraft.

The table below indicates the number of closed cases and penalties assessed over the last four years, from 2010 through 2013.

Table 2: Enforcement Actions and Penalties from 2010 through 2013

Enforcement Actions	2010	2011	2012	2013
Cases Closed	3,701	3,536	2,713	3,691
Penalties	$12,450,560	$6,652,309	$16,094,959	$12,832,500
SEPs	$336,672	$293,383	$525,618	$417,167

Additional Information

Specific case settlement summaries can be viewed at *www.arb.ca.gov/enf/casesett/casesett2013.htm*. Please note that it is ARB's practice to keep confidential the names of entities involved in pending enforcement actions, and that this convention will be observed in any pending case summary information. A more comprehensive summary of Enforcement Programs and the Enforcement Division's significant accomplishments may be viewed in the 2013 Annual Enforcement Report at: *www.arb.ca.gov/enf/reports/reports.htm*.

Air Districts

Enforcement Program Overview

There are 35 local air pollution control and air quality management districts in California. The earliest local air districts were created in response to urban air pollution problems in San Diego, Los Angeles, and the San Francisco Bay Area. In 1970, legislation established a local air pollution control or air quality management district in every county in California. State law recognizes existing multicounty districts and provides mechanisms for districts to unify into regional agencies.

Compliance with air pollution control requirements is determined and achieved through a variety of activities, approaches, and tools. This report includes findings of a review of selected compliance program elements and associated data. Overall, the data reveal a robust enforcement and compliance assistance program with substantial funding and staff resources that achieve a high degree of compliance with applicable air quality requirements. Compliance assistance and outreach programs proactively prevent violations from occurring, and when violations do occur, enforcement actions bring about a prompt return to compliance.

Air Districts Enforcement Program Goals

- Ensure compliance with air pollution standards to protect public health and welfare.
- Ensure fair, consistent, responsible, and comprehensive enforcement of air pollution laws to achieve anticipated emission reductions and to provide a level playing field for all regulated communities.
- Provide outreach and compliance assistance to the regulated community to improve the knowledge of regulated stakeholders and proactively assist them in complying with air quality requirements.
- Provide high-quality and equitable service to the public by responding to complaints that may cause harm or discomfort to the public, especially in environmental justice and other communities that may be disproportionately affected by air quality issues.
- Continue to work with federal, state, and other local air quality agencies to improve inter- jurisdictional cooperation and effectively leverage resources to improve air quality in the areas of California most affected by air pollution.

Figure 1: California Air Districts and Counties

For a more comprehensive discussion of the functions and organizational structure of local air pollution control and air quality management districts in California, please refer to the 2011 CalEPA Environmental Compliance and Enforcement Report at *www.calepa.ca.gov/Enforcement/Publications/2011/EnforceRpt.pdf*

Enforcement Program Components

Background

Several important components are consistent across California's robust air pollution enforcement programs. This report focuses on field enforcement activities, namely inspections and investigations. The data is from a survey conducted by the California Air Pollution Officers Association (CAPCOA), an association representing all 35 local air quality agencies throughout California, of district enforcement and compliance statistics. CAPCOA reviewed and compiled enforcement data from 20 local air districts for calendar year 2013. The survey represents data from a large sample of the districts in California, including large, medium, and rural districts. These 20 districts represent more than 98 percent of the population in California. Due to resource constraints, not all districts were able to expend the effort to compile and report the data requested in the survey. Since air pollution has a direct link to population in terms of its causes and impacts, CAPCOA believes that the large sample size of the survey is a statistically representative sampling and provides a comprehensive picture of local district activity in California in terms of population, air pollution sources, and enforcement.

The 2013 survey covered 20 discrete measures of compliance program performance from each of these districts during 2013. These included information such as agency resource commitments, total numbers of facilities regulated, enforcement and compliance activity statistics, and total civil penalties collected.

Generally, the data reported here concern field inspections and investigations. An inspection entails a visit to the actual facility site and observation of the equipment during operation. The inspector will review the operation against the requirements listed in the permit and/or against the requirements contained in any applicable federal, state, or local air regulation.

For a more comprehensive discussion of the enforcement program components and measures of compliance program performance summarized in this report, please refer to the 2011 CalEPA Environmental Compliance and Enforcement Report. This report can be viewed at: *www.calepa.ca.gov/enforcement/Publications/2011/EnforceRpt.pdf*

Major Program Highlights

The following statistics measure performance of selected enforcement and compliance program elements at the 20 surveyed air districts for activities conducted during 2013. These districts include more than 98 percent of California's residents. As described in greater detail below, these data were gathered through an extensive survey process. They describe a robust and effective enforcement and compliance program for stationary sources of air pollution. Program achievements during 2013 include:

- Over 59,000 inspections of traditional stationary sources;
- Over 6,700 inspections of Major Permitted Sources (Title V Facilities);
- More than $17 million collected in penalties for settled violations;
- More than $2.7 million required in non-monetary violation settlements;
- Over 18,500 air quality complaints investigated;
- Over 8,700 violations discovered and enforcement actions taken;

- Over 6,700 minor violations identified, but only requested companies to come into compliance without issuance of any Notices of Violations;
- Over 470 variances approved by air districts' Hearing Boards to allow businesses to continue operations while coming into compliance;
- Over 2,400 breakdowns reported and investigated;
- Over 5,500 inspections for asbestos pursuant to NESHAP for Asbestos;
- More than 6,300 inspections of CARB registered portable equipment;
- More than 560 full-time employees involved primarily in compliance and enforcement of air pollution control laws;
- Approximately 24 percent of total district budgets dedicated to enforcement.

What the Reported Data Tell Us

The reported data show that local air districts dedicate substantial resources to enforcement of stationary source air pollutant requirements and other special requirements such as federal standards for hazardous air pollutants. The data also show the efficient use of resources to produce measurable enforcement and compliance presence to ensure high rates of consistent ongoing compliance.

Table 1: Enforcement Actions

Enforcement Actions	2008 (20 of 35 Districts)	2010 (20 of 35 Districts)	2012 (20 of 35 Districts)	2013 (20 of 35 Districts)
Number of Violations Discovered	13,840	10,113	10,664	8756
Cash Value of Violations Settled	$18,897,700	$22,516,712	$15,929,988	$17,227,589
Non-Cash Settlement Value of Violations*	$6,527,585	$1,223,207	$281,937	$2,740,705

* Non-cash settlements reflect in-kind or other benefits by the violating facility in the community in which the facility may be located.

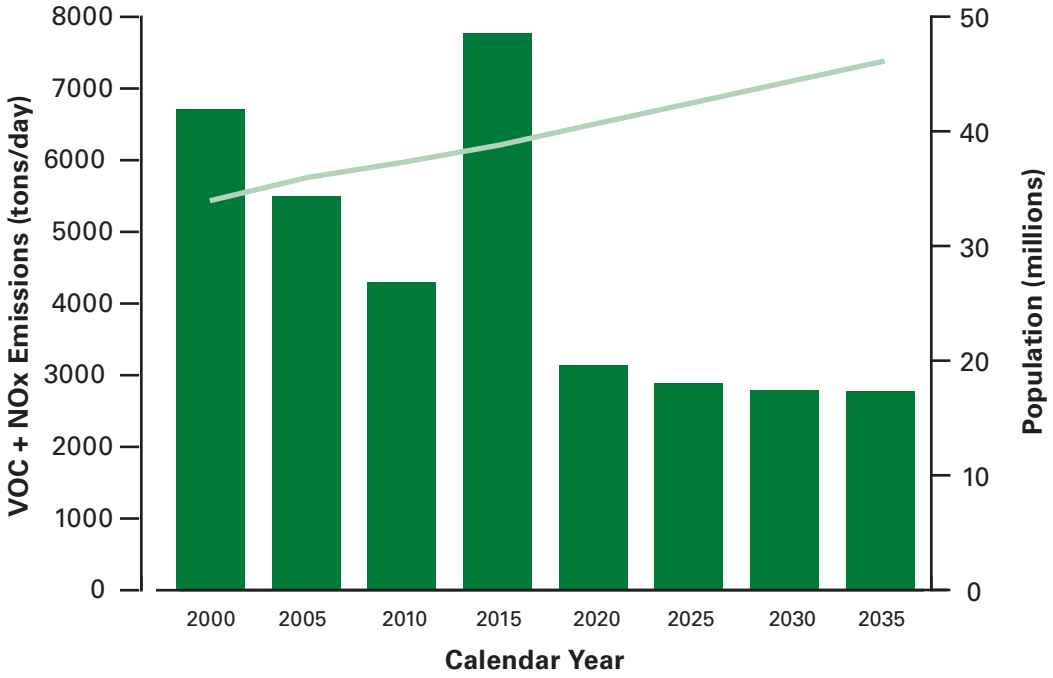
Public Health Indicators

One measure of the effectiveness of an air pollution control and enforcement program is air quality trends. The following graph shows the remarkable overall improvements in air quality in California despite increases in population. In addition to the general overall improvements in air quality, several air districts met air quality standards for $PM_{2.5}$ in 2013. The U.S. EPA approved the clean data findings for the 24-hour $PM_{2.5}$ standard for the San Francisco Bay Area, Sacramento Metropolitan Area, and Butte County Air District. These air districts met the 24-hour $PM_{2.5}$ standard for 2013 but still have a nonattainment designation. In regard to ozone, the U.S. EPA determined that San Diego County is now in attainment for the 1997 80 ppb (parts per billion) 8-hour ozone standard but not the more stringent 2008 8-hour standard (75 ppb), for which the county is in "marginal nonattainment."

Currently, the ARB estimates that 63 percent of California residents reside in areas that meet the federal standard for ozone, compared to only 24 percent in 1990.

For a more comprehensive discussion on California's progress toward cleaner air as well as challenges that remain in meeting health-based air quality standards, please refer to CAPCOA's report titled "California's Progress Toward Clean Air," April 2014, which provides objective information for California residents and other interested parties regarding California's remarkable journey toward cleaner air and the challenges that remain. This report can be viewed at the website for the California Air Pollution Control Officers Association (CAPCOA).

Figure 1: Air Pollution Decreases as Population Increases



arb.ca.gov/aqd/almanac/almanac13/almanac13.htm

Additional Information

For additional information regarding all 35 local air districts in California, visit the website for the California Air Pollution Control Officers Association (CAPCOA, *www.capcoa.org*).

Department of Toxic Substances Control

Enforcement Overview

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products. The Enforcement and Emergency Response Division (Enforcement Division) and the Office of Criminal Investigations (OCI) perform most of the enforcement activities within DTSC. The mission of Enforcement Division is to promote a healthier environment for all Californians through fair, consistent, and timely enforcement. DTSC's OCI has the only sworn law enforcement officers in state service specially trained to investigate the most serious environmental criminal offenses.

As part of California's authorization to manage California's hazardous waste program in lieu of the federal program, DTSC regulates more than 80,000 entities to ensure compliance with hazardous waste laws and regulations. DTSC is responsible for overseeing permitted hazardous waste facilities; hazardous waste generators; hazardous waste transporters; facilities that treat hazardous waste on site; transportable hazardous waste treatment units; and electronic waste recyclers, processers, and collectors. DTSC's primary enforcement activities include the following:

- Regularly inspect facilities that are authorized under full permits and standardized permits for compliance with applicable requirements for hazardous waste treatment, storage and disposal;
- Inspect hazardous waste generators, transporters, used oil recycling facilities and handlers, and electronic waste recyclers and handlers;
- Target compliance initiatives to specific geographic regions and industries by using data and intelligence sources;
- Collaborate with DTSC's Office of Permitting and Geologic Services Branch to evaluate and inspect groundwater monitoring systems at operating and closed land disposal facilities;
- Solicit illegal hazardous waste management complaints, operate the statutorily mandated Waste Alert Hotline, collaborate with CalEPA to implement the Single Complaint Tracking System for environmental complaints, and triage investigation-related complaints for referral to other agencies;
- Investigate illegal hazardous waste activity and restricted materials complaints;
- Conduct timely and appropriate enforcement actions on violations found through inspections and complaint investigations;
- Support DTSC's Office of Permitting in evaluating permit and permit modification applications;
- Support and evaluate the hazardous waste portion of the implementation of the Unified Program;
- Implement the Unified Program as the CUPA for Imperial and Trinity Counties;

- Coordinate and provide trainers for the CalEPA Basic Inspector Academy training, for CalEPA BDOs, CUPAs, and other law enforcement agencies; and,
- Coordinate hazardous waste inspection and enforcement activities with U.S. EPA, CUPAs, and other agencies.

Enforcement Highlights for 2013

The following statistics highlight the achievements of DTSC's enforcement efforts in 2013:

- 332 inspections by the Enforcement Division
- 385 inspections conducted by DTSC as the CUPA in Imperial County
- 45 inspections conducted by DTSC as the CUPA in Trinity County
- 2,474 truck stop inspections at the Mexican border
- 33 administrative and five civil enforcement cases settled
- $1,595,399 settlement dollars awarded to DTSC from enforcement by the Enforcement Division
- $229,885 settlement dollars awarded to DTSC from enforcement by OCI
- 12 training classes provided to CUPA inspectors, governmental officials, and industry personnel
- 363 criminal cases currently under investigation and 111 new criminal enforcement cases initiated
- 52 complaints investigated by the Enforcement Division
- 96 criminal cases closed*

* Cases are considered closed for the following reasons: (1) the allegations are unfounded; (2) there is not enough evidence to proceed; (3) the statute of limitations passed; or, (4) the case was resolved through prosecution or other enforcement settlement.

Major Enforcement Cases in 2013

The collaborative efforts of DTSC's enforcement staff resulted in several significant enforcement actions in 2013. These actions stopped illegal hazardous waste management practices in California and brought numerous companies into compliance with the state's hazardous waste laws, protecting public health and safety and the environment. The penalties cited in the following major enforcement cases not only serve as a deterrent to prevent harmful effects from toxic materials by promoting regulatory compliance, but they also have a preventive effect and promote compliance for the regulated community as a whole. Highlighted major DTSC enforcement cases in 2013 include the following:

DTSC scientists investigate more than 200 drums of hazardous waste illegally stored at a business in Santa Fe Springs.

Chemical Waste Management, Inc., City of Kettleman (Kings County): CAT000646117.

As a result of violations cited from inspections at the Kettleman Hills landfill by DTSC on April 9, 10, and 12, 2012, the State Attorney General's Office filed a complaint for civil penalties and injunctive relief. Violations included failure by the facility's on-site laboratory to follow federally required procedures for analyzing hazardous waste; failure to determine whether hazardous waste met the Land Disposal Treatment Standards before land disposal; failure to properly treat hazardous waste before land disposal; storing hazardous waste in open containers; failure to report onsite spills of hazardous waste; and failure to report a manifest discrepancy in a timely manner. On March 22, 2013, the final judgment was signed with a settlement of $311,194.00. This penalty was largely due to Chemical Waste Management's failure to notify DTSC of 72 spills at its facility during a four-year period from August 2008 to May 2012. Chemical Waste Management, Inc., paid the full amount on April 9, 2013.

Exide Technologies, City of Vernon (Los Angeles County): CAD097854541.

On March 13, 2013, DTSC entered into a settlement for violations found during inspections in 2009, 2010 and 2011. Exide recycles lead batteries and other lead-bearing materials with a lead smelter. DTSC cited Exide for repeated illegal storage of lead-contaminated sludge in a storm water retention pond that is not authorized to store hazardous waste; repeated failure to remove lead-contaminated sludge from the storm water retention pond within 24 hours or in a timely manner; and illegal storage of 30 drums of lead-contaminated dross on a loading dock next to the rail spur. The violations were cited in an enforcement order that was issued on August 12, 2010, and also in an amended enforcement order that was issued on March 6, 2012. Exide agreed to pay a penalty of $195,000: $82,000 for the 2009 and 2010 violations, and $113,000 for the 2011 violations.

Heavenly Valley Ltd. Partnership, City of South Lake Tahoe (El Dorado County): CAD983596131.

On February 27, 2013, a final judgment was filed in Sacramento Superior Court for violations observed at Heavenly Valley during a DTSC inspection conducted on September 14, 2010. Heavenly Valley is a ski resort located in South Lake Tahoe. DTSC cited Heavenly Valley for the following violations: failure to properly manage a used oil tank (5 separate specific violations); disposal of spent aerosol cans into the garbage; failure to provide refresher training to the emergency coordinator managing hazardous waste; failure to close hazardous waste containers; and failure to have eyewash and a shower at the decontamination station. The judgment includes injunctive provisions that require the facility to remain in compliance with hazardous waste control laws. Heavenly Valley paid a total settlement of $150,000.

Lead in Jewelry in California.

DTSC continued to protect public health by actively enforcing California's Lead-Containing Jewelry Law, which limits the lead content in jewelry for children and adults. Exposure to lead can cause significant health problems and is of particular concern for children 6 years old and younger, as they are prone to placing jewelry in their mouths. DTSC's OCI conducted frequent jewelry inspections at a variety of locations ranging from retail stores to local music festivals and the California State Fair. Despite DTSC's significant efforts to educate and inform jewelry retailers and wholesalers about the Lead-Containing Jewelry Law's requirements, OCI staff found significant rates of noncompliance during inspections. OCI staff focused its efforts on enforcement against 21 jewelry suppliers selling lead-containing jewelry to California customers. During the 2012-2013 fiscal year, settlements were reached with 14 jewelry suppliers for a total of $375,230. Additionally, OCI staff worked successfully with DTSC's media staff and the Center for Environmental Health, resulting in 150 state and national media outlets reporting on the high concentration of lead-containing jewelry being sold by jewelry suppliers in downtown Los Angeles, including 343 styles of jewelry identified by OCI staff.

Retailers in California.

DTSC continues to assist state and local prosecutors in cases. As shown in Table 1, this has resulted in statewide environmental enforcement cases that have generated about $100 million in penalties, judgments, or projects. Of that total, DTSC received about $4.7 million in costs, penalties, or judgments. The information below reflects the total funds generated from each settlement. The enforcement actions against these retailers have resulted in the implementation of proper waste handling and disposal practices for stores throughout California.

Table 1: Enforcement Actions at Retailers

Retailer	Year of Settlement	Total Settlement	Money Recouped by DTSC
Wal-Mart	2010	$22.7 Million	$1.17 Million
Target	2011	$22.5 Million	$578,000
Walgreens	2012	$16.6 Million	$991,625
CVS	2012	$13.75 Million	$249,625
Costco	2012	$3.5 Million	$37,750
Save-Mart	2013	$2.55 Million	$28,000
Lowes	2013	$18.1 Million	$1.67 Million

Performance Measures

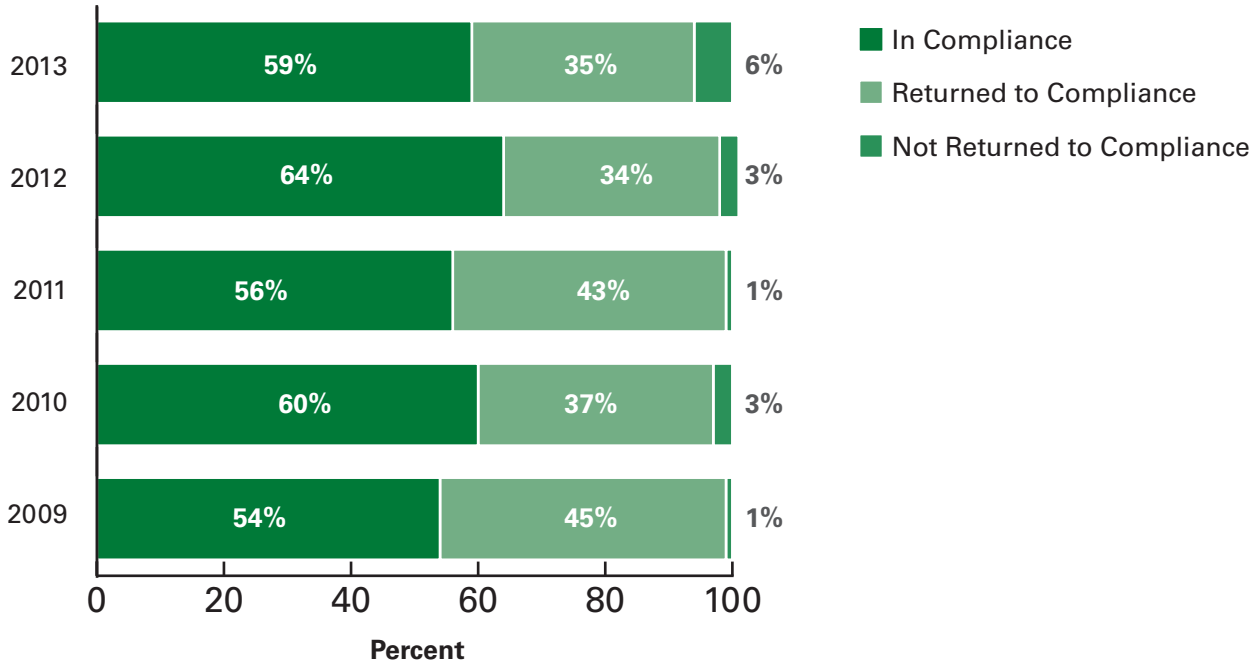
DTSC's performance management system consists of two major areas of focus: 1) a strategic plan consisting of goals, objectives, and strategies based on the vision of DTSC, and 2) a performance measurement system based on DTSC's mission. Performance measures provide quantitative measures of work performed, resources provided, program processes, or results achieved. They describe in both quantifiable and qualitative terms how well the activities, strategies, and processes within DTSC are achieving goals and outcomes. For more details regarding the strategic planning process, see the 2011-2016 DTSC Strategic Plan at: *http://dtsc.ca.gov/InformationResources/upload/StrategicPlan_2011_2016.pdf*

DTSC's Enforcement Division's performance measures are:

- Percentage of entities found to be in compliance
- Percentage of inspections with all violations returned to compliance
- Number of administrative or civil enforcement actions initiated from inspections
- Percent of inspections where inspection reports are on time
- Percent of administrative and civil enforcement actions initiated within 240 days of the date of the inspection

The graph below shows the percentage of entities found to be in compliance and the percentage of entities with violations that have returned to compliance. Over the past five years, 94 percent or more of the inspected businesses were found to be in compliance or quickly returned to compliance as a result of DTSC enforcement efforts. Some of the entities that have not returned to compliance as shown below cannot be returned to compliance (e.g., past self-inspections that should have been conducted by the facility, but were not completed), while others are still the subject of formal enforcement or take time to correct. The enforcement division initiated 37 administrative or civil enforcement actions from DTSC inspections.

Figure 1: Percentage of Inspected Entities Found in Compliance and Entities Fully Returned to Compliance



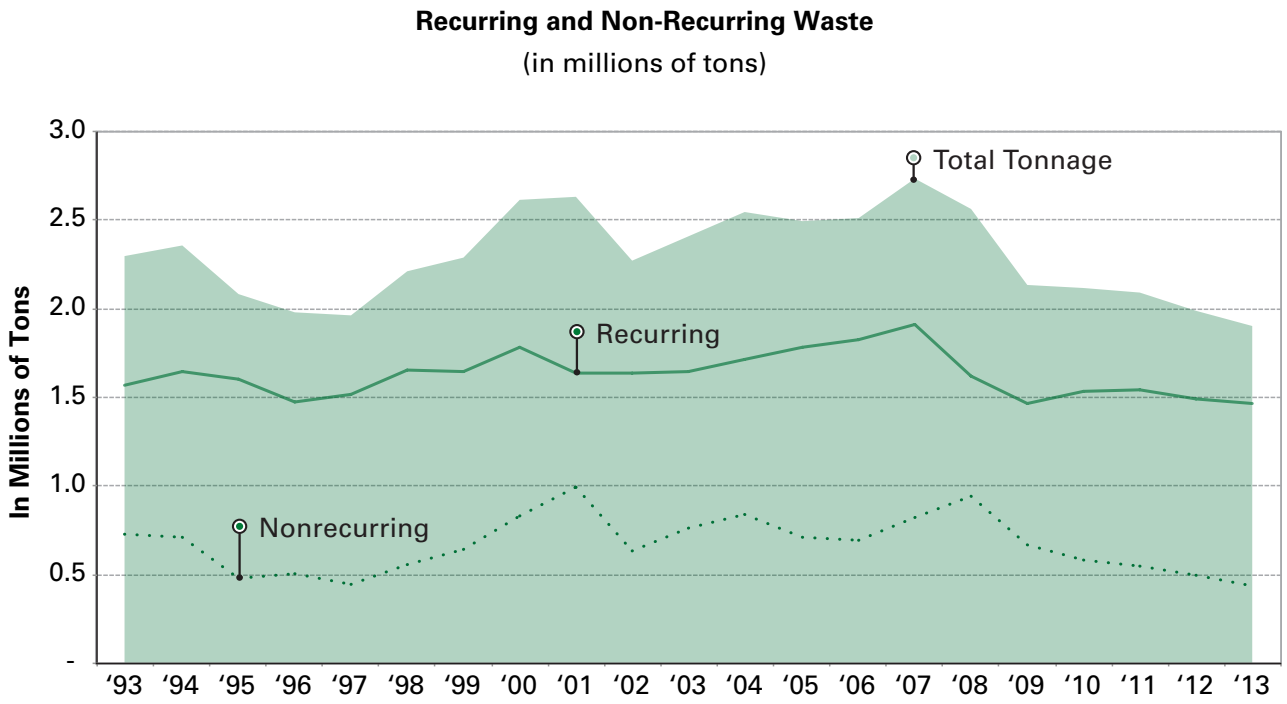
Another key performance measure DTSC adopted to streamline the inspection process is the percentage of inspection reports completed within 65 days. Data for 2013 show DTSC meeting the 65-day deadline 86 percent of the time. These data help demonstrate the success of DTSC's investigative, public education, and compliance assistance efforts, administered through its Hazardous Waste Management Program.

Environmental Indicators

Unless managed in an environmentally sound manner, hazardous wastes can adversely affect human health and the environment. The transportation, storage, treatment, and disposal of hazardous wastes create a potential for the release of hazardous chemicals to the environment. DTSC outreach on pollution prevention activities and waste minimization practices have contributed to a reduction in the volume of hazardous waste shipped offsite in California. The figure below shows the declining trend of hazardous waste shipped offsite. The total tonnage of recurring and non-recurring wastes has declined from 2.74 million tons in 2007 to 1.9 million tons in 2013.

The environmental indicators graphed below reflect the annual amount of hazardous waste generated in California and subsequently shipped for treatment, storage and/or disposal. They do not include hazardous waste that has been treated or disposed onsite. Total hazardous waste tonnage is separated into "nonrecurring wastes" and "recurring wastes." "Nonrecurring wastes" include those containing polychlorinated biphenyls (PCBs) or asbestos, and wastes generated as a result of site cleanups. The removal of these cleanup wastes from the environment for treatment or disposal in a secure landfill reduces the potential for exposure to their hazardous constituents. "Recurring hazardous wastes" are generated in the course of commercial or industrial operations.

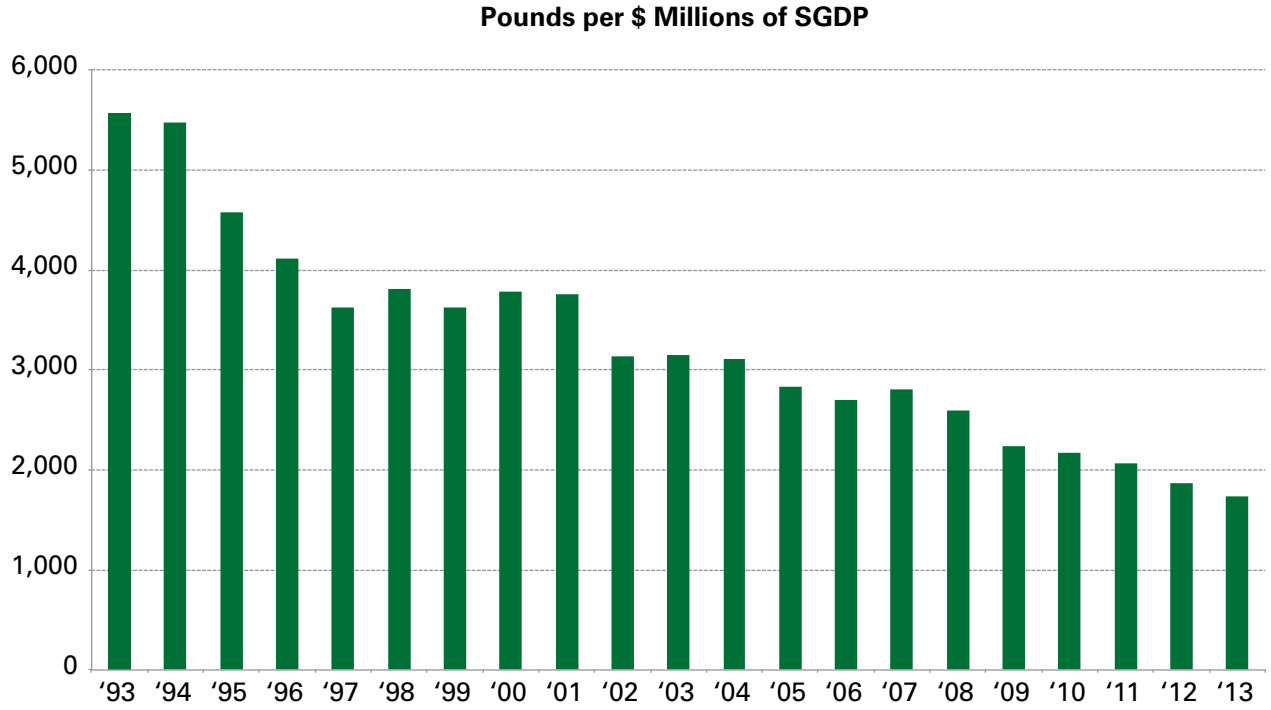
Figure 2: California Hazardous Waste Shipped Offsite (1993 to 2013)



Notes: Total Shipped waste includes transferred Waste that maybe double counted.

Below, data show that over the past 20 years the amount of hazardous waste generated per unit of economic activity has decreased. Approximately 70 percent less waste was generated per $1 million of state gross domestic product in 2013 than in 1993.

Figure 3: California Hazardous Waste and State Gross Domestic Product (1993-2013)



Notes: Total manifested waste includes some transferred waste that may be double counted

Metrics

The following tables show a breakdown of the DTSC regulated community in California.

Table 2: 2013 Regulated Units in California

Resource Conservation and Recovery Act (RCRA) Permitted Facilities	59
Post-Closure Facilities (some permitted)	28
State Only Full Permitted Facilities	2
State Only Standardized Permitted Facilities	29
Hazardous Waste Transporters	1014
Universal Waste Recyclers and Collectors	807
Regulated Hazardous Waste Generators that Manifested more than 1 Ton	52,737
Regulated Hazardous Waste Generators in California	82,630

Enforcement Actions from DTSC Inspections and Complaint Investigations

DTSC implements enforcement actions to accomplish the following goals:

- Promote compliance throughout the regulated community;
- Treat generators, transporters, and operators of storage, treatment, transfer, and disposal facilities equally and consistently with regard to the same types of violations;
- Return violators to compliance in a timely manner;
- Penalize violators, as appropriate, and deprive violators of any economic benefit gained from noncompliance; and
- Initiate and conclude enforcement activities in a timely manner.

Table 3: Inspections and Complaints

	2009	2010	2011	2012	2013
Inspections	390	418	363	358	332
Inspections with Violations	166	167	160	129	135
Complaints Received	627	683	683	604	737
Complaints Referred to other City, County, State, and Federal agencies	520	626	556	460	553
Complaints Assigned to DTSC	6	52	51	73	75
Complaints Closed*	88	99	109	146	90
Complaints Investigated resulting in Violations	32	38	48	41	26
Complaints Investigated resulting in no Violations	38	44	39	35	26

* The total number of complaints closed may include complaints assigned to DTSC the previous year.

DTSC uses a violation classification system to identify when an enforcement action should be implemented. In general, DTSC divides violations into three broad categories: Class I (serious) violations; Class II (less serious) violations; and minor violations. DTSC's policy is to implement formal enforcement action for Class I violations and for hazardous waste handlers identified as a "Significant Non-Complier" (SNC). A SNC includes a handler who caused actual exposure or a substantial likelihood of exposure to hazardous waste or hazardous waste constituents; a chronic or recalcitrant violator; or a handler that deviates substantially from the terms of a permit, order, agreement, or RCRA statutory or regulatory requirements. DTSC may also pursue an enforcement action if violations are only Class II violations or a combination of Class I and Class II violations. DTSC does not generally initiate enforcement actions for minor violations unless a facility fails to correct the violation or circumstances result in a threat to public health or the environment. DTSC's Enforcement Response Policy provides additional detail regarding the violation classification system, significant noncompliers, and the measures DTSC uses to select and execute enforcement actions. DTSC's Enforcement Response Policy can be found at: *www.dtsc.ca.gov/LawsRegsPolicies/Policies/HazardousWaste/upload/DTSC-OP-0006_Enf_Response_Policy.pdf*

DTSC may use the following enforcement options: criminal prosecution; administrative enforcement orders; civil actions; informal enforcement actions; referral to another agency with the appropriate jurisdiction; and suspension, revocation, or denial of a permit, registration, or license. Criminal prosecution provides the strongest punishment, and DTSC generally refers

criminal actions to the local district attorney or the California Attorney General. DTSC generally refers civil actions to the attorney general who represents DTSC in court. DTSC has authority to take administrative actions to order correction of violations and impose penalties. Informal enforcement actions include notifying an entity of a violation and the required date for corrective action. Table 4 below shows enforcement actions implemented by DTSC in 2013.

Table 4: Formal Enforcement Actions

Formal Enforcement Actions	2009	2010	2011	2012	2013
Civil Cases Referred to Attorney General	10	5	8	9	8
Civil Cases Settled by Attorney General	4	3	10	8	5
Referred to Local District Attorney/California Attorney General	13	3	6	5	7
Criminal Cases Closed	195	93	120	106	96
Administrative Actions Initiated	70	32	32	39	37
Administrative and Civil Actions Settled	69	32	33	44	38
Regulated Business Returned to Compliance	98%	98%	90%	93%	93%
Settlements Awarded from Enforcement Cases	$2,202,670	$2,225,569	$2,018,342	$1,984,706	$1,895,284

Training

DTSC trains its staff to ensure consistent, efficient, and coordinated enforcement actions. DTSC also supports the training needs and activities for the CUPAs, industry, and the regulated community. DTSC provided 12 training classes to CUPA inspectors, governmental officials, and industry personnel in 2013. Enforcement Division staff are members of the CalEPA Environmental Enforcement Training Team, which implements a training program to ensure that all the boards, departments, offices, and local agencies that implement environmental laws take consistent, effective, and coordinated compliance and enforcement action. Enforcement Division staff assist the CalEPA Training Team to provide cross-media enforcement training. Enforcement Division staff are also members of the Unified Program Training Steering Committee, which is composed of state and local training coordinators. Through this committee, Enforcement Division staff worked closely with the CUPAs to assess Unified Program training needs and plan and coordinate CUPA training.

DTSC's Complaint Tracking System

Table 5: Complaint Tracking

Year	CalEPA Complaints	Envirostor Complaints
2013	547	737
2012	508	604
2011	486	683
2010	413	683
2009	476	627

DTSC utilizes both CalEPA's Single Complaint Tracking System and its own system (Envirostor) to accept, triage, and track complaints. The majority of Envirostor complaints are generated from members of the public calling a toll-free number, whereas most Single Complaint Tracking System complaints are submitted electronically via CalEPA's website. The table 5 shows the number of complaints received in the last five years.

Not all the complaints from members of the public via DTSC's toll-number (800-69TOXIC) are transferred to Envirostor since many do not involve hazardous waste, but staff triage and process them, regardless. The Enforcement Division is tasked with ensuring that the complaints get to the right agency, and responding to the complainant, if necessary. Investigations of complaints resulted in 25 enforcement actions in 2013 and penalties of more than $150,000.

Additional Information

The following website links provide additional detailed information related to enforcement at DTSC:

DTSC's website:
www.dtsc.ca.gov/EnforcementOrders.cfm

U.S. EPA's Environmental Compliance History Online (ECHO) website:
www.epa-echo.gov/echo

The Waste Alert Hotline, a statewide toll-free complaint number (1-800-698-6942). Alternatively, complaints can be filed online at DTSC's webpage:
www.dtsc.ca.gov/database/CalEPA_Complaint/Index.cfm

DTSC general publications information web link:
www.dtsc.ca.gov/PublicationsForms/index.cfm

DTSC Strategic Plan for 2011-2016:
http://dtsc.ca.gov/InformationResources/upload/StrategicPlan_2011_2016.pdf

DTSC 2009 Environmental Justice activities report:
www.dtsc.ca.gov/GetInvolved/upload/EJ_Enf_Initiative_Rprt2009.pdf

DTSC Environmental Justice webpage:
http://www.dtsc.ca.gov/GetInvolved/env_justice_policies.cfm

CalEPA Triennial Evaluations for Trinity and Imperial CUPAs and CUPA enforcement actions taken:
www.dtsc.ca.gov/HazardousWaste/CertifiedUnifiedProgramAgencies.cfm

Department of Pesticide Regulation

2013 Enforcement Overview

The California Department of Pesticide Regulation (DPR) uses a "function-based" approach to manage the performance and costs of its programs. This framework allows DPR to assess effectiveness relative to costs, workload outputs, and impacts on human health and the environment. Elements of DPR's planning and management system include:

- CalEPA's Strategic Vision, which sets forth the Agency's vision and mission, core values, and goals and objectives.
- DPR's Strategic Plan, which provides department-specific strategies, goals, and objectives.
- DPR's Operational Plan, which defines goals and activities it plans to carry out during the fiscal year.
- Performance measures that include outputs and environmental indicators, also used to assess the effectiveness of DPR's program.
- Accounting practices that summarize spending by category.

Since its creation in 1991, DPR has made significant strides to:

- Enhance worker and environmental protection.
- Strengthen uniformity of enforcement in the field while maintaining local discretion and flexibility.
- Strengthen licensing examination and certification processes for commercial pesticide applicators.

Key DPR workload outputs are compiled by fiscal year and categorized. The number of licenses issued or groundwater samples collected are examples. For more detailed information, please visit DPR's planning and performance website: *www.cdpr.ca.gov/docs/dept/planning/performance/index.htm*.

Pesticide Programs Division Organization, Activities, and Highlights

Enforcement Branch

DPR's Enforcement Branch headquarters staff develop standards and procedures; direct and manage the department's food safety program; and review and interpret pesticide labels to determine whether users have complied with state and federal statutes. The staff reviews, proposes, and/or develops legislation and regulations and compiles and analyzes statewide data for use in developing and modifying existing pesticide environmental regulations (air, ground water, and endangered species). In addition, they oversee enforcement activities carried out at the local level including protection of workers; plan and conduct training; and coordinate the structural pest control use enforcement program with the county agricultural commissioners (CACs), the Structural Pest Control Board, and U.S. Environmental Protection Agency (U.S. EPA) Region 9.

The three Enforcement Branch regional offices work closely with CAC staff to plan and prioritize compliance and pesticide use enforcement activities. CACs enforce federal and state pesticide laws and regulations at the local level with DPR oversight. CACs issue site-specific local permits for the use of restricted materials, conduct application inspections and worker safety inspections, investigate pesticide illnesses and other complaints, and administer full pesticide use reporting.

DPR enforcement staff evaluate CAC pesticide use enforcement programs; track incident investigations, complaints, and enforcement actions; and assist in the development of enforcement cases involving DPR licensees.

County Agricultural Inspections

Table 1. Agriculture Inspections and Compliance Rates

Year	CAC Inspections Conducted		
	Total Number	Violations	Compliance Rate
2011	13,854	1,953	85.90%
2012	12,729	1,513	88.11%
2013	13,088	1,513	88.44%

California's CACs employ more than 350 full-time inspectors and biologists in the field to enforce pesticide laws and regulations to ensure compliance with state laws and regulations that protect field workers, pesticide handlers, the public, and the environment. Over the last three years (2011-2013), there was a gradual increase in the number of inspections and a decrease in the number of violations (Table 1).

Table 2. Structural Inspections and Compliance Rates

Year	CAC Inspections Conducted		
	Total Number	Violations	Compliance Rate
2011	4,732	504	89.35%
2012	4,856	427	91.21%
2013	5,381	426	92.08%

Structural and Landscape Maintenance Inspections

CACs also ensure that pesticides are safely in and around homes, buildings, and surrounding landscapes. Over the past three years, there have been gradual increases in the number of inspections and a decrease in the number of violations (Table 2).

County Agricultural Commissioner Pesticide Use Monitoring Activities

DPR and the CACs spend considerable resources evaluating their programs and identifying areas for improvement. DPR developed a program guidance document identifying three core program priorities to better assist CACs with county enforcement efforts. The document is available at *www.cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2012/2012020.htm* and includes:

1. Restricted materials permitting: The California Environmental Quality Act requires state and local agencies to identify significant environmental effects of their actions and to avoid or mitigate those effects, if feasible.
2. Compliance monitoring through inspections and investigations.
3. Enforcement response to violations.

CAC staff inspect the records of growers, pest control applicators, operators and businesses, pest control dealers, and agricultural pest control advisers. They certify private applicators and issue restricted material permits. In addition, CAC staff provide pesticide safety training to applicators, growers, and field workers. They also conduct pesticide illness, complaint, and U.S. EPA priority investigations; and they conduct field worker and pesticide handler inspections to assure compliance with worker protection standards and other pesticide use requirements (Table 3). Fiscal-year summaries of county workloads can be found in the California Pesticide Regulatory Activities Monthly Reports online at: *www.cdpr.ca.gov/docs/enforce/report5.htm*

Table 3. Summary of statewide county enforcement workload activities for 2011-2013.

CAC Reported Workload Statistics - Inputs	2011	2012	2013
CAC Licensed Staff Hours	490,255	485,111	473,402
CAC Support Staff Hours	131,922	136,378	124,952
CAC Reported Workload Statistics – Outputs			
Restricted Materials Permitting			
Restricted Material Permits Issued/Amended	44,386	41,418	45,007
Restricted Material Permits Denied	180	131	292
Notices of Intent to Apply a Restricted Material Reviewed	133,487	125,883	121,666
Restricted Material Notices of Intents Denied	1,254	822	817
Pre-Site Application Evaluations/Inspections	8,024	7,749	8,011
Compliance Monitoring			
Inspections*			
Agricultural Use	7,524	6,905	7,117
Field Worker Safety	1,065	1,029	1,006
Commodity Fumigation	476	463	543
Field Fumigation	885	904	750
Records Inspections	5,323	4,700	4,863
Structural Fumigation	2,036	2,457	3,017
Structural Non-Fumigation	1,277	1,127	1,173
Investigations	1,524	1,646	1,639
Enforcement Response			
CAC Compliance Actions	3,624	3,184	2,988
CAC Enforcement Actions**			
Number of Enforcement Cases Closed	819	828	763
Amount of Civil Penalties Assessed	$461,645	$481,395	$361,212
Number of Cases Referred to District Attorney	3	2	2
Compliance Assistance			
Training & Outreach Sessions	1,033	1,646	1,681
Number of Persons Attending	38,059	46,235	46,594

County Registrations & Certification			
Operator IDs for Non-Restricted Use Issued/Amended	14,170	15,074	14,449
Private Applicator Certificates Issued	5,847	6,278	6,145
Pest Control Business/Advisers/Pilots Registered	12,649	12,594	12,181
Farm Labor Contractor Registered	3,473	3,460	3,337
Structural Pest Control Business Registered	7,004	8,063	7,236
Preliminary CAC Reported Workload Statistics - Outcomes			
Total Inspections Conducted	18,586	17,585	18,469
Inspections with 1 or More Violations	2,457	1,940	1,939
Inspections with 100% Compliance Rate	86.78%	88.97%	89.50%
Total Number of Criteria Evaluated	325,027	312,367	333,115
Total Number of Criteria in Compliance	319,155	307,692	327,920
Compliance Rate for Criteria Inspected	98%	99%	98%

Note: Unless specified, all data were compiled from county submitted Pesticide Regulatory Activity Monthly Reports.

*County inspection and compliance data are from DPR's Inspection Tracking Database.

** County enforcement action data are from DPR's Enforcement Action Tracking Database.

In addition to the core program priorities, DPR recommended that CACs consider other statewide priorities when developing their work plans. CAC work plans identify federal, state, regional, and local compliance problems, emerging issues, and measurable solutions based on available resources. CAC work plans have clearly stated goals and performance measures, balancing DPR's statewide enforcement priorities with local conditions unique to each county. Individual county work plans are available at: *http://apps.cdpr.ca.gov/docs/county/workplan/index.cfm*

DPR uses performance standards to evaluate the effectiveness of the CAC's enforcement programs and conducts performance evaluations of CAC pesticide regulatory programs as part of an organization-wide effort to incorporate continuous quality improvement. DPR developed annual summaries of these CAC pesticide enforcement program statistics. The annual California Pesticide Use Enforcement Statistical Profiles for states and individual counties are available at: *http://apps.cdpr.ca.gov/docs/county/statistics/index.cfm*.

Enforcement Actions

DPR and CACs may take enforcement actions for violations of laws and regulations:

- DPR can revoke or suspend the license of companies and individuals who do pest control work, sell pesticides, or advise on pest control in California.
- DPR can levy administrative civil penalties on businesses and individuals who sell unregistered or misbranded pesticide products; fail to pay required fees on pesticide sales; or pack, ship, and sell produce with illegal pesticide residue.
- CAC's enforce pesticide use laws and regulations and can levy administrative civil penalties for violations. The CAC's have the authority to revoke or suspend the registration of companies and individuals who register to do business in the county.
- DPR can refer enforcement actions to the California Attorney General's Office and to U.S. EPA Region 9 for any violation of state or federal pesticide laws. CACs can also refer pesticide use violations to the county district attorney, city attorney, circuit prosecutor, or the Structural Pest Control Board (SPCB) for further action.

Table 4. County and DPR Enforcement Actions from 2011-2013

CAC Enforcement Program - Outcomes	2011	2012	2013
Cases Referred to District Attorney	3	2	2
Enforcement Actions *			
Closed Cases	819	828	763
Violations in Closed Cases	1,206	1,114	1,093
Penalties Assessed	$461,645	$481,395	$361,212
DPR Enforcement Program - Outcomes			
Penalties for Unregistered and Misbranded Products			
Cases	469	345	430
Unregistered Products in Case Settlements	123	123	118
Penalties Collected	$2,885,530	$3,868,738	$3,032,533
Penalties for Pesticide Residue/Use Violations			
Cases	1	2	1
Settlement Penalties Collected	$10,000	$105,000	$15,000

* 2013 statistics understate the total number of CAC enforcement actions. The number of enforcement actions in 2013 will be greater than reported above due to the lag time in CACs reporting to DPR enforcement action details.

DPR Food Safety Program Highlights

DPR conducts the nation's most extensive state program for monitoring pesticide residues in fresh produce. The goal is to assure that no domestic or foreign produce contains illegal pesticide residues. All samples are analyzed in California Department of Food and Agriculture (CDFA) analytical laboratories located in Sacramento and Anaheim using multi-residue screens that can detect more than 300 pesticides and pesticide breakdown products. The monitoring results continue to indicate that the vast majority of California-grown produce is either free of detectable pesticide residues or has low residues within the legal tolerances established by U.S. EPA.

In June 2013, DPR took legal action against V.L. Farms of Watsonville for an illegal pesticide (methomyl) use on fresh market strawberries. DPR fined the grower $15,000 for this violation, ordered 10 acres of strawberries destroyed (valued at approximately $200,000), and removed 1,093 cartons of strawberries from distributors and retail outlets.

For all produce samples collected in 2013:

- 43.53 percent of the samples had no pesticide residues detected (1,516 of 3,483 samples).
- 51.51 percent of the samples had residues that were within the legal tolerance levels (1,794 of 3,483 samples).
- 3.99 percent of the samples had illegal residues of pesticides not approved for use on the commodities analyzed (139 of 3,483 samples).
- 0.98 percent of the samples had one or more illegal pesticide residues in excess of established tolerances (34 of 3,483 samples).

DPR's pesticide residue monitoring results also show that, as in recent years, fruits and vegetables imported from Mexico have a relatively high rate of illegal pesticide residues. In 2013, 54 percent of the illegal pesticide residues were found in fruits and vegetables imported from Mexico. This was partly due to the high volume of produce imported from Mexico, but also because a relatively high proportion of Mexican imports, 12.8 percent of those collected in 2013, carried illegal residues.

Annual reports summarizing the results from fresh market samples collected during the calendar year, along with the detailed data, are available from DPR's website at *www.cdpr.ca.gov/docs/enforce/residue/rsmonmnu.htm*.

Complaint Investigation and Tracking

DPR responds to all complaints, notifications, reports, and incidents that allege misuse of pesticides; pesticide exposure (including odor); pesticide damage or injury to crops, property, humans, wildlife, or the environment; illegal sales; and other related issues. When a complaint related to pesticide use is filed through CalEPA's Single Complaint Tracking system, DPR's enforcement staff relay the complaint to the appropriate Enforcement Branch regional office and CAC for investigation. The CAC's office is the lead agency for complaints related to pesticide use. On average, 10 percent of the complaints received at CalEPA are pesticide-related. In 2013, DPR and CACs followed up on 116 pesticide-related complaints filed through the CalEPA Single Complaint Tracking System.

Product Compliance Branch

DPR's Product Compliance Branch (PCB) is responsible for promoting compliance with California and federal laws and regulations related to labeling compliance, sale, and distribution of pesticide products. The PCB staff conduct product compliance inspections at pesticide manufacturing facilities and businesses throughout the state to ensure that products manufactured, sold, and used in California are registered and approved by U.S. EPA and DPR. These include Marketplace Surveillance Inspections where pesticides are sold and distributed, and Producing Establishment Inspections where pesticides are manufactured, packaged, or re-packaged. When PCB staff uncover sales of unregistered pesticide products, they initiate investigations and forward those cases to DPR's Office of Legal Affairs to assess administrative civil penalties through settlements or other enforcement actions.

In addition, the PCB ensures that all pesticide sellers pay their fair share of applicable registration and fees that help support DPR's regulatory programs at both the state and county level. PCB auditors travel throughout the United States to review the records of pesticide sales made into California to ensure compliance with applicable fees. The PCB oversees the disbursement of a portion of the fees to the CACs for local pesticide enforcement activities.

Product Compliance Branch Highlights

In 2013, PCB investigations showed that enforcement actions for sale of unregistered pesticide products can go beyond the usual insect sprays, weed killers, and rodenticides that the public thinks of as pesticides. While PCB inspectors focus on the compliance of those type of products with federal and state laws and regulations, they also find significant violations incurred by sellers of antimicrobial products. Several examples of such cases are described below.

During an inspection at a Costco Wholesale store, PCB staff found that claims on the product packaging for Adidas Men's Performance Socks, manufactured by Agron, Inc., could make the product subject to U.S. EPA and state registration as a pesticide. The claims stated that the product was "anti-microbial" and "treated to reduce odor-causing bacteria." Further investigation showed that Agron manufactured a number of other socks with similar claims that were offered for sale in Adidas' catalog. The case was forwarded to DPR's Office of Legal Affairs, and Agron, Inc. subsequently paid a civil penalty of $204,954.30.

Another routine inspection, conducted at a hardware and marine business revealed that Tekni-Plex, Inc. was making "bacteria-inhibiting" claims about a recreational vehicle and marine hose. A review Tekni-Plex's website showed the company making claims about several other hose products, including "drinking water safe with bacteria inhibitor" and "incorporates an antimicrobial inside the hose where it matters the most." Like the Agron, Inc. case, these claims

implied that users of the hoses would receive protection from germs. Tekni-Plex, Inc. paid a civil penalty of $64,500.

Pesticide product complaint referrals from CAC staff continue to help bring pesticide sellers into compliance with licensing requirements and sales restrictions. For example, Contra Costa CAC biologists, while conducting a routine inspection of a United Parcel Service facility, intercepted a 2.5-gallon container of a restricted-use weed killer that was being shipped to a California resident who was not a certified user as required by law. This led DPR to an audit of the Idaho-based firm Keystone Pest Solutions. The owner of Keystone Pest Solutions was informed that California law requires sellers of pesticides into the state to be licensed. He subsequently became a licensed pest control dealer who must comply with the laws governing the sale of restricted-use pesticides.

More information on cases and fines related to the sales of unregistered or misbranded pesticides, and failure to pay mill assessment, can be obtained at *www.cdpr.ca.gov/docs/enforce/pest_enf.htm*

Worker Health and Safety Branch

DPR's Worker Health and Safety Branch is responsible for public and worker safety in all areas where pesticides are used. Worker Health and Safety Branch scientists design and conduct studies to characterize human exposure to pesticides and pesticide residue. They also conduct human exposure assessments for use in DPR's risk characterization documents. The Worker Health and Safety Branch develops measures to reduce risks for people applying pesticides and working in fields where pesticides have been applied, and to protect the public from off-site movement of pesticides. Additionally, Worker Health and Safety Branch oversees the department's Worker Protection Program by continuously evaluating the implementation of the state worker safety regulations, which includes developing outreach materials such as pesticide safety information leaflets. WHS scientists maintain a detailed and comprehensive illness database that contains information from physicians' reports and on-site CAC field investigations of each incident, providing valuable information on the circumstances of exposure. WHS provides training to CAC staff, people applying pesticides, and people working in pesticide-treated fields and residing near treated fields. WHS is available to assist Enforcement Branch and CAC staff in providing consultation for fumigation facility operation procedures or with pesticide illness investigations.

Worker Health and Safety Branch Highlights

DPR's Pesticide Illness Surveillance Program maintains a database of pesticide-related illnesses and injuries. Important sources of case identification include workers' compensation documents, the California Poison Control System, and physician reports to local health officers. The local CAC investigates all circumstances of exposure. Medical records and investigative findings are then evaluated by DPR research scientists and entered into a database. The information collected helps validate the effectiveness of exposure control measures and identify areas where improvements are needed. Analyses of trends in illness and injury produced by a particular pesticide or activity also provide direction for the Exposure Monitoring and Industrial Hygiene Program and the Human Health Mitigation Program.

Table 5 is a summary of case reports received by DPR's Pesticide Illness Surveillance Program, from 2009 to 2013, in which human health effects were investigated and evaluated as related to pesticide exposure. The data are reported by exposure circumstances (agricultural pesticide use vs. any other exposure situation) and by type of pesticide (antimicrobials and all other pesticides).

Table 5: Summary of Pesticide Exposure Reports from 2009 – 2013

Year	Agricultural Pesticide Use Exposure*		Non-Agricultural Pesticide Use Exposure		Total Incidents***
	Pesticides Other Than Antimicrobials	Antimicrobial Pesticides	Pesticides Other Than Antimicrobials	Antimicrobial Pesticides	
2013**	254	36	327	250	876
2012	227	8	411	337	989
2011	226	13	390	426	1067
2010	231	8	278	287	812
2009	231	20	279	284	918

* Designation as "Agricultural" indicates exposure to a pesticide intended to contribute to production of an agricultural commodity.
** Figures for 2013 are not yet final and can be expected to increase considerably.
*** Total incidents include 47 cases over the 5 years in which agricultural circumstances remained unknown.

Annual Pesticide Illness Surveillance Program reports providing detailed information can be obtained at *www.cdpr.ca.gov/docs/whs/pisp.htm*.

Environmental Monitoring Branch

The Environmental Monitoring Branch monitors the environment to determine the fate of pesticides, protecting the public and the environment from pesticide contamination through analyzing hazards and developing pollution prevention strategies. Environmental data collected by DPR are critical to the department's continuing evaluation of pesticide use and assists in carrying out programs to prevent environmental pesticide contamination. Scientists design and conduct studies to provide data that help assess human exposures and ecological effects of pesticide residues in the environment.

Environmental Monitoring Branch Highlights

Air Program

Under the federal Clean Air Act, California must meet national standards for airborne pollutants and specify how it will achieve these goals in a federally approved State Implementation Plan (SIP). Under the U.S. EPA-approved SIP, California is obligated to reduce pesticide volatile organic compounds (VOCs) by 12 percent in the San Joaquin Valley Non-Attainment Area (NAA) and 20 percent in the other four NAAs (Sacramento Metro, South Coast, Southeast Desert, and Ventura) compared to 1990 levels.

To help achieve these goals, DPR adopted regulations in 2008 limiting VOC emissions from fumigants in three non-attainment areas. The regulations limit fumigant application methods and require a cap-and-allowance system in the Ventura NAA to manage emission reductions. The regulations also set up an allowance system that would be triggered in other NAAs the if application restrictions do not result in targeted reductions. In addition, an evaluation on compliance with the allowances and requirements is reported annually.

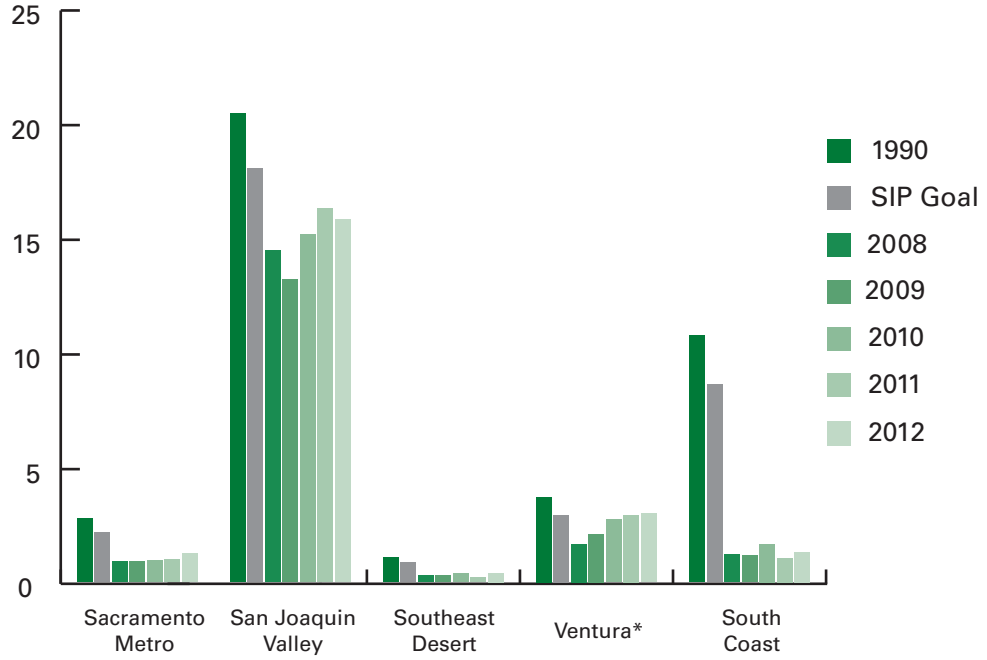
For the San Joaquin Valley NAA, DPR put regulations into place that set a trigger level for emissions that if exceeded, results in restrictions on high-VOC non-fumigant products with four active ingredients (abamectin, chlorpyrifos, gibberellins, and oxyfluorfen) used on several crops.

In 2013, DPR analyzed statewide 2012 pesticide use report data to evaluate compliance with the VOC regulations. DPR released the results in its Annual Report on Volatile Organic Compound Emissions from Pesticides. The 2012 pesticide VOC emissions for all five NAAs complied with the

SIP goals and VOC regulation benchmarks, ranging from 19 to 59 percent less than emissions in the 1990 base year (Figure 1). This comprehensive report is available on our website at: *www.cdpr.ca.gov/docs/emon/vocs/vocproj/voc_data_analysis.htm*.

Reporting and analysis of data is always a year in arrears. Because of this, full data for 2013 is not available. Preliminary analysis of the 2013 pesticide use report data for the San Joaquin Valley NAA indicates that the trigger level may have been exceeded and the restrictions on high-VOC products will go into effect in May 2015.

Figure 1: May - October (ozone season) Adjusted Pesticide VOC Emissions and Goals



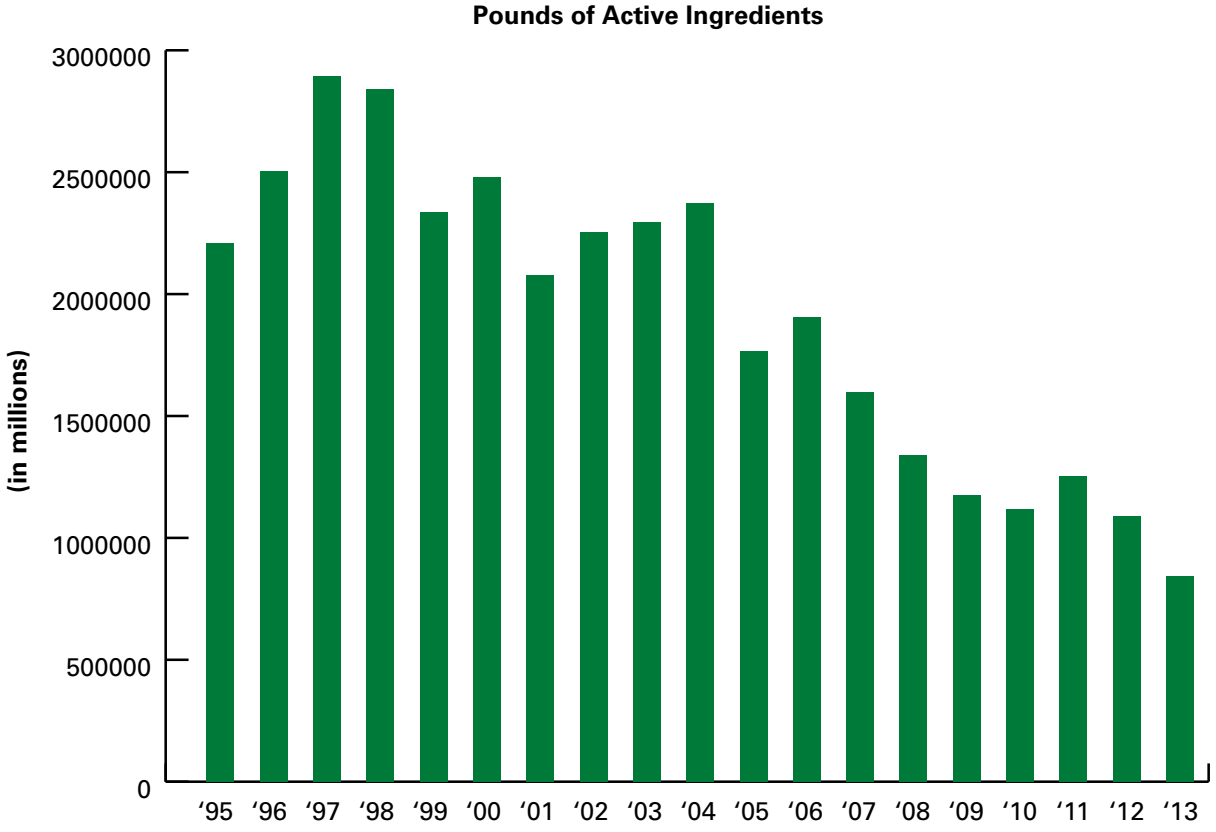
More detailed information about DPR's program and ongoing efforts to improve air quality in the state by controlling the use of smog-producing pesticides is available on the DPR website at *www.cdpr.ca.gov/docs/emon/airinit/airmenu.htm*.

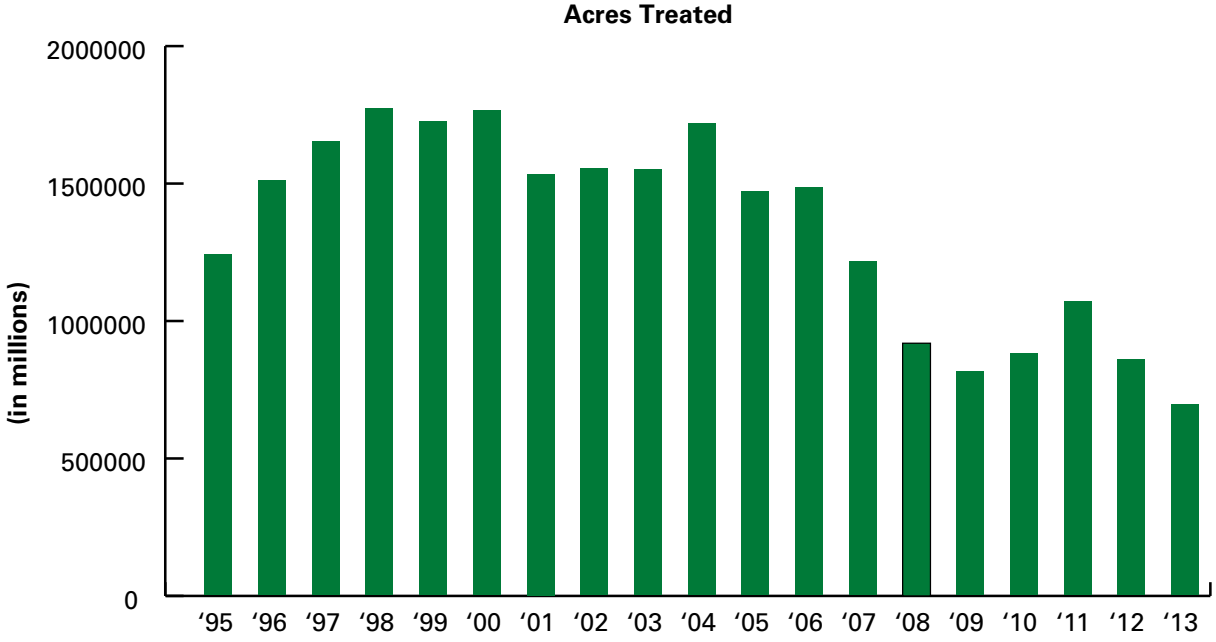
Groundwater Protection Program

DPR's system to collect and track pesticide use is recognized as the most comprehensive in the world. Since 1990, with the exception of home and most industrial and institutional uses, all pesticide applications are reported to DPR. The pesticide use reports allow DPR to track use trends of pesticides on the groundwater protection list, as well as other categories of pesticides.

In 2004, DPR implemented groundwater protection areas (GWPAs) that increased the acres under regulation from approximately 300,000 acres to approximately 2.5 million acres. Use of regulated GWPA pesticides has decreased since the program was adopted in 2004 (Fig. 2). *www.cdpr.ca.gov/docs/emon/grndwtr/*

Figure 2. Use Trends of Pesticides on DPR's Groundwater Protection List





The reported pounds of active ingredients and cumulative acres treated by pesticides on the "a" part of DPR's groundwater protection list. These pesticides are listed in the California Code of Regulations, Title 3, Division 6, Chapter 4, Subchapter 1, Article 1, Section 6800(a). Use includes both agricultural and reportable non-agricultural applications. Data are from the Department of Pesticide Regulation's Pesticide Use Reports.

On an annual basis, DPR performs an analysis of the statewide pesticide use data to determine what effects regulatory measures have on the use of these groundwater protection list chemicals and whether the use of other less-toxic chemicals has changed during that time period. DPR posts the results of this trend analysis annually on its website. The most recent results observed during 2012 are noted at: *www.cdpr.ca.gov/docs/pur/purmain.htm*.

More detailed information about DPR's groundwater protection program is available at: *www.cdpr.ca.gov/docs/emon/grndwtr/*.

Registration Branch

Table 6. Registration Program Outputs

DPR Registration - Outputs	2011	2012	2013
Number of Registered Products	12,913	12,091	12,320
Number of Pesticide Registrants	1,437	1,397	1,389

Source of Data: DPR's Summary of Pesticide Use Data – 2013
These pesticides are the active ingredients (AI) listed in the California Code of Regulations, Title 3, Division 6, Chapter 4, Subchapter 1, Article 1, Section 6800(a). Reported pounds of active ingredient applied include both agricultural and reportable non-agricultural applications. The reported cumulative acres treated include primarily agricultural applications.

DPR's Registration Branch prepares public notices and corresponds with pesticide registrants regarding data requirements, determinations of health effects of pesticides, and final actions on registrations. The law requires DPR to continuously evaluate registered pesticides after they are in use. DPR does this through its Pesticide Reevaluation Program. Upon receipt of information indicating that use of a pesticide may have caused, or is likely to cause, an adverse effect to people or the environment, DPR is required to investigate. If DPR finds that the pesticide has caused, or may have caused, a significant adverse effect, reevaluation is triggered. The goal of reevaluation is to determine the extent of the adverse effect and to identify ways to mitigate or eliminate the concern.

Pest Management and Licensing Branch

DPR's Pest Management and Licensing (PML) Branch examines and licenses those who sell, apply commercially, or consult on the use of pesticides, accredits continuing education courses, and collaborates with the University of California for the development of license examination study guides and examination questions. PML ensures that pesticides are handled and used according to state and federal laws and label directions.

An individual who recommends, uses, or supervises the use of a pesticide must take and pass DPR examinations covering the type of pest control work they perform prior to being issued a license or certificate by DPR. These individuals include applicators, aircraft pilots, pest control advisers, and pest control dealer agents. In addition, to maintain and renew their licenses or certificates, these individuals must take continuing education courses to ensure they are knowledgeable about current pesticide laws and regulations; the proper, safe, and efficient use of pesticides; protection of public health, environment and property; and safe working conditions for agricultural and pest control workers. Pest control businesses (including maintenance gardeners), dealers, and brokers must also obtain licenses with periodic renewals and show proof that they continue to meet insurance obligations and retain qualified persons on staff.

Table 7. Summary of Licensing Program Outputs

Outputs	2011	2012	2013
New Licenses and Certificates Issued	2,170	2,379	2,368
Renewed Licenses and Certificates Issued	12,172	12,188	12,643
Exams Administered by DPR	8,451	7,951	8,965
Continuing Education Courses Accredited	1,541	1,552	1,555
Continuing Education Courses Audited	14	16	16

PML reviews and approves all continuing education instructional opportunities including college level courses; demonstrations or presentations of current applied research; professional or technical seminars; demonstrations related to pesticides or pest management; and field trial tours. Continuing education sponsors must submit course outlines, agendas, and descriptions for review and approval prior to the course date. DPR also randomly audits approved continuing education courses to provide feedback to individual sponsors so they can make improvements to future courses. Audits of license renewal applications are conducted to verify attendance claimed by course attendees.

Outreach and Training Provided by DPR Branches

During 2013, DPR staff made several presentations to stakeholders on pesticide laws, regulations, and policy covering a variety of subject areas such as endangered species, licensing requirements, VOCs, respiratory protection, worker protection, pesticide use reporting, registration and labeling, rice herbicides, pest management practices, drift prevention, structural pest control, and enforcement response regulations.

DPR maintains a "compliance assistance" website focusing on providing up-to-date information for employers and others who are required to comply with pesticide laws and regulations. The website is available at: *www.cdpr.ca.gov/docs/dept/quicklinks/ compliance.htm*.

Implementing Integrated Pest Management Practices in Schools and Child Day Care Facilities

The 2013 DPR Integrated Pest Management (IPM) workshops outreach involved 828 California public school districts. These workshops enable school district Integrated Pest Management coordinators to go back to their districts and train school maintenance and operations staff, including groundskeepers and custodians, on reduced-risk strategies to control cockroaches, ants, rodents, weeds, and other pests.

Outreach Efforts to Farmworker Communities and Families

In 2013, DPR Worker Health and Safety staff participated in several workshops; provided literature to migrant clinics and other care facilities; made contacts and participated in presentations; and staffed informational booths at health fairs, health conferences, county fairs, and other festivals to respond to questions on pesticide safety. Examples of these outreach efforts are described below.

- To promote pesticide safety for farmworkers and their families, WHS staff distributed pesticide safety literature and other related information at more than 60 community events such as Promotores workgroups, migrant farmworker camps, health fairs, county fairs, and other festivals.
- In collaboration with Napa, Tulare, and San Diego County Agricultural Commissioners' offices, WHS staff participated in three field worker training workshops focusing on pesticide safety.
- Staff participated in six Promotores pesticide safety trainings sponsored by the California Poison Control System.

Training for CACs

Enforcement Branch staff arranged and conducted 28 training sessions for 563 CAC staff in the following areas:

- Structural pest control enforcement training.
- Breaking Barriers – to assist non Spanish-speaking inspectors who interview non-English-speaking field workers and applicators.
- Investigative techniques – regional small group trainings.
- Inspection Procedures – regional small group trainings.
- The Advocates Challenge.

Additional Information

For more information about DPR programs, please visit our website at: *www.cdpr.ca.gov*.

For additional detailed information about our 2013 accomplishments please see: *www.cdpr.ca.gov/docs/enforce/plan_imprv.htm*.

Water Boards

Water Boards Overview

The State Water Resources Control Board and its nine Regional Water Quality Control Boards (Water Boards) protect the waters of the State by ensuring compliance with clean water laws, issuing permits and taking enforcement actions against illegal discharges of waste in surface and ground waters. The Water Boards also regulate and enforce California's water rights.

The Water Boards have an active enforcement program and work in collaboration with the rest of the enforcement programs at the CalEPA and with local regulatory and law enforcement agencies. The Water Boards have authority under the California Water Code to regulate and enforce any activity or factor that may affect the quality of the waters of the state. The Water Boards are the state agencies with primary responsibility for the coordination and control of water quality. The Water Boards assessed approximately $19.4 million in civil liabilities in 2013.

The water quality control activities are organized around programs. Each program dedicates resources to compliance assurance and enforcement activities. Enforcement is then integrated into program activities. The five core regulatory programs are:

- National Pollutant Discharge Elimination System (NPDES), Wastewater
- National Pollutant Discharge Elimination System (NPDES), Stormwater
- Waste Discharge Requirements (WDR)
- Land Disposal
- Wetlands and 401 Certification (Section 401 of the Federal Water Act)

Each Regional Board has a dedicated enforcement coordinator that participates in regular statewide roundtables to help achieve a unified and effective statewide enforcement program. The regional boards have approximately 54 staff working on enforcement and 79 staff working on compliance activities.

The Office of Enforcement at the State Water Board was created in mid-2006 to emphasize enforcement as a key component of the Water Boards' water quality regulatory functions and statutory responsibilities. The Office of Enforcement is made up of 29 staff and their role is to ensure that violations of orders and permits result in firm, fair, and consistent enforcement through direct actions, the development of policies and guidance, and the identification of metrics for decision-making on enforcement issues. Office of Enforcement provides legal support to regularly-scheduled enforcement prioritization meetings at each Regional Board.

In addition, the Division of Water Rights at the State Water Board also has an active Enforcement Program responsible for statewide water rights compliance and enforcement and implementation of the State Water Board's Water Rights Policy. Office of Enforcement supports the Division with legal services.

The Water Boards track complaints received in the CalEPA electronic complaint tracking system and those received directly at the State or regional Water Boards.

Goals and Objectives and Achievements for 2013

The Water Quality Enforcement Policy requires identification of enforcement priorities on an annual basis. The Water Boards identify enforcement priorities for both its water quality and water rights programs and implement these priorities over multiple years. These priorities are similar in concept to the National Enforcement Initiatives established by the United States Environmental Protection Agency (U.S. EPA). They determine the focus for water quality enforcement efforts by the State and Regional Water Boards and water rights enforcement by the State Water Board. The State and Regional Water Boards also recognize that regional priorities may not be identical because each region faces a variety of different issues. The overarching priorities described below will be further enhanced by specific initiatives and actions at both the State and Regional Water Boards.

Sanitary Sewer Overflows

Sanitary sewer overflows (*www.waterboards.ca.gov/water_issues/programs/sso/index.shtml*) result in discharges of untreated sewage, bacteria, pathogens, hazardous materials, and industrial wastewater. The causes of the discharges include aging infrastructure, undersized facilities, inadequate operation and maintenance, faulty equipment, and poor system design.

Sanitary sewer overflow in San Luis Obispo

The State Water Board adopted Water Quality Order No. 2006-0003 (Sanitary Sewer Order) for public agencies that own or operate sanitary sewer systems in May 2006 which provides a consistent, statewide regulatory approach. The Sanitary Sewer Order prohibits the discharge of untreated or partially treated wastewater to surface waters and requires the agencies to develop and implement sewer system management plans (SSMPs) that improve the maintenance and condition of the sewer system and to report all sewer overflows that originate from their system.

From approximately 1,100 sanitary sewer systems enrolled under the Sanitary Sewer Order, there have been over 34,000 overflows reported from January 2007 through June 2013 with over 100 million gallons of sewage reaching surface waters. There is a decreasing trend in the number and volume of sewer overflows the last few years, most likely related to public agencies improving the conditions and maintenance of the sewer system as required by the Sanitary Sewer Order and the drought conditions (large volume spills typically occur during wet weather). Recent inspections revealed that some dischargers are violating the Sanitary Sewer Order and are underestimating the volume of sewage spilled or failing to report overflows. Ongoing efforts have been successful in achieving greater compliance with the Sanitary Sewer Order. The newly adopted Monitoring and Reporting Program (WQO 2013-0058-EXEC) requires agencies to submit a technical report when a large spill reaches surface waters, which will assist formal enforcement actions. Further information on compliance rates and the volume and number of overflows can be found here:
www.waterboards.ca.gov/water_issues/programs/sso/docs/compliance_report_fy1213.pdf

Program Highlights and Statistics for 2013

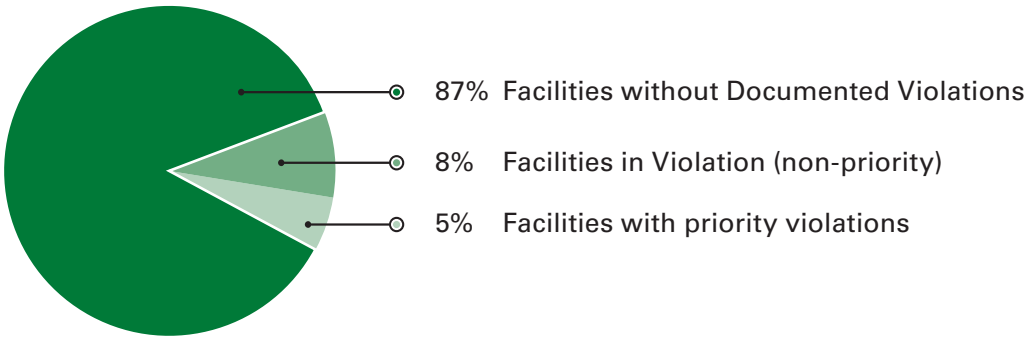
This report, covering calendar year 2013, highlights the enforcement activities of the five regulatory programs. Summary information for the five core regulatory programs is shown below:

Table 1: 2006-2013 Water Quality Enforcement Highlights for All Core Programs

	2013	2012	2011	2010	2009	FY 07-08	FY 06-07
Number of regulated facilities:	25,652	24,238	27,375	28,466	39,704	39,692	41,156
Inspections conducted:	6,168	6,702	5,346	6,255	6,129	3,763	3,839
Violations documented:	12,311	12,805	14,405	13,992	12,378	15,177	9,801
Facilities with one or more violations:	3,390	3,607	3,245	2,742	2,733	2,970	2,527
Informal enforcement actions taken:	4,132	4,942	4,132	4,066	3,001	2,706	1,915
Formal enforcement actions taken (including ACLs):	246	248	306	364	303	283	180
Administrative Civil Liability actions:	187	179	226	238	174	106	107
Penalties assessed*:	$19 million	$22 million	$24 million	$13 million	$20 million	$19 million	$12 million
Violations receiving enforcement:	6,852	6,370	7,594	8,300	6,668	8,643	5,485

* Does not include penalties assessed under the Health & Safety Code.

Figure 1: 2013 Enforcement Highlights



NPDES Wastewater Program

Discharges from specific point sources, such as municipal waste treatment plants and food processors, to surface waters (rivers, lakes, oceans, wetlands, etc.

- Facilities regulated: 1,617
- Inspections conducted: 483
- Facilities with one or more violations: 470
- Violations documented: 4,057
- Percentage of violations with enforcement actions: 55%
- Enforcement actions issued: 446

NPDES Stormwater Program

Stormwater discharges generated by runoff from land and impervious areas such as paved streets, parking lots, and industrial and construction sites during rainfall events.

- Facilities regulated: 17,610
- Inspections conducted: 3,095
- Facilities with one or more violations: 1,694
- Violations documented: 1,953
- Percentage of violations with enforcement actions: 93%
- Enforcement actions issued: 2,926

Water Discharge Requirements Program

Discharges of wastewater from point sources to land and groundwater, waste generated from confined animal facilities and all other pollution sources that can affect water quality not covered by other programs.

- Facilities regulated: 3,687
- Inspections conducted: 605
- Facilities with one or more violations: 600
- Violations documented: 5,060
- Percentage of violations with enforcement actions: 31%
- Enforcement actions issued: 663

Land Disposal Program

Discharges of waste to land that need containment in order to protect water quality, including landfills, waste ponds, waste piles, and land treatment units.

- Facilities regulated: 766
- Inspections conducted: 544
- Facilities with one or more violations: 84
- Violations documented: 156
- Percentage of violations with enforcement actions: 43%
- Enforcement actions issued: 73

401 Certification/Wetlands Program

Impacts from dredging and disposal of sediments, filling of wetlands or waters, and any other modification of a water body.

- Facilities regulated: 874
- Inspections conducted: 140
- Facilities with one or more violations: 29
- Violations documented: 43
- Enforcement actions issued: 34

The following table provides information on the compliance rates for each category of dischargers in 2013.

Table 2: 2013 Discharger Compliance Rates

Water Boards Core Regulatory Programs by Category YEAR 2013	Number of Facilities with Comp-liance Assessed	Facilities With one or More Violations in the Period	Percentage of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percentage of Facilities with Priority Violations	Total Priority Violations
NPDES Major Facilities	266	146	55%	1,535	79	30%	723
NPDES Minor Facilities	229	130	57%	1,301	68	30%	569
NPDES General	676	302	45%	1,459	109	16%	615
Stormwater Industrial	6,899	762	11%	932	324	5%	376
Stormwater Construction	1,732	932	54%	1,021	212	12%	244
Stormwater Municipal I+II	95	10	11%	11	8	8%	8
WDR Large Municipal	321	152	47%	1,717	74	23%	562
WDR Small Municipal	849	206	24%	2,218	51	6%	627
WDR Industrial	617	121	20%	649	22	4%	80
WDR Sanitary Sewer Overflow	1,103	113	10%	258	45	4%	83
WDR CAFO/Dairies	574	282	49%	535	223	39%	404
WDR All Other	411	121	29%	476	20	5%	78
Land Disposal Open Landfills	109	24	22%	39	10	9%	19
Land Disposal Closed Landfills	280	38	14%	69	21	8%	40
Land Disposal All Other	224	22	10%	48	13	6%	29
401 Wetlands/ Certifications	140	29	21%	43	15	11%	26
TOTAL	**14,525**	**3,390**		**12,311**	**1,294**		**4,483**

Office of Enforcement

The OE reports to the State Water Board's Executive Director. It is comprised of legal, technical and investigative staff. The technical and investigative staff is divided into three units: the Special Investigations Unit (SIU) with eight staff; the Underground Storage Tanks (UST) Enforcement Unit with four state staff and two contractors; and the Fraud, Waste, and Abuse Prevention Unit (FWA), with six staff. Consolidation of Water Board enforcement attorneys into the office began at the end of FY 2006/2007, with three attorneys. Currently the office is staffed with eleven attorneys, including the Director.

Typical activated sludge basin at a wastewater treatment plant.

Among OE's functions is the authority to initiate enforcement actions independently of those actions taken by the regional water boards. These actions arise out of the investigative activities of all three of its investigative units.

2013 Office of Enforcement Actions

- Cases investigated: 101
- Cases referred to District Attorney: 0
- Cases referred to Attorney General: 2
- Enforcement actions issued: 4
- Penalties assessed: $1,709,500

Special Investigations Unit (SIU)

SIU staff conducts investigations and assists with Regional Water Board investigations when additional resources are needed. Overall, SIU had 83 cases open in 2013, including 21 new referrals from the Regional Water Boards and the Division of Water Quality. Out of the 83 open cases, 49 cases were closed, many with informal actions that achieved permit compliance, although several cases were closed when there was insufficient evidence to pursue formal actions. Three of the closed cases had formal enforcement actions.

Sanitary Sewer Overflows (SSOs): In 2013, SIU continued to focus on the sanitary sewer overflow program by helping districts return to compliance with permit requirements, developing enforcement actions for sanitary sewer overflows, reviewing and commenting on drafts of the revised Monitoring and Reporting Program, and assisting Regional Boards on inspecting facilities. SIU had 38 cases in 2013 connected with the sanitary sewer overflow program, including 14 new cases. Fourteen cases were closed, most with informal enforcement actions. However, three cases resulted in formal enforcement actions: an Administrative Civil Liability (ACL) for $4,500, a Cease and Desist Order issued by a Regional Board, and a referral to the Attorney General's office.

Underground Storage Tank (UST) Enforcement Unit

The UST Enforcement Unit conducts investigations of UST leak prevention violations, Cleanup Fund fraud, Tank Tester licensing violations, and cleanup remediation issues.

Inspection of underground storage tank

Leak Prevention: The UST Enforcement Unit supports enforcement of the UST program within the Division of Water Quality, primarily by investigating UST construction, monitoring, and testing violations. The Office of Enforcement refers UST leak prevention cases to the Attorney General's Office or local prosecutors for action. In 2013, the UST Enforcement Unit assisted the Attorney General's Office with two cases that were referred previously.

- The State Water Board collected $1,103,500 in 2013 for penalties and costs associated with previously settled cases.

UST Tank Tester Licensing (TTL) Program: The State Water Board enforces the laws and regulations governing tank testers. The Office of Tank Tester Licensing, within the Division of Water Quality, administers the TTL program. There are approximately 107 licensed tank testers in California. These individuals test UST systems to verify that the systems are in compliance and are not leaking. The State Water Board can take administrative enforcement action against licensed tank testers. In 2013, the Attorney General's Office obtained a $30,000 judgment on a case referred by the State Water Board against BZ Service Station Maintenance, Inc. in July 2013, of which $22,100 was paid to the State Water Board for penalties.

Government Owned and/or Operated Tanks (GOT): In 2005, the federal government recognized the disparity of compliance between government-owned and privately-owned UST facilities when it passed the Energy Policy Act. The Act required a one-time report of all non-compliant GOT facilities in the nation. In August 2007, the State Water Board's UST Program reported that California had 415 non-compliant GOT facilities, with a total of 634 non-compliant USTs. In 2010, the State Water Board began an initiative to gain compliance at these facilities. Activities of the initiative include obtaining and reviewing facility files, conducting inspections, and initiating enforcement actions when warranted. In 2013, the UST Enforcement Unit obtained 324 files, reviewed 284 files, conducted 32 inspections, issued 49 Notice of Violation letters, and investigated four cases.

Fraud, Waste, and Abuse Prevention: In 2010, the State Water Board began an initiative to deter, investigate, and prosecute fraud against the UST Cleanup Fund. The Cleanup Fund is administered by the Division of Financial Assistance and reimburses up to $1.5 million per occurrence for cleanup at eligible petroleum-contaminated UST sites. In 2013, staff referred one case to the Attorney General's Office for civil and/or criminal prosecution and continued to work on three previously referred cases. As a result of the Unit's investigations, a criminal plea was entered against Kurt Hayden. As part of the plea agreement, Hayden plead guilty to one felony count of filing a false claim with the State and will repay the Cleanup Fund $1.6 million and serve 180 days in the county jail. In addition in 2013, the State Water Board collected $75,000 from E2C Remediation, Inc. for allegedly violating the terms of a 2010 judgment.

Water Rights

The State Water Board is the state agency with primary responsibility for the administration and regulation of water rights in California. The State Water Board's Division of Water Rights allocates water rights through a system of permits, licenses and registrations that grant individuals and others the right to beneficially use reasonable amounts of water. Water rights permits help to protect the environment and other water users from impacts by restricting water diversions and by including specific conditions to mitigate potential impacts. According to the State Water Board's water rights database system, there are 40,059[1] water right records throughout California. In addition, more water rights have been adjudicated by the courts, exempted by legislation, or are otherwise being exercised and not reported to the State Water Board. The Water Code requires all diversions of water not covered by a permit or license (e.g. riparian or pre-1914 water rights and pending water right applications) to be reported to the Division of Water Rights through the filing of a Statement of Water Diversion and Use.

Table 3: Number & Type of Water Rights Records on File with the State Water Board

Applications[a]	533
Permits[a]	1,468
Licenses[a]	10,794
Registrations[a, b]	848
Stockpond Certificates[a]	5,306
Groundwater Extraction Claims	3,288
Statements of Water Diversion and Use[c]	15,780
Riparian claims[c]	12,350
Pre-1914 claims[c]	5,383
Federal Filings	1,974
Other Water Rights	68
Total Water Rights	**40,059**

a Of these, the State Water Board has permitting authority over the applications, permits, licenses, registrations and certifications.
b includes Small Domestic Use, Livestock Stockpond Use, and Small Irrigation Use Registrations.
c Some Statements include both a riparian and a pre-1914 claim.

Water Rights Enforcement Program Organization and Resources

The *Enforcement Program* (*www.waterboards.ca.gov/waterrights/water_issues/programs/enforcement/*)of the Division of Water Rights (Division) is responsible for statewide water rights compliance and enforcement. The Enforcement Program resources are all based in Sacramento and consist of five enforcement units, a separate public trust unit, and legal support staff. Many of the 2013 enforcement actions taken by the Division were due to 2009 legislation requiring all permit, license and statement holders to submit their required annual or triennial water use report online via the Division's web-based reporting system. The following summarizes specific compliance and enforcement activities conducted by Division of Water Rights in 2013:

- Issuance of cease and desist orders and administrative civil liabilities to water rights permit and license holders who failed to submit the required 2012 annual water use reports by the July 1, 2013 due date.
- Issuance of administrative civil liabilities to water diverters with riparian or pre-1914 water rights claims who failed to submit the required 2010-2012 triennial water use reports by the July 1, 2013 due date.

1 Water Right Applications and Initial Statements of Water Diversion and Use that have been submitted, but not reviewed for acceptance, are not reflected in this total.

- Investigation of cases involving the protection of public trust resources and the prevention of waste and unreasonable use of water. Investigations focused on those cases with alleged impacts to Endangered Species Act listed salmonids in watersheds federally listed as critical habitat. The Division coordinates with the California Department of Fish and Wildlife and the National Marine Fisheries Service in many cases involving impacts to public trust resources.
- Continuation of investigations of potential unauthorized water diversions in northern coastal counties.
- Investigations to determine compliance with water rights permit or license terms that require the bypass of a specified flow rate for the protection of public trust resources.

Unauthorized stream reservoir

- Assessment of impacts to public trust resources in watersheds where large water diversions are authorized by water rights permits or licenses that do not stipulate a flow rate that must be bypassed to or maintained in the stream source. This assessment is in progress.
- Investigations of water rights complaints received from water diverters, the general public, and other public agencies. Complaint allegations may involve violations of permit or license terms and conditions, impacts to senior water rights holders by junior water rights holders, unauthorized diversions, impacts to public trust resources, and waste and unreasonable use of water.

Water Rights Enforcement Identification Strategies

- Compliance assurance with water rights requirements relies on reviewing annual use reports, monitoring reports for permit or license term compliance, conducting inspections for both authorized and unauthorized diversions, and responding to complaints:
- Annual Use Reporting: All permit and license holders, along with statement holders on a three-year cycle, are required to submit their annual use reports online through the Division of Water Rights' Report Management System. The deadline for submittal of the prior year's annual water use report is June 30th of the following year. Failure to submit the annual use report subjects the party to potential enforcement action.
- Monitoring Reports: Special terms included within permits or licenses may also require submittal of special reports, such as those required to comply with water right Permit Terms 91 and 93. Division staff reviews the monitoring reports and if violations are noted, enforcement action may be taken.
- Inspections: The Enforcement Section of the Division of Water Rights conducts compliance inspections and illegal diversion investigations in high resource-value watersheds including those containing threatened and endangered species. The Enforcement Section selects targeted watersheds annually based, in part, on recommendations from the Regional Water Quality Control Boards, the Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. For each target watershed, Enforcement staff identify priority projects based on diversion quantity, special terms, or potential violations gleaned from self-monitoring reports and existing facilities without known water rights.
- Complaints: The Enforcement Section will continue to rely on local residents, other agencies, and other interested persons to identify potential water right violations or impacts to public trust resources. While the public and other public agencies may submit or refer complaints by letter, telephone or email, the majority of complaints received are now submitted via the CalEPA Environmental Complaint website.

Water Rights Enforcement Program Outputs

All units associated with the Enforcement Program initiate formal and informal enforcement actions to curtail illegal diversions and to protect prior rights and instream beneficial uses. The following table shows the number and type of enforcement actions taken by the State Water Board's Division of Water Rights during calendar year 2013.

Table 4: Water Right Enforcement Actions for Calendar Year 2013

Enforcement Action Type	Total
Staff Enforcement Action	85
Permit and License Revocation Orders Issued	59
Cease and Desist Order	311
Administrative Civil Liability	48
Total	**503**

The next table summarizes the basic statistics regarding the resources, the activities and actions taken by the Enforcement Program of the Division of Water Rights during calendar year 2013.

Table 5: Water Right Enforcement Program for Calendar Year 2013

Water Rights	Totals for 2013
Regulated Entities[a]	34,370
PYs for Staff Dedicated to Enforcement Duties	32
Amount of Gross Budget Expended on Enforcement Duties	$4.2 million
Regulated Universe average assignment per Enforcement PY	1,074
Monitoring Reports Reviewed	8,115
Field Inspections Conducted	95
Violations[b] (not including reporting violations)	8,957
Violations for Reports Not Submitted[c]	4,671
Priority or Chronic Noncompliance Problems	1,363
Inspections with one of more violations found	56
Enforcement Actions Taken (Total)	503
Formal Actions (Revocations, ACLs & CDOs)	418
Cease and Desist Orders	311
Administrative Civil Liability	48
Informal Actions	85
Cases Closed	451
Penalties Assessed[d]	$187,300
Enforcement Response: % of Violations with Enforcement	3.7%
Water Rights Compliance Rate	60.3%

a Number of permits, licenses, registrations, certifications, complaints, statements.
b Number of non-reporting violations is estimated.
c Reports not submitted by July 1, 2013 due date.
d Initial penalty amounts assessed; final penalty amounts may be different.

Enforcement Response

The 2009 Water Quality Enforcement Policy guides staff in selecting the appropriate level of enforcement response that properly addresses violations and recommends the use of progressive enforcement. The policy describes progressive enforcement as "an escalating series of actions that allows for the efficient and effective use of enforcement resources." Depending on the nature and severity of the violation, an informal enforcement action such as a warning letter to a violator, or a more formal enforcement action, including orders requiring corrective action within a particular time frame, may be taken.

Table 6: Formal Enforcement Penalty Actions

Formal Enforcement Penalty Actions	2006	2007	2008	2009	2010	2011	2012	2013
Civil Cases Referred	2	4	9	4	4	6	7	9
Administrative Actions Initiated	64	90	271	171	232	226	179	226
Criminal Cases Referred*					1	1	6	3

* Criminal cases are referred to the Attorney General's Office or local District Attorneys' Office. It is the decision of the Attorney General or local District Attorney to pursue the case as a civil or criminal matter.

In the Water Quality Enforcement Policy appropriate enforcement response is related to the ranking and classification of violations grouped around enforcement cases. The priority enforcement cases are then identified and those with class I priority violations are targeted for formal enforcement action.

The following table shows that the enforcement response varies by program, violations under the NPDES wastewater program received the largest percentage of administrative actions and for the stormwater program, enforcement is focused on informal enforcement.

Enforcement Policy

"It is the policy of the State Water Board that every violation results in the appropriate enforcement response consistent with the priority of the violation established in accordance with this Policy. The Water Boards shall rank violations and then prioritize cases for formal discretionary enforcement action to ensure the most efficient and effective use of available resources."

Table 7: Enforcement Response Core Regulatory Programs 2013

	Violations Receiving "All Other Enforcement Actions"	%	Compliance Actions Violations	%	Penalty Actions Violations	%	Enforcement Violations	%	No Enforcement Violations	%	Total Violations
NPDES	1,029	25%	631	15%	554	14%	2,214	54%	1,864	46%	4,078
Stormwater	2,148	92%	—	0%	18	1%	2,166	93%	163	7%	2,329
Waste Discharge Requirements	1,657	32%	17	0%	2	0%	1,676	32%	3,501	68%	5,177
Land Disposal	64	37%	10	6%	—	0%	74	43%	98	57%	172
Total	**4,898**	**42%**	**658**	**6%**	**574**	**5%**	**6,130**	**52%**	**5,626**	**48%**	**11,756**

Highlighted Enforcement Cases for 2013

Settlement Agreement Reached With City of Brawley for Water Code Violations

In September 2013, the Colorado River Basin Regional Water Board assessed a $1 million Administrative Civil Liability (ACL) fine against the City of Brawley (City) for violations of its NPDES permit, and for failure to develop and implement a pretreatment program for industrial wastewater. Between 2001 and 2012, the City's wastewater treatment plant repeatedly violated its permit due to high concentrations of ammonia in inadequately pretreated industrial wastewater discharges from a slaughterhouse into the City's wastewater treatment plant. In 2008, the Regional Water Board issued a Cease and Desist Order (CDO) requiring the City to develop and implement a pretreatment program. Although the City established a surcharge system based on industrial wastewater flows into the wastewater treatment plant, pretreatment limits were never established. The fine has prompted the City to complete development and implementation of its pretreatment program to reduce its major industrial discharges. The ACL is the largest fine ever adopted by the Regional Water Board. For more information:
www.waterboards.ca.gov/coloradoriver/water_issues/hot_topics/city_of_brawley.shtml

Enforcement Actions Lead to Criminal Conviction for Underground Storage Tank Cleanup Fund Fraud

In June 2013, the State Water Board, working with the California Attorney General's Office, secured its first felony conviction for fraud against the UST Cleanup Fund. Also in 2013, the State Water Board assisted California Department of Justice agents with search warrants served on several California-based environmental consultants for fraud investigations. The goal of these enforcement efforts is to deter other environmental remediation claimants and contractors from submitting fraudulent claims to the UST Cleanup Fund. The UST Cleanup Fund has reimbursed more than $3.3 billion since its inception in 1992. The Water Boards are committed to investigating and prosecuting claimants and consultants submitting fraudulent claims to the UST Cleanup Fund. In April 2013, the State Water Board permanently established the Fraud, Waste, and Abuse Prevention Unit to continue investigating cases of fraud against the UST Cleanup Fund. For more information:
www.waterboards.ca.gov/water_issues/programs/enforcement/orders_actions.shtml#a2013

Cleanup and Abatement Order Issued to Rancho Guejito Corporation for Unauthorized Discharges

In April 2013, the San Diego Regional Water Board issued a CDO to Rancho Guejito Corporation (RGC) that requires the remediation of the effects of unauthorized discharges of debris and sediment resulting from road construction. RGC performed unauthorized road construction and grading that resulted in the discharge of soil and sediment into Guejito Creek and its tributaries. Additionally, RGC placed earthen fill material in at least five tributaries of Guejito Creek, obstructing natural water flow. RGC's actions resulted in the permanent removal of sensitive native habitat, directly threatening the designated beneficial uses of Guejito Creek and its tributaries. The CDO requires the removal of waste and abatement of the effects of road-grading sediment discharges, the implementation of erosion control measures, the restoration of the creek and tributaries to pre-grading conditions, and the restoration of native vegetation. Also in 2013, the Regional Water Board approved RGC's Remedial Action Plan, which is a requirement of the CDO and is the cornerstone document for the cleanup. For more information: *www.waterboards.ca.gov/rwqcb9/board_decisions/adopted_orders/2013/R9-2013-0009.pdf*

Settlement Agreement Reached with Equilon Enterprises for Water Code Violations

In November 2013, the Central Valley Regional Water Board entered into a settlement agreement with Equilon Enterprises, LLC (Equilon) for an ACL of $500,000 for failure to submit groundwater monitoring reports, and annual evaluations of remediation actions and site conditions for its Bakersfield Refinery. In 2007, the Regional Water Board issued a CDO requiring Equilon to submit the reports and evaluations for groundwater cleanup of petroleum hydrocarbons. As a result of enforcement actions, Equilon has achieved compliance with reporting requirements. Half of the assessment ($250,000) will fund two Supplemental Environmental Projects (SEPs). The first SEP will assist West Goshen, a severely disadvantaged community whose drinking water groundwater source is contaminated by nitrates. The SEP will connect West Goshen to an alternative drinking water distribution system, providing a reliable clean drinking water source. The second SEP will be used to re-plant native vegetation (including cottonwood, sycamore, and valley oak) on the Panorama Vista Preserve along the Kern River in Bakersfield. The remaining $250,000 was paid to the State Cleanup and Abatement Account in December 2013. For more information: *www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/kern/r5-2013-0585_stip.pdf*

Enforcement Action Ensures Replacement Drinking Water Sources

In March 2013, the Central Coast Regional Water Board issued a CAO to ensure safe drinking water for the community of San Lucas. For at least two years, residents of San Lucas have used bottled water because the local drinking water well is polluted by nitrate from fertilizer. The CDO requires the landowner and farm operator of Las Colinas Ranch to provide uninterrupted interim and long-term replacement water service to San Lucas residents. The CDO is unusual in that the landowner and farm operator were already working with the San Lucas County Water District and Monterey County to provide replacement water. The landowner and farm operator are also working with local housing agencies and officials to find a longterm solution to the local drinking water problems. The CDO acknowledges the landowner and farm operator's proactive efforts. For more information: *www.waterboards.ca.gov/rwqcb3/press_room/press_releases/docs/Revised_San_Lucas_CAO.pdf*

Additional Informtion

For more detailed information on the Water Boards Enforcement Programs, the Enforcement Reports are available at: *www.waterboards.ca.gov/water_issues/programs/enforcement/#reports*

Additional enforcement information on the Water Boards performance management system is available in the FY 13-14 Performance Report:
www.waterboards.ca.gov/about_us/performance_report_1314

PLEASE RECYCLE
DO NOT LITTER

CalRecycle

The Department of Resources Recycling and Recovery (CalRecycle) is the state's leading expert on recycling, waste reduction, and product reuse. CalRecycle oversees numerous programs, from regulating beverage container recyclers, solid waste landfills, and tire businesses to monitoring the recycled content of newsprint and plastic containers and product stewardship programs for carpet, paint, and used mattresses. CalRecycle's enforcement priorities include protecting public health and safety, the environment, and the integrity of the special funds it manages, and ensuring a level playing field for solid waste disposal, manufacturing, and recycling businesses.

Overview of Enforcement Programs and Goals

CalRecycle's enforcement programs are included in one of three divisions, depending on the regulated material. Most enforcement programs are in the Waste Permitting, Compliance and Mitigation Division; however, the Division of Recycling manages the beverage container programs, and the Materials Management and Local Assistance Division manages the electronic waste program.

One of the key differences among the laws CalRecycle must enforce is the type of authority given to the department. CalRecycle has direct authority for waste tires, minimum content, local government diversion, beverage container recycling, and product stewardship. CalRecycle has oversight authority for solid waste facilities but has the ability to take direct enforcement authority if local enforcement authorities do not choose to do so or are not adequately performing enforcement duties.

CalRecycle's enforcement programs ensure that:

- Solid waste and waste tire processing and disposal facilities are inspected and, if appropriate, placed on corrective action, and if they fail to meet the terms of the corrective action, they may be penalized;
- Waste tire haulers are registered and, if appropriate, may be penalized or their registration may be revoked, suspended, or denied;
- Local governments not making a good-faith effort to implement their diversion programs are evaluated and placed on compliance orders, and if they fail to meet the terms of the compliance order, they may be penalized;
- Beverage container recycling centers are operating within the law and regulations, claims for program payment reimbursement are accurately completed and fully substantiated, material redeemed at recyclers is eligible for reimbursement, and recyclable material imported from out of state or previously redeemed is not illegally redeemed for reimbursement;
- Minimum-content programs, including rigid plastic packaging containers, are randomly reviewed to determine compliance with statutory and regulatory requirements or penalized if warranted;
- All Local Enforcement Agencies (solid waste) are properly certified and evaluated and, if warranted, placed on work plans, and if they fail to conform to the work plans, they may be decertified;

- Covered electronic waste recovered for recycling is eligible for reimbursement, compliantly processed, and properly disposed; and
- Product stewardship/extended producer responsibility programs for products including carpet, paint, and used mattresses are monitored and reviewed to verify compliance with statutory and regulatory requirements or to penalize if warranted.

Each program has a unique set of enforcement activities and measures of performance due to the wide range of laws. Potential violations of regulations span a wide spectrum, and almost all can result in administrative action or civil penalties; some are subject to criminal penalties. Compliance is monitored through integrated auditing, investigations, evaluations, and enforcement efforts. State laws require that CalRecycle enforcement programs have technical assistance, outreach, and training programs.

2013 Enforcement Program Highlights

The following are highlights from CalRecycle's 2013 enforcement programs:

Waste Tires

A new administrative procedure with in-house hearing officers replaced the more formal procedure conducted through the Office of Administrative Hearings. This process leads to quicker enforcement action and speedier resolution of cases.

Solid Waste

The number of violations issued to solid waste facilities continued its downward trend for the second year in a row, particularly at transfer stations. Local Enforcement Agency performance has significantly improved over the past three evaluation cycles.

Local Government Diversion

Nine compliance evaluation reviews were in process. Only one local government was placed on a compliance order in 2013.

Minimum Content

Registration and product pre-certification began for product manufacturers according to the Rigid Plastic Packaging Container (RPPC) revised regulations that became effective January 1, 2013.

Beverage Container Recycling

A significant number of administrative and criminal investigations associated with the illegal redemption of imported empty beverage containers resulted in enforcement actions during 2013. Additionally, CalRecycle successfully promulgated two enforcement-related regulations packages. The first reduced the allowable daily load limit consumers can redeem at certified recycling centers, and the second implemented reporting and inspection requirements for loads of imported empty beverage containers. CalRecycle believes these regulatory changes will significantly enhance the state's ability to deter, detect, and mitigate program fraud and abuse.

Electronic Waste Recycling

Recyclers continue to submit properly documented claims. CalRecycle adjusted only 1.4 percent of requests for payments due to noncompliant or significantly inconsistent documentation.

Product Stewardship Programs

CalRecycle hired staff for development of procedures, policies, and field inspection tools for new product stewardship programs for carpet, paint, and mattresses.

2013 Enforcement Case Highlights

The two enforcement cases summarized below are from the Beverage Container Recycling Program. They focus on the illegal redemption of empty beverage containers purchased outside California that were not subject to the California fee. If a fee/deposit was not paid when the beverage was purchased, you can't get a refund for returning/recycling an empty beverage container.

- The largest administrative case settled was an order for the owners of Paper Rush and Recycle Today to pay more than $2 million in civil penalties and restitution to CalRecycle and cease operations of their recycling centers for redeeming ineligible materials such as previously redeemed and/or imported empty beverage containers.
- The largest criminal case in 2013 was against Save-Us Recycling. The owner was arrested for fraudulently redeeming truckloads of imported empty beverage containers. A Department of Justice investigation resulted in the arrest and subsequent prosecution of the owner who was ordered to pay $516,000 in restitution and sentenced to three years of probation and 60 days of work alternative. The owner's recycling center certification was also terminated.

Significant progress was made during 2013 on a particularly large case filed in 2009 against Mission Fibers and Burbank Recycling. CalRecycle believes the individuals and entities involved should be collectively liable for reimbursing $32.6 million in fraudulent claims, along with interest and civil penalties totaling approximately $75 million.

Waste Tire Enforcement Program

CalRecycle has had direct authority since 1990 to enforce California's waste tire laws and regulations. Programs focus on the collection, transportation, authorized disposal, or diversion of waste tires to protect the environment and public health and safety. Waste or scrap tires are generated by tire-related businesses and are hauled by registered haulers to waste tire facilities for storage or to disposal facilities, processors, and recycling businesses. The recycling businesses produce tire-derived products including roads, athletic turf, playground mats, mulch, and more. Some cement kilns use waste tires as a fuel.

CalRecycle also funds 46 local tire enforcement agencies to inspect active waste tire sites within their jurisdictions. They also identify waste tire sites, investigate illegal tire disposal activities, review waste tire hauler documents, and address violations. CalRecycle provides assistance to local tire enforcement agencies and oversees enforcement statewide.

In 2013, the regulated waste tire community included approximately 30,820 California waste tire-related businesses, including:

- 29,353 waste tire-related businesses such as tire or car dealers, fleet operators, repair shops, dismantlers, cement kilns, agriculture, and other businesses that are excluded or exempt from permits due to the number of tires stored on-site;
- 1,467 registered waste tire haulers; and
- 44 permitted waste tire storage facilities.

Registered Haulers

Any person transporting 10 or more used or waste tires must register annually with CalRecycle. Transactions between the waste tire generator, hauler, and storage facility are documented in the web-based Waste Tire Manifest System. Registered haulers are inspected at least once every two years and CalRecycle field staff follow up on all enforcement activities documented by local agencies that are not satisfactorily corrected.

Permitted Storage Facilities

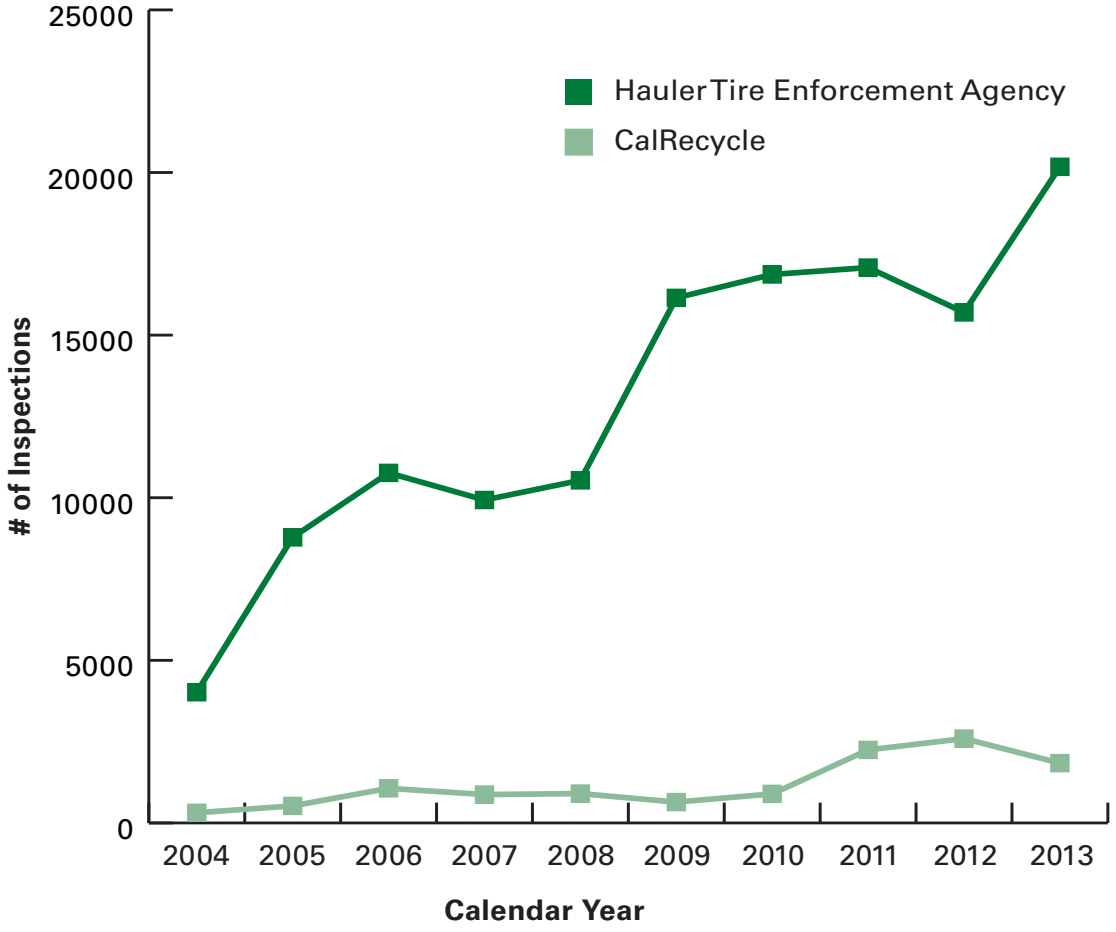
Waste tires are delivered by registered haulers to authorized waste tire storage facilities. Persons intending to store 500 or more waste tires need a permit to operate. Compliance is monitored through regular inspections. Operating without a waste tire facility permit is a misdemeanor punishable with a fine up to $10,000 per day and/or up to one year of imprisonment in county jail.

Waste Tire: Enforcement Activity

Inspections

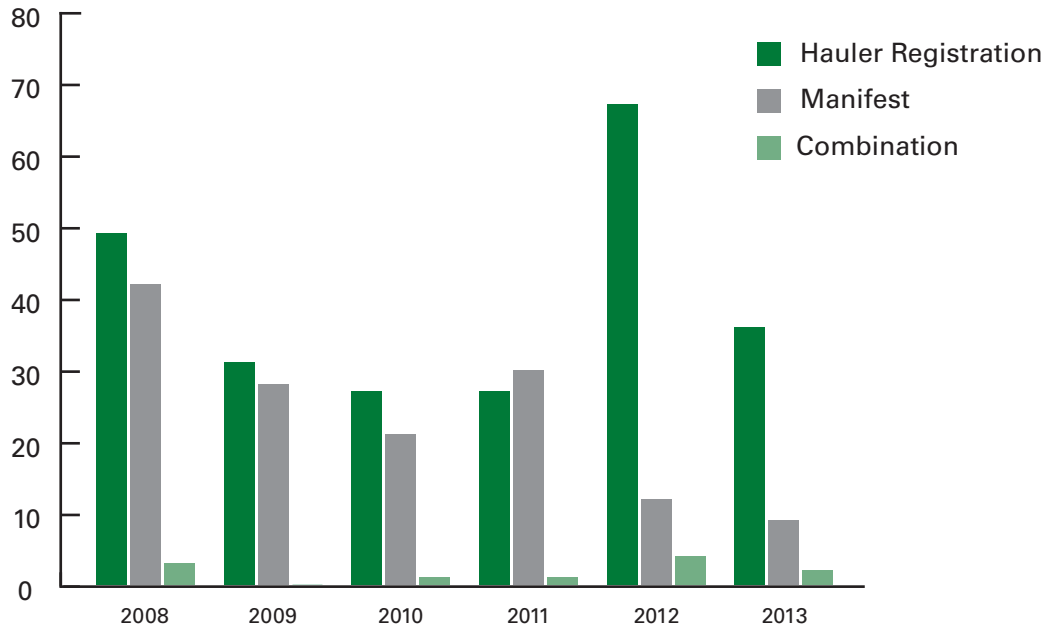
In 2013, 22,014 inspections were conducted statewide, which was 20 percent more than in 2012. CalRecycle staff participated in lengthy, complex enforcement cases in 2013, which consumed a higher percentage of staff time, resulting in a decrease in facility inspections conducted by CalRecycle staff. The following graph shows inspections over the last decade.

Figure 1: Tire-Related Business Inspections



Streamlined Penalty Program (Waste Tire Hauler Registration and Manifest): The streamlined penalty program saw a nearly 50 percent decrease in hauler penalties during 2013 due to fewer haulers transporting tires to unauthorized locations. As a result, the total number of penalties decreased in 2013 to levels similar to previous years. The chart below summarizes streamlined penalties.

Figure 2: Streamlined Penalty Program



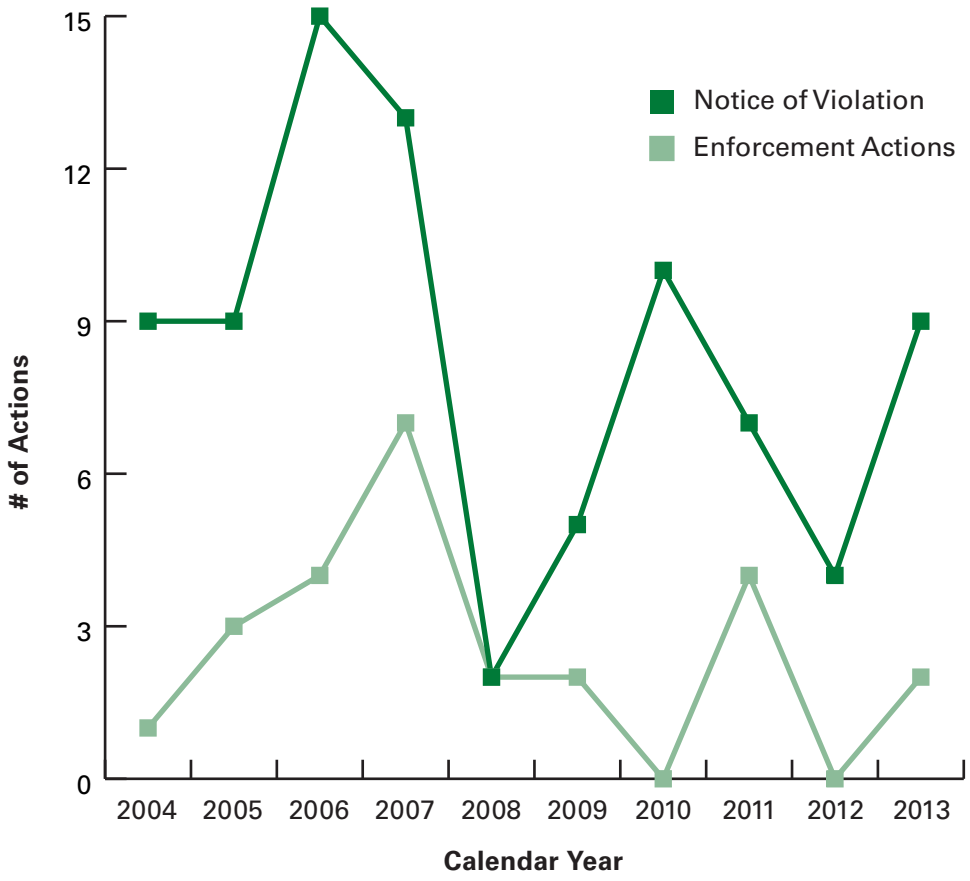
Administrative Complaints (Waste Tire Hauler Registration and Manifest)

Administrative complaints are prepared by the CalRecycle legal staff to ensure uniformity of enforcement. In 2013, the number of administrative complaints remained relatively stable for hauler registration and manifests with only three hauler registration complaints and two manifest complaints.

Enforcement Actions (Permitted Tire Facilities)

Most businesses correct compliance issues documented during an inspection within a timely manner. However, in 2013, there were nine notices of violation issued against permitted waste tire facilities, which is twice as many as during 2012. Two corrective action orders (cleanup and abatement) were issued in 2013. The graph below summarizes enforcement actions against permitted waste tire facilities.

Figure 3: Permitted Waste Tire Facilities: Enforcement Actions



Solid Waste Facilities Enforcement Program

CalRecycle has oversight authority for solid waste handling, processing, and disposal facilities/operations. Direct authority resides with 60 local enforcement agencies.

CalRecycle has the ability to take direct enforcement if local enforcement agencies do not choose to, or are not adequately performing enforcement duties. CalRecycle acts as the "enforcement agency" in those seven areas not covered by a local agency: the cities of Berkeley, Stockton, and Paso Robles; and the counties of San Benito, San Luis Obispo, Santa Cruz, and Stanislaus. Although each local enforcement agency is responsible for its jurisdiction, CalRecycle conducts oversight inspections of local enforcement agencies and provides training to ensure state laws are consistently and equitably enforced. Information regarding noncompliance permit conditions is tracked and made available on the CalRecycle website.

In 2013, California's solid waste disposal infrastructure included 556 permitted, active solid waste facilities and 664 authorized operations. Operations are distinguished from facilities in that they do not require a permit; however, they do require a notification sent to the local enforcement agency and must comply with operating and design requirements. Operations are also inspected less frequently than facilities. The types of facilities and operations are as follows:

Active Permitted Facilities (556)

- 313 waste transfer and processing facilities;
- 100 compostable material handling facilities;
- 140 disposal facilities (or landfills); and
- 3 waste-to-energy (transformation) facilities.

Authorized Operations (664)

- 380 waste transfer and processing operations;
- 258 compostable material handling operations; and
- 26 disposal (inert materials) operations.

Solid Waste Facilities: Enforcement Activity

Inspections: During 2013, local enforcement agencies conducted 13,748 inspections and CalRecycle conducted 549 inspections. Over the past several years, the total number of violations cited has continued to decline. In 2013, there were 796 violations cited at active, permitted facilities, which was 10 percent less than in 2012. The tables below summarize the violations cited at the three major facility types.

Landfills

Total violations cited at landfills continued to decrease from the high in 2011 as operators implemented new landfill gas monitoring and control regulations. Of the 380 violations that were cited at landfills in 2013, the top violations were:

Table 1: Top 5 Landfill Violations

Number of Violations	Violation Category
111	Gas Monitoring and Control
85	Operator Compliance with Permit Terms and Conditions
27	Litter Control
20	Report of Disposal Site Information
20	Closure Plan

Compostable Material Handling Facilities

Total violations at compost facilities remained constant over the past three years. Of the 193 violations cited in 2013, the top violations were:

Table 2: Top 5 Compost Facility Violations

Number of Violations	Violation Category
26	Operator Compliance with Permit Terms and Conditions
22	Vectors, Odor, Litter, etc.
12	Operator Authorized by Solid Waste Facility Permit
11	Inspection of Records
9	Fire Prevention

Transfer and Processing Facilities

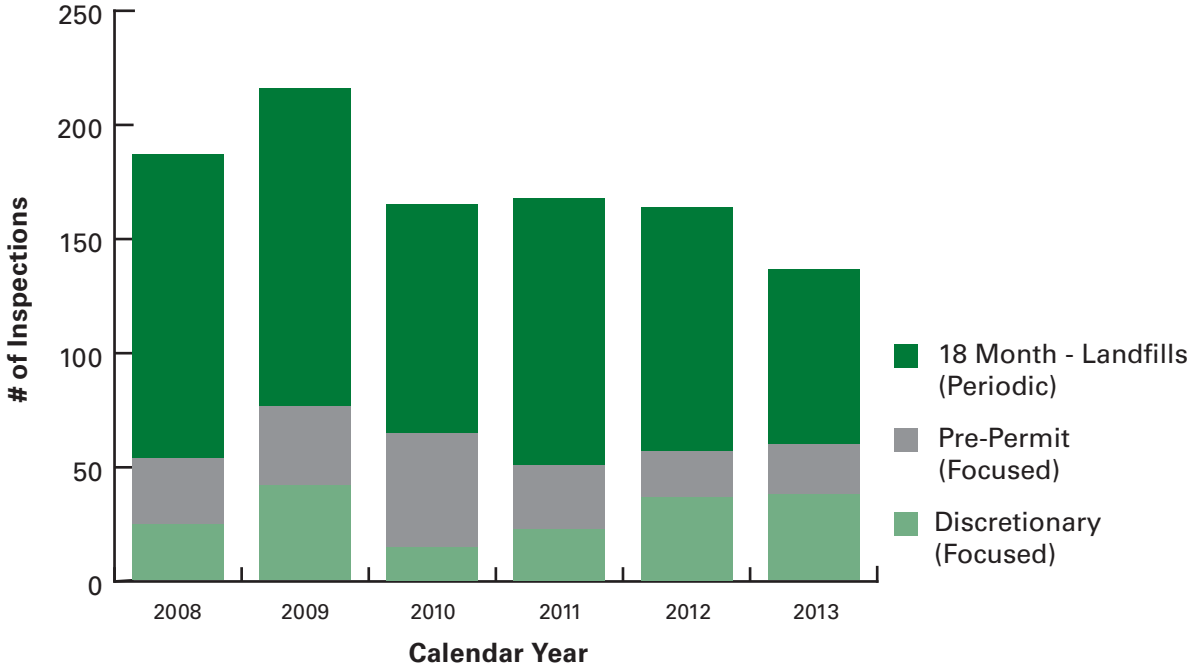
Total violations at these facilities decreased by a third in 2013. Of the 223 violations that were cited at transfer and processing facilities in 2013, the top violations were:

Table 3: Top 5 Transfer Station Violations

Number of Station Violations	Violation Category
45	Operator Complies with Terms and Conditions
23	Operator Authorized by Solid Waste Facility Permit
14	Solid Waste Removal
13	Maintenance Program
9	Load Checking

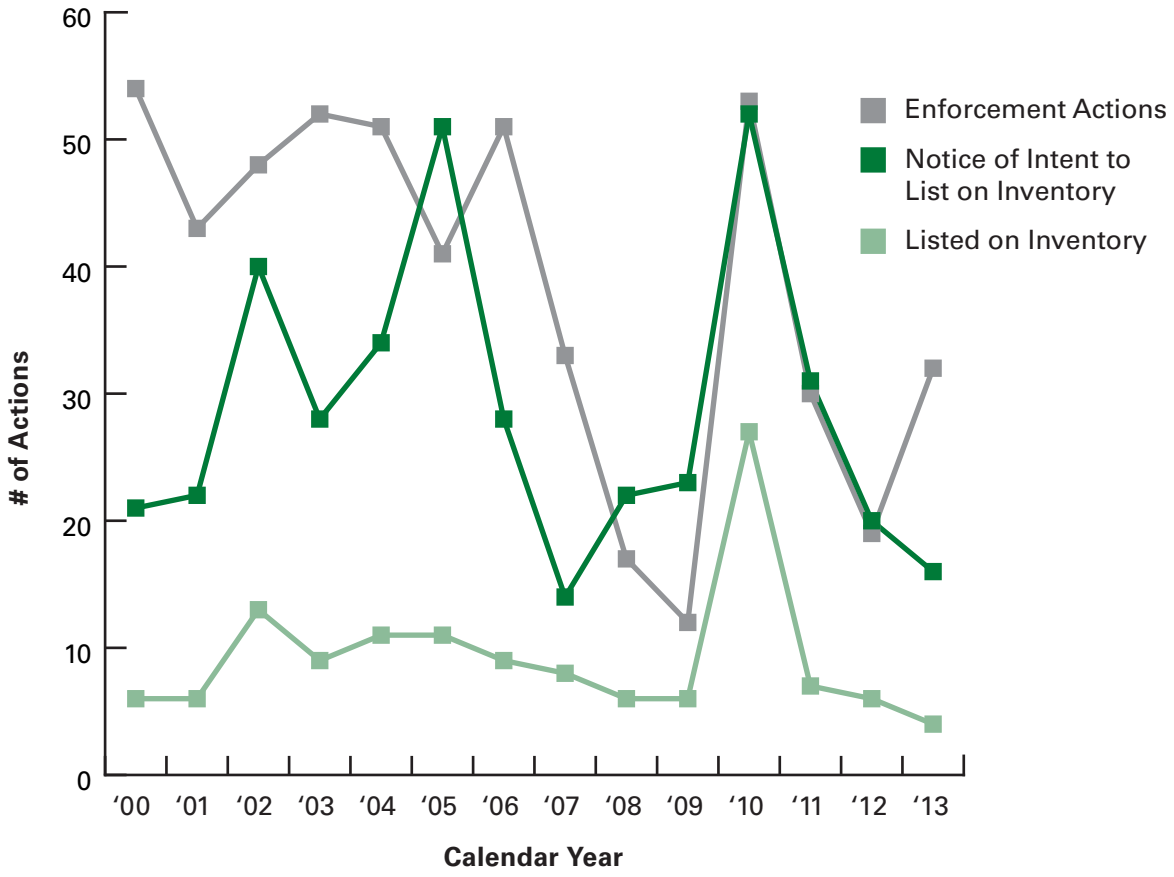
Oversight Inspections: In 2013, CalRecycle conducted 137 oversight inspections, which is less than in previous years. The chart below summarizes the CalRecycle oversight inspections.

Figure 4: CalRecycle Oversight Inspections



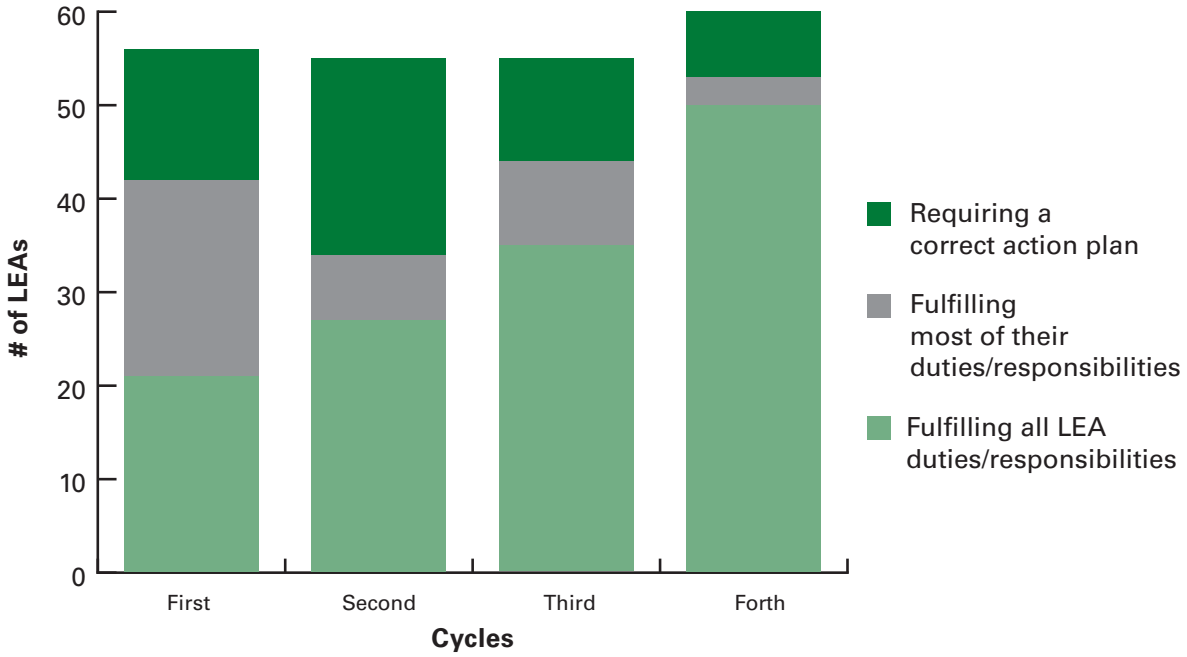
Solid Waste Facility Enforcement Actions: In 2013 sixteen facilities were active on the Notice of Intent to List on Inventory for repeated violations of state minimum standards. Four of those facilities that received a notice were listed on the Inventory during 2013. There were 32 facilities under active enforcement orders during 2013. The graph below summarizes enforcement actions, notices, and listings for solid waste facilities over the past 14 years.

Figure 5: Solid Waste Facility Enforcement Actions



Local Enforcement Agency Evaluations: The number of local enforcement agencies fulfilling all of their duties is steadily increasing and reached 85 percent in 2013. Seven local enforcement agencies required corrective action, but four had corrected their deficiencies by the end of 2013.

Figure 6: LEA Evaluation Results by Cycle



Local Government Diversion Enforcement Program

CalRecycle has direct authority for the evaluation and enforcement of requirements for local government waste diversion (cities, counties, and regional agencies). The goal is to achieve a 50% diversion by minimizing waste and maximizing the diversion of materials from landfills through waste prevention, recycling, and composting.

Each local government's compliance is evaluated based on an annual implementation report submitted to CalRecycle. If staff review suggests a jurisdiction is not reaching its diversion goals, a formal compliance evaluation is conducted. Through the compliance evaluation, CalRecycle can determine that the jurisdiction 1) met its per capita disposal targets, 2) made a good-faith effort to implement its diversion programs, or 3) failed to make a good-faith effort to implement its diversion programs.

When a local government fails to make a good-faith effort, CalRecycle may direct it to develop a plan outlining specific steps and deadlines to achieve compliance. If a local government fails to meet the requirements, a public hearing is held to determine whether it is subject to penalties (up to $10,000 per day).

Local Government Diversion: Enforcement Activity

Of the nine compliance evaluation reviews, only one local government, Calaveras County, was placed on a compliance order during 2013. No penalty hearings were held in 2013.

Minimum Content Program: Rigid Plastic Packaging Container Program

California's rigid plastic packaging container law was enacted in 1991 as part of an effort to reduce the amount of plastic disposed in landfills and to increase the use of recycled plastic resin in the manufacturing of new containers. CalRecycle has direct authority to regulate product manufacturers that sell certain products in rigid plastic packaging containers in California. Revised regulations took effect on January 1, 2013.

Compliance can be achieved in several ways, with each option promoting a particular goal of the law. Some compliance options were designed to encourage source reduction (waste prevention) or reuse/refilling of rigid plastic containers. One promotes increased use of postconsumer resin in the manufacturing of rigid plastic packaging containers and reduces the amount of virgin resin required. The certification process takes a phased approach to notify regulated product manufacturers that they have been identified and may be required to certify compliance. The phases of the certification process include:

- Registration
- Precertification
- Compliance certification

CalRecycle may assess penalties of up to $50,000 for any violation, up to a maximum of $100,000 annually. Violations include, but are not limited to, failure to submit all required information, submitting incomplete information, and/or failing to comply with the law.

Rigid Plastic Packaging Container: Enforcement Activity

No enforcement actions were taken during the year due to the recent adoption of the revised regulations, which took effect in January 2013. CalRecycle initiated the registration and precertification phases during 2013.

Beverage Container Recycling Program Enforcement

CalRecycle has had direct authority since 1986 to enforce California's beverage container recycling laws and regulations. Californians recycle an average of more than 49.8 million beverage containers each day—or about 18.2 billion beverage containers each year. When the empty containers are not recycled, they contribute significantly to the state's litter or end up in landfills.

To finance the beverage container recycling program, processing and redemption fees are collected from beverage manufacturers and distributors. Most beverages sold in the state and packaged in aluminum, glass, plastic, and bi-metal cans are subject to the fee. The money is deposited into a special account and used to cover refunds, processing payments, handling fees, grants, and administrative costs.

Consumers receive a refund or reimbursement when they recycle beverage containers. They pay a "deposit" at the checkout stand — 5 cents on containers less than 24 ounces and 10 cents for containers 24 ounces or larger. Consumers receive their refund when the empty beverage container is returned to a certified recycling center.

The recycling center then sells the eligible containers to processors. Recycling centers and processors also receive material from curbside recycling programs and certified collection or drop-off programs, and pay for the material at rates specified by CalRecycle. Recycling centers are responsible for verifying that the beverage containers qualify for refund before claiming a refund from the processor. The processor requests reimbursement from CalRecycle to cover the payments it makes to recycling centers and other program participants.

In 2013, the network of regulated businesses in the beverage container recycling program includes:

Beverage Container Distribution

- Retailer Beverage Dealers +30,000
- Beverage Manufacturers 1,588
- Distributors 1,752

Collection/Processing

- Certified Recycling Centers 2,368
- Curbside 597
- Collection/Drop-off Programs 220
- Processors 225
- Community Service Programs 123

CalRecycle enforcement efforts focus on identifying and investigating individuals and/or registered entities potentially operating in violation of the law or regulations. Enforcement is supported by data and information gathered through a combination of investigations, probationary reviews of recycling centers, inspections of recycling centers, on-site load inspections at certified processor facilities, forensic document reviews, risk assessment and data analysis, and partnerships with state agencies, all of which can result in administrative and criminal remedies including restitution, administrative penalties, certification revocation, and/or prosecution, as warranted.

Of particular concern is the illegal redemption of empty beverage containers purchased outside California. If a fee/deposit was not paid when the beverage was purchased, a refund cannot be issued when the empty beverage container is returned for recycling. CalRecycle works closely with the California Department of Food and Agriculture to monitor loads of imported beverage

containers at border inspection stations. When used collectively, these systems and processes provide CalRecycle opportunities to mitigate loss and identify potential fraud.

Given that approximately 2,600 shipping reports (claims) valued at $1.5 million to $3 million are submitted to CalRecycle daily, automated analysis is an essential tool for preventing potential fraud. The data management system known as "DORiis," or Division of Recycling Integrated Information System, flags reporting anomalies (e.g. higher-than-average purchase volumes, spikes in volumes, etc.) and targets suspect claims before they are processed for payment. On average, 10 percent of shipping reports are flagged for potential follow-up or placed on pre-payment controls.

Recycling Centers

Newly certified recycling centers are "on probation" for the first two years of operation. Based upon a standard risk assessment, staff determines if a compliance history/file review is sufficient or if a site visit is warranted. As a result of the reviews, CalRecycle may extend a recycling center's probationary certification status, approve a certification, or revoke a participant's probationary certification.

CalRecycle inspects each recycling center at least once a year. The inspection typically consists of a test sale to verify that the recycler is properly inspecting beverage container loads from consumers and correctly paying the consumer, as well as reviewing compliance with operational requirements. If the program participant is not in compliance, the inspector issues a Notice of Noncompliance (NONC). If the recycler fails to achieve compliance, a Notice of Violation (including a fine) is issued.

In areas where there are no certified recycling centers, retail beverage dealers may be required to serve as the recycling center or pay $100 per day in lieu of doing so. Dealers are also inspected by CalRecycle to ensure compliance with signage and shelf labeling requirements.

Processors

CalRecycle investigators inspect recycling center shipments to processors to verify the eligibility of the material and review the accuracy and completeness of the claim for reimbursement. In 2013, processors submitted 964,712 claims valued at more than $957 million.

High-Risk Participants

Investigations result from risk analysis, inspections, tips from other agencies, the hotline, and email about potentially fraudulent activities and program participants. Reimbursement claims are investigated by CalRecycle to evaluate validity and eligibility, look for document falsifications, or investigate potentially fraudulent claims. Findings can result in administrative civil penalties, restitution, and/or revocation of the recycler's certification. If criminal behavior is suspected, CalRecycle works with the Department of Justice and the state attorney general's office.

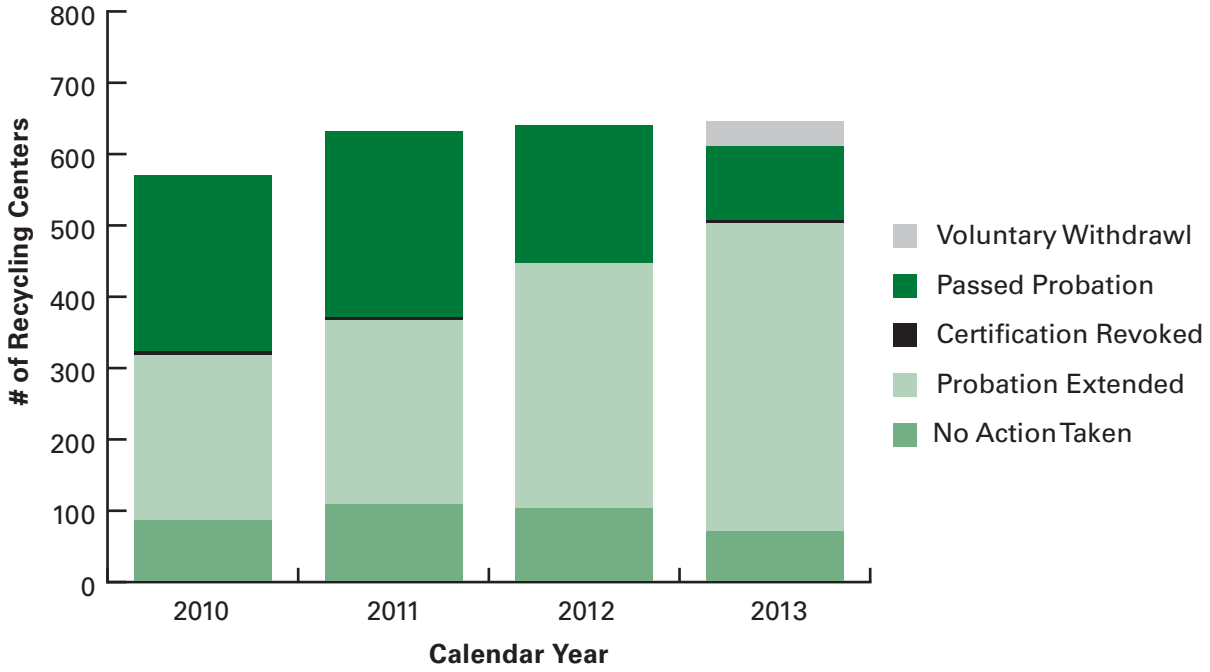
Beverage Container Recycling: Enforcement Activities

Recycling Center Probationary Reviews

CalRecycle took action on 646 probationary certificates during 2013. Compliance history/file reviews were conducted for 354 recycling centers; 299 had their probationary certificates extended for another year, 24 recyclers passed probation and 31voluntarily decertified or withdrew from the program. For the 221 recycling centers that warranted an on-site review, 133 had their probationary certificates extended for another year, 80 passed probation, 4 recycling centers voluntarily withdrew or abandoned their sites, and 4had their probationary certificates revoked. As a result of these site reviews, CalRecycle assessed $448,090 in restitution, civil

penalties, and/or interest. The chart below summarizes the actions taken as a result of both the compliance history and on-site probationary reviews.

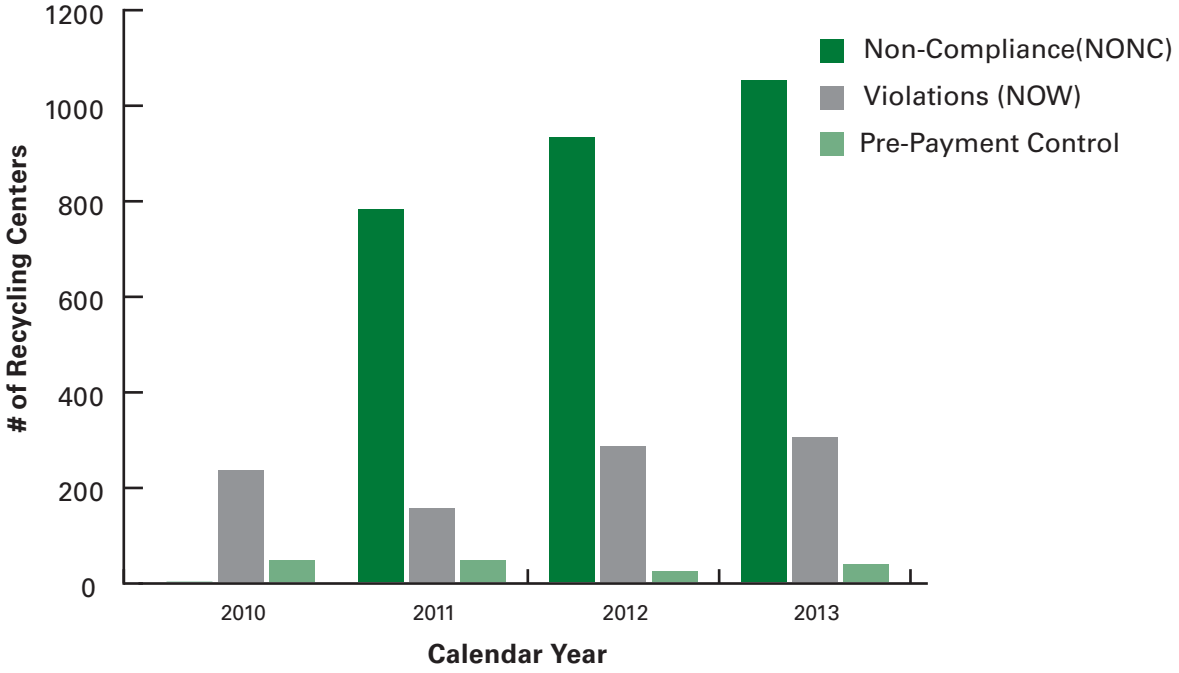
Figure 7: Recycling Center Reviews: Actions Taken



Annual Recycling Center Inspections

Total recycling center inspections were slightly lower in 2013 with 3,462 conducted during the year. Nevertheless, CalRecycle issued more enforcement actions in 2013 that in prior years. CalRecycle assessed civil penalties of $72,100 on noncompliant recycling center operators in 2013, which is a 23 percent increase over 2012.

Figure 8: Recycling Center Inspections: Enforcement Actions



Recycler/Processor Loads

In 2013, CalRecycle inspected 3,719 recycler loads. Only 1 percent, or 57 loads, were reduced or denied as a result of these inspections.

Investigations

In 2013, CalRecycle conducted 20 percent more recycling center investigations than the previous year and closed almost 50 percent more cases: 117 investigations were opened, and 73 were closed. Results from completed investigations included three enforcement actions against certified recycling centers at an assessed value of approximately $1.03 million in restitution and civil penalties.

Fourteen cases were referred to the Department of Justice in 2013, which is similar to the number referred in 2012. Statewide, closed cases resulted in 19 arrests.

The following are some of the administrative and criminal cases concluded in 2013.

- **Paper Rush/Recycle Today:** These Bay Area recyclers submitted 175 fraudulent claims for ineligible materials that were likely previously redeemed beverage containers and/or imported empty beverage containers. The recycling center certifications were revoked, and the respondents were ordered to pay $2,066,000 in civil penalties and restitution.
- **Unlimited Recycling:** Three recycling centers in Los Angeles County paid and received refunds on large volumes of imported empty beverage containers. They agreed to the revocation of their recycling center certifications and $70,000 in civil penalties and restitution.
- **Save-Us Recycling:** A citizen informant notified CalRecycle that large volumes of beverage containers from Nevada were being transported to a storage yard in the Los Angeles area, transferred to Save-Us Recycling, and then redeemed at processors. The California Department of Justice conducted an investigation resulting in the arrest of the owner for grand theft for receiving truckloads of out-of-state

plastic and aluminum beverage containers as frequently as six times per month for more than a year. The owner was ordered to pay $516,000 in restitution for illegal claims, sentenced to three years of formal probation, and ordered to perform 60 days of CalTrans labor. The certificates for Save-Us Recycling were revoked.

- **Best Recycling:** An anonymous tip to CalRecycle's toll free hot line alleged that Best Recycling was receiving large loads of imported aluminum empty beverage containers and illegally claiming reimbursement. The Department of Justice investigation culminated in the seizure of 11,180 pounds of imported empty beverage containers. The president of Best Recycling pleaded guilty to grand theft. He was ordered to pay $250,000 in restitution, sentenced to 120 days in jail and three years of probation, and ordered to cease all beverage container recycling-related operations. Two other employees also pleaded guilty.

Electronic Waste Enforcement Program

In 2003, the Electronic Waste Recycling Act created a funding mechanism to encourage the proper recycling of certain video display devices such as televisions and computer monitors (covered electronic devices). The covered electronic waste recycling program pays qualified collectors and recyclers a standard rate intended to cover the average cost of managing discarded covered electronic devices.

To finance the program, retailers collect a fee from consumers who buy certain electronic devices. Collected fees are remitted by retailers to the Board of Equalization and deposited into the Electronic Waste Recovery and Recycling Account. CalRecycle pays approved recyclers a standard rate to cover the cost of covered electronic waste collection, processing, and recycling activities, and those recyclers are required to pay collectors. CalRecycle determines that rate through the review of annual net-cost reports and adjusts standard payment rates based on calculated industry average net costs. Only covered electronic wastes originating from California sources are eligible for payment in the program. If recyclers submit improperly documented claims, CalRecycle can deny or reduce payments.

Compliance and enforcement responsibilities are largely shared between CalRecycle and the Board of Equalization, Department of Toxic Substances Control, and Department of Justice.

- The Board of Equalization ensures that retailers collect and remit appropriate fees for deposit into the Electronic Waste Recovery and Recycling Account to fund the program. If fees are not collected and/or remitted by the retailers, CalRecycle can levy administrative penalties up to $2,500 per offense; civil penalties up to $5,000 per offense; or civil liability against manufacturers up to $25,000.
- The Department of Toxic Substances Control is concerned with the hazardous characteristics of electronic waste and its management. The department inspects the storage and collection of electronic waste by recycling facilities and handlers to ensure compliance with regulations and standards. If materials management violations are noted during an inspection, the recycling center is suspended until the participant is determined to be back in compliance.
- The Department of Justice provides focused assistance to CalRecycle in detecting, investigating, and prosecuting criminal activity by persons operating under electronic waste collection, processing, and recycling program provisions specified under the Act.

Enforcement actions taken by CalRecycle fall into two main categories: adjustment or denial of payment claims, and suspension or revocation of approval to participate. CalRecycle reviews recycler claims to ensure that recovered electronic waste is eligible for reimbursement, compliantly processed, and properly disposed. If recyclers do not submit properly documented claims, CalRecycle can deny or reduce payments. Civil penalties can be up to $25,000 per violation against any person, including an authorized collector or recycler, who makes a false statement or representation in any claim document or other compliance-related matters.

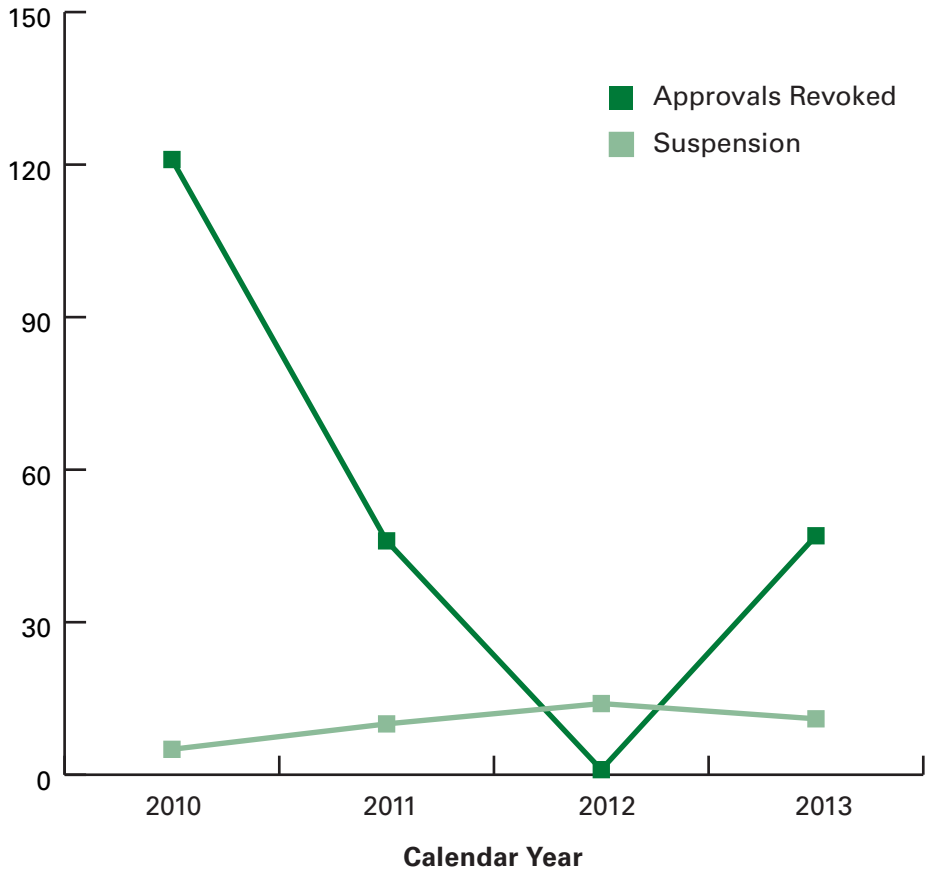
Collectors and recyclers may have their approval to participate in the program revoked for failing to notify CalRecycle of changes to information contained in their application or for failing to submit a complete and accurate net cost report.

Electronic Waste: Enforcement Activity

Payment Claim Review: In 2013, recyclers submitted 278 payment claims for reimbursement related to approximately 202 million pounds of covered electronic waste processed totaling $78.4 million in claims. The level of payment claim adjustments remained very low at 1.4% of total dollars claimed, consistent with the past two years.

Revocations and Suspensions: There were 11 suspensions of collectors or recyclers in 2013. Three failed to operate in conformance with Department of Toxic Substances Control materials management requirements, and eight failed to notify CalRecycle of changes to their application. Approvals were revoked for 47 recyclers or collectors, and nearly all of those revocations were for failure to submit annual net cost reports. The chart below summarizes the information.

Figure 9: E-Waste Recyclers and Collectors



Product Stewardship Enforcement Program

CalRecycle was granted direct authority in 2010 for enforcement of statewide product stewardship programs for post-consumer carpet and architectural paint designed and managed by the private sector. California was the first state to establish a product stewardship program for carpet and the second to enact one for paint recovery. In 2013, California became the third state to establish a product stewardship program for used mattresses.

The programs follow extended producer responsibility principles to ensure that discarded or leftover products are properly managed in a manner that is sustainably funded. An added benefit is that these product stewardship programs reduce local government costs for the end-of-use product management. While each law is unique, the product manufacturers design their own stewardship programs either individually or through a stewardship organization. Each stewardship organization prepares and implements a plan to reach certain goals, finance/distribute funds to support the stewardship program, and report to CalRecycle on its annual progress. California's product stewardship approach enables transparency that allows stakeholders, the public, and CalRecycle to evaluate progress.

CalRecycle approves stewardship plans, checks progress, and provides oversight and enforcement to ensure a level playing field among manufacturers and any other regulated entity as specified by the laws. Maintaining a level playing field is ensured through investigations to verify program compliance of regulated entities and to impose civil penalties for noncompliance if necessary.

To sustainably finance the programs, consumers pay an assessment when they buy a covered product (carpet, paint, or mattress). Those assessments provide funding for the California-specific incentive and/or end-of-life management programs. The stewardship organization also submits an administrative fee to CalRecycle to cover the cost of services to administer and enforce each of the product stewardship laws.

Product Stewardship: Enforcement Activity

Carpet

No enforcement actions were taken by CalRecycle during 2013. CalRecycle focused on developing new procedures and practices as well field inspection tools.

Paint

No enforcement actions were taken by CalRecycle during 2013. However, CalRecycle granted Paint Care's request for a one-month extension for submittal of its first annual report. After reviewing the report, CalRecycle found it incomplete and requested re-submission with additional information. In addition, CalRecycle hired enforcement staff early in 2013 to develop new procedures and practices as well as field inspection tools.

Used Mattresses

No enforcement actions were taken during 2013 as the law did not become effective until January 1, 2014.

Additional Information

The CalRecycle 2013 Annual Enforcement Report includes a more in-depth discussion of the enforcement programs as well as additional statistics on inspections, investigations, and activities for each of the programs. The 2013 Report, and summaries of previous years, are available on the CalRecycle website and may be viewed at *calrecycle.ca.gov/Enforcement*.

Office of Environmental Health Hazard Assessment

The mission of the Office of Environmental Health Hazard Assessment (OEHHA) is to protect and enhance public health and the environment by scientific evaluation of risks posed by hazardous substances. OEHHA has no enforcement authority. Instead, the Office performs scientific assessments that serve as the basis for standards, regulations, and other regulatory decisions, including enforcement. OEHHA also conducts assessments and develops scientific tools to understand and track environmental conditions and their impacts on human and ecological communities.

OEHHA programs and accomplishments that supported enforcement and regulatory programs in 2013 include those described below.

Air Quality

OEHHA develops risk assessment guidance and establishes reference exposure levels and cancer potency factors for use by the Air Resources Board and local air districts in health assessments of facility air emissions. Other OEHHA evaluations include epidemiological investigations of the health effects of criteria pollutants and the public health impacts of rising temperatures associated with climate change.

OEHHA's accomplishments in 2013 that supported air quality programs and activities include:

- Adoption of an acute and eight-hour reverence exposure level (REL) and a revised chronic REL for 1,3-butadiene. RELs are airborne levels of a chemical that are not anticipated to present a significant risk of non-cancer health effects in the general population exposed for specified durations (one hour, repeated eight-hour, and chronic exposures).
- Publication of six epidemiological studies in peer-reviewed scientific literature on how air pollution and elevated ambient temperatures impact human health.

Proposition 65 Implementation

OEHHA is the lead agency for implementing Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act of 1986) and plays a significant role in its enforcement by developing "safe harbor" levels that identify levels of exposure to carcinogens and reproductive toxicants that require businesses to provide warnings. OEHHA also provides scientific expertise in cases brought by the State Attorney General's office to enforce the law's requirements.

Some of OEHHA's accomplishments in 2013 that supported Proposition 65 implementation include:

- The addition of 11 chemicals to the Proposition 65 list of carcinogens and reproductive toxicants: chloral, chloral hydrate, chloramphenicol sodium succinate, C.I. disperse yellow 3, clomiphene citrate, diisononyl phthalate (DINP), 2,6-dimethyl-N-nitrosomorpholine, emissions from combustion of coal, hydrogen cyanide (HCN) and cyanide salts (CN salts), 1,1,1,2-tetrachloroethane, and trichloroacetic acid.

- The removal of seven chemicals from the Proposition 65 list of carcinogens and reproductive toxicants: tert-amyl methyl ether, chloramphenicol, dienestrol, ethyl tert-butyl ether, 2-ethylhexanoic acid, p,p'-oxybis(benzenesulfonyl hydrazine), and 1,3,5-triglycidyl-s-triazinetrione.
- The adoption of "safe harbor" levels for four reproductive toxicants and one carcinogen, indicating the levels at which exposures do not require Proposition 65 warnings.

Drinking Water Safety

Public health goals (PHGs) are concentrations of chemicals in drinking water that are not anticipated to produce adverse health effects. PHGs developed by OEHHA are used as the health basis for the state's primary drinking water standards, or maximum contaminant levels (MCLs).[2] OEHHA also develops notification levels (health-based advisory levels for chemicals in drinking water that lack MCLs).

In 2013, OEHHA issued a document compiling health risk information on chemicals with PHGs or state or federal regulatory standards (Health Risk Information for Public Health Goal Exceedance Reports). This compilation, posted at *www.oehha.ca.gov/water/phg/2013exceedance.html*, is intended to help water utilities meet a statutory requirement (Health and Safety Code 116470 (2)[b]) to prepare a report every three years on contaminants detected above the PHGs. The exceedance report must include the quantitative risk and health endpoint for a contaminant. If cancer is the endpoint, cancer health risk is to be calculated at the PHG and the MCL concentrations.

Pesticide Evaluations, Worker Health and Safety, and Invasive Pests

OEHHA evaluates pesticide toxicity data that are provided in support of pesticide use and regulation in California. The Office reviews the Department of Pesticide Regulation's human health risk characterizations of pesticide active ingredients that support the Department's pesticide registration decisions. This activity helps identify the need for—and the level of—control for purposes of enforcement and public health protection. OEHHA also assists the California Department of Food and Agriculture (CDFA) invasive species program by evaluating toxicity, human exposure, and potential health risk of chemicals considered for use in combatting invasive species. OEHHA communicates its evaluations to local residents and public health officials by attending public information meetings and distributing fact sheets.

In 2013, OEHHA developed three health question and answer fact sheets for the pesticides Sevin®SL (with carbaryl as its active ingredient), methyl eugenol, and Dibrom® (with naled as its active ingredient). OEHHA reviewed toxicity information for 27 chemicals considered for use as lures for the invasive pest Asian citrus psyllid.

Site Cleanups

In 2013, OEHHA reviewed 73 site-specific health risk assessments for the Regional Water Quality Control Boards and local government agencies. These reviews assist risk managers who make decisions concerning remediation, mitigation, and other actions that reduce risks from possible exposures to environmental contaminants.

2 As of July 2014, responsibility for promulgating Maximum Contaminant Levels was transferred from the California Department of Public Health to the State Water Resources Control Board.

Emergency Response

During emergencies, OEHHA works with state agencies by providing information on health effects of chemical agents and assists with decisions about evacuation and re-entry. Following an oil spill, OEHHA is mandated to assess potential health impacts from consuming affected fish and shellfish and to provide recommendations to the California Department of Fish and Wildlife (CDFW) regarding the closure of potentially impacted fisheries.

In 2013, OEHHA assessed on-scene environmental reports following 18 oil spills or potential spills. Four of these met the criteria for OEHHA to provide a fisheries closure recommendation to CDFW. In three cases, fisheries closures were not deemed necessary.

On November 18, 2013, OEHHA recommended a fisheries closure following a diesel spill in Ventura Harbor due to a commercial fishing vessel accident. Testing of seafood for oil spill-related contamination was required before the fishery could be reopened. Following a recommendation from OEHHA, CDFW lifted the existing closure area on January 3, 2014.

Fish Advisories

OEHHA evaluates chemical contaminants in sport fish and issues health advisories or safe eating guidelines for fish taken in California water bodies. The advisories are posted on OEHHA's website and published in CDFW's fishing regulations booklet.

OEHHA's accomplishments in 2013 relating to fish advisories include:

- Issuing a statewide advisory for eating fish from California's lakes and reservoirs without site-specific advice
- Issuing advisories and safe eating guidelines for fish taken from San Diego Bay (San Diego County), Mission Bay (San Diego County), Oso Flaco Lake (San Luis Obispo County), Pyramid Lake (Los Angeles County), Silverwood Lake (San Bernardino County), and Vasona Lake and Camden Ponds (Santa Clara County).
- Issuing updated advisories and safe eating guidelines for fish taken from Lake Oroville (Butte County), Lake McClure (Mariposa County), and Lake McSwain (Mariposa County) to reflect changes in CDFW regulations.

Climate Change Indicators

California has a comprehensive strategy to mitigate climate change through greenhouse gas emissions reductions and to adapt to climate change by enhancing community resilience and infrastructure changes. Climate change indicators can help the state track, evaluate, and report on the climate change issues it is working to address, as well as the outcomes of its efforts. Taken collectively, indicators portray the interrelationships among the climate and other physical and biological elements of the environment.

In 2013, OEHHA released Indicators of Climate Change in California. Many of the indicators reveal evidence of the already discernable impacts of climate change, highlighting the urgency for the state, local government, and others to undertake mitigation and adaptation strategies. The 2013 indicators report can be accessed at: *http://oehha.ca.gov/multimedia/epic/2013EnvIndicatorReport.html*.

Community Assessment and Research

In 2013, OEHHA completed the initial version of the California Communities Environmental Health Screening Tool or CalEnviroScreen, which compares the extent of pollution burden and vulnerabilities in communities across California. The tool, initially released in April 2013, uses existing data to present a broad picture of the burdens communities face from environmental

pollutants. Some of these factors include air pollutant concentrations, toxic releases from facilities, and traffic density. The tool also incorporates measures of environmental conditions, such as the presence of toxic cleanup sites, groundwater threats, and solid and hazardous waste facilities. In addition, it takes into account population characteristics, including sensitive subpopulations, such as children and the elderly, and socioeconomic factors such as poverty.

CalEnviroScreen uses a relatively simple mathematical formula to assign a score for ranking California communities based on these data. CalEnviroScreen will be revised in 2014 to create scores by census tract and to include indicators for drinking water contaminants and unemployment rates.

Pursuant to recent legislation (SB 535, DeLeón, Statutes of 2012), CalEPA is using CalEnviroScreen data to identify disadvantaged communities that will receive benefits from projects funded by the Air Resources Board's Cap and Trade program for greenhouse gases. Other uses for the tool include guidance for CalEPA's environmental justice grants throughout the state and prioritizing cleanup and abatement resources and enforcement actions. Information from the tool helps state and local decision makers focus time, resources, and programs on areas with the most urgent needs. The tool provides insight into how available resources can be prioritized to improve public health and the environment.

For the latest information on the screening tool see *www.oehha.ca.gov/ej/ces2.html*.

Appendix: Acronym List

AEO	Administrative Enforcement Order
ACL	Administrative Civil Liability
APSA	Above-ground Petroleum Storage Act
ARB	Air Resources Board
AST	Above-ground Storage Tank
BDO	Boards, Departments and Offices (of CalEPA)
CalARP	California Accidental Release Prevention Program
CACs	California Agricultural Commissioners
CAL FIRE	California Department of Forestry and Fire Protection
Cal OES	California Office of Emergency Services
CAPCOA	California Air Pollution Control Officers Association
CalEPA	California Environmental Protection Agency
CalRecycle	Department of Resources, Recycling, and Recovery
CCDET	California Council on Diesel Education and Technology
CDFA	California Department of Food and Agriculture
CDO	Cease & Desist Order
CERS	California Environmental Reporting System
CHMIA	California Hazardous Materials Investigators Association
CHP	California Highway Patrol
CSTI	California Specialized Training Institute
CUPA	Certified Unified Program Agency
DFW	Department of Fish and Wildlife
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
EJ	Environmental Justice
EO	Enforcement Order
FLETC	Federal Law Enforcement Training Center
GWPA	Groundwater Protection Areas
IPM	Integrated Pest Management
MCL	Maximum Contaminant Level

MOU	Memorandum of Understanding
NESHAP	National Emission Standards for Hazardous Air Pollutants
NPDES	National Pollutant Discharge Elimination System
NAA	Non-attainment areas
NOX	Nitrogen Oxide
NOV	Notice of Violation
OCI	Office of Criminal Investigations (of DTSC)
OEHHA	Office of Environmental Health Hazard Assessment
OSFM	Office of the State Fire Marshall
PCB	Product Compliance Branch (of DPR)
PCBs	Polychlorinated Biphenyls
PM	Particulate Matter
POST	(California Commission on) Peace Officer Standards and Training
PML	Pest Management and Licensing Branch (of DPR)
PHGs	Public Health Goals
RCRA	Resource Conservation and Recovery Act
SEP	Supplemental Environmental Projects
SPBC	Structural Pest Control Board
SSMP	Sewer System Management Plan
SSO	Sanitary Sewer Overflows
TTL	Tank Tester Licensing
UST	Underground Storage Tank
U.S. EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compound
VEE	Visible Emissions Evaluation
WDR	Waste Discharge Requirements

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