

CalEPA



2010 Environmental Compliance and Enforcement Report



Cal/EPA

2010 Environmental Compliance & Enforcement Report

Office of the Secretary • Air Resources Board
California Air Pollution Control Officers Association
Department of Pesticide Regulation
Department of Toxic Substances Control
Office of Environmental Health Hazard Assessment
State Water Resources Control Board



Edmund G. Brown Jr., Governor
Matthew Rodriquez, Secretary for Environmental Protection

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Cal/EPA Mission:

To restore, protect, and enhance the environment, to ensure public health, environmental quality and economic vitality.

The Vision of Cal/EPA is:

A California that enjoys a clean, healthy, sustainable environment that enhances the quality of life for current and future generations, and protects our diverse natural resources.



Introduction

This report was prepared by the California Environmental Protection Agency (Cal/EPA), its underlying Boards, Departments, Office, and local government enforcement partners. This report supports the reporting requirements of California Government Code section 12812.2 and provides its readers an overview of enforcement program activities during the 2010 calendar year.

California's Environmental Law Enforcement System

In California, government programs for the protection of health and the environment are implemented in a decentralized system by a combination of local, state and federal agencies.

Cal/EPA is a single state agency comprised of the Office of the Secretary and five Boards, Departments and Offices (BDOs). These BDOs consist of the Air Resources Board, the Department of Pesticide Regulation, the Department of Toxic Substances Control, the Office of Environmental Health Hazards Assessment and the State Water Resources Control Board and nine Regional Boards (often referred to as the Waterboards).

Legislation effective on January 1, 2010 eliminated the Integrated Waste Management Board (IWMB) and Board Member structure under Cal/EPA, and moved all existing solid waste responsibilities and functions to the Department of Resources Recycling and Recovery (CalRecycle). Therefore, their accomplishments are no longer included in this report. For information on CalRecycle, see www.calrecycle.ca.gov.

It is important to understand that Cal/EPA does not have direct management authority over all the BDOs within Cal/EPA or their local and regional government partners. These state, regional and local agencies have responsibilities that are outlined in law and, in most cases, they are not obligated to report directly to the Secretary of Cal/EPA. For example, Air Pollution Control Districts and County Agricultural Commissioners generally report to elected county officials.



The United States Environmental Protection Agency (US EPA) is Cal/EPA’s federal environmental enforcement partner. While federal law provides the baseline for environmental protection in California, state, regional and local requirements may be, and often are, broader in scope with higher standards thereby creating a level of protection in California greater than provided by federal law.

Cal/EPA’s local and regional enforcement agency partners include: the 35 Air Pollution Control and Air Quality Management Districts (air districts) that regulate stationary sources of air pollution, 58 County Agricultural Commissioners that regulate pesticide use, and 83 Certified Unified Programs Agencies (CUPAs) that implement hazardous waste and hazardous materials programs.

The Need for Accurate and Timely Information

Accurate and timely information is essential to environmental enforcers to protect public health, to deter and prosecute those that violate environmental laws and regulations, and to create a level playing field for business competition. Public transparency has been identified to promote efficiency and effectiveness in government. With examination of how to improve data collection and integrate its access to the public, our enforcement partners and the public should have greater confidence that the targeted areas of enforcement and the resources we expend are fruitful.

Program Report Development Process

This report is comprised of standardized individual reports from each of Cal/EPA’s BDOs and the local Air Quality Management Districts (Air Districts) and describes their environmental law enforcement activities. To prepare and refine this report, an annual collaborative effort is undertaken by a dedicated team of enforcement, research and scientific program staff, who meet regularly throughout the year.

Performance Measures

A main objective of this report is to provide agency-wide information on enforcement and compliance programs and performance measurements for program activities.

There are two types of performance measures, those that measure outputs and those that measure outcomes.

- Examples of outputs include the numbers of inspections and enforcement actions taken.
- Outcomes try to measure the impact the program has on the protection of public health and the environment. (An example of an outcome is the number of days that an air quality standard is exceeded each year. A general decline in the number of days of exceeded air quality standards would show a positive outcome). Indicators reflecting trends in pollutant releases, environmental conditions, and human and ecological health are examples of outcomes in the environmental protection area.

While measurements that capture outputs are important, outcomes provide a better picture of the success of a program in meeting its intended mission. Outcomes are also more difficult to directly correlate with enforcement and other regulatory actions. The challenges associated with defining and measuring outcomes account, in part, for the lack of a fully developed performance management system. Each BDO has progressed toward that goal and this report includes reporting of that progress.

Background Perspective

The California Environmental Protection Agency is challenged in its mission to restore, protect and enhance the environment to ensure public health, environmental quality and economic vitality by the ever-increasing pressures associated with, among other things, a growing population and a high level of economic activity. In carrying out its mission, the Agency needs to be mindful of the underlying forces that can stress the environment and influence the effectiveness of environmental regulation, enforcement, and policies. Appendix A is intended to provide additional perspective for interpreting the potential impacts of California's environmental regulation and enforcement programs. It discusses some of the major drivers of environmental change and cites examples of environmental successes. It also reports on trends in the health status of California's population and in some health outcomes influenced by exposures to environmental contaminants. For example, in spite of tremendous population growth in the state since 1950, Californians today breathe the cleanest air since measurements have been recorded.

Report Overview

The 2010 report is considerably shorter than the 2009 report. The Report Team focused this report on highlights and provided web links at the end of each chapter for the reader to access information in greater detail. This year's report includes:

- Each BDO's mission
- An overview of BDO program organization and function
- 2010 highlights
- Multi-year summaries of enforcement action and penalties
- Specific enforcement case successes
- Status updates on performance indicator development
- Training efforts
- Where to find additional information

The Office of the Secretary

The California Environmental Protection Agency (Cal/EPA) was created in 1991 through a Governor's Reorganization Plan – Governor's Executive Order W-14-91. The Boards, Departments and Office were placed within Cal/EPA in order to create a cabinet-level voice for the protection of human health and the environment and to assure the coordinated deployment of State resources against the most serious environmental risks.

The Secretary of Environmental Protection is the head of the California Environmental Protection Agency (Cal/EPA). The Secretary is responsible for overseeing and coordinating the activities of the Air Resources Board, the Department of Pesticide Regulation, the Department of Toxic Substances Control, the Office of Environmental Health Hazards Assessment and the State Water Resources Control Board and Regional Water Quality Control Boards.

The specific functions to be performed within the Office of the Secretary of Cal/EPA include: budget review, review of personnel management, enforcement coordination, information management coordination, strategic planning and pollution prevention.

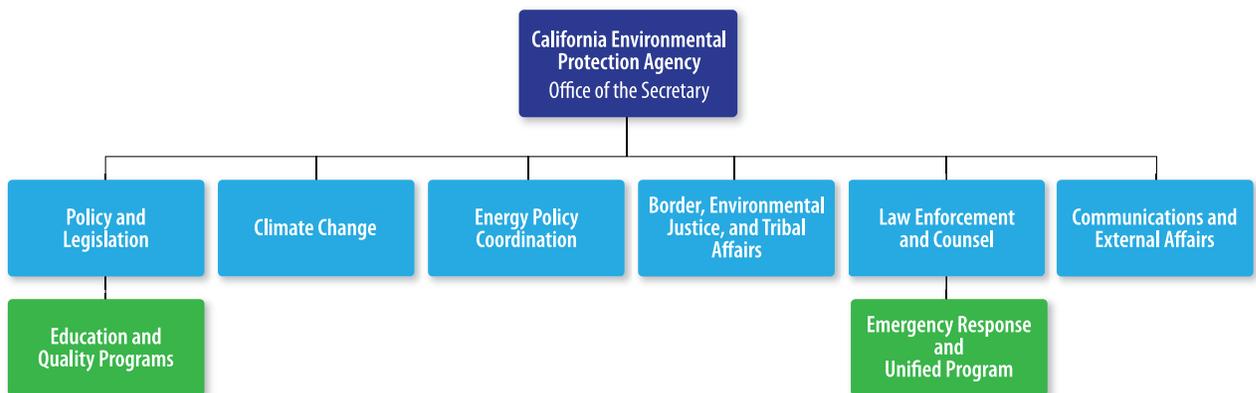
In addition, sections 12850 through 12856 of the Government Code define general authorities for each agency secretary over the departments, offices, and other organizational units that comprise them, as follows:

- The secretary of each agency has the power of general supervision over, and is directly responsible to the Governor for, the operations of each department, office, and unit within the agency. (§ 12850)
- The secretary of each agency shall advise the Governor on, and assist him in establishing, major policy and program matters affecting each department, office, or other unit within the agency, and shall serve as the principal communication link for the effective transmission of policy problems and decisions between the Governor and each such department, office, or other unit. (§ 12850.2).
- The secretary of each agency shall exercise the authority vested in the Governor in respect to the functions of each department, office, or other unit within the agency, including the adjudication of conflicts between or among the departments, offices, or other units; and shall represent the Governor in coordinating the activities of each such department, office, or other unit with those of other agencies, federal, state, or local. (§ 12850.4).

- The secretary of each agency shall be generally responsible for the sound fiscal management of each department, office, or other unit within his agency. He shall review and approve the proposed budget of each such department, office, or other unit. He shall hold the head of each such department, office, or other unit responsible for management control over the administrative, fiscal, and program performance of his department, office, or other unit. He shall review the operations and evaluate the performance at appropriate intervals of each such department, office, or other unit. He shall seek continually to improve the organization structure, the operating policies, and the management information systems of each such department, office, or other unit. (§ 12850.6).

The Legislature has also given the Office of the Secretary several specific programmatic responsibilities.

1. Border Program
2. Brownfields
3. Children’s Environmental Health
4. Coordination of the State’s climate change activities
5. Enforcement
6. Environmental Justice
7. Quality Improvement
8. Unified Hazardous Materials Program and Emergency Response



Cal/EPA's Role in Enforcement

Government Code Section 12812.2 specifies the enforcement duties of the Deputy Secretary for Law Enforcement and Counsel:

1. To develop a program to ensure that the BDOs and other agencies that implement laws or regulations within the jurisdiction of Cal/EPA take consistent, effective, and coordinated compliance and enforcement actions;
2. To establish a cross media enforcement unit to assist BDOs and other agencies that implement a law or regulation within the jurisdiction of Cal/EPA, to investigate and prepare matters for enforcement action;
3. To refer a violation of a law or regulation within the jurisdiction of a BDO or other agency that implements a law or regulation within the jurisdiction of Cal/EPA to the Attorney General, a district attorney, or city attorney for the filing of a civil or criminal action.

Accomplishments

In 2010, the Office of the Secretary:

- Continued to chair the Enforcement Chiefs Steering Committee. This committee consists of the Chiefs of Enforcement within the Agency. The Steering Committee works on various issues related to increased coordination of Cal/EPA's enforcement and compliance activities.
- Prepared a report entitled Cal/EPA Enforcement Program Update which details actions taken in 2010 to implement Government Code Section 12812.2 ensuring consistent, effective, and coordinated enforcement actions. The Update is included as Appendix B of this report and may also be found at: www.calepa.ca.gov/Enforcement/Publications/2010/EnfUpdateRpt.pdf

Single Complaint Tracking Steering Committee

The Single Complaint Tracking Steering Committee (SCTS) was established to create a Cal/EPA-wide, single complaint tracking system to receive, track, and respond to environmental complaints reported to Cal/EPA Boards, Departments and Offices. This project resulted in a web-based system that provides a consistent, single point of contact for the public via Internet access through the various Cal/EPA web pages. The online complaint form is used to collect information about environmental complaints and/or violations. The system was designed as a tool used to relay complaint information

directly to the appropriate Cal/EPA Boards, Departments and Offices for action, coordination with local government agencies, and to track follow-up.

Citizen complaints are an important source of information about potential non-compliance with environmental laws. Program managers have found that citizen complaints are usually made to a specific Cal/EPA Board, Department and Office, but also may need to be addressed by multiple programs. In order to provide a complete response to environmental complaints, a coordinated approach is needed to address the possible cross-program responses as well as assure that complaints are investigated and prosecuted properly. The SCTS was designed with this purpose in mind.

Single Complaint Tracking Steering Committee Accomplishments in 2010

The Department of Toxic Substances Control's (DTSC) programming staff moved the SCTS into the new secured system format and tested the complaints staff log-in function, the Central/Supervisor/Staff permission levels, the identity tracking function, password maintenance, and other related functions. The security function was moved out of the test mode and into production in September 2010.

The SCTS programmer also created and tested a new system function that will allow citizen complainants and complaints staff to upload attachments to the online complaints files that are created when a complainant originally files the online complaint. A virus scan process will be incorporated into the system in the coming year that will scan attachments prior to upload that will be part of the attachment function and will complement system security features. The new attachment upload function is expected to go online in test mode and move into production sometime in 2011.

The SCTS programmer also worked with the SWRCB/RWQCB staff to adjust their BDO's complaint assignments function to more closely match their business processes. Additional lists of SWRCB Complaints Centrals/Supervisors/Staff as well as RWQCB Districts were included in the system database tables and system log-ins were established for those staff. The system programmer expects to notify SWRCB/RWQCB staff of their new system access and provide system training in early 2011.

Calendar Year 2011 Objectives

Establish system protocols that will allow complainants to upload attachments to their online complaints.

Implement a Complaint Disposition form for local government agencies to enter their final disposition of a complaint and close it out.

Provide system training to Cal/EPA Complaints staff.

Data Reporting:

Total Complaints Received by the Single Complaint Tracking System				
	2007	2008	2009	2010
<i>Total Number of Complaints</i>	553	981	860	841

Complaints Received by BDO by Year				
	2007	2008	2009	2010
BDO	<i>Total Complaints</i>	<i>Total Complaints</i>	<i>Total Complaints</i>	<i>Total Complaints</i>
ARB	203	303	281	312
CalRecycle	92	162	130	109
DPR	60	78	103	104
DTSC	321	537	476	413
OEHHA	48	60	62	40
SWRCB	210	375	380	346

Complaints by County by Year

County Code	County Name	2007	2008	2009	2010
	Unknown	98	148	133	4
1	Alameda	20	35	28	30
2	Alpine	0	1	0	1
3	Amador	2	3	3	4
4	Butte	5	9	16	9
5	Calaveras	4	5	2	6
6	Colusa	0	7	1	4
7	Contra Costa	9	14	20	39
8	Del Norte	0	1	1	0
9	El Dorado	3	9	16	7
10	Fresno	7	7	16	24
11	Glenn	1	0	0	5
12	Humboldt	5	6	4	7
13	Imperial	2	4	8	3
14	Inyo	1	1	1	5
15	Kern	11	15	19	21
16	Kings	2	2	4	1
17	Lake	0	4	4	1
18	Lassen	1	4	3	1
19	Los Angeles	69	157	142	171
20	Madera	4	4	6	2
21	Marin	4	13	12	11
22	Mariposa	0	1	2	0
23	Mendocino	2	5	7	6
24	Merced	3	4	7	8
25	Modoc	0	2	1	0
26	Mono	0	1	1	0
27	Monterey	1	9	8	17
28	Napa	3	4	6	3
29	Nevada	3	2	13	8
30	Orange	40	63	49	49

County Code	County Name	2007	2008	2009	2010
31	Placer	19	22	12	9
32	Plumas	0	3	1	1
33	Riverside	17	47	39	29
34	Sacramento	30	53	41	50
35	San Benito	3	3	1	1
36	San Bernardino	29	35	36	28
37	San Diego	31	51	44	72
38	San Francisco	6	6	8	21
39	San Joaquin	9	65	18	14
40	San Luis Obispo	7	13	5	10
41	San Mateo	8	9	10	11
42	Santa Barbara	6	8	7	11
43	Santa Clara	18	15	29	21
44	Santa Cruz	13	7	3	5
45	Shasta	3	15	7	11
46	Sierra	1	1	1	2
47	Siskiyou	2	4	2	7
48	Solano	7	16	3	8
49	Sonoma	10	18	5	23
50	Stanislaus	7	13	4	9
51	Sutter	3	5	1	5
52	Tehama	2	3	3	3
53	Trinity	1	1	6	2
54	Tulare	4	2	9	11
55	Tuolumne	0	3	3	7
56	Ventura	10	14	23	17
57	Yolo	4	8	4	3
58	Yuba	3	1	2	3
	Total	553	981	860	841



Air Resources Board

ARB Mission:

To promote and protect public health, welfare and ecological resources through the effective and efficient reduction of air pollutants while recognizing and considering the effects on the economy of the state.

Enforcement Division's Mission Statement:

"The Enforcement Division seeks to protect the environment and public health and provide safe, clean air to all Californians by reducing emissions of air contaminants through the fair, consistent and comprehensive enforcement of air pollution laws, and by providing training and compliance assistance."



Enforcement Division Overview

For over forty years, the California Air Resources Board (ARB) has made great strides to improve California's air quality. For all its clean-air successes, California still faces many challenges, ranging from diesel pollution to climate change. The Board regulates a growing universe of sources in its fight for clean air. ARB coordinates California's efforts to reach and maintain the health-based federal and state air quality standards, and to protect the public from exposure to Toxic Air Contaminants (TACs). ARB is responsible for overseeing the efforts of the local air pollution control and air quality management districts (Air Districts) in controlling air pollution caused by stationary sources.

ARB is also mandated to address the serious problems caused by large mobile sources – cars, motorcycles, trucks and buses, off-road vehicles and equipment, and the fuels that power them – major sources of air pollution in the most populous parts of the state.

ARB is also responsible for controlling emissions from smaller but more numerous sources of air pollution, including consumer products, other types of mobile sources like lawn and garden equipment and utility engines, and any sources of toxic air pollutants. To carry out these responsibilities, ARB has a multifaceted program of planning, regulation development, implementation, compliance assistance and training, and enforcement.

Vigorous enforcement ensures that these efforts achieve the anticipated emissions reductions and provides a level playing field for all the regulated community. Violations of California's air quality laws and regulations span a wide spectrum that extends from minor breaches of regulations to deliberate criminal actions.

ARB Enforcement Division (ED) is focused on helping California's regulated communities understand and comply with statutory and regulatory requirements. ED staff conducts numerous workshops and training programs, produces many publications, and works with the regulated community in order to make sure that stakeholders are aware of the requirements that may affect them. When ED discovers violations, it works closely with ARB attorneys and local and state prosecutors to prepare strong and effective cases. And, through ARB's Public Information Office, ED provides a summary of completed enforcement cases to the public to discourage others from breaking the law.

Upon case resolution, monies collected from penalties go into the Air Pollution Control Fund as required under state law. Up to 25 percent of the penalty monies can go to Supplemental Environmental Projects (SEPs).^{*} A common SEP recipient in 2010 was the California Council on Diesel Education and Technology (CCDET) where monies are distributed to California Community College Diesel Technology Programs to educate the diesel industry on ARB's regulations using hands on training in a classroom and shop environment. The money also enables the colleges to purchase equipment to ensure that students are learning with current technology.

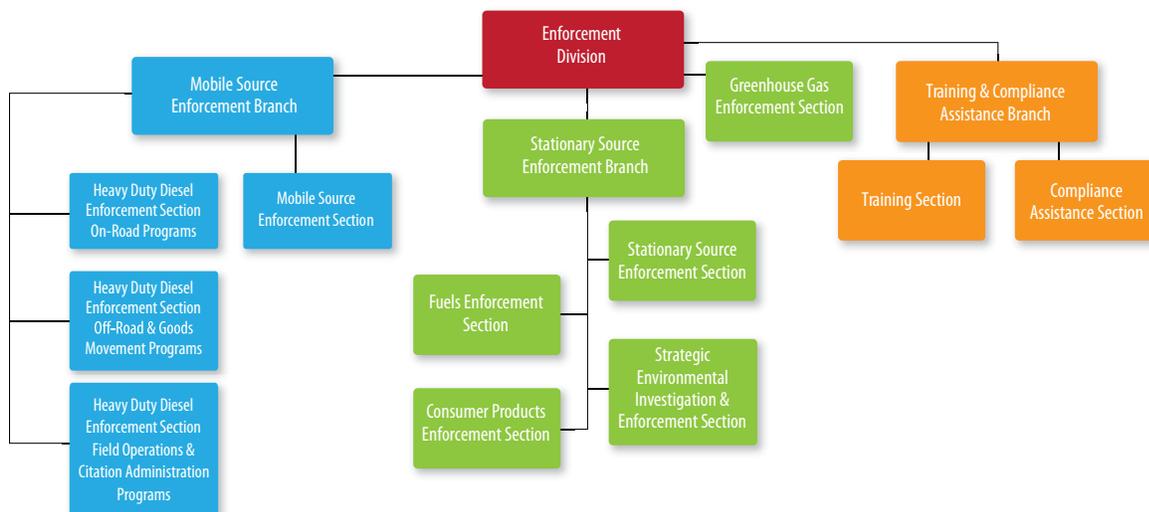
Finally, in the face of the last two years' fiscal challenges and the Governor's mandated furlough program, the enforcement program has not experienced growth in the last year. Enforcement program staff has worked hard to keep up with the new regulations implemented in 2010 and the added operational demands placed on the limited available resources.

This report provides summary overview of ARB's enforcement programs, 2010 highlights, summary of ARB's first criminal case, ED program outcomes, public health indicators, and a summary of our compliance assistance programs and trainings. For more details on ARB Enforcement Division programs, please refer to the 2010 Annual Enforcement Report, www.arb.ca.gov/enf/reports/2010_enf_rpt.pdf.

^{*}SEPs are projects or payments that violators undertake to benefit the environment in the community in which the facility may be located.

Organization and Programs

2010 Enforcement Division Organizational Chart



The Division's three branches are responsible for a variety of enforcement activities:

- The Mobile Source Enforcement Branch (MSEB) enforces programs to reduce gaseous particulate, and visible exhaust emissions from Heavy Duty Diesel (HDD) and gasoline-powered commercial trucks and buses, passenger vehicles and other light-duty on-road vehicles, off-highway vehicles, off-road engines like lawn and garden equipment, and aftermarket parts for on and off-road vehicles.
- The Stationary Source Enforcement Branch (SSEB) investigates and develops cases related to motor vehicle fuels and consumer products, provides oversight and assistance to local air district enforcement programs, conducts a number of major inspection programs, and provides investigative and surveillance services to assist in the development of air quality, toxic exposure, and multi-media cases.
- The Training and Compliance Assistance Branch (TCAB) provides training and informative materials to ARB staff, air districts, and regulated industry personnel for improving enforcement and promoting compliance.
- The Greenhouse Gas Enforcement Section (GHGS) remains organizationally independent of a branch and provides an enforcement perspective and specific language to the ARB divisions involved in rule development in furtherance of the California Global Warming Act of 2006 (AB 32) climate change effort.



Inspecting Emission Labels

Mobile Source Enforcement Branch

California has long been a world leader in combating air pollution emitted from motor vehicles and other mobile sources. Because of the state's severe air quality problem, California is the only state authorized under the federal Clean Air Act to set its own mobile source emissions and fuel standards. The Board has used this authority to establish an aggressive program to reduce emissions from many sources ranging from heavy-duty diesel trucks, passenger cars, and motorcycles to jet skis, lawn mowers, and chain saws. Because of the complexity and diversity of its regulated universe, the Mobile Source Enforcement Branch is further divided into sections that specialize in implementing different regulations and programs.

Mobile Source Enforcement Section

The Mobile Source Enforcement Section (MSES) is responsible for ensuring all regulated mobile sources, on and off-road, comply with ARB certification requirements. ARB's enforcement program vigorously enforces these laws through inspections and investigations that can result in corrective actions and substantial civil and/or criminal penalties.

For on-road sources, the primary focus of enforcement is to ensure that all new vehicles sold, offered for sale, or used in the state are certified for sale in California. Under California's regulations, a new vehicle (defined as a vehicle that has fewer than 7,500 odometer miles) not certified to California's standards cannot be sold within or imported into the state by a California resident or business. If such a vehicle visits a Smog Check station, the owner is issued a Certificate of Noncompliance (CNC), and a copy of the CNC is sent to ARB. When a violation has occurred, a Notice of Violation (NOV) is issued. The NOV requires that the vehicle(s) be removed from the state, and payment of a civil penalty of up to \$5,000 per vehicle, as authorized under H&SC §43151 et seq.

Another area of focus for enforcement resources has been in the off-road categories. This includes off-road motorcycles and all-terrain vehicles commonly referred to as Off-Highway Recreational Vehicles (OHRVs); Small Off-Road Engines (SOREs) such as lawn and garden equipment, scooters; large spark ignited (LSI) engines which include fork lifts, sweepers, quads, and generators; and compression ignition diesel engines over 175 bhp, which include generators and construction equipment.

Heavy-Duty Diesel Enforcement

Heavy-Duty Diesel enforcement is divided into three program sections: (1) On-Road Programs; (2) Off-Road and Good Movement Program; and (3) Field Operation and Citation Administration Programs. Key programs include:

- Heavy-Duty Vehicle Inspection Program
- Periodic Smoke Inspection Program
- Solid Waste Collection Program
- Public Agency Unity Program
- Transit Fleet Vehicle/Urban Bus Program
- Engine Certification Label Program (AB 1009)
- Commercial Vehicle Idling Program
- Smoking Vehicle Complaint Program
- Transport Refrigeration Unit
- Drayage Truck Regulation
- Tractor-Trailer Greenhouse Gas/Smart Way Regulation
- Truck and Bus Regulation.



ARB inspector performing a diesel inspection

The Heavy-Duty Diesel enforcement includes inspecting heavy-duty trucks and buses for excessive smoke emissions, tampering of emission control systems, and idling. Currently more than 440,000 heavy-duty diesel vehicles are registered in California. Each of these heavy-duty vehicles, as well as an estimated over one million heavy-duty vehicles registered in other states or foreign countries (i.e., Mexico or Canada) are subject to inspection and testing when they come to California. Vehicles in fleets, such as transit buses, solid waste collection vehicles, delivery service vehicles, off-road construction vehicles, drayage port trucks, and others are also required to comply with ARB fleet rules and regulations.

Stationary Source Enforcement Branch

The Board's Stationary Source Enforcement Branch includes four sections focused on Fuels, Consumer Products, Stationary Sources, and Strategic Investigations.

The Stationary Source Enforcement Branch conducts oversight and enforcement activities in conjunction with the 35 local air districts. Stationary sources include “point” or fixed sources

such as petroleum refineries and factories, and “area” sources which individually emit small quantities of pollutants but collectively emit significant emissions, such as consumer products and residential chimneys.

Fuels Enforcement

The Fuels Enforcement Program (Fuels) regulates the composition of motor vehicle fuels and ensures compliance with motor vehicle fuels regulations, including California reformulated gasoline regulations, diesel fuel regulations, and cargo tank vapor recovery regulations.

The enforcement of the fuels program includes field investigations, inspection and certification of cargo tank vapor recovery on gasoline cargo tank trucks, and evaluation of alternative compliance data.

Fuels also provides outreach and support to clarify complex aspects of the regulations in the form of training seminars, individual company meetings, web pages, and ongoing telephone support to the regulated industry and the public.

Consumer Products Enforcement

Consumer products such as deodorants, hair sprays, cleaning solvents, spray paint and insecticides are examples of common everyday products that are made with ozone-forming volatile organic compounds (VOCs). Although each consumer product contains only a small amount of VOCs, Californians use over half a billion of these products every year, which cumulatively contributes to the formation of ground level ozone, which is a major part of California’s smog problem. ARB regulates the amount of VOCs, toxics, and global warming compounds permissible in approximately 129 categories of consumer products in order to reduce smog and public exposure. Consumer Product Enforcement Section (CPES) investigators are increasingly responsible for the enforcement of other product regulations adopted to reduce emissions into the air, including portable fuel containers, outboard marine tanks, and indoor air cleaners.

CPES staff conducts inspections throughout California and collects consumer product samples for laboratory analysis, as well as purchases samples online and through mail order outlets. After receipt of laboratory analysis or performance testing, CPES staff works with the manufacturers or retailers to reach a mutual settlement agreement, or refers the case to the Office of Legal Affairs (OLA). In 2010, CPES staff settled 72 consumer products cases and 2 portable fuel container cases, collecting penalties totaling \$2,948,005 for consumer products and \$93,000 for portable fuel container cases.



Stationary source emissions

Stationary Source Enforcement

The Stationary Source Enforcement Section (SSES) is responsible for overseeing several enforcement programs and activities established to ensure compliance with air pollution rules and regulations. Key programs and activities that the section is responsible for include:

- Complaint hotline and the online Cal/EPA Environmental Complaint System
- Complaint Investigation
- Variances
- Air Facility System
- Continuous Emission Monitoring Program
- Rule Review

Strategic Environmental Investigations and Enforcement

The Strategic Environmental Investigations and Enforcement Section (SEIES) conducts special and joint investigations of “cross media” environmental cases. Cross media cases involve multiple areas of environmental regulation governing air, water, soil, toxic waste, regular waste, or pesticides. SEIES

investigations may also include coordination with enforcement jurisdictions that fall outside the environmental field. SEIES works under a Memorandum of Understanding (MOU) with Cal/EPA to provide the investigative services necessary to fulfill Cal/EPA's statutory enforcement responsibilities. SEIS also assist in enforcement with the good movement regulations and Asbesto NESHAP program. SEIES is also tasked with providing enforcement assistance to local air districts and other environmental agencies. This assistance includes facility inspections, complex investigations, surveillance technology, and case preparation. SEIES staff also actively participates in a number of environmental task forces throughout the state.

ARB recently adopted an Air Toxics Control Measure (ATCM) to Reduce Formaldehyde Emissions from Composite Wood Products. SEIES staff have been actively implementing this regulation during 2010.

Greenhouse Gas Enforcement Section

The Greenhouse Gas Enforcement Section (GHGES) remain organizationally independent of a branch and was formed in December 2007, as a result of the California Global Warming Solutions Act of 2006 (AB 32), which mandates that ARB monitor compliance with and enforce all regulations developed under this law.

The primary mission of GHGES is to ensure maximum emission reductions through effective enforcement of AB 32 regulations utilizing a four-pronged approach: regulation development, implementation support, enforcement, and development of a case tracking database. These four core functions are summarized below.

1. Regulation Development

- Collaborate with regulation writers from other ARB Divisions to strengthen enforceability of new GHG-related regulations.
- Conduct in-depth regulation analysis resulting in written input that improves and harmonizes regulatory language.
- Estimate resources needed to enforce new regulations.

2. Regulation Implementation Support

- Ensure continuity between regulatory development, implementation and enforcement by participating in ARB workshops and training sessions.

- Advise on and produce documents related to enforcement and compliance processes. These processes include public advisories and workshops, guidance documents, compliance monitoring plans, inspections, audits, and complaint procedures.
3. Regulation Enforcement
- Develop enforcement strategies and options with ARB program and legal staff to shape effective enforcement plans, inspection protocols, and penalty assessment.
4. Case Tracking Database Development
- Develop a division-wide modular case tracking database that will interface with other ARB divisions and the public. This database will aid GHGES in measuring enforcement effectiveness.

Enforcement Program Highlights for 2010

ED 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 implement climate-change regulations. Even with last year's fiscal challenges and the Governor's mandated furlough program, the enforcement program experienced moderate growth in an effort to keep pace with its operational demands. This growth helped enable an increase in the number of enforcement actions closed and penalties assessed and collected in 2010.

The following statistics highlight the achievements of ARB's Enforcement Program in 2010.

- In 2010, the ED closed 3,701 enforcement actions and collected over \$12.8 million in penalties;
- 3,677 of these enforcement actions were closed administratively with penalties of over \$8.7 million;
- 23 were closed via civil litigation for over \$2.8 million in penalties; 1 was closed via criminal prosecution for \$1.2 million in penalties/restitution; Enforcement actions funded 141 Supplemental Environmental Programs (SEP) totaling over \$330,000 from penalties collected;
- ARB implemented a Memorandum of Understanding (MOU) with the Bay Area Air Quality Management District (BAAQMD) whereunder the BAAQMD conducts inspections of diesel engines and vehicles at the ports and other environmental justice (EJ) areas in its nine county jurisdiction.

Highlighted Enforcement Cases for 2010

In a majority of our enforcement actions, ARB is able to reach a mutual settlement agreement with air quality violators. Generally, this settlement includes a monetary penalty, a corrective action, and in some cases, funds for a SEP that improves air quality.

In 2010, ARB referred its first criminal case for prosecution against Goldenvale, Inc. which resulted in a felony conviction.

A five year investigation into illegal activity on the part Goldenvale Inc., Kenning Ma, President and Owner and his wife Shirley Ji, Vice President, came to a successful completion on April 28, 2010. Goldenvale is one of the largest importers of Chinese on and off-road motorcycles and recreational vehicles in the U.S. located in Ontario, California. They sold thousands of vehicles that were not certified by the ARB for import, sale or use in California. The ARB worked with the Office of the District Attorney, San Bernardino who charged the company President and Vice President with 70 felony counts including conspiracy, grand theft, possession of false documents and money laundering. Ma and Ji were arrested on March 11, 2010 and held in county jail on \$150 million and \$75 million bail, respectively. They were released April 28, 2010, when Kenning Ma pleaded guilty to four felony counts of grand theft and was ordered to provide restitution to all victims in the case. Vice President Shirley Ji, pleaded no contest to one felony count of conspiracy to commit grand theft and one felony count of grand theft. They are paying \$1.2 million in restitution to the victims in this case. The San Bernardino District Attorney's office is overseeing the restitution program.

The felony pleas, sentencing and the amount of time in custody are significant for a case which had its beginnings in an investigation over air quality issues.

The Goldenvale case is one of the first criminal case investigated by ARB, and prosecuted based on air quality violations. The results of this case reverberated throughout the import industry and served as a significant deterrent to similar violations.

Another significant case in 2010 was a consumer products case against Pro's Choice. In March 2010, a Final Judgment and Permanent Injunction was issued by the Stanislaus County Superior Court in *People of the State of California v. Pro's Choice Beauty Care*. The litigation involved violations of the California Consumer Products regulations with 15 separate NOV's issued to seven defendants for diverted non-compliant hair care products. Pro's Choice obtained hair care products that were

manufactured for sale in hair salons and resold the products to “mass market” retailers including Rite Aid, Ralphs, Long’s, Walgreens, K-Mart, and Target, all of whom were defendants in this action. The defendants paid a total of \$1,250,000 in penalties, attorney’s fees and costs to resolve this case. ARB will be monitoring sales of hair care products by the defendants to ensure compliance with the terms of the permanent injunction.

For a list of all the significant case settlements in 2010, please refer Appendix B of the 2010 Enforcement Report, www.arb.ca.gov/enf/reports/2010_enf_rpt.pdf.

Environmental Justice

The ARB is committed to making the achievement of Environmental Justice (EJ) an integral part of its activities. State law defines 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 Board’s “Environmental Justice Policies and Actions” have established a framework for incorporating EJ into ARB’s programs consistent with the directives of state law. These policies apply to all communities in California, but recognize that EJ issues have been raised more in the context of low-income and minority communities. These policies are intended to promote the fair treatment of all Californians and cover the full spectrum of ARB activities. Underlying these policies is a recognition that we need to engage community members in a meaningful way as we carry out our activities. People should have the best information possible about the air they breathe and what is being done to reduce unhealthful air pollution in their communities. Finally, we recognize our obligation to work closely with all stakeholders, communities, environmental and public health organizations, industry, business owners, other agencies, and all other interested parties to successfully implement these policies.

Over the last year, ED has increased its coordinated effort with federal, state and local enforcement agencies such as U.S. EPA, the Department of Toxic Substances Control, the California Water Resource Control Board, local air districts, local law enforcement, city leaders and local community groups throughout the state, especially in areas that have been identified as EJ areas. Staff has worked with environmental collaborative groups in the cities of Maywood, Oakland, Pacoima, Riverside, San Bernardino, and Wilmington.

Performance Measures/Environmental and Public Health Indicators

Mobile Source Enforcement Branch Program Outcomes

Compliance rates for MSEB programs where these rates can be calculated are listed in the table below:

Program	Compliance Rate
Heavy Duty Vehicle Inspection	99%
Solid Waste Collection Vehicles	90%
Public Agency Utility (PAU) Enforcement	71%
Engine Certification Labels (AB1009)	94%
Commercial Vehicle Idling	86%
Drayage Truck	88%
In-Use Off-Road	78%*
TRU Truck/Trailer	62%
49 state	99%
Tampering ¹	98%
Small Off-Road Engine (SORE)	72%
Off-Highway Recreational Vehicle (OHVR)	96%
Certificate of Noncompliance ²	77%
<p><i>*Limited sample size-not statistically representative of fleet's overall compliance rate.</i></p> <p>¹Tampering – Vehicle Code section 27156 prohibits the tampering or removal of a motor vehicle pollution control device.</p> <p>²Illegal Non – California Certified Vehicles - Health and Safety Code Section 43151 et seq. states a new vehicle – defined as a vehicle that has fewer than 7,500 odometer miles, that is not certified to California's standards cannot be sold within or imported into the state. If such a vehicle enters California, the Smog Check issues a Certificate of NonCompliance (CofNC) to the vehicle owner. The CofNC is mailed to Air Resources Board (ARB) and staff verifies the certification and mileage. A Notice of Violation (NOV) is issued which requires that the vehicle be removed from the state along with a civil penalty of up to \$5,000 per vehicle.</p>	

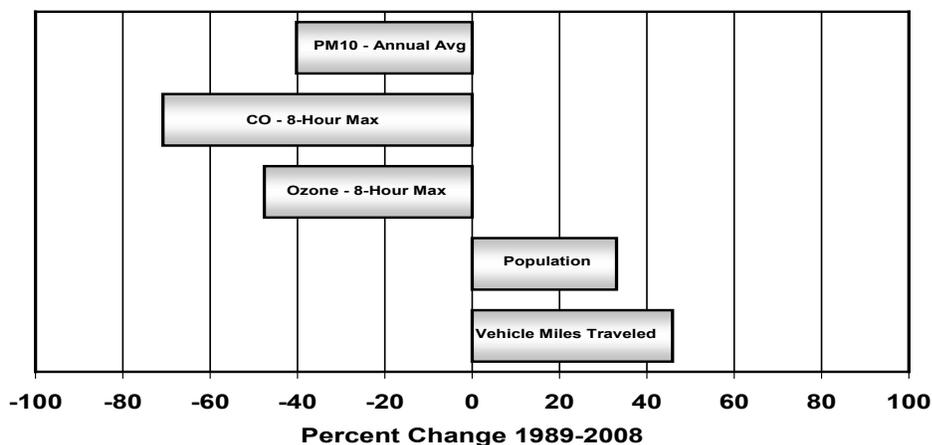
Stationary Source Enforcement Branch Program Outcomes

Compliance rates for SSEB programs where the rates can be calculated are listed in the table below. The Consumer Products and Portable Fuel Container programs do not calculate compliance rates due to the targeted focus of the sampling programs (new categories, revised limits, or similar violations) and the limited analysis capacity relative to the number of regulated products. Also, the Fuels Enforcement program does not calculate compliance rates because the sampling is not random. Many of the investigations and inspections are targeted at specific facilities and industries based on compliance history and market share. Compliance rates are also not calculated for many investigations and inspection programs due to the unique nature of each stationary source investigation and case.

Program	Compliance Rate
Railroad MOU	99%

Public Health Indicators

For over 40 years, the ARB has worked aggressively to improve California’s air quality. Airborne pollutants result in large part from human activities, and growth generally has a negative impact on 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 significantly reducing Californians’ exposure to air pollution. This progress has been dramatic despite considerable growth in population, motor vehicles, and vehicle miles travelled as shown in the following charts (future year data is based on modeled trend projections):



(Source: ARB 2009 California Almanac of Emissions and Air Quality)

Statewide Emissions (tons/day, annual average)										
Pollutant	1975	1980	1985	1990	1995	2000	2005	2010	2015	2020
NOX	4886	4898	4744	4940	4387	3972	3513	2981	2476	2173
ROG	7058	6566	5990	4733	3803	3141	2455	2127	1993	1950
PM ₁₀	1857	1889	1971	2215	2112	2174	2134	2139	2202	2275
PM _{2.5}	713	687	685	751	686	693	686	682	690	707
SOX	1277	953	534	511	303	297	301	294	337	394
CO	42175	37958	35270	30084	22405	17203	13127	10543	9134	8369

(Source: ARB 2009 California Almanac of Emissions and Air Quality)

Statewide Population and VMT Trends									
Parameter	1980	1985	1990	1995	2000	2005	2010	2015	2020
Population	23782000	26402401	29828496	31711849	34095209	36896218	39135677	41635800	44135923
Avg. Daily VMT/1000	403567	538319	691049	733629	799848	955234	958079	1033400	1104522

(Source: ARB 2009 California Almanac of Emissions and Air Quality)

Metrics

In 2010, ED's program activities such as number of inspections and number of violations are located on Appendix C, D and E of the 2010 Annual Enforcement Report. The report is located at the following link, www.arb.ca.gov/enf/reports/2010_enf_rpt.pdf.

The Enforcement Action table shows the number of cases closed, cases referred, and penalties collected from 2007-2010.

Formal Enforcement Actions	2007	2008	2009	2010
<i>Civil Cases Closed</i>	6	4	13	23
<i>Administrative Actions Closed</i>	3,436	2,593	4,041	3,677
<i>Civil Cases Referred/Pending 1</i>	11	38	39	16
<i>Criminal Cases Referred/Pending</i>	3	3	1	0
<i>Cases Closed</i>	3,442	2,597	4,054	252
<i>Penalties</i>	\$20,470,975	\$9,379,476	\$14,461,974	\$12,450,560
<i>SEPs</i>	\$9,379,500	\$2,600,336	\$1,919,184	\$336,672
<i>1 Civil cases pending: pending litigation or settlement with the attorney general or various district and city attorneys statewide.</i>				

Training Compliance Assistance Branch

The Training and Compliance Assistance Branch is divided in two sections the Compliance Assistance Program Section and the Compliance Training Sections. This Branch provides nationally recognized and award-winning training courses to encourage communication and networking between environmental personnel, with the goal of achieving emission reductions and solving compliance problems through professionalism and teamwork.

Compliance Assistance

ED provides compliance assistance to regulated entities through posting and distribution of compliance advisories, field outreach in conjunction with enforcement activities, participation in outreach and educational events in conjunction with other divisions at ARB, and classroom and web-based training.

ED also houses the Compliance Assistance Program or CAP, which for over 20 years has developed and distributed 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.



Training inspectors

Technical manuals provide in-depth, source-specific information. Traditionally the program has focused on stationary sources and district assistance. In 2011, the focus will shift to mobile sources regulated by the ARB to help meet the formidable task of reaching out to the many affected businesses, both large and small.

In 2010, the CAP distributed nearly 5,000 hard copies of publications, 3,880 of which were handbooks. This was a 40% decrease in hard copy distribution from the previous year. This decrease has been a trend for several years as many more people view publications on-line. Web page views for CAP publications were just over 217,000, with handbooks again making up the majority at just over 148,500. (The number of webpage views is not a precise number, because a certain percentage of web views are from “robot” search engines.) CAP publications can be found on the webpage: www.arb.ca.gov/html/tca.htm.

The ED also provides Visible Emissions Evaluation (VEE) training and certification services throughout California. Most stationary and many mobile sources in the state are required by law to meet state and local limits for visible emissions. Compliance with these limits is evaluated by industry and air district staff certified to read visible emissions quantitatively. Re-certification is required every six months. Businesses with VEE-certified staff can proactively identify operations that do or do not meet VEE

limits. In 2010, 1,250 persons successfully certified or recertified out of nearly 2,000 who took the certification tests.

Compliance Training

In 2010, the Compliance Training Section (CTS) increased the compliance training activities in order to meet increasing requests from the CAPCOA districts, state and federal agencies and the regulated communities. CTS also took on various enforcement outreach activities and expanded and revised the compliance training curriculum. CTS provide a valuable service to ED, other divisions within the ARB, Cal/EPA, and U.S. EPA. The continuous growth of, and demand for training on, the Compliance Training Program over the years reflects its value.

CTS continues to emphasize program enhancement through the development of new courses and continual updating of existing courses. Its instructors are continuously updated and trained on the emerging issues in the air quality field. Over the years, ARB has trained thousands of people from industry, academia, government agencies, other organizations, and members of the public on how to comply with ARB requirements. ARB training is, and continues to be, a model for other states, the nation and other countries.

Training Program Statistics for 2010

Over 312 classes or multi-day training programs were offered, representing over 8220 students;

January 1, 2010 to December 31, 2010	
Total Students Taught in CA	6,783
Total Courses Taught in CA	250
Total Students Taught in the National Program (outside CA)	1,435
Total Courses Taught in the National Program (outside CA)	61
Webcast Capable Courses	26
Webcast Students	611
Average Webcast Students per Course	22
Overall Totals	337 Courses 8829 Students



Visible emissions smoke test generator

The CTS offers courses on inspections and courses on case development for inspectors. The Uniform Air Quality Training Program is a series of 14 courses providing an introduction to air pollution control and enforcement. The program is intended for new, entry-level stationary source inspectors, regulatory agency staff, and environmental specialists in business and government. CTS is currently developing an on-line module of this Uniform Air Quality Training Program.

The 200 series courses are designed for the semi-experienced air quality professional. They contain a higher level of technical information offering first-hand application of topics addressed in the classroom study portion of the class by including field visits to regulated commercial and industrial sites. Examples of 200 courses include: In-Station Diagnostics; Permitting Under New Source Review and Course 298 (Overview of the Title V Permitting Program);

The 300 and 400 series courses are comprised of workshops, seminars, and symposiums that address current, and sometimes controversial, environmental issues such as cross media training, legal issues,

case development and variance/hearing board requirements. This series of training was designed for experienced environmental professionals.

The 500 Series courses are focused primarily on mobile source emissions. Over the past couple of years, there have been numerous mobile source regulations introduced, therefore, demand for training and knowledge in this arena, specifically diesel regulation outreach, is at an all-time high. The demand for this training is apparent from the numerous classes required throughout 2010. Several new and revamped mobile source training and outreach courses are in development stages for 2011 to keep up with this growing demand. A representative sample of the 500 series courses include: Portable Equipment Registration Program; Diesel Exhaust After-Treatment Device Training, and Diesel Vehicle Regulation Overview Outreach.

Additional Information:

The following web links provide additional detailed information regarding ARB's Enforcement Programs: The 2010 Annual Enforcement Report includes a more in-depth discussion of the enforcement programs currently administered by ARB, as well as some summary statistics relating to inspections, investigations, and activities in each of the programs. More detailed information relating to case status, local air district enforcement activities and other relevant information is included in the appendices. Please also 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. Specific case settlement summaries can be viewed at ARB's Enforcement Program web site located at: www.arb.ca.gov/enf/casesett/casesett.htm. The 2010 Annual Enforcement Report is located at: www.arb.ca.gov/enf/reports/2010_enf_rpt.pdf.



Air Districts

Air District Mission:

It is the mission of California air districts to attain and maintain both federal and State air quality standards and to protect the public from the adverse health effects of air pollution.

Air District Enforcement Program Mission:

Air district enforcement programs strive to ensure that both permitted and non-permitted air pollutant emitting facilities comply with all State, federal, and local air pollution rules and regulations. The overarching goal of the program is to ensure compliance with emission standards in order to protect public health and welfare. Enforcement programs also investigate citizen complaints to determine the source of odors, dust, fumes, or other pollutants that may cause harm or discomfort to the public.



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, notably 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 multi-county districts, and provides for districts to unify into regional agencies.

Local air districts run monitoring networks to measure pollution in ambient air. They develop plans to attain State and federal health-based ambient standards, and adopt regulations and other measures that codify the plans. Districts issue construction and operating permits or registrations for stationary and portable equipment or activities that emit air pollution, and inspect these equipment and activities to ensure compliance with applicable requirements. These permits require utilization of best pollution control technology for criteria pollutants and a risk-based review of toxic air pollutants for applicable new and modified sources of air pollution.

Districts review the toxic emissions from facilities and the associated impacts on the public, and require facilities that pose significant risks to inform the public and implement risk reduction plans. Districts also regulate activities such as open burning on agricultural or forested lands and activities that cause a public nuisance. Local districts regulate agricultural sources of air pollution, including livestock operations, field operations that generate dust, and certain agricultural engines. They also review the air pollution impacts of projects under the California Environmental Quality Act (CEQA).

Compliance with air pollution control requirements is determined and achieved thru 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 requirements. Compliance assistance and outreach programs proactively prevent violations from occurring, but when violations do occur, enforcement actions bring about a prompt return to compliance.

In addition to programs mandated by federal and state law, local air districts develop programs to respond to specific local air pollution problems and concerns. These can include measures to reduce emissions from indirect sources of air pollution, such as residential or commercial development, programs to support development of new, low or zero emission technologies, efforts to address global warming, and work to reduce impacts on communities, especially low-income communities and environmental justice areas. Districts collaborate with local governments, business and the public to reduce transportation-related air pollution through better planning and infrastructure, and voluntary programs to reduce motor vehicle trips. They also implement financial incentive programs to reduce emissions from motor vehicles and heavy-duty diesel engines, lawn mowers, fireplaces, woodstoves, and other sources.

An important, but non-regulatory component of enforcement and compliance programs is the outreach made by the district to the regulated community and to the public in general. The goal of outreach is to improve the general and specific knowledge of the people who operate sources that are subject to regulation, and to assist them in complying with air quality requirements. It also improves the understanding of air quality issues for the general public and allows for accurate reporting of concerns about non-compliance. Outreach efforts encompass a number of activities. These include, for example, the distribution of printed materials that address air pollution issues broadly, or specific regulations and how to comply with them; workshops and community meetings; the staffing of public information lines to respond to phone inquiries; the development and maintenance of on-line, electronic information; and individual meetings and inspections when appropriate or requested. Data on compliance assistance programs are not included in this report.

Organizational Structure

Local air districts operate at the direction of their Boards of Directors. The Board at each air district has, at a minimum, county Supervisors within the jurisdiction of the agency. Many air districts also have representation of cities (by city council members) within their jurisdiction, pursuant to



State Health and Safety Code. A few of the larger districts also have members appointed by the governor, legislators, or a mayor. Other than this small number of appointees, all members of district governing boards are locally elected officials.

The Air Pollution Control Officer/ Executive Officer of the air district is appointed by the governing board. He or she directs the district staff. The size and organization of air district staff varies considerably across the 35 local air districts. The largest air district has a population exceeding 16 million, and over 800 full time employees. The smallest air district has one employee who also performs other functions (such as acting as the Agricultural Commissioner, for example). The larger air districts have full time legal counsel, and in some cases

full time prosecuting attorneys as well. Smaller air districts contract for legal services, typically with counsel for the county or counties within their jurisdiction. Some of the smaller, rural air districts also work with the Circuit Prosecutor Program established by Cal/EPA, and consult with legal counsel at the Air Resources Board or at other air districts if additional, specific legal expertise when needed.

Each local air district also has a hearing board, established pursuant to the California Health and Safety Code, with membership appointed by the governing board and restricted to specified areas of expertise. The hearing boards work independently of the district and review petitions for variances from local rules and regulations, petitions by the Air Pollution Control Officer for abatement orders in cases of non-compliance, and petitions that appeal permitting decisions made by the local district.

California Air Districts and Counties



Enforcement Program Components

There are several important components in a robust enforcement program. This report focuses on field enforcement activities, namely inspections and investigations. The data is from a survey of district enforcement and compliance statistics conducted by the California Air Pollution Control Officers Association (CAPCOA). CAPCOA reviewed and compiled enforcement data from 20 local air districts (“the/these districts”) for the Calendar Year 2010. The survey represents data from a large sample of the districts in California including large, medium size, and rural districts. These 20 districts represent over 96 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 causes and impacts, CAPCOA believes that the large sample of the survey provides a robust picture of local district activity in California in terms of population and air pollution sources.

The 2011 survey covered 21 discrete measures of compliance program performance from each of these districts during Calendar Year 2010. 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.

Depending on the type of operation, and the regulations of the air district with jurisdiction, there may be a small or large number of individual requirements and limitations, and they may apply across the facility, or only to a specified activity or piece of equipment. Requirements and limitations may include:

- direct limits on emissions as measured at a specified point;
- restrictions on throughput, production, hours of operation;
- restrictions on raw materials or fuels used;
- temperature, pressure, or other operating limitations;
- prohibitions against certain actions;
- requirements to install, operate, and maintain pollution control equipment;

- requirements to undertake specified mitigation actions;
- and requirements to measure, record, and/or report emissions or process parameters.

Inspection of a source in the field involves direct verification of compliance with all applicable requirements. This may entail observation of emission streams, including visual reading of opacity, measurement of emissions content with various analyzers, and observation of emissions monitoring data. The inspector will also measure or observe the monitoring of specified operating parameters, including mitigation requirements, such as sweeping, watering, and other such actions. He or she may also conduct testing of equipment performance using specified test methods. Visual inspection of equipment and emissions control devices ensures operations are in proper operating order, and that no changes occurred in equipment or operations without agency review and approval. Examination and/or sampling of stockpiles or other storage of feed materials occur to verify compliance. Data review may include examination of emissions and parametric monitoring records, source testing results, operational logs (including production data), mitigation logs, excursion reports, and any other relevant information.

1) Major Permitted Source Inspection

The Federal Clean Air Act (CAA) defines major sources based on emission thresholds. The major source definition varies according to the attainment status of each air district. All such major sources are required to hold permits under Title V of the CAA. These sources are also subject to extensive monitoring, recordkeeping, and reporting requirements and they are required to submit annual certifications of compliance. Most of these sources have continuous emission or continuous parametric monitors. The local air district issues and enforces the terms of these permits.

This inspection category represents the number of periodic Title V facility compliance determinations conducted in a given period (as required by EPA). One inspection count would be assigned for each Title V facility inspection completed. Some of these facilities are inspected quarterly, and a few, such as petroleum refineries, are so large and complex, with thousands of pieces of equipment and/or potential emission points, that inspectors are on site almost full time. The CAPCOA survey data show that, on average, each major source is inspected over six times each year. It should be noted that, in many instances Title V sources not only have routine compliance inspections but other inspections as well, including, equipment breakdown investigations, complaint investigations, variance/abatement order inspections, enforcement follow up inspections, witnessing or conducting source tests, continuous

emissions monitors (CEMs) review, and reviewing records/Title V reports. If a certain category of equipment is prone to be in non-compliance, it likely will receive additional scrutiny at all applicable sources.

2) Minor Permitted Source Inspection

Minor Permitted Sources are sources that are not considered “major” according to the CAA definition. Many of these are smaller sources, such as gas stations, drycleaners, and auto body shops. Others are relatively large, in spite of the title “minor” and may include such operations as aggregate mining, combustion equipment, sandblasting, coating operations, printing, and circuit board manufacturing.

Minor sources are not required to have federal Title V permits. They do, however, hold local air permits. Some of these sources have continuous monitoring, but most do not. The recordkeeping and reporting requirements are typically less extensive as well. Emission levels and other concerns, such as public nuisance and compliance history, will determine the frequency of inspections.

Some minor sources may present significant environmental or human health risk due to the toxicity of pollutants they emit. These include chrome plating operations, sterilizers that use ethylene oxide, drycleaners that use perchloroethylene, gas stations, coating operations with toxic metals in the coating, and internal combustion engines that are fueled with diesel. Not only are the emissions hazardous, the sources are frequently located close to where the public lives and works. Because of this, these sources are typically inspected at least once a year. Minor sources with the potential to emit significant or toxic emissions and/or have had a prior history of non-compliance will receive extra scrutiny from districts.

3) Non-permitted Source Inspection

Some sources are subject to regulation, but not required to obtain permits. The sources involved here will vary somewhat from district to district. In areas that attain most or all standards and there is not a significant nonattainment problem, small sources may not require permits where they would in areas that have more substantial nonattainment problems. There are also rules that affect many ubiquitous sources that are enforced without permits. These may include such regulations as restrictions on residential wood combustion, limitations on the content of coatings offered for sale, or limitations on idling engines. In some areas, open outdoor burning is regulated but not subject to permits, while some districts require permits/approval to conduct burning of agricultural waste, prescribed burning

of forest land, or hazard reduction burning in remote rural areas. The compliance departments work closely with in-house/local/state meteorologists to minimize emissions from such burns.

Some of these inspections involve reviewing shelf-stock at retail operations, while others may involve driving around looking for smoke on days when burning has been restricted. Some districts will take samples of coatings and other products for analysis by a laboratory to ensure compliance. Enforcement of anti-idling rules occurs in places like ports, schools, bus stops, truck stops, and job sites. This category includes the “complete inspection” of sources not subject to written permit requirements, but where source specific requirements do apply. This category would also include many area source categories such as open burning, agricultural operations and excavation/demolition sites.

4) Investigation of Upset/Breakdown Reports

Local regulations provide for limited protection from enforcement if non-compliance occurs during a qualifying upset/breakdown event. In order to qualify, the emissions have to be the result of a non-routine event, such as the malfunction of a piece of equipment or upset conditions in a process that is outside the control of the operator. The facility operator is required to report the event within a specified time period and provide a written report documenting the cause of the event and the subsequent actions taken. Coverage, or protection from enforcement, may be approved by the Air Pollution Control Officer (APCO) for up to 96 hours (for continuous emission monitors) in order to allow for repairs and restoration of normal operating conditions. If the repairs will take longer than time allows, further protection can only be granted by the hearing board in the form of a variance.

When upset/breakdown reports are received, districts investigate the cause of the event, to ensure that it was in fact outside of the operator’s control, and not the result of an error, negligent actions, or poorly maintained equipment. Other conditions checked by inspectors include whether or not this is a recurring situation and whether this causes a violation of air quality standards or a public nuisance. This category would reflect the number of breakdown investigations undertaken and completed by the 20 districts surveyed. One inspection would be assigned for each breakdown investigation completed, although an investigation may require multiple site visits. Reports of breakdowns are tracked by some districts in databases which ensure reported events are not recurring.

5) Investigation of Complaints

All air districts have programs to receive, log, and respond to complaints from the public about air

pollution problems. Complaints frequently involve objectionable odors, dust, or smoke, but other causes are also seen. The complainant may or may not know the source or location of the problem. Sometimes complaints are reports of health symptoms that the complainant attributes to air pollution from a known or unknown source.

The air districts, working through CAPCOA and with the ARB, developed and implemented a complaint resolution protocol that sets forth appropriate complaint response procedures and outlines when and how to refer complaints between the districts and ARB.

Once a source is located, the inspector will review the operation to determine if it involves the violation of any applicable rules, regulations, or permit conditions. Even if there is not a specific requirement limiting the activity, there is a general prohibition against creating a public nuisance. When investigation of a public nuisance or other air quality violation is triggered by a complaint, the inspector documents the results of the investigation, and will report findings to the complainants if requested.

6) Verification of Compliance with Variance Terms and Abatement Orders

When the hearing board issues a variance from a requirement, the source is generally subject to alternative limitations and required to document progress towards returning to compliance with the otherwise applicable requirement(s). Similarly, an order of abatement contains increments of progress that include specific timelines to complete tasks (such as ordering equipment, installation, testing for compliance, and status reports). There may be limits on production or hours of operation that apply to limit excess emissions or avoid exposing sensitive receptors (e.g., not operating during school hours to avoid exposing children).

7) Inspection of Portable Equipment

The ARB registers and regulates portable engines and equipment, under its Portable Equipment Registration Program (PERP). These engines operate for limited periods at any single site and may operate more frequently at multiple sites over long distances. Program requirements are enforced by local air districts. Initially, the program was voluntary, the enforcement provisions were difficult to apply, and the program was under-funded. Statutory and regulatory changes in 2006 significantly enhanced the enforcement provisions and funding, and the program is now mandatory for any equipment not covered by a valid permit or registration with the air district it operates within.

Under the revised program, engines and equipment are assigned to a “home district” and routine inspections are required once every three years. Inspections also occur to locate unregistered equipment and to verify proper operation in the field. Certain types of equipment are also subject to enhanced notification and inspection provisions.

8) Inspections Pursuant to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asbestos and the Air Toxic Control Measure for Naturally Occurring Asbestos.

The US EPA promulgates regulations under Section 112 of the federal CAA called National Emission Standards for Hazardous Air Pollutants (NESHAPs). They were historically directed at a specific pollutant, although regulations adopted after 1990 generally affect a source category and all of the hazardous pollutants emitted by those sources. Implementation and enforcement of these rules are delegated by US EPA either to the local air districts or to the ARB.

The NESHAP for Asbestos includes requirements for the renovation or demolition of structures where asbestos is present, including notification, testing, containment, and disposal. In California, 16 air districts have accepted delegation of the program (remaining areas are delegated to ARB). Inspections occur in response to complaints and to verify proper asbestos removal and containment procedures during the renovation or demolition activities.

In addition, the ARB has established an Air Toxic Control Measure (ATCM) for Naturally Occurring Asbestos (NOA) that governs construction and mining in soils where NOA may be found. The ATCM specifies testing of the soil and requires enhanced dust mitigation plans where asbestos is present. It also prohibits the use of asbestos-containing materials for purposes where exposure could occur (for example, NOA-containing gravel on roadways, paths, or parking areas unless fully enclosed within concrete or under pavement). Inspections include the review testing records and verify implementation of mitigation measures. Surveys may occur periodically in areas of known NOA for signs of activity such as residential housing construction. If activity is occurring, an on-site investigation occurs.

This inspection category reflects both NESHAP inspections of renovation/demolitions for those delegated districts as well as ATCM inspections for naturally occurring asbestos.

9) Conducting and Observing Source Tests

As used here, the term “source test” refers to a formal measurement of source emissions (or the content of fuels, raw materials, or product) using methods established by ARB or US EPA, or in some cases, an air district. Some district staff performs a variety of source tests. Other air districts require source tests to be performed by third parties (or in some cases by the source), and observe the conduct of the tests.

Major Program Highlights

The following statistics measure performance of selected enforcement and compliance program elements at the twenty local air districts for activities conducted during Calendar Year 2010. These districts include within their jurisdictions over 96 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 Calendar Year 2010 include:

- Over 61,800 inspections at traditional stationary sources;
- Over 6,100 inspections of Major Permitted Sources (a.k.a. Title V Facilities);
- More than \$22 million in monetary violation settlements;
- More than \$1.2 million in non-monetary violation settlements;
- Over 6,600 inspections for asbestos pursuant to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asbestos;
- More than 5,800 inspections of CARB registered portable equipment;
- More than 560 full time employees (FTE) 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 Tells Us

The reported data show that local air districts dedicate substantial resources to enforcement of stationary source 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.

Examples Of Successful Enforcement Cases

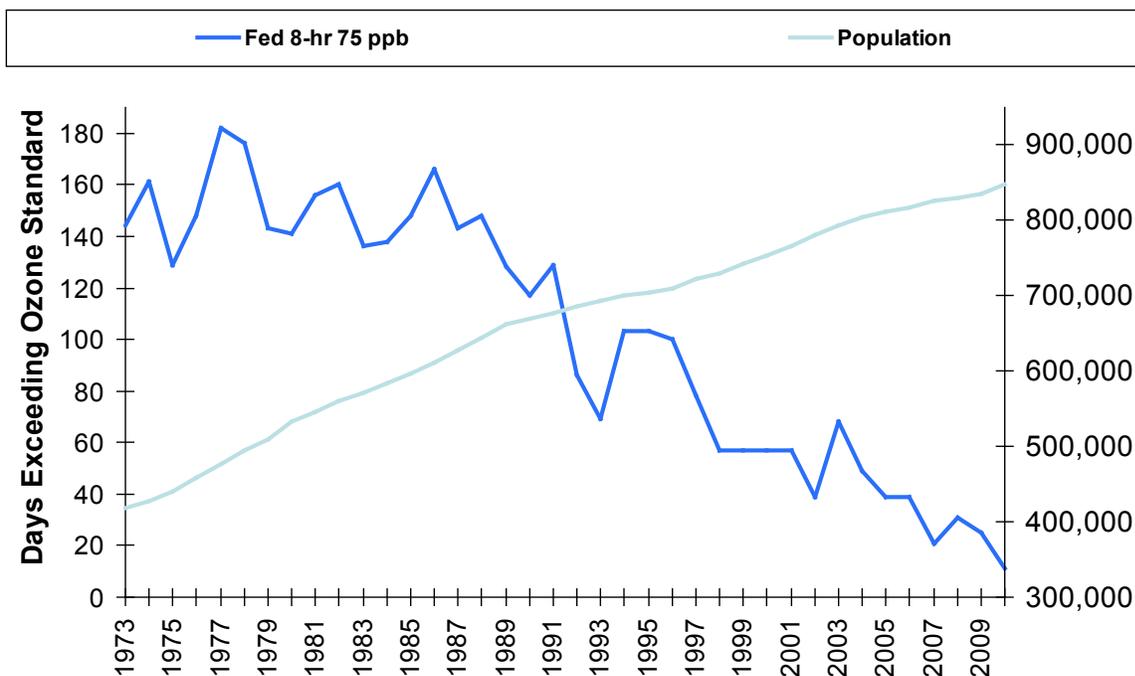
Great Basin Unified Air Pollution Control District entered into a Stipulated Order of Abatement with the City of Los Angeles Department of Water and Power (LADWP). This case stemmed from the fact that LADWP missed a deadline to complete particulate matter controls on 3.1 square miles on the Owens Lake bed. The Stipulated Order of Abatement granted LADWP an additional three years to implement the particulate matter controls on the Owens Lake bed. LADWP is required to pay Great Basin Unified APCD \$6.5 million to offset the excess particulate matter emissions that will occur during the three-year extension period. The funds will be utilized for local projects that will reduce particulate matter emissions.

As an example of a more typical enforcement action, Ventura County Air Pollution Control District issued a Notice of Violation (NOV) to an independent oil and gas producer for failure to operate an oilfield vapor recovery system in proper condition. The violation was corrected in a timely manner, and compliance was verified by a district inspector. The NOV was settled for a fine of \$15,000.

Public Health Indicators

One measure of the effectiveness of an air pollution control and enforcement program is air quality trends. The graph below presents the number of days over the federal 8-hour ozone standard for the time period 1973 through 2010 for Ventura County. While specific to Ventura County, these trends are typical for many areas of California. The graph also demonstrates that air quality continues to improve even as population continues to grow.

Days Over Federal Ozone Standards – Ventura County



Sources: California Air Resources Board and California Department of Finance.

Enforcement Metrics

Enforcement Actions	2006 (11 of 35 Districts)	2008 (20 of 35 Districts)	2010 (20 of 35 Districts)
Number of Violations Discovered	4,213	13,840	10,113
Cash Value of Violations Settled	\$24,834,097	\$18,897,700	\$22,516,712
Non-Cash Settlement Value of Violations*	\$1,667,600	\$6,527,585	\$1,223,207
* Non-cash settlements reflect in-kind or other benefits by the violating facility in the community in which the facility is may be located			

District Inspector Training

District inspectors are trained to ensure the effectiveness of the inspection program. Inspectors complete California Air Resources Board training courses focusing on the fundamentals of enforcement, visible emission evaluation, source specific operations, hearing board procedures, and source specific regulations. New inspectors also receive district specific training on district software, inspection procedures, and participate in ride-along inspections with experienced district staff. Inspectors responsible for asbestos related inspections are also provided annual respirator training and additional training to implement enforcement of the NESHAP for Asbestos. In Ventura County, the local District Attorney provides additional training related to conducting investigations.

Additional Information:

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



Department of Toxic Substances Control

DTSC Mission:

To protect California's people and environment from harmful effects of toxic substances by restoring contaminated properties, identifying and promoting safer ingredients in consumer products, and ensuring stewardship through enforcement, regulation and pollution prevention.

Enforcement & Emergency Response Mission:

To promote a healthier environment for all Californians through fair, consistent, and timely enforcement. The Enforcement Program is comprised of multiple program components that conduct inspections and take enforcement actions against facilities where DTSC has issued permits, against transporters, generators of hazardous waste, and against electronic waste handlers. The Enforcement Program also leads Environmental Justice activities, implements the Toxics in Consumer Product Laws, provides compliance assistance, has the only sworn peace officer criminal investigators in the California Environmental Protection Agency (Cal/EPA), and conducts Certified Unified Program Agency (CUPA) oversight.



Enforcement & Emergency Response Program Overview

The universe of businesses in California subject to hazardous waste requirements easily exceeds 120,000 entities. Thus, the enforcement of hazardous waste requirements in this universe is split among three levels of government: federal, state, and local. The United States Environmental Protection Agency (US EPA) conducts a limited number of generator and permitted facility inspections, and takes enforcement where appropriate. DTSC's Enforcement Program is responsible for the inspection and enforcement of permitted hazardous waste facilities, hazardous waste generators and on-site treaters, transportable treatment units, transporters, and electronic waste recyclers, processors, and collectors. The CUPAs conduct most of the inspections and enforcement of hazardous waste generators and on-site treatment units as provided in SB 1082 (1993) (Chapter 6.11, Health and Safety Code, section 25404, et seq.). All CUPAs are local entities except for Imperial and Trinity Counties. DTSC is the designated CUPA in those two counties.

In addition to enforcing hazardous waste requirements, the Enforcement Program is responsible for enforcing the Toxics in Packaging Prevention Act and the Lead in Jewelry Act - laws enacted to protect consumers from toxics in products.

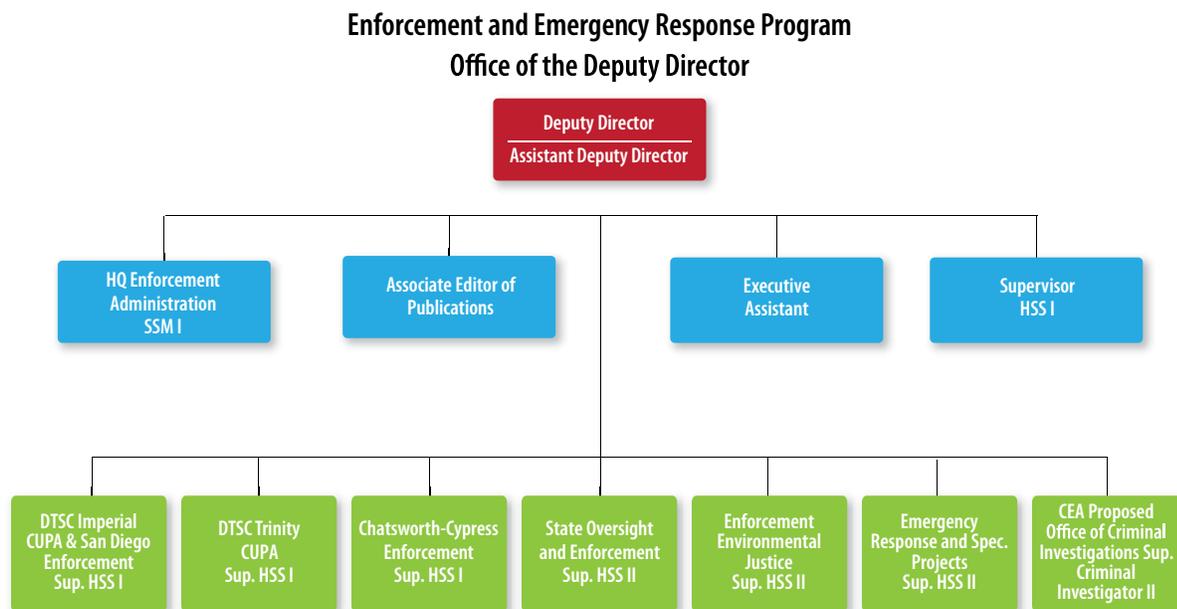
The Enforcement Program implements its responsibilities through ten program components: Facility, Generator, and Transporter Program; California-Mexico Border 2012 Program; Environmental Justice Initiative; Electronic Waste Program; DTSC as the CUPA in Imperial and Trinity Counties; CUPA-State Oversight Program; Office of Criminal Investigations; and Toxics in Consumer Products Program. In addition to the work of the Compliance Assistance Team, compliance assistance is provided by many of the other Enforcement Program components in the form of developing and distributing educational materials. The Enforcement Program takes both a proactive as well as a reactive approach

to the enforcement of hazardous waste laws and the toxics in consumer product requirements. The proactive approach is applied to the permitted facilities, transportable treatment units, transporters, generators, and electronic waste recyclers and collectors. The regulations and requirements for these entities have been designed to prevent the release of hazardous waste into the environment, and to ensure the safe handling of this waste by employees of hazardous waste handlers. This universe of hazardous waste handlers is regularly inspected to ensure they are in compliance with the applicable requirements. Entities subject to the toxics in consumer product requirements are also inspected on a scheduled basis.

The reactive approach is applied through the investigation of specific public health or environmental complaints received from members of the public or another governmental agency concerning any entity thought to be violating hazardous waste or toxics in consumer product laws. Complaints may be received by telephone, mail, e-mail, or through the Cal/EPA complaint tracking system that allows Internet users to file an environmental complaint online. All inspections or criminal investigations are conducted on an unannounced basis.

Additionally, the DTSC Environmental Justice Initiative uniquely promotes proactive enforcement through work with affected community organizations whose members identify toxic harm in their individual communities. Community members actively participate in targeting polluters in their neighborhoods and proactively establish investigation priorities with DTSC's Enforcement Program staff. Potential violators identified may become the subject of public health and environmental complaints that are then resolved through investigation.

An organizational chart of the Enforcement Program to the Performance Manager level (second level supervisor) is provided below:



DTSC’s Enforcement Program has 152.5 positions of which 141.5 are dedicated to enforcement work and 11 are in the Emergency Response. Of the 141.5 in enforcement, 108.5 positions perform inspections/ investigations. The Enforcement Program was budgeted at \$13,446,976 for calendar year 2010.

Summary of Major Enforcement Highlights in 2010:

- 427 core work inspections
- 3808 Mexican Border truck stops inspections
- 85 complaint investigations closed
- 35 enforcement cases settled
- \$2,225,569 total settlement dollars
- 74 and 49 inspections by DTSC as the CUPA in Imperial and Trinity Counties, respectively
- 20 training classes provided resulting in more than 360 CUPA inspectors, governmental officials, and industry personnel trained
- 314 total criminal cases currently under investigation
- 161 new criminal cases initiated

- 93 criminal cases completed
- three arrests (eleven arrest-assists with the contractors board)

Highlighted Enforcement Cases in 2010

The collaborative efforts of DTSC's Enforcement and Emergency Response Program (EERP) staff culminated in several significant enforcement actions in 2010. 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 scientists collecting samples of potential corrosive and flammable waste at an illegal hazardous waste storage facility.

- DTSC imposed a administrative \$150,000 penalty on Andrews International, Inc., for violations at its privately owned indoor shooting range that included: disposal of lead contaminated debris and hazardous waste lead dust in the municipal trash; allowing the transportation and disposal off-site of hazardous waste range lead; failure to prepare a manifest for transfer of hazardous waste off-site; allowing the transfer of custody and transportation of hazardous waste to transporters who did not hold a valid registration issued by DTSC; failure to minimize releases; and failure to make hazardous waste determinations.
- The San Mateo County District Attorney's Office filed a civil complaint and stipulated final judgment against Romic Environmental for violations found during the following: DTSC's compliance evaluations of Romic's East Palo Alto facility in 2005, 2006, and 2007; complaint investigations conducted in March 2006 and August 2007; and US EPA's inspection of August 2006. The District Attorney's action was filed under the California Business and Professions Code. Violations included in the complaint were: unauthorized storage, treatment, and disposal of hazardous waste; false representation in a manifest; mixing incompatible hazardous wastes; and operating a facility in an unsafe manner. Romic agreed to pay \$275,000 in civil penalties to San Mateo County. DTSC received \$49,964.05 in costs. Other agencies

also received reimbursement of their costs. Through a separate administrative action taken by DTSC on August 29, 2007, Romic was ordered to notify of their intent to close the Romic East Palo Alto facility by September 30, 2007. Closure and corrective action work is currently underway under the oversight of DTSC and US EPA.

- A civil settlement was approved in the San Diego Superior Court that addressed hazardous waste violations for over two hundred Wal-Mart Stores in 41 counties of California. The violations covered in the settlement were: improper disposal of hazardous waste; unauthorized transportation of hazardous waste; failure to meet storage and underground tank system requirements; violations of hazardous materials release response plans and inventory laws; and unfair competition laws. The civil penalties totaled \$20,000,000 for the prosecutors and the regulatory enforcement offices. In addition to DTSC's portion of the penalty, Wal-Mart will pay \$3,000,000 in SEPs to the following projects: Craig Thompson Environmental Protection Fund; the California CUPA Forum Board for the Environmental Protection Prosecution Trust Fund; the California Hazardous Materials Investigators Association (CHMIA); CHMIA for California Advanced Environmental Criminal Training Program; CHMIA for California Specialized Training Institute – Environmental Crimes Course; California District Attorneys Association Environmental Projects; California District Attorneys Association Environmental Circuit Prosecutor Project; and the Cal/EPA Cross Media Enforcement Symposium.

Performance Measures/Environmental, Public Health Indicators:

A. Status of Performance Measurement Development

Performance Management System

DTSC is one of the few departments in California state government to design and implement a performance management system. In January 2008 the DTSC Executive Team had a set of outcomes and measures for each of the core and shared services programs. A “dashboard” of the critical few DTSC outcomes was developed to display and to demonstrate department performance against those outcomes.

In July 2009, DTSC began populating and updating an external performance display called “EcoTracker.” By December 2009 a committee of program staff and others involved in data collection developed a proposal for a change in nomenclature in the core program area and worked to finalize the measures for which there was data so that they could be displayed internally

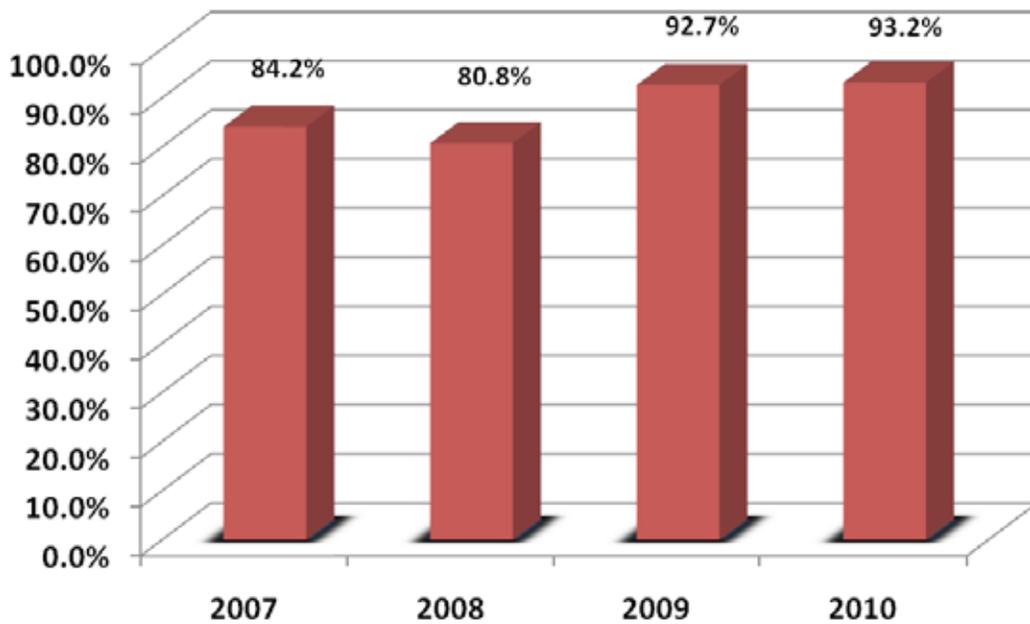
and externally. A “virtual” Office of Performance Management was established to unify the strategic planning and performance measurement initiatives as originally proposed in the DTSC Performance Management system. Two cross-functional teams were established: the Strategic Planning Leadership Team; and the Performance Measurement Utilization Team, through which those functions would be enabled and reviewed.

The 2009-14 DTSC Strategic Plan www.dtsc.ca.gov/InformationResources/upload/ESP_REP_StrategicPlan.pdf calls for development and implementation of a management framework centered on real-time performance accountability and integration of change management and performance excellence initiatives at DTSC by July 2011 (Goal 09-4; Objective 09-4.1). The Performance Measurement Utilization Team (PMUT) was formed to provide cross-program, cross-function leadership to the DTSC performance measurement utilization process. Most recently, DTSC redesigned the Executive Level of the department’s dashboard to focus on 13 measures arrayed in a “balanced scorecard.” The dashboard includes measures in four quadrants – Employee, Financial, Internal Processes, and Customer.

B. Performance Measures

DTSC continues to work on development of performance measures for its core programs. The Enforcement Program’s performance measures are also under development. As found in DTSC’s Strategic Plan, an objective of EERP is to streamline the inspection process. Consequently, DTSC adopted the following Performance Measure: The percentage of inspection reports completed within 65 days. Data for 2010 show DTSC meeting the 65-day deadline 93.2 percent of the time.

Percent Inspection Reports Completed and Sent within 65 Days



Program Outcomes

Through DTSCs proactive inspections and resulting enforcements, the potential illegal handling and release of hazardous waste has been decreased.

Metrics

Inspections, Complaints, Violations				
	2007	2008	2009	2010
<i>Regulated Units*</i>				1,372
<i>Inspections</i>	436	537	399	427
<i>Violations From Inspections**</i>	375	396	288	277
<i>Complaints Received **</i>	649	764	553	671
<i>Complaints Referred ****</i>	582	775	537	541
<i>Complaints Assigned and Closed</i>	54	71	82	84
<i>Violations from Complaints Investigated **</i>	28	41	52	54
<i>Complaints No Further Action Required</i>	27	22	20	31

Regulated Units in California:

RCRA Permitted Facilities	66	
Post-Closure Facilities (some permitted)	44	
State Standardize Permit Facilities	34	
Transporters	950	<i>Number ranges from 850 to 1050</i>
Universal Waste Recyclers/Collectors	280	<i>Approximate number changes yearly</i>
Total	1372	

Regulated Hazardous Waste Generators:

Generators in California 45,000 to 85,000

**Note: Inspections/complaints can have multiple areas of violation. This is a count of areas of violation and represents a minimum number.

***Note: Some complaints hold over one year to the next before they are closed/referred to DA or AG. This includes complaints taken by Office of Criminal Investigation.

Formal Enforcement Actions	2007	2008	2009	2010
<i>Civil Cases Referred to AG</i>	1	0	10	5
<i>Civil Cases Settled AG</i>	6	4	4	3
<i>Criminal Cases Referred</i>	54	9	13	3
<i>Criminal Cases Closed</i>	79	237	195	93
<i>Administrative Actions Initiated</i>	63	41	70	32
<i>Administrative Actions Settled</i>	65	41	69	32
<i>Regulated Business Returned to Compliance</i>	98%	95%	90%	78%
<i>Penalties Amounts from Settled Cases</i>	\$ 4,539,767	\$ 3,396,133	\$ 2,202,670	\$ 2,225,569

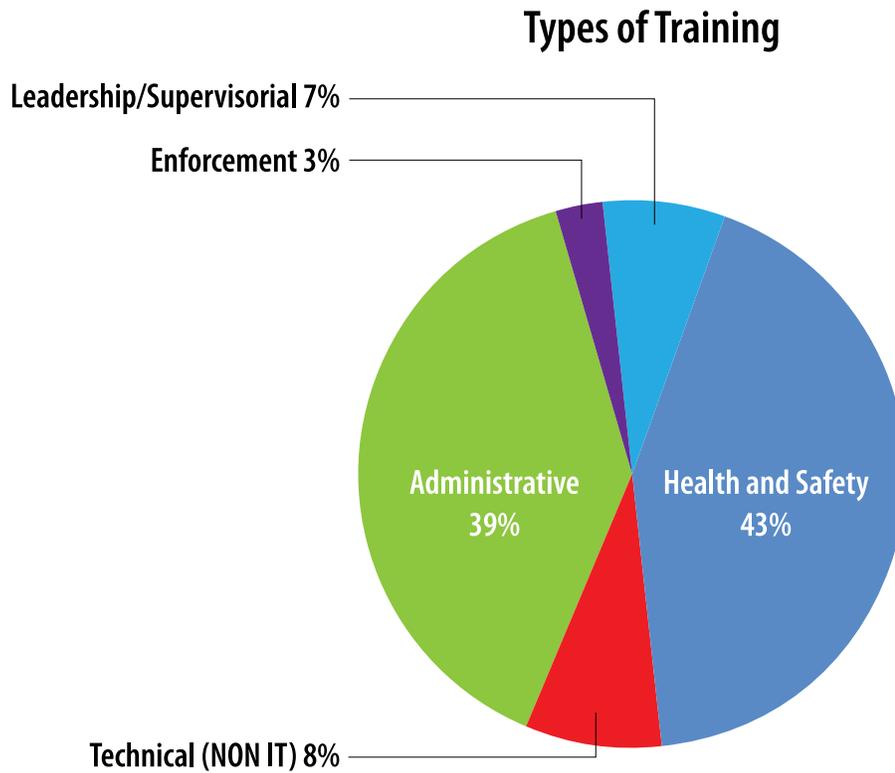
Training

DTSC training ensures that the mandate of the Secretary of the Cal/EPA, to provide statewide coordinated, consolidated and consistent environmental enforcement programs as contained in Government Code section 12812.2, is carried out. DTSC committed \$136,000 in 2010 in contract funds to support the training needs and activities for the Certified Unified Program Agencies (CUPAs), DTSC staff, industry, and the regulated community. EERP staff are members of the Unified Program Trainers Committee which is composed of state and local training coordinators, and deals with CUPA training issues. Through this committee EERP staff worked closely with the CUPAs to assess training needs and plan and coordinate CUPA training.



DTSC field staff during drum sampling.

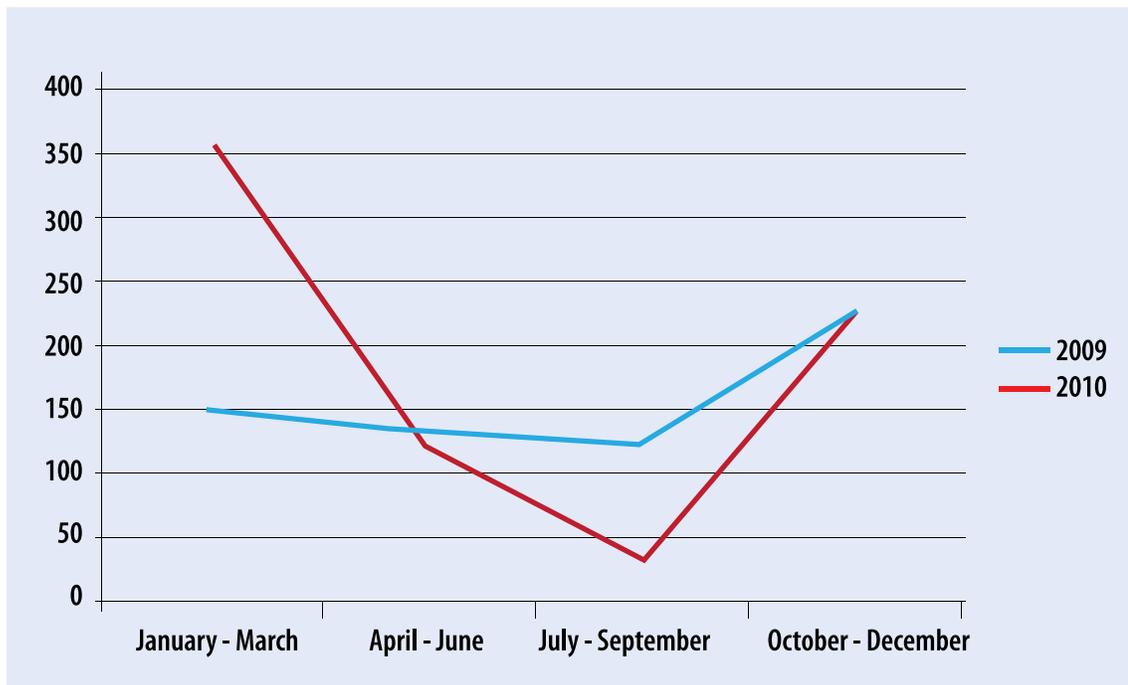
DTSC Enforcement staff took various classes in 2010. The total number of course completions for Enforcement staff in 2010 was 734. The chart below shows the percentages for the types of classes taken by DTSC Enforcement staff.



Budget Information 2010:

From July 1, 2010 to October 8, 2010 there was no budget. Consequently, DTSC enforcement staff could not take training that had a cost. Staff were only able to attend free or internal training during that time.

The chart below shows the number of DTSC Enforcement staff that took training in each quarter of 2009 and 2010.



Class Listing

For titles and descriptions of the classes taken by Enforcement Staff please go to:

http://10.39.0.144/HazardousWaste/upload/EERP_Training_2010.pdf

Additional Information:

The following website links provide additional detailed information related to DTSC's Enforcement Program:

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

US EPA's website entitled Environmental Compliance History Online (ECHO).

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 website: 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 2009-2014 at:

www.dtsc.ca.gov/InformationResources/upload/ESP_REP_StrategicPlan.pdf

DTSC 2010 Environmental Justice activities report at a link similar to:

www.dtsc.ca.gov/GetInvolved/upload/EJ_Enf_Initiative_Rprt2009.pdf

Cal/EPA Triennial Evaluations for Trinity and Imperial CUPAs and CUPA enforcement actions taken:

www.dtsc.ca.gov/HazardousWaste/CertifiedUnifiedProgramAgencies.cfm

DTSC Green Chemistry details at:

www.dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative/upload/gc_flowchart-final.pdf



Unified Programs

Enforcement Program Mission:

To protect public health and safety, and to restore and enhance environmental quality, and sustain economic vitality through effective and efficient implementation of the hazardous material and waste programs within the Unified Program.

Unified Program's Vision:

Is that all participants of the program at the federal, state, and local level will continue to play an active role in policy oversight and implementation of the Unified Program. The vision includes that all Unified Program participants at the federal, state and local level will engage in quality of communication, enhance mutual trust, and achieve more effective implementation.



Unified Program Overview

California law consolidates some, but not all, hazardous material environmental programs in California into one regulatory program referred to as the Unified Program. Under the Unified Program, the California Environmental Protection Agency (Cal/EPA) delegates the bulk of inspection and enforcement activities for these programs to certified local agencies, called Certified Unified Program Agencies (CUPAs). A CUPA is a local agency, generally a local fire department, environmental health agency, 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 achieving greater statewide and cross-program consistency for the over 144,000 businesses regulated by 83 CUPAs. The Secretary of Cal/EPA is directly responsible for the implementation of the Unified Program. The Secretary certifies CUPAs and has oversight of state agency partners who set program element standards and ensure program consistency.

The Unified Program consolidates the administration, permits, inspections, and enforcement activities of the following six environmental and emergency management programs (www.calepa.ca.gov/CUPA/About.htm). The state agencies, departments and boards are responsible for overseeing each of the following program elements:

- Hazardous Materials Release Response Plans and Inventories (Business Plans) – California Emergency Management Agency (CAL EMA)
- California Accidental Release Prevention (CalARP) Program - (CAL EMA)
- Underground Storage Tank Program – State Water Resources Control Board (SWRCB)
- Aboveground Petroleum Storage Act (APSA) Program - (Cal/EPA)
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (tiered permitting) Programs – Department of Toxic Substances Control (DTSC)

- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements – Office of the State Fire Marshal (OSFM)

A number of CUPAs also work with other local governments that implement only one or more of the regulatory program elements. These other local governments are referred to as Participating Agencies. There are 83 CUPAs and 33 Participating Agencies (PAs) for 116 reporting entities, known collectively as Unified Program Agencies (UPA). In 2010, South Pasadena PA was absorbed by LA County Fire Department.

Cal-CUPA Forum

The California CUPA Forum (Cal-CUPA Forum) was formed by the CUPAs to represent all CUPAs or Participating Agencies with a single voice. The Cal-CUPA Forum strives to achieve statewide consistency, consolidation, and coordination in the implementation of the Unified Program.

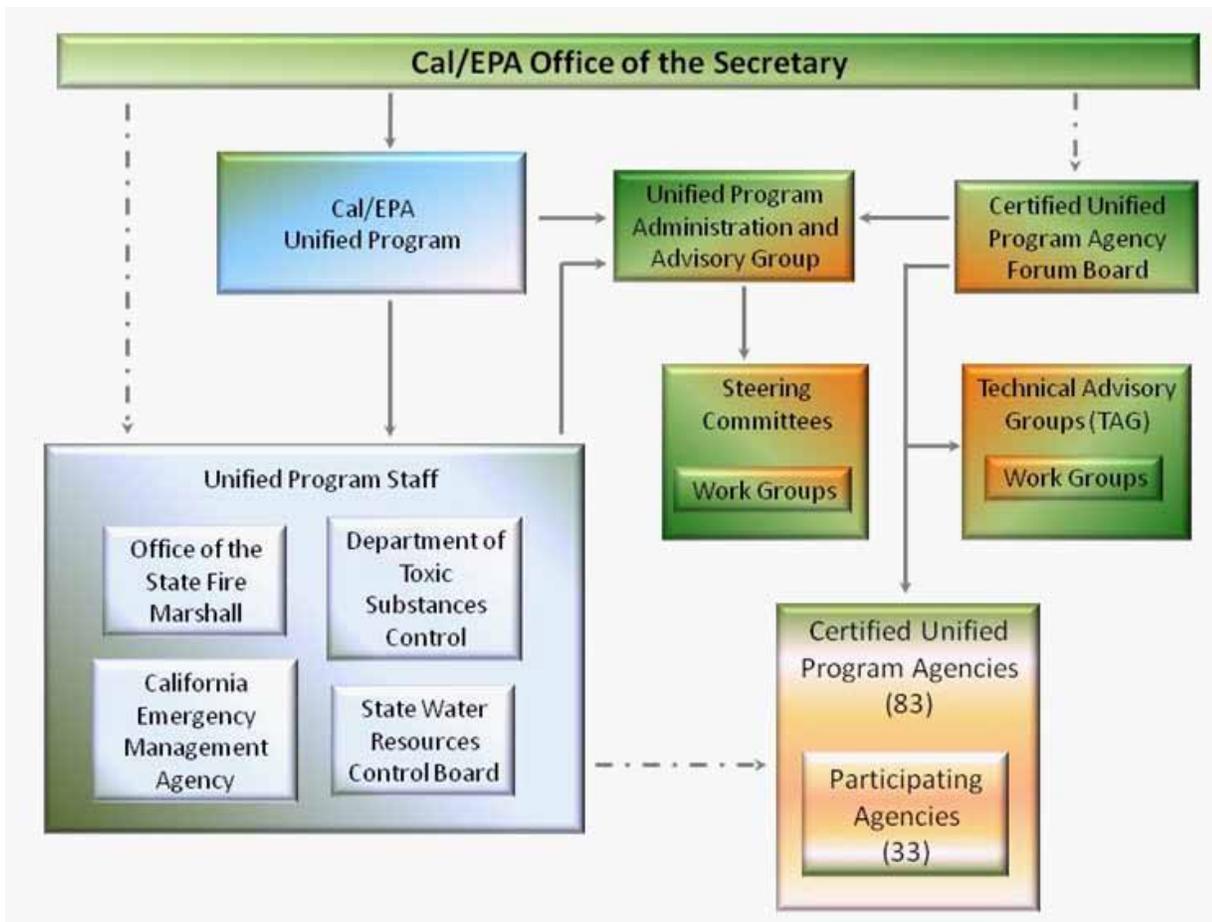
The Cal-CUPA Forum has established Technical Advisory Groups and Work Groups, to further aid the statewide management of the program. (See <http://www.calcupa.net> for information on the California CUPA Forum).

Unified Program Administration and Advisory Group

The Unified Program Administration and Advisory Group, commonly referred to as UPAAG, was created to foster effective working partnerships between CUPAs, state and federal agencies. The purpose of the UPAAG is to provide a forum to gather, process, discuss, refine, and develop policy concerning implementation of the statewide Unified Program. In the UPAAG, members of the Cal-CUPA Forum work with state and federal agencies on policy decisions, education and problem solving. UPAAG has formed various Steering Committees and Work Groups to aid in achieving its objectives.



Photo of AST inspection courtesy of San Leandro County CUPA



Major Program Highlights for 2010

Hazardous Waste Generators

CUPAs implement the hazardous waste generator and onsite tiered permitting 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. The key goals and objectives for 2010 were to provide training on areas of the regulations that CUPAs have been found to be deficient in regulating businesses, to review facility files to ascertain that CUPAs have properly identified and classified violations,

to ensure that all violators have returned to compliance, and that appropriate enforcement actions were taken. See www.dtsc.ca.gov/HazardousWaste/CertifiedUnifiedProgramAgencies.cfm for more information.

In 2010, local CUPAs conducted 46,365 hazardous waste generator site inspections. The CUPAs continue to improve their inspection and enforcement program as a result of the CUPA oversight provided by DTSC. The results of the DTSC CUPA evaluations and the related evaluation data indicate that more consistent inspections and more consistent enforcement actions are occurring among CUPAs.

California Accidental Release Prevention Program (CalARP)

The California Accidental Release Prevention (CalARP) program was implemented on January 1, 1997 and replaced the California Risk Management and Prevention Program (RMPP). The purpose of the Cal ARP program is to prevent accidental releases of substances that can cause serious harm to the public and the environment, to minimize the damage if releases do occur, and to satisfy community right-to-know laws. This is accomplished by requiring businesses that handle more than a threshold quantity of a regulated substance listed in the regulations, to develop a Risk Management Plan (RMP). An RMP is a detailed engineering analysis of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential. The RMP contains safety information, a hazard review, operating procedures, training requirements, maintenance requirements, compliance audits, and incident investigation procedures. The Cal ARP program is implemented at the local government level by Certified Unified Program Agencies (CUPAs) or Administering Agencies (AAs). The Cal ARP program is designed so these agencies work directly with the regulated businesses. The CUPAs or AAs determine the level of detail in the RMPs, review the RMPs, conduct facility inspections, and provide public access to most of the information. Confidential or trade secret information may be restricted.

Since the inception of the Cal ARP program, extremely hazardous chemicals have been reduced, replaced or removed in facilities throughout the state. The best example is the replacement of chlorine gas from water treatment facilities and public pools, to a less toxic substance of sodium hypochlorite or ozone. Another example is the removal of ammonia from cooling facilities to the less toxic carbon dioxide. The Cal ARP program, through continued industry training, has reduced the numbers of spills and releases of extremely hazardous chemicals in California. Additionally, the Cal ARP program is being used in land use planning and fire suppression to identify toxic facilities, as well as in planning

for catastrophic events. The compliance rates for inspections at Cal ARP facilities have risen from 20% for those inspected in 2003 to over 75% at inspected facilities in 2010.

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

CUPAs collect and annually update chemical and site information from over 144,000 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. This is accomplished by requiring businesses that handle hazardous materials in quantities equal to or greater than 55 gallons, 500 pounds, or 200 cubic feet of gas, or extremely hazardous substances above the threshold planning quantity, to inventory their hazardous materials, develop a site map, develop an emergency plan, and implement a training program for employees. Businesses must submit this information to their local CUPAs or Administering Agencies (AAs). The CUPA or AA verifies the information and provides it to the agencies responsible for protection of public health and safety and the environment. These agencies may include fire departments, hazardous materials response teams, and local environmental regulatory groups (i.e., Tahoe Regional Planning Agency).

With the continued improvement of CUPA programs, hazardous materials like asphyxiants and irritants are now being identified and regulated through the Business Plan Program. The CUPAs have formed technical advisory committees to reduce costs to industry by eliminating less harmful chemicals from regulation. Additionally, Cal EMA is continually giving free training to federal government, state, county, and city government employees, as well as to industry, to harbor an equal understanding of the Business Plan Program.

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 overfill 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 that are a source of drinking water. There are four program elements in the UST Program; (1) The Leak Prevention Unified Program element that includes requirements

for tank installation, construction, testing, leak detection, spill containment, and overfill protection. It also conducts CUPA evaluations and oversight inspections of UST inspectors. CUPAs administer the tank regulations by permitting, inspecting, and taking enforcement; (2) The Cleanup element directs leak reporting requirements and includes the cleanup of leaking tanks involving soil and groundwater investigation and remediation. This element reviews petitions filed on case closures; (3) The Enforcement element supports both the leak prevention and cleanup sides by investigating fraud and violations of the UST laws and regulations and provides assistance to local agencies enforcing UST requirements; (4) The Licensing element administers the Tank Tester Licensing Program by establishing minimum qualifications for those who test underground storage tanks and associated piping.

In 2010, State Water Board's UST program Leak Prevention Unified Program element reports the frequency of required annual compliance inspections has decreased from 96% (14,403 inspections conducted) to 91% (13,444 inspections conducted). The facility operational compliance percentage remained consistent at around 67%. The number of regulated UST facilities decreased by 200 from 15,000 to 14,800 and the number of UST systems increased by 500 from 40,000 to 40,500. The number of regulated tanks increased by 500 mainly due to CUPAs correcting their UST universes with previously unaccounted tanks.

Aboveground Storage Tanks

Since January 1, 2008, the CUPAs are responsible for the implementation, enforcement, and administration of the Aboveground Petroleum Storage Act (APSA), regulating tank facilities handling 1,320 gallons or greater of petroleum in aboveground tanks. Effective January 1, 2008, the responsibility for APSA was transferred from the State Water Boards to the CUPAs. Since 2008, Cal/EPA has developed APSA training for CUPA staff and an exam for CUPA inspectors conducting inspections at APSA regulated tank facilities. To date nearly 650 CUPA staff have completed the training course and successfully passed the inspectors exam. Over the past few years, Cal/EPA has administered grants to the CUPAs to assist them in covering some of their cost associated with the implementation of APSA. The CUPAs were statutorily restricted from assessing and collecting any local fees for APSA from their regulated businesses until January 1, 2010.

By 2010, nearly all the CUPAs had established their APSA program fees and are beginning to begin to assess and collect these fees from their regulated tank facilities in 2010. Prior to and in 2010, most



Photo of Above Ground Storage Tank courtesy of Sonoma County CUPA

CUPAs began a robust outreach and compliance program for APSA, reaching out to regulated tank facilities and providing compliance assistance. Many CUPAs have also begun conducting compliance inspections in 2010, ensuring APSA compliance at tank. In 2010, an online APSA course and inspectors exam was developed by the County of San Diego CUPA, which is based on the training developed and approved by Cal/EPA. New CUPA inspectors and staff can take the online

course to fulfill the training and exam requirements of APSA. In 2010, the ASPA workgroup completed several documents, including: a Tier 2 Spill Prevention and Countermeasure Control (SPCC) plan template for qualified facilities; an updated APSA Frequently Asked Questions document; and, an APSA violation dictionary. In addition, USEPA extended the SPCC Plan compliance date from November 10, 2010 to November 10, 2011, allowing existing and new tank facilities additional time to incorporate all plan requirements promulgated by USEPA since 2002. For more information on APSA, visit www.calepa.ca.gov/CUPA/Aboveground.

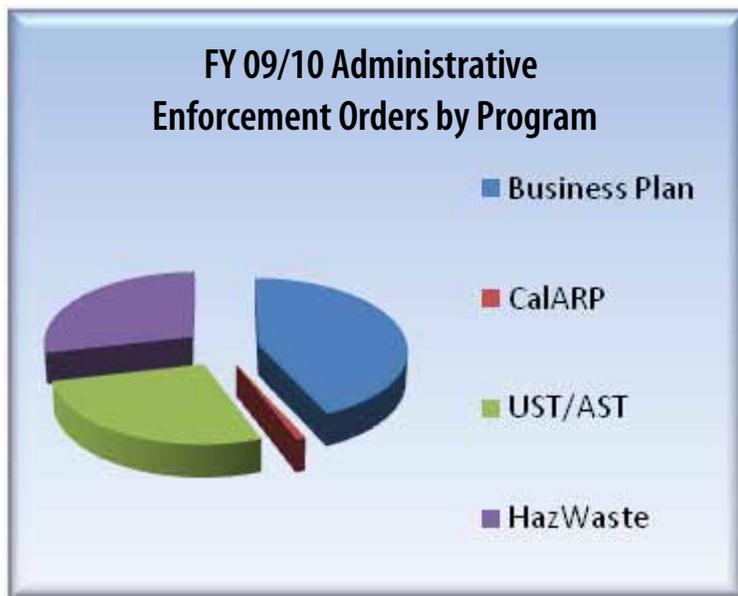
Electronic Reporting

Assembly Bill 2286 (Health and Safety Code Chapter 571, Section 25404), required 144,000 existing businesses and 116 UPAs regulated under the Unified Program to electronically report hazardous materials, underground tank, hazardous waste, and inspection and enforcement related information to a state system by January 1, 2013. The web based reporting programs will allow the regulated community to submit required regulatory information directly to their local UPA who will share it with Cal/EPA or to Cal/EPA who will share it the UPAs. Multi-jurisdictional businesses will be able to exchange data with Cal/EPA, who will in turn share the data with all of the appropriate UPAs. 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. These efforts have resulted in the development of the California Environmental Reporting System (CERS), launched in 2009 and currently being significantly upgraded to CERS2, which is planned to launch in the fall of 2011.

To assist the local agencies to transition to electronic reporting, Cal/EPA will be awarding grants to all UPAs amounting to about \$9 million during fiscal years 2010/2011 and 2011/12. Local agency transition plans are due to Cal/EPA by June 30, 2011. For more information on e-reporting visit: www.calepa.ca.gov/CUPA/EReporting.

Inspections and Administrative Enforcement Orders

In state fiscal year 2009/2010 (July 1, 2009 thru June 30, 2010), local field inspectors conducted 109,697 routine inspections. They also pursued 54,953 informal enforcement actions in 2010 which is significantly higher than previous years. There were over 1,900 formal local enforcement actions (administrative, civil and/or criminal) which resulted in the collection of \$21,482,682 in penalties and \$2,927,878 in Supplemental Environmental Projects (SEPs).



In 2010, CUPAs initiated a total of 845 administrative enforcement orders (AEOs) against regulated entities or individuals that were in violation of environmental laws. This is significant because the law that provides authority to CUPAs for taking such action was enacted only seven years ago. The use of this enforcement tool has increased from less than 200 actions the first year to over 800 actions in 2010. The total number of AEOs increased in 2010 compared to 2009; the total amount of fines collected has also increased.

In 2009, the California CUPA Forum Board established the CUPA Forum Environmental Protection Trust Fund. This Trust Fund was established to manage and disburse monies from enforcement case settlements, in the form of grants to enhance the investigation, inspection and enforcement of Unified

Programs throughout the State of California. In 2010, the CUPA Forum Environmental Protection Trust Fund approved 19 grants for a total disbursement of \$256,892.

CUPA Evaluation Status

CUPA programs are evaluated at least once every three years by Cal/EPA and authorized state agencies. In 2010, the Unified Program conducted program evaluations at 20 of the 83 CUPAs. The lower number of evaluations was a direct result of the state employee work furlough program in 2010 that reduced effective work hours by 15 percent. The CUPA evaluation process consists of: 1) on-site records review for completeness and implementation of their Inspection and Enforcement Plans; 2) a review of facility enforcement and compliance files and field oversight inspections to evaluate their actual field inspection process; and 3) reviews of self-audit reports and annual summary report submissions. At the end of the evaluations, which usually take 2 days, a final report is prepared summarizing the findings of the evaluation, and the CUPA program receives one of the following rating: “meets or exceeds program standards,” “satisfactory, with some improvement needed,” or “unsatisfactory, with improvement needed.” Results of CUPA evaluations conducted in 2010 show that 2 met or exceeded program standards, 17 were considered satisfactory with improvements needed, and 1 was unsatisfactory with improvements needed. The evaluation results of CUPAs are updated by the evaluators once they determine that the CUPA has corrected all deficiencies and are in compliance. This return to compliance typically takes about 18 months.

At the end 2010, the overall CUPA status indicates that 41 met or exceeded program standards, 38 were considered satisfactory with improvements needed, and 4 were unsatisfactory with improvements needed. (See Attached map for the 2010 CUPA evaluation status). Cal/EPA Unified program posts the updated CUPA evaluation map periodically on www.calepa.ca.gov/CUPA/Evaluations/StatusMap.pdf.

To assist CUPAs to meet the state requirements, Cal/EPA Unified Program has finalized the CUPA Self-auditing and Reporting Guidance Document which provides CUPAs with guidance on completing their annual self-audits, annual summary reporting, annual CalARP performance audit, and annual review and update of the Inspection and Enforcement Plan. These items were found to be the most frequent CUPA deficiencies during CUPA evaluations. It is believed that the guidance will reduce the numbers of deficiencies in these activities. It is too early to tell if it has been effective. The

CUPA Self-auditing and Reporting Guidance document is published on the Cal/EPA Unified Program web site at www.calepa.ca.gov/CUPA/Documents/SelfAuditing.pdf.

Major Enforcement Cases for 2010

Wal-Mart Stores Inc. (Wal-Mart) – A lawsuit was filed and settled against 236 Wal-Mart and Sam’s Club stores, distribution and storage facilities in 42 California counties by the state Attorney General and 19 district attorneys throughout California on May 3, 2010. Investigations conducted by San Joaquin, Orange, Monterey, San Bernardino and Solano Counties and some smaller counties determined that Wal-Mart employees were illegally storing and dumping hazardous waste. Wal-Mart was charged with violating Chapters 6.5, 6.7, and 6.95 of Division 20 of the Health and Safety Code and regulations promulgated under these chapters; and Business and Professions Code section 17200, et seq., by its improper storage, handling, transportation, and disposal of hazardous waste and hazardous materials at and from Wal-Mart’s California facilities from January 15, 2001, through February 22, 2010.

The five-year investigation started when an off-duty regulator from the Department of Environmental Health saw a Wal-Mart employee in Northern San Diego County dumping bleach down a drain as a disposal method. Over time, federal, state and local investigators documented a long list of violations at 236 Wal-Mart and Sam’s Club stores, distribution and storage facilities in 42 California counties. Wal-Mart employees were caught illegally storing and dumping hazardous waste including pesticides, paint, chemicals and acid in violation of the state’s environmental laws and regulations. In Solano County, a child was found playing in a mound of fertilizer left near the store’s garden department. In the historic settlement, Wal-Mart has agreed to pay total of \$27.6 million. The company will pay \$20 million in penalties to the various prosecuting and investigating agencies, more than \$1.6 million in investigative costs and \$3 million for environmental projects. It also will invest \$3 million to guarantee its stores will remain in compliance. See www.calepa.ca.gov/Enforcement/Orders/2010/WMComplaint.pdf.

Pro’s Choice Beauty Care, Inc. (Pro’s Choice) - On March 16, 2010 a lawsuit was settled against, a New York-based hair care product distributor called Pro’s Choice by the Attorney General and the District Attorneys in the Counties of Stanislaus, Sacramento, San Bernardino, Solano, and San Joaquin. Pro’s Choice is the largest distributor of professional hair cares and nail products in the country. The company sold and distributed pollution-causing hair products to consumers who were unaware of the adverse effects which the pollutants may have on their health and the environment.

Pro's Choice buys U.S. brand-name products overseas and imports the products to sell them below suggested retail value. In late 2006, the California Air Resources Board and several district attorneys notified the Attorney General's office that many products supplied by Pro's Choice contained air contaminants well above the state's limits on volatile organic compounds (VOCs). VOCs significantly contribute to the formation of smog and may cause adverse health effects. Under California law, depending on whether the product is a hair spray, mousse, gel, and styling product, each must meet California's stringent standards for VOC content (Health & Safety Code, Section 41712). Despite numerous tests and repeated violations and requests for compliance, Pro's Choice continued to sell these products to retailers such as Rite Aid Corporation, Longs Drugs Stores Corporation, Walgreen Company, Ralphs Grocery Company, Target Corporation, and Kmart Corporation. The Attorney General's office filed a lawsuit against the company in 2008. The company and the retailers were charged with selling, supplying, offering for sale, purchasing, manufacturing, marketing or otherwise distributing consumer hair care products that did not comply with California regulations concerning the allowable percentages of volatile organic compounds in consumer products. The final judgment requires Pro's Choice to stop selling or distributing products that violate limits of VOCs; pull all of the products found in violation; identify and sort products that are non-compliant before distributing them for sale in California; obtain written verification from the manufacturer that the product is compliant or test representative samples from the batch; and pay \$1.5 million in penalties and costs. The judgment also required the retailers to remove non-compliant products at all their California stores. See www.calepa.ca.gov/Enforcement/Orders/2010/Complaint.pdf.

Big Oil & Tire Company – A Consent Judgment with Civil Penalties and Permanent Injunction was recorded in the case of State of California v. Big Oil & Tire Company on March 30, 2010. The State Water Resource Control Board staff and Attorney General's Office (AG) prepared the case, with significant supporting documentation from the Humboldt County CUPA.

Big Oil and Tire Company was the subject of an original enforcement action and prosecution stemming from underground storage tank (UST) violations dating back from 1990 through 1996. Most violations were similar to those cited in the current enforcement, including failure to test and maintain UST equipment, failure to keep adequate records inadequate procedures among others. Humboldt County Division of Environmental Health (DEH), in conjunction with the Office of the State Attorney General enforced and prosecuted Big Oil and Tire, resulting in a \$600,000 judgment in 1998. Soon after these

finances were levied, DEH began noting additional violations of the same type. Beginning in 2001, DEH began working with the local Circuit Prosecutor to bring another enforcement action against Big Oil and Tire.

The most recent case stemmed from repeated violations of Health and Safety Code and California Code of Regulations from 2000 through 2009 and related to operation and maintenance of USTs. Most of the violations involved failure to perform routine testing of release detection and prevention systems within the required time period as well as inadequate documentation and hazardous waste violations. The total judgment is \$1.1 million assessed including \$225,000 that will be divided between the AG's office and DEH at \$200,000 and \$25,000, respectively. See www.waterboards.ca.gov/water_issues/programs/enforcement/docs/bot_judgement033010.pdf.

Performance Measures

In 2009, the Unified Program Administration and Advisory Group worked on developing a set of outcome measures (metrics) for the Unified Program. Since there are no outcome metrics defined across the Unified Program, this limits the state's ability to only measuring outputs, such as the number of facility inspections and the types of violations, rather than compliance improvement across the Unified Program. In February 2009, a process was formalized that compares the number of businesses without violations from year to year, using the percentage as an outcome measurement. This percentage assumes that the compliance rate is equivalent for all businesses as it is for businesses inspected during each reporting year. In 2010, Cal/EPA continued meetings of its' performance measures team/steering committee as an effort to develop additional enforcement program outcome measures that relate program activities of Cal/EPA, state agencies, and local partner's progress toward program strategic plans.

FY 2009/2010 Compliance Percentage

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
HMRRP**	124350	54039	37619	69.6	43.5
CalARP**	2384	1097	695	75.5	46.0
UST**	14891	13900	8196	55.4	93.3
AST**	11890	2881	2196	76.2	24.2
HWG**	77803	36695	23747	64.7	47.2
LQG**	1773	854	662	77.5	48.2
HWT**	1356	602	499	82.9	44.4
HHW**	291	149	133	89.3	51.2

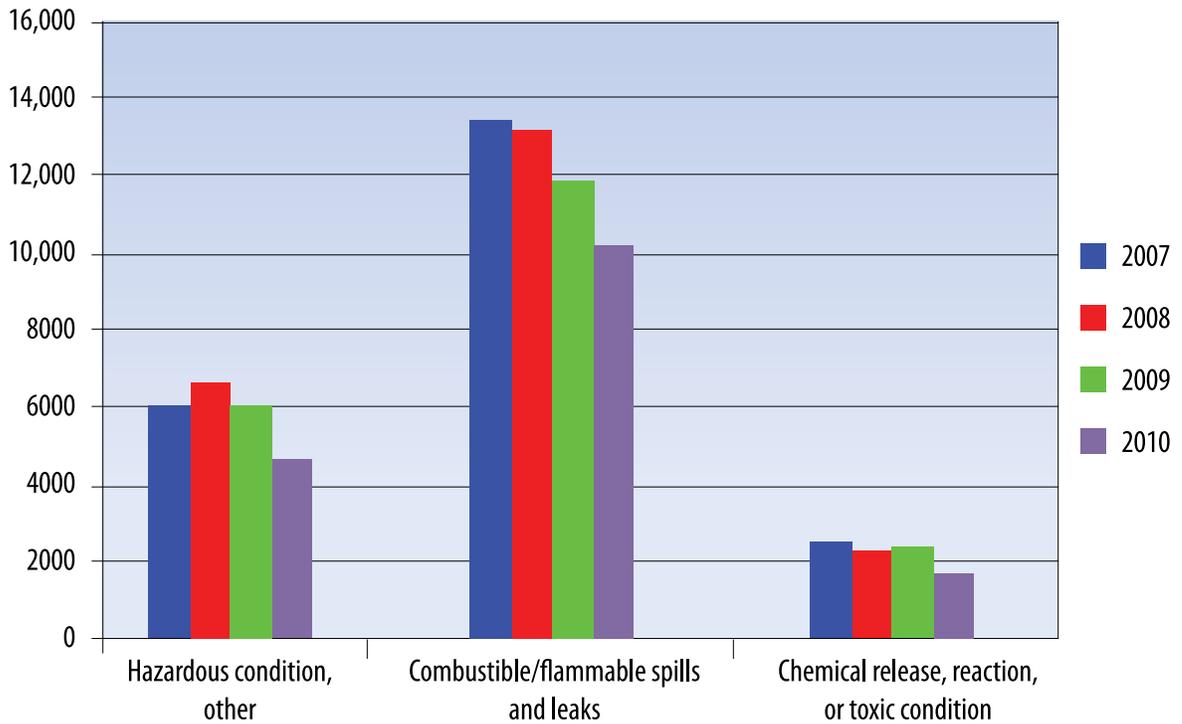
*This percentage assumes that the compliance rate is equivalent for the total number of regulated facilities as it is for facilities inspected during the reporting year. Also, the compliance rate is calculated by using the number of facilities with Minor violations based on the assumption that 99.9% of the time a facility with minor violation is also cited with Class I and Class II violations.

**HMRRP - Hazardous Materials Release Response Plans; CalARP - California Accidental Release Prevention; UST - Underground Storage Tanks
AST - Aboveground Storage Tanks; HWG - Hazardous Waste Generators; LQG - Large Quantity Generators; HWT - Hazardous Waste Transporter;
HHW - Household Hazardous Waste

Public Health Indicator

Though it is hard to use a Public Health Indicator as a direct reflection of the Enforcement program, it is evident that the enforcement program might be one of the contributing factors in protecting, and improving public health. In one example, in the graph below, hazardous conditions from 2007 through 2010 have declined in nearly every category, especially in the most frequent incident or category, combustible/flammable spills and leaks. Hazardous conditions (other) and chemical release, reaction or toxic condition also showed consistent decline.

All Reported Hazardous Incidents Reported to The Office of the State Fire Marshall



Source Data: California State Fire Marshall

As shown in the following table, four other types of Incident types (Radioactive conditions, Biological Hazard, fire service injury, and civilian injury/death) have also declined for most part over the years 2007-2010. The most notable trend can be observed in the overall rate of Fire Service Injury and Civilian Injury/Death. The count for those incident types have occurred so infrequently that they were almost invisible in the trend line compared to other incident types.

Incident Type	2007	2008	2009	2010
<i>Radioactive condition</i>	17	18	10	22
<i>Biological hazard</i>	302	309	249	216
<i>Fire Service Injury(total)</i>	16	5	12	8
<i>Civilian Injury/Death</i>	1	1	1	2
<i>Source Data: California State Fire Marshall</i>				

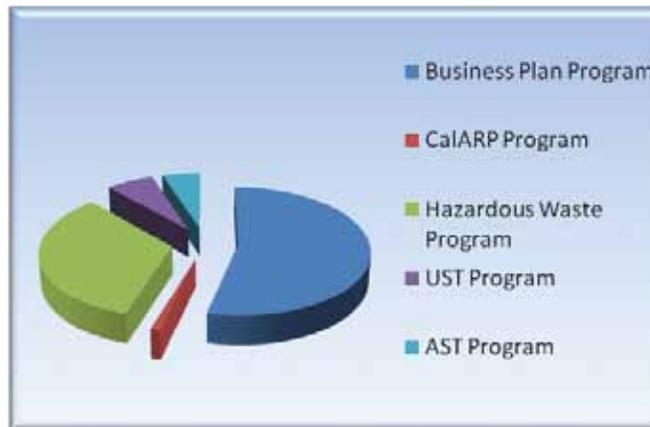
Program Component Metrics

Size of the regulated "universe"

The number of regulated businesses reported by the CUPAs in fiscal year 2009/2010 by program element are:

- Total Regulated Businesses - 146,205
- Business Plan Program - 124,350
- CalARP Program - 2,384
- Hazardous Waste Program - 77,803
- UST Program - 148,91
- AST Program - 11,890

Note: the figures above other than the number of total regulated businesses include overlapping program elements, for example, businesses with more than one program element.



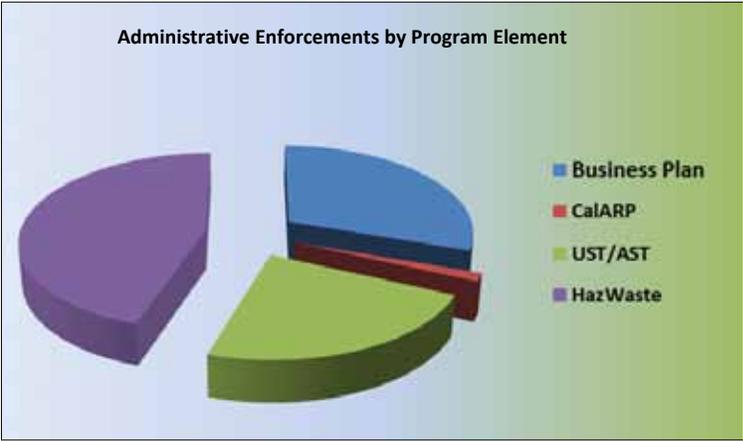
Program Component Outputs

Data Characteristics

CUPAs conduct inspections of all the programs noted earlier in the report. The number of inspections performed is over 110,000 for all programs per year. Many of these inspections are multi-media and are 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.

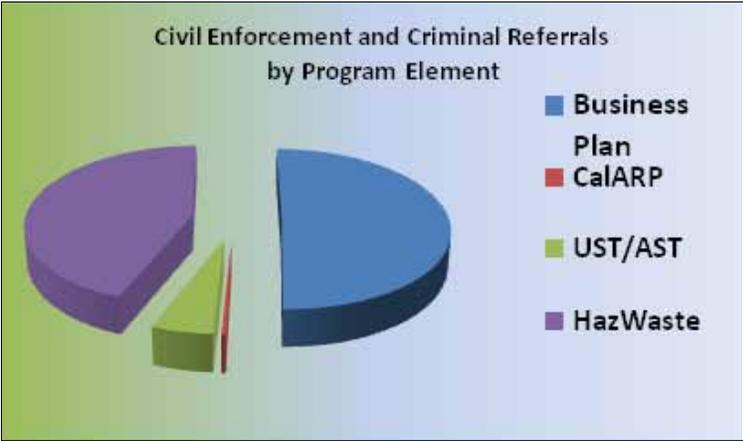
Outputs measure activities and the following outputs indicate an active and robust program in 2010:

- Business Plan facility routine inspections and other inspections – 65,293
- CalARP facility routine inspections and other inspections – 4,267
- UST facility routine inspections and other inspections – 23,033
- AST facility routine inspections and other inspections – 3,530
- Hazardous Waste Generator routine and other inspections – 46,365



Administrative enforcement actions – Total of 845 actions

- Business Plan facility - 365
- CalARP facility - 8
- UST/AST facility – 230
- AST facility – 2
- Hazardous Waste Generator facility –242



Civil enforcement and Criminal Referrals – Total of 1118 actions

- Business Plan facility - 564
- CalARP facility - 4
- UST facility – 55
- AST facility – 3
- Hazardous Waste Generator facility – 492

Inspection, Violation, and Enforcement Summary Data Fiscal Year 2009/2010

Total Count	HMRRP	CalARP	UST	AST	HWG (All)	LQG	HWT	HHW	Recyclers
No. of Regulated Business	124350	2384	14891	11890	77803	1773	1356	291	N/A
No. of Regulated Businesses Inspected	54039	1002	13900	2881	36695	854	602	149	N/A
*No. of Routine Inspections	52574	3048	14787	2328	35331	894	604	131	N/A
% of Routine Inspections w/Class I or II violation that RTC w/in 90 Days	56.53	44.86	66.47	43.02	60.21	48.75	37.48	23.81	N/A
*No. of Other Inspections	12719	1219	8246	1202	11034	386	460	25	N/A
No. of facilities w/ Class I Violation	224	116	762	24	333	18	11	4	5
No. of facilities w/ Class II Violation	4110	183	2689	62	5219	124	92	14	25
No. of facilities w/ Minor Violation	16420	245	5704	685	12948	192	103	16	59
No. of Informal Actions	21494	743	11877	1159	18657	441	428	48	106
No. of Formal Actions	780	16	365	8	795	16	10	4	0
No. of Local AEOs	365	8	228	2	242	5	2	0	0
Total Number of AEOs	150	15	134	3	144	13	8	4	0
AEOs Issued within 240 Days	137	13	97	3	127	10	4	4	0
Total No. of Civil/Criminal Referrals	564	4	55	3	492	1	0	0	0
Total No. of Civil/Criminal Referrals Referred within 360 Days	506	4	52	3	484	1	0	0	0
Cash Fines/Penalties	5,280,325	1,606,68	9,538,161	1,152,97	6,222,031	1,157,07	4,444,7	6,046	0.00
Value of SEP Penalties	4,640,5	0.00	1,411,000	1,543	1,443,930	2,500,0	0.00	0.00	0.00

*Inspections for this chart are defined by the actions described on the following page:

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

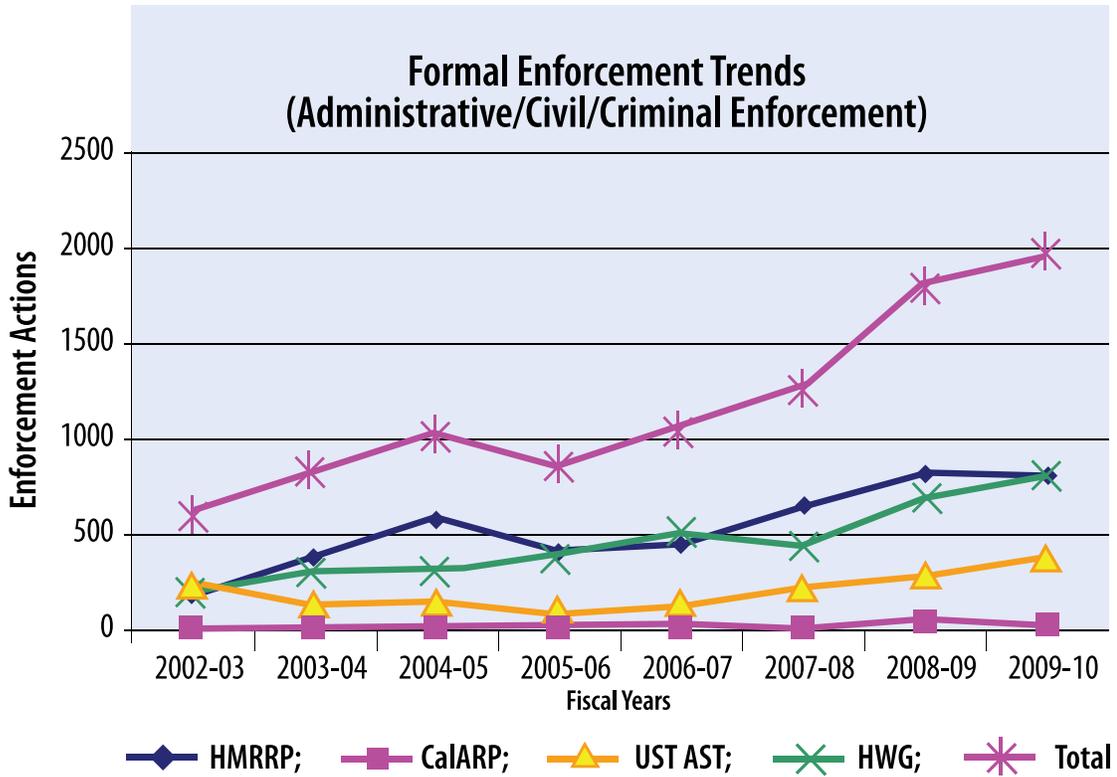
Inspections and Violation Data Summary Comparison FY 2006-2007 to FY 2009-2010				
Total Count	2006-2007	2007-2008	2008-2009	2009-2010
Regulated Units	135632	139962	143988	146205
Inspections(Routine only)	100495	103394	109445	109697
Violations(Facilities w/ class I violation)**	Old form	Old form	1183	1497
Civil/Criminal Referrals	502	709	747	1119
Total Number of Administrative Actions Issued	584	456	679	845
Penalties	\$3,180,494.00	\$7,623,416.39	\$ 9,197,778.00	\$21,482,682.00
<p align="center">**Annual Inspection Summary Report and Annual Enforcement Summary Report has been changed since FY 2006-2007. CUPAs were required to submit data using the new form from FY 2008-2009.</p>				

Output Trends

1. Formal Enforcement

The number of formal enforcement actions taken by CUPAs throughout the state has steadily increased since 2002-03 in all programs except for the CalARP program where very few formal enforcement actions are taken. However, this program also has the fewest number of regulated businesses of all the program elements. The primary factor in this increase is probably a result in an increase in the willingness of the CUPAs to pursue formal enforcement. In the past, there has been a general reluctance among local agencies to pursue formal enforcement. Another factor that may be contributing to the increase in formal enforcement actions, particularly the relatively sharp increase the past two years, is the establishment of, or improvement in, the Administrative Enforcement Order process within many CUPAs. In 2009/2010, there is a continuing rise in formal enforcement action due to an ongoing increase in the use of local AEO's as enforcement in the Business Plan program, in addition to increased efforts to identify farming facilities that are or

should be in the Business Plan Program. This increased trend in the use of formal enforcement actions by the CUPAs is consistent with the Unified Program goal to increase compliance through the use of appropriate enforcement actions.



2. Enforcement Actions as a Percentage of Inspections

The percentage of inspections that result in an enforcement action (informal and formal) showed an increase over the fiscal years 2004/2005 through 2006/2007 in all of the four program elements. This shows that CUPAs were active in finding violations, documenting those violations and taking some type of enforcement. More recently, all programs either flattened out or showed a slight decrease that may be a result of escalating enforcement numbers from the previous years. Of note is the significantly larger percentage of enforcements for the UST program over past years that have recently normalized to a ratio similar to other program elements.

Formal enforcement actions are actions that mandate compliance and initiate a civil, criminal, or administrative process which results in an enforceable agreement or order for what are determined

to be the most serious types of environmental violations. Informal Enforcement is an action other than a formal enforcement action that notifies the regulated business of its non-compliance and establishes a date by which that non-compliance is to be corrected. Examples include letters, notices of violation and verbal warnings or notices. Informal actions do not impose sanctions and are used to address minor violations.

3. Facilities Inspected Without Violations

Cal/EPA collects information on the number of facilities that are inspected each fiscal year and the number of facilities with violations. As noted above in the Performance Measures section, one measure of program success is the percent of facilities inspected that did not have any violations. These facilities would be deemed to be fully in compliance with all applicable laws. Since CUPAs track violations that are minor as well as serious violations, there is good reason to believe that this is a reasonable indicator.

The compliance rate graph below shows that there has been a generally stable trend for the HMRRP, HW Generator, and UST programs. During 2004/2005, CalARP had a significant rise as a result of program implementation, then had a slight increase for a couple of years, then a significant drop in 2007/2008, with significant increases again in 2008/2009 and 2009/2010.



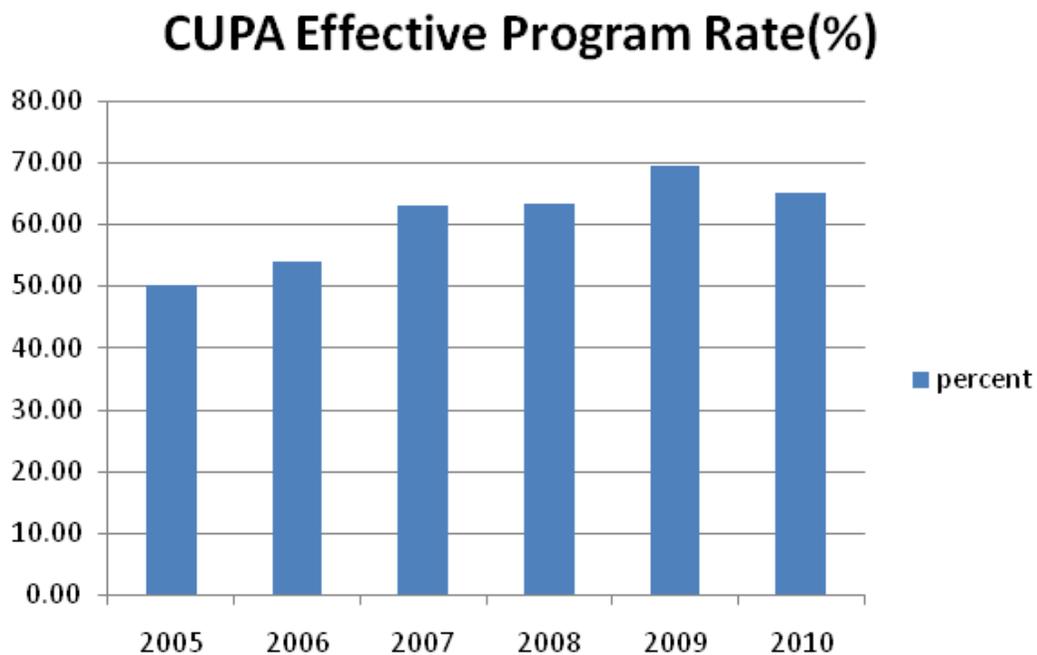
4. CUPA Effective Program Rate

CUPA programs are evaluated at least once every three years by Cal/EPA and authorized state agencies. The CUPA evaluation process consists of:

- 1) on-site records review for completeness and implementation of their Inspection and Enforcement Plans
- 2) a review of facility enforcement and compliance files, field oversight inspections to evaluate their actual field inspection process
- 3) reviews of self-audit reports and annual summary report submissions.

At the end of the evaluations, as part of the evaluation result, CUPAs are identified with their significant Inspection and Enforcement (I &E) deficiencies. One measure of the enforcement program success could be the percent of CUPAs who were evaluated and have been determined as CUPAs with effective I& E Program (CUPAs with no I & E deficiencies).

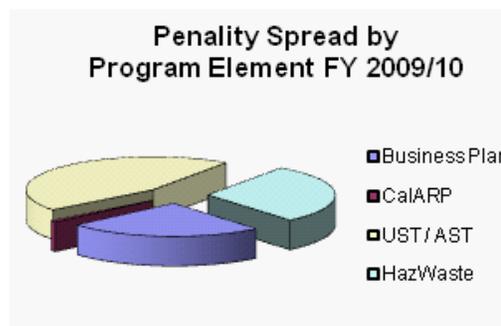
In 2005, Cal/EPA implemented a revised evaluation program and has consistently applied that new evaluation program. The graph below shows that since 2005, the percent of CUPA effective Program rate has been increasing for the most years.



5. Penalty Information

In fiscal year 2008/2009, the Unified Program began accounting separately for the monetary value of supplemental environmental projects (SEPs). The total amount of penalties assessed across all program elements for fiscal year 2009/10 was \$21,482,682.00. The significant increase in the penalty in 2009/2010 is consistent with the increased number of Administrative Enforcement Orders which took place in the same fiscal year. By program element they were:

- Business Plan facilities - \$5,280,325.00
- CalARP facilities - \$160,668.00
- UST/AST facilities - \$9,653,458.00
- Hazardous Waste Generator facilities - \$6,222,031.00
- Value of SEP penalties - \$2,927,878.00



Training of Inspection and Enforcement Staff:

The 13th Annual California Unified Program Conference was held at the Hyatt Burlingame, San Francisco Airport Hotel, February 1-4, 2010. The 13th Annual CUPA Conference hit records this year with over 1,200 participants, including 55 exhibitors, 80 students and 200 speakers, offering 100 technical training sessions in 10 tracks.

Cal/EPA Unified Program is working toward fully implementing e-reporting by 2013. Therefore, a significant number of training classes were provided for CERS during 2010. In addition to the training provided at the CUPA Conference, the following trainings were also provided by the Unified Program staff to outreach to the CUPA community:

August 31, 2010 CCDEH Data Summit Conference

- Unified Program Manager presented Electronic Reporting AB2886 Implementation to CCDEH Directors and their IT staff, State Representatives.

October 2010 San Diego IEA Conference, CERS Business Users

- The IEA Conference an overview presentation of CERS for Business Users, and hands on training. Over 75 local businesses attended the training.

November 2010 San Jose PIBA Workshop

- The PIBA Event an overview presentation of CERS to Local Agencies, and hands on training. More than 50 Local Agencies attended the presentation /training.

For more information on CAL/EPA Unified Program training, please visit www.calepa.ca.gov/CUPA/Training.

Additional Information:

Cal/EPA Unified Program Homepage: www.calepa.ca.gov/CUPA

Cal/EPA Publications and Forms: www.calepa.ca.gov/CUPA/Publications

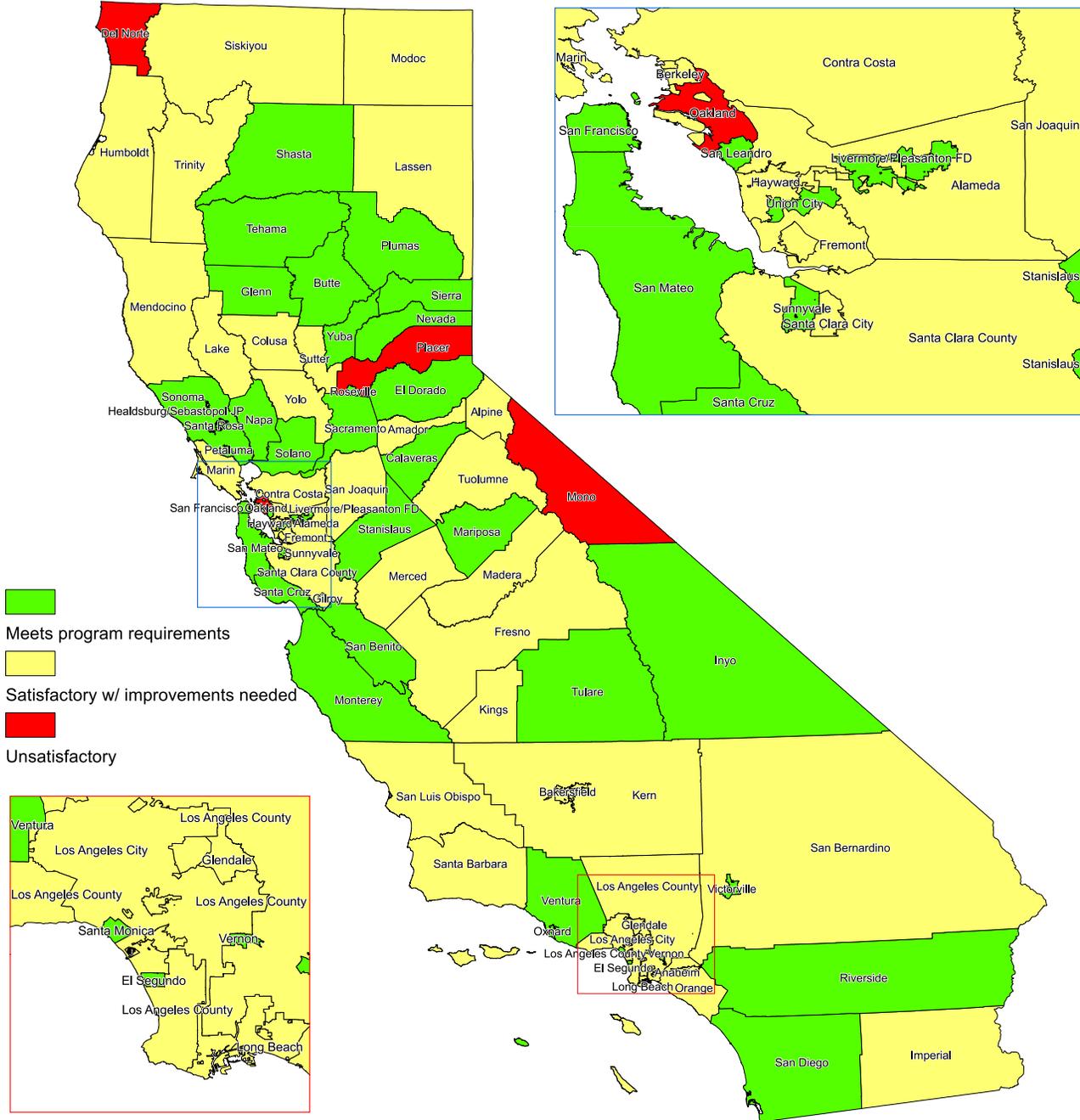
Inspection and Enforcement Resources: www.calepa.ca.gov/CUPA/Resources

Electronic Reporting: www.calepa.ca.gov/CUPA/Resources

Cal/EPA Training Resources: www.calepa.ca.gov/CUPA/Training

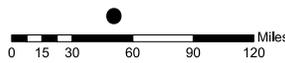
CUPA's in CALIFORNIA

The Evaluation Status as of May 10, 2010



Date: May 10, 2010
 Contact: Farida Islam
 Filename: S:\Unified\GIS Maps\CUPA_status map

Note: Map is not official, for presentation purposes only.





Department of Pesticide Regulation

Pesticide Regulation's Mission:

The 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. 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.
- Streamline the regulatory process to ensure thorough registration of safer materials.
- Encourage the development and use of reduced-risk pest management practices.
- Use existing and new statutory requirements to ensure the completion of an up-to-date toxicological database for all pesticide active ingredients.
- Strengthen licensing exam and certification processes for commercial pesticide applicators.



Enforcement Division Overview

DPR's regulatory control begins with the evaluating and registering of pesticide products and continues through statewide licensing of commercial pesticide applicators, dealers and consultants; monitoring the environment; testing fresh produce for pesticide residues; verifying that pesticides produced and/or sold in the state adhere to required standards and practices and investigating possible unintended health effects; and enforcing pesticide use laws and regulations through the local County Agricultural Commissioners (CACs) serving 58 counties.

About 340 DPR employees, including scientists from many disciplines, carry out California's pesticide regulatory program. In addition, approximately 280 full-time biologists are dedicated to pesticide use enforcement at the local level.

DPR's annual budget is approximately \$73 million of which about \$19 million funds local pesticide enforcement activities in the counties.

Note: Current-year statistics in this report are preliminary in nature due to inherent lag times in regulatory enforcement timelines for completing enforcement actions and subsequent reporting and compiling of data. Prior-year statistics have been updated and therefore may not match the statistics as reported in previous editions of this report.

Program Structure

DPR uses a “function-based” approach to better manage the performance and costs of its programs. Enforcement of statutory and regulatory requirements within this framework allows DPR to determine compliance with these requirements and to assess their effectiveness relative to costs, workload outputs, and impacts on human health and the environment. Elements of DPR’s planning and management system include:

- Cal/EPA’s Strategic Vision that sets forth the Agency’s vision and mission, core values, and goals and objectives.
- DPR’s Strategic Plan that provides department-specific strategies, goals and objectives.
- DPR’s Operational Plan that defines goals and activities it plans to carry out during the fiscal year.
- Performance measures that include DPR’s outputs and environmental indicators. They are used to assess the effectiveness of DPR’s program.
- Function-based accounting that summarizes spending by function category.

Key DPR workload outputs are compiled annually by fiscal year to track the number of products and services that DPR produces, for example, the number of licenses issued or groundwater samples collected. These outputs are categorized by DPR’s program functions. The materials are available on DPR’s website at: www.cdpr.ca.gov/dept/planning/performance/index.htm.

Since 2002, DPR has implemented several new programs to strengthen its enforcement programs to better protect California’s workers and the public, and ensure a safe food supply and a healthy environment. At the same time, these programs strive to create an environment in which agriculture can be sustained for future generations.

When taken together, the following new programs and approach to program planning and evaluation will lead to improved compliance with pesticide and environmental laws and regulations.

DPR and CACs spend considerable time evaluating their programs and identifying areas for improvement. In late 2004, DPR developed program guidance identifying three core program priorities to better target county enforcement efforts:

- Restricted Material Permitting (An important action in achieving California Environmental Quality Act (CEQA) equivalency. CEQA requires state and local agencies to identify the significant environmental effects of their actions and to avoid or mitigate those effects, if feasible).
- Compliance monitoring through inspections and investigations.
- Enforcement response to violations.

In 2002, Assembly Bill (AB) 947 became law (FAC §12999.5 (a)), augmenting civil penalty authority granted to DPR and CACs by increasing the fine levels from \$1,000 to \$5,000 per violation. In 2005, Senate Bill (SB) 391 became law (FAC §12996.5 (b)), allowing DPR and CACs to levy a penalty for each person exposed to pesticides as a result of a violation.

Also in 2005, DPR and CACs jointly developed the Enforcement Response Policy that laid out a standardized approach to classifying violations and taking appropriate enforcement actions. This policy was formally adopted into regulations in late 2006. In 2010, regulatory changes were proposed to strengthen these regulations. DPR maintains two databases that are used to track (1) county and DPR inspections and compliance rates, and (2) final enforcement actions taken by the counties.

California's pesticide regulatory program is considered by many to be a model program. DPR's comprehensive system used to track pesticide use has been at the forefront both nationally and internationally. Since 1990, growers and applicators must report all agricultural, structural, landscape maintenance, and other nonagricultural pest control applications to CACs. DPR compiles and makes available statewide pesticide use data on an annual basis. More information about this unique program is available on DPR's website at: www.cdpr.ca.gov/docs/pur/purmain.htm.

DPR's Worker Health and Safety Branch has been collecting and analyzing pesticide illness data for decades. In the pesticide use enforcement arena, DPR uses inspection reports to document compliance rates and CACs submit annual reports to DPR that document their workload activities and hours, and enforcement activities. DPR's Environmental Monitoring Branch collects and analyzes the results of air and ground water monitoring projects.

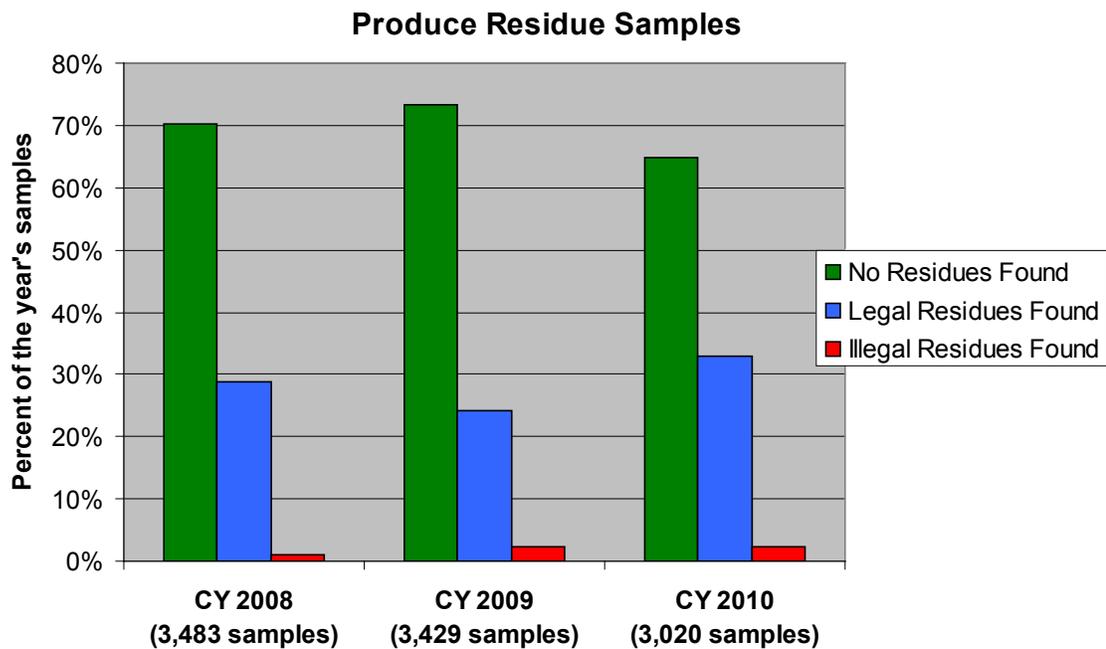
As with many large regulatory programs, DPR has not yet been able to integrated and analyzed data from these various sources to fully assess the impacts of its programs to improve environmental and human health. DPR's Enforcement Branch continues to identify methods and data requirements to better analyze our program outputs and outcomes.

2010 Major Program Highlights and Performance Measures

Food Safety

DPR collected more than 3,000 produce samples for pesticide residue analysis in 2010. Of the total 3,020 samples collected, 65 percent had no pesticide residues detected and 33 percent had residues within legal tolerances. The remaining 2 percent had illegal residues. When illegal residues are found, DPR responds immediately to prevent consumption by the public.

California-grown produce continued its excellent safety record. In 2010, more than 110 different commodities grown in California were sampled. Of these samples, 96.8 percent (1,118 of 1,134 samples) either had no pesticide residues detected, or had residues that were in compliance with U.S. EPA tolerances.



Source of Data: DPR

This graph indicates the consistently high proportion of produce sold within California that has either no pesticide residues detected, or residues that are in compliance with legal limits. CY denotes calendar year.

In recent years, Mexican fruits and vegetables have accounted for nearly half of all illegal residues detected by DPR. This is partly due to the high volume of produce imported from Mexico, but also because a relatively high proportion of Mexican imports carries illegal residues.

In 2010, DPR imposed a \$10,000 civil penalty against a California-based produce importer that had a documented history of recurring pesticide residue violations, mostly on produce imported from Mexico.

Pesticide Residue Surveillance Program annual reports summarizing the results from samples collected during a calendar year, along with the detailed data, are available from DPR's website at: www.cdpr.ca.gov/docs/enforce/residue/rsmonmnu.htm.

Aeration of Structural Fumigations

Approximately 80,000 structures are tarped and fumigated with each year in California, using over 2 million pounds of sulfuryl fluoride, for control of dry wood termites, certain beetles and bedbugs. To provide an additional margin of safety over fumigant label requirements, DPR has required enhanced aeration procedures since 1990. In 2010, to ensure protection of fumigation workers, neighbors and bystanders, DPR began requiring structures to be fully aerated before tarps are removed. The procedure used, called the California Aeration Procedure (CAP), requires an additional 6 to 16 hours of aeration and use of additional equipment to aid aeration. A collateral benefit of CAP is reduced concerns from persons who enter the structure after fumigation regarding odors from residual amounts of fumigation warning agents.

Agricultural Inspections

California's CACs together have more than 280 biologists in the field to enforce pesticide laws. No other state has a similar system of local enforcement. Counties conducted approximately 12,500 agricultural inspections in 2010 to assess compliance with state laws and regulations related to field worker safety, pesticide use applications, mixing and loading pesticides, and commodity and field fumigation. Over 201,000 criteria were assessed with a compliance rate of 97.8 percent.

Structural and Landscape Maintenance Inspections

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

Over 4,000 inspections were performed that evaluated approximately 85,000 criteria. The overall compliance rate was 99.2 percent in 2010.

Monitoring the Marketplace

DPR routinely conducts inspections at hardware stores, 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.

In 2010, DPR conducted 180 inspections and 85 audits. Close to 835 unregistered and misbranded pesticide products were identified as a result of these investigations and were removed from the marketplace. DPR completed legal proceedings on 118 cases, which resulted in over \$ 2.7 million in penalties to violators.



Improving Air Quality

DPR implemented stringent volatile organic compound (VOC) 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 (SIP) goals under the Federal Clean Air Act.

Under DPR's regulations, the Department evaluates fumigant usage from the previous year, prepares an annual report, and uses the report findings to set goals for the current year. In 2010, DPR analyzed 2009 pesticide use report data to evaluate compliance with the allowances and requirements to use low-emission methods. DPR released the results in its Annual Report on Volatile Organic Chemical Emissions from Pesticides. This comprehensive report is available on DPR's website at: www.cdpr.ca.gov/docs/emon/vocs/vocproj/2009annual_rpt.pdf.

Three of the five non-attainment areas (NAAs) were required to use only low-emission methods to reduce VOC levels. Use of low-emission methods in the Sacramento Metro and South Coast NAAs is voluntary since emissions have been far below the SIP goals for several years. VOC emissions from pesticides used in 2009 dropped significantly from 2008 levels in the San Joaquin Valley and Southeast Desert NAAs, but increased slightly in the Ventura NAA.

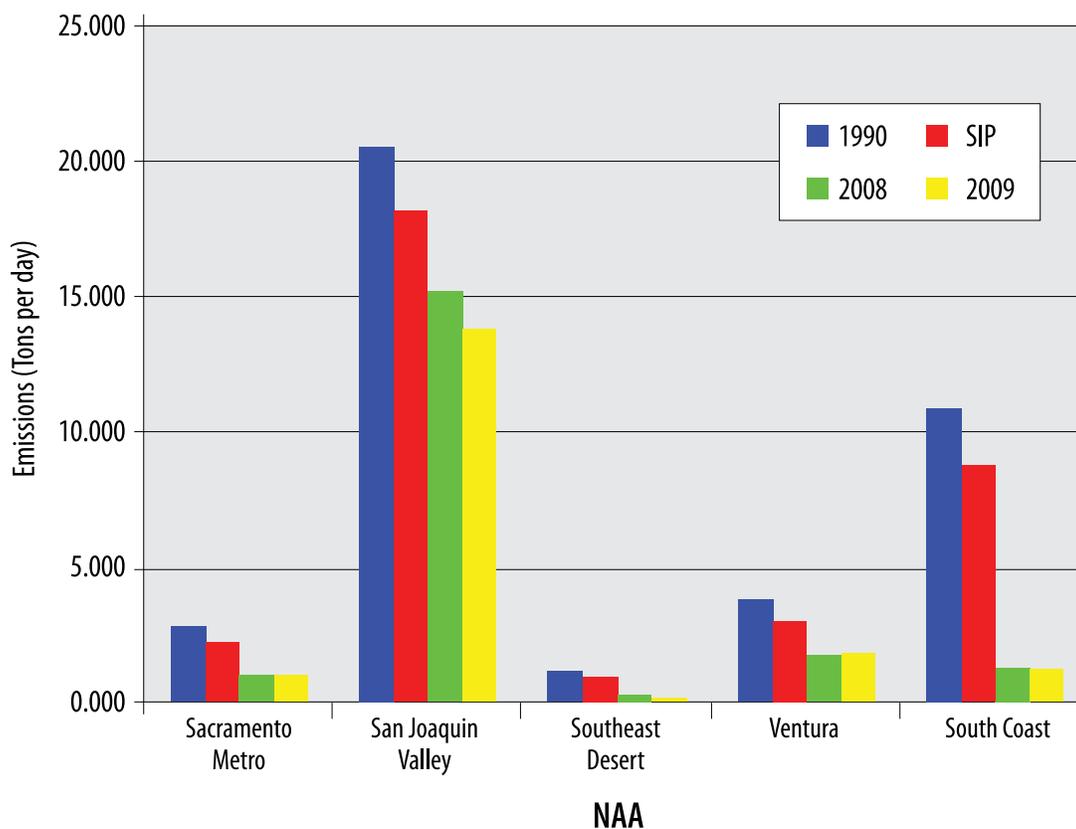
In 2009:

- San Joaquin Valley - declined by 33 percent from 1990 levels and 9 percent from 2008 levels.
- Southeast Desert - declined by 89 percent from 1990 levels and 47 percent from 2008 levels.
- Ventura County - declined by 52 percent from 1990 levels and increased by 4 percent from 2008.

VOC emissions in the other two NAAs continued to decline as they have since the SIP goals were established in 1997.

The 2008 VOC regulations included requirements that pest control businesses performing field soil fumigations meet licensing requirements by having a responsible qualified person certified through examination to perform or supervise field fumigations. These responsible persons must possess a

May - October (Ozone season) adjusted pesticide VOC emissions and goals



valid qualified applicator license in the field soil fumigation pest control category. In addition, other employees who handle fumigants could become certified through examination to possess a qualified applicator certificate in the field soil fumigation pest control category.

To ensure the competency of the individuals, DPR undertook a comprehensive project that included the development of core competencies, study materials, examinations, and continuing education requirements for the license/certificate. DPR implemented the certification examinations in January 2009; 500 individuals passed either the qualified applicator license (371) or the qualified applicator certificate (129) examination.

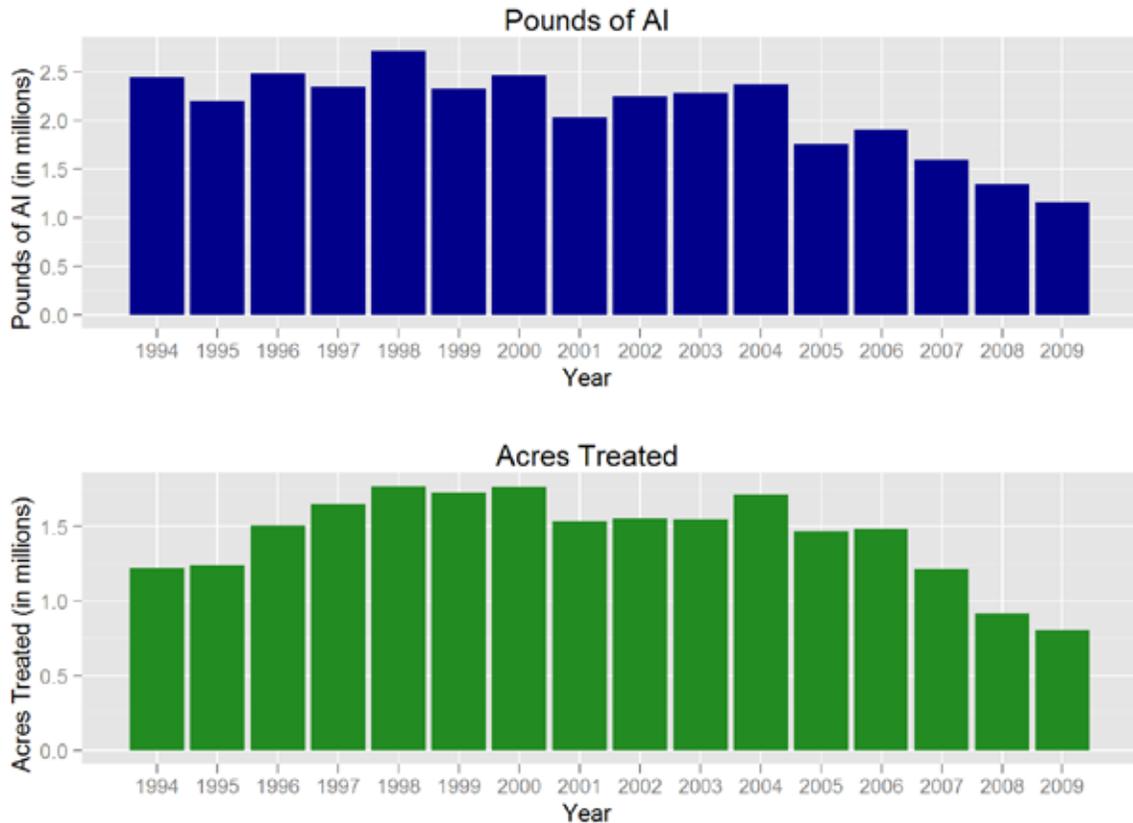
More detailed information about DPR’s program and ongoing efforts to improve air quality in the state by controlling the use of smog-producing pesticides is available on the DPR website at: www.cdpr.ca.gov/docs/emon/airinit/airmenu.htm.

Use Trends of Pesticides on DPR's Groundwater Protection List

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. DPR uses its pesticide use reports to track use trends for pesticides on its groundwater protection list, as well as other categories of pesticides.

In 2004, DPR implemented ground water protection areas (GWPA) and went from approximately 300,000 acres under regulation to approximately 2.5 million acres. As can be seen in the charts below, use of regulated GWPA chemicals has decreased since the program was adopted in 2004. DPR has undertaken an analysis of the pesticide use data to determine what effects the regulatory restrictions have on the use of these chemicals and if use of other less-toxic chemicals has changed during this time period.

Use Trends of Pesticides on DPR's Groundwater Protection List



Source of Data: DPR's Summary of Pesticide Use Data - 2009.

These pesticides are the active ingredients 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 (AI) applied include both agricultural and reportable non-agricultural applications. The reported cumulative acres treated include primarily agricultural applications.

More detailed information about DPR's ground water program is available on the DPR website at: www.cdpr.ca.gov/docs/emon/grndwtr/index.htm.

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

Regional school IPM training workshops for school district employees in 2010 brought DPR's total outreach in this arena up to 697 public school districts. Since the 2000 passage of the Healthy Schools Act, personnel from over 75 percent of California's public school districts have been trained, representing nearly 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.

DPR adapted its school IPM Pest Fact Sheets for use in child-care settings, distributed child-care oriented IPM publications in English and Spanish to community care licensing offices, and wrote an article on the Health Schools Act for the California Childcare Health Program newsletter.

Outreach efforts to farm worker communities and families

State and county compliance activities include participation in over 40 community meetings, health conferences, and other events to promote pesticide safety to over 40,000 people; radio and television interviews regarding pesticide safety on Spanish-language stations to audiences estimated at 60,000; and training county inspectors on techniques to interact in a more positive way with immigrant workers (introduction to the Spanish language, Hispanic culture, and social behavior).

General Outreach

During 2010, DPR staff made approximately 50 presentations to various industry groups to present updates on pesticide laws and regulations covering a variety of subject areas including endangered



General Outreach/Training - Field day exercises

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. Attendance at each presentation ranged from 50 to 500 individuals.

DPR maintains a “compliance assistance” website aimed at providing up-to-date information for employers and others

who are required to comply with pesticide laws and regulations. The site provides a wide range of information on worker safety; licensing; pesticides subject to special conditions (i.e., minimal exposure, dormant spray, field fumigant, and ground water restrictions; engineering controls; restricted entry intervals; and personal protective equipment); state and national pesticide databases; and state and national pesticide-related resource centers. On average, DPR's main compliance assistance website receives approximately 10,000 hits annually; this does not include the number of times specific documents were viewed or downloaded. The website is available at: www.cdpr.ca.gov/docs/dept/quicklinks/compliance.htm.

Training

The Enforcement Branch plans and conducts training for DPR and county pesticide regulatory inspectors and investigators. Some of those training modules are developed with the cooperative efforts of other stakeholder groups, including CACs, DPR's Worker Health and Safety (WHS) Branch, the Structural Pest Control Board, and the Department of Fish and Game.

DPR's Enforcement Branch Liaisons also regularly conduct training for CAC biologists who conduct inspections pertaining to pesticide use enforcement. DPR has a number of online training materials intended for the use of CAC staff: www.cdpr.ca.gov/docs/county/training/trngmenu.htm.

During 2010, Enforcement Branch staff arranged and conducted 15 training sessions for 709 CAC staff in the following areas:

- Structural pest control enforcement training.
- Field worker notification regulations update – new requirements for notification, hazard communication, and application specific information.
- Breaking Barriers – to assist non Spanish-speaking inspectors who interview non English-speaking field workers and applicators.
- Investigative techniques – small group training on regional basis.
- CAC hearing issues.

Complaint Assistance

The Single Complaint Tracking Steering Committee was established to create a Cal/EPAwide, single complaint tracking system to receive, track, and respond to environmental complaints reported to Cal/EPA Boards, Departments and Offices. This project resulted in a Web-based system that provides a consistent, single point of contact for the public via Internet access through the various Cal/EPA web pages. The primary point of contact is an online complaint form that is used to collect information about environmental complaints and/or violations. The system was designed as a tool used to relay complaint information directly to the appropriate Cal/EPA Boards, Departments and Offices for action, coordination with local and regional government agencies, and further follow-up.

DPR responds to all complaints, notifications, or reports of episodes that come to DPR or CAC offices that allege misuse of pesticides, pesticide exposure (including odor), or pesticide damage or injury to crops, property, humans, animals, or the environment, potential illegal sales, or other related events.

When a pesticide use-related complaint is filed through Cal/EPA's Single Complaint Tracking system, DPR staff relays the complaint to the local CAC for investigation. The CAC's office is the lead agency for use-related complaints, in consultation with DPR.

Cal/EPA Single Complaint Tracking System - Inputs	2008	2009	2010
<i>Total Complaints Received Cal/EPA Wide for Tracking</i>	981	860	841
<i>Complaints Filed and Marked as Pesticide-Related and Relayed to the CACs for Investigation</i>	78	103	104

Data Characteristics

DPR develops an annual summary of statewide CAC pesticide enforcement statistics. State and individual county profiles are available at: www.cdpr.ca.gov/docs/county/enf_stat_profile.htm.

Metrics - Summary of County Statewide Workload Statistics

Metrics - Summary of County Statewide Workload Statistics			
Preliminary CAC Reported Workload Statistics - Inputs	2008	2009	2010
<i>CAC Licensed Staff Hours</i>	517,000	488,000	448,000
<i>CAC Support Staff Hours</i>	153,200	142,000	127,000
Preliminary CAC Reported Workload Statistics – Outputs			
Restricted Materials Permitting			
<i>Restricted Material Permits Issued/Amended</i>	40,000	40,800	38,500
<i>Restricted Material Permits Denied</i>	410	380	331
<i>Notices of Intent to Apply a Restricted Material Reviewed</i>	145,000	140,750	140,000
<i>Restricted Material Notices of Intents Denied</i>	1,700	1,200	1,230
<i>Pre-Site Application Evaluations/Inspections</i>	9,600	8,150	7,840
Compliance Monitoring			
<i>Inspections*</i>			
<i>Agricultural Use</i>	7,560	6,790	6,654
<i>Field Worker Safety</i>	1,300	1,080	926
<i>Commodity Fumigation</i>	350	420	395
<i>Field Fumigation</i>	800	730	630
<i>Records Inspections</i>	5,570	5,240	5,096
<i>Structural Fumigation</i>	1,980	2,040	1,789
<i>Structural Non-Fumigation</i>	1,940	1,250	1,151
<i>Investigations</i>	1,600	1,600	1,460
Enforcement Response			
<i>CAC Compliance Actions</i>	3,900	4,200	3,400
<i>CAC Enforcement Actions</i>			
<i>Number of Enforcement Cases Closed</i>	1,000	890	790
<i>Amount of Civil Penalties Assessed</i>	\$440,200	\$367,500	\$335,195
<i>Number of Cases Referred to District Attorney</i>	2	3	0
Compliance Assistance			
<i>Training & Outreach Sessions</i>	1,500	1,610	1,620
<i>Number of Persons Attending</i>	40,000	42,500	36,850
County Registrations & Certification			
<i>Operator Ids for Non-Restricted Use Issued/Amended</i>	13,500	13,500	14,110
<i>Private Applicator Certificates Issued</i>	5,700	6,040	6,425
<i>Pest Control Business/Advisers/Pilots Registered</i>	11,900	12,800	11,865
<i>Farm Labor Contractor Registered</i>	2,500	2,900	2,800
<i>Structural Pest Control Business Registered</i>	6,300	7,500	6,750
Preliminary CAC Reported Workload Statistics - Outcomes			
<i>Total Inspections Conducted</i>	18,860	17,745	16,643
<i>Inspections with 1 or More Violations</i>	2,516	2,331	2,053
<i>Inspections with 100% Compliance Rate</i>	86.7%	86.9%	87.7%
<i>Total Number of Criteria Evaluated</i>	287,189	288,665	290,857
<i>Total Number of Criteria in Compliance</i>	281,112	283,015	285,738
<i>Compliance Rate for Criteria Inspected</i>	97.9%	98.0%	98.2%
* County inspection data and compliance rates are from DPR's Inspection Tracking Database. Counties conduct additional inspections (follow-ups, partials, unattended tarp/aeration, etc.) that are not currently captured in DPR's database; thus compliance rates and specific inspection elements cannot be evaluated for these inspections.			

Enforcement Actions

DPR and CACs take administrative enforcement actions for different types of violations:

- 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 penalties on companies and individuals who sell unregistered or misbranded pesticide products, fail to pay required fees on pesticide sales, or pack and sell produce with illegal pesticide residue.
- The CAC office, as the primary county agency that enforces pesticide use laws and regulations, can levy administrative penalties for those violations. They also have the authority to revoke or suspend the registration of companies and individuals who do business in their counties.

DPR can also take civil court enforcement actions through the California Attorney General's Office for any violation of pesticide laws. DPR and commissioners can also refer pesticide use violations for criminal prosecution.

Summary of DPR & CAC Enforcement Program – Outcomes	2008	2009	2010
Number of Cases Referred to District Attorney	2	3	0
CAC Enforcement Actions			
<i>Number of Closed Cases</i>	851	767	626
<i>Number of Violations in Closed Cases</i>	1,216	1,107	890
<i>Penalties Assessed</i>	\$440,195	\$367,540	\$300,735
DPR Penalties for Unregistered & Misbranded Products			
<i>Number of Cases</i>	94	99	118
<i>Number of Unregistered Products in Case Settlements</i>	583	471	835
<i>Penalties Collected</i>	\$1,414,191	\$1,118,445	\$2,707,880

Additional Information:

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

For additional detailed information about our 2010 accomplishments please see:

www.cdpr.ca.gov/docs/enforce/plan_imprv.htm.



Water Boards

Water Boards Mission

The State Water Board's Mission is to preserve, enhance, and restore the quality of California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations.



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 by taking enforcement actions against illegal discharges of waste in surface and ground waters. The Water Boards also regulate and enforce California's water rights.

Water Boards assessed \$13 million in penalties in 2010. The Water Boards have an active enforcement program, and work 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 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 principal state agencies with primary responsibility for the coordination and control of water quality.

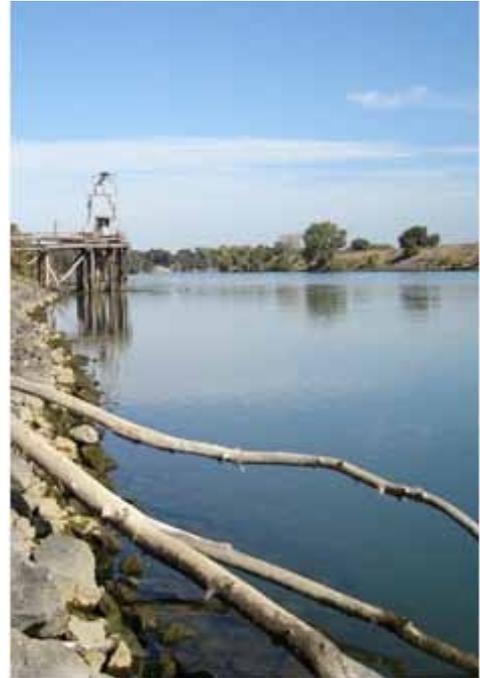
The water quality control activities are organized around programs. Each program dedicates resources to compliance assurance and enforcement activities. Enforcement is then integrated into program activities. In addition, each Regional Board has a dedicated enforcement coordinator that participates in regular statewide roundtables to coordinate their respective activities so as to achieve a unified and effective enforcement program.

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 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.

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.

The Water Boards are committed to meeting internal and external data management needs. During 2010, the Water Boards launched improvements to its water quality database, known as California Integrated Water Quality System (CIWQS). The enhancements improve public access to water quality and enforcement data, increasing accountability and transparency. Additionally, the Water Boards produce 7 enforcement reports a year, including the "Baseline Enforcement Report" and the "Annual Enforcement Report." These reports and other information regarding the Water Boards is available at the public website at www.waterboards.ca.gov.



Sacramento River, Sacramento County

Program Highlights and Statistics for 2010

This report, covering calendar year 2010, highlights the resources available for core regulatory program enforcement and the enforcement actions achieved with those resources.

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.

Table 1: 2010 Water Quality Enforcement Highlights				
	2010	2009	FY 2007-2008	FY 2006-2007
Number of regulated facilities:	28,466	39,704	39,692	41,156
Inspections conducted:	6,255	6,129	3,763	3,839
Violations documented:	13,992	12,378	15,177	9,801
Facilities with one or more violations:	2,742	2,733	2,970	2,527
Informal enforcement actions taken:	4,066	3,001	2,706	1,915
Formal enforcement actions taken:	364	303	283	180
Administrative Civil Liability actions:	226	174	106	107
Penalties assessed ¹ :	\$13 million	\$20 million	\$19 million	\$12 million
Violations receiving enforcement:	8,300	6,668	8,643	5,485

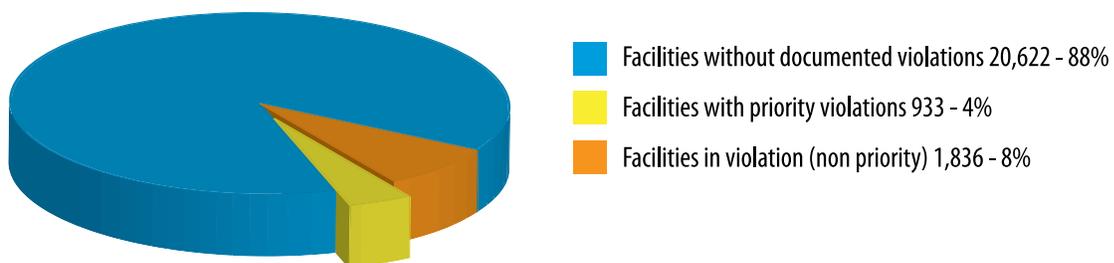
¹ Does not include penalties assessed under the Health & Safety Code.

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: 1,897
- Inspections conducted: 565
- Facilities with one or more violations: 530
- Violations documented: 6,183
- Percentage of violations with enforcement actions: 65%
- Enforcement actions issued: 692

Water Boards Core Regulatory Compliance Rate



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: 16,741
- Inspections conducted: 3,894
- Facilities with one or more violations: 1,186
- Violations documented: 1,460
- Percentage of violations with enforcement actions: 85%
- Enforcement actions issued: 2,624



Stormwater discharge, Alameda County

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: 6,694
- Inspections conducted: 935
- Facilities with one or more violations: 918
- Violations documented: 5,549
- Percentage of violations with enforcement actions: 46%
- Enforcement actions issued: 967

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: 821
- Inspections conducted: 695
- Facilities with one or more violations: 116

- Violations documented: 264
- Percentage of violations with enforcement actions: 47%
- Enforcement actions issued: 78

401 Certification²/Wetlands Program

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

- Facilities regulated: 1,328
- Inspections conducted: 204
- Facilities with one or more violations: 19
- Violations documented: 27
- Enforcement actions issued: 69

² Federal Clean Water Act, section 401

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

Water Boards Core Regulatory Programs by Category YEAR 2010	Number of Facilities	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	# of Facilities with 1-10 violations	# of Facilities with 11-25 violations	# of Facilities with >25 violations	Average # of Violations per Facility In violation
NPDES Major Facilities	264	141	53%	2,907	90	34%	1,495	97	24	20	20.6
NPDES Minor Facilities	311	141	45%	2,084	86	28%	1,084	101	21	19	14.8
NPDES General	1,322	248	19%	1,192	71	5%	207	216	29	3	4.8
Stormwater Industrial	9,481	801	8%	968	214	2%	248	801	-	-	1.2
Stormwater Construction*	2,629	358	14%	449	54	2%	91	358	-	-	1.3
Stormwater Municipal I+II	541	27	5%	43	8	1%	12	27	-	-	1.6
WDR Large Municipal	423	139	33%	1,968	93	22%	478	99	28	12	14.2
WDR Small Municipal	1,256	233	19%	1,214	74	6%	290	205	22	6	5.2
WDR Industrial	888	51	6%	206	15	2%	39	46	5	-	4.0
WDR Sanitary Sewer Overflow	1,070	197	18%	534	24	2%	43	190	5	2	2.7
WDR CAFO/Dairies	1,524	188	12%	544	94	6%	147	184	4	-	2.9
WDR All Other	1,533	110	7%	1,083	50	3%	307	95	7	8	9.8
Land Disposal Open Landfills	125	32	26%	75	16	13%	24	32	-	-	2.3
Land Disposal Closed Landfills	289	28	10%	66	12	4%	15	28	-	-	2.4
Land Disposal All Other	407	56	14%	123	19	5%	37	55	1	-	2.2
401 Wetlands/Certifications	1,328	19	1%	27	13	1%	15	19	-	-	1.4
TOTAL	23,391	2,769		13,483	933		4,532	2,553	146	70	1.6

*Stormwater Construction number of facilities inspected. There are 6,719 construction facilities regulated under the program.

In addition, we are also including actions taken by the State Water Board's Office of Enforcement and the Division of Water Rights

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: 30
- Cases referred to District Attorney: 1
- Cases referred to Attorney General: 4
- Enforcement actions issued: 13
- Penalties assessed: \$12,011,409



Typical activated sludge basin at a wastewater treatment plant

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: 22,962
- Inspections conducted: 83
- Violations documented: 8,377
- Percentage of violations with enforcement actions: 2%
- Enforcement actions issued: 155
- Cases closed: 184
- Penalties assessed: \$183,329

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. In other instances, enforcement staff may use more informal tools, such as a phone call or a staff enforcement letter for compliance assistance.

Enforcement Policy

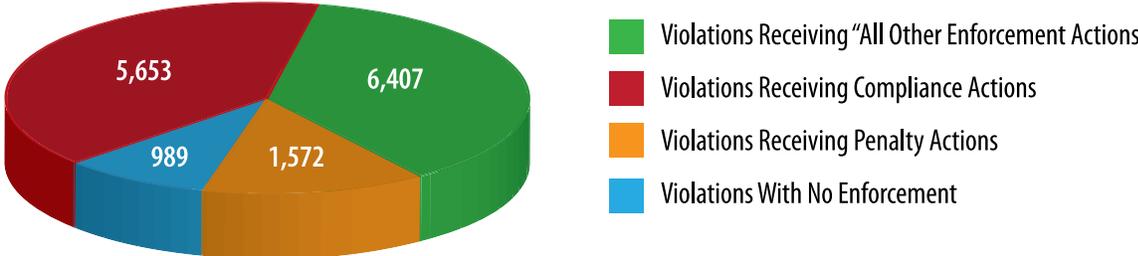
“It is the policy of the State Water Board that every violation results in the appropriate enforcement response consistent with the priority of the violation established in accordance with this Policy. The Water Boards shall rank violations and then prioritize cases for formal discretionary enforcement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

Formal Enforcement Penalty Actions	2006	2007	2008	2009	2010
<i>Civil Cases Referred</i>	2	4	9	4	4
<i>Administrative Actions Initiated</i>	64	90	271	171	232
<i>Criminal Cases Referred*</i>					1

**Criminal cases are referred to the Attorney General's Office. It is the decision of the Attorney General 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.

Highest Enforcement Response to Violations



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.

<i>Enforcement Response Core Regulatory Programs 2010</i>	<i>Violations Receiving "All Other Enforcement Actions"</i>	<i>%</i>	<i>Violations Receiving Compliance Actions</i>	<i>%</i>	<i>Violations Receiving Penalty Actions</i>	<i>%</i>	<i>Violations With Enforcement</i>	<i>%</i>	<i>Violations With No Enforcement</i>	<i>%</i>	<i>Total Number of Violations</i>
NPDES	2,740	44%	1,255	20%	958	15%	3,990	65%	2,193	35%	6,183
Stormwater	1,197	84%	-	0%	12	1%	1,200	85%	217	15%	1,417
Waste Discharge Requirements	2,344	41%	314	5%	19	0%	2,660	46%	3,102	54%	5,762
Land Disposal	126	47%	3	1%	-	0%	126	47%	141	53%	267
Total	6,407		1,572		989		7,976	59%	5,653	41%	13,629

Highlighted Enforcement Cases for 2010

\$1.2 Million Judgment Against E2C Remediation In Underground Storage Tank Cleanup Fund Fraud Case

The Office of the Attorney General, on behalf of the State Water Board, filed a Judgment in Sacramento Superior Court on February 26, 2010 to settle allegations that E2C Remediation, Inc. (E2C) submitted fraudulent reimbursement requests to the UST Cleanup Fund. The State Water Board alleged that E2C submitted inflated invoices while performing investigation and remediation consulting services at gas stations related to employee time, equipment costs, water disposal and markup on affiliated companies. The total value of the Judgment was just over \$1,200,000. The Fund recovered \$915,000 from E2C. In addition, E2C was assessed \$50,000 in penalties for engaging in unfair business practices. The Judgment suspended an additional \$250,000 in penalties for three years, which will become due if E2C violates specifically enumerated water quality protection laws, or submits any further fraudulent claims to the Fund.

This case led to the creation of a Fraud, Waste, and Abuse (FWA) Prevention Unit within the Office of Enforcement as a one-year pilot project. The mission of the FWA Prevention Unit is to root out, investigate, prosecute, and deter fraud, waste, and abuse against the UST Cleanup Fund. The Cleanup Fund reimburses up to \$1.5 million per claim for corrective action costs incurred in the cleanup of petroleum contaminated UST sites. As of October 31, 2010, there were 4,094 active claims and the Cleanup Fund had reimbursed \$2.748 billion.

During 2010, the FWA Prevention Unit audited approximately 40 claims for reimbursement to the UST Cleanup Fund. Formal enforcement resulting from the audits and investigations will occur in 2011.

Landmark Enforcement Action Taken against the City of Long Beach for Extensive Violations of Environmental Protection Standards

The Office of the Attorney General, on behalf of the State Water Board, filed a Consent Judgment (Judgment) in Los Angeles County Superior Court on January 21, 2010 to resolve pervasive violations of underground storage tank (UST) construction and monitoring requirements by the City of Long Beach. The total value of the Judgment is \$6,200,000, and requires the City to pay \$1,500,000 in civil penalties and \$200,000 in costs. An additional \$2,000,000 in penalties was credited to the City for actions it took to enhance compliance at its UST facilities and \$2,500,000 was suspended conditioned on future compliance. In addition, the City was required to place a full page mea culpa advertisement in the January 31, 2010 Sunday edition of the Long Beach Press Telegram.

This case led to the commencement of the Government-Owned/Operated Underground Storage Tank Enforcement Initiative (“GOT Initiative”) which targets noncompliance with state and federal leak prevention laws at facilities that are owned and/or operated by government agencies. OE has received information regarding the current operations of government owned/operated underground storage tank (UST) facilities in 79 different CUPA (certified unified program agency) jurisdictions.

During 2010, OE performed more than 145 file reviews at 18 of the CUPAs who had submitted their information. Actual inspections of the facilities commenced the second week of July and more than 50 inspections took place. Formal enforcement resulting from the reviews and inspections will occur in 2011.

Performance Measures

With the adoption of the Strategic Plan Update: 2008-2012, the Water Boards continued the transition to becoming performance-based organizations where clear and measurable goals, objectives, and targets for improved performance are established and reported. Goal 5 of the Strategic Plan establishes that the Water Boards will improve transparency and accountability by ensuring that our goals and actions are clear and accessible; by demonstrating and explaining results achieved; and by enhancing and improving accessibility to data and information. The Annual Performance Report is part of the Water Boards' efforts toward developing as performance-based organizations. The Performance Report is available at: www.waterboards.ca.gov/about_us/performance_report/performance_based.shtml.

Categories of Performance Measures for Enforcement	
Measure Name	Measure Description
Self-Monitoring Report Evaluation*	Number of self-monitoring reports due, received and reviewed and percentage of reports reviewed
Inspection Monitoring*	Number of inspections and percentage of facilities inspected
Compliance Rates*	The percentage of facilities in compliance based on the number of facilities evaluated
Enforcement Response*	Percentage of facilities in violation receiving an enforcement action requiring compliance
Enforcement Activities*	Number and type of enforcement actions
Penalties Assessed and Collected*	Amount of penalties assessed and collected, SEPs approved and injunctive relief
MMP Violations Addressed*	Number of facilities with MMP violations receiving a penalty at or above the minimum penalty assessed
Recidivism	Number and percentage of facilities returning to non-compliance for the same violation(s) addressed through an enforcement action
Environmental Benefits (as a result of an enforcement action)	Estimated pounds of pollutants reduced/removed through cleanup (soil or water), and wetlands/stream/beach/creek/river miles protected/restored (acres, etc.)
Our databases currently supports reporting on seven* of the nine performance measures described in the Annual Enforcement Report and in the Enforcement Policy.	

Additional Information:

For more detailed information on the Water Boards Enforcement Program , the 2010 Annual Enforcement Report is available at: www.waterboards.ca.gov/water_issues/programs/enforcement/#reports.



Office of Environmental Health Hazard Assessment

OEHHA Mission

The mission of 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.

Enforcement Mission

OEHHA has no enforcement authority. Instead, the Office performs the scientific assessments used by Cal/EPA boards and departments, the Department of Public Health (CDPH) and other regulatory agencies as the basis for standards, regulations and other risk management decisions. These assessments help ensure that state regulations and policies focus on the most significant health threats, which in turn helps ensure that precious resources devoted to the protection of public health and the environment are expended in the most effective manner. OEHHA's technical assistance plays a key role in shaping enforcement activities conducted by Cal/EPA and other agencies.



OEHHA Overview

The Governor's Reorganization Plan that established the California Environmental Protection Agency (Cal/EPA) in 1991 created OEHHA as a separate and distinct entity from—and at par with—the other Cal/EPA boards and departments. This was intended to provide functional and organizational separation between scientific “risk assessment” functions and regulatory “risk management” activities.

OEHHA plays a critical and unique role in environmental protection as the scientific and risk assessment arm of Cal/EPA. OEHHA's assessments support a broad array of environmental programs having regulatory enforcement authority to protect human health and the environment, most notably those dealing with:

Air quality. OEHHA health risk assessments provide the basis for regulatory actions and control measures implemented by the Air Resources Board (ARB) and local air pollution control districts. OEHHA's risk assessment methods ensure that infants and children are explicitly considered in evaluating the health risks of air pollutants. These assessments support the designation of air pollutants as toxic air contaminants as well as the promulgation of Ambient Air Quality Standards for criteria air pollutants. For purposes of the Air Toxic Hotspots Act¹, OEHHA develops and updates risk assessment guidance and establishes reference exposure levels and cancer potency factors for use in health risk assessments of facility air emissions; OEHHA also reviews the facility risk assessments. Other OEHHA evaluations include: epidemiological investigations of the health effects of criteria air pollutants, particularly on sensitive subpopulations such as children and the elderly, and of the public health impacts of rising temperatures associated with climate change; toxicological assessments of common indoor air chemicals; and characterization of the human and environmental health risks of air pollution associated with gasoline use.

¹ *The Air Toxics “Hot Spots” Information and Assessment Act (AB 2588, 1987, Connelly) requires stationary sources to report the types and quantities of certain substances routinely released into the air. The goals of the Act are to collect emission data, to identify facilities having localized impacts, to ascertain health risks, to notify nearby residents of significant risks, and to reduce those significant risks to acceptable levels.*

Drinking water safety. OEHHA develops public health goals (PHGs), health advisories, and notification levels for chemicals in drinking water. PHGs are concentrations of chemicals in drinking water that are not anticipated to produce adverse health effects following long-term exposures. These levels are used by the California Department of Public Health (CDPH) as the health basis for the state's primary drinking water standards (also known as maximum contaminant levels, or MCLs). To date, OEHHA has developed PHGs for approximately 85 chemicals and updated assessments on about 20 of these.

Proposition 65 Implementation. As the lead agency for implementing Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act of 1986), OEHHA's responsibilities include evaluating and listing chemicals that cause cancer or reproductive toxicity. OEHHA also develops "safe harbor" levels that identify levels of exposure to listed chemicals that trigger the Proposition 65 warning requirement and prohibition on the discharge of chemicals into drinking water sources. These safe harbor numbers are a critical form of compliance assistance and often figure prominently in enforcement actions. OEHHA also plays a significant role in Proposition 65 enforcement by providing scientific consultation to the Attorney General's office, the primary enforcer.

Pesticides. OEHHA evaluates pesticide toxicity data in support of pesticide use regulation in California. Specifically, OEHHA reviews risk characterizations of pesticide active ingredients and health assessments used for the registration of pesticides and that identify pesticides as toxic air contaminants. These documents are prepared by the Department of Pesticide Regulation (DPR). OEHHA has joint and mutual responsibility with DPR in developing worker health and safety regulations for pesticide use, handling, notification and enforcement and reviews worker exposure protocols. OEHHA also has responsibilities relating to pesticide illness surveillance, including training physicians on pesticide illness recognition and reporting, and providing epidemiological assistance to local health officers during pesticide poisoning outbreaks. Finally, OEHHA provides the California Department of Food and Agriculture with health effects data and toxicological evaluations of pesticides and formulation products to combat invasive species.

Site cleanups. OEHHA develops health-based values for assessing risks at contaminated sites. These include child-specific reference levels to assess risks at proposed or existing California

school sites, soil screening levels for contaminants in soil and soil vapors for use by community organizations, property owners, developers, and local government officials in the remediation of contaminated properties; and wildlife toxicity values for ecological risk assessments. OEHHA also assists the Regional Water Quality Control Boards, the Department of Resources Recycling and Recovery or Cal/Recycle and local government entities in assessing health and ecological risks at contaminated sites.

Emergency response. During emergencies, OEHHA works directly with agencies such as Cal/EPA, the California Emergency Management Agency, and the California Department of Public Health. OEHHA provides information on the health effects of chemical agents, identifies potential exposure scenarios, and assists with decisions about sheltering in-place, evacuation and re-entry. Following an oil spill of 42 gallons or more in marine waters, state law (AB 2935, Chapter 564, Statutes of 2008) requires OEHHA to assess potential health impacts from consuming fish and shellfish.

Green Chemistry. Recently enacted legislation created a Green Chemistry program in California. Under these laws, the Department of Toxic Substances Control (DTSC) is mandated, among other things, to establish the Toxics Information Clearinghouse, a decentralized, web-based system for the collection, maintenance, and distribution of specific chemical hazard trait and environmental and toxicological end-point data. OEHHA is required to “evaluate and specify the hazard traits and environmental and toxicological end-points and other relevant data that are to be included in the clearinghouse.” These must be included by DTSC in developing criteria to evaluate chemicals and their alternatives.

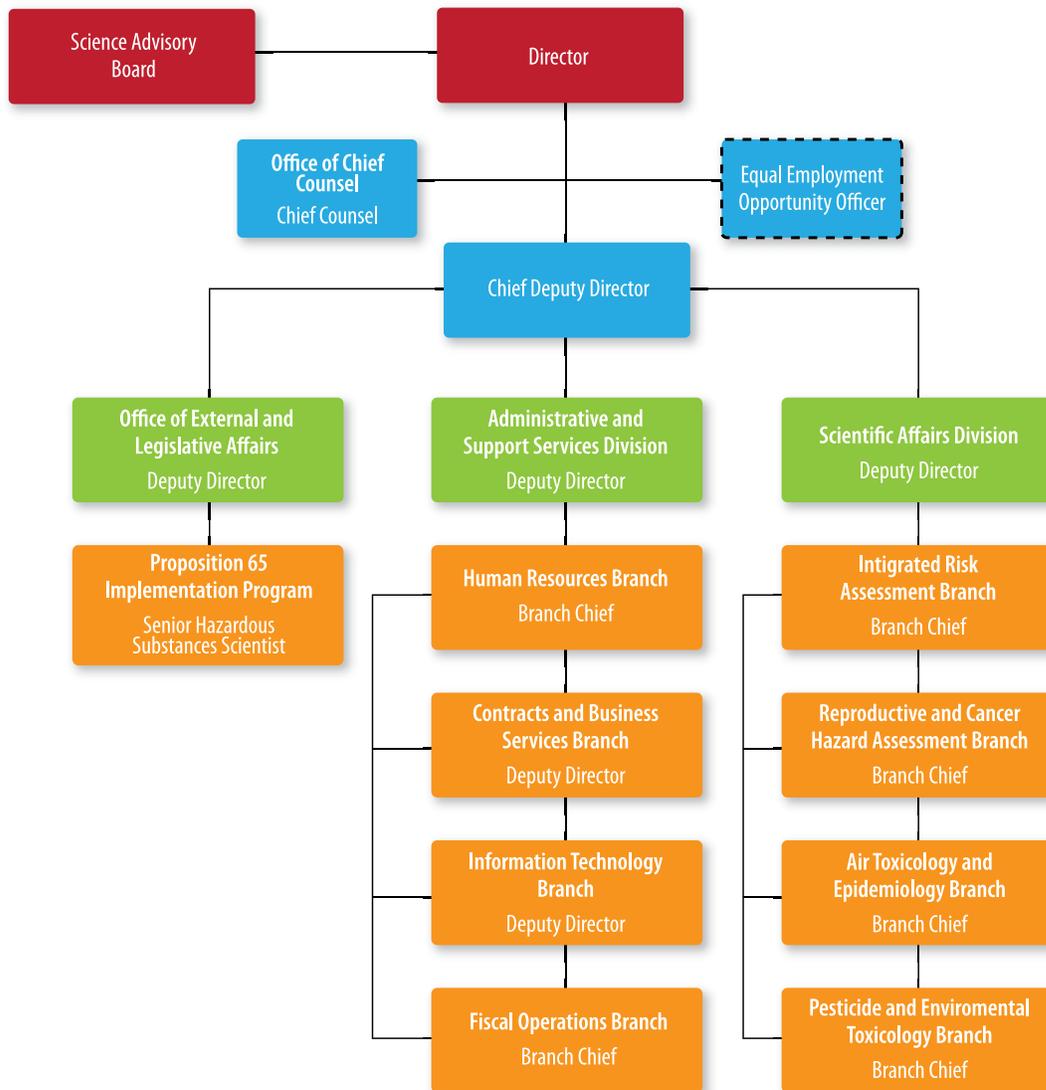
Biomonitoring. An important way to determine whether regulations are effective is by evaluating the degree to which people are exposed to environmental chemicals. CDPH, OEHHA and DTSC collaborate in operating California’s biomonitoring program, which measures chemicals in biological samples taken from people and thus provides key information regarding chemical exposures. The selection of which chemicals are to be biomonitored follows a process laid out in the enabling statute for California’s biomonitoring program. OEHHA does the scientific work involving creation of dossiers and conducting other research that underpins the process for selecting chemicals for biomonitoring. OEHHA staffs and administers the Scientific Guidance

Panel, which advise the program including regarding which chemicals to biomonitor. OEHHA also conducts scientific research on the interpretation of biomonitoring results, including what levels of biomonitored chemicals may pose a health concern. OEHHA shares responsibilities with CDPH for data analysis, questionnaire design efforts, and public outreach. OEHHA maintains the Biomonitoring California website (www.biomonitoring.ca.gov), listserv, and email address (biomonitoring@oehha.ca.gov).

In addition to the above, OEHHA develops scientific tools, guidance and information to better characterize human health and environmental issues under programs such as those involving cumulative impacts, ecotoxicology, sports fish consumption advisories and environmental indicators. OEHHA may, as needed, be called upon to conduct special investigations of potential environmental causes of illness and deaths.

OEHHA's responsibilities are fulfilled by a staff of about 117, including toxicologists, physicians, research scientists and other public health professionals (see organizational chart, next page). OEHHA has an annual budget of approximately \$18 million, with offices in Sacramento and Oakland.

Office of Environmental Health Hazard Assessment Organizational Chart



Summary of Major Program Highlights for 2010

Listed below are those OEHHA accomplishments in 2010 that support standard-setting, provide guidance in the evaluation of health risks to inform risk management, or facilitate compliance with regulatory requirements. This is not a comprehensive list of OEHHA's accomplishments for the calendar year.

- Proposed reference exposure levels (RELs) for three chemicals that are emitted by stationary sources in California, and for one chemical that is a common indoor air contaminant. RELs are airborne levels of a chemical that are not anticipated to present a significant risk of an adverse non-cancer health effect.
- Drafted guidelines for exposure assessment under the Air Toxics Hot Spots program.
- Adopted final public health goals (PHGs) for two contaminants in drinking water and updated PHGs for four chemicals, as well as draft PHGs for chromium 6 and for trihlaomethanes. PHGs are used by the California Department of Public Health (CDPH) as the health basis for setting maximum contaminant levels.
- Published documents describing the evidence for the carcinogenicity of three chemicals: 1,3 dichloro-2-propanol; 3-monochloropropane-1,2-diol; and 2,4,6-trinitrotoluene (“TNT”). Documents describing the evidence for the developmental and reproductive toxicity of methyl isocyanate were also published.
- Added thirteen chemicals to the Proposition 65 list, and adopted regulatory “safe harbor” levels for four carcinogens and one developmental toxicant
- Developed screening carcinogenicity assessments for 27 chemicals to determine priorities for future Proposition 65 listings.
- Cooperated with DPR staff to develop amendments to regulations pertaining to the use of methyl bromide to fumigate soil prior to the planting of agricultural crops (Title 3, California Code of Regulations, sections 6447, 6447.2, and 6784). These amendments are intended to mitigate potential subchronic health hazards to the public and agricultural employees.
- Completed a human health risk assessment on the use of the Isomate-EGVM device (“twist ties”), in support of the California Department of Food and Agriculture’s efforts to control and eradicate the European Grape Vine Moth. OEHHA also participated in 24 public informational meetings related to the invasive species program.
- Posted web-based training program for physicians who supervise workers involved in the application of cholinesterase-inhibiting pesticides. Two physician training sessions on the recognition and management of pesticide poisoning were also conducted.
- Adopted California human health screening levels for ethylbenzene and perchlorate. These are reference values that may be used by citizen groups, community organizations, property owners, developers, and local government officials to estimate the degree of effort that may be necessary to remediate a contaminated property.
- Reviewed 55 site-specific health risk assessments for the Regional Water Quality Control

Boards and local governmental agencies.

- Reviewed 21 site-specific risk assessments submitted to OEHHA by the Air Pollution Control Districts for the Air Toxics Hot Spots program.
- Established a child -specific reference dose (chRD) for chlorpyrifos. A chRD is a numerical health guidance value for use in the assessment of risk at proposed or existing California school sites.
- Developed draft clearance values for chemical warfare agents; the values are intended to be used in evaluating the risks to the public in the event of a terrorist attack at a major airport.
- Made recommendations for the closure and subsequent reopening of fisheries following oil spills that occurred in Long Beach Harbor, Pillar Point Harbor, and the Petaluma River.
- Proposed regulation specifying hazard traits and environmental and toxicological endpoints and other relevant data that are to be included in the Toxics Information Clearinghouse to be developed by the Department of Toxic Substances Control.
- Added three chemicals to Biomonitoring California’s designated chemicals list and five chemicals to the priority chemicals list, after creating dossiers to support the action and vetting them through the Scientific Guidance Panel.
- Completed a report, “Cumulative Impacts: Building a Scientific Foundation,” that presents the first step in developing a screening methodology to evaluate the cumulative impacts of multiple sources of pollution in specific communities or geographic areas. The scientific screening methodology—intended for eventual use by the boards, departments and office of Cal/EPA—will help the Agency incorporate cumulative impact considerations in its work to promote environmental justice.
- Published a User’s Guide for the California Impervious Surface Coefficients that presents how OEHHA impervious surface coefficient values were derived and describes the use of these coefficients in stormwater runoff analysis and watershed assessment and management. Impervious surfaces are areas hardened by such structures as houses, patios, driveways, and transportation infrastructure. The percentage of the landscape covered by impervious surfaces increases with urbanization. This alters the hydrology within a watershed, with significant consequences on water quality and aquatic and riparian habitat.
- Completed a study on the safety of the new generation of artificial turf athletic fields containing infill made from recycled tires (Safety Study of Artificial Turf Containing Crumb Rubber Infill Made from Recycled Tires). The study sampled and evaluated volatile organic chemicals and small particles in air as well as bacteria on turf surfaces. Skin abrasion rates

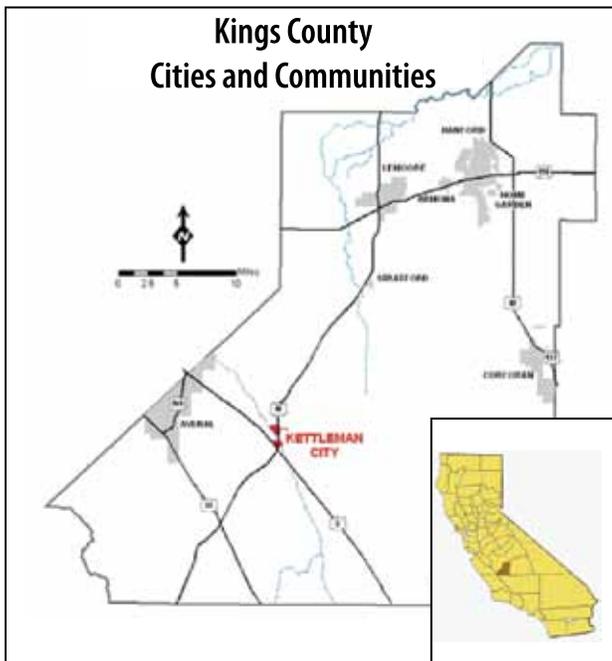
on natural and artificial turf were also collected and analyzed. No public health concern was identified.

- Issued final report on the Safety of Consuming Fish and Shellfish from Areas Impacted by the T/V Dubai Star Oil Spill in San Francisco Bay and issued a health advisory for fish taken from Magic Johnson Lakes, Los Angeles County.
- Reviewed seven worker exposure protocols for pesticide products describing work plans for determining occupational exposure to pesticides in commerce, conducted peer reviews of pesticide assessments on chlorothalonil and methylparathion, and evaluated the scientific basis and made a determination on a data waiver request to waive a cancer bioassay on a pesticide product all on conjunction with our ongoing work with the Department of Pesticide Regulation.

Highlighted 2010 Projects

Investigating birth defects in Kettleman City

On January 29, 2010, Governor Arnold Schwarzenegger directed the California Department of Public Health (CDPH) and the California Environmental Protection Agency (Cal/EPA) to conduct an

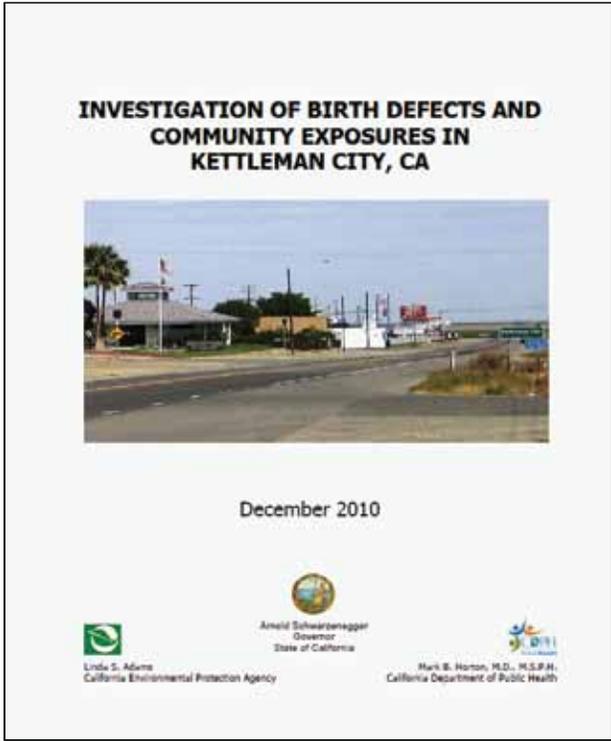


investigation of birth defects in children born to Kettleman City residents. Members of the community had raised concerns about an apparent increase in the number of infants born with birth defects after 2006, questioning whether these were linked to a nearby hazardous waste landfill or to other environmental exposures. CDPH was directed to conduct a health investigation of the families whose children were born with birth defects; Cal/EPA was responsible for assessing possible environmental contaminants that could potentially cause birth defects. Kettleman City is a rural community of approximately 1,620

residents—mostly Hispanic, employed by local farming operations—in southwestern Kings County. OEHHA led a Cal/EPA team consisting of technical experts from the Department of Toxic Substances

Control, the Air Resources Board, the Department of Pesticide Regulation, and the State Water Resources Control Board. In consultation with CDPH and the U.S. Environmental Protection Agency (U.S. EPA), Cal/EPA tested for chemicals that could cause birth defects and other adverse health effects, and estimated potential community exposures to these chemicals. Samples of air, soil and water were collected around agricultural operations, the Kettleman Hills Hazardous Waste Facility, the Kettleman City Elementary School, illegal dump sites and the community. Meanwhile, CDPH conducted in-depth interviews with mothers of infants born with birth defects and reviewed their medical records.

OEHHA evaluated possible health risks from exposure to environmental contaminants at or nearby Kettleman City. The levels of environmental pollutants in Kettleman City were comparable to those found in other San Joaquin Valley communities. Extensive testing of air, water, soil, and soil gas did not find any exposures to hazardous chemicals likely to be associated with birth defects. Similarly, historical records of facilities that operated in the area and investigations of possible illegal dumping of hazardous materials did not find evidence of chemical releases into the community that could pose risks of birth defects. These findings did not



reveal anything unique about environmental conditions in Kettleman City that would pose special health risks to residents. No specific cause or environmental exposure could explain the increase in the number of children born with birth defects in Kettleman City.

The Kettleman City Investigation represented an unprecedented effort by multiple programs and experts from various scientific disciplines within U.S. EPA, Cal/EPA and CDPH to examine specific public health concerns within an individual community.

Ensuring seafood safety following oil spills

OEHHA is responsible for evaluating the safety of seafood consumption following oil spills in the state of California, in partnership with the Department of Fish and Game's Office of Spill Prevention and Response.

OEHHA's expertise in seafood safety was tapped following the blowout at the Deepwater Horizon oil well off the coast of Louisiana on April 20, 2010. Approximately 200 million gallons of oil were released into the Gulf of Mexico. In May 2010, an OEHHA toxicologist was deployed to the (Houma) Louisiana Incident Command Post to assist with seafood safety issues following this incident.



Source: USGS

As a consultant to the National Oceanic and Atmospheric Administration (NOAA), Office of Response and Restoration, Emergency Response Division, OEHHA staff provided toxicological information to NOAA biologists and preparing seafood safety fact sheets for use in public workshops. Additionally, two OEHHA toxicologists contributed advice and support to the Federal/State Fish Consumption Advisory Work Group, established to develop a joint protocol for re-opening areas closed to seafood harvesting as a result of the spill.

Additional information:

More information about OEHHA and its programs can be found at: www.oehha.ca.gov.

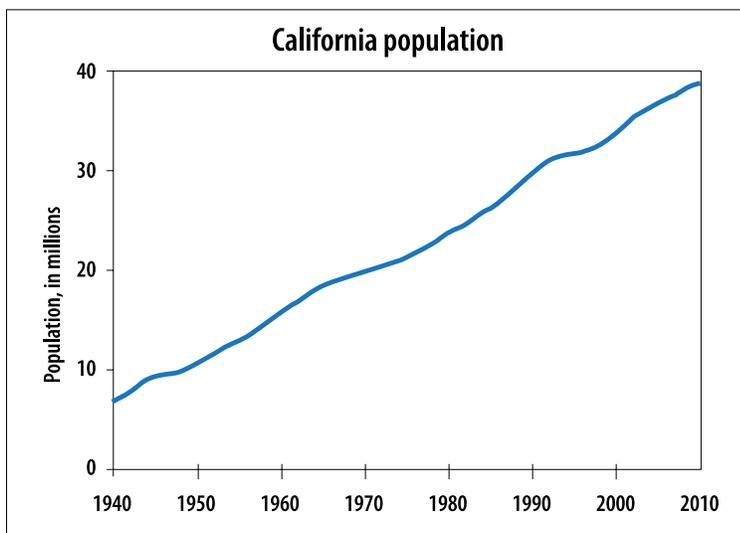
Appendices

Appendix A: The Driving Forces

Social, economic and technological forces and their interplay with one another and with natural forces are powerful drivers of environmental change. Population characteristics—such as size, rate of growth, age structure and spatial distribution—are linked to land use patterns, natural resource use, and waste generation. Individual and collective attributes of members of the population—such as educational level, health status, attitudes and behaviors, and socio-political structures—can influence not only the magnitude and nature of a population’s environmental impacts, but also its economic characteristics and ability to develop and use new technologies.

Since 1940, California’s population has grown from an estimated 7 million residents to today’s population of about 38 million.

About a quarter of the state resides in its ten largest cities, some of which have seen the most population growth: Los Angeles, San Jose, San Diego and San Francisco. This growth created demands for housing, resources, energy, and goods and services. The pattern of land development dictated the location of urban centers, sprawling suburbs, commercial and industrial areas, and agricultural lands—and their resultant transportation, infrastructure, and habitat loss or fragmentation.

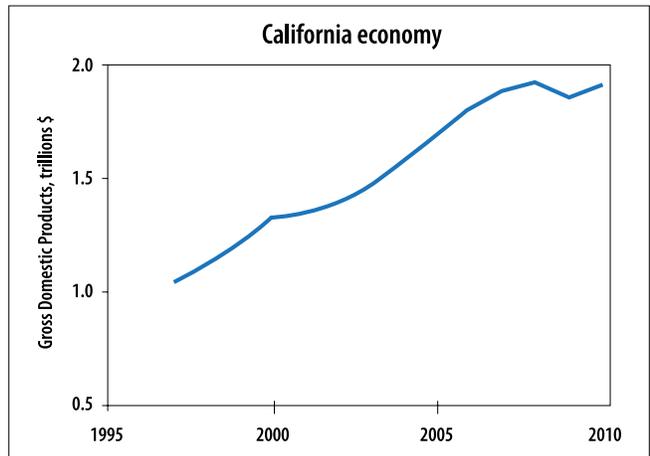


Source: DOF, 2011a

Despite the economic downturn in recent years, California remains one of the world’s largest economies. Its economic output—or gross domestic product, the total value of final goods and services produced in the state—was about \$1.9 trillion in 2009, accounting for 13 percent of the United States’ economy.

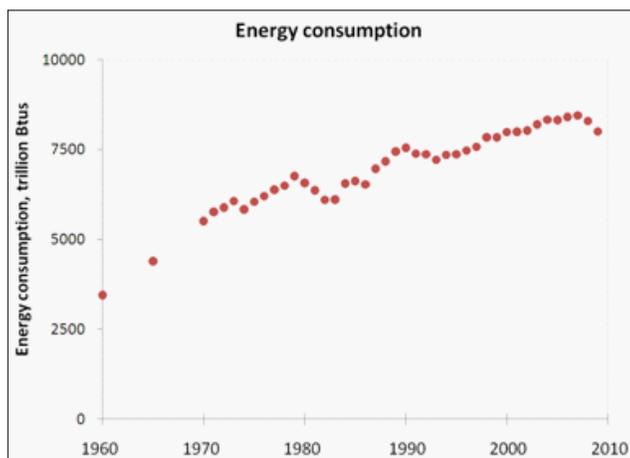
Texas, the next largest state economy, is about 60 percent the size of California's. Economic activity generally leads to negative impacts on the environment, in terms of emissions of pollutants to air and water, consumption of resources, and generation of waste.

The state's growing population and economic activity were accompanied by a rise in energy consumption. Energy consumption influences a wide range of economic and environmental variables, from the price of products to the amount of air emissions. Conversely, the state of the economy, changes in demography, improved efficiency and environmental conditions—including drought and ambient temperatures—can affect energy consumption patterns.



Source: DOF, 2011b

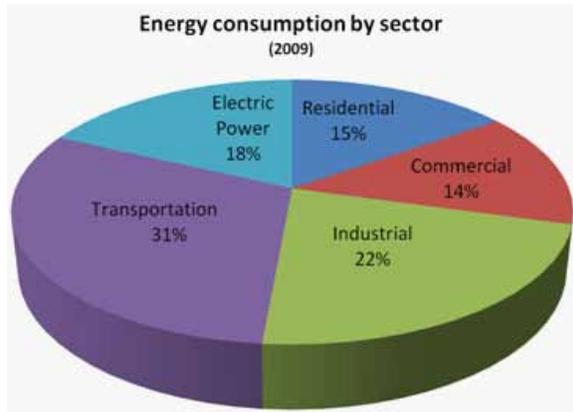
Energy consumption in 2009 was twice the level it was in 1960. The transportation sector is the state's largest energy consumer, accounting for about 30 percent of total consumption in 2009. More motor vehicles are registered in California than any other state, and worker commute times are among the longest in the country. While total energy consumption in California has generally been increasing over the past several decades, the state has one of the lowest per capita energy consumption rates in



Source: EIA, 2011

the country. The state's energy-efficiency programs, along with the lower heating and cooling demands due to its mild weather, are factors that influence its energy consumption trends.

Fossil fuel combustion for energy is a major source of carbon dioxide and other greenhouse gas emissions. Current scientific evidence has linked increased greenhouse gas concentrations to



Source: EIA, 2011

increases in global temperatures and climate change. Climate change is one of today’s most formidable challenges, posing serious threats to the health, environment, and economy of California and its residents. The state has taken a leadership role in addressing climate change by establishing an aggressive greenhouse gas emission reduction program with the enactment of the Global Warming Solutions Act of 2006 (commonly known as AB 32). It has also developed adaptation strategies to be

better prepared to address the impacts of climate change.

Restoring, protecting and enhancing California’s environment

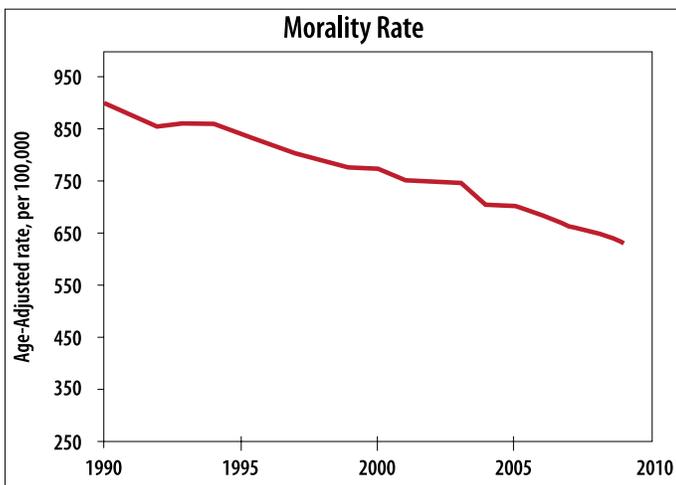
Despite the enormity of these driving forces, California’s environmental program efforts, including regulatory enforcement, have resulted in successes. Californians today breathe the cleanest air since measurements have been recorded, despite massive increases in population, the number of motor vehicles and the miles driven. Levels of water pollutants that impair water quality have been significantly reduced at Lake Tahoe, along the Klamath River, in the Los Angeles River basin and other water bodies. About 125 contaminated sites (known as Brownfields) each year are returned to productive use, helping to spur the local economy and create jobs. Since implementation of groundwater protection areas for pesticide use in 2004, there has been a significant decrease in pounds of regulated pesticide active ingredients applied over a 2.5 million acre area in California.

Californians derive tremendous benefits from its natural systems. The state is home to one of the most diverse assemblage of plants and animals in the United States. The wide range of climates, soils and topographies account for the rich and varied ecosystems found in the state. Since the late 18th century, the state’s natural landscapes have undergone major transformations, resulting in the loss or severe degradation of habitats. To accommodate California’s population growth, formerly natural landscapes were transformed into farms and cities. However, during at least the past two decades, the rate of urban development has shown a slight downward trend. (CalFire, 2010)

Protecting the health of California’s residents

When interpreting the potential impacts of environmental programs, it is worth noting the health status

of the population these programs are seeking to protect. This information provides useful context to consider in examining health outcomes that may be influenced by exposures to environmental agents. A population's health status reflects the cumulative effects of social and physical environmental factors, behavioral and genetic risk factors, and the level and quality of health care. Overall, the health of California's population has been improving. This is evident from measures commonly used to describe population health, such as life expectancy and mortality rates (presented below). It is important to note that statewide trends for the general population may not be representative



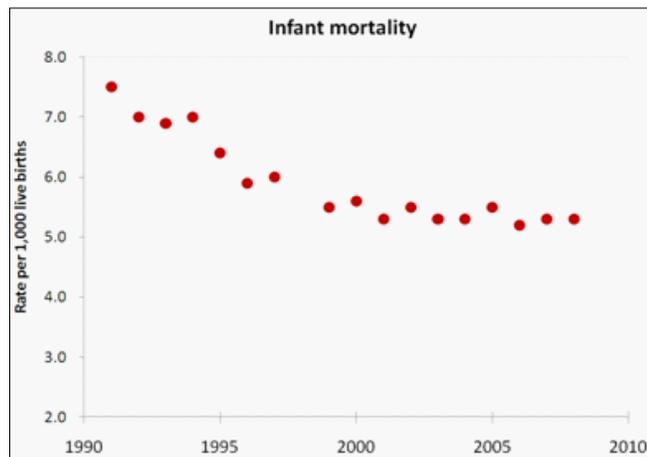
Source: CDPH, 2011a

of certain subpopulations, and that disparities by gender, race or income level may exist.

California's mortality rate has been declining. In 2009, the state's death rate (629.1 deaths per 100,000 population) was among the lowest in the nation—considerably lower than the rate for the United States (741.0 per 100, 000). Mortality rates for males are higher than for females.

Blacks and individuals identified as “White/other race/unknown” have higher than the statewide mortality rates. In 2009, heart disease and cancer caused approximately half of all deaths, while cerebrovascular disease (stroke) and chronic lower respiratory disease each accounted for another 6 percent.

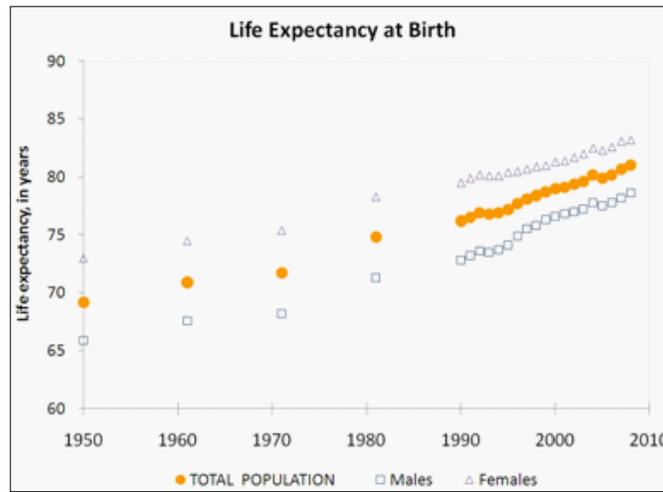
Infant mortality (deaths among infants under age 1) has also been declining, although rates during the past decade have remained relatively stable. California's infant mortality rates have historically been lower than the national rates: 5.3 infant deaths per 1,000 live births in 2007, compared to



Source: CDPH, 2011b

6.8 infant deaths per 1,000 live births nationwide. In the past five years, more than twice as many deaths occurred among infants born to Black mothers than all races combined; deaths in infants born to American Indian and Pacific Islander women have also been high, about 1.5 times higher than all races.

Life expectancy is the average number of years at birth a person could expect to live if current mortality trends were to continue for the rest of that person's life. Life expectancy for California continues to increase, from 69.2 years in 1950 to 81.0 in 2008, with females expected to live longer than males. Similar trends are occurring nationally; additionally, national data show that whites continue to have longer life expectancy than blacks.



Source: CDPH, 2011c

A large body of scientific evidence exists linking certain human diseases to chemical exposures. Evidence from human and animal studies serve as the basis for regulatory standards that are promulgated to prevent harmful chemical exposures. Over the years, environmental programs have achieved significant reductions in the levels of regulated environmental pollutants, resulting in lower levels of human exposures. Lower exposures presumably result in reductions in the incidence of certain adverse health outcomes. However, establishing the relationships between observed health outcomes and levels of environmental pollutants is generally difficult. Environmental exposures are among many factors—including genetics, smoking, alcohol consumption, diet, exercise, and socioeconomic characteristics—that can affect human health.

CALIFORNIA
ENVIRONMENTAL
HEALTH TRACKING
PROGRAM

Environmental health tracking is the ongoing systematic collection, integration, analysis, interpretation, and dissemination of data about environmental hazards, exposure to environmental hazards, and health effects potentially related to exposure to environmental hazards.

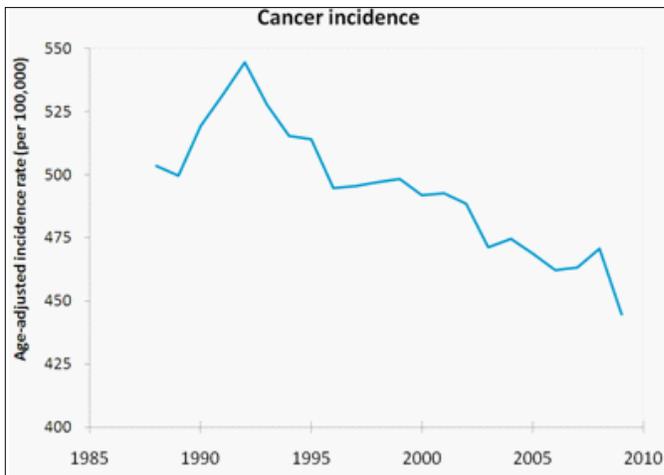
The California Environmental Health Tracking Program (CEHTP) website at www.cehtp.org provides information and data on environmentally influenced health outcomes, exposures, and hazards.

Efforts are underway to implement tracking systems that integrate data on environmental hazards, exposures, and health effects. These systems will help fill critical gaps in knowledge about the possible links between environmental hazards and chronic diseases. The California Environmental Health Tracking Program (CEHTP) in the Department of Public Health is part of a larger initiative to establish Environmental Public Health Tracking systems at the national and state levels. CEHTP has begun implementation of a statewide network integrating environmental and health data to produce and make available information that will drive action to improve the health of communities. More information about environmentally related diseases can be found at the CEHTP website (see text box).

To supplement data on health outcomes and ambient environmental levels of chemicals, California's Biomonitoring Program—a collaborative effort of the Department of Public Health, the Office of Environmental Health Hazard Assessment and the Department of Toxic Substances Control—was established to monitor chemicals in human biological samples. These measurements will provide key information regarding chemical exposures.

Some examples of health outcomes for which exposures to environmental contaminants have been identified as a risk factor are discussed below. The extent by which environmental exposures influence these outcomes is difficult to distinguish from the many factors in the development of these diseases that can act alone or, more often, in combination.

Cancer refers to a large group of diseases characterized by uncontrolled growth and spread of abnormal cells. It is the leading cause of premature deaths and the second leading cause of all deaths in the state.

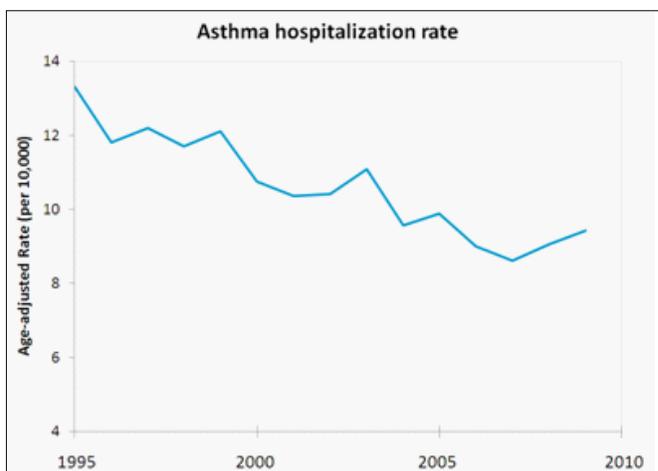


Trends in cancer incidence and mortality vary by race: African American males have the highest overall cancer incidence and mortality rates. Among women, white women are most likely to be diagnosed with cancer, but African American women are more likely to die of the disease. The reasons for these differences are not well understood.

Source: CCR, 2011a, b

Many cancers can be cured if detected and treated promptly; many others can be prevented by lifestyle changes, such as avoiding the use of tobacco. While exposures to certain environmental contaminants have been clearly linked to cancer (e.g., radon and lung cancer; asbestos and mesothelioma; arsenic and skin cancer), other factors such as genetics, diet, body weight, inactivity and alcohol consumption have also been shown to influence cancer risk. In California, the overall incidence of cancer has decreased by about 10 percent over the past two decades. During the same time period, mortality from cancer has decreased by about 20 percent (not shown in graph).

Asthma is characterized by inflammation of the airways and lungs. It is the most common chronic disease among children in the United States, and its prevalence nationwide has been increasing. In California, lifetime asthma prevalence is higher than the national prevalence, with over 5 million

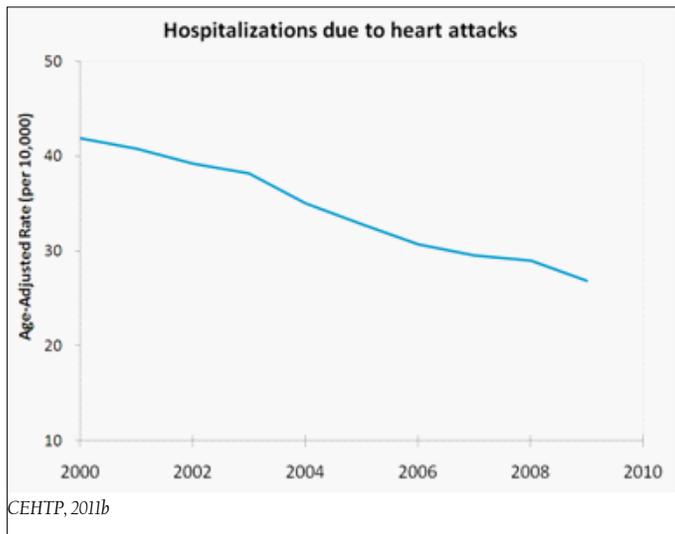


Disparities in the asthma burden exist among different races, income levels, gender, age groups, and geographic locations. For example, it has been well-established that Blacks bear a disproportionate share of the asthma burden: In 2009, Blacks were hospitalized at the rate of almost 30 per 10,000, compared to the overall rate of 9 per 10,000.

Source: CEHTP, 2011a

Californians affected. The causes of asthma are unknown, although both genetic and environmental factors can influence its development. Environmental exposures such as to environmental tobacco smoke, dust mites, air pollutants and mold can trigger an asthma attack, during which a multitude of symptoms can occur, including wheezing, breathlessness, chest tightness and coughing, ranging from mild to life-threatening. Hospitalizations, which represent people with severe symptoms, have generally been declining, although rates for the last three years have trended upward.

Heart attacks occur when blood flow to the heart is severely reduced or cut off, most commonly due to damaged blood vessels caused by chronic heart disease. Air pollution and environmental tobacco smoke are known risk factors for heart disease, in addition to smoking, high blood pressure, high blood cholesterol, diabetes, physical inactivity, and poor nutrition. Collective evidence from recent studies suggests that an excess risk of hospital admissions or emergency department visits for cardiovascular effects has been associated with short-term exposures to particulate matter. In California, hospitalizations due to heart attacks have been declining in the past decade.



Three racial groups had higher hospitalization rates than the general population: (a) individuals belonging to “other”—that is, other than Black, White, Asian-American/Pacific Islander or Hispanic/Latino—had dramatically higher rates, having been hospitalized more than 2.5 times more than the general population. (2) blacks had about a ten percent higher rate, and (3) whites had only slightly (less than 2 per 10,000) higher rates.

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Appendix B: Cal/EPA Enforcement Program Update

A Report on Actions Taken in 2010 To Implement Government Code Section 12812.2

Government Code section 12812.2(a) gives the California Environmental Protection Agency (Cal/EPA) Deputy Secretary for Law Enforcement and Counsel the responsibility and authority to do all of the following:

- Develop a program to ensure that Cal/EPA, its entities, and local government take consistent, effective, and coordinated enforcement actions. The program shall include training of inspection personnel to ensure consistent, effective, and coordinated enforcement.
- Establish a cross media enforcement unit to assist Cal/EPA, its entities, and local government to investigate and prepare matters for enforcement action.
- Refer violations of environmental law or regulation to prosecutors such as the U.S. Attorney, Attorney General, or District Attorneys.

As required by 12812.2(c), this report provides an update on actions taken during 2010 to implement this section. Cal/EPA's program to ensure consistent, effective, and coordinated enforcement actions has several components:

1. Targeted data improvement
2. Enforcement training for regulators, investigators and prosecutors
3. Support for the Environmental Circuit Prosecutor Project to address the need for prosecutorial resources in rural counties
4. Administration of the Environmental Enforcement and Training Act
5. Supporting environmental enforcement task forces to facilitate communication between regulators and prosecutors and to coordinate cross media investigations
6. Coordinating assistance on investigation and enforcement actions
7. Providing assistance on case coordination and referral
8. Improving transparency by production of an annual Cal/EPA Report on Enforcement

Each of these components is described below.

Targeted data improvement

All regulated businesses and local governments are required to submit their Unified Program Agencies (CUPAs) regulatory reports electronically by 2013. This includes facility data regarding hazardous material regulatory activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation. This also includes CUPA data such as inspections and enforcement actions. The California Environmental Reporting System (CERS), a statewide web-based system to support CUPAs in electronically collecting and reporting various hazardous materials-related data, went on line in late 2009 and had several improvements made in 2010. CERS also supports electronic data exchange among regulated businesses, local governments, and U.S. Environmental Protection Agency (EPA). For more information, see the Unified Program section of the Cal/EPA Enforcement Report for 2010 at www.calepa.ca.gov/CUPA/.

Enforcement Training

One crucial role Cal/EPA plays in California's diverse and decentralized network of enforcement is coordination and support of training of enforcement personnel. Environmental laws and regulations are very technical and require special expertise to enforce. Basic and continuing education for environmental regulatory professionals is key. Enforcement requires additional skill sets, such as cross media violations awareness, report writing, investigation, and case development.

Cal/EPA coordinates enforcement training with the California District Attorneys Association, the California Hazardous Materials Investigators Association, the Western States Project (a U.S. EPA funded training entity) and the Peace Officers Standards Training Commission (POST). Enforcement training information is on the web at: www.calepa.ca.gov/Enforcement/Training.

The Cal/EPA Environmental Enforcement Training Team ("Team") is chaired by the Assistant General Counsel for Enforcement from the Office of the Secretary and consists of one representative each from the Department of Toxic Substances Control, the Air Resources Board, the State Water Resources Control Board and the Department of Pesticide Regulation. In 2010, the focus of the Team's activities were the Cal/EPA Basic Inspector Academy and the Cal/EPA "One Day" Enforcement Training.

The Cal/EPA Basic Inspector Academy (BIA)

The BIA provides baseline knowledge of environmental enforcement and works in conjunction with existing program specific training to prepare state and local environmental regulatory staff to conduct efficient and professional inspections. Training includes overviews of environmental regulatory programs. Students learn to recognize possible violations in other programs and to work with their partner agencies. Four hours of this training are available online at: www.calepa.ca.gov/enforcement. The complete Academy course includes both the online module and 4 days of classroom training. The classroom sessions include a simulated inspection, report writing, case review by prosecutors and mock testimony. In 2010, BIA was given at nine locations around the state and 280 students completed the course.

The BIA is certified for continuing education by the Department of Pesticide Regulation. Accreditation for Registered Environmental Health Specialists and by the California Water Environmental Association are pending. BIA is certified for ½ unit of college credit. Work has commenced on a contract with the Public Safety Training Consortium that would provide approximately \$50 to Cal/EPA for each student who receives college credit. Approval of this contract is pending. When the contract is in place, the funds would be used to pay for equipment and material costs.

Cal/EPA “One Day” Enforcement Training

This course is given by the Cal/EPA Enforcement Training Team in conjunction with local investigators and prosecutors and is designed to help regulatory and enforcement personnel improve their skills in conducting effective and professional environmental inspections and investigations. The course is also an opportunity for state, federal and local regulators and investigators to meet with other professionals in their local area, providing an opportunity for both horizontal (cross program) and vertical (regulator to prosecutor) networking. Six “One Day” courses were given at various locations around the state and 185 students attended.

The Cal/EPA Environmental Enforcement Symposium

This event was not held in 2009 or 2010.

Environmental Enforcement Training Coordination Forum

The mission of this Forum is to coordinate, consolidate, and improve consistency of environmental enforcement training. Forum members consist of CUPA Forum Board, California Hazardous Materials Investigators Association, Cal/EPA, Western States Project, EPA National Environmental Training

Institute, California District Attorney Association, California State Parks, Peace Officers Standards Training Commission, and California Specialized Training Institute (part of Cal/EMA).

The Western States Project

The Cal/EPA Assistant General Counsel for Enforcement is a state representative to the Western States Project; a U.S. EPA-funded non-profit organization that provides environmental enforcement resources, networking and training to the western United States. For more information, see www.regionallassociations.org/.

The Environmental Circuit Prosecutor Project

The Environmental Circuit Prosecutor Project (ECCP) is a cooperative project of the Cal/EPA and the California District Attorneys Association as provided for in Penal Code section 14309. The Project fills the gap in the enforcement of environmental laws in California’s small counties by providing environmental prosecutors to District Attorneys in rural areas.

In 2010, the ECCP continued to have diminished monetary support and handled fewer civil and criminal environmental cases. The decline in cases accepted by this project is largely attributable to unstable funding. Cal/EPA’s annual \$300,000 contract supporting the project was terminated in 2006 and has not been renewed since.

Environmental Circuit Prosecutor Project						
Year	# of Prosecutors	Cases Opened	Cases Closed	Fines / costs/ SEPs	Jail Time	Probation
2005	6	222	175	\$3,859,866	2 years and 100 days	11 years
2006	5	176	141	\$1,016,626	900 days	9 years
2007	4	173	68	\$1,205,470	80 days	27 years
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
*This figure does not include the case <i>People v. Wal-Mart</i> , which was a multi jurisdictional civil case.						

For more information on the Environmental Circuit Prosecutor Project, see: www.calepa.ca.gov/Enforcement/CircuitPros/.

The Environmental Enforcement and Training Act (Penal Code Section 14300)

The Environmental Enforcement and Training Act (Act) provides a means to supplement funding for environmental enforcement and training. The Act provides a method for the distribution of grant funds for enforcement, enforcement training, and the Environmental Circuit Prosecutor Project. Funding for environmental enforcement and training comes from money designated in civil or administrative judgments in environmental enforcement cases and is placed in the Environmental Enforcement and Training Act Account (Account) created by the Act. These contributions are often referred to as Supplemental Environmental Projects or “SEPs.” No General Fund money is used in the Account. Cal/EPA manages the Account and issues annual grants.

The lowest amount of grant funds distributed from the Account occurred in 2010 (see chart below). The sources of funds were contributions directed to the fund in enforcement cases brought by the Department of Toxic Substances Control and local District Attorneys.

<i>Year</i>	<i>Penal Code §14300 Funding</i>
2006	\$654,081
2007	\$503,562
2008	\$138,260
2009	\$305,262
2010	\$70,149

Each year these funds are apportioned as required by statute:

- 25 percent to the Environmental Circuit Prosecutor Project
- 25 percent to the California District Attorneys Association for enforcement training for investigators, regulators and prosecutors
- 25 percent (up to \$100,000) to the Commission on Peace Officer Standards and Training (POST) for environmental investigation training
- Remainder to Cal/EPA to award training and enforcement grants.

In 2010, 25 per cent of the account was \$17,537. The Cal/EPA portion in the Account (\$17,537) was awarded to the California District Attorneys Association for additional funds to support the Environmental Circuit Prosecutor Project.

For more information on the Penal Code section 14300 Account, see: www.calepa.ca.gov/Enforcement/Grants/14300.htm.

Supporting Environmental Enforcement Task Forces

Since its inception, Cal/EPA has encouraged the creation and support of environmental enforcement task forces dedicated to the deterrence, detection, investigation, and prosecution of environmental violations. These task forces are comprised of participating federal, state, and local agencies with enforcement authority. The members of these task forces generally include local, state or federal prosecutors, law enforcement agencies (Sheriff, Fish and Game wardens, California Highway Patrol, Federal Bureau of Investigation, U.S. EPA Criminal Investigation Division, etc.), investigators and technical experts from Cal/EPA's Boards and Departments, and local environmental agencies (local hazardous material control programs, air pollution control districts, sanitation departments, etc.). Task forces facilitate the exchange of resources and intelligence between different law enforcement and regulatory entities. These cooperative partnerships allow task force member agencies to pursue investigations that they would not be able to complete alone.

In the past, the Cal/EPA's Department of Toxic Substances Control (DTSC) had staff whose primary duties were to support environmental enforcement task forces. These positions were created to offer multimedia, multi program support to local enforcement efforts. They worked closely with local, state, and federal environmental regulatory agencies, investigators, and prosecutors to coordinate environmental enforcement. In the past 3 years, these DTSC task force support resources were redirected to other priorities greatly reducing state participation and support available to local environmental enforcement task forces.

Many counties in California are covered by a local environmental enforcement task force. In addition, there are some regional and/or single subject task forces. For more information, see: www.calepa.ca.gov/Enforcement/TaskForce.

The Cal/EPA Assistant General Counsel for Enforcement chairs the State Environmental Enforcement Task Force. Attendees include representatives from enforcement programs within Cal/EPA Boards and Departments, enforcement liaison attorneys from the Cal/EPA Boards and Departments, the Department of Fish and Game, the California District Attorneys Association, Assistant U.S. Attorneys, Deputy Attorneys General, and the U.S. EPA Criminal Investigation Division. The purpose of the task force is to go over current major cases, discuss enforcement program administrative issues (new regulations, legislation, resources), address needs for joint investigations, enforcement training, and

enforcement projects including the Environmental Circuit Prosecutor Project, and discuss issues affecting local agency partners.

The Cal/EPA Assistant General Counsel for Enforcement participates in the Border Environmental Enforcement Task Force, a group of federal, state, and local officials that meet quarterly in the Mexico/California border area to discuss border-related environmental enforcement issues; and the Border 2012 California/Baja Waste and Enforcement Task Force, which includes Mexican environmental enforcement officials.

Cal/EPA Assistance on Investigation and Enforcement Actions

Cal/EPA has institutionalized cross media, cross program investigation and enforcement. Cal/EPA training is brought to reality by the work of the task forces described above, where inspectors and others can request assistance with enforcement investigations.

Pursuant to a Memorandum of Understanding between the Air Resources Board and Cal/EPA, the Strategic Enforcement Investigations (SEI) unit at Air Resources Board has been designated as Cal/EPA's cross media enforcement unit in accordance with Government Code section 12812.2. SEI has surveillance equipment and its staff is utilized to assist state, regional and local agencies in investigations of environmental crimes. Video evidence is a highly effective tool in environmental crime enforcement and its use by state and local agencies continues to grow.

Other Cal/EPA Boards, Departments, and local agency partners provide enforcement and case development assistance on a case-by-case basis.

Case Coordination and Referral

During 2010, Cal/EPA continued to assist and coordinate regulators, investigators, and prosecutors in investigations of violations of environmental laws. Cal/EPA works with US EPA Region 9 enforcement officials to coordinate joint state and federal investigations and prosecutions.

There has been an increase in the number of multi-county and statewide civil cases brought to enforce environmental laws. These cases require close cooperation between the regulators in various jurisdictions and the local and state prosecutors. Cal/EPA has assisted this effort by providing

training on this subject at the annual CUPA Training Conference and other venues. Complaints and judgments from multi-county and state actions are posted on Cal/EPA's web pages at: www.calepa.ca.gov/Enforcement/Orders.

Improving Transparency by Production of an Annual Cal/EPA Enforcement Report

Cal/EPA, in cooperation with its Boards and Departments, produced an annual Report on Enforcement for 2009 that is available on the web at: www.calepa.ca.gov/Enforcement/Publications/2009/default.htm.

Appendix C: Acronym List

ARB	Air Resources Board
AQMD	Air Quality Management District
AST	Above-ground Storage Tank
BDO	Boards, Departments and Offices (of Cal/EPA)
CalARP	California Accidental Release Prevention Program
CAP	California Aeration Procedure
CACs	California Agricultural Commissioners
CAPCOA	California Air Pollution Control Officers Association
CDPH	California Department of Public Health
Cal/EPA	California Environmental Protection Agency
CEQA	California Environmental Quality Act
CERS	California Environmental Reporting System
CUPA	Certified Unified Program Agency
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
EJ	Environmental Justice
GHGES	Greenhouse Gas Enforcement Section
HMRRP	Hazardous Materials Release Response Plans and Inventories (Business Plans)
HWG	Hazardous Waste Generator
HWT	Hazardous Waste Treatment
H&SC	(California) Health and Safety Code
HHW	Household Hazardous Waste
IPM	Integrated Pest Management
LSI	Large spark igniter (engines)
MCL	Maximum Contaminant Level
MOU	Memorandum of Understanding
MSED	Mobile Source Enforcement Division (ARB)
MMP	Mandatory Minimum Penalty
NESHAP	National Emission Standards for Hazardous Air Pollutants
NPDES	National Pollutant Discharge Elimination System
NOA	Naturally Occurring Asbestos

NAA	Non-attainment areas
NOV	Notice of Violation
OEHHA	Office of Environmental Health Hazard Assessment
OHRV	Off-road Recreational Vehicle
PHG	Public Health Goals
RWQCB	Regional Water Quality Control Board
RCRA	Resource Conservation and Recovery Act
SCTSC	Single Complaint Tracking Steering Committee
SORE	Small Off-road Engines
SWRCB	State Water Resources Control Board
SSEB	Stationary Source Enforcement Branch (ARB)
SEP	Supplemental Environmental Projects
TAC	Toxic Air Contaminant
TCAB	Training and Compliance Assistance Branch
UST	Under-ground Storage Tank
USEPA	United States Environmental Protection Agency
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compound
WDR	Waste Discharge Requirements



Cal/EPA