

2008 Consolidated Environmental Law Enforcement Report

Cal/EPA

Air Resources Board

Air Pollution Control District

Department of Toxic Substances Control

California Unified Program Agencies

Department of Pesticide Regulation

Integrated Waste Management Board

State Water Resources Control Board

Office of Environmental Health Hazard Assessment

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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION



ARNOLD SCHWARZENEGGER
GOVERNOR

California Environmental Protection Agency

2008 Consolidated Environmental Law Enforcement Report Executive Summary

Office of the Secretary

Air Resources Board

California Air Pollution Control Officers Association

Department of Pesticide Regulation

Department of Toxic Substances Control

Integrated Waste Management Board

Office of Environmental Health Hazard Assessment

State Water Resources Control Board





The mission of the California Environmental Protection Agency (Cal/EPA)

is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality. Cal/EPA's vision is of a California that enjoys a clean, healthy, sustainable environment, which enhances the quality of life for current and future generations, and protects our diverse natural resources. The goals of California's environmental laws cannot be achieved without compliance. To achieve compliance, Cal/EPA uses many tools including education, inspection and enforcement.

An important part of our efforts to protect the environment is the establishment and maintenance of viable environmental compliance and enforcement programs. To achieve compliance, and assure a level playing field for businesses in California, consistent and fair enforcement of environmental laws is necessary. Statewide consistency in the application of environmental laws is a must if we are to achieve Cal/EPA's vision of air that is healthy to breathe, water that is safe to use and communities that are free from unacceptable human health risk from hazardous materials.

Following is a short synopsis of the programs within Cal/EPA including highlights showing how the efforts of California's environmental protections programs have benefitted the people of California. California's citizens and the environment are protected from harm through the efforts of an integrated family of independent regulatory programs within Cal/EPA and at other agencies. The efforts of these programs are described in detail in the 2008 Consolidated Environmental Law Enforcement Report and outlined in the following summary.

What this summary shows are robust programs at the local, state and federal government levels working together to continually reduce the risk to public health, from environmental factors, through continuing improvements in pollution prevention. Since the establishment of environmental protection programs in California, we have seen a consistent improvement in the environmental factors that impact our health and the quality of the environment. The air is healthier, the water is cleaner and people are exposed to fewer harmful chemicals as a result of the environmental enforcement programs within the Cal/EPA family of regulatory programs.

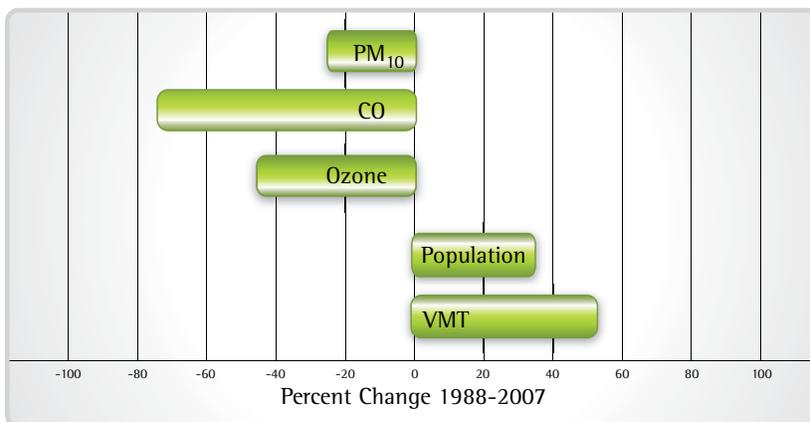
Additionally what this summary shows is that Cal/EPA and its regulatory programs have much work to do in the development of useful environmental performance indicators that are able to reflect the impact the efforts of the regulatory programs have on protection of public health and the environment. In future reports we will attempt to expand on the performance indicators that will tell us how well we did in accomplishing our Vision and Mission.





Air Resources Board Highlights:

For over 40 years the Air Resources Board (ARB) has worked aggressively to improve California's air quality. Through its multifaceted programs of planning, research, air monitoring, regulation, and enforcement, the ARB, in collaboration with the state's 35 air districts, has succeeded in reducing Californian's exposure to air pollution significantly. This progress has been dramatic despite considerable growth in population, motor vehicles, and vehicle miles travelled (VMT). Even though California's air is much cleaner, over 90% of Californians, or approximately 33 million people, still live in regions with unhealthy air. Thus, clean air efforts by ARB, the air districts, industry, and all citizens must continue.



ARB regulates a growing universe of diverse pollution sources. These sources range from diesel big rigs to tricked-out motorcycles; from cargo ships to jet skis, from motor vehicle fuels to hair spray; from locomotive engines to the family car. While the sources are numerous and diverse, the fact remains that a high compliance rate is crucial to achieving the air quality goals promised in each regulation. To this end, ARB's Enforcement Division conducts a fair, consistent, and comprehensive program of inspections and penalties, case development, outreach and compliance assistance throughout the state. Enforcement Division staff inspects and investigates places and situations throughout California where non-compliance is most likely, as well as those areas where excess emissions have the largest adverse impact on public health. Recently added to these responsibilities is the challenge to address the enforceability of climate-change regulations.

Mobile Source Enforcement

California has long been a world leader in combating air pollution emitted from motor vehicles and other mobile sources. Because of its severe air quality problems, California is the only state authorized to set and enforce



its own mobile source emissions and fuels standards. ARB's Mobile Source Enforcement Program is structured to ensure that regulated engines and vehicles meet California's standards from the design phase through production, from the point of sale through their useful life and retirement from the fleet.

Mobile sources under ARB's authority fall into two major groups. One group includes passenger cars, motorcycles, off-road recreational vehicles, jet skis and other watercraft, lawnmowers, and chain saws. These sources contribute significantly to the state's ozone problems, particularly in populated areas.



The other group includes heavy-duty diesel vehicles and engines used by public agencies and private companies. Enforcement of the growing number of heavy-duty diesel regulations is one of the most rapidly expanding areas for the Enforcement Division. Although heavy-duty diesel vehicles comprise only two percent of California's on-road fleet, they produce about one-third of the nitrogen oxides and approximately two-thirds of the particulate matter emissions attributed to motor vehicles. The exhaust emissions from these vehicles are of special concern, particularly in populated areas, because of the toxic nature of the sooty particles found in diesel exhaust.

Enforcement Division staff inspects heavy-duty diesel vehicles for engine certification compliance, smoke emissions, and tampering. All diesel-powered trucks and buses operating in California, including those that cross the Mexican border, are subject to these inspections. It also enforces regulations designed to keep diesel-powered school buses and delivery vehicles from idling too long, or too close to children's developing lungs.



The Enforcement Division ensures that the highest level of particle controls are installed on construction, public and utility, and trash hauling vehicles, and on urban/transit buses.

In 2008, the mobile source enforcement program conducted over 58,000 inspections, closed 2473 cases, and collected over \$3.9 million in penalties.

Stationary Source Enforcement

The stationary source enforcement program at ARB is responsible for: 1) enforcing regulations for motor vehicle fuels, cargo tank vapor recovery certification, consumer products, and portable fuels containers; 2) conducting special and joint investigations of cross-media environmental cases (i.e., cases involving multiple environmental areas such as air, water, toxic wastes, regular waste, or pesticides); and 3) conducting inspection, investigation,



and compliance functions in conjunction with the 35 local air districts and for overseeing air district enforcement programs for stationary sources.

Stationary sources contribute substantially to emissions of criteria and toxic pollutants. Between one-quarter and one-half of the ozone-forming pollutants emitted are from stationary sources.

In 2008, the stationary source enforcement program at ARB collected nearly 4,600 samples of fuels and consumer products, conducted over 19,300 inspections, closed 124 cases, and collected over \$8.0 million in penalties.

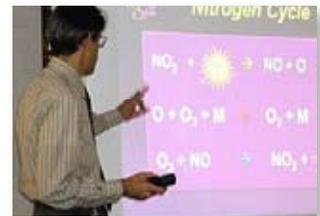
Training and Compliance Assistance

Ideally, businesses that are faced with new or tighter regulations comply voluntarily. The Enforcement Division provides training and materials to these businesses, as well as to local, state, and federal enforcement staff, for improving enforcement and promoting compliance.



The Enforcement Division's nationally-recognized training courses provide current, practical, usable and cost-effective information for both new and experienced environmental professionals working in California. Course content ranges from the basics of air quality to advanced topics in air quality compliance and enforcement.

Recently the program has focused on developing and delivering diesel-related compliance courses to meet the demand created by new ARB diesel emission control regulations. One of the most successful initiatives in 2008 was the introduction of webcasting so many of the courses can be conducted via the World Wide Web to reach a much wider audience.



The Compliance Assistance Program develops and distributes a variety of practical, rule-specific publications, technical manuals, and web-based information. This information is aimed at a diverse audience, including process operators, air quality specialists in small and large businesses, inspectors, and the public.

One-page outreach flyers and pamphlets explain key elements of compliance with new air quality regulations, self-inspection handbooks go into more detail and provide checklists so operators can be proactive in compliance, and technical manuals provide in-depth, source-specific information.

In 2008, the Training Program conducted 223 classes, representing over 11,000 student-day of training. The Compliance Assistance program distributed over 18,800 publications and counted 131,600 hits on the handbooks website.





Air Pollution Control Districts Highlights:

Air Pollution Control programs for stationary sources in California are implemented and enforced by the local and regional air districts. The enforcement of, and compliance with, air pollution control requirements is undertaken and measured through a variety of activities, approaches, and tools. As part of an ongoing effort to characterize enforcement programs at the local level, the California Air Pollution Control Officers Association surveyed 11 of its larger member districts. Overall, the data revealed a robust enforcement and compliance assistance program with substantial funding and staff resources that achieve a high degree of compliance with applicable requirements.



The following statistics measure performance of select enforcement and compliance program elements at the 11 largest local air districts over a five-year period (from 2002 through 2006). These districts include within their jurisdictions over 93% of California's residents. They describe a robust and effective enforcement and compliance program for stationary sources of air pollution. Program achievement include:

- Over 55,000 inspections of Major Permitted Sources (a.k.a. Title V Facilities)
- Facility compliance rate about 95%
- Over \$130 million in monetary violation settlements
- More than \$37 million in non-monetary violation settlements
- Over 185,000 special purpose inspections
- Nearly 33,000 inspections for asbestos pursuant to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asbestos
- More than a 5-fold increase in the number of inspections of portable equipment
- More than 500 full time employees (FTE) conducting field inspections

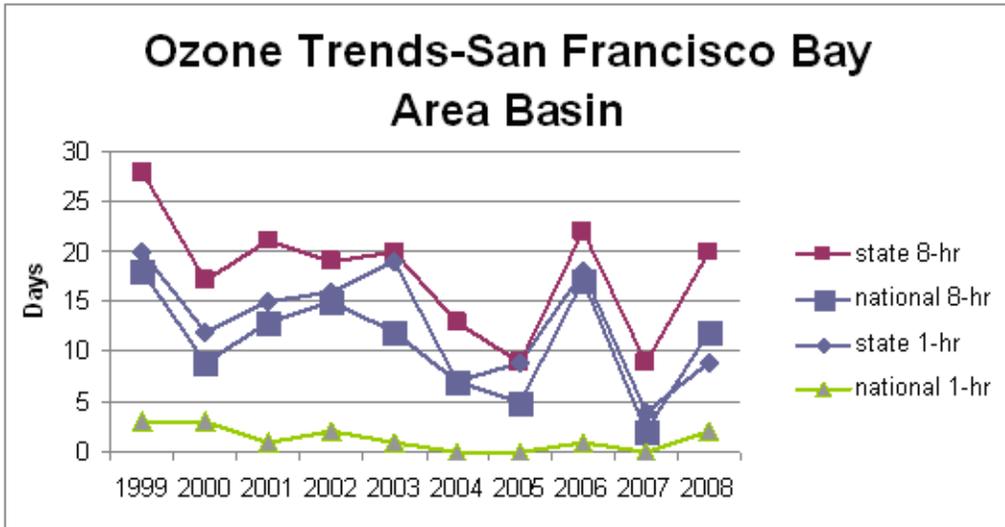
- Over 4,000 days of training for field staff, or 825 training days per year
- Approximately 25% of total district budgets dedicated to enforcement
- Over 510,000 inspections at traditional stationary sources between 2002 and 2006

The data below shows that resources of the 11 largest air districts are efficiently deployed to produce a measurable enforcement and compliance presence. Each individual district uses inspection, enforcement, and compliance statistics to establish future program goals and to guide the prioritization and deployment of resources.

Select Enforcement Resource Commitments at 11 Local Air Districts					
Year	2002	2003	2004	2005	2006
Total Agency Budgets	\$225,284,490	\$231,662,030	\$248,781,560	\$259,231,141	\$267,238,772
Enforcement Budget	\$55,911,667	\$57,983,390	\$61,277,241	\$61,219,323	\$62,766,708
Funded Positions for Field Enforcement	515.0	514.0	522.0	517.0	512.0



Compliance assistance and outreach programs proactively prevent violations from occurring, but when violations do occur, robust enforcement actions bring about a prompt return to compliance.



Source of Data: CARB

Data indicated a general improvement in air quality since 1999 with some annual variations







Department of Toxic Substances Control Highlights:

The collaborative efforts of Department of Toxic Substances Control (DTSC) staff culminated in several significant enforcement actions in 2008. These actions not only helped stop illegal hazardous waste management practices throughout California, but they also brought numerous companies back into compliance with the state's hazardous waste laws. They included the following:

- DTSC reached a \$1.4 million settlement with Kyocera America, Inc. to resolve hazardous waste violations occurring at the company's facility in San Diego. Violations found at the facility included: treatment of hazardous waste without a permit; storage of incompatible hazardous waste; failure to have tank inspections and assessments; storage of hazardous waste more than one year; and failure to provide a minimum of two feet of freeboard.
- DTSC reached a \$350,000 settlement with Atlas Iron & Metal Co., Inc. for hazardous waste violations at the company's facility in Los Angeles. Violations found at the facility included: illegal disposal of PCBs, lead, and other heavy metals. DTSC inspectors also found two illegal, lead-contaminated waste piles. Furthermore some of the contaminated hazardous material had migrated onto the Jordan High School athletic field. Atlas was required to pay for the cleanup and remediation of contaminated areas at both the company's plant, as well as the high school. In addition, a new containment wall was constructed to separate the Atlas site from the high school.
- DTSC reached a \$285,000 settlement with Trident Plating to resolve hazardous waste violations occurring at the company's facility in Santa Fe Spring, Los Angeles County. Violations found at the facility included: failure to comply with a previously issued Consent Order; failure to have tank certifications; storage of hazardous waste without a permit; treatment and storage of incompatible wastes (acid and cyanide); and failure to have secondary containment.
- DTSC reached a \$250,000 settlement with Gardena Specialized Processing to resolve hazardous waste violations occurring at the company's facility in Gardena, Los Angeles County. Violations found at the facility included: treatment of hazardous waste without a permit; no tank certifications; no secondary containment; unlabelled, bulging drums; and failure to respond to DTSC's request for written information.
- DTSC reached a \$170,000 settlement with Aviation Equipment Structures to resolve hazardous waste violations occurring at the company's facility in Costa Mesa, Orange County. Violations found at the facility included: illegal disposal of hazardous waste; possessing open containers of hazardous waste; storage of hazardous waste without a permit; and no training plan.

2008 Enforcement Data

- 562 core work inspections
- 286 Certified Unified Program Agency (CUPA) inspections
- 2,962 Mexican border truck stops
- 56 complaint investigations closed
- 74 enforcement cases settled
- \$3.5 million in total settlement dollars
- \$1.7 billion in financial assurance funds managed
- 14 Environmental Justice Initiative events
- 56 training classes provided, resulting in more than 350 CUPA inspectors, government officials and industry personnel trained
- 343 criminal cases initiated
- 257 criminal cases completed
- 89 arrests
- Landfill initiative conducted

Toxics in Consumer Products Enforcement

Forever 21 Settlement

In August 2008, DTSC settled the first enforcement action under provisions of the California Toxics in Packaging Prevention Act (TIPPA). The action was taken against international clothing retailer Forever 21 for circulating shopping bags with lead levels of up to 7,000 parts per million (ppm). Forever 21 is a chain of clothing retailers throughout the U.S., Asia, and the Middle East, offering fashion and accessories for young women and men. As part of the \$165,000 settlement, Forever 21 paid \$80,000 in penalties and \$35,000 to DTSC as reimbursement for investigative costs. Forever 21 also paid \$50,000 to the Toxics in Packaging Clearinghouse (TPCH) as a Supplemental Environmental Project. TPCH conducted the initial testing of the non-compliant plastic bags and notified DTSC of a potential violation when Forever 21 failed to respond to its correspondence. Forever 21 also failed to respond to initial inquiries from DTSC and to take prompt and effective action to replace the problematic bags in circulation. Although 19 other states have now implemented Toxics in Packaging statutes, this enforcement action under provisions of California's TIPPA was the first of its kind in the country.

Lead Toy Exchange

In December 2008, DTSC participated in the Lead Toy Exchange in Pacoima, an Environmental Justice community in Southern California. This toy exchange offered up to two \$25 gift cards for people whose toys tested positive for lead. The money was to pay for safer replacement toys. Nearly 100 toys were scanned using DTSC's X-Ray Fluorescence (XRF) devices. Fifty-three (53) toys were found to contain levels of lead up to 2,233 ppm. Toys were also identified where no lead was detected.



Enforcement Initiatives

E-waste in Landfills

In May 2008, DTSC's Office of Criminal Investigations (OCI) conducted an Electronic Waste (E-waste) Enforcement Initiative at the Puente Hills Landfill, in conjunction with the County Sanitation Districts of Los Angeles. The enforcement actions were aimed at commercial haulers who surreptitiously and illegally bring electronic and other hazardous waste to the landfill for disposal. During the three-day event, 21 haulers were cited for dumping several hundred pounds of E-waste and other hazardous wastes such as paint, solvents, pesticides and batteries. One individual was arrested. In addition, during the event OCI's scientists and criminal investigators made almost 500 contacts with customers visiting the landfill. DTSC staff educated these customers on what can and cannot be dumped at landfills, provided them with alternatives for legal disposal of E-waste and hazardous waste, and passed out more than 150 informational fact sheets.



Environmental Justice

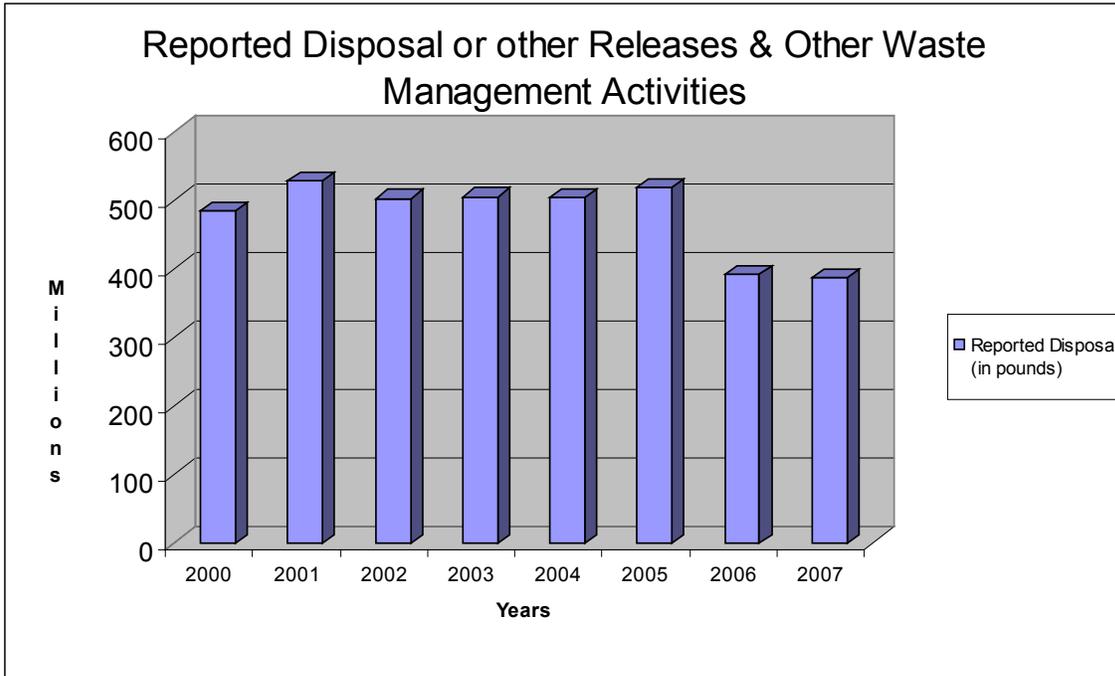
DTSC's Environmental Justice (EJ) Enforcement initiative works by connecting people who live closest to areas that have environmental problems with regulators in California's complex environmental enforcement structure (DTSC, local environmental health officials, Water Boards, air quality regulators, etc.). Community members, environmental activists and government officials join in day-long bus tours of local sites that are suspected of having environmental and health dangers. All sites are selected by community members who then present information regarding the sites' environmental problems and issues. At workshops held immediately after the tours, the entire

group works to develop priorities for inspection and enforcement efforts. DTSC's enforcement staff returns to the EJ community within 100 days to report on inspections and other activities, and to work with communities on future action plans. This sets the foundation for stronger partnerships for further information sharing and handling environmental problems on an ongoing basis with community support. In 2008, DTSC held EJ tours in Imperial, Los Angeles, and Fresno counties.



2008 ENVIRONMENTAL JUSTICE INITIATIVE EVENTS			
Community	Population	Events	Examples of Environmental Concerns
Imperial County	162,000	March-tour & workshop May-Follow-up meeting September-follow-up meeting	Illegal dumping, exposure to chemicals
Wilmington	53,300	June-tour November- follow-up meeting (additional inspections scheduled for 2009)	What's causing rising rates of illness
Fresno County	899,300	October-tour	Neighborhood lead exposure, abandoned factory site
Los Angeles County	10,393,185	The Environmental Justice Enforcement Ombudsman was invited and participated in nine of the monthly meetings of the Los Angeles Environmental Justice Forum.	

The chart below reflects California's data from the Toxic Release Inventory (TRI) a national database that contains detailed information on the toxic chemical releases and waste management activities reported annually by certain industries. The observed decrease in disposal or releases of waste in 2006 and 2007 was primarily due to a sharp reduction in the on-site treatment of hazardous waste.



Source: U.S.EPA Tri Explorer

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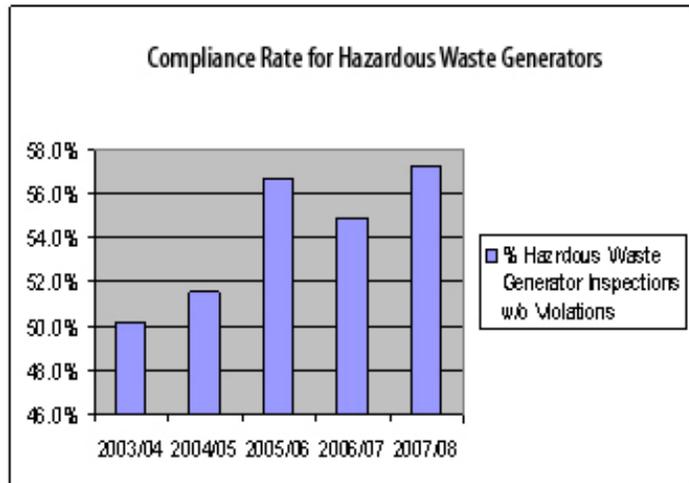
Unified Program Highlights:

The Secretary of the California Environmental Protection Agency is directly responsible for coordinating the administration of the Unified Program. The 84 Certified Unified Program Agencies (CUPAs) which are generally part of the local Fire Department or Environmental Health Department carry out the responsibilities of six environmental programs that were previously handled by approximately 1,300 state and local agencies. The goal of the Unified Program is to reduce the impact of hazardous materials on public health and environment by achieving greater statewide and cross program consistency for the 140,000 businesses regulated by the CUPAs. CUPAs have authority to enforce regulations, conduct inspections, administer penalties, and hold hearings.

Unified Program Regulated Universe:

Hazardous Waste Generators

CUPAs implement the hazardous waste generator and onsite tiered-treatment program, as part of the Unified Program. The hazardous waste generator program prevents releases of hazardous waste by ensuring that those who generate, handle, transport, store and dispose of wastes do so properly. Enforcement actions are taken against those who fail to manage their hazardous wastes appropriately. In addition, the program also promotes pollution prevention and reuse and recycling of hazardous materials and waste. Local CUPAs conducted 40,760 hazardous waste site inspections in 2008.



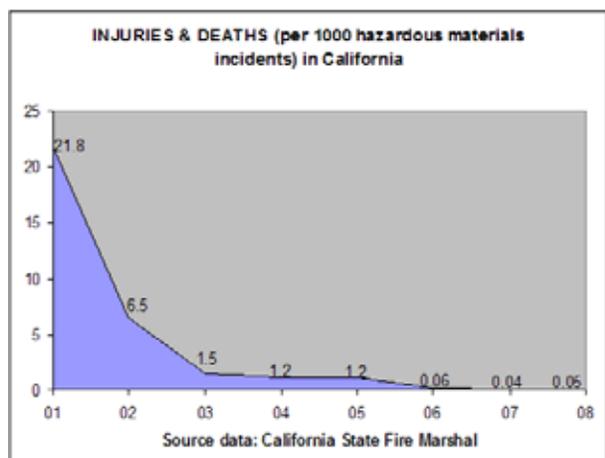
Hazardous Materials Release Response Plans and Inventories (Business Plans and California Fire Code)

CUPAs collect and annually update chemical and site information from over 116,000 businesses. The information



collected is utilized by local, state and federal emergency response agencies in responding to hazardous materials spills and natural disasters. Its purpose is to prevent or minimize the damage to public health and safety and the environment from a release or threatened release of hazardous materials and to satisfy community right-

to-know laws. In 2008, CUPAs have conducted extensive outreach to agricultural businesses to obtain chemical information from growers who had not previously been reporting under the business plan program.



The state of California began to aggressively regulate the storage and handling of hazardous materials in 1986. In 1994 the creation of the Unified Hazardous Material Program was mandated with most of these new programs beginning operation by 1998. It is very likely the development of the Unified Hazardous Materials Program contributed significantly to the decrease in deaths and injuries reflected in the graph.

California Accidental Release Prevention Program (Cal/ARP)

CUPAs determine and enforce at those facilities which are required by law, to prepare and submit a Risk Management Plan (RMP) based on the significant likelihood of regulated substance accident risk. The risk management program requirements go beyond emergency planning and reporting; they require a holistic approach to accident prevention and mitigation. Elements required under the risk management program regulations vary for individual stationary sources, but generally include a hazard assessment, a prevention program, an emergency response program, and a management system. The compliance rates for inspections at Cal/ARP facilities have risen from 20% for those inspected in 2003 to approximately 60% at inspected facilities in 2008.

Underground Storage Tanks

CUPAs oversee and regulate state and federal regulations that set operating requirements and technical standards for tank design and installation, leak detection, spill and overflow control, corrective action, and tank closure. The CUPAs underground storage tank program ensures that the tank contents (petroleum or other hazardous substances) do not seep into the soil and contaminate California's groundwater and waterways which are a source of drinking water.

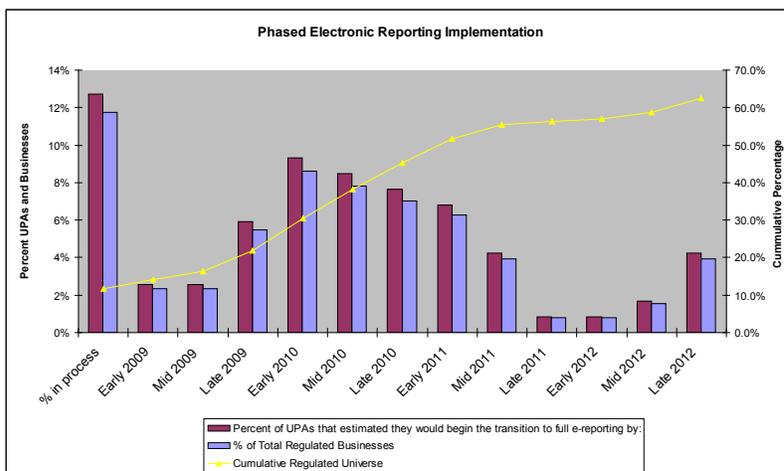
Above Ground Storage Tanks

In 2007, the California Legislature transferred the responsibility for the Above Ground Storage Tank Inspection Program to the CUPAs. In 2008, the Unified Program used grant monies to develop an aboveground storage tank inspector course that will provide 16 workshops statewide for over 600 CUPA inspectors by the end of 2009 in order to implement the program.



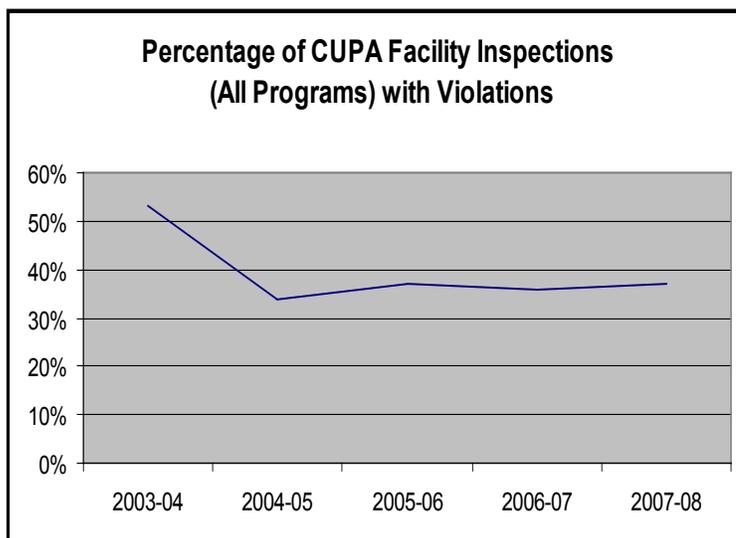
Electronic Reporting

Assembly Bill 2286, which requires Unified Program electronic reporting, was chaptered into law in 2008. It requires the electronic submittal of Unified Program data, which allows the regulated community to submit data directly to their local Certified Unified Program Agency (CUPA) which will share it with Cal/EPA. Alternatively, multi-jurisdictional businesses will be able to exchange data with Cal/EPA who will in turn share the data with the CUPA. Cal/EPA will serve as a virtual data warehouse and have the ability to exchange data with US EPA and create a public access website. The earliest electronic filers will start using the statewide system, called the California Environmental Reporting System in September of 2009. Based on when a business' CUPA is able to receive the data from the state system, the CUPA will determine when electronic reporting is mandatory locally and paper-filing is no longer an option.

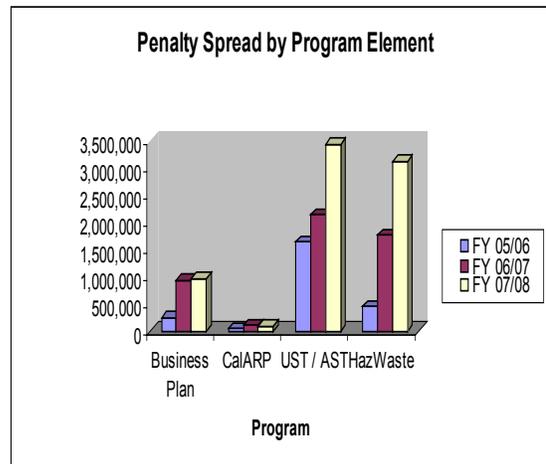


Enforcement

In state fiscal year 2007/2008 (July 1, 2007 thru June 30, 2008) the CUPAs initiated a total of 4,418 formal enforcement actions against regulated entities or individuals that were in violation of environmental laws. Each year has seen a growth in the use of this enforcement tool, in particular Administrative Enforcement Orders that totaled less than 200 five years ago and increased to over 500 in the last two consecutive years. Total fines collected in fiscal year 2007/2008 rose to \$7.6 million, an increase of almost 50% from the \$5.4 million that was collected in fiscal year 2006/2007, and \$2.0 million collected in fiscal year 2005/2006.



- Sacramento County Environmental Management Department reached a \$2.4M settlement with Georgia-Pacific Chemicals for violations of the State Health and Safety Code relating to the management and treatment of hazardous waste at the company's Elk Grove plant.
- March Global Port, the developer of a former March Air Base property, and the facility's commercial fueling company have paid more than \$100,000 in fines to settle a criminal case brought against them last year for operating a hazardous jet-fueling system.



- The California Department of General Services paid \$93,350 to the Sacramento County CUPA after violating rules governing the operation of its underground fuel storage tank at the Capitol.
- The State Attorney General culminated efforts of eleven CUPAs in settling a statewide agreement with Jiffy Lube International, resolving allegations that some of its oil change centers did not follow precautions to protect the environment from oil and antifreeze spills. The company agreed to pay \$500,000 as civil penalties, costs and attorneys' fees. District Attorneys assisting in the investigation include: Alameda, Los Angeles, Marin, Monterey, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Solano, Ventura, and the Los Angeles City Attorney.

Outreach Efforts to Local Agencies, Businesses and Community

CUPAs post environmental compliance newsletters that highlight environmental requirements and opportunities relating to pollution prevention to regulated businesses. In addition, CUPAs conduct site visits to help regulated businesses plan compliance strategies and pollution prevention opportunities at their facility. CUPAs provide vital assistance to local business owners/operators in completing their permits, Hazardous Materials Business Plans or renewal documents.

- Sacramento County CUPA staff provides bi-monthly Hazardous Materials Business Plan Workshops for businesses to come in and obtain personal assistance for submittal of environmental reports.
- The San Diego County CUPA taught the California Standardized Training Institute's Personal Protective Equipment and Railway and



Highway Spill mitigation classes in Spanish for the Border 2012 project to the Tijuana Fire Department at the Otay Mesa-U.S. Border Customs station. Fifteen members of Tijuana fire's Hazmat team are trained as Hazardous Materials Technicians. These Bomberos now meet California standards and can assist with Bi-national responses.

- The City of Los Angeles CUPA maintains an environmental events calendar that highlights opportunities for local businesses and the public to participate in eco-friendly activities in the community.
- CUPAs conduct presentations at classrooms and science fairs to raise awareness about careers in Environmental Health and promote Pollution prevention as well as proper managements of hazardous materials and universal waste. In 2008, the San Diego CUPA reached over 2000 students (elementary, middle and high school) through classroom presentations and table demos at science fairs at 30 outreach sessions.



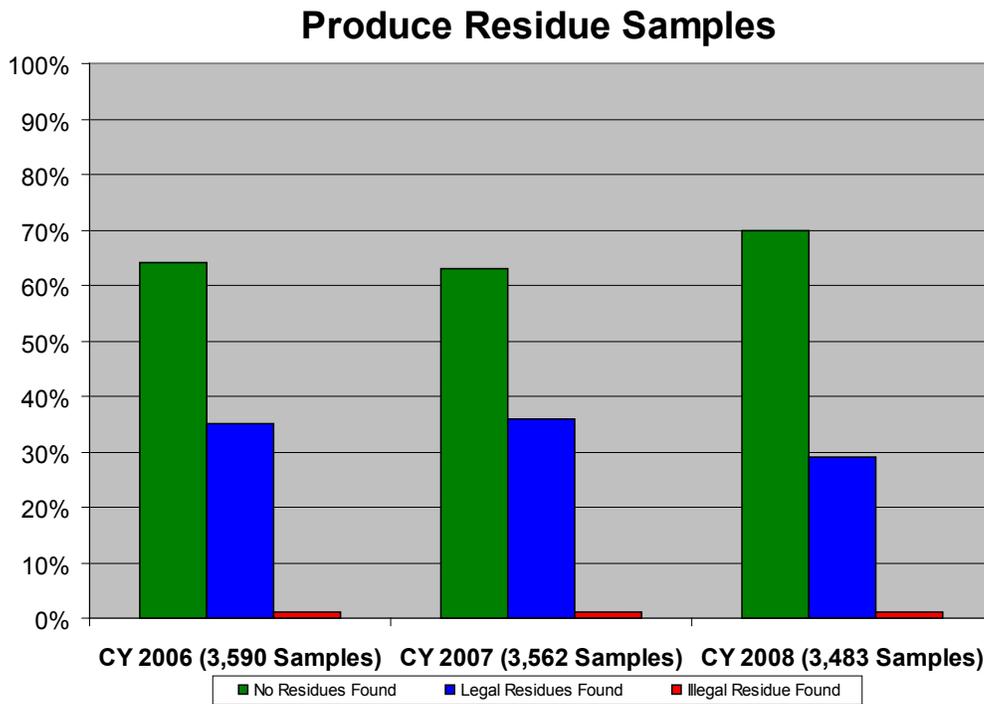




Department of Pesticide Regulation (DPR) Highlights:

Food Safety

Overall, DPR collected more than 3,400 produce residue samples in 2008. Of the total, 70% had no detected pesticide residues and 29% had residues within legal tolerances established for that crop. The remaining 1% had illegal residues. These crops were removed from the marketplace to prevent consumption by the public.



Source of Data: DPR

This graph indicates a general increase in the amount of produce in California that has no detectable pesticide residuals.

In 2008, as a result of a series of problems with illegal residues in snow peas from Guatemala, DPR contacted the Guatemalan exporters' association and United Nations officials to share our findings and request action.

We are pleased that Guatemala recently banned the insecticide that had produced most of the illegal residues. Since the ban, we have seen far fewer illegal residues in Guatemalan snow peas.



Agricultural Inspections

Counties conducted more than 14,000 agricultural inspections in 2008 to assess compliance with laws and regulations related to field worker safety, pesticide use applications, mixing and loading pesticides, and commodity and field fumigation. Nearly 235,000 criteria were assessed with a compliance rate of 97.6%.

Structural and Landscape Maintenance Inspections

California's pesticide enforcement programs oversee more than just production agriculture. It also ensures that licensees are using pesticides safely in and around the home and surrounding landscape.

Nearly 4,500 inspections were performed that evaluated approximately 100,000 criteria. Ten percent of the inspections in 2008 revealed one or more violations with an overall compliance rate of 99.2%. Civil penalties assessed for agricultural and structural enforcement actions by the county agricultural commissioners in 2008 totaled \$363,700.

Monitoring the Marketplace

DPR routinely conducts inspections at retail establishments, home and garden stores, retail and wholesale nurseries, landscape material suppliers, pet suppliers, restaurant and hospital suppliers, and pool and spa centers to check that pesticide products being offered for sale are registered in California. This is to ensure that the products have been evaluated and will not cause health or environmental problems, when used properly.



In 2008, DPR conducted about 300 inspections and 70 audits. Close to 600 unregistered and misbranded pesticide products were identified as a result of these investigations and were removed from the marketplace. DPR completed legal proceedings on 182 cases resulted in over \$1.4 million in penalties to violators.

Implementing Integrated Pest Management (IPM) practices in schools and child day care facilities

Regional school IPM training workshops for school district employees in 2008 brought DPR's total outreach in this arena up to 718 public school districts. Since the 2000 passage of the Healthy Schools Act, personnel from

nearly 75% of California’s public school districts have been trained, representing about 4.5 million students. These workshops enable school district IPM coordinators to go back into their districts to 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 farm worker communities and families

State and county compliance activities include participation in community meetings, health conferences and other events to promote pesticide safety to over 25,000 people; and radio and television interviews regarding pesticide safety on Spanish-language stations to a viewership estimated at 22,000.

Continuing Education

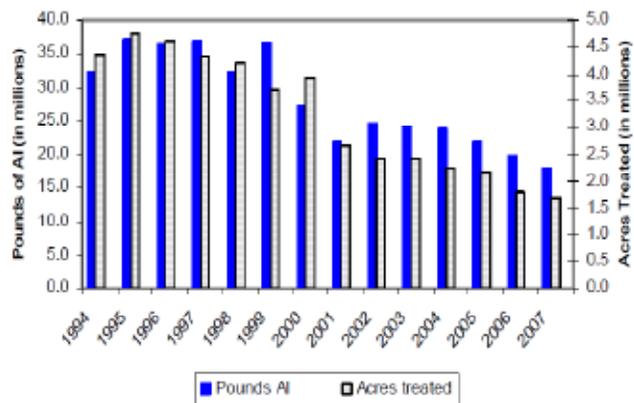
State and county pesticide officials gave more than 1,450 presentations and workshops on pesticide laws and regulations to audiences totaling an estimated 50,000 people in 2008.

Improving Air Quality

DPR implemented stringent Volatile Organic Carbon fumigant emission controls in areas of the state facing air quality challenges and capped pesticide emissions in Ventura County beginning in January 2008 to meet State Implementation Plan goals under the Federal Clean Air Act.

Use Trends of Pesticides on the State’s Proposition 65 List of Chemicals

DPR’s system to collect and track pesticide use is recognized as the most comprehensive in the world. With the exception of home and most industrial and institutional uses, all pesticide applications have been reported to DPR since 1990.



Use trends of pesticides that are on the State’s Proposition 65 list of chemicals that are “known to cause reproductive toxicity.” Reported pounds of active ingredient (AI) applied include both agricultural and non-agricultural applications. The reported cumulative acres treated include primarily agricultural applications. Data are from the Department of Pesticide Regulation’s Pesticide Use Reports.

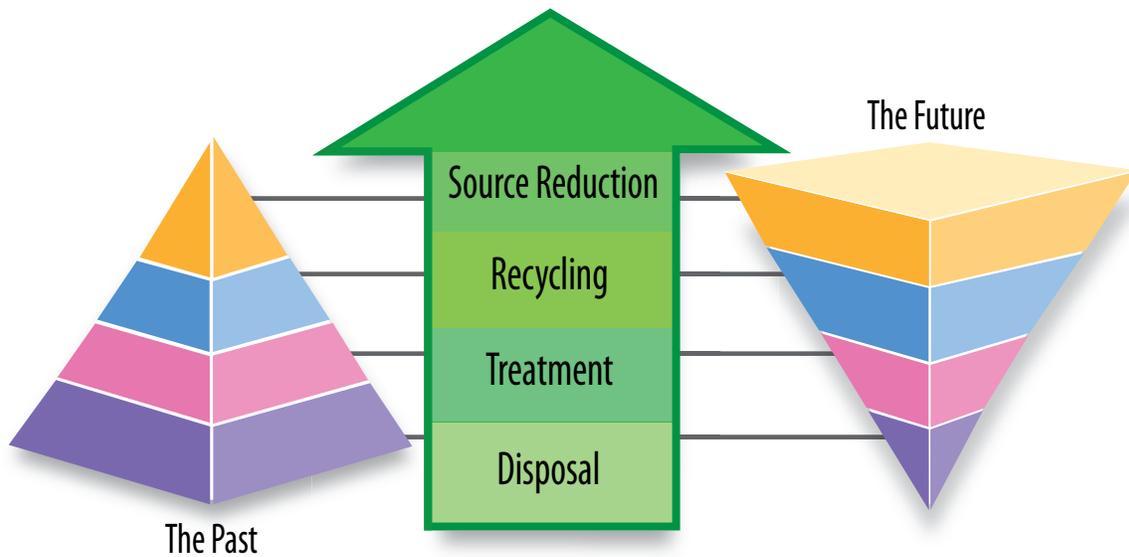
About DPR: The California Department of Pesticide Regulation’s (DPR’s) mission is to protect human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. For more information about our programs please visit our website at: www.cdpr.ca.gov





Integrated Waste Management Board Highlights:

Protecting public health, safety and the environment from the negative impact of solid waste requires effective regulation and enforcement and diversion programs (recycling, composting and waste prevention) that reduce the amount of solid waste disposed.

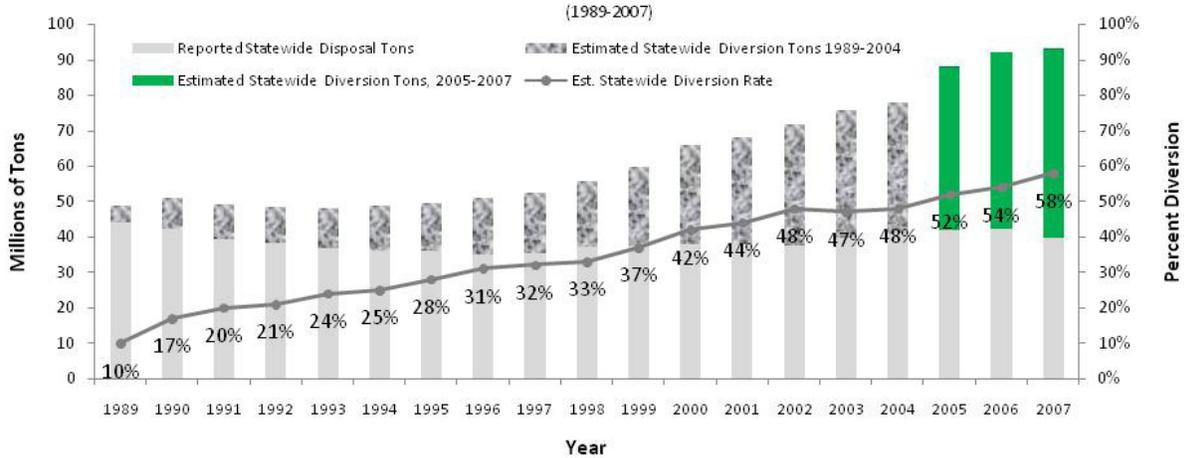


Californians have made “reduce, reuse, and recycle” part of their daily lives and are moving toward zero waste to protect and conserve resources for the future.

Technical assistance and training are critical to help the California’s waste management industry, millions of businesses, thousands of schools and hundreds of state agencies and local governments to comply with waste management laws. When compliance is not achieved, the IWMB emphasizes enforcement.

Statewide diversion increased to 58% in 2007, the latest year for which data is available. This exceeds the 50% diversion requirement under State law.

Estimated Statewide Waste Generation, Diversion, and Disposal Tonnages and Statewide Diversion Rates^{1,2}

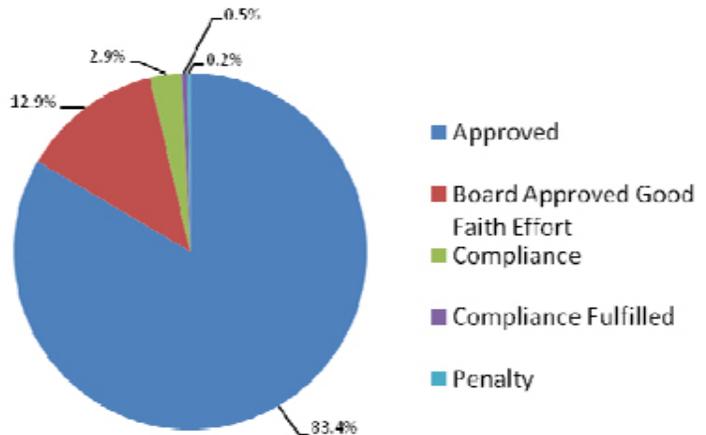


1. The Board's Taxable Sales Deflator Index (TSDI) was used to remove inflation from taxable sales amounts used in statewide diversion rate estimates for 2005, 2006 and 2007. A preliminary TSDI is used for the statewide diversion rate. Prior to 2005, Consumer Price Index (CPI) was used. In 2004, the State Board of Equalization stated that its taxable sales deflator is a more accurate measure of inflation in taxable sale amounts. Because of this change in methodology, the statewide generation and diversion rate estimates for 2005, 2006, and 2007 are not directly comparable with prior year estimates.
2. Per Chapter 993, Statutes of 2002 (Chavez, AB 2308), 2001-2005 disposal figures do not include waste sent to three Integrated Waste Management Board-permitted inert mine-reclamation facilities in Southern California. Starting in 2006, disposal does not include waste sent to two of these facilities. This represents approximately 2 percentage points of diversion.

California's local governments have aggressively implemented almost 16,000 programs to help all Californians divert waste from landfills.

In 2008, the IWMB reviewed and approved 96 percent of local governments' diversion progress. Only 13 local governments were under IWMB scrutiny for poor performance and of these only 1 received enforcement fines. Recent statutory changes will make diversion measurement more timely and accurate and focus on diversion program implementation.

2005-06 Local Government Biennial Review Results



Solid waste processing and disposal must be handled safely to protect public health, safety and the environment. IWMB oversees local government enforcement agencies that regulate solid waste facilities such as landfills and transfer stations, and lists those facilities that are chronic violators. IWMB provides compliance training and

assistance to operators. In 2008, 25% of the facilities with significant violations came back into compliance. State law was also changed to provide additional enforcement options at solid waste facilities.

Illegal waste tire disposal poses fire risks and public health risks including providing breeding ground for mosquitoes that carry the West Nile virus. IWMB tracks reuse, recycling or disposal of waste tires through a manifest system and together with local enforcement partners inspects tire dealers, haulers and waste tire facilities. After extensive industry compliance training and technical assistance IWMB adopted a zero tolerance compliance policy and a streamlined penalty process. Implementation of these programs resulted in an eight fold increase in tire hauler and tire manifest enforcement actions in 2008 resulting in a 73 percent increase in total tire related enforcement actions (both tire hauler and manifest, and tire facility).

California is currently poised to lead the nation in environmental literacy as a result of the Education and the Environment Initiative (EEI). The goal of EEI is to increase environmental literacy for California K – 12 students by teaching academic content standards to mastery within the context of a variety of environmental topics such as sustainability, global climate change, waste, water, energy, and resource conservation and recycling. EEI is a unique opportunity to formally include environment-based education into California's classrooms. Over 6,000,000 students and 150,000 teachers will be reached. This is the first program of its kind that will be approved by the State Board of Education.



The State of California has contributed approximately \$10,000,000 for the development of the EEI Curriculum including contracts with writers, editors, designers, photographers, photo editors, printers, and field testing teachers. The Integrated Waste Management Board, Department of Conservation, Department of Toxic Substances Control, State Water Resources Control Board, State and Consumer Services Agency, Air Resources Board, California Energy Commission, and Office of Environmental Health Hazard Assessment have all contributed to this landmark effort due to the integrated nature of the EEI curriculum.

EEI has an active public/private partnership in place with a multitude of stakeholders. Key partners with the Integrated Waste Management Board and the California Environmental Protection Agency are the State Board of Education, California Department of Education, and Governor's Secretary for Education.





Water Boards Highlights:

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 by taking enforcement actions against illegal discharges of waste in surface and ground waters. The Water Boards regulate the discharge of wastewater or leakage from more than 40,000 facilities. The Water Boards also regulate and enforce California's water rights.

Calendar year 2008 was a significant year for the enforcement programs for all the Regional Boards and for the State Board. Several enforcement initiatives were implemented, and the "2008 Initiative for Mandatory Minimum Penalty Enforcement" resulted in an additional 150 administrative actions that will result in an additional \$17 million in assessed penalties and fines. The Water Boards have an active enforcement program in collaboration with the rest of the enforcement programs at the California Environmental Protection Agency and with local regulatory and law enforcement agencies.

The Water Boards are also committed to accountability and transparency. During 2008, the Water Boards released the "Baseline Enforcement Report for Fiscal Year 2006-07" and is now producing 7 enforcement reports a year and extensive compliance and enforcement information is available on the public Water Boards public internet site. The California Water Boards Strategic Plan, completed in September 2008, includes specific goals and objectives related to enforcement. The Water Boards updated the enforcement policy during calendar year 2009.

Program Statistics:

The five core regulatory programs are:

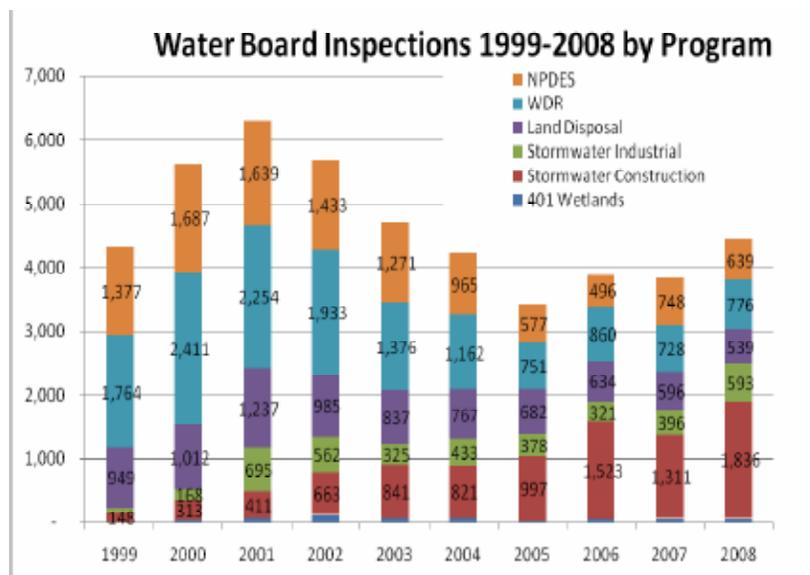
- National Pollutant Discharge Elimination System (NPDES), Wastewater
- National Pollutant Discharge Elimination System (NPDES), Stormwater
- Waste Discharge Requirements (WDR)
- Land Disposal
- Wetlands and 401 Certification

General information on these programs is shown below, including actions taken by the State Water Board's Office of Enforcement and the Division of Water Rights.

NPDES Wastewater Program

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

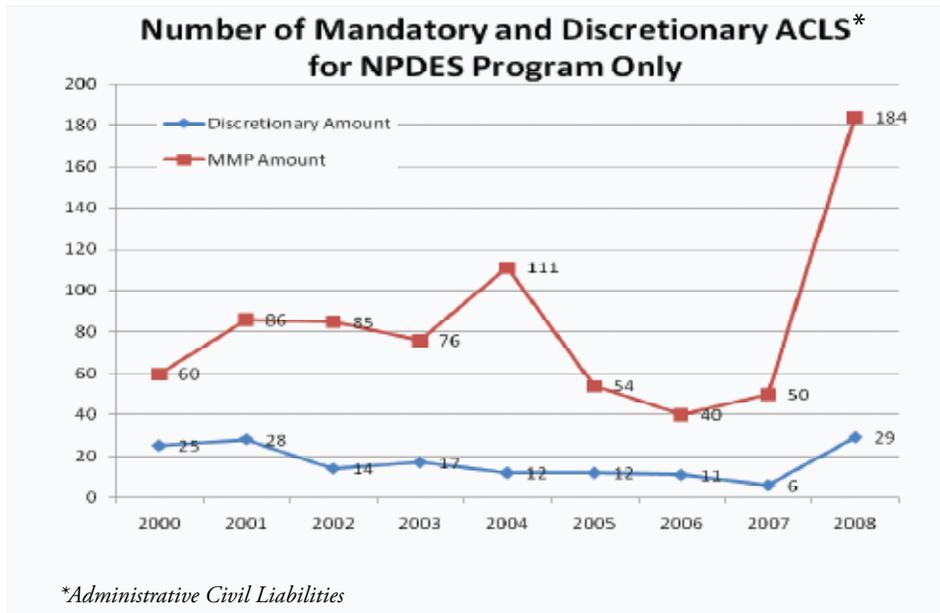
- Facilities regulated: 2,037
- Inspections conducted: 639
- Facilities with one or more violations: 601
- Violations documented: 5,417
- Percentage of violations with enforcement actions: 63%
- Enforcement actions issued: 855
- Penalties assessed: \$23,158,206



NPDES Stormwater Program

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

- Facilities regulated: 28,805
- Inspections conducted: 2,472
- Facilities with one or more violations: 1,389
- Violations documented: 1,873
- Percentage of violations with enforcement actions: 93%
- Enforcement actions issued: 2,139
- Penalties assessed: \$2,757,960



Waste 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: 6,731
- Inspections conducted: 780
- Facilities with one or more violations: 825
- Violations documented: 5,179
- Percentage of violations with enforcement actions: 36%
- Enforcement actions issued: 551
- Penalties assessed: \$2,539,690

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: 790
- Inspections conducted: 539
- Facilities with one or more violations: 115
- Violations documented: 277
- Percentage of violations with enforcement actions: 78%
- Enforcement actions issued: 87
- Penalties assessed: \$126,950

401 Certification/Wetlands Program

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

- Projects regulated: 959
- Inspections conducted: 60
- Facilities with one or more violations: 12
- Violations documented: 61
- Percentage of violations with enforcement actions: 70%
- Enforcement actions issued: 35
- Penalties assessed: \$132,375

Office of Enforcement

The Office of Enforcement at the State Water Board provides coordination and oversight of Regional Water Board enforcement activities, through policy adoption, training and investigative assistance. The Office of Enforcement also takes independent enforcement actions where authorized.

- Cases investigated: 323
- Cases closed: 19
- Cases referred to District Attorney: 4
- Enforcement actions issued: 8
- Penalties assessed: \$57,500

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 from impacts that occur as a result of water diversions and include conditions to protect other water users and the environment.

- Facilities regulated: 23,622
- Inspections conducted: 65
- Violations documented: 6,240
- Percentage of violations with enforcement actions: 1%
- Enforcement actions issued: 137
- Cases closed: 195
- Penalties assessed: \$46,850

Beach-Related Indicators

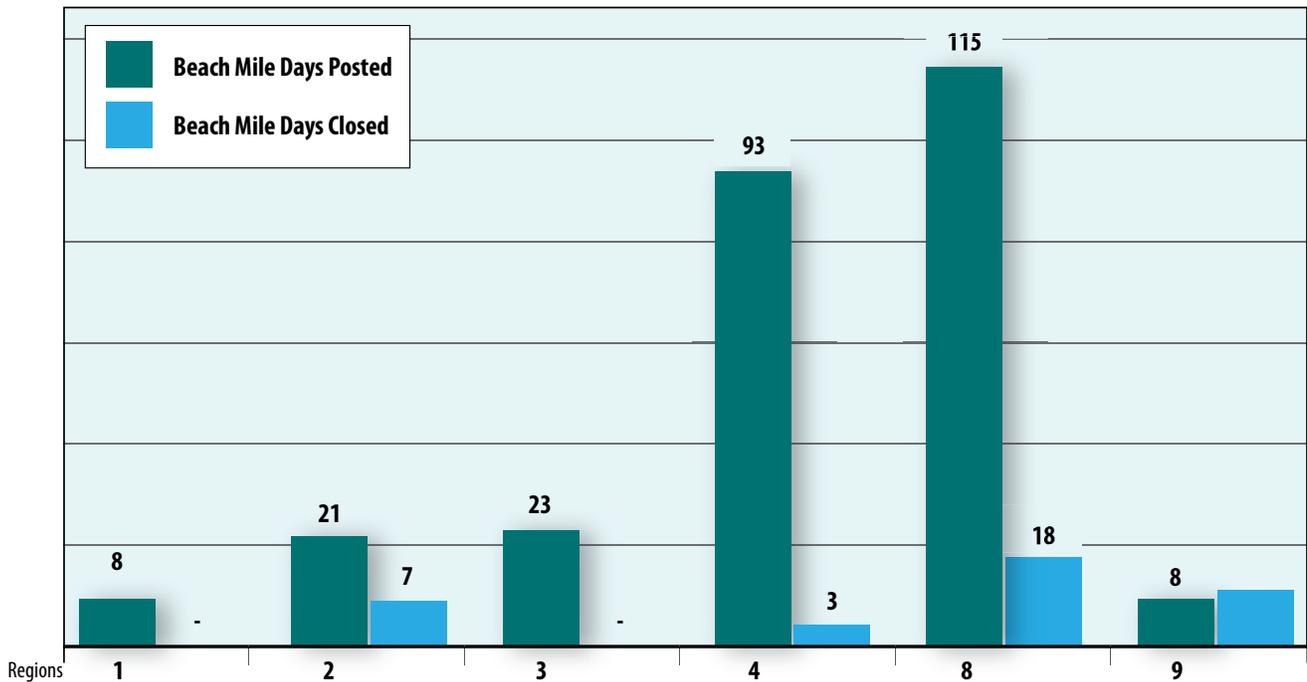
Group: Beach availability
 Measure: Number of Beach Closures
 Number of Beach Postings
 Message: Beaches are available for swimming 99% of the time

Key Statistics for FY 2008-2009

Number of Beach Closures: 44
 Number of Beach Postings: 579

Measurements:

Region	# of Beaches	# of Beaches Closure Events	# of Days Beaches Closed	# of Beach Mile Days Closed	# of Beaches Posted Events	# of Days Beaches Posted	# of Beach Mile Days Posted	Total Days Posted or Closed	Total Beach Mile Days Posted or Closed	% of Swim Days not Fully Available	% of Swim Beach Mile Days not Available
1	67	-	-	-	17	192	8	192	8	1.6%	0.052%
2	76	7	151	7	72	486	21	637	28	4.5%	0.190%
3	106	-	-	-	70	423	23	423	23	1.7%	0.079%
4	84	21	58	3	273	1,855	93	1,913	96	6.6%	0.361%
8	7	10	31	18	121	529	115	560	133	21.9%	0.402%
9	93	6	10	10	26	77	8	87	18	0.4%	0.053%
Total	433	44	250	38	579	3,562	268	3,812	307	3.7%	0.199%







Office of Environmental Health Hazard Assessment (OEHHA) Highlights:

California has a long tradition of leading the nation in public health and environmental protection. The state has enacted laws, promulgated regulations, and set standards designed to protect its residents when federal provisions are non-existent or inadequate. In many cases, these efforts to protect against harmful human exposures to environmental contaminants are based upon scientific evaluations by the Office of Environmental Health Hazard Assessment (OEHHA).

OEHHA plays a critical and unique role in environmental protection. OEHHA functions as a risk assessment arm of Cal/EPA, independent of the five regulatory entities in the agency. OEHHA is also the lead agency for the implementation of Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act of 1986).

OEHHA's core responsibility is to evaluate the health impacts of environmental chemicals. OEHHA's assessments support a broad array of environmental programs, including those that regulate:



Air Quality

OEHHA makes health-based recommendations for ambient air quality standards, identifies toxic air contaminants, and develops guidelines for assessing them.

In 2008, OEHHA revised the risk assessment guidelines for non-carcinogens to more explicitly account for children's susceptibilities. To date, OEHHA has developed health-based exposure levels for about 100 chemicals, six of which were added in 2008.

Water Quality

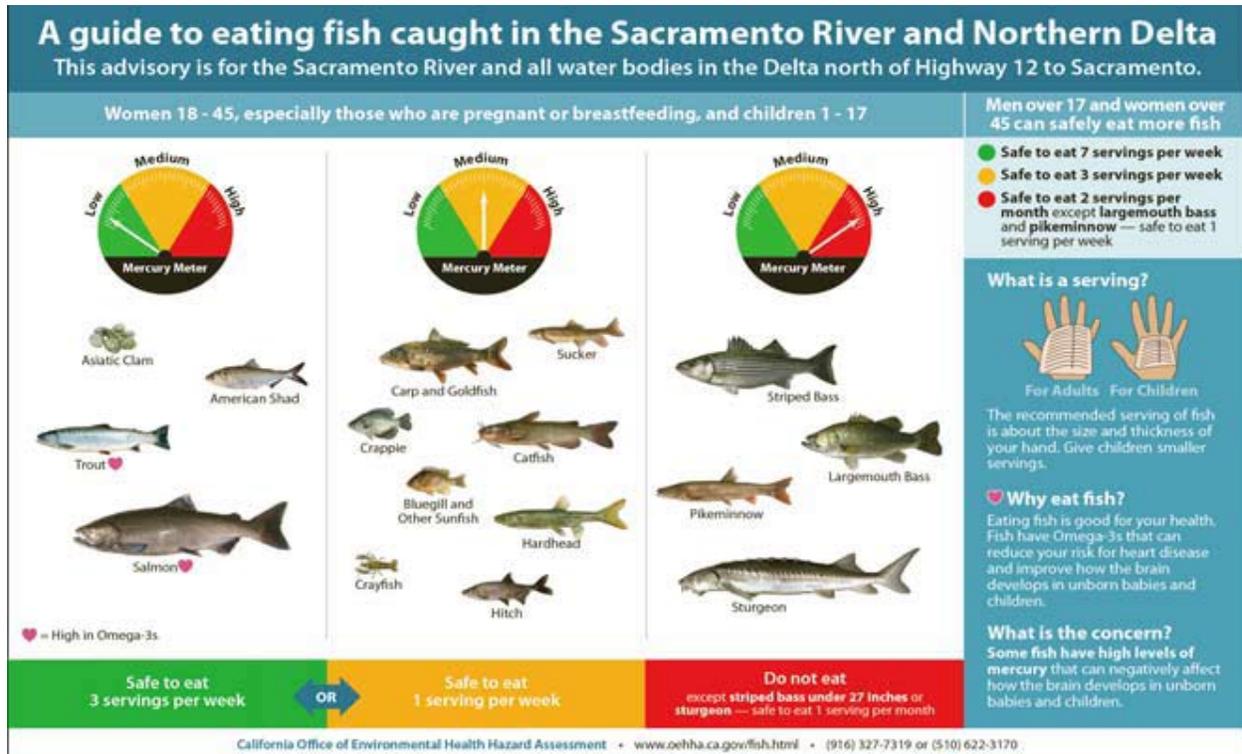
OEHHA develops "public health goals" (PHGs) for drinking water contaminants. The Department of Public Health uses these values as the health basis for the state's primary drinking water standards. Over 80 PHGs have been developed, including three in 2008.



OEHHA issues waterbody-specific fish consumption advisories that provide guidance on eating sports fish that may contain hazardous contaminants.

OEHHA has issued fish advisories for approximately 235 miles of river, 220,000 acres of estuary and 11,990 acres of lake in 2008.

Example cited in bullet about fish advisories:



Pesticides

OEHHA evaluates pesticide toxicity data in support of the Department of Pesticide Regulation’s (DPR) pesticide registration and regulation efforts. In 2008, OEHHA collaborated with DPR and the Department of Public Health in evaluating of the toxicity of the pheromone used in aerial applications against the light brown apple moth (LBAM) in Monterey and Santa Cruz counties. Symptoms reported following aerial pheromone application were also evaluated, as were toxicity data on four potential LBAM eradication products. As part of its responsibilities relating to pesticide illness surveillance, OEHHA trained about 100 physicians and health care providers on the recognition and management of pesticide poisoning in 2008.

In 2008, OEHHA developed the nation’s first health-based cleanup level for methamphetamine on residential indoor surfaces. OEHHA reviewed health risk assessments for 63 contaminated sites in 2008, and conducted risk assessment trainings for local agencies.

Contaminated Sites

OEHHA supports site cleanup programs in two ways: (a) By developing health-based values for assessing risks at contaminated sites; and (b) By reviewing risk assessments as the basis for cleanup decisions made by the Regional Water Quality Control Boards, the California Integrated Waste Management Board and local government. Health-based values include child-protective exposure levels for school site contaminants.



The environmental challenges now confronting California and the global community require novel approaches founded on reliable scientific tools and information. OEHHA will continue to play a role in providing the scientific foundation for environmental policy in several areas, including:

Green Chemistry

Pursuant to recent legislation, OEHHA is evaluating chemical-hazard traits and environmental and toxicological effects to be included in a Toxics Information Clearinghouse.

Biomonitoring

The California Environmental Contaminant Biomonitoring Program, a collaborative effort of the Department of Public Health, OEHHA, and the Department of Toxic Substances Control, is designed to measure levels of environmental chemicals in biological samples from statewide participants and establish trends over time. In the start-up phase, the program is identifying priority chemicals for biomonitoring and is planning pilot studies to develop laboratory and field methods.

Environmental Justice

OEHHA is leading a Cal/EPA initiative to develop a framework and guidance for assessing cumulative impacts and incorporating precautionary approaches. These will be used by Cal/EPA in addressing the cumulative impacts of environmental pollution from multiple sources in California communities.

Climate Change

OEHHA evaluates the impacts of increasing temperatures on human health. In its capacity as lead agency for the Environmental Protection Indicators for California Project, OEHHA has published a compilation of about 25 indicators describing trends in the multiple facets of climate change and its impacts on the state.

Ecotoxicology

OEHHA develops tools and technical resources to assess the impacts of chemical, physical, and biological stressors on ecosystems. The current focus of its work is on aquatic ecosystems. Among other things, OEHHA is developing a tool for estimating imperviousness, a key stressor in most urban watersheds.

