

California Environmental Protection Agency
2011 ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT REPORT



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



Cal/EPA

2011 Environmental Compliance & Enforcement Report

Office of the Secretary
Air Resources Board
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 Rodriguez, Secretary for Environmental Protection

Acknowledgement

The following organizations and individuals are recognized for their valuable contribution to the California Environmental Protection Agency's 2011 Environmental Compliance and Enforcement Report.

- California Environmental Protection Agency (Cal/EPA)
Alice Reynolds, Deputy Secretary for Law Enforcement and Counsel
Don Johnson, Assistant Secretary
- Air Resources Board (ARB)
James Ryden, Division Chief, Enforcement Division
- California Air Pollution Control Officers Association (CAPCOA)
Kenneth Koyama, Executive Director
- Department of Pesticide Regulation (DPR)
George Farnsworth, Branch Chief, Enforcement Branch
- Department of Toxic Substances Control (DTSC)
Brian Johnson, Deputy Director, Enforcement and Emergency Response Program
- State Water Resources Control Board (SWRCB)
Christian Carrigan, Director, Office of Enforcement
- Office of Environmental Health Hazard Assessment (OEHHA)
George Alexeeff, Director
- Unified Hazardous Materials Program (Cal/EPA)
Jim Bohon, Manager of the Unified Hazardous Materials Program

Many thanks to the 2011 Enforcement Report Steering Committee members: Larry Woodson, Committee Chair (Cal/EPA), Karen Randles and Carmen Milanes (OEHHA), Diane Trujillo (Cal/EPA), Joe Marade (DPR), Matthew Maclear (Cal/EPA), Mohsen Nazemi (South Coast Air Quality Management District) Farida Islam (Cal/EPA Unified Program), Rafael Maestu (SWRCB), Rick Robison (DTSC), and Mary Rose Sullivan (ARB) for their valuable contributions and dedication to this annual report project.

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



Cal/EPA

Introduction

This report was prepared by the Office of the Secretary of the California Environmental Protection Agency (Cal/EPA), the Boards, Departments, and Office within the Agency, and Cal/EPA's local government enforcement partners. It provides an overview of environmental compliance and enforcement program activities for 2011 and fulfills the reporting requirements of Government Code section 12812.2.

Cal/EPA and Its Enforcement Partners

Cal/EPA was created in 1991 to provide 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.

Cal/EPA is a state agency and is comprised of the Office of the Secretary, the Air Resources Board, the Department of Pesticide Regulation, the Department of Toxic Substances Control, the Office of Environmental Health Hazard Assessment, and the State Water Resources Control Board and nine Regional Boards (collectively referred to as the Water Boards). These boards, departments and office are referred to as Cal/EPA BDOs.

Legislation effective January 1, 2010, eliminated the Integrated Waste Management Board which had been under the Cal/EPA and moved solid waste responsibilities and functions to the Department of Resources Recycling and Recovery (CalRecycle). The 2010 and this 2011 report do not include solid waste enforcement information. However, the Governor's Reorganization Plan of 2011 transferred CalRecycle to Cal/EPA and future reports will include their enforcement and compliance information.

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.

2011 Organizational Chart



Cal/EPA's federal environmental enforcement partner is the United States Environmental Protection Agency (US EPA). The US EPA has ten regional offices throughout the country. California is located in Region 9. US EPA Region 9 serves Arizona, California, Hawaii, Nevada, American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Guam, Marshall Islands, and the Republic of Palau. While federal law provides the baseline for environmental protection in California, our state, regional and local requirements may be broader in scope with stricter standards.

Report Development and Objectives

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

Two types of performance measures used in this report are those that measure outputs and those that measure outcomes. For instance:

- Outputs include the numbers of inspections and enforcement actions taken.
- Outcomes (or indicators) reflect the impact the program has on the protection of public health and the environment. (An example of an outcome is the percentage of produce with illegal pesticide residues. A general decline in the percentage of residues over multiple years would indicate a positive outcome.)

Outcomes are difficult to directly correlate with enforcement and other regulatory actions. These measurements, however, may require Cal/EPA and its BDOs to examine whether program goals should be altered or remain on course.

This year's report continues to provide information on some of the drivers of environmental change and trends in the public health status of California's population* (see Appendix A). It also includes some environmental indicators which are reported in the individual chapters.

**The data in Appendix A (The Driving Forces) remains identical to what was prepared in last year's Environmental Compliance and Enforcement Report. Updates of the multi-year trend data is underway, but not yet completed by the California Department of Public Health.*

Report Highlights

This report presents a comprehensive overview of environmental compliance and enforcement program activities conducted by Cal/EPA, its BDOs, and local enforcement partners. Highlights of 2011 significant events, activities and accomplishments include the following:

Office of the Secretary

- On July 12, 2011, Governor Edmund G. Brown Jr. announced the appointment of Matthew Rodriquez as the Secretary of Environmental Protection and on September 12, 2011, he announced the appointment of Alice Busching Reynolds as the Deputy Secretary for Law Enforcement and Counsel.
- Cal/EPA continued its statutorily mandated responsibilities for the Border Program, Brownfields, Climate Change, Enforcement, Environmental Justice, and Unified Hazardous Materials Program and Emergency Response.
- The Cal/EPA Enforcement Training Team continued its efforts to provide training and outreach to field personnel of state and local regulatory agencies to ensure consistent, effective, and coordinated enforcement of environmental laws. In 2011, 208 staff throughout the state completed Cal/EPA's Basic Inspector Academy.

Air Resources Board (ARB)

ARB strives to reduce emissions of air contaminants to ensure safe, clean air for all Californians. Its Enforcement Division contributes to this effort through training and compliance assistance for regulated entities and fair, consistent and comprehensive enforcement of air pollution laws. 2011 activities and accomplishments include the following:

- A comprehensive review of ARB's enforcement programs resulted in a major reorganization of the Enforcement Division, effective in January 2012, in order to better balance the allocation of resources and responsibilities.
- ARB published its Enforcement Penalty Policy at the end of 2011, in compliance with SB 1402 (Dutton, 2010), which required ARB to adopt a written penalty policy to provide air pollution violators with information on how ARB determines its penalties.
- ARB took 3,536 enforcement actions and assessed \$6.6 million in penalties for violation of air quality control laws.
- ARB inspections found an 86% compliance rate for the Field Operations Program and an 85% compliance rate for the Heavy Duty Diesel Inspection Program.

[Air Districts](#)

There are 35 local air pollution control and air quality management districts in California. These local districts implement and enforce federal and state air quality standards to protect the public from adverse health effects of air pollution. The 2011 accomplishments of the local air pollution control and air quality management districts include the following:

- Air Districts conducted over 63,000 inspections of traditional stationary sources of air pollution.
- Air Districts conducted over 6,700 inspections of Major Permitted Sources.
- Air Districts collected more than \$17 million in penalties for violations of the law.
- Air Districts documented and took enforcement actions on over 14,000 violations.

[Department of Toxic Substances Control \(DTSC\)](#)

DTSC's enforcement program mission is to promote a healthier environment for all Californians through fair, consistent, and timely enforcement of the state's hazardous waste control laws. DTSC's enforcement program is smaller than other Cal/EPA agencies with approximately 140 enforcement staff statewide. DTSC's 2011 enforcement accomplishments include the following:

- DTSC conducted 600 inspections, including Trinity and Imperial County Certified Unified Program Agency (CUPA) inspections.
- DTSC conducted 4,339 Mexican Border truck stop inspections.
- DTSC collected over \$2 million in penalties from case settlements.
- DTSC referred 549 complaints to local district attorneys or the California Attorney General.
- DTSC found 90% of regulated businesses inspected were in compliance or soon returned to compliance after the inspections.

[Unified Program](#)

California law consolidates some specified hazardous material programs into one regulatory program referred to as the Unified Program. Cal/EPA delegates most inspection and enforcement authority for these activities to local agencies called Certified Unified Program Agencies (CUPAs). There are 83 local CUPAs regulating over 144,000 businesses in California. In 2011, the Unified Program's accomplishments include the following:

- CUPAs conducted 44,030 hazardous waste generator inspections.
- CUPAs increased the number of inspections of Above Ground Storage Tanks from 2328 in 2010 to 2887.

- CUPAs made 493 civil or criminal case referrals for prosecution and assessed \$6.28 million in penalties against violators of the law.

[Department of Pesticide Regulation \(DPR\)](#)

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. DPR's Pesticide Residue Surveillance Program monitors produce for illegal residues. Enforcing pesticide use laws and regulations is a joint responsibility of DPR and local County Agricultural Commissioners (CACs) serving 58 counties in California. In 2011, DPR accomplishments include the following:

- CACs conducted 17,662 inspections issuing 2,240 violations yielding a compliance rate of 87.3%.
- DPR and the CACs collected \$2,885,530 in penalties for violations of the law.
- DPR collected 2,707 samples and found 3% exceeded legal limits for pesticide residue leading to further enforcement action.

[Water Boards](#)

The State Water Resources Control Board and its nine Regional Water Quality Control Boards protect waters of the state by ensuring compliance with clean water laws, issuing permits and taking enforcement actions against illegal discharges of waste in surface and ground waters. The Water Boards also regulate and enforce California's water rights. In 2011, the Water Boards accomplished the following:

- Water Boards conducted 5,346 inspections and documented 14,405 violations of clean water laws.
- Water Boards took 306 formal enforcement actions which included 226 Administrative Civil Liability Actions.
- Water Boards assessed approximately \$24 million in civil penalties.
- Water Boards documented a Core Regulatory Program compliance rate of 85%.

[Office of Environmental Health Hazard Assessment \(OEHHA\)](#)

OEHHA protects and enhances public health and the environment by scientific evaluation of risks posed by hazardous substances. They have no enforcement authority, but assess risk and set standards

for risk management decisions and enforcement actions by Cal/EPA enforcement program agencies. In 2011, OEHHA accomplished the following:

- OEHHA adopted the nation's first public health goal for hexavalent chromium in drinking water.
- OEHHA issued advisories and safe-eating guidelines for fish taken from San Francisco Bay and Conner Lake.
- OEHHA continued its work to develop screening methodology for evaluating impacts from multiple pollution sources.

Organization of This Report

In this 2011 report, you will find the Office of the Secretary's Unified Program and each BDO's:

- Mission
- Enforcement Program Mission
- Overview of the regulatory enforcement authority, enforcement program organization and enforcement program activities
- 2011 program goals and objectives
- Major program highlights
- Successful enforcement cases
- Performance measures/environmental and public health indicators
- Multi-year summaries of enforcement action and penalties
- Training efforts
- Links to additional information

The report begins with a description of the Office of the Secretary's enforcement oversight and coordination efforts and related functions.

The Office of the Secretary

The Secretary of Environmental Protection is the head of the California Environmental Protection Agency. 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).

2011 Organizational Chart



Cal/EPA's Role in the Enforcement of Environmental Laws

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

1. “develop a program to ensure that the boards, departments, offices, and other agencies that implement laws or regulations within the jurisdiction of [Cal/EPA] take consistent, effective, and coordinated compliance and enforcement actions”;
2. “establish a cross media enforcement unit to assist a board, department, office, or other agency that implements a law or regulation within the jurisdiction of [Cal/EPA], to investigate and prepare matters for enforcement action”;
3. “refer a violation of a law or regulation within the jurisdiction of a board, department, office, 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

On July 12, 2011, Governor Edmund G. Brown Jr. announced the appointment of Matthew Rodriquez to head Cal/EPA and, thereafter, on September 12th appointed Alice Busching Reynolds as the Deputy Secretary for Law Enforcement and Counsel. On December 27, 2011, the governor appointed Matthew C. Maclear to be the Assistant General Counsel for Enforcement.

Cal/EPA has continued to conduct its legislatively mandated responsibilities in the following areas:

1. Border Program
2. Brownfields
3. Coordination of the State's climate change activities
4. Enforcement
5. Environmental Justice
6. Unified Hazardous Materials Program and Emergency Response

Team and Committee Reports

Cal/EPA Enforcement Training Team

The enforcement training activities that took place in 2011 were guided by the Cal/EPA Enforcement Training Team. This team is comprised of members from Cal/EPA Office of the Secretary and its Boards and Departments. Its goal is to provide training and outreach to field personnel of state and local regulatory agencies to ensure consistent, effective and coordinated enforcement as mandated in Government Code section 12812.2. Cal/EPA partners with other regulatory agencies to conduct training. Those partners include:

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

In 2011, Cal/EPA sponsored, co-sponsored, or participated in the following training activities:

- Cal/EPA Basic Inspector Academy – conducted 10 four day courses throughout the year at various locations throughout the state.

- California Unified Program Annual Conference – January 31 – February 4
- Introduction to Environmental Enforcement – March 8-10
- Communications Skills for Regulators – March 14-16
- California Hazardous Materials Investigators Association (CHMIA) Training – April 13-14
- One Day Enforcement Training – 3 sessions at various dates and locations
- Specialized one day class on Sampling and Photography – September 28 in Contra Costa County
- Advanced Environmental Crimes Training Program, EPA, CHMIA, Cal/EMA – May 16-27
- Environmental Enforcement Sampling – October 20
- Advanced Topics in Environmental Enforcement, California District Attorneys Association – June 13-15
- Hazardous Materials Investigations – CalEMA, June 20-24
- The Continuing Challenge Hazardous Materials Emergency Response Workshop – September 6-9
- Introduction to Environmental Criminal Investigation – Western States Project – September 27-29
- POST Environmental Crimes Investigations Overview – February 23
- Advanced Inspector Training – EPA and ARB - October 4-6

The Cal/EPA training team also provided on-line training, webinars, and webcasts throughout the year.

The Environmental Circuit Prosecutor Project

The Environmental Circuit Prosecutor Project is a cooperative project of Cal/EPA and the California District Attorneys Association as provided in Penal Code section 14300 et seq. The Project fills the gap in enforcement of environmental laws in California's rural counties by providing environmental prosecutors to District Attorneys who do not otherwise have the capacity to prosecute environmental cases.

In 2011, despite diminished monetary support, the Circuit Prosecutor Project handled more civil and criminal environmental cases than in 2010.

Environmental Circuit Prosecutor Project Metrics						
Year	Number 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
2011	3	49	35	\$636,277*	120 days + 120 days community service	10 years
* Includes \$26,517 in criminal fines						

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

Single Complaint Tracking Steering Committee

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

Complaints from members of the public are an important source of information about potential non-compliance with environmental laws. Program managers have found that citizen complaints are usually made to a specific Cal/EPA board, department or 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. A single complaint system can facilitate cross-program responses where needed and as well as assure that complaints are investigated and prosecuted properly. The Single Complaint Tracking System was designed with this purpose in mind.

Single Complaint Tracking System Accomplishments in 2011

- New spam and virus detection software ensures that malicious documents are not uploaded to Cal/EPA servers when complainants attach documents to their complaints. Testing was performed and the upload-attachments function was moved out of the test mode and into production in September 2011.
- The system programmer provided training, demonstrations and walk-through of various functions to the Steering Committee on several occasions in 2011.
- A new function sends an auto-generated email when a complaint is referred to a local agency. The email outlines the complaint details and requests the agency to complete a Complaint Disposition Form upon final disposition of the complaint. This Form provides Cal/EPA with information on any enforcement actions taken in response to the complaint.

Calendar Year 2012 Objectives

1. Finalize language and format of referral notification email and Complaint Disposition Form.
2. Work with programming staff to establish a data transfer of complaints received by EnviroStor into the Single Complaint Tracking System.
3. Modify Cal/EPA Environmental Complaint Form to display the mission statements of the boards and departments when users select a complaint category. This display will help users understand which board or department handles which complaint categories, minimizing errors in category selection.
4. Enhance Cal/EPA Environmental Complaint Form to advise the public that Cal/EPA boards and departments are not first responders and emergencies should be referred to 911 or other appropriate first responders.
5. Enhance auto-response emails to complainants, tailoring responses to be more personable and adding additional auto-generated emails, providing status updates and additional information as a complaint makes its way through the system.
6. Clarify and formalize Cal/EPA Complaint Staff's procedures for closing out complaints, implement into system.

7. Continue to provide system training to Cal/EPA Complaint Staff.
8. Implement on-screen tips and instructions on maintenance screens to help Cal/EPA Complaint Staff use the system.

1. Total Complaints Received by the Single Complaint Tracking System					
Year	2007	2008	2009	2010	2011
<i>Total Number of Complaints</i>	553	981	860	841	1033

2. Complaints by County by Year

County Code	County Name	2007	2008	2009	2010	2011
	Unknown	98	148	133	4	19
1	Alameda	20	35	28	30	51
2	Alpine	0	1	0	1	1
3	Amador	2	3	3	4	3
4	Butte	5	9	16	9	9
5	Calaveras	4	5	2	6	4
6	Colusa	0	7	1	4	0
7	Contra Costa	9	14	20	39	40
8	Del Norte	0	1	1	0	0
9	El Dorado	3	9	16	7	5
10	Fresno	7	7	16	24	16
11	Glenn	1	0	0	5	4
12	Humboldt	5	6	4	7	5
13	Imperial	2	4	8	3	6
14	Inyo	1	1	1	5	6
15	Kern	11	15	19	21	28
16	Kings	2	2	4	1	8
17	Lake	0	4	4	1	3
18	Lassen	1	4	3	1	0
19	Los Angeles	69	157	142	171	170
20	Madera	4	4	6	2	7
21	Marin	4	13	12	11	13
22	Mariposa	0	1	2	0	2
23	Mendocino	2	5	7	6	6
24	Merced	3	4	7	8	5
25	Modoc	0	2	1	0	1
26	Mono	0	1	1	0	3
27	Monterey	1	9	8	17	20
28	Napa	3	4	6	3	5
29	Nevada	3	2	13	8	8
30	Orange	40	63	49	49	56

2. Complaints by County by Year Continued

County Code	County Name	2007	2008	2009	2010	2011
31	Placer	19	22	12	9	24
32	Plumas	0	3	1	1	1
33	Riverside	17	47	39	29	33
34	Sacramento	30	53	41	50	81
35	San Benito	3	3	1	1	5
36	San Bernardino	29	35	36	28	43
37	San Diego	31	51	44	72	93
38	San Francisco	6	6	8	21	30
39	San Joaquin	9	65	18	14	16
40	San Luis Obispo	7	13	5	10	6
41	San Mateo	8	9	10	11	16
42	Santa Barbara	6	8	7	11	9
43	Santa Clara	18	15	29	21	22
44	Santa Cruz	13	7	3	5	14
45	Shasta	3	15	7	11	12
46	Sierra	1	1	1	2	1
47	Siskiyou	2	4	2	7	5
48	Solano	7	16	3	8	9
49	Sonoma	10	18	5	23	23
50	Stanislaus	7	13	4	9	15
51	Sutter	3	5	1	5	6
52	Tehama	2	3	3	3	2
53	Trinity	1	1	6	2	7
54	Tulare	4	2	9	11	12
55	Tuolumne	0	3	3	7	9
56	Ventura	10	14	23	17	22
57	Yolo	4	8	4	3	9
58	Yuba	3	1	2	3	4
	Total	553	981	860	841	1033

3. Complaints Received by Cal/EPA Boards, Departments and Office by Year*

Year	2007	2008	2009	2010	2011
ARB	203	303	281	312	406
CalRecycle	92	162	130	109	121
DPR	60	78	103	104	116
DTSC	321	537	476	413	487
OEHHA	48	60	62	40	63
SWRCB	210	375	380	346	401

*These numbers reflect that in some cases a single complaint may need follow-up by more than one board or department (i.e., a complaint may involve potential violations of air, water, and pesticide laws or regulations).

Cal/EPA Emergency Response Management Committee (ERMaC)

ERMaC was established by Cal/EPA, Office of the Secretary, as an interdisciplinary approach to emergency response early in the agency’s development. Although its function is not primarily enforcement related, many of the emergency incidents may result in enforcement actions. In addition, ongoing compliance efforts of Cal/EPA and its boards and departments are aimed, in part, to prevention of emergency incidents. A brief reporting of ERMaC accomplishments for 2011 follows.

ERMaC’s mission is to manage public health and environmental consequences of emergency events through effective, coordinated agency-wide preparedness, response, recovery and mitigation activities. ERMaC is responsible for emergency planning and training, and coordinates all Cal/EPA entities in emergency response and recovery actions. It serves as the forum for developing and maintaining the Cal/EPA collective Administrative Orders and emergency response plans.

ERMaC has three principal functional responsibilities: 1) Incident Response & Recovery Actions, 2) Training & Exercises, and 3) Publications. Member agencies include Cal/EPA, ARB, DPR, DTSC, OEHHA, and State Water Board. Supporting and collaborating agencies include California Environmental Management Agency (Cal EMA), California Department of Food and Agriculture

(C DFA), Department of Fish and Game (DFG) Office of Oil Spill Prevention and Recovery (OSPR), California Department of Public Health (CDPH), Department of Resources, Recycling, and Recovery (CalRecycle), and U.S. EPA Region IX.

In 2011, ERMaC was involved in the following Incident Response and Recovery Actions, trainings, and guidance documents:

- Clear Lake Hydrogen Sulfide Release
- Multi-Agency Coordination Group formed to address Japanese Earthquake, Pacific Tsunami, and Radiation Concerns
- Various hazardous waste removal events
- Golden Garden Training sponsored by CalEMA
- Dark Zephyr Anthrax Response Exercise
- Sponsored “Particulate Monitoring and Field Gas Chromatography for Air Emergency Response
- Provided workshop: “You have Cal/EPA in Your Incident Command”
- Provided nine additional trainings in 2011 (see full ERMaC Accomplishments Report for details)
- Completed the Emergency Debris Removal Guidance
- Reviewed and updated the Animal Disposal Guidance/Emergency Food Disposal Guidance
- Reviewed Interim Draft of the California Hazardous Materials and Oil Emergency Function Annex EF-10 and will continue with revisions in 2012

The complete 2011 ERMaC Accomplishments Report may be found at:

www.calepa.ca.gov/Disaster/Documents/2011/Accomplish.pdf

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ARB's mission is 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.



“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.”

Air Resources Board

ARB's ongoing enforcement objective is to reduce emissions and facilitate compliance by working with other state, local and federal agencies and environmental justice community groups to improve air quality in the areas of California most affected by air pollution; by exchanging information with the United States Environmental Protection Agency (U.S. EPA) regarding shared enforcement actions and violators; and by ensuring that all enforcement operations are conducted in a fair and responsible manner, resulting in a level playing field for the regulated community.

Specific Enforcement Goals for 2011:

- Expand marine based enforcement programs governing ocean-going vessels, harbor craft, cargo handling equipment, ship and railcar based Transport Refrigeration Units (TRUs), and railroads and continue to enforce all other ARB Diesel Risk Reduction Programs.
- Comply with Senate Bill 1402¹ reporting and transparency requirements including publication of an enforcement penalty policy on our website and continue working with stakeholders.
- Plan for implementation of enforcement of the statewide truck and bus and SmartWay truck and trailer greenhouse gas programs in 2012. These programs require diesel particulate filters and certain fuel-saving technologies such as aerodynamic skirts on the sides of trailers and low-rolling resistance tires.
- Develop strategies for improving drayage truck² compliance rates at rail yards and truck-based TRUs used by fleets, distribution centers and roadside locations.
- Utilize the California Vehicle Code authority to reduce the incidence of delinquent violations by removing vehicles from service via the California Highway Patrol (CHP) and placing registration holds via the Department of Motor Vehicles (DMV), and utilizing small claims court judgments to assist in the citation collection process.

¹Senate Bill 1402 Dutton, Chapter 413, Statute of 2010 required ARB to adopt a written penalty policy to provide air pollution violators with information about how ARB determines its penalties.

²Drayage trucks are diesel-fueled, heavy-duty trucks that transport containers, bulk, and break-bulk goods to and from ports and intermodal rail yards to other locations.

Enforcement Division Overview

The Enforcement Division is responsible for enforcing regulations adopted by the Board. The scope of the Enforcement Division's responsibility encompasses more than 60 separate air quality programs and related support services structured to reduce emissions from air pollution emitting-sources, including:

- **Mobile Sources** - these programs reduce emissions from commercial trucks and buses, passenger vehicles, motorcycles, diesel-powered off-road equipment, off-highway recreational vehicles, off-road engines such as generators and lawn and garden equipment, and aftermarket parts for on and off-road vehicles;
- **Gasoline, Diesel and other Motor Vehicle Fuels** - these programs reduce liquid and vapor releases from cargo tanks used to transport these products, as well as certify legitimate fuel distributors and oxygenate blenders, investigate violations, and resolve motor vehicle fuels cases;
- **Goods Movement Sources** - these programs reduce emissions from locomotives near rail yards, ocean going vessels, commercial harbor craft, commercial fishing vessels, cargo-handling equipment, drayage trucks, and transport refrigeration units;
- **Large Industrial Source and Stationary Sources** - these programs reduce emissions from power plants, petroleum refineries, and manufacturing facilities; as well as smaller, more numerous, sources such as gasoline service stations, dry cleaners, and chrome platers;
- **"Area" Sources** - these programs reduce emissions from chemically formulated consumer products, aerosol coating products, composite wood products, and specialty products which emit small quantities of pollutants, but collectively produce significant emissions.

ARB's Enforcement Division also provides oversight of 35 local air pollution control and air quality management districts (local air districts). While the sources of air pollutions are numerous and diverse, common to each ARB regulation is the basic principle that air quality goals cannot be attained unless compliance is achieved.

Outreach is an integral part of ARB's enforcement program. Public workshops, training classes, website information and telephone support provide stakeholders and community members ongoing access to a better understanding of air pollution issues, regulations and requirements.

The Enforcement Division also works closely with ARB attorneys and local and state prosecutors to prepare strong and effective cases when violations are discovered, and provides summaries of enforcement cases and settlement agreements on its public website to deter further violations. For cases that cannot be resolved through an informal process, ARB's Office of Legal Affairs helps negotiate settlements and, when necessary, prepare cases for referral to the California State Attorney General's Office, a local District Attorney, or the U.S. Attorney's Office for civil litigation or criminal prosecution.

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)³. A common SEP recipient in 2011 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.

This report provides an overview of ARB's enforcement programs and organizational function, 2011 enforcement highlights including summaries of significant cases and penalties, training efforts, status updates of performance indicator development and program outcomes, and public health indicators. For more detail about ARB Enforcement programs, please refer to the California Air Resources Board's 2011 Annual Enforcement Report, www.arb.ca.gov/enf/reports/2011_enf_rpt.pdf.

³SEPs are projects or payments that violators undertake to benefit the environment in the community where the violations occur.

Organization and Programs

A comprehensive review of ARB's enforcement programs was completed and results of the review were implemented in January 2012, which included a major restructuring of the Enforcement Division.

From 2004, the Division was organized into three branches: Mobile Source Enforcement Branch, Stationary Source Enforcement Branch, and Compliance Assistance and Training Branch. As the Division and its responsibilities grew and changed, a revised structure was needed to balance the allocation of resources and responsibility. The Division's new organizational structure groups staff into four branches based primarily on the type of enforcement service provided. This new structure includes the following branches: Diesel Program Enforcement Branch; Vehicle, Parts, & Consumer Products Enforcement Branch; Field Operations Branch; and Enforcement Support Branch. The restructuring was accomplished without adding any additional positions to the Division. Available resources were realigned to increase the number of positions allocated for enforcement of heavy-duty diesel and other mobile source programs.

Below are organizational charts for ARB's Enforcement Division as it existed in 2011 (Figure A) and as it is currently structured in 2012 (Figure B).

Figure A
2011 Enforcement Division Organizational Chart

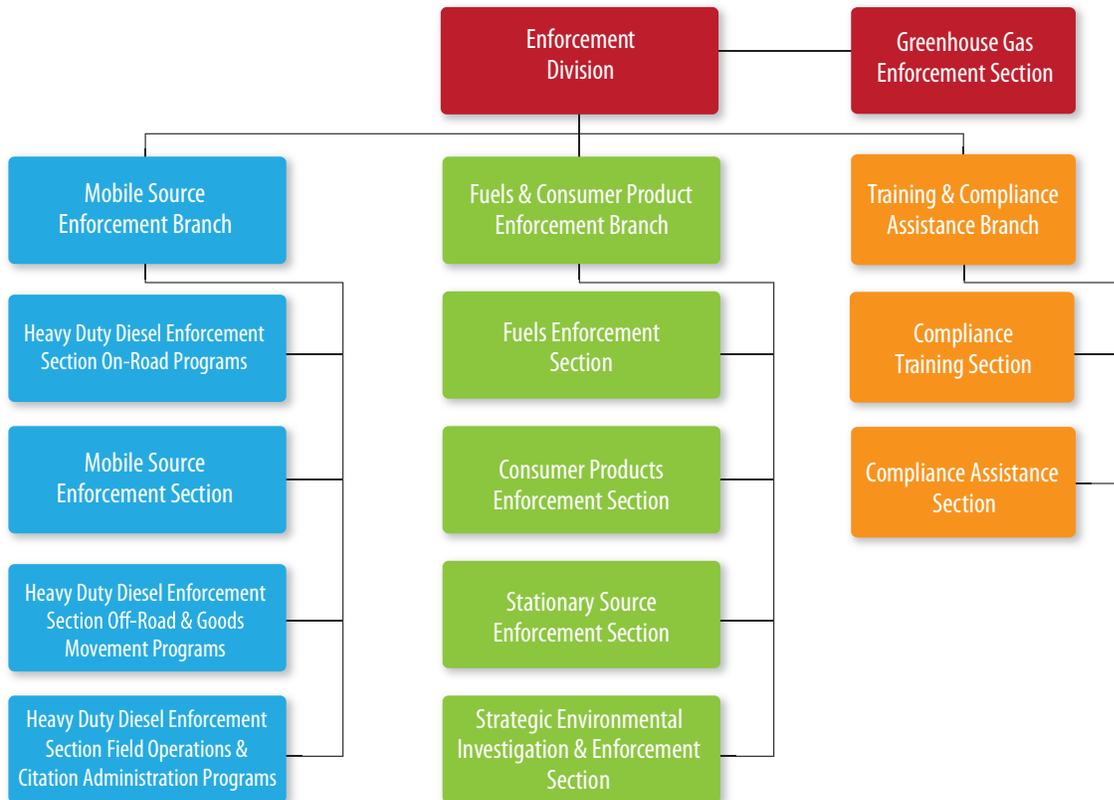
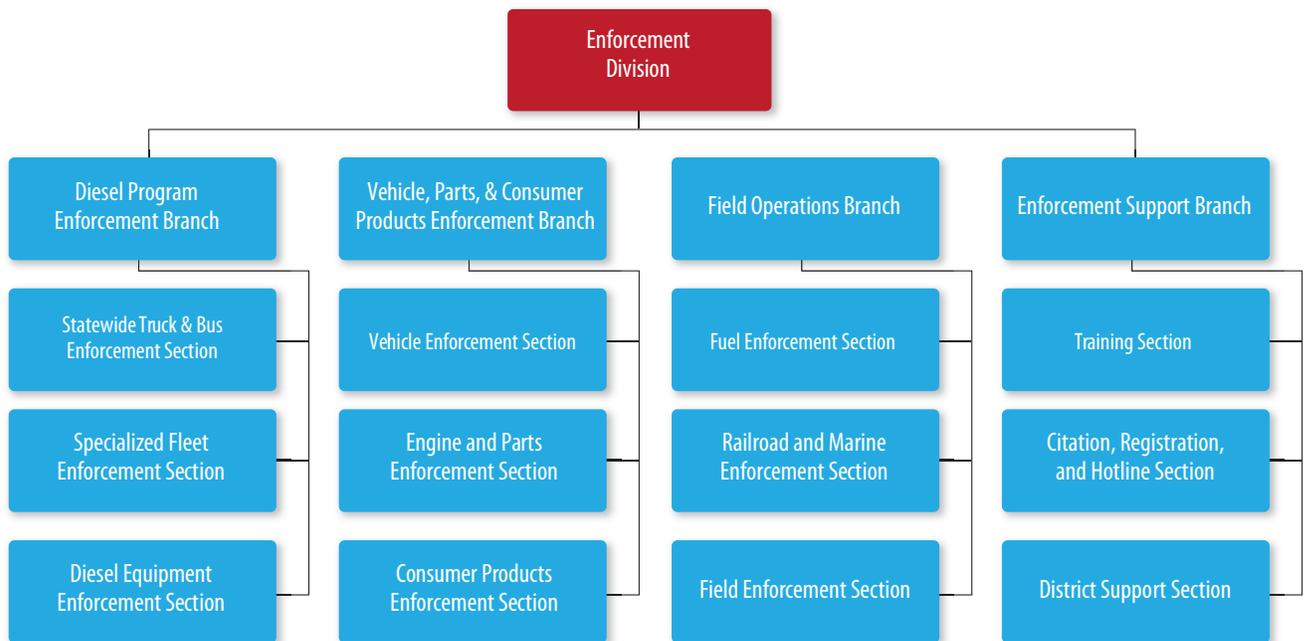


Figure B
2012 Enforcement Division Organizational Chart



Mobile Source Enforcement Section

California has long been the world leader in combating air pollution generated from motor vehicles and other mobile sources. Because of the state's severe air quality problems, California is the only state authorized under the Federal Clean Air Act to set its own mobile source emissions and fuels standards. Under this authority, ARB has established an aggressive program to reduce emissions from numerous mobile sources.



ARB Inspector conducting a diesel truck inspection

Although heavy-duty diesel vehicles comprise only two percent of California's on-road fleet, they produce about one-third of the nitrogen oxide (NO_x) and approximately two-thirds of the particulate matter (PM) emissions attributed to motor vehicles. Because of the toxic nature of the sooty particles found in diesel exhaust, the emissions from these vehicles are of special concern, particularly in populated areas.

While ARB has successfully imposed strict emission standards on new models, the longevity of diesel engines keeps older, higher-polluting

engines in use. To address this issue, ARB has adopted a series of diesel vehicle and equipment fleet rules that require owners to repower (i.e., install a new engine), retrofit (i.e., install diesel exhaust filters that reduce soot by over 85 percent), or replace their diesel equipment or vehicles with new, clean engine models. ARB has also invested in incentive programs to help owners of diesel engines upgrade or replace them with cleaner-burning alternatives, such as compressed natural gas or electric-powered technology. The implementation and enforcement of these diesel emission reduction programs has resulted in further reductions of these harmful emissions.

Diesel-powered vehicle and equipment programs that the Enforcement Division is responsible for enforcing include:

Statewide Diesel Fleet Programs – Statewide Truck and Bus Program, SmartWay Truck Technology Program, and Periodic Smoke Inspection Program;

Specialized Diesel Fleet Programs – Solid Waste Collection Vehicle Program, Urban Transit Bus Program, Transit Fleet Vehicle Program, Public Agency and Utility Fleet Program, and Drayage Truck Program;

Diesel Equipment Programs – Transport Refrigeration Unit Program, Verified Diesel Emissions Control Strategies Program, and Off-Road Diesel Equipment Program; and

In-Use Inspection Programs – Heavy-duty Diesel Vehicle Inspection Program, Emissions Control Label Program, and Commercial Vehicle Idling Program along with any other applicable diesel fleet or equipment programs.

The Enforcement Division’s mobile source enforcement responsibilities also encompass programs structured to reduce emissions from other mobile sources, including:

- Passenger vehicles, including cars, trucks, motorcycles, and kit cars;
- Off-highway recreational vehicles (OHRVs), including all-terrain vehicles (ATVs), sand rails, sand carts, utility carts, golf carts, dirt bikes, and other OHRVs with greater than 25-horsepower engines;
- Large spark ignition, compression ignition, and small off-road engine equipment, such as generators, pumps, scooters, lawn mowers, leaf blowers, and chain saws;
- Watercraft, inboard and outboard marine engines, and jet skis; and
- After-market parts used for on-road and off-road vehicles and equipment.

Fuels Enforcement Programs

California’s 37 million residents collectively own over 25 million on-road motor vehicles and drive more than most other Americans. Motor vehicles constitute California’s number one cause of air pollution; and therefore, controlling pollution from cars and trucks is essential to reducing smog. Due to ARB regulations, today’s new cars pollute much less than their predecessors did thirty years ago. Still, over one-half of the state’s current smog-forming emissions come from gasoline and diesel-powered vehicles.

The Fuels Enforcement Program (Fuels Program) regulates California reformulated gasoline and diesel fuel, as well as cargo tank vapor recovery systems. Fuels Program enforcement involves the sampling and testing of California gasoline and diesel fuel products from a cross-section of industry locations, including refineries, import vessels, distribution and storage facilities, bulk purchaser/consumer facilities, and retail service stations; registration and inspection of (fuel/gasoline) cargo

tanks; the evaluation of compliance data submitted by fuels producers and importers with protocols which allow the use of alternative compliance options; registration of fuel distributors and oxygenate blenders; investigation of violations; and resolution of these cases. Fuels Program enforcement also incorporates outreach and support to clarify complex aspects of the regulations through training seminars, individual company meetings, website information, and telephone support to the regulated industry and the general public.

Goods Movement Enforcement Programs

To reduce public exposure to health risks associated with diesel particulate matter, regulations collectively referred to as the Goods Movement Program (Goods Movement) were implemented in 2006 governing rail yards, ports, and marinas. ARB formed a partnership with local agencies to reduce emissions from goods movement by providing incentives to upgrade to cleaner technologies along California's four major trade corridors. Goods Movement enforcement consists of field inspections of rail yards and locomotives, ocean going vessels, commercial harbor craft, marina fuel docks, cargo-handling equipment, and transport refrigeration units, as well as the investigation of identified violations, and enforcement and resolution of these cases.

Air District Enforcement Support Programs

Enforcement support services provided by ARB to local Air Districts include rule reviews, variance reviews, Air Facility System services, Continuous Emissions Monitoring System support services, stationary source and equipment inspection services, and specialized investigation services, as well as the Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) Program.

Consumer Products and Specialty Products Enforcement Programs



To achieve air quality standards and reduce the public's exposure to toxic air contaminants, it is necessary to reduce emissions from many small sources, such as the more than 25,000 common everyday consumer products which cumulatively contribute to the formation of ground level ozone, a major part of California's smog problem. ARB has been enforcing statewide regulations to reduce volatile organic compound (VOC) emissions from consumer products and aerosol coatings for over 15 years and has also regulated

toxic air contaminants and global warming compounds.

Additionally, ARB's Enforcement Division is increasingly responsible for enforcement of newer regulations governing various specialty products, such as composite wood products, refrigerant canisters, portable fuel containers, marine fuel tanks, and indoor air cleaning devices.

Greenhouse Gas Enforcement Programs

The United States is the largest emitter of greenhouse gases in the world, and California is leading the nation in combating the threat of climate change caused by greenhouse gases. In 2006, the Global Warming Solutions Act (AB 32) was enacted establishing a comprehensive greenhouse gas reduction program. AB 32 requires California to reduce its greenhouse gas emissions to 1990 levels by 2050.

ARB is responsible for monitoring compliance and enforcing multiple Greenhouse Gas Programs established pursuant to AB 32, including the SmartWay Truck Technology Program, Tire Pressure Inflation Program, Refrigerant Canister Program, Landfill Methane Gas Enforcement Program, Refrigeration Systems Enforcement Program, Sulfur Hexafluoride Reduction Enforcement Program, and several other current and prospective Greenhouse Gas Enforcement Programs.

Enforcement Program Support Programs

Enforcement Program support services provided by the Enforcement Division include the citation administration and collection services, complaint hotline services, Visible Emissions Evaluation Program services, training services, surveillance services, and Environmental Crimes Task Force support services. Other support services include surveillance and environmental crimes task force support.

Training Program

The ARB Training Program provides entry-level training, focusing on air pollution history, procedures for evaluating emissions and analyzing industrial processes, emission control theory and the application of emission controls, and waste stream reduction. The courses are designed to provide skills that can be applied in the field and encourage networking between participants to facilitate exchanges of information and assistance outside the classroom.

The National Air Compliance Training Delivery Project provides training to environmental professionals outside of California. ARB's Training Program serves as a model for training programs in other states.



ARB training class in progress

In addition to classroom training, ARB has added several online courses to allow access to its training to a much wider audience. The online course offerings include its four-day “Air Quality Training Program” and the “California Council on Diesel Education and Technology” (CCDET) training.

Visible Emissions Evaluation

Visible Emissions Evaluation (VEE) is a specialized training and certification program, commonly referred to as “Smoke School”. The program was developed many years ago to standardize methods utilized by Air District and ARB inspectors across the state to read visible emissions (smoke, fumes, dust, etc.) originating from any source of emissions. These methods are most commonly applied to stationary sources, but can also be applied to construction sites and mobile sources.

VEE training and certifications are required to comply with EPA-prescribed methods (Method No. 9) and are held throughout the state. The basic training program consists of a day and a half of classroom instruction followed by a half-day of training in the field, including certification testing.

Certifications are valid for six months. If a certification or recertification test is failed, the student may retake it the same day or the next day, depending on the test. About 80 percent of VEE Program participants are from industry and about 20 percent are from Air Districts.



Visible emissions smoke test generator

The VEE Program has two trailer-mounted smoke generators, which can generate both white and black smoke, and a tow vehicle that is used to transport the generator to locations where training and certification sessions are offered. In 2011, eight smoke school classes were offered to 279 public and private industry students; and 48 VEE Program certification/recertification sessions were offered to 2,065 public and private industry participants.

In-State Training Service Programs

Historically, the primary purpose of this training was to teach Air District staff how to develop rules, issue permits, complete inspections, detect violations, and to perform enforcement. More recently, the overall purpose of the Training Program was broadened to “provide comprehensive education to further the professional development of environmental professionals”.

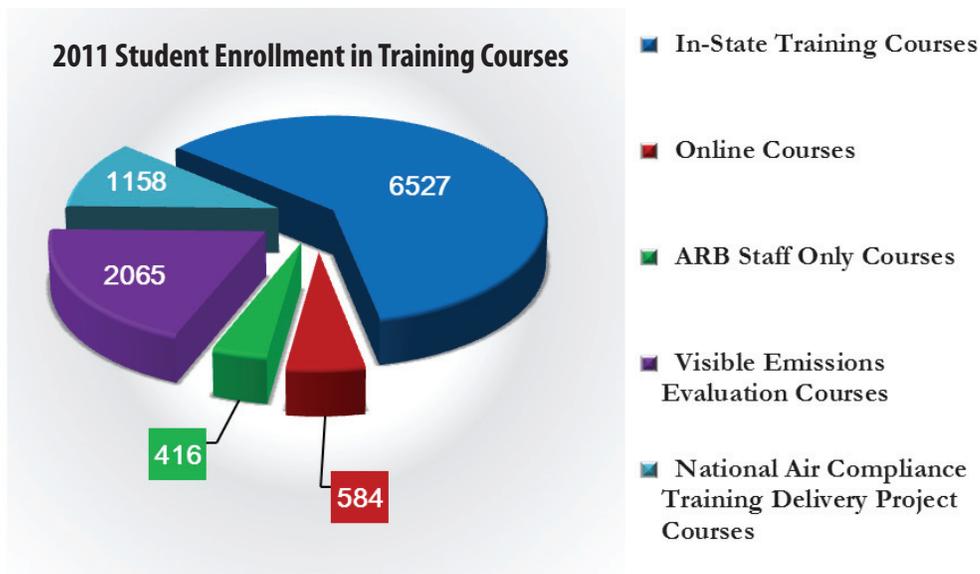
The Training Program provides entry-level training, focusing on a standardized core curriculum, and continuing education classes. Available courses cover pollution history, procedures for evaluating emissions and analyzing industrial processes, emission control theory and the application of emission controls, and waste stream reduction. Videos, digital presentations, guest speakers, and field or site visits are incorporated into specific course offerings, as appropriate. The courses are designed to

provide skills that can be applied in the field and encourage networking between participants to facilitate exchanges of information and assistance outside of the classroom. ARB's Training Program serves as a model for training programs in other states.

Enforcement staff continuously updates existing programs and develops new courses to respond to the evolving needs of customer agencies and industry. Additionally, the program's instructors are continuously updated on emerging issues and kept up-to-date by attending training themselves.

During 2011, responsibility for training services involving mobile source emissions topics was transferred to ARB's Mobile Source Control Division. Currently, the Enforcement Division's Training Program includes about 65 different classroom courses, seminars, and workshops focusing on stationary source emissions topics.

In-State Training Courses consist of the Uniform Air Quality Training Program which is a fourteen course introduction to air pollution control and enforcement for entry-level stationary source inspectors, regulatory agency staff, and environmental specialists in business and government; the 200 Series Courses which combine a higher level of technical information in the classroom and in the field at regulated commercial or industrial sites; the 300/400 Series Courses which are designed for experienced environmental professionals and include workshops, seminars, and symposiums on cross media training, legal issues, case development and variance/hearing board requirements; and the 500 Series Courses which assist diesel vehicle and equipment operators, owners, fleet managers, and maintenance staff in complying with on-road and off-road vehicle and equipment regulations. These courses provide information about regulatory requirements, diesel emissions and health effects, control measures, and reporting systems.



Environmental Justice

State law defines environmental justice (EJ) as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. The Board’s “Environmental Justice Policies and Actions” 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.

ARB’s EJ 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 ARB needs to engage community members in a meaningful way as the Board’s activities are carried out. People should have the best information possible about the air they breathe and what is being done to reduce harmful air pollution in their communities. Finally, ARB recognizes the Board’s obligation to work closely with all stakeholders, communities, environmental and public health organizations, industry, business owners, other agencies, and other interested parties to successfully implement these policies.

Improving the quality of life for the people living in communities that have been identified as EJ areas is a priority for the Air Resources Board. Over the last year, ARB continued its coordinated effort with federal, state and local enforcement agencies, city leaders and local community groups to improve the quality of life for the people living in these communities. Staff worked with environmental justice

groups in the cities of Maywood, Oakland, Pacoima, Riverside, San Bernardino, and Wilmington. In the future, this very important effort will continue and expand to include other EJ communities.

Enforcement Policy

ARB's Enforcement Penalty Policy, mandated by SB 1402, was approved and published in 2011. The policy development process included issuance of multiple drafts of the policy for public comment, two public workshops, and numerous meetings with stakeholders. The final policy was presented at ARB's November 2011 Public Hearing. Additionally, as required by SB 1402, settlement agreements were updated to include specified criteria and may be viewed on ARB's website at: www.arb.ca.gov/enf/casesett/casesett.htm.

Enforcement Program Highlights for 2011

Enforcement Division staff inspects and investigates places and situations throughout California where non-compliance is most likely, as well as those areas where excess emissions have the largest adverse impact on public health.

The following statistics highlight the achievements of ARB's Enforcement Program in 2011.

- 3,536 enforcement actions were taken and \$6.6 million in penalties were assessed.
- Over 21,000 heavy-duty vehicles were inspected for smoke emissions and tampering.
- 8,019 vehicle inspections were conducted in environmental justice areas.
- 1500 Transport Refrigeration Unit (TRU) violations were documented.
- Over 1.6 billion gallons of gasoline and 379 million gallons of diesel fuel were represented in sampling.
- 2,452 locomotive idling inspections were conducted; 29 violations were closed; \$10,000 in penalties was collected.
- 4,593 inspections were conducted at ports & rail yards (not including idling locomotive inspections) resulting in the documentation of 124 violations.
- 274 training courses were held with 9,592 participants with the majority at regulation-specific classes & workshops.
- A Memorandum of Understanding (MOU) was negotiated with the Port of Los Angeles which includes inspections of diesel engines at the ports and other environmental justice areas.

- The Memorandum of Understanding (MOU) between ARB and the Bay Area Air Quality Management District (BAAQMD) was implemented. The MOU requires that the BAAQMD conduct inspections of diesel engines and vehicles at the ports and other EJ areas in its nine-county jurisdiction. This program is working to protect these areas through focused utilization of enforcement resources.

Highlighted Enforcement Cases for 2011

In a majority of 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 Supplemental Environmental Project (SEP) that improves air quality. A summary of major enforcement cases completed in 2011 is highlighted below.

Goldenvale, Inc. Case Settled for \$750,000

ARB's Mobile Source Enforcement Section, in conjunction with the Office of Legal Affairs and the District Attorney of the County of San Bernardino, brought a civil action in San Bernardino County Superior Court against Goldenvale, Inc. This action was based on the importation, offer for sale, and/or sale of uncertified motor vehicles and making of untrue and/or misleading statements in connection with the sale of those motor vehicles, in violation of the Health and Safety Code and Business and Professions Code.

The defendants stipulated to a total penalty of \$750,000; ARB will be receiving \$25,000 in investigative costs which will go to the Air Pollution Control Fund. The terms of the court-ordered injunction provide for the right to inspection and require Goldenvale Inc. to maintain written records and reports evidencing compliance with Health and Safety Code section 43151 and California Vehicle Code section 4463.

This is the second action brought against Goldenvale, Inc. or its principals by the District Attorney of the County of San Bernardino. The details of the first action can be found on page 29 of the Cal/EPA 2010 Environmental Compliance & Enforcement Report, and relate to a criminal action against Goldenvale's principals for grand theft and/or conspiracy to commit grand theft in the sale of these uncertified vehicles. As part of the plea agreement and terms of probation in the criminal case, Goldenvale's principals agreed to pay restitution to each victim.

Car Sound Exhaust System Case Settled for \$560,000

In June 2011, the ARB reached a settlement with Car Sound Exhaust System (Car Sound) that included \$560,000 in penalties to be paid into the California Air Pollution Control Fund for selling and offering for sale aftermarket catalytic converters without an ARB Executive Order.

ARB's investigation of Car Sound's sales records showed violations of the California Vehicle Code sections 27159 and 38391, California Health and Safety Code section 43644(a), and Title 13, California Code of Regulations, section 222(h)(3). As part of an industry-wide investigation, ARB documented the sales of these illegal catalytic converters by Car Sound throughout California. To settle the case Car Sound agreed to the \$560,000 penalty and to set in place a comprehensive compliance plan to prevent any future violations.

Reward Leasing, Inc. Case Settled for \$534,000

In May 2011, Reward Leasing, Inc. (dba Northbay Corporation, The Ratto Group of Companies, and Redwood Empire Disposal) agreed to pay \$534,000 in penalties for violating air quality regulations: \$400,500 to the California Air Pollution Control Fund, which provides funding for projects and research to improve California's air quality; and \$133,500 to the Climate Protection Campaign, a Sonoma County based non-profit organization to reduce greenhouse gas emission, diesel particulate matter, and criteria air pollutants.

An investigation by ARB revealed that Reward Leasing, Inc. failed to comply with the Solid Waste Collection Vehicle (SWCV) Program by neglecting to install legally required emission-reduction devices by applicable compliance dates. Reward Leasing, Inc. also failed to properly self-inspect their diesel trucks to assure the trucks met state smoke emission standards. ARB documented violations as they related to the SWCV program and the Periodic Smoke Inspection (PSI) Program. To settle the case, Reward Leasing, Inc. agreed to the \$534,000 penalty (\$400,500 to the California Air Pollution Control Fund and \$133,500 to the Climate Protection Campaign as a Supplemental Environmental Project) and to comply with the SWCV Program, PSI program, and other ARB programs.

El Sol Trading Case Settled for \$510,000

ARB in conjunction with the Office of the Attorney General for the State of California brought an action in Los Angeles County Superior Court against El Sol Trading, Inc. for importing, offering for sale, and selling non-California certified motorcycles and off-highway recreational vehicles to California residents

that were subsequently registered or sold in California, which is prohibited by Health and Safety Code section 43150 et seq. The defendants stipulated to a total penalty of \$510,000; \$385,000 of the total penalty shall be stayed as long as the Defendants do not willfully or intentionally violate the permanent injunction or violate the payment conditions for payment of \$125,000 of the total civil penalty.

Cummins, Inc. Case Settled for \$500,000

In May 2011, Cummins Inc., a manufacturer of heavy-duty diesel engines, paid \$500,000 for failing to properly retest its engines already in use. Cummins’ violations included failing to test at least four engines in selected engine families; completing tests after the deadline set in a 1998 settlement agreement for a previous air quality infraction; reporting test results more than 30 days after test completion; and testing 10 vehicles at less than the maximum weight, as designated in the terms of a 1998 agreement. ARB, working with the United States Environmental Protection Agency, discovered this most recent offense during an investigation regarding Cummins’ delivery of approximately 570,000 diesel engines without exhaust aftertreatment devices between 1998 and 2006, a violation of the Clean Air Act.

Metrics

The Enforcement Actions and Penalties table below indicates the number of cases closed and penalties collected in 2011. Closed Cases are those in which a settlement has been reached and a settlement agreement has been signed by both parties.

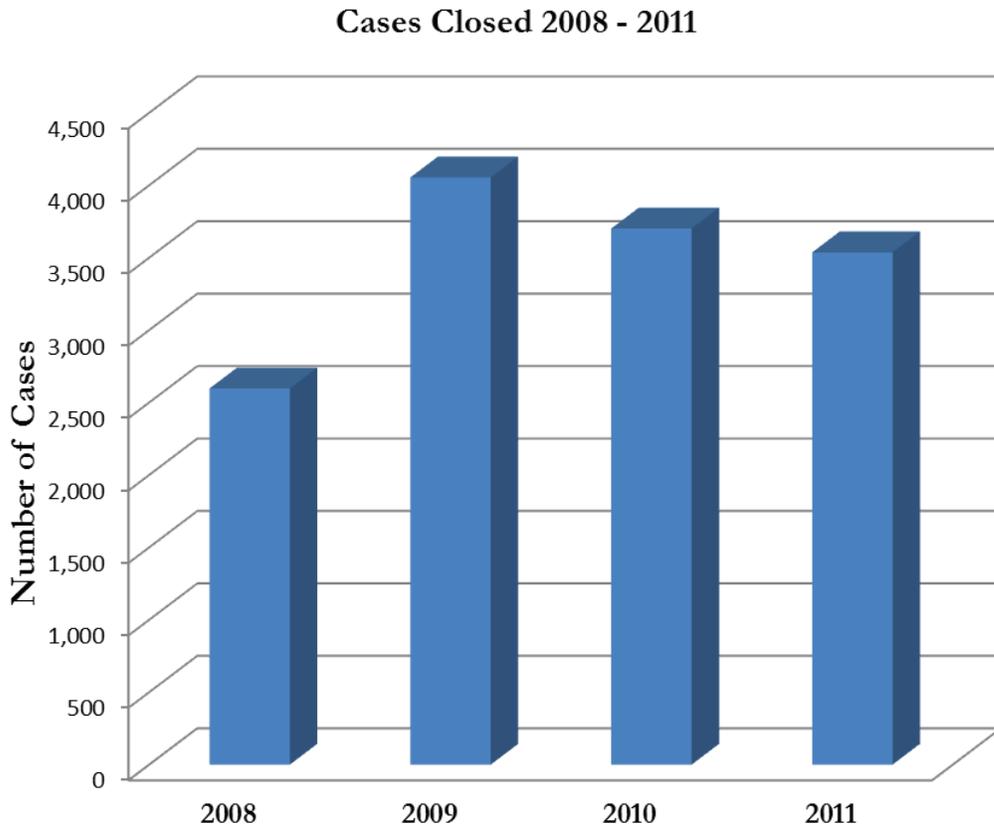
2011 Enforcement Actions and Penalties by Program		
Program	Enforcement Actions Closed	Penalties
Mobile Sources	3440	\$6,133,306
Fuels	21	\$209,000
Consumer Products	31	\$213,000
Cargo Tanks	15	\$7,003
Railroad MOUs	29	\$10,000
Total Cases	3536	\$6,572,309

The Formal Enforcement Actions table below indicates the number of closed cases and penalties collected over the last four years, from 2008 through 2011.

Formal Enforcement Actions and Penalties from 2008 to 2011				
Formal Enforcement Actions	2008	2009	2010	2011
Cases Closed	2,597	4,054	3,701	3,536
Penalties	\$9,379,476	\$14,461,974	\$12,450,560	\$6,652,309
SEPs ⁴	\$2,600,336	\$1,919,184	\$336,672	\$293,383

⁴Supplemental Environmental Projects

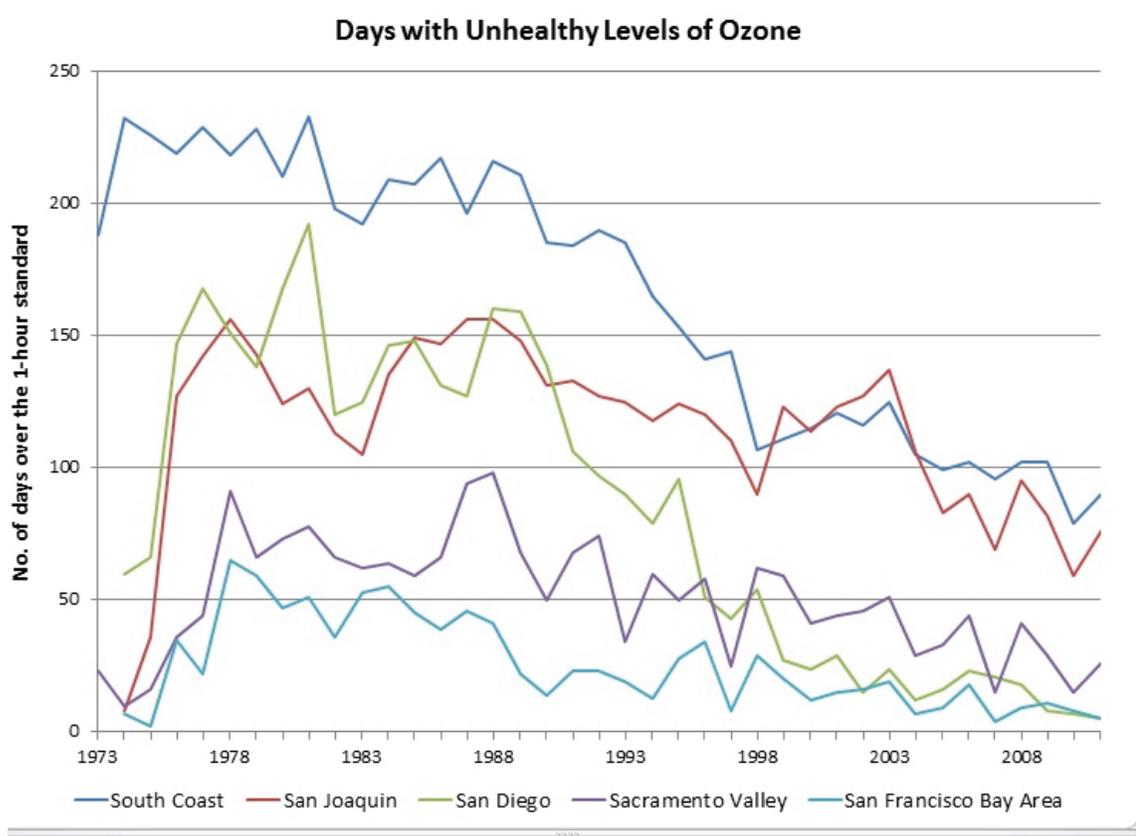
The chart below shows the number of closed cases over the last four years, from 2008 through 2011. Closed Cases are those in which a settlement has been reached and a settlement agreement has been signed by both parties.



Public Health Indicators

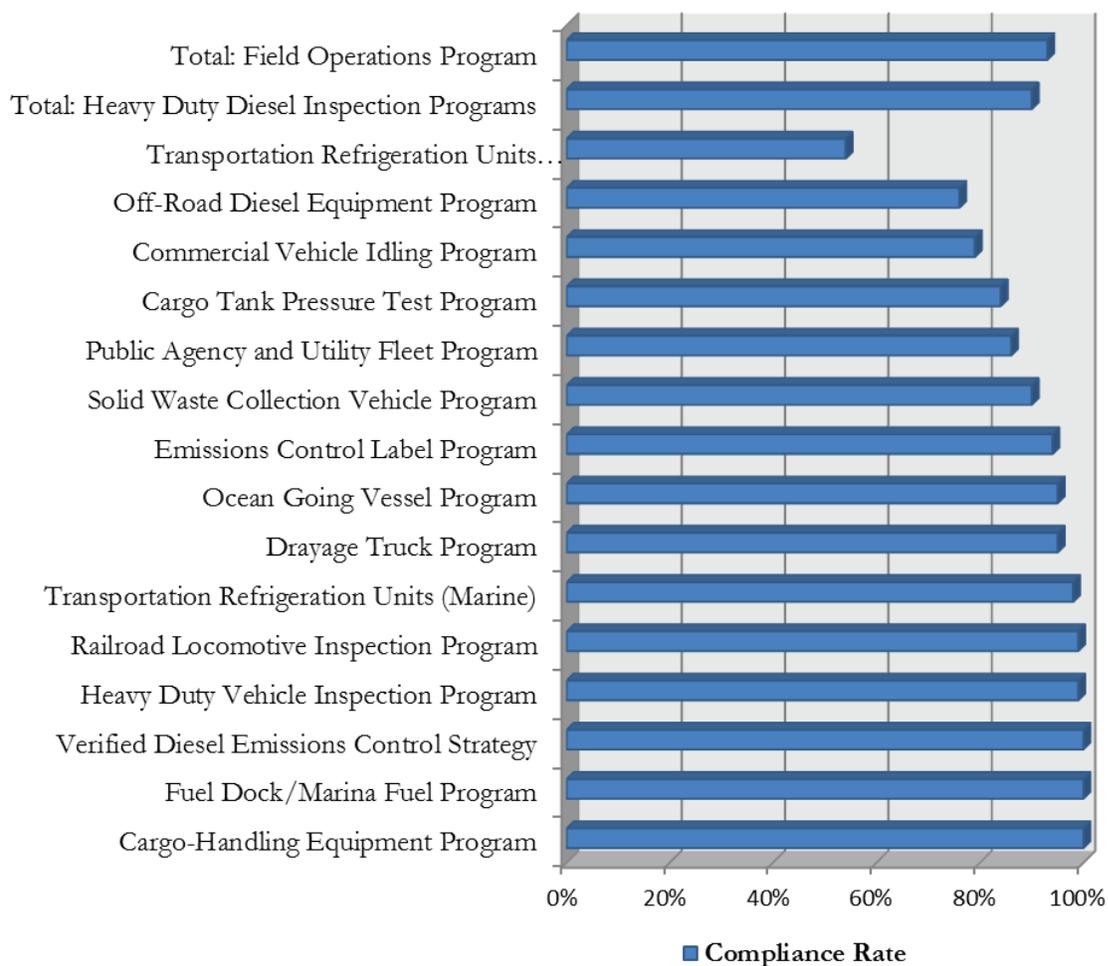
For 45 years, ARB has worked aggressively to improve California's air quality. Airborne pollutants result in large part from human activities, and growth generally has a negative impact on air quality. Through its multi-faceted programs of planning, research, air monitoring, regulation, and enforcement, ARB, in collaboration with the state's 35 air districts, has succeeded in significantly reducing Californians' exposure to air pollution.

This indicator tracks the number of days in which each Californian air basin exceeds the state one-hour ozone standard of 0.09 parts per million (ppm). The number of days in California with unhealthy levels of ozone has decreased substantially over the past four decades.



The following chart indicates the 2011 total compliance rates for Field Operations and for Heavy

2011 Compliance Rates by Program



Duty Diesel Inspection Programs, as well as the specific compliance rate for each program.

Additional Information

The California Air Resources Board's 2011 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. A summary of the Enforcement Programs and the Enforcement Division's significant accomplishments may be viewed in the 2011 Annual Enforcement Report at: www.arb.ca.gov/enf/reports/2011_enf_rpt.pdf.

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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 programs strive to ensure both permitted and non-permitted air pollutant emitting facilities comply with all state, federal, and local air pollution rules and regulations. The overarching objective 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.

Air Districts

Enforcement Program Overview

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

Local air districts operate monitoring networks to measure pollution in ambient air. They collect emission inventories, develop plans to attain State and federal health-based ambient standards, and adopt regulations and other measures to implement the plans. Districts issue construction and operating permits or registrations for stationary and portable sources of air pollution and conduct inspections to ensure compliance with applicable requirements. The 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 open burning on agricultural or forested lands and activities that cause excessive visible emissions or a public nuisance. Additionally, 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 or act as the lead agency and prepare environmental documents for projects under review pursuant to the California Environmental Quality Act.

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

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, distributing printed materials that address air pollution issues broadly, or specific regulations and how to comply with them; conducting training classes, workshops and community meetings; staffing public information lines to respond to phone inquiries; the developing and maintaining on-line, electronic information; and conducting individual meetings and inspections when appropriate or requested. Data on compliance assistance programs are not included in this report.

Air Districts Enforcement Program Goals:

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

- Continue to work with federal, state and other local air quality agencies to improve inter-jurisdictional cooperation and effectively leverage resources to improve air quality in the areas of California most affected by air pollution.

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 the California 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 of almost half of the state's population, exceeding 16 million, regulates over 26,000 stationary sources and has about 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 California Air Resources Board (ARB) 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



The California Air Pollution Officers Association (CAPCOA) is an association representing all 35 local air quality agencies throughout California. CAPCOA is dedicated to protecting the public health and providing clean air for all California residents. CAPCOA released a report in 2012 titled “California’s Progress Toward Clean Air,” April 2012, which was intended to provide objective information for California residents and other interested parties regarding California’s remarkable journey toward cleaner air and the challenges that remain. This report can be viewed at the following link:

www.capcoa.org/wp-content/uploads/downloads/2012/04/CAPCOA-Progress-Toward-Clean-Air-2012.pdf

Enforcement Program Components

Background

Several important components are consistent across California’s robust air pollution enforcement programs. This report focuses on field enforcement activities, namely inspections and investigations. The data is from a survey conducted by CAPCOA of district enforcement and compliance statistics. CAPCOA reviewed and compiled enforcement data from 21 local air districts for the Calendar Year 2011. The survey represents data from a large sample of the districts in California including large, medium size, and rural districts. These 21 districts represent over 97 percent of the population in California. Due to resource constraints, not all districts were able to expend the effort to compile and report the data requested in the survey. Since air pollution has a direct link to population in terms of its causes and impacts, CAPCOA believes that the large sample size of the survey is a statistically representative sampling which provides a comprehensive picture of local district activity in California in terms of population, air pollution sources, and enforcement.

The 2012 survey covered 21 discrete measures of compliance program performance from each of these districts during Calendar Year 2011. 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;
- 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 similar 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.

Enforcement Program Components

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 major sources must obtain permits under Title V of the CAA. Title V permits are subject to extensive monitoring, recordkeeping and reporting requirements, and the major emissions source annual certification requirements. 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,



District staff conducting leak detection at a refinery pump

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, on average, each major source is inspected over six times each year. Notably, many Title V sources not only undergo routine compliance inspections but other inspections related to 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 throughout the state.

2) Minor Permitted Source Inspection

Minor Permitted Sources are sources that are not considered “major” according to the CAA definition. For example, smaller sources include gas stations, dry cleaners, and auto body shops. Despite the “Minor Permitted Sources” title others are relatively large, may produce high emissions and 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.



District staff testing a gas station nozzles

Some minor sources present significant environmental or human health risks due to the toxicity of pollutants they emit. These include chrome plating operations, sterilizers that use ethylene oxide, dry cleaners 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. These sources 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. Certain rules regulate ubiquitous sources of emissions without requiring a permit such as restrictions on residential wood combustion, limitations on the VOC content of coatings offered for sale, or limitations on idling engines. In some areas, open outdoor burning is regulated but not subject to permits, whereas other 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 construction 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 violations occur as a result of a specified qualifying upset/breakdown event. In order to qualify for protection from enforcement, 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 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 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 reflects the number of breakdown investigations undertaken and completed by the 21 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) Complaint Investigations

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, and other causes. 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 California Air Resources Board (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.

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).



District staff using portable analyzer to measure emissions causing odors at a compost facility

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.



District staff inspecting portable engines registered by CARB

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 established an Air Toxic Control Measure (ATCM) for Naturally Occurring Asbestos (NOA) governing 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 certain 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. Either district staff performs a source test or source tests are performed by third parties (or in some cases by the source), while district staff observe the conduct of the tests.



Inspectors conducting source emissions test

Major Program Highlights

The following statistics measure performance of selected enforcement and compliance program elements at the 21 surveyed air districts for activities conducted during Calendar Year 2011. These districts include within their jurisdictions over 97 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 2011 include:

- Over 63,000 inspections of traditional stationary sources;
- Over 6,700 inspections of Major Permitted Sources (Title V Facilities);
- More than \$17 million collected in penalties for settled violations;
- More than \$570,000 required in non-monetary violation settlements*;
- Over 14,600 air quality complaints investigated;
- Over 14,000 violations discovered and enforcement actions taken;
- Over 9,400 minor violations identified, but only requested companies to come into compliance without issuance of any Notices of Violations;
- Over 40 variances approved by air district's Hearing Boards to allow businesses to continue operations while coming into compliance;
- Over 3,300 breakdowns reported and investigated;
- Over 6,800 inspections for asbestos pursuant to NESHAP for Asbestos;
- More than 6,800 inspections of CARB registered portable equipment;
- More than 580 full time employees involved primarily in compliance and enforcement of air pollution control laws;
- Approximately 24 percent of total district budgets dedicated to enforcement;
- Projects or payments that violators undertake to benefit the environment in the community in which the facility may be located.

What the Reported Data Tells Us

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

Enforcement Actions	2006 (11 of 35 Districts)	2008 (20 of 35 Districts)	2010 (20 of 35 Districts)	2011 (21 of 35 Districts)
<i>Number of Violations Discovered</i>	4,213	13,840	10,113	14,061
<i>Cash Value of Violations Settled</i>	\$24,834,097	\$18,897,700	\$22,516,712	\$17,468,179
<i>Non-Cash Settlement Value of Violations*</i>	\$1,667,600	\$6,527,585	\$1,223,207	\$584,682
<i>*Non-cash settlements reflect in-kind or other benefits by the violating facility in the community in which the facility may be located</i>				

Examples Of Successful Enforcement Cases

Followings are some examples of successful enforcement cases in large, medium and small/rural air districts.

South Coast Air Quality Management District (SCAQMD)

Mohawk Finishing Products manufactures and distributes professional wood touch up, repair and finishing products. Mohawk manufactured and offered for sale paint containing VOCs in excess of the SCAQMD rule limits. Mohawk entered into a settlement agreement which imposed a \$125,000 penalty. Mohawk also agreed to perform a Supplemental Environmental Project to develop and implement training programs on compliance with the SCAQMD's Rules and Regulations on architectural coatings and wood products coatings for a period of two years. The training program is at no cost for all distributors and sellers of Mohawk products.

Santa Barbara Air Pollution Control District (SBCAPCD)

J&A - Santa Maria II, LLC installed and operated a 1.4 Mega Watt electrical generator powered by a very large (2,000 brake horsepower) landfill gas-fired engine at Santa Maria landfill without first obtaining air permits from SBCAPCD. The company was issued a NOV for installing the engine without a permit during the construction phase. The company applied, but did not wait for the permit, completed construction and began operating the engine during nighttime, producing power, which it sold to the City. The District performed after-hour surveillance of the facility from a nearby roadway. The District obtained an Inspection Warrant from the Superior Court and gathered records and necessary documents to substantiate the violation. The case was referred to the Santa Barbara County District Attorney. It was eventually settled for \$250,000, which included payment of lost revenue to the City of Santa Maria.

San Diego County Air Pollution Control District (SDCAPCD)

Flame Spray, Inc. operated a spray booth, which was used in flame-spraying operations. The facility was emptying the toxic metal-containing dust collectors from spray booths in an unsafe manner. The toxic dust was released into the atmosphere. SDCAPCD issued a Notice of Violation (NOV) and settled the case by assessing a penalty of \$14,500, verified that the problem was corrected, and brought the company into compliance.

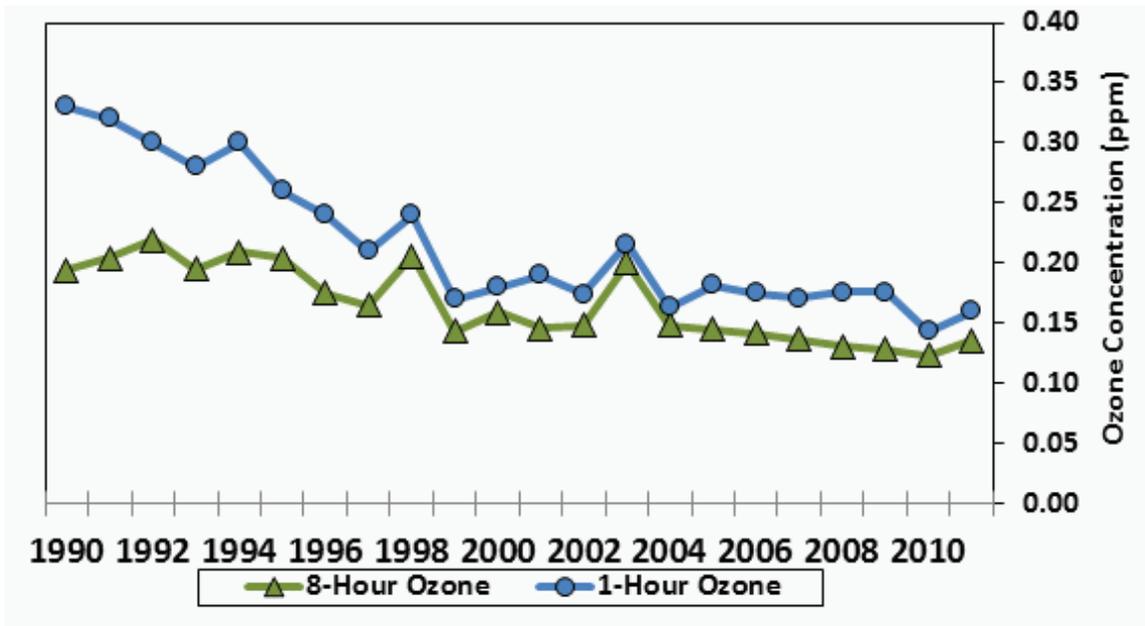
North Coast Unified Air Quality Management District (NCUAQMD)

Blue Lake Power operated a biomass facility in Humboldt County which generated 12.5 Mega Watts of electricity. The facility was shut down for about a decade and then was purchased by a new company and started operations again in 2010. However, the newly-owned facility operated in a manner which resulted in multiple violations of emissions of nitrogen oxides, carbon monoxide and opacity, and as a result NCUAQMD issued multiple NOVs. The total amount of the fine was \$3.1 million. However, NCUAQMD worked on a creative settlement with the new owners to identify areas of the plant that needed improvements. In 2011, the NCUAQMD agreed to a monetary penalty of \$400,000, with \$10,000 going to the City of Blue Lake for street sweeping. Additionally, \$16,000 was used to purchase a particulate monitor, and \$30,000 for public outreach and wood stove grants managed by NCUAQMD, with the remaining \$2,644,000 to be used for improvements to the plant. The improvements included a full environmental audit (\$100,000); installation of system-wide operational controls (\$564,000); a Dust Mitigation Control Plan and Plant Operational Control Plan (\$154,000); and an agreement that if the company operated in full compliance for three years the remaining fine (\$1.92 million) will be cancelled.

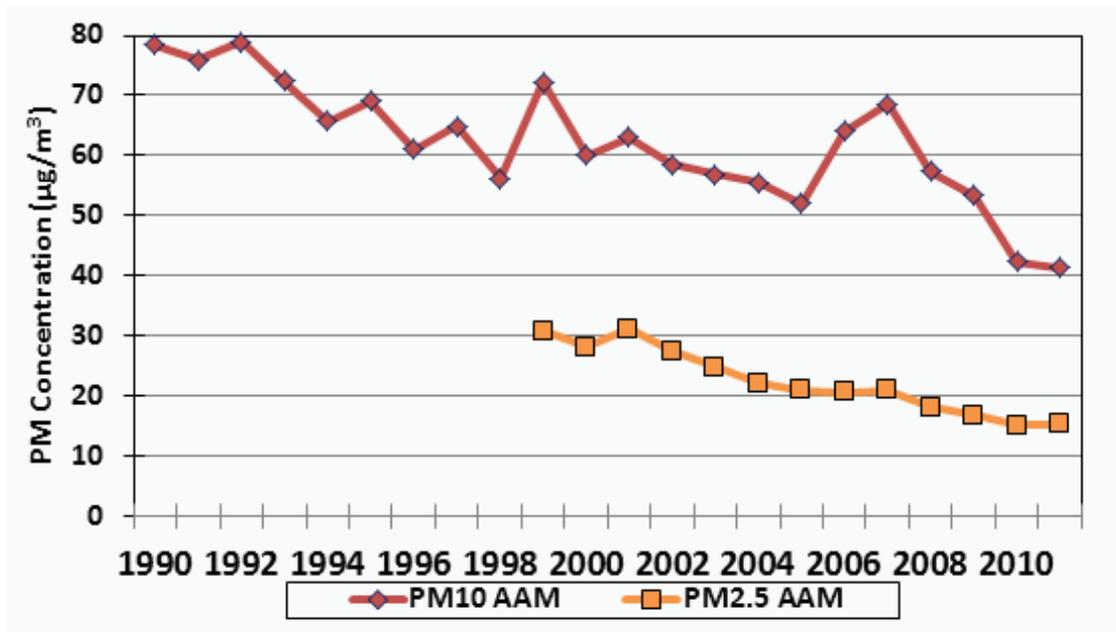
Public Health Indicators

One measure of the effectiveness of an air pollution control and enforcement program is air quality trends. The first graph on the following page shows the measured concentrations of ozone and fine particulate matter (PM10 and PM2.5) in the South Coast Air Basin over the last decade (1990 through 2011). The overall trends show a reduction in both ozone and fine particulate concentrations, despite of the increase in population. While specific to South Coast Air Basin, these trends are typical for many areas of California. However, despite a steady decrease in the stationary source emissions, as shown in the second bar chart graph below, there are still a number of areas in the state that exceeds the ozone and in some areas, the PM2.5 standards. The air districts are continuing their efforts to improve the air quality in all regions of the state even as population continues to grow.

South Coast Air Basin Ozone Trends

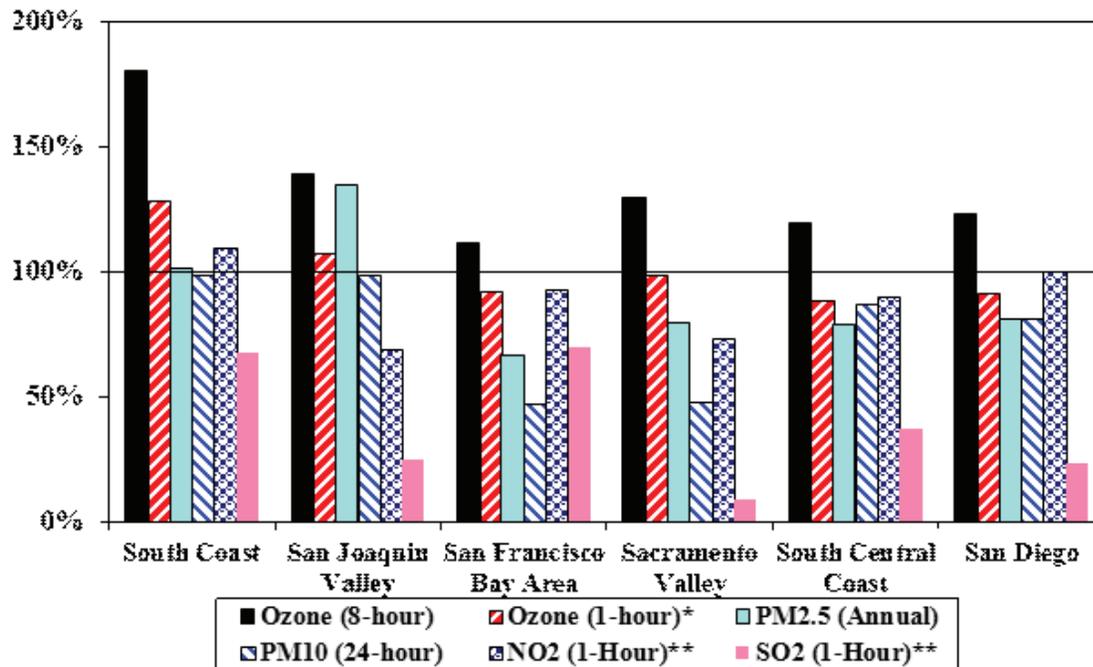


South Coast Air Basin Particulate Trends



Air Quality in 2011 for Major California Air Basins

Percent of Standard



* Based on the former standard. ** Based on the recently established standard.

District Inspector Training

District inspectors are trained to ensure fair, consistent, and effective inspection programs. 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 and experienced inspectors also receive district specific training on district software and 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.

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 (CAPCOA).

The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation and pollution prevention.



The Mission of the Enforcement and Emergency Response Program is to promote a healthier environment for all Californians through fair, consistent, and timely enforcement of the state's hazardous waste control laws.

Department of Toxic Substances Control

Overview of the Enforcement Program

The DTSC has four core programs:

- Brownfields and Environmental Restoration Program (Cleanup Program)
- Pollution Prevention and Green Technology Program
- Environmental Chemistry Laboratory
- Enforcement and Emergency Response Program (Enforcement Program)

The DTSC regulates over 120,000 entities. Hazardous waste enforcement involves federal, state, and local governments. 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 oversees most permitted hazardous waste facilities, hazardous waste generators and on-site treaters, transportable treatment units, transporters, electronic waste recyclers, processors, and collectors. The Certified Unified Program Agencies (CUPAs) conduct the majority of the inspections and enforcement of hazardous waste generators and on-site treatment units as provided in SB 1082 (1993) (Ch. 6.11, Health and Safety Code §25404, et seq.). All CUPAs are local agencies, except for Imperial and Trinity Counties, where DTSC is the designated CUPA.

The Enforcement Program also regulates and enforces laws enacted to protect consumers from toxics in products; e.g. Toxics in Packaging Prevention Act, Lead in Jewelry Act, and other statutes addressing lead wheel weights and metals in brake pads. The Enforcement Program anticipates providing enforcement of pending Green Chemistry Initiative regulations.

The Enforcement Program implements its responsibilities through the following programs: Facility, Generator, and Transporter Program; California-Mexico Border Program; Environmental Justice (EJ) Initiative; Electronic Waste Program; DTSC as the CUPA in Imperial and Trinity Counties; CUPA-State Oversight Program; Office of Criminal Investigations; Toxics in Consumer Products Program; compliance assistance; and education efforts and materials.

The Enforcement Program strives to prevent the release of hazardous waste and ensure the safe handling of hazardous waste from cradle to grave. DTSC provides compliance assistance to permitted facilities, transportable treatment units, transporters, generators, and electronic waste recyclers and collectors because of the inherent dangers to people and the environment associated with hazardous waste management. DTSC also regularly inspects hazardous waste handlers and entities subject to the toxics in consumer products requirements to identify violations and increase compliance.

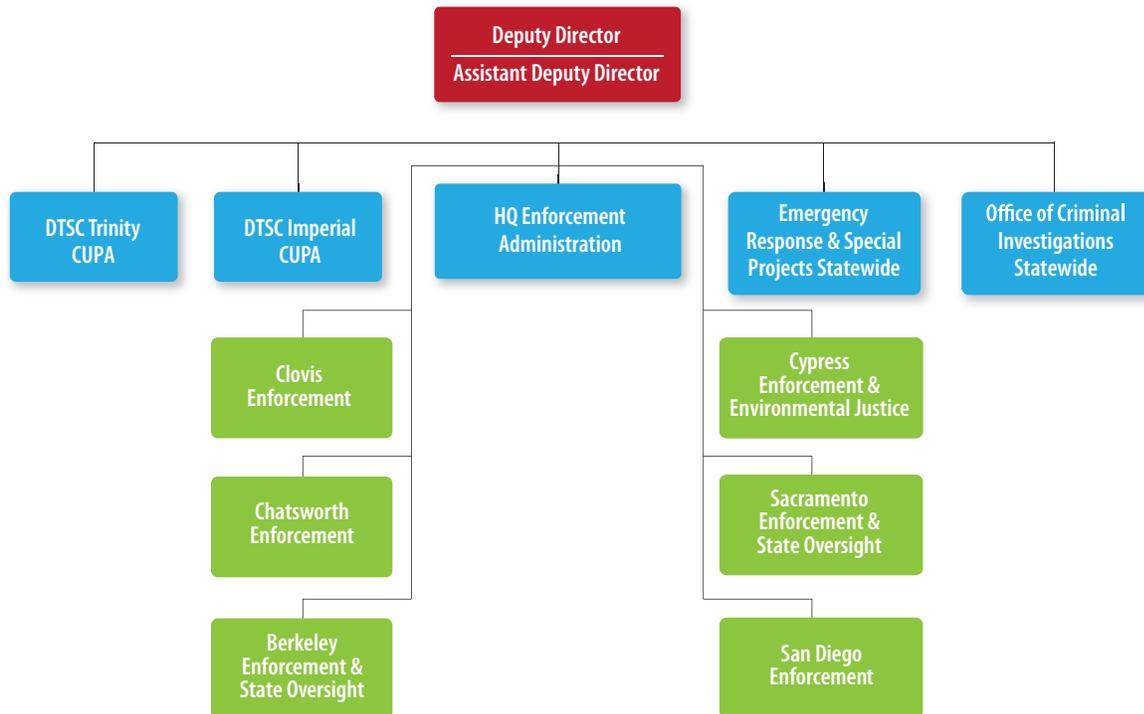
DTSC has historically utilized a traditional reactive enforcement strategy when investigating public health or environmental complaints received from members of the public or another governmental agency concerning any entity thought to be violating hazardous waste or toxics in consumer product laws. Once complaints are received by telephone, mail, e-mail, or through the Cal/EPA complaint tracking system, enforcement staff respond by initiating research, inspections, and investigations of complaints received. All inspections and criminal investigations are conducted on an unannounced basis.

Since 2007, DTSC has promoted proactive enforcement through its Environmental Justice* Enforcement Initiative. To implement the Initiative, DTSC engages with EJ communities statewide and invites community organizations to identify potential sources of toxic harm in their individual communities. Community members actively participate in targeting polluters in their neighborhoods by referring information and complaints to DTSC's Enforcement Program staff, who investigate, resolve alleged violations, and report back to the community within 100 days.

**Environmental Justice is "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws and policies."*

An organizational chart of the Enforcement Program to the Branch Chief level (second level supervisor) is provided on the following page:

Enforcement and Emergency Response Program Office of the Deputy Director



Enforcement Program Highlights for 2011:

- 350 inspections
- 200 additional inspections were conducted by DTSC as the CUPA in Imperial County
- 50 additional inspections conducted by DTSC as the CUPA in Trinity Counties
- 4,339 Mexican Border truck stop inspections
- 33 administrative and 10 civil enforcement cases resolved
- \$2,018,342 total settlement dollars collected
- 8 training classes provided to 362 CUPA inspectors, governmental officials, and industry personnel
- 353 total criminal cases currently under investigation
- 138 new criminal cases initiated

- 120 criminal cases completed *
- 14 arrests
- 683 complaints received. DTSC investigated 97 non-criminal complaints, resulting in 12 enforcement actions

**Completed means that the case has been closed. This could be for some of the following reasons: (1) the allegations are unfounded; (2) there is not enough evidence to proceed; (3) statute of limitations issues, or the case was prosecuted and verdict reached.*

Highlighted Enforcement Cases in 2011

During 2011, the Enforcement Program’s workforce was significantly reduced from prior years. In response, the Enforcement Program in 2012 will begin utilizing an enforcement priority plan



DTSC scientists investigating serious threats from an illegal hazardous waste storage facility near Lakeport, Lake County.

focusing its efforts based on an analysis of community cumulative impacts, environmental justice characteristics, the presence of higher risk facilities and DTSC’s public/community complaint data. Together, these factors will help to identify those communities where the Enforcement Program’s efforts to improve public health, safety and the environment can have the greatest positive impact.

The collaborative efforts of DTSC’s Enforcement Program staff culminated in several significant enforcement actions in 2011. These actions not only stopped illegal hazardous waste management practices throughout California, but also brought numerous companies back into compliance with the state’s hazardous waste laws. They included the following:

- On March 10, 2011, DTSC entered into a Consent Order with Jennings Technology, a vacuum products manufacturer in San Jose, resolving violations observed during inspections conducted on January 27 and 28, 2009. The settlement included penalties of \$337,000 and

\$10,000 reimbursement of DTSC's costs. The violations included: failure to make waste determinations of soldering waste and baghouse waste; failure to transfer hazardous waste (filter press sludge) from a leaking container to container in good condition; storage of hazardous waste in containers for greater than 90 days without permit or authorization; treatment of hazardous waste without permit or authorization; failure to complete tank system assessments for a waste cyanide sump, a waste acid sump, a methanol tank, and a bag house; failure to inspect tanks daily; failure to maintain protective distances between the waste methanol tank and public ways, streets and alleyways; failure to label hazardous waste containers; disposing hazardous waste to an unauthorized point; and storing universal waste lamps in open containers.

- On September 23, 2011, the Stanislaus Superior Court approved a stipulated judgment resolving hazardous waste violation, alleged against Modesto Plating, including alleged improper disposal of hazardous waste. The judgment held both the owner of the company and Modesto Plating, Inc., jointly responsible, for the illegal disposal of hazardous waste. The court ordered a penalty of \$180,000 and an injunction, which if violated, will trigger penalties of \$1.8 million. This case posed complex the defendant was incorporated and transferred assets after the violations were issued.
- On January 11, 2011, DTSC and Todd Hill, an individual and former president of trueCycle, Inc., an electronics recycler in Victorville, entered into a Stipulation and Order settling violations described in the Enforcement Order (EO) issued on October 27, 2009 and later an Amendment to the EO on June 8, 2010. The settlement included penalties of \$52,650. The major violations involved containment and storage management violations, release of hazardous wastes, including universal waste batteries and other residues from universal waste (e.g., nickel-cadmium rechargeable, button, and lithium batteries); cathode ray tube materials and residues from cathode ray tube materials (e.g., broken cathode ray tube glass), and financial responsibility requirements.



DTSC scientist sampling soil to detect contamination in Kern County

Performance Measures/Environmental, Public Health Indicators:

The 2011-2016 DTSC Strategic Plan

The 2011-2016 DTSC Strategic Plan 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 (Goal 09-4; Objective 09-4.1). Most recently, DTSC redesigned the Executive Level of the department’s dashboard (a graphic display of performance measures) to focus on 13 measures arrayed in a “balanced scorecard.” The dashboard includes measures in four quadrants – Employee, Financial, Internal Processes, and Customer. For more detailed explanation, including change management and performance excellence, see the latest DTSC Strategic Plan at: http://dtsc.ca.gov/InformationResources/upload/StrategicPlan_2011_2016.pdf

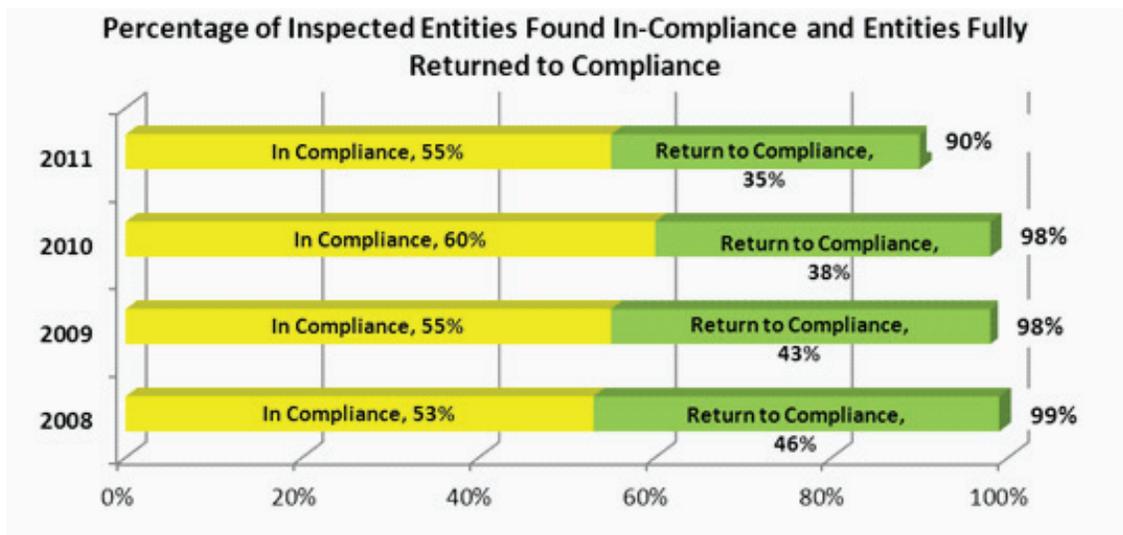
Performance Measures

DTSC continues to work on development of performance measures for its core programs. Performance measures provide quantitative measures of work performed, resources provided, program processes,

or results achieved. They describe in both quantifiable and qualitative terms how well the activities, strategies, and processes within an agency are achieving goals and outcomes. The Enforcement Program's performance measures are:

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

The graph below shows that over the past four years, over 90 percent of the regulated businesses were found to be in compliance, or soon returned to compliance, due in large part to the efforts of the Enforcement Program.



Another DTSC objective in the Strategic Plan is to streamline the inspection process. Consequently, DTSC adopted the following Performance Measure: The percentage of inspection reports completed within 65 days. Data for 2011 show the Enforcement Program meeting the 65-day deadline 89.7 percent of the time.

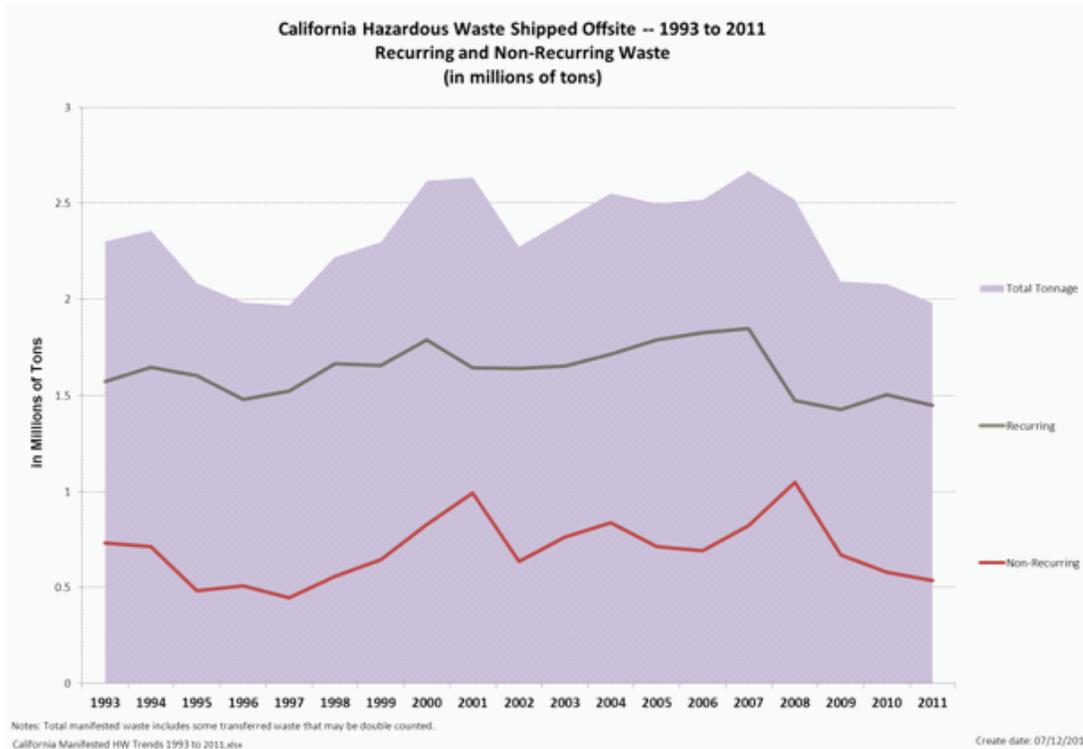
These data demonstrate the success of DTSC's investigative, public education and compliance assistance efforts, administered through its enforcement program.

Environmental Indicators

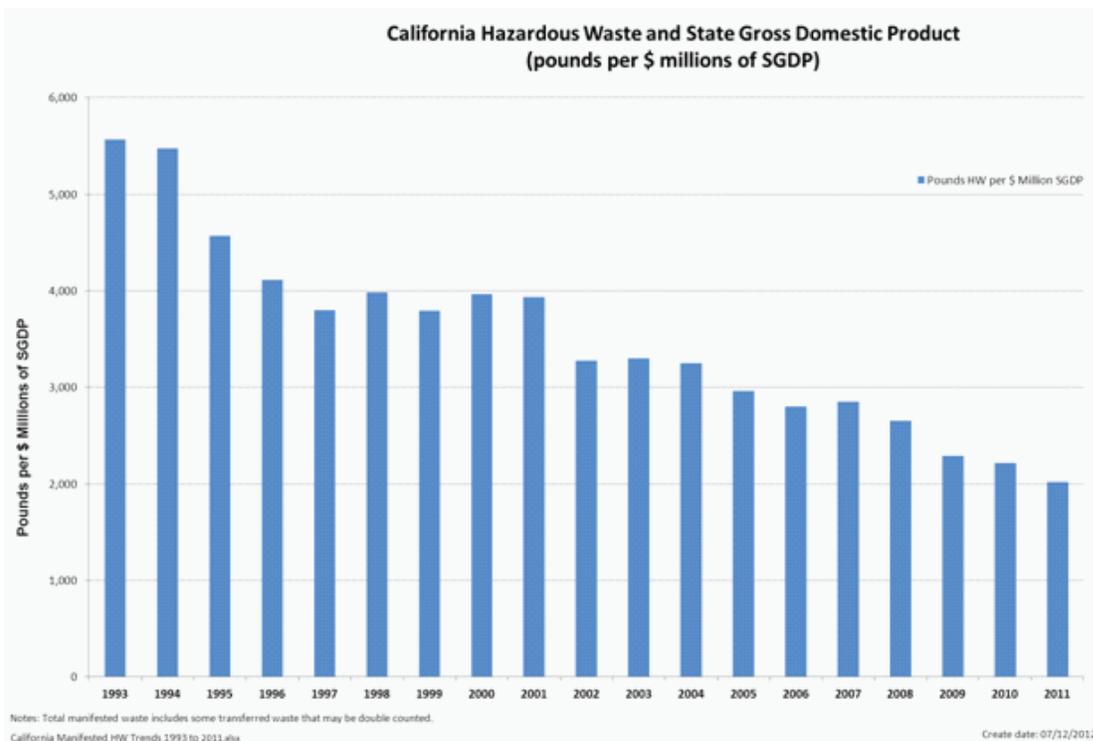
The environmental indicators graphed below reflect the annual amount of hazardous waste generated in California, and subsequently shipped for treatment, storage and/or disposal; they do not include hazardous waste which has been treated or disposed onsite (at the facility where it was generated). Total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

Unless managed in an environmentally sound manner, hazardous wastes can cause adverse impacts on human and ecological health. The transportation, storage, treatment and disposal of hazardous waste create a potential for the release of hazardous chemicals to the environment. Pollution prevention activities can reduce the quantity and composition of hazardous waste generated.

The environmental indicator on the following page shows that the amount of hazardous waste shipped had been increasing between 1996 and 2001, but then has declined by 2011. The total amount consists of cleanup wastes and recurring wastes. The amount of these cleanup, recurring, and non-recurring wastes has declined by almost 35 percent between 2007 and 2011.



Below, data show that over the past eighteen years the amount of hazardous waste generated per unit of economic activity has decreased. 60 percent less waste was generated per \$1 million of gross state product in 2011 than in 1993.



Metrics

Below is a breakdown of the DTSC regulated community in California: Table 1

Table 1: 2011 Regulated Units in California	
Resource Conservation and Recovery Act (RCRA) Permitted Facilities	64
Post-Closure Facilities (some permitted)	30
State Standardized Permit Facilities	14
Transporters	950
Universal Waste Recyclers/Collectors	280
Total	1,338
2011 Regulated Hazardous Waste Generators	
Generators in California	86,955

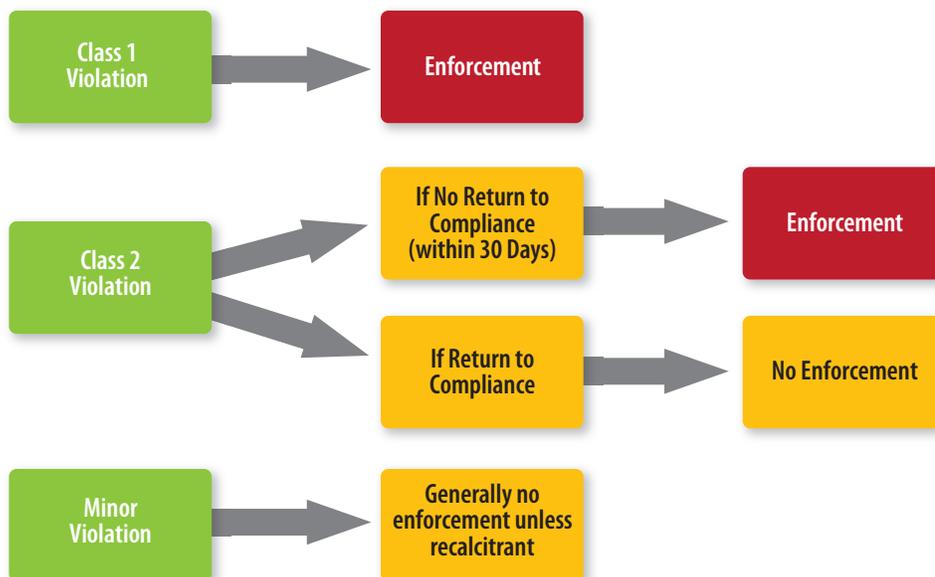
Table 2: Inspections, Complaints and Enforcement Referrals				
	2008	2009	2010	2011
<i>Regulated Units*</i>			1,372	1,338
<i>Inspections by Enforcement Program staff</i>	537	399	427	350
<i>Violations From Inspections</i>	396	288	277	156
<i>Complaints Received</i>	764	553	671	680
<i>Complaints Referred to Local District Attorney/California Attorney General</i>	775	537	541	549
<i>Complaints Assigned to DTSC and Closed</i>	71	82	84	92/60
<i>Violations from Complaints Investigated by DTSC</i>	41	52	54	34
<i>Complaints No Further Action Required</i>	22	20	31	15

*Regulated unit means a permitted or interim status hazardous waste facility, which operates or operated any surface impoundment, waste pile, land treatment unit or landfill that received hazardous waste.

Inspections, Complaints and Enforcement Referrals by DTSC

Many factors affect the selection and execution of enforcement actions pursued by DTSC. The primary factors are the class of the violation and the type of violator. DTSC policy requires formal enforcement action (an action that mandates compliance and initiates an administrative, civil, or criminal process that results in an enforceable agreement or order) for Class I violations and for significant non-compliers. For purposes of selecting appropriate enforcement responses, DTSC divides violations into three broad categories: Class I (serious) violations; Class II (less serious) violations; and minor violations (a subset of Class II violations). Class I violations are addressed through formal enforcement actions; Class II and minor violations generally involve no formal enforcement.

Below is a flow chart showing violations and the general enforcement response:



For more detail on how DTSC determines the class of the violation, go to the following policy document:

www.dtsc.ca.gov/LawsRegsPolicies/Policies/HazardousWaste/upload/DTSC-OP-0006_Enf_Response_Policy.pdf

Facilities with Class II violations are required by DTSC policy to return to compliance within 30 days. Often, facilities are found to have both Class I and Class II violations. Facilities tend to return to compliance for Class II violations sooner than for Class I violations. If the facility has achieved compliance for the Class II violations within the specified time frame but has not yet achieved compliance for the Class I violations, DTSC regards the facility to be still out of compliance.

Table 3: Formal Enforcement Actions				
Formal Enforcement Actions	2008	2009	2010	2011
<i>Civil Cases Referred to Attorney General</i>	0	10	5	8
<i>Civil Cases Settled by Attorney General</i>	4	4	3	10
<i>Criminal Cases Referred to local District Attorney/California Attorney General</i>	9	13	3	6
<i>Criminal Cases Closed</i>	237	195	93	120
<i>Administrative Actions Initiated</i>	41	70	32	32
<i>Administrative Actions Settled</i>	41	69	32	33
<i>Regulated Business Returned to Compliance</i>	99%	98%	98%	90%
<i>Penalties Amounts from Settled Cases</i>	\$3,396,133	\$2,202,670	\$2,225,569	\$2,018,342

In 2011, as shown in the Table 3 above, 33 administrative cases were settled by DTSC, 10 civil cases were settled by the Attorney General, and 120 criminal cases were closed by DTSC. The data indicates that there has been:

1. an increase in the number of civil enforcement cases referred to, and settled by, the Attorney General. The Enforcement Program has focused its resources on the more serious violators, and the majority of the regulated businesses in California are in, or quickly return to, compliance as a result of DTSC assistance; and
2. a decline in several of the categories of enforcement actions, including administrative actions

initiated and settled, and penalty amounts from settled cases. Reasons for these declines include a higher total number of enforcement cases in 2008, and furloughs imposed on state employees in 2009, 2010, and 2011.

Program Outcomes and Environmental Benefits

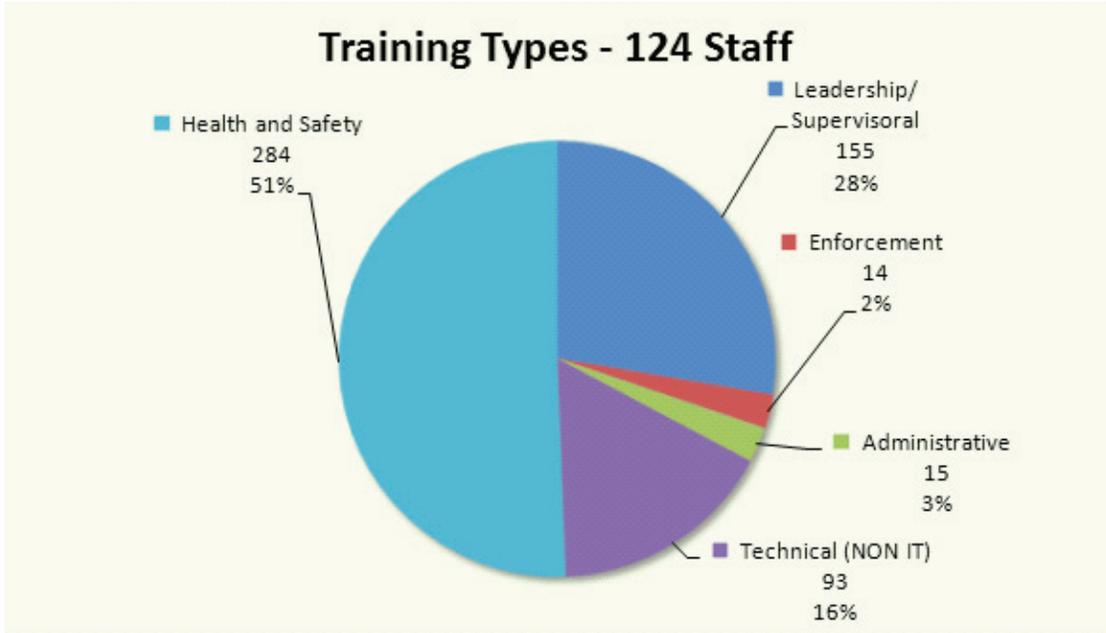
The purpose of DTSC's Enforcement Program is to reduce the incidence of illegal handling and release of hazardous waste. The enforcement case against UNI Waste, Inc., located in Ione, which settled in 2011, exemplifies the real life impact of DTSC's enforcement actions. After inspecting the UNI Waste facility, DTSC determined that the company was prepared to illegally transport a large quantity of waste oil. Based on data gathered at the inspection, and using the US EPA's Guide to Calculating Environmental Benefits,¹ DTSC calculated the total quantity of waste oil at 413,716 gallons. Accordingly, DTSC determined that its inspection and enforcement action prevented 413,716 gallons of waste oil from potentially entering the environment. This is a direct benefit to California communities. For more information on the UNI Enforcement Case see: www.dtsc.ca.gov/HazardousWaste/Projects/Uni_Waste.cfm.

Training

DTSC trains its staff to ensure consistent, efficient and coordinated enforcement actions occur. DTSC supports the training needs and activities for the CUPAs, DTSC staff, industry, and the regulated community. Enforcement Program staff are members of the Cal/EPA Environmental Enforcement Training Team, the Unified Program Trainers Committee, which is composed of state and local training coordinators, and deals with training issues. Through this committee Enforcement Program staff worked closely with the CUPAs to assess training needs and plan and coordinate CUPA training.

¹(<http://www.epa.gov/compliance/resources/publications/data/tools/ccds.pdf>)

Types, Number of Classes and Relative Percentage of Training Taken by Enforcement Staff in 2011



(Non IT means non-information technology.)

Enforcement Program staff took a variety of classes in 2011. The chart below shows the percentages for the types of classes taken by DTSC Enforcement staff.

With new enforcement staff coming into the workforce as a result of retirements and attrition, the Enforcement Program expects the percentage of time allocated to enforcement training to increase.

DTSC’s Complaint Tracking System

DTSC utilizes both Cal/EPA’s Single Complaint Tracking System and its own system (Envirostor) to address complaints. The majority of Envirostor complaints are generated from members of the public

Year	Cal/EPA Complaints	Envirostor Complaints
2011	486	682
2010	413	683
2009	476	626
2008	536	866

calling a toll free number, whereas most Single Complaint Tracking System complaints are submitted electronically via Cal/EPA's website.

Not all the complaints from members of the public via DTSC's 800 number are transferred to Envirostor since many do not involve hazardous waste. But Enforcement Program staff triage and process them, regardless. The Enforcement Program is tasked with ensuring that the complaints get to the right agency, and responding back to the complainant, if necessary.

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:

http://dtsc.ca.gov/InformationResources/upload/StrategicPlan_2011_2016.pdf

http://www.dtsc.ca.gov/GetInvolved/env_justice_policies.cfm

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:

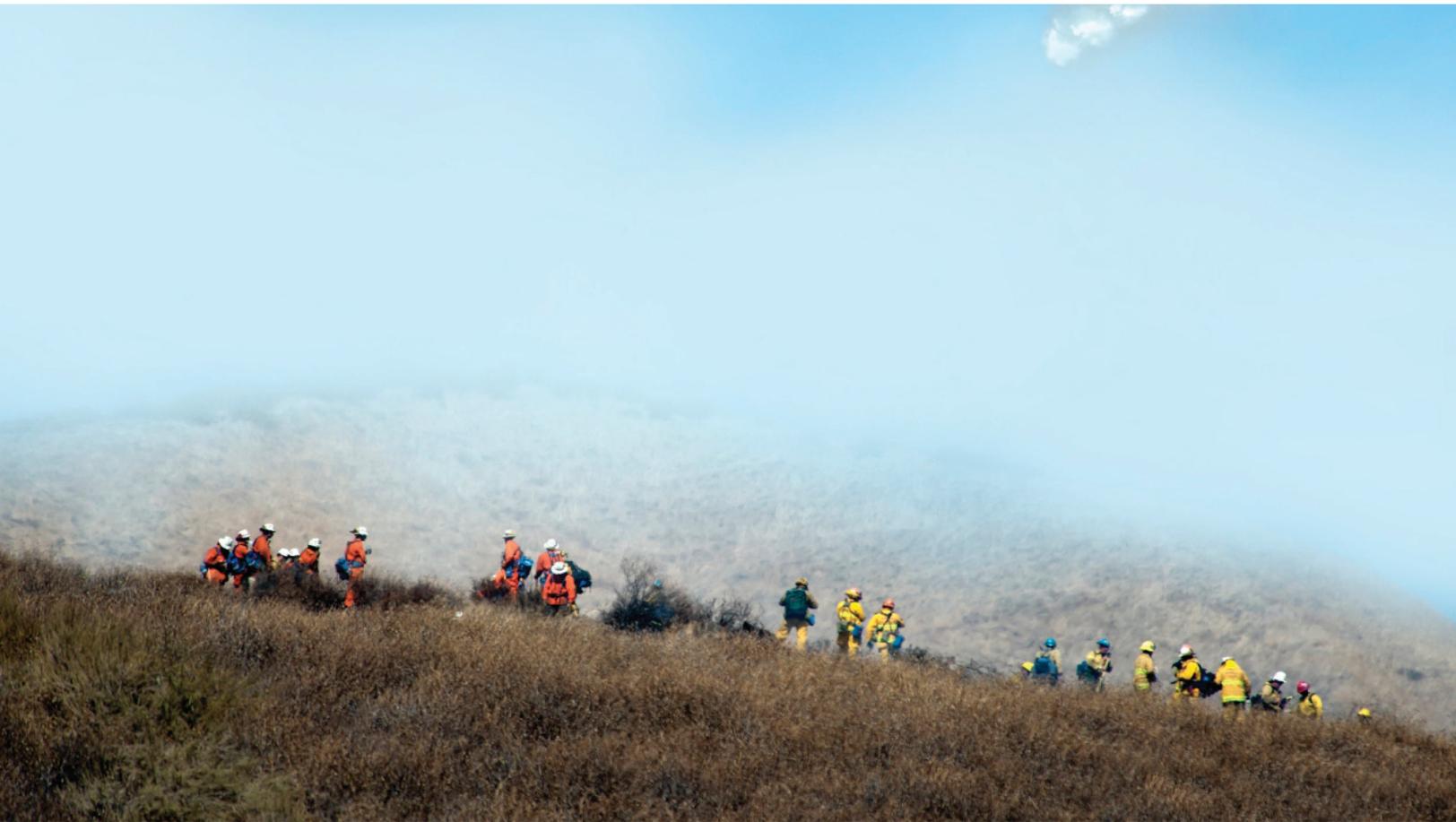
www.dtsc.ca.gov/HazardousWaste/CertifiedUnifiedProgramAgencies.cfm

DTSC Green Chemistry details at:

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

¹(<http://www.epa.gov/compliance/resources/publications/data/tools/ccds.pdf>)

The Unified Program's Enforcement Program mission is 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 Programs

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 increasing 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 oversees 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, which are managed by the state agencies also referenced below:

- 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 a total of 116 reporting entities, collectively known as Unified Program Agencies (UPAs).

Cal-CUPA Forum

The California CUPA Forum (Cal-CUPA Forum) was formed by the CUPAs to represent all CUPAs and Participating Agencies with a single voice. Cal/EPA participates in the Cal-CUPA Forum. 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 www.calcupa.net



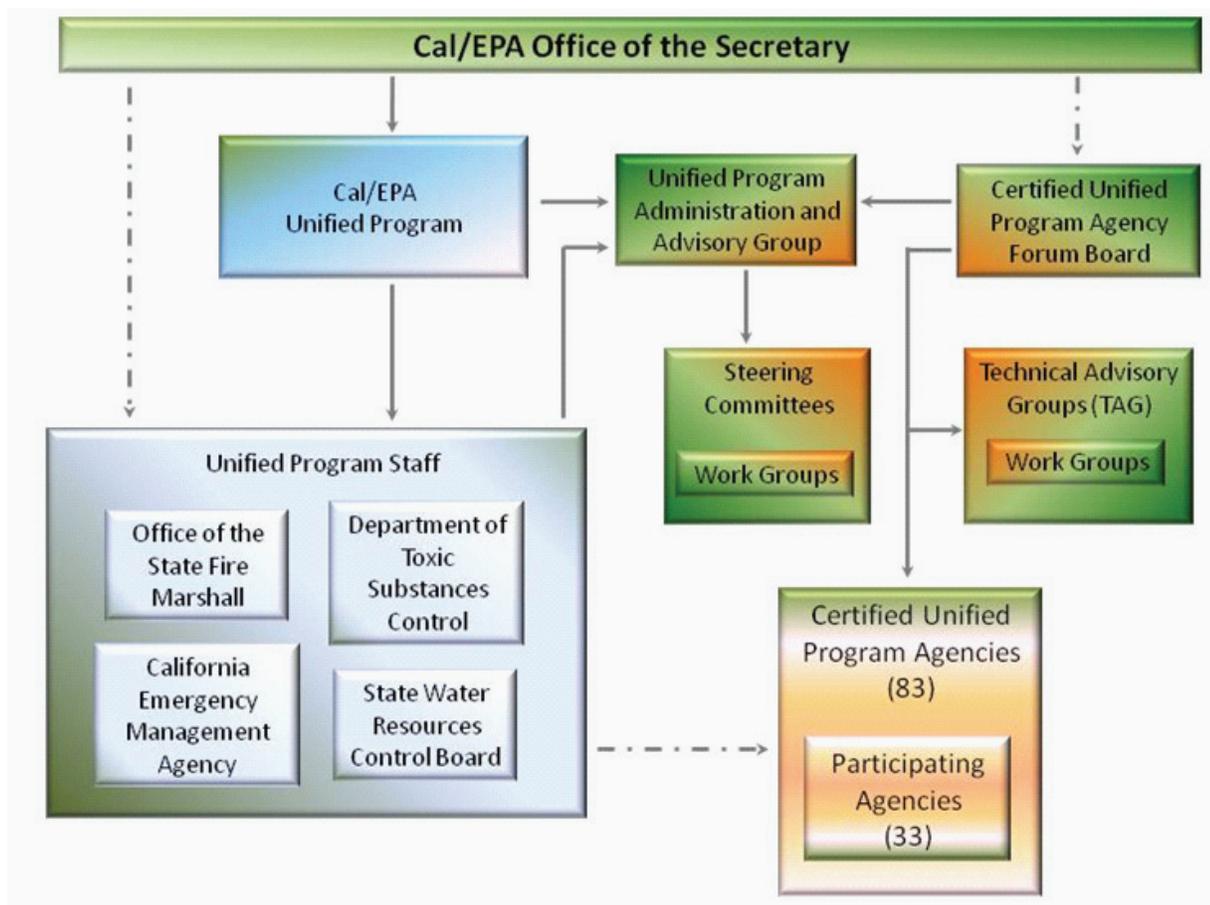
An Underground Storage Tank being lifted from the ground courtesy of US EPA

for information on the California CUPA Forum.) In 2011, the CUPA Forum Environmental Protection Trust Fund—a grant program created to enhance Unified Program investigations, inspections and enforcement—approved seven grants for a total disbursement of \$233,581.81. The grant recipient agencies have used the grants for enforcement-related activities such as providing training for the entire region, purchasing Cal ARP reference materials for all the UPAs in the state, and creating regional web portals.

Unified Program Administration and Advisory Group

The Unified Program Administration and Advisory Group (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 policies 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.

An organization chart of the Unified Program is provided below:



Major Program Overview and Highlights for 2011

Highlights below are provided by CUPA Program Elements with a brief description of each program:

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, reuse, and recycling of hazardous materials and waste.



Photo of Hazardous Materials and Waste Inspection; courtesy of Los Angeles County CUPA

The key goals and objectives for 2010 have continued through 2011. They are 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 2011, local CUPAs conducted 44,030 hazardous waste generator site inspections. The CUPAs continue to improve their inspection and enforcement program, in part, because of the CUPA oversight provided by DTSC and Cal/EPA. The results of the DTSC CUPA evaluations indicate that increasingly consistent inspections and enforcement actions are occurring among CUPAs, thereby creating a level playing field for businesses across California.

California Accidental Release Prevention Program (CalARP)

The California Accidental Release Prevention (CalARP) program's goal 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 goal is accomplished by requiring businesses that handle more than a threshold quantity of regulated substance listed in the regulations to develop and implement a Risk Management Plan (RMP). An RMP is a detailed engineering analysis of potential accident factors present at a business and mitigation measures to reduce the accident potential. The RMP contains safety information, a hazard review, operating procedures, training requirements, maintenance requirements, compliance audits, and incident investigation procedures.

The CalARP program is implemented by the CUPAs.

Since the inception of the CalARP program, the use of many extremely hazardous chemicals has decreased and other chemicals have been replaced by less toxic alternatives. The best example is the replacement of chlorine gas with either sodium hypochlorite (Bleach) or ozone in water treatment facilities and public pools. Another example is the replacement of ammonia used in cooling facilities with less toxic carbon dioxide.

The implementation of a robust CalARP program, combined with continued industry training, has reduced the numbers of spills and releases of extremely hazardous chemicals in California. Additionally, because the CalARP program identifies toxic facilities, it is useful for land-use planning, fire suppression efforts and planning for catastrophic events.

In 2011, UPAs conducted 1,864 inspections for the CalARP program, revealing a compliance rate of 73%.

Hazardous Materials Release Response Plans and Inventories (Business Plans)

The Hazardous Materials Business Plan program's goal is to prevent or minimize harm to first responders, public health and safety, and the environment from a release or threatened release of hazardous materials. This program also satisfies federal community right-to-know laws, which require businesses that handle hazardous materials in reportable quantities to inventory the 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. The CUPA verifies the information and provides it to the agencies responsible for protection of public health and safety and the environment. These agencies include fire departments and hazardous materials response teams.

In 2011, the Hazardous Materials Business Plan Technical Advisory Group (HMBP TAG), which included CUPA managers and Cal/EPA staff, completed the Lead Acid Battery Reporting Guidance document and incorporated it into a Cal/EPA UP Policy Memo in April 2011. In 2011, UPAs conducted 60,751 inspections for the Business Plan Program, revealing a compliance rate of 72%.

Underground Storage Tanks

CUPAs oversee and regulate state and federal regulations that set operating requirements and technical standards for underground tank design, installation, operation and closure. The CUPAs' underground storage tank (UST) program ensures that the tank contents (petroleum or other hazardous substances) do not seep into the soil and contaminate California's groundwater and waterways. The CUPAs coordinate with the State Water Resources Control Board's (Water Board) UST Program staff and are assisted by the Water Board Leak Prevention Program. The Water Board Leak Prevention Program develops requirements for tank installation, construction, system component testing, leak detection, spill containment, overfill protection and certification of operators and service technicians. UST inspectors employed by the CUPAs must also be certified.



Photo of Above Ground Storage Tank courtesy of Sonoma County CUPA

The Water Board evaluates the CUPAs and their UST inspectors. CUPAs administer the UST Program through permitting, inspection, and enforcement activities. Some CUPAs work in the UST Cleanup Program directing or assisting with leak reporting requirements, including the cleanup of leaking tanks, an activity that often involves soil and groundwater investigation prior to remediation. CUPAs work with the Water Board Enforcement Program, which supports both the leak prevention and cleanup program by investigating fraud and violations of the UST laws in statewide or complex cases. In addition, the Water Board provides assistance to local agencies enforcing UST requirements upon request. CUPAs also work with the Water Board's Office of Tank Tester Licensing to administer the Tank Tester Licensing Program. The Water Board establishes minimum qualifications for those who test underground storage tanks and associated piping. CUPAs oversee tank testing and check UST testers to assure they are licensed by the Water Board.

In 2011, Water Board reported that frequency of required annual compliance inspections conducted by the CUPAs remained steady with 91% (13,444 inspections conducted) in 2010 and 90% (13,247 inspections conducted) in 2011. The facility operational compliance percentage remained consistent at around 67% for both leak detection and prevention compliance.

The number of regulated UST facilities decreased from 14,800 in 2010 to 14,433 in 2011. The number of UST systems decreased from 40,500 in 2010 to 39,890 in 2011.

The Water Board reported that 162 new releases from USTs occurred in 2011. Also in 2011, 58 cleanup cases were initiated and 420 cleanup cases were completed in 2011.

Aboveground Storage Tanks

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. Cal/EPA developed APSA training for CUPA staff and an exam for CUPA inspectors conducting inspections at APSA-regulated tank facilities. Nearly 650 CUPA staff have completed the training course and successfully passed the inspectors exam.

By 2011, all CUPAs had established their APSA program fees and received their initial disbursement of grant allocations. Prior to and in 2011, most CUPAs began a robust outreach and compliance program for APSA, reaching out to regulated tank facilities and providing compliance assistance. Many CUPAs conducted compliance inspections in 2011, ensuring APSA compliance at tank facilities.



Photo of Above-ground storage tank courtesy of Sonoma County CUPA

In 2011, the ASPA Unified Program workgroup completed several documents, including: a Tier 2 Spill Prevention and Countermeasure Control plan template for qualified facilities; an updated APSA Frequently Asked Questions document; and an APSA violation dictionary. In 2011, 34 Unified Program Agency staff successfully completed the APSA online training and passed the inspector exam. In addition, USEPA extended the Spill Prevention and Countermeasure Control 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. The number of routine inspections increased 2887 from 2328 in FY 2010/2011. For more information on APSA, visit www.calepa.ca.gov/CUPA/Aboveground/.

Electronic Reporting

Assembly Bill 2286, 2008 (Ch. 571, §25404, Health and Safety Code) requires the 144,000 Unified Program regulated businesses and the 116 UPAs to report hazardous materials, underground tank, hazardous waste, and inspection and enforcement related information electronically using a state system by January 1, 2013. The web-based reporting system, called the California Environmental Reporting System (CERS), will allow the regulated community to submit required regulatory information electronically to their local Unified Program Agency who will share it with Cal/EPA or to Cal/EPA who will share it the Unified Program Agencies.

Multi-jurisdictional businesses will be able to report data for all of their sites in California with Cal/EPA, who will in turn share the data with all of the appropriate Unified Program Agencies. Cal/EPA will serve as a virtual data warehouse and have the ability to exchange data with US EPA and in the future, create a public access website. Cal/EPA launched CERS in 2009. CERS was significantly upgraded in 2011, and a new version, CERS2, was launched in January 2012.

Cal/EPA's Unified Program worked with representatives from the CUPAs, DTSC, Cal EMA, and the State Water Board to create the Violation Library, a standardize list of Unified Program violations that CUPAs may use when entering violation information into CERS2. Each violation is divided into program element, violation category, violation title, and violation description. For more information on violation library, visit:

Violation Library Factsheet link: <http://cers.calepa.ca.gov/docs/ESC/violation-library-factsheet.pdf>

Violation Library link: <https://cersapps.calepa.ca.gov/DataRegistry/Violations/>

For more information on e-reporting visit: <http://www.calepa.ca.gov/CUPA/EReporting/>

Other Reporting

In 2011, Cal/EPA Unified Program finalized the Formal Enforcement Report Template with assistance from the United Program Enforcement Steering Committee. The formal enforcement report template

summarizes specific details of a completed formal enforcement action. The report captures the facility identification, program element, violation description, formal enforcement action taken, penalty amount assessed, and the final case disposition of each formal enforcement case. The enforcement report summaries are posted on the Cal/EPA Unified Program webpage: www.calepa.ca.gov/CUPA/Documents/eReporting/Template.pdf.

CUPA Evaluation Status

Cal/EPA and authorized state agencies evaluate CUPAs programs at least once every three years.

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;
3. reviews of self-audit reports and annual summary report submissions.

In 2011, the Unified Program conducted program evaluations at 32 of the 83 CUPAs. Results of CUPA evaluations conducted in 2011 show that 14 met or exceeded program standards, 15 were considered satisfactory with improvements needed, and 3 were unsatisfactory with improvements needed.

At the end 2011, the overall CUPA status indicates that 48 met or exceeded program standards, 30 were considered satisfactory with improvements needed, and 5 were unsatisfactory with improvements needed (see attached map for the 2011 CUPA evaluation status). Cal/EPA Unified program posts the updated CUPA evaluation map periodically on www.calepa.ca.gov/CUPA/Evaluations/StatusMap.pdf.

Major Enforcement Cases for 2011

People v. Target Corporation

On March 2, 2011, the People, by and through the California Attorney General and local prosecutors (20 counties and 1 city), settled its statewide prosecution of Target Corporation (Target), related to hazardous materials and hazardous waste handling and management practices. Target handles hazardous materials and hazardous wastes at multiple facilities throughout California, including one or more facilities in each of the counties represented by the Local Prosecutors. Target was charged with violating Chapters 6.5 and 6.95 of Division 20 of the Health and Safety Code and implementing regulations related to its improper storage, handling, transportation, and disposal of hazardous waste and hazardous materials at and from Target facilities from March 2002 through June 2009.

On March 2, 2011, Superior Court of the State of California, Alameda County approved a settlement of the case. In the historic settlement, Target agreed to pay \$22.5 million in civil penalties, Supplemental Environmental Projects, and attorney's fees. Specifically, Target will pay \$2.5 million for supplemental environmental projects, \$3 million for reimbursement of costs of investigation, enforcement, and attorney fees, and \$17 million in civil penalties. See www.calepa.ca.gov/Enforcement/Orders/2011/TargetCorp.pdf

People v. Chevron

On September 7, 2011, the Attorney General and the District Attorneys in the Counties of Humboldt, Merced, Nevada, and Sacramento settled a lawsuit against Chevron U.S.A. Inc. Chevron, a major oil distributor and underground storage tank owner and operator, was found to be in violation of UST, hazardous materials, and hazardous waste laws.

Investigators found that, since January 1, 1998, Chevron facilities located in 32 counties have been violating Underground Storage Tank Law regarding hazardous materials and the operation and maintenance of USTs throughout California. According to the settlement, Chevron is required to maintain a statewide compliance program, which includes a training program for employees and a database to track how USTs are monitored. In addition, Chevron has also agreed to pay \$24.5 million for the financial settlement obligations. The company will pay \$2 million as civil penalties to the State Water Board for violating Chapter 6.7 of Division 20 of the California Health and Safety Code, \$5 million to the California Attorney General, \$9 million to the District Attorneys, and regulatory agencies, and \$8.5 million for Attorney's fees, costs, and environmental restitution. See www.calepa.ca.gov/Enforcement/Orders/2011/ChevronJudgmt.pdf

People v. Vista Paint Corporation

On January 3, 2011, the Attorney General and the District Attorneys in the Counties of Orange, Riverside, Placer, Stanislaus, San Diego, and San Bernardino, settled a lawsuit against Vista Paint Corporation. Vista Paint Corporation is one of the large distributors of paints, wallpaper, and window coverings in California and Nevada for residential, commercial, and industrial projects by architecture, interior decorating, property management, and new-home construction firms, as well as to consumers. Vista Paint Corporation was charged with violating California Health and Safety Code sections 25163 and 25189 due to improper handling, training, storage, disposal and transportation of hazardous waste.

Vista Paint, due to the nature of their business, generates a significant amount of hazardous paint/solvent waste and paint/solvent related waste at multiple facilities. On December 20, 2010, the People filed suit accusing the company of not complying with Hazardous Waste Control Law. The complaint alleged that the Company transported hazardous waste including paint thinners, solvents and unusable paint materials without any authorization from DTSC and negligently violated the hazardous waste handling, training, storage, and disposal requirements at retail stores throughout the state of California and three stores in the state of Nevada. Vista Paint Corporation has agreed to pay a total of \$1,075,000 including \$848,500 as civil penalties in accordance to the settlement. The company will pay \$18,556.00 for costs of investigation, and enforcement, and \$207,944.00 for Supplemental Environmental Projects. According to the settlement, the company is also required to properly handle, and manage hazardous waste, train each employee at waste generating facilities, register each hazardous waste producing Vista Paint retail store, and allow for the tracking of hazardous waste shipments. See www.calepa.ca.gov/Enforcement/Orders/2011/VPInjunction.pdf

Performance Measures

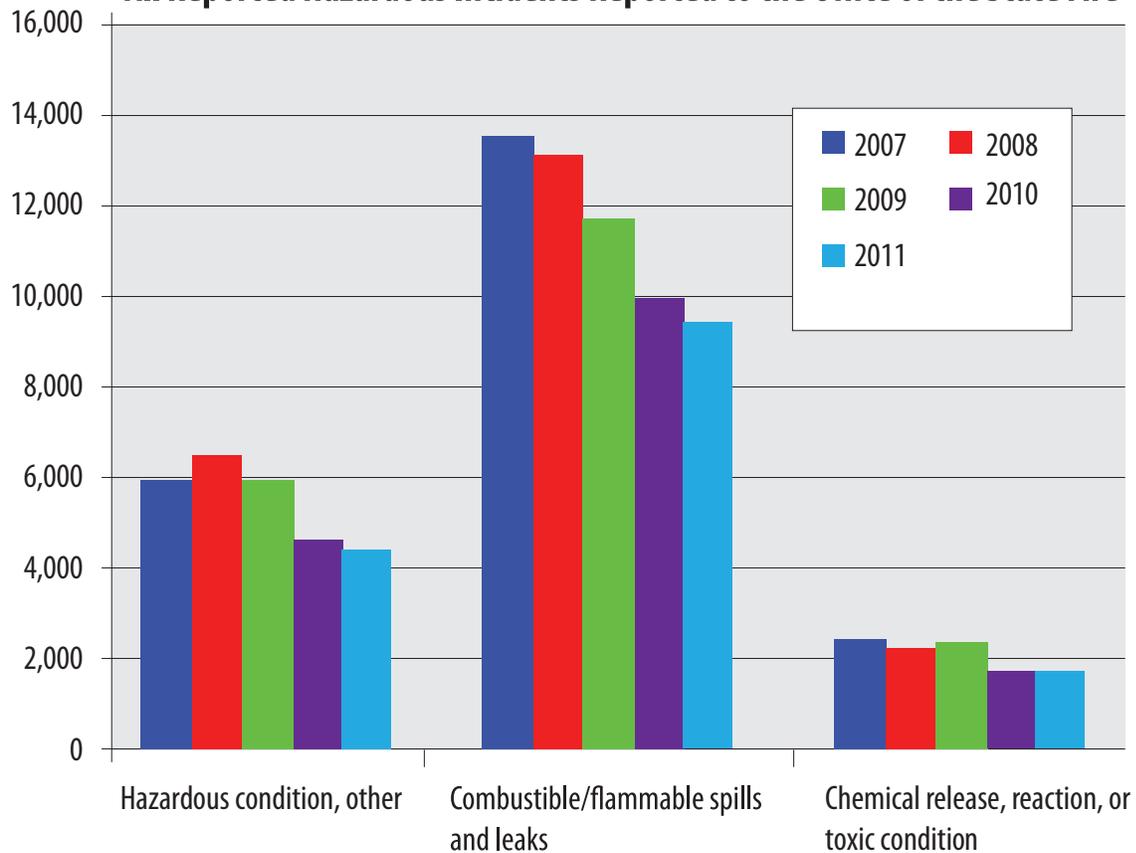
The Cal/EPA Unified Program continued to develop performance measures, emphasizing outcome measures as well as outputs. One performance measure compares the number of businesses without violations from year to year, using the percentage of those in compliance as an outcome measurement.

FY 2010/2011 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	124,104	52,853	38,052	71.99	42.59
CalARP	2,232	974	713	73.20	43.64
UST	14,457	13,145	7,214	53.82	90.92
AST	10,999	3,210	2,430	75.70	29.18
HWG	86,955	37,140	25,251	67.99	42.71
LQG	1,794	820	552	67.32	45.71
HWT	1,445	711	529	74.40	49.20
HHW	233	146	128	87.67	62.66
<p><i>*This percentage assumes that the compliance rate is equivalent for the total number of regulated facilities as it is for facilities inspected during the reporting year. In addition, the compliance rate is calculated by using the number of facilities with minor violations because in most cases CUPAs classify minor violations more consistently than class I or class II violations.</i></p>					

Public Health Indicators

Though it is difficult to demonstrate a Public Health Indicator as a direct and sole reflection of the Enforcement program, it is evident that the enforcement program can be one of the contributing factors in protecting, and improving public health. In one example, in the graph below, hazardous conditions from 2007 through 2011 have declined in nearly every category.

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



Data Source: CAL FIRE, Office of State Fire Marshall

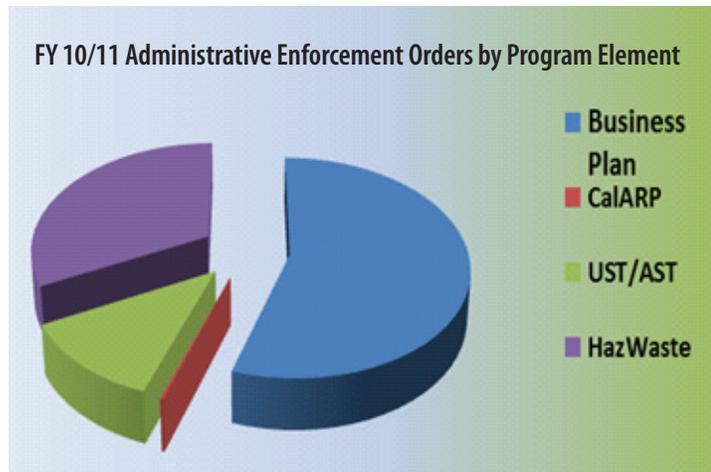
In another graph and table below, data from Cal EMA’s web site regarding spills, shows that while there has been a steady increase in the total number of regulated businesses (except 2010/2011), there has been a steady decline in spills over the last three years, and in the number of spills per 1,000 businesses. Some of the decrease could be attributed to a poor economy over the same period, but it is also likely due, in part, to increased emphasis in oversight, inspections, and enforcement over that same period.

Hazardous Materials Spill Reports

Year	CalEMA HazMat Spill Reports	% Change From Previous Year	CUPA Regulated Businesses (10's)	% change From Previous Year	Spills per 1,000 Businesses
2011	7,248	-6.0	14,412	-1.4	50
2010	7,713	-8.1	14,620	1.5	53
2009	8,391	-4.7	14,398	2.9	58
2008	8,806	13.4	13,996	3.2	63
2007	7,768	4.6	13,563	4.6	57
2006	7,424	1.4	12,969	1.2	57
2005	7,318		12,813		57

Data Source: California Emergency Management Agency

Program Component Metrics



Inspections and Administrative Enforcement Orders

In Fiscal Year 2010/2011 (July 1, 2010 through June 30, 2011), local field inspectors conducted 103,390 routine inspections. They also pursued 47,386 informal enforcement actions in 2011, which is lower than previous years. There were over 1,100 formal local enforcement actions (administrative, civil and/or criminal) that resulted in the collection of \$6,286,680 in penalties and \$2,660,175 in Supplemental Environmental Projects as a result of CUPA inspections. These penalties were directly assessed by the CUPAs and do not reflect cases referred to the AG and cited above as major settlement cases for 2011.

In 2011, CUPAs initiated a total of 410 administrative enforcement orders (AEOs) against regulated entities or individuals that were in violation of environmental laws. Interestingly, the total number of AEOs decreased by ~50% in 2011 compared to 2010. Since fines are mostly result of AEOs, the total amount of fines collected has also decreased in 2011. One factor relating to this decrease may be that, since the AEO law was enacted seven years ago, compliance has improved and recent violations are less serious, resulting in fewer formal enforcement actions.

Note: 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 compliance shall be achieved. Examples include letters, notices of violation and verbal warnings or notices. Informal actions do not impose sanctions and are used to address minor violations.

Size of the regulated "universe"

The number of regulated businesses reported by the CUPAs in FY 2010/2011 by program element are:

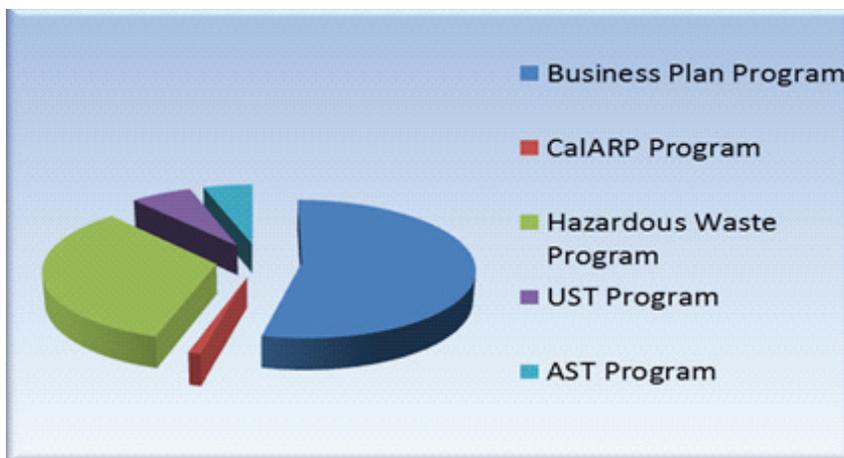
- Total Regulated Businesses – 144,124
- Business Plan Program – 124,104
- CalARP Program – 2,332
- Hazardous Waste Program – 86,955
- UST Program – 14,457
- AST Program – 10,999

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. CUPAs performed 103,390 inspections in FY 2010/11. Many of these inspections are multimedia 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.

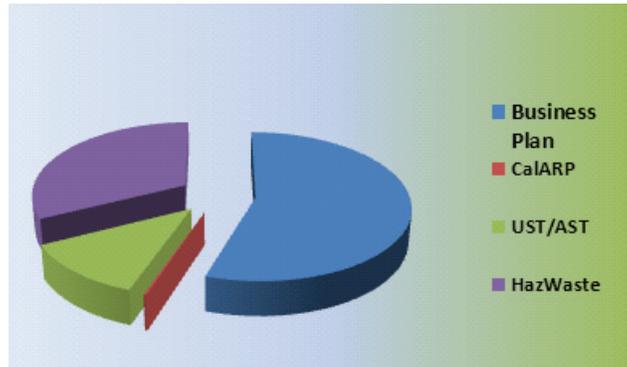


Outputs measure activities and the following outputs indicate an active and robust program in 2011:

- Business Plan facility routine inspections and other inspections – 60,751
- CalARP facility routine inspections and other inspections – 1,864
- UST facility routine inspections and other inspections – 22,241
- AST facility routine inspections and other inspections – 3,650
- Hazardous Waste Generator routine and other inspections – 44,030

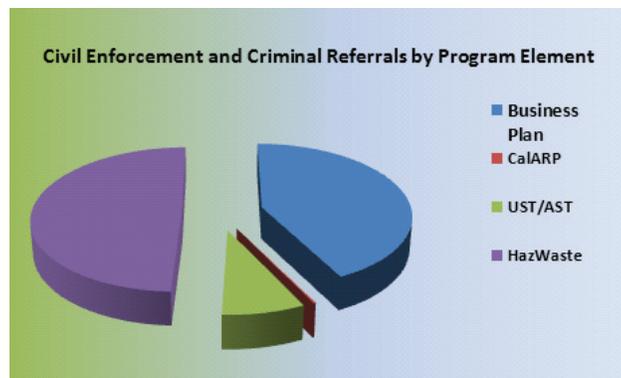
Administrative enforcement actions – Total of actions: 410

- Business Plan facility – 226
- CalARP facility – 1
- UST/AST facility – 46
- AST facility – 4
- Hazardous Waste Generator facility – 133



Civil enforcement and Criminal Referrals – Total of 484 actions

- Business Plan facility – 206
- CalARP facility – 1
- UST facility – 36
- AST facility – 2
- Hazardous Waste Generator facility – 239



Inspection, Violation, and Enforcement Summary Data Fiscal Year 2010/2011

Total Count	HMRRP	CalARP	UST	AST	HWG (All)	LQG	HWT	HHW	Recyclers
No. of Regulated Business	124,104	2,232	14,457	10,999	86,955	1,794	1,445	233	N/A
No. of Regulated Businesses Inspected	52,853	974	13,145	3,210	37,140	820	711	146	N/A
*No. of Routine Inspections	49,858	838	13,284	2,887	34,838	886	678	121	N/A
% of Routine Inspections w/Class I or II violation that RTC w/in 90 Days	58.60	39.40	61.14	41.90	63.61	44.19	41.53	25.72	N/A
*No. of Other Inspections	10,893	1026	8,957	763	9,192	224	469	28	N/A
No. of facilities w/ Class I Violation	134	86	645	26	238	24	25	2	0
No. of facilities w/ Class II Violation	4,225	173	2,836	179	4,972	235	121	5	3
No. of facilities w/ Minor Violation	14,801	261	6,070	780	11,889	268	182	18	33
No. of Informal Actions	19,612	663	10,121	1,159	14,881	476	417	23	34
No. of Formal Actions	338	16	273	7	488	24	9	0	0
No. of Local AEOs	226	1	46	4	133	0	4	0	0
Total Number of AEOs	103	14	96	1	150	13	5	0	0
AEOs Issued within 240 Days	66	8	55	1	101	14	5	0	0
Total No. of Civil/Criminal Referrals	206	1	36	2	239	6	3	0	0
Total No. of Civil/Criminal Referrals Referred within 360 Days	202	1	30	2	717	6	2	0	0
Cash Fines/Penalties	904,798	128,683	912,355.00	15,492	3,152,126	699,370	473,856	0	0
Value of SEP Penalties	36,345	10,000	812,508	1,225	1,009,536	752,593	37,968	0	0

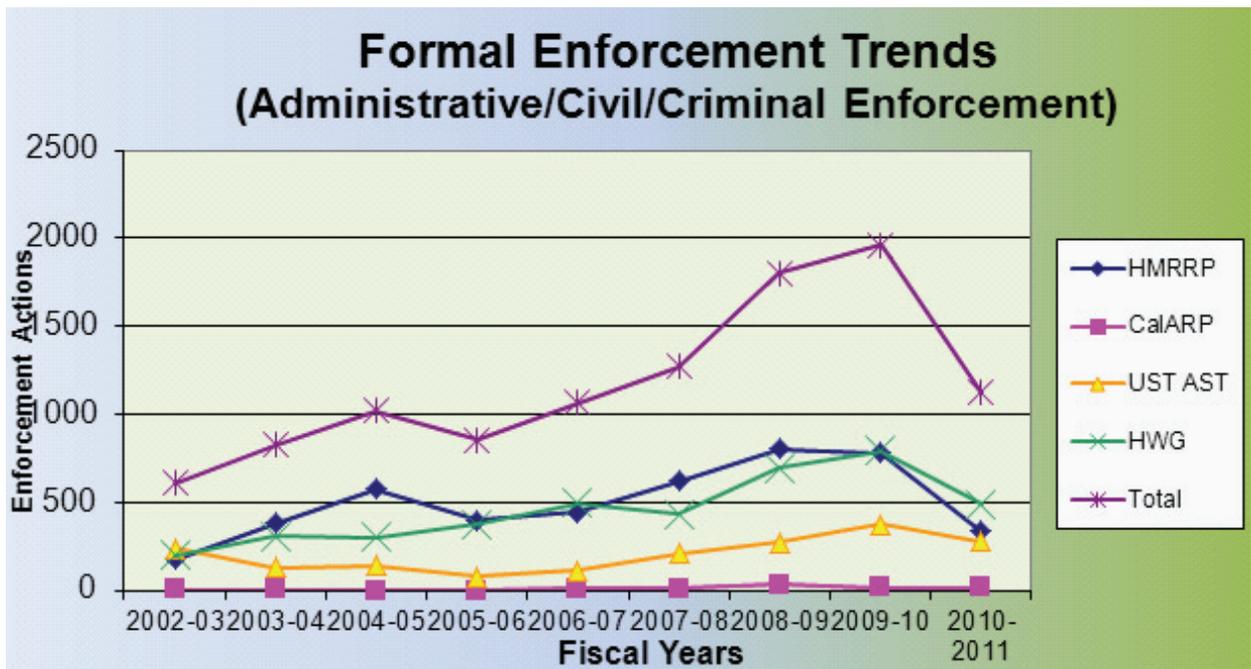
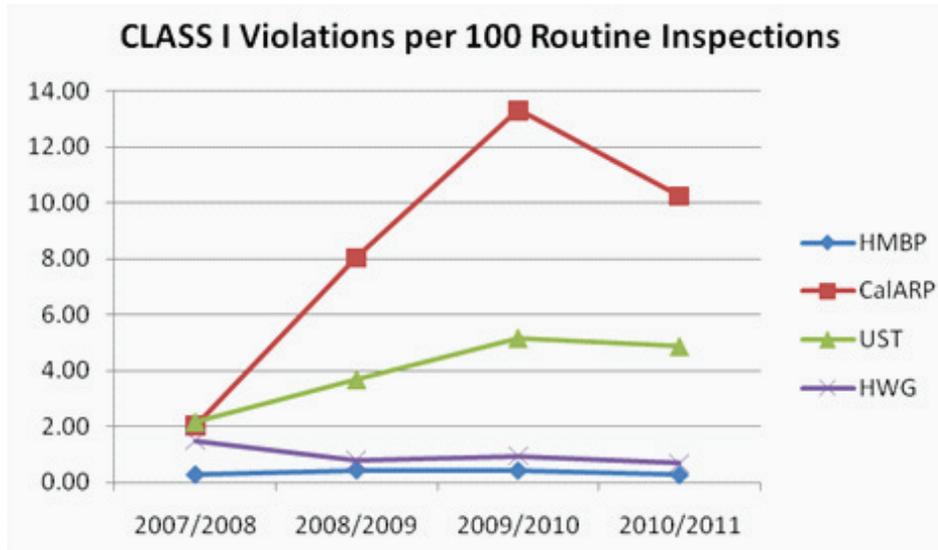
*Inspections for this chart are defined by the actions described on the following page:

- 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 2007-2008 to FY 2010-2011				
Total Count	2007-2008	2008-2009	2009-2010	2010-2011
Regulated Units	139,962	143,988	146,205	144,124
Inspections(Routine only)	103,394	109,445	109,697	103,390
Violations(Facilities w/ class I violation)*	Old form	1,183	1,497	1,180
Civil/Criminal Referrals	709	747	1119	493
Total Number of Administrative Actions Issued	456	679	845	410
Penalties	\$7,623,416.39	\$ 9,197,778.00	\$21,482,682.00	\$6,286,680.00
*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.				

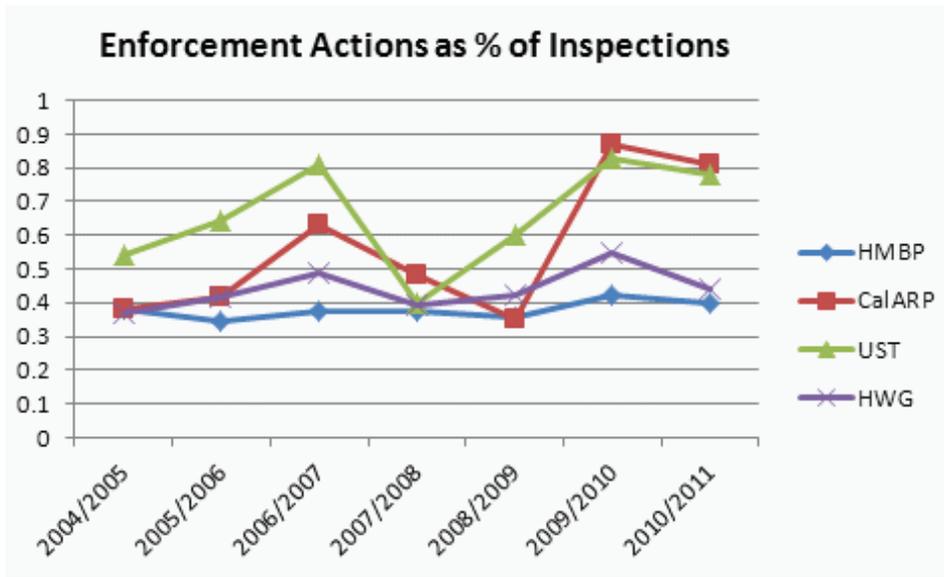
Output Trends

1. Formal Enforcement - In 2010-2011, there is an observed decrease in formal enforcement taken by CUPAs. It is not unexpected, since the number of Class I violations per 100 routine inspections also decreased for the same year. Most formal enforcement is related to Class I violations. One influencing factor may be that as the CUPA Enforcement program has been implemented throughout the businesses in California; businesses are more aware of the violations and subsequent enforcement. As a result, businesses are in greater compliance.

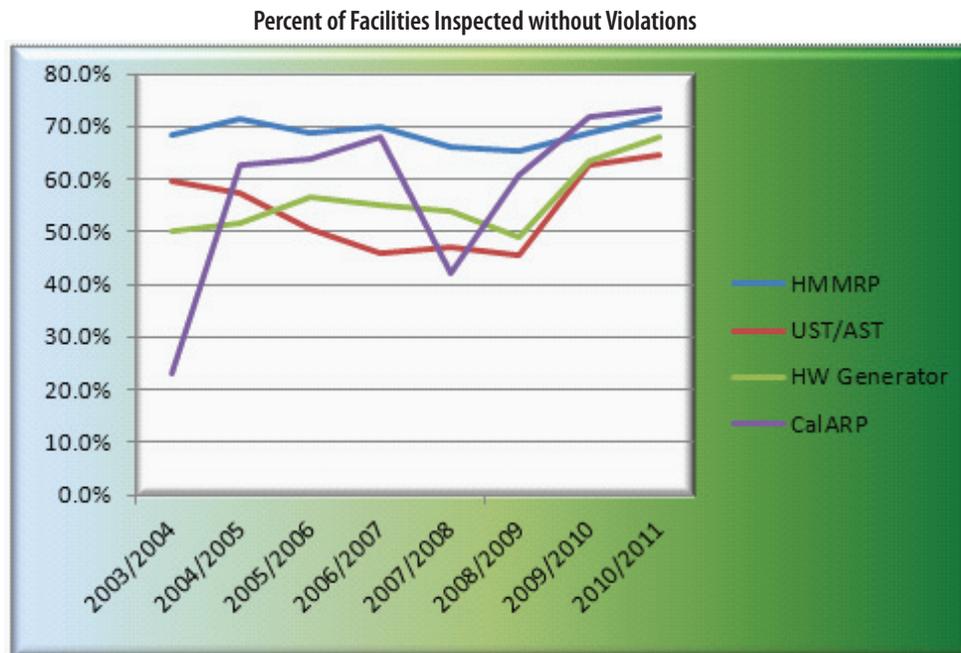


- Enforcement Actions as a Percentage of Inspections - The percentage of inspections that result in an enforcement action (informal and formal) showed an increase over the FY 2004/2005 through FY 2008/2009 in all of the four program elements. This shows that CUPAs were active in finding violations, documenting those violations and taking some type of enforcement. More recently, during FY 2009/2010 and FY 2010/2011, 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.

The percentage of enforcement actions taken per inspected facility shows an overall slight increase between 2004 and 2011. There have been a few anomalies, especially in UST and CalARP. FY 2007/2008 had decreases for 3 of the 4 programs. Inspections have also been increasing over the years in all programs, although this past year (FY10/11) appears to have had a slight decrease. The exact reason behind this trend is not clear, but it could reflect the somewhat unreliable CUPA enforcement data reporting in past years. One of the top three CUPA deficiencies over these years has been accurate Annual Reporting, and particularly Report 4 (Enforcement Report).



- 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, Cal ARP, HW Generator, and UST programs.

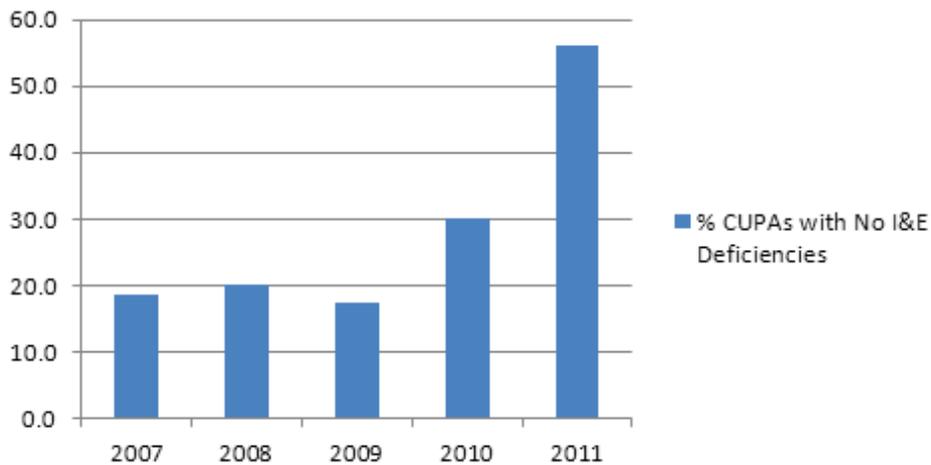


- CUPA Inspection and Enforcement Implementation - Cal/EPA and authorized state agencies evaluate local CUPA programs at least once every three years. At the end of each CUPA evaluation, CUPAs with significant Inspection and Enforcement deficiencies are identified. One measure of the enforcement program success is the percent of CUPAs evaluated and determined to have an effective Inspection and Enforcement Program.

In 2005, Cal/EPA implemented a revised CUPA evaluation program. The graph below shows that since 2007, the percent of CUPAs with no Inspection and Enforcement deficiencies has been increasing for most years. 2011 was primarily the start of the third round of modern evaluations

(since 2005 program changes). CUPAs have improved their programs by addressing the deficiencies and issues from the first two rounds of evaluations and are now implementing the program as required, which resulted in a large jump in the compliance rate in 2011.

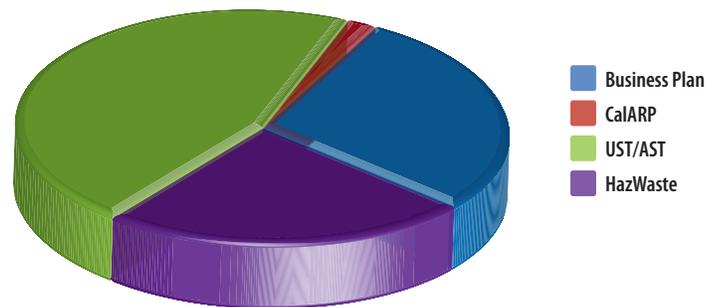
CUPA I & E Implementation (in %)



5. Penalty Information - In FY 2008/2009, the Unified Program began accounting separately for the monetary value of supplemental environmental projects. The total amount of penalties assessed across all program elements for FY 2010/11 was \$8,946,855.00. The significant decrease (\$21,482,682 in 2009/10) in the penalties assessed in 2010/2011 is consistent with the decreased number of Administrative Enforcement Orders that took place in the same fiscal year. By program element they were:

- Business Plan facilities – \$904,798.00
- CalARP facilities – \$128,683.00
- UST/AST facilities – \$927,847.00
- Hazardous Waste Generator facilities – \$3,152,126.00
- Value of SEP penalties – \$2,660,175.00

Penalty Spread by Program Element FY 10/11



Training of Inspection and Enforcement Staff:

The 14th Annual California Unified Program (CUPA) Conference was held in Garden Grove in February 2011. There were 127 courses offered at the CUPA Conference including 24 enforcement related courses. As in 2010, a significant number of CERS training classes were also presented in 2011 around the state to promote electronic reporting. (For additional training information, refer to this report's Office of Secretary chapter.) In addition to the training provided at the CUPA conference, regular monthly updates and trainings were provided to the CERS Business User Group and to the CERS Regulator User Group via webinars, and regular presentations at each of the four Regional CUPA Forum meetings. In addition, training sessions were provided to the Bay Area Environmental Safety Group in San Jose, the Industrial Environmental Safety annual conference in San Diego, the Continuing Challenge Hazmat Responder Conference in Sacramento, as well as to the agencies in Alameda County and the agencies in Santa Clara County.

During 2011, Cal/EPA, in coordination with the other Unified Program state agencies and the CUPA Forum Board, began the development of a Unified Program Training Framework. The UP Training Steering Committee developed a framework document that establishes the purpose, scope and governance of the framework and contains matrices that depict the essential skills, knowledge and abilities required of inspection staff to perform the various duties in implementing and enforcing the Unified Program. The framework document also identifies the training topics and associated training courses that can be taken by UPA staff to obtain these core skills, knowledge and abilities. In 2012, the UP Training Steering Committee will continue to refine the framework and introduce it for use by the larger UPA community.

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/

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.



Department of Pesticide Regulation

Enforcement Division Overview

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.

Authority

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) specifically authorizes state regulation of the sale and use of federally registered products. Generally, the U.S. Environmental Protection Agency (US EPA) has authority to enforce FIFRA requirements. However, FIFRA acknowledges that states have a pivotal role in regulating pesticides in their own jurisdictions, provided that their programs are at least as restrictive as those under federal law. Like other states, California has been delegated primary enforcement responsibility for pesticide use/misuse violations under Sections 26 and 27 of FIFRA.

Over the years, the California Legislature has passed stringent laws giving DPR pesticide-related statutory responsibilities and authorities including evaluating and registering pesticide products; statewide licensing of commercial pesticide applicators, dealers and consultants; monitoring the environment; and testing fresh produce for pesticide residues. In addition, DPR is also charged with verifying that pesticides produced and/or sold in the state adhere to required standards and practices, investigating health and environmental episodes and enforcing pesticide use laws and regulations through County Agricultural Commissioners (CACs) serving 58 counties.

Enforcing pesticide use laws and regulations is a joint responsibility of the DPR and the CACs who administer pesticide use enforcement at the local level. California Food and Agricultural Code (FAC) section 2281 outlines respective responsibility for enforcement of the pesticide laws and regulations by the CACs. DPR, USEPA Region 9, and the CACs are parties to a cooperative agreement that ensures a unified and coordinated program of pesticide episode reporting, investigation, and enforcement action in California.

DPR's annual budget is nearly \$81 million of which over \$21 million funds local pesticide enforcement activities in the counties. About 330 DPR employees, including scientists from many disciplines, carry out California's pesticide regulatory program with over 50 DPR staff involved with the duties and activities of the Enforcement Program. In addition, approximately 280 full-time biologists are dedicated to pesticide use enforcement at the local level.

Other Partnerships and Agreements

The Budget Action of 2009/2010 transferred the Structural Pest Control Board (SPCB) from the Department of Consumer Affairs to DPR effective July 2009. The SPCB administers licensing of structural pest control businesses and structural applicators. Food and Agricultural Code section 15201.1 outlines general responsibilities and roles for DPR, SPCB, and the CACs in licensing and pesticide use for structural pest control activities. It specifies that the CACs regulate pesticide use in structural activities under the direction and supervision of DPR.

The Department of Public Health (DPH) oversees the activities of local vector control (public health/ mosquito abatement) agencies. DPR, DPH, and the CACs are parties to a memorandum of understanding (MOU) that outlines responsibilities and coordination relating to vector control activities. It addresses pesticide availability, applicator certification, pesticide use report, and episode reporting.

The Department of Industrial Relations (DIR) oversees activities related to workplace safety. DPR, DIR, and the CACs are parties to a MOU that outlines responsibilities and coordination to worker and workplace safety when pesticides are involved. It addresses authority for response to investigations and sharing illness incident information.

Additionally, DPR has an agreement with the U.S. Department of Agriculture (USDA) to sample

food commodities for the USDA Food Safety Program for both pesticide residues and microbial pests (e-coli, salmonella, etc.). DPR refers cases of pesticide residue on fresh produce (from our California Pesticide Residue Monitoring Program) of potential public health concern to the US Food and Drug Administration for possible national recall. The Enforcement Branch immediately upon detection of illegal residues removes the sampled produce from the channels of trade.

Organization

The Enforcement Branch is comprised of headquarters in Sacramento and three regional offices located in Anaheim, Fresno and West Sacramento.

2011 Enforcement Branch by Location – Staff Resources	
Headquarters	
Branch Chief	1
Supervisors / Program Managers/Staff	2 Managers, 2 Supervisors, 22 Staff
Regional Offices	
Northern Regional Office (West Sacramento)	1 Manager, 9 Staff
Central Regional Office (Fresno)	1 Manager, 1 Supervisor, 10 Staff
Southern Regional Office (Anaheim)	1 Manager, 8 Staff
<p><i>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.</i></p>	

Program Structure and Performance Measures

DPR uses a “function-based” approach to 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. The number of licenses issued or groundwater samples collected are examples. These outputs are categorized by DPR's program functions. Please visit DPR's planning and performance website: www.cdpr.ca.gov/docs/dept/planning/performance/index.htm for more detailed information.

The DPR and CACs have spent considerable time evaluating their programs and identifying areas for improvement. 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 addition, DPR and the CACs developed a cycle that includes state and local program review, planning, implementation, and evaluation. County work plans and evaluations are part of an organization-wide effort to incorporate continuous quality improvement into California's pesticide enforcement program. DPR's guidance targets the priorities for each county core enforcement program and evaluates the effectiveness of these programs. County work plans identify state, regional, and local compliance problems, emerging issues, and measurable solutions based on available resources. The work plans have clearly stated goals and performance measures, balancing DPR's statewide enforcement priorities with local conditions unique to each county. DPR uses jointly developed performance standards to evaluate the effectiveness of the county's enforcement program.

Work plans, by county, can be downloaded at: www.cdpr.ca.gov/docs/county/enf_stat_profile.htm.

Pesticide Programs Division Organization and Activities

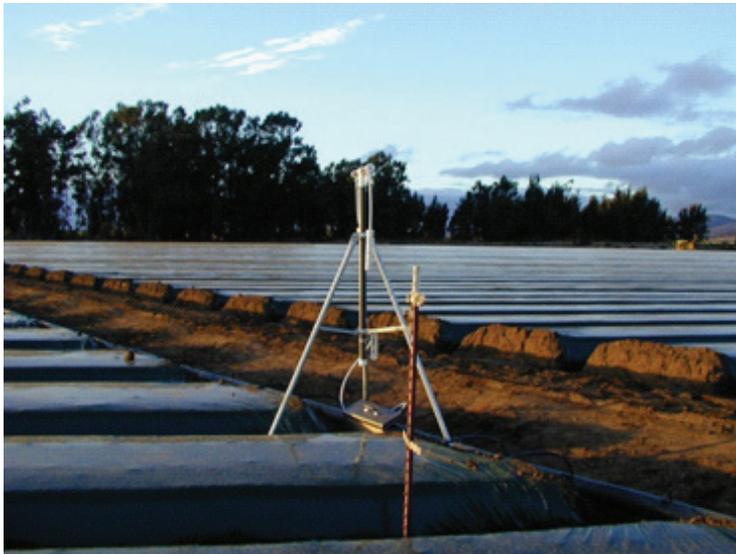
Enforcement Branch: DPR's Enforcement Branch Headquarters' staff develops standards and procedures; directs and manages the department's food safety program; reviews, evaluates and makes recommendations on products during the registration process including proposing alternatives and mitigation measures; and interprets pesticide labels for compliance with state and federal statutes. The staff reviews, proposes and/or develops legislation and regulations; compiles and analyzes statewide data for use in developing and modifying existing pesticide environmental regulations (air, ground water and endangered species). In addition, they oversee enforcement carried out at the local level including protection of workers and food safety programs; plan and conduct training; and coordinate the structural pest control use enforcement program with the CACs and the SPCB.

The Enforcement Branch's regional offices, located in West Sacramento, Fresno, and Anaheim, work with CAC staff to plan and prioritize pesticide compliance and use enforcement activities. CACs enforce federal and state pesticide laws and regulations at the local level with DPR oversight. CACs issue site-specific local permits for the use of restricted materials, conduct on-site application inspections, conduct worker safety inspections, investigate pesticide illnesses and incidents and administer full pesticide use reporting.

DPR assigns a senior-level staff member from the regional office, known as an Enforcement Branch Liaison to work with each CAC office to serve as the primary contact point between CACs and the DPR. Each liaison is assigned to specific counties and works with CACs and staff to develop and revise annual county work plans, provide direction and/or assist in county investigations, consult on appropriateness of proposed enforcement actions (strength of evidence, proper classification of the violation and fines), provide training and outreach as well as interpret label and regulatory requirements. Liaisons assess the effectiveness of each CAC's overall pesticide enforcement program in part by conducting side-by-side inspections with county staff; reviewing restricted material permits and notices of intent; reviewing CAC inspections and investigative reports and making recommendations for additional investigation; and reviewing compliance and enforcement actions. Liaisons track incident investigations and complaints, and assist in the development of cases involving licensees, which may lead to a possible license suspension or revocation by the state.

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.

CAC staff inspect the operations and records of growers, pest control applicators, operators and businesses, pest control dealers, and agricultural pest control advisers. They also certify private applicators and issue restricted material permits. In addition, CAC staff train pesticide users, conduct pesticide episode/priority investigations, and conduct fieldworker and pesticide handler inspections to assure compliance with worker protection standards and other pesticide use requirements. Fiscal-



Monitoring pesticide concentrations in the air resulting from applications; within treated field

year summaries of county workload can be found in the California Pesticide Regulatory Activities Monthly Report online at: www.cdpr.ca.gov/docs/enforce/report5.htm.

Product Compliance Branch: DPR's Product Compliance Branch (PCB) is responsible for promoting compliance with California and federal laws and regulations related to labeling compliance, sale

and distribution of pesticide products. The PCB staff conducts product compliance inspections at manufacturing facilities and businesses throughout the state to ensure that products manufactured, sold and used in California are registered and approved by USEPA and DPR. These include Marketplace Surveillance Inspections where pesticides are sold and distributed and Producing Establishment Inspections where pesticides are manufactured, processed and packaged or re-packaged. When staff uncovers sales of unregistered pesticide products, the PCB initiates investigations and forwards those cases to the Office of Legal Affairs to assess administrative penalties through settlements or enforcement actions.

In addition, the Product Compliance Branch ensures that all pesticide sellers pay their fair share of applicable registration and “mill assessment” fees that help support California’s regulatory programs involving pesticides at both the state and county levels. Auditors in PCB travel throughout the U.S. to review the records of pesticide sales made into California to ensure compliance with mill assessment payments. The Branch also oversees disbursement of a portion of mill revenues to the counties for local pesticide enforcement.

Worker Health and Safety Branch: Staff from the DPR’s Worker Health and Safety Branch (WHS) participates in workgroups; provide literature to migrant clinics and other care facilities; participate in presentations; attend meetings and staff informational booths at health fairs, health conferences, county fairs and other festivals to respond to questions on pesticides safety and provide informational literature. In addition, WHS has been collecting and analyzing pesticide illness data for decades. Since 1971, California law requires physicians to report any known or suspected illness caused by a pesticide exposure. The Pesticide Illness Surveillance Program (PISP) is tasked with collecting and evaluating these reports before they are assigned to county agricultural commissioners to investigate the exposure circumstances. Scientists then review the collected information and enter it in a database. This data not only reflects the effectiveness of the California’s pesticide regulatory program but also identifies areas for improvement. PISP data is also used by the Exposure Monitoring and Health Investigation Program, Industrial Hygiene Program, Human Health Assessment and Human Health Mitigation Program. DPR uses this information to mitigate pesticide use when necessary to improve safety and protect health and the environment.

Environmental Monitoring Branch: DPR’s Environmental Monitoring Branch (EM) monitors the environment to determine the fate of pesticides, protecting the public and the environment from pesticide contamination through analyzing hazards and developing pollution prevention strategies. The Branch provides environmental monitoring data required for emergency eradication projects, environmental contamination assessments, pesticide registration, pesticide use enforcement, and human exposure evaluations. EM takes the lead in implementing many of DPR’s environmental protection programs.

Registration Branch: DPR’s Registration Branch prepares public notices and corresponds with registrants regarding data requirements, determinations of the health effects of pesticides, and final actions on registrations. In addition to its responsibilities for a pesticide product’s registration in

California, the branch coordinates the required evaluation process among DPR branches and other state agencies. Branch scientists share data review responsibilities with staff scientists in other branches. The Branch also manages all data received, oversees call-ins of data on environmental fate and acute and chronic toxicology, maintains label files and the pesticide data library, and provides information on registered pesticides and label instructions to pesticide enforcement agencies and the public.

Human health and environmental data from DPR's branches feed into the Registration Branch. The law requires DPR to continuously evaluate pesticides after they are in use. DPR does this through its reevaluation program. Upon receipt of information indicating that use of a pesticide may have caused or is likely to cause an adverse effect to people or the environment, DPR is required to investigate. If based on that investigation, DPR finds that the pesticide has caused or may have caused a significant adverse effect, reevaluation is triggered. When a pesticide enters reevaluation, DPR reviews existing data and may require registrants to provide more data. The goal is to determine the extent of the adverse effect and to identify ways to reduce or eliminate the problem.

DPR compiles and analyzes data from these various sources to assess the impacts of its programs to improve human health and the environment. DPR continues to identify methods and data requirements to better analyze our program outputs and outcomes.

Enforcement Program Goals and Objectives

One of DPR's five strategic plan goals is to ensure compliance assistance and enforcement. DPR recognizes that a strong and equitable compliance and enforcement program is the cornerstone to ensuring that people and the environment are not exposed to unacceptable pesticide risks.

- Objective 1: Promote compliance through clear, equitable rules; education; licensing; and strong, effective enforcement.
- Objective 2: Provide guidance, oversight and support to CACs to ensure compliance and effective, consistent enforcement actions.
- Objective 3: Provide continued review of compliance and enforcement programs, and encourage stakeholder feedback.

Metrics - Summary of Surveillance/Compliance Activities (County Statewide Workload)

Preliminary CAC Reported Workload Statistics - Inputs	2009	2010	2011
<i>CAC Licensed Staff Hours</i>	488,317	459,416	485,861
<i>CAC Support Staff Hours</i>	141,776	132,106	130,730
Preliminary CAC Reported Workload Statistics – Outputs			
Restricted Materials Permitting			
<i>Restricted Material Permits Issued/Amended</i>	40,754	39,254	50,138
<i>Restricted Material Permits Denied</i>	381	334	184
<i>Notices of Intent to Apply a Restricted Material Reviewed</i>	140,749	142,071	132,764
<i>Restricted Material Notices of Intents Denied</i>	1,211	1,228	1,251
<i>Pre-Site Application Evaluations/Inspections</i>	8,152	7,997	8,014
Compliance Monitoring			
<i>Inspections*</i>			
<i>Agricultural Use</i>	6,905	6,831	7,082
<i>Field Worker Safety</i>	1,073	958	987
<i>Commodity Fumigation</i>	418	429	446
<i>Field Fumigation</i>	727	655	817
<i>Records Inspections</i>	5,332	5,200	5,126
<i>Structural Fumigation</i>	2,049	1,830	1,976
<i>Structural Non-Fumigation</i>	1,259	1,191	1,228
<i>Investigations</i>	1,595	1,475	1,521
Enforcement Response			
<i>CAC Compliance Actions</i>	4,200	3,430	3,620
<i>CAC Enforcement Actions</i>			
<i>Number of Enforcement Cases Closed</i>	892	798	936
<i>Amount of Civil Penalties Assessed</i>	\$371,040	\$360,230	\$389,965
<i>Number of Cases Referred to District Attorney</i>	3	0	3
Compliance Assistance			
<i>Training & Outreach Sessions</i>	1,609	1,618	1,027
<i>Number of Persons Attending</i>	42,470	37,280	37,896
County Registrations & Certification			
<i>Operator Ids for Non-Restricted Use Issued/Amended</i>	13,523	14,172	14,129
<i>Private Applicator Certificates Issued</i>	6,040	6,609	5,755
<i>Pest Control Business/Advisers/Pilots Registered</i>	12,809	12,163	12,459
<i>Farm Labor Contractor Registered</i>	2,901	2,849	3,454
<i>Structural Pest Control Business Registered</i>	7,513	6,903	6,876
Preliminary CAC Reported Workload Statistics - Outcomes			
<i>Total Inspections Conducted</i>	17,763	17,094	17,662
<i>Inspections with 1 or More Violations</i>	2,337	2,134	2,240
<i>Inspections with 100% Compliance Rate</i>	86.8%	87.5%	87.3%
<i>Total Number of Criteria Evaluated</i>	288,939	299,264	303,938
<i>Total Number of Criteria in Compliance</i>	283,275	293,970	298,661
<i>Compliance Rate for Criteria Inspected</i>	98.0%	98.2%	98.3%
* 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.			

Major Enforcement Cases in 2011

In addition to pesticide use and licensing violations, DPR can take enforcement actions and levy fines for selling unregistered or misbranded pesticides and selling or distributing produce containing illegal pesticide residues.

DPR imposed a \$10,000 civil penalty against Best Oriental Produce Inc., of Vernon, CA during 2011. DPR detected illegal methomyl residues on long beans and illegal captan residues on bitter melon samples collected from produce imported from Mexico by Best Oriental Produce. The pesticide levels did not pose a health risk, but because the company had a history of recurring residue violations, mostly on produce imported from Mexico, DPR pursued an enforcement action. In addition to the fine, the company agreed to establish control measures to prevent sales of produce with illegal pesticide residues in California. DPR also sent penalty warning letters to two other produce importers, documenting their recent violations and requesting immediate improvement.

In 2011, DPR pursued an enforcement action case against Saunders Manufacturing Company Inc., for advertising and selling unregistered pesticide products. DPR conducted a routine inspection at a retail establishment where Saunders Manufacturing Company's products bearing claims to protect the user from harmful bacteria and fungi, were offered for sale. These claims exceeded those allowed by federal and state pesticide labeling laws. Saunders agreed to pay a civil penalty of \$115,000.

DPR performed a mill assessment audit of Buckman Laboratories Inc., during 2011 and discovered that many of the labels on Buckman's pesticide products did not meet label requirements or were considered as "misbranded". DPR found that Buckman was selling 15 misbranded and/or unregistered products in California. Buckman agreed to pay a civil penalty of \$174,000.

DPR makes every effort to provide training and education to help the regulated industry comply with laws and regulations governing food-safety, pesticide use and sales. For recurring or egregious violations, DPR will continue to invoke punitive sanctions when appropriate.

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 CACs can also refer pesticide use violations for criminal prosecution to the local district attorney, city attorney or circuit prosecutor.

Summary of DPR & CAC Enforcement Program – Outcomes	2009	2010	2011
Number of Cases Referred to District Attorney	3	0	3
CAC Enforcement Actions*			
<i>Number of Closed Cases</i>	768	709	750
<i>Number of Violations in Closed Cases</i>	1,088	1,011	1,062
<i>Penalties Assessed</i>	\$371,110	\$360,230	\$389,965
DPR Penalties for Unregistered & Misbranded Products			
<i>Number of Cases</i>	99	118	123
<i>Number of Unregistered Products in Case Settlements</i>	471	835	469
<i>Penalties Collected</i>	\$1,118,445	\$2,707,880	\$2,885,530
<small>* The DPR Enforcement Tracking System collects information on the closed enforcement actions taken by the counties and includes the sections of laws and regulations violated and the fine amounts assessed. Information in this database includes the person or firm cited, date of violation(s), section(s) violated, type of enforcement action taken, pesticide(s) involved, date of action, date case closed, proposed fine(s) and final fine(s).</small>			

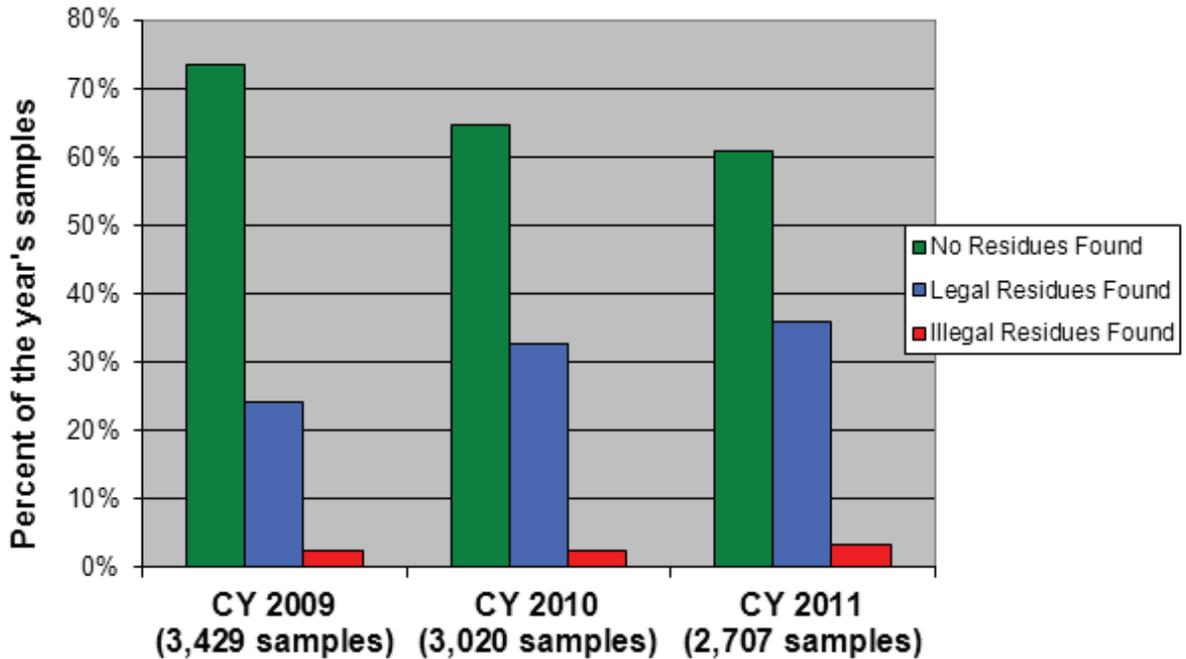
Data Characteristics

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.

Food Safety

DPR collected more than 2,700 produce samples for pesticide residue analysis in 2011. Of the total 2,707 samples collected, 61 percent had no pesticide residues detected and 36 percent had residues within legal tolerances. The remaining 3 percent had illegal residues. When illegal residues are found, DPR initiates an investigation to remove any produce with illegal residues from sale and distribution.

Produce Residue Samples



Source of Data: DPR

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

California-grown produce continued its excellent safety record. In 2011, DPR sampled more than 110 different commodities grown in the United States. Of these samples, 97.9 percent (988 of 1,134 samples) either had no pesticide residues detected, or had residues that were in compliance with U.S. EPA tolerances.

In recent years, nearly half of all illegal residues detected by DPR was found on fruit and vegetables coming from out of country. This is due to the high volume of produce imported into California, and because a relatively higher proportion of imports carried pesticide residues which exceed California standards.

Pesticide Residue Surveillance Program



Produce Residue Sampling - At harvest

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

Pesticide Illness Surveillance Program

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

The following is a summary of case reports received by DPR’s Pesticide Illness Surveillance Program, 2007-2011 in which human health effects were evaluated after investigation, as “definitely, probably, or possibly related” to pesticide exposure. The data are reported by exposure circumstances (agricultural pesticide use vs. any other exposure situation) and by type of pesticide (antimicrobials and all other pesticides).

Agricultural Pesticide Use Exposure ^b			Non-Agricultural Pesticide Use Exposure		
Year	Pesticides Other Than Antimicrobials	Antimicrobial Pesticides	Pesticides Other Than Antimicrobials	Antimicrobial Pesticides	Total Incidents
2011 ^c	26	3	84	76	189
2010	102	9	215	195	521
2009	231	21	288	378	918
2008	275	36	299	285	894
2007	308	11	291	372	982

^aDefinite relationship indicates that both physical and medical evidence document exposure and consequent health effects. Probable relationship indicates that limited or circumstantial evidence supports a relationship to pesticide exposure. Possible relationship indicates that health effects correspond generally to the reported exposure, but evidence is not available to support a relationship.

^bDesignation as “Agricultural” indicates exposure to a pesticide intended to contribute to production of an agricultural commodity.

^cBecause of extraordinary delays in case processing, figures for 2010 and 2011 are not yet final and can be expected to increase by several hundreds.

Annual reports dating from 1996 to 2010 that provide detailed information can be obtained from DPR's website at: www.cdpr.ca.gov/docs/whs/pisp.htm.

Improving Air Quality

Under the federal Clean Air Act, California must meet national standards for airborne pollutants and specify how it will achieve these goals in a federally approved State Implementation Plan (SIP). Under the U.S. EPA-approved SIP, California is obligated to reduce pesticide volatile organic



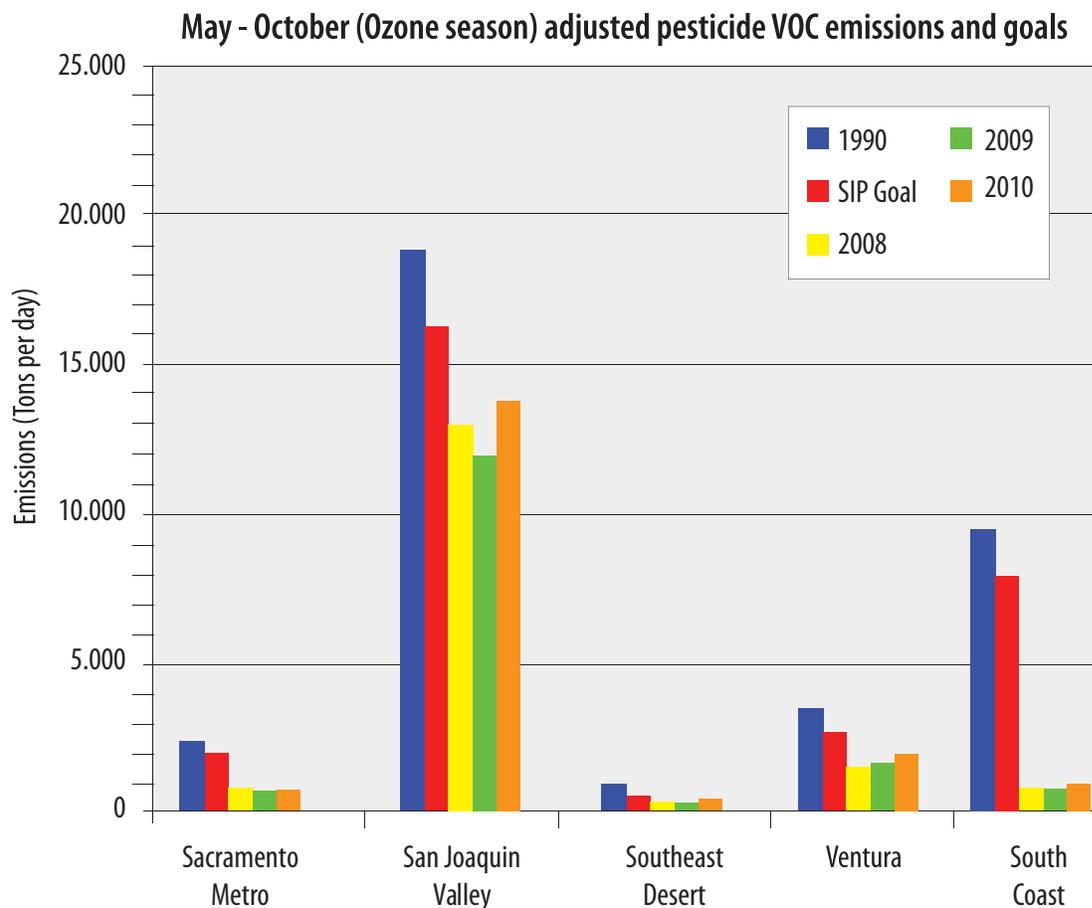
Air monitoring at schools

compounds (VOCs) by 12 percent in the San Joaquin Valley non-attainment area (NAA) and 20 percent in the other four NAAs (Sacramento Metro, South Coast, Southeast Desert and Ventura) compared to 1990 levels.

To achieve these goals, DPR adopted regulations in 2008 limiting VOC emissions from fumigants. The regulations reduce VOC emissions in three non-attainment areas that do not meet federal air quality standards for ozone by limiting

fumigant application methods and requiring a cap-and-allowance system in the Ventura NAA to manage emission reductions. The regulations also set up an allowance system that is triggered in other NAAs if application restrictions do not result in targeted reductions. In addition, an evaluation of compliance with the allowances and requirements is reported annually.

In 2011, DPR analyzed 2010 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 Compound Emissions from Pesticides. This comprehensive report is available on our website at: www.cdpr.ca.gov/docs/emon/vocs/vocproj/voc_data_analysis.htm. The 2010 pesticide VOC emissions for all five NAAs complied with the SIP goals and VOC regulation benchmarks, ranging from 24 to 84 percent less than emissions in the 1990 base year. Relative to 2009, pesticide VOC emissions in 2010 increased by 7 to 60 percent, depending on the NAA.



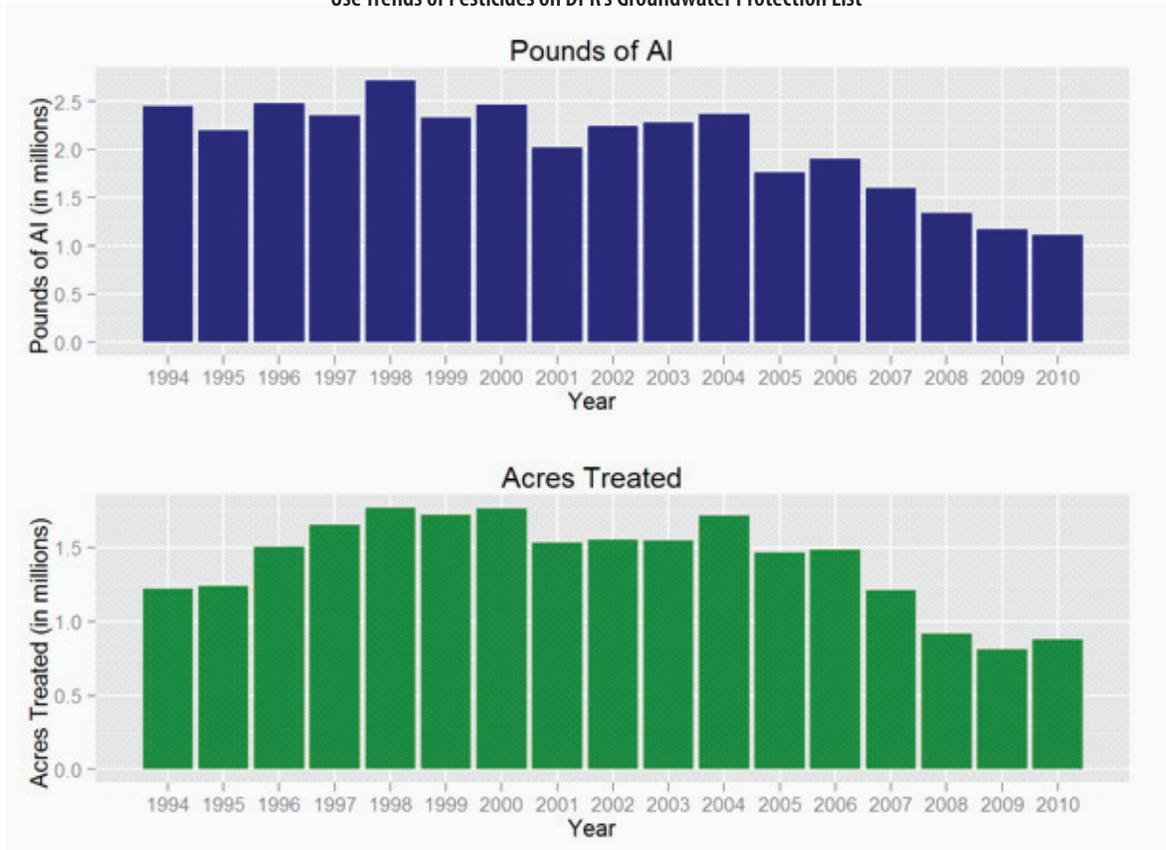
More detailed information about DPR’s program and ongoing efforts to improve air quality in the state by controlling the use of smog-producing pesticides is available on its website at: www.cdpr.ca.gov/docs/emon/airinit/airmenu.htm.

Trends of Pesticide Use 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.

Use Trends of Pesticides on DPR's Groundwater Protection List



Source of Data: DPR's Summary of Pesticide Use Data – 2010.

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

Annually, DPR has performed an analysis of the pesticide use data to determine what effects the regulatory restrictions have on the use of these ground water protection list chemicals and if use of other less-toxic chemicals has changed during that time period. DPR posts the results of this trend analysis annually on its website and the latest results observed during 2010 are noted at: www.cdpr.ca.gov/docs/pur/pur10rep/comrpt10.pdf.

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

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 2011, DPR conducted 184 inspections and 93 audits. Close to 470 unregistered and misbranded pesticide products were identified as a result of these investigations and were removed from the marketplace. DPR completed legal proceedings on 123 cases, which resulted in nearly \$ 2.9 million in penalties.



Enforcement Response Regulations (ERR)

Uniform statewide enforcement of California's environmental laws is paramount for the protection of California's people, property, and environment. The ERR (Title 3, California Code of Regulations (3CCR, §§6128, 6130, and 6131)) provides structure to the enforcement responses by CACs statewide through a violation classification and fine-setting procedure. The regulations were reviewed for effectiveness in 2010. In response, DPR amended the ERR in 2011. Key improvements included creation of more clear distinctions among the classes of violations, and the requirement that the respondent's compliance history be considered when determining the fine amount.

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 13,100 agricultural inspections in 2011 to insure compliance with state laws and regulations established to protect field workers and persons involved with loading and using pesticides. Over 216,000 criteria were assessed with a compliance rate of 97.9 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 homes and surrounding landscapes. County enforcement staff performed over 4,500 inspections that evaluated approximately 87,000 criteria. The overall compliance rate was 99.1 percent in 2011.

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

DPR regional IPM workshops reached out to an additional 96 school districts in 2011 as part of the training for school district employees. The 2011 workshops brought DPR's total outreach in this arena up to 793 public school districts. Since the 2000 passage of the Healthy Schools Act, personnel from 80 percent of California's public school districts have been trained, representing over five million students.

These workshops enable school district IPM coordinators to go back into their districts to train school maintenance and operations staff, including groundskeepers and custodians, on reduced-risk strategies to control cockroaches, ants, rodents, weeds and other pests.

Outreach Efforts to Farm Worker Communities and Families

Staff from the Worker Health and Safety Branch during 2011 participated in workgroups; provided literature to migrant clinics and other care facilities; made contacts and participated in presentations; attended meetings and staffed informational booths at health fairs, health conferences, county fairs and other festivals to respond to questions on pesticides safety and provided informational literature. Many of these events occur on weekends and after hours and generally require long distance travel. The attendance at these 60 events totaled over 30,000 people.

In addition, a televised public service announcement was prepared to air on KCSO Telemundo 33 television to extend outreach to the farmworker community on pesticide safety. The viewership of this PSA was in the thousands.

Training efforts included a project called "Breaking Barriers" where staff worked with county inspectors on techniques to interact in a more positive way with immigrant workers (introduction to the Spanish language, Hispanic culture, and social customs).

General Outreach

During 2011, DPR staff made approximately 90 presentations to update various industry groups on pesticide laws and regulations covering a variety of subject areas. These areas included endangered species, licensing requirements, VOCs, respiratory protection, worker protection, pesticide use reporting, registration and labeling, rice herbicides, pest management practices, drift prevention, structural pest control and enforcement response regulations. Attendance at each presentation ranged from 10 to 300 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. Last year, DPR’s main compliance assistance website pages received approximately 10,000 hits. 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.

County Training

During 2011, Enforcement Branch staff arranged and conducted 29 training sessions for 548 CAC staff in the following areas:

- Structural pest control enforcement training
- Permit conditions for field soil fumigations
- Breaking Barriers – to assist non Spanish-speaking inspectors who interview non English-speaking field workers and applicators
- Investigative techniques – small group training on a regional basis
- CAC hearing issues

Complaint Assistance

The Single Complaint Tracking Steering Committee 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 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 or its local partners for action, coordination and potential enforcement.

DPR responds to all complaints, notifications or reports of episodes that come to it 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 relay the complaint to the local CAC for investigation. The CAC’s office is the lead agency for use-related complaints.

Cal/EPA Single Complaint Tracking System Complaints Received During 2009, 2010, and 2011			
Cal/EPA Single Complaint Tracking System - Inputs	2009	2010	2011
Total Complaints Received Cal/EPA Wide for Tracking	860	841	1,033
Complaints Filed and Marked as Pesticide-Related and Relayed to the CACs for Investigation	103	104	116

Additional Information:

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

For additional detailed information about our 2011 accomplishments please see: www.cdpr.ca.gov/docs/enforce/plan_imprv.htm.

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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

Water Boards Overview

The State Water Resources Control Board and its nine Regional Water Quality Control Boards (Water Boards)¹ protect the waters of the State by ensuring compliance with clean water laws, issuing permits and taking enforcement actions against illegal discharges of waste in surface and ground waters. The Water Boards also regulate and enforce California's water rights.

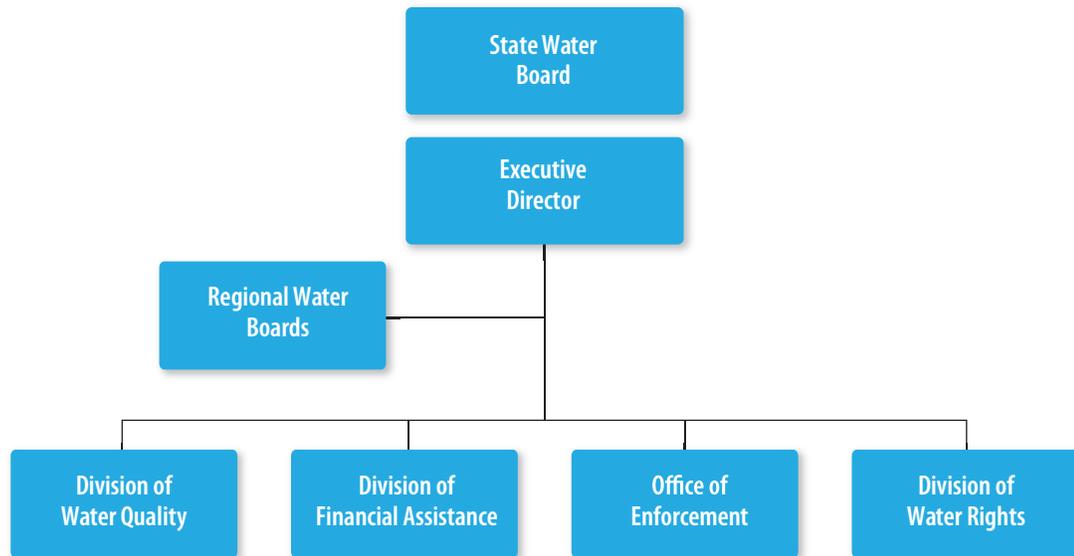
The Water Boards assessed approximately \$24 million in civil liabilities in 2011. The Water Boards have an active enforcement program and work in collaboration with the rest of the enforcement programs at the California Environmental Protection Agency and with local regulatory and law enforcement agencies.

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 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. The five core regulatory programs are:

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

¹ The Water Boards' organization chart is available at http://www.waterboards.ca.gov/about_us/org_charts/display.php



The following tables present estimates, provided by the Regional Water Boards, of compliance and enforcement personnel in 2011.

Compliance Determination Resources 2011						
	NPDES	Storm Water	WDR	Land Disposal	401 Cert	Total
Region	PY	PY	PY	PY	PY	PY
Region 1	0.5	1.9	1.6	1.5	0.1	5.6
Region 2	2.1	3.4	0.6	0.5	0.7	7.3
Region 3	0.8	2	1.5	1	0.1	5.4
Region 4	2.5	8	1	1	0	12.5
Region 5	3.7	3.9	2.8	9.9	0	20.3
Region 6	0.2	0.3	1	2.1	0	3.6
Region 7	2.2	1.9	1.6	1	0.4	7.1
Region 8	6.7	10.8	1.9	3.1	0.7	23.2
Region 9	0.8	2	0.9	0.3	0.05	4.05
Total	19.5	34.2	12.9	20.4	2.05	89.05
<i>PY = Person Year</i>						

Enforcement Resources 2011						
	NPDES	Storm Water	WDR	Land Disposal	401 Cert	Total
Region	PY	PY	PY	PY	PY	PY
Region 1	1.8	0.5	0.7	0.1	0.1	3.2
Region 2	3.3	2	0.4	0.9	0.3	6.9
Region 3	0.5	0.5	1	0.1	0.1	2.2
Region 4	5.5	1	1	0.5	0.1	8.1
Region 5	4.1	3.1	3.5	10.9	0.1	21.7
Region 6	0.4	1.5	2.3	0.1	0	4.3
Region 7	1	0.2	0.6	0.1	0	1.9
Region 8	4.7	2.6	0.1	0.3	0.1	7.8
Region 9	0.7	1.3	0.5	0.1	0.05	2.65
Total	22	12.7	10.1	13.1	0.85	58.75
<i>PY = Person Year</i>						

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 regional boards have approximately 56 staff working on enforcement and 89 staff working on compliance activities.

The Office of Enforcement at the State Water Board was created in mid-2006 to emphasize enforcement as a key component of the Water Boards' water quality regulatory functions and statutory responsibilities.

The Office of Enforcement's 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.

Goals and Objectives for 2011

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

Dredge, Filling and Wetland Violations

Section 401 of the Clean Water Act requires that any person applying for a federal permit or license, which may result in a discharge of pollutants into waters of the United States, must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. Dredging or filling waters of the United States, (e.g., creek, drainage with or without water flow, wetland) requires 401 water quality certification..

Historic loss of wetlands throughout the state signals an urgent need to protect the remaining wetland resources, as remnant wetlands in many watersheds provide the only extant sources of critical water quality functions, such as maintenance of plant and animal communities, pollutant filtration, sediment retention, and flood peak attenuation/flood water storage.

The U.S. Fish and Wildlife Service (USFWS) estimate that 91 percent of historic wetland acreage in California has been lost, a greater percentage than in any other state in the nation (Dahl 1990). This loss represents an estimated 4.5 million acres of wetlands, along with their associated water quality

functions and beneficial uses, statewide. The extent of wetland loss has varied by region of the state with significant losses occurring in the Central Valley and along the California coast (Dahl 1990).

The State Water Board is in the process of preparing a “Wetland Area Protection Policy and Dredge and Fill Regulations.” This policy will include a new, more inclusive, definition of “wetlands,” propose standard delineation methods, and specify assessment and monitoring program requirements. The proposed regulations will standardize how the Regional Water Boards permit dredge and fill projects and impose mitigation requirements.

Sanitary Sewer Overflows

Sanitary sewer overflows (SSOs) result in discharges of untreated sewage, bacteria, pathogens, hazardous materials, and industrial wastewater. The causes of the discharges include aging infrastructure, undersized facilities, inadequate operation and maintenance, faulty equipment, and poor system design.

The State Water Board adopted Statewide General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems, Water Quality Order No. 2006-0003 (Sanitary Sewer Order), in May 2006 to provide a consistent, statewide regulatory approach. The Sanitary Sewer Order requires public agencies that own or operate sanitary sewer systems to develop and implement sewer system management plans (SSMPs) and report all SSOs.

There have been over 22,000 SSO incidents reported since January 2, 2007 from approximately 1,100 sanitary sewer systems currently enrolled under the Sanitary Sewer Order. Of the approximately 98 million gallons of waste associated with these incidents, about 78 million gallons reportedly reached surface waters. Recent inspections revealed that some dischargers are violating the Sanitary Sewer Order and are underestimating the volume of sewage spilled and/or failing to report SSOs.

The Water Boards will target enforcement resources to address both SSOs and violations of the Sanitary Sewer Order to decrease both the volume and number of SSO discharges through compliance with improved system operations, maintenance, management and performance requirements.

Storm Water

Storm water runoff from urban areas, industrial facilities and construction sites, which is most often discharged untreated, significantly impairs water quality in rivers, lakes, streams, reservoirs, estuaries,

near-shore ocean environments, and wetlands. Unmanaged soil disturbance and vegetation removal that occurs during construction increases erosion, resulting in sediment discharges into waterways. As storm water flows over urban areas and construction and industrial sites, it picks up and carries other pollutants including pathogens, pesticides, petroleum products, toxic chemicals, and debris from the land into water bodies that serve as drinking water, aquatic habitat, and public swimming areas.

The Water Boards regulate storm water discharges under the Municipal Storm Water Permitting program and a variety of statewide general permits including:

- Industrial Storm Water General Permit Order 97-03-DWQ
- Construction Storm Water General Permit Order 2009-0009-DWQ (effective July 1, 2010)
- Caltrans Storm Water Permit Order 99-06-DWQ
- Small Municipal Separate Storm Sewer System Permit Order 2003-0005-DWQ

Enforcement of these permits is a high priority, particularly in areas where discharges may cause or contribute to water quality impairments.

Mandatory Minimum Penalties:

In 1999, the California Legislature passed SB 709, which required that certain State Water Code violations be subject to mandatory minimum penalties (MMPs). While the Water Boards did begin assessing MMPs after the passage of the bill, a variety of factors led to a backlog of unresolved cases. In 2008, the Water Boards commenced a statewide Initiative for MMP enforcement, with the goal of substantially reducing or eliminating the MMP backlog of more than 12,000 violations accumulated between January 1, 2000 and December 31, 2007. The Water Boards have significantly reduced the MMP backlog, and in some regions the backlog has been completely eliminated. To date, the enforcement activities consist of 147 Administrative Civil Liability (ACL) complaints and 274 Notices of Violations/Expedited Payment Offers. New legislation, effective January 1, 2011, also has reduced the number of reporting violations subject to MMPs and therefore has reduced the number of facilities with outstanding violations. 421 enforcement actions have been initiated to address the backlogged

violations, and 382 of those actions have been completely resolved or settled resulting in total imposed liabilities of \$25,288,478:

\$14,855,232 as liabilities paid or due to the State Water Board's Cleanup and Abatement Account;

\$7,896,000 as credits for completion of Compliance Projects (CP) at facilities serving small communities with financial hardship; and

\$2,537,246 as credits for Supplemental Environmental Projects (SEP).

There are approximately 39 facilities with 2,868 unresolved violations from the backlogged period, with an associated minimum potential liability of \$8,648,612. Of those facilities, three facilities with 45 alleged violations have not responded to the Water Boards notices.

The goal of this multi-year enforcement priority is to eliminate all existing MMP backlog violations and ensure that all future violations are addressed within 18 months of discovery.

Program Highlights and Statistics for 2011

This report, covering calendar year 2011, highlights the resources available for core regulatory program enforcement and the enforcement actions achieved with those resources.

Summary information for the five core regulatory programs is shown below:

	2011	2010	2009	FY 2007-2008	FY 2006-2007
<i>Number of regulated facilities:</i>	27,375	28,466	39,704	39,692	41,156
<i>Inspections conducted:</i>	5,346	6,255	6,129	3,763	3,839
<i>Violations documented:</i>	14,405	13,992	12,378	15,177	9,801
<i>Facilities with one or more violations:</i>	3,245	2,742	2,733	2,970	2,527
<i>Informal enforcement actions taken:</i>	4,132	4,066	3,001	2,706	1,915
<i>Formal enforcement actions taken (including ACLs):</i>	306	364	303	283	180
<i>Administrative Civil Liability actions:</i>	226	238	174	106	107
<i>Penalties assessed²:</i>	\$24 million	\$13 million	\$20 million	\$19 million	\$12 million
<i>Violations receiving enforcement:</i>	7,594	8,300	6,668	8,643	5,485

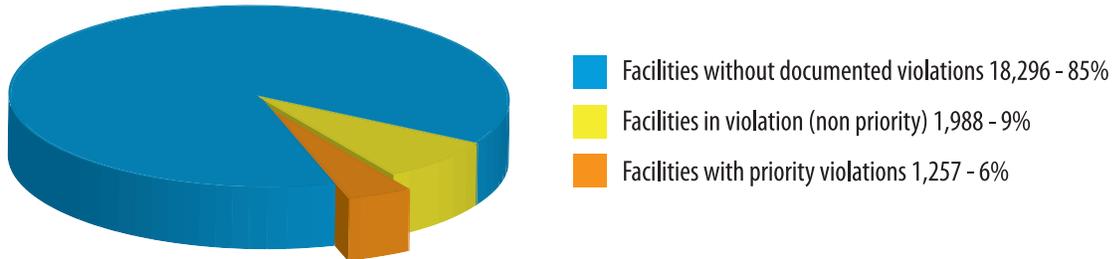
² Does not include penalties assessed under the Health & Safety Code.

NPDES Wastewater Program

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

- Facilities regulated: 1,903
- Inspections conducted: 561
- Facilities with one or more violations: 532
- Violations documented: 6,277
- Percentage of violations with enforcement actions: 57%
- Enforcement actions issued: 750

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, and industrial and construction sites during rainfall events.

- Facilities regulated: 17,920
- Inspections conducted: 3,420
- Facilities with one or more violations: 1,688
- Violations documented: 1,703
- Percentage of violations with enforcement actions: 86%
- Enforcement actions issued: 2,711

Water Discharge Requirements Program

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

- Facilities regulated: 6,257
- Inspections conducted: 693
- Facilities with one or more violations: 915
- Violations documented: 6,235
- Percentage of violations with enforcement actions: 40%
- Enforcement actions issued: 653

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:	773
● Inspections conducted:	503
● Facilities with one or more violations:	84
● Violations documented:	207
● Percentage of violations with enforcement actions:	47%
● Enforcement actions issued:	77

401 Certification/Wetlands Program

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

● Facilities regulated:	522
● Inspections conducted:	169
● Facilities with one or more violations:	26
● Violations documented:	33

The Water Boards track complaints received in the Cal/EPA electronic complaint tracking system and those received directly at the State or regional Water Boards. The Water Boards received an estimate of 565 complaints in 2011 for potential illegal acts or unauthorized releases that caused harm or damage to California's public health or the environment.

Complaints 2011

Region	Cal/EPA	Region	Total
Region 1		156	156
Region 2			0
Region 3	20	30	50
Region 4		30	30
Region 5		70	70
Region 6			0
Region 7		24	24
Region 8		85	85
Region 9		150	150
Total	20	545	565

The following table provides information on the compliance rates for each category of dischargers in 2011.

Table 2: 2011 Water Quality Compliance Rates for All Core Programs							
Water Boards Core Regulatory Programs by Category Year 2011	# of Facilities	Facilities With one or More Violations in the Period	% of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	% of Facilities with Priority Violations	Total Priority Violations
NPDES Major Facilities	266	152	57%	3,133	86	32%	2,088
NPDES Minor Facilities	297	145	49%	1,994	77	26%	1,401
NPDES General	1,340	235	18%	1,100	44	3%	189
Stormwater Industrial	9,688	909	9%	1,049	287	3%	331
Stormwater Construction*	1,852	772	42%	645	251	14%	326
Stormwater Municipal I+II	546	7	1%	9	6	1%	7
WDR Large Municipal	436	137	31%	1,765	73	17%	772
WDR Small Municipal	1,205	259	21%	1,681	83	7%	295
WDR Industrial	853	78	9%	424	30	4%	67
WDR Sanitary Sewer Overflow	1,071	133	12%	630	80	7%	173
WDR Animals/Dairies	1,435	177	12%	248	167	12%	230
WDR All Other	1,257	131	10%	1,487	27	2%	671
Land Disposal Open Landfills	125	23	18%	62	10	8%	20
Land Disposal Closed Landfills	299	26	9%	61	8	3%	15
Land Disposal All Other	349	35	10%	84	13	4%	41
401 Wetlands/Certifications	522	26	5%	33	15	3%	19
TOTAL	21,541	3,245		14,405	1,257		6,645

Table 2: 2011 Water Quality Compliance Rates for All Core Programs

continued

Water Boards Core Regulatory Programs by Category Year 2011	# 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	98	33	21	20.6
NPDES Minor Facilities	110	19	16	13.8
NPDES General	207	22	6	4.7
Stormwater Industrial	909	-	-	1.2
Stormwater Construction*	645	-	-	0.8
Stormwater Municipal I+II	7	-	-	1.3
WDR Large Municipal	98	24	15	12.9
WDR Small Municipal	213	32	14	6.5
WDR Industrial	67	8	3	5.4
WDR Sanitary Sewer Overflow	127	4	2	4.7
WDR Animals/Dairies	177	-	-	1.4
WDR All Other	109	12	10	11.4
Land Disposal Open Landfills	23	-	-	2.7
Land Disposal Closed Landfills	25	1	-	2.3
Land Disposal All Other	33	2	-	2.4
401 Wetlands/Certifications	26	-	-	1.3
TOTAL	2,874	157	87	4.4

Office of Enforcement

The Office of Enforcement (OE) 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 was formed in mid-2006 to emphasize the importance of enforcement as a key component of the Water Boards' core regulatory functions and statutory responsibilities. The role of the OE is to ensure that violations of State and Regional Water Board orders and permits result in firm, fair, and consistent enforcement through direct actions, the development of policies and guidance, and identification of metrics for decision-making on enforcement related issues.



Typical activated sludge basin at a wastewater treatment plant.

OE reports to the State Water Board's Executive Director. It is comprised of legal and investigative staff. The investigative staff is divided into three units: the Special Investigations Unit (SIU) with eight staff; the Underground Storage Tanks (UST) Enforcement Unit with four staff; and the Fraud, Waste, and Abuse Prevention Unit, a pilot project, with seven staff (five detailed from Division of Financial Assistance and one detailed from Division of Water Quality). Consolidation of Water Board enforcement attorneys into the office began at the end of FY 2006/2007, with three attorneys. Currently the office is staffed with eleven attorneys.

Among OE's functions is the authority to initiate enforcement actions independently of those actions taken by the regional water boards. These actions arise out of the investigative activities of two of its units, the Special Investigations Unit and Underground Storage Tank Enforcement Unit.

Special Investigations Unit (SIU)

SIU staff conducts investigations and assists with Regional Water Board investigations when additional resources are needed. Overall, SIU had 62 cases open in 2011, of which 31 were new referrals and 12 were closed.

Sanitary Sewer Overflows (SSOs): In 2011, SIU shifted its focus to sanitary sewer overflows. SIU has been inspecting sewer agencies and investigating spills, often in conjunction with USEPA and/or the Regional Boards. A total of 22 new cases were referred to SIU; including 4 sewer overflows and 18 for other permit violations. Three cases were closed, including one case that resulted in an Administrative Civil Liability (ACL) penalty being issued by the Regional Board for \$1.7 million.

Operator Certification Program: The State Water Board enforces the laws and regulations governing waste water treatment plant (WWTP) operators. The Office of Operator Certification, within the Division of Financial Assistance, administers the WWTP operator certification program. SIU investigates potential cases of wrongdoing and takes enforcement action when warranted. In calendar year 2011, SIU investigated 26 operator certification cases. Of those, nine were new cases and four cases were closed. Two ACLs were issued for a total of \$60,500 and eight informal actions were issued.

Other Activities: SIU is asked by the Regional Boards to provide technical and investigative assistance on some of their cases. SIU assisted with the development and delivery of SSO training for regional water board staff and sanitary sewer agencies, and assisted in training for small communities. SIU assisted USEPA in the inspection and enforcement against California Department of Transportation, and accompanied USEPA in pretreatment inspections. SIU is responsible for routine coordination with the regional water boards on enforcement matters. In 2011, SIU staff, with assistance from Office of Information Management and Analysis and Division of Financial Assistance, issued seven ACLs for mandatory minimum penalty violations, totaling \$501,000.

Underground Storage Tank (UST) Enforcement Unit

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

UST Leak Prevention: The UST Enforcement Unit supports enforcement of the UST Program within the Division of Water Quality, primarily by investigating UST construction, monitoring, and testing violations. The Office of Enforcement refers UST leak prevention cases to the Attorney General's Office or local prosecutors for action. In 2011, the UST Enforcement Unit referred one case to the Attorney General's Office and assisted with an additional four cases that were referred previously.

- The Attorney General's Office obtained a \$325,000 judgment on a case referred by the State Water Board against USA/Tesoro in November 2011, of which \$309,000 was paid to the State Water Board for penalties and costs.
- The Attorney General's Office obtained a \$16 million judgment on a case conducted in their independent capacity against Chevron in September 2011, of which \$2 million was paid to the State Water Board for penalties.

UST Tank Tester Licensing (TTL) Program: The State Water Board enforces the laws and regulations governing tank testers. The Office of Tank Tester Licensing, within the Division of Water Quality, administers the TTL program. There are approximately 150 licensed tank testers in California. These individuals test UST systems to verify that the systems are in compliance and are not leaking. The State Water Board can take administrative enforcement action against licensed tank testers. In 2011, the UST Enforcement Unit referred one case to the Attorney General's Office.

Government Owned and/or Operated Tanks (GOT): In 2005, the federal government recognized the disparity of compliance between government-owned and privately-owned UST facilities when it passed the Energy Policy Act. The Act required a one-time report of all non-compliant GOT facilities in the nation. In August 2007, the State Water Board's UST Program reported that California had 415 non-compliant GOT facilities, with a total of 634 non-compliant USTs. In 2010, the State Water Board began an initiative to gain compliance at these facilities. Activities of the initiative include obtaining and reviewing facility files, conducting inspections, and initiating enforcement actions when warranted. In 2011, the UST Enforcement Unit obtained 241 files, conducted 25 inspections, and initiated a case against one owner with 12 facilities.

Fraud, Waste, and Abuse Prevention: In 2010, the State Water Board began an initiative to deter, investigate, and prosecute fraud against the UST Cleanup Fund. The Cleanup Fund is administered by the Division of Financial Assistance and reimburses up to \$1.5 million per occurrence for cleanup at eligible petroleum-contaminated UST sites. In 2011, staff investigated six consultants that perform work at sites that receive reimbursement from the Cleanup Fund and referred two cases to the Attorney General's Office.

Table 3: 2011 Office of Enforcement Actions

Program	Administrative Civil Liability Actions/ Settlements	Referral to Other Agency	Disciplinary Action	Penalty Amount
<i>Cleanup Remediation</i>				\$0
<i>UST Leak Prevention</i>		2		\$16,325,000
<i>UST Cleanup Fund and Loans and Grants</i>		2		\$
<i>UST Tank Tester Licensing</i>		1		\$
<i>Operator Certification</i>	2			\$60,500
<i>Regional Board Assistance</i>	7			\$501,000
Total	9	5		\$16,886,500

- Cases investigated: 62
- Cases referred to District Attorney: 0
- Cases referred to Attorney General: 7
- Enforcement actions issued: 9
- Penalties assessed: \$16,886,500

Water Rights

The State Water Resources Control Board is the state agency with primary responsibility for the administration and regulation of water rights in California. The Division of Water Rights allocates water rights through a system of permits, licenses and registrations that grant individuals and others the right to beneficially use reasonable amounts of water. Water rights permits help to protect the environment and other water users from impacts by restricting water diversions and by including specific conditions to mitigate potential impacts. According to the State Water Board's water rights database system, there are 40,135 water right records throughout California. In addition, more water rights have been adjudicated by the courts, exempted by legislation, or are otherwise being exercised

and not reported to the State Water Board. The Water Code requires all diversions of water not covered by a permit or license (e.g., claims of riparian or pre-1914 water rights and pending water right applications) to be reported through the filing of a Statement of Water Diversion and Use. In 2011, the State Water Board adopted new regulations to maintain flows in the Russian River and its tributaries when water is diverted for agricultural frost protection.

The following table shows the number and type of water rights records on file with the State Water Board:

Applications*:	401
Permits*:	1,477
Licenses*:	10,863
Small Domestic and Livestock Stockpond Registrations*:	779
Stockpond Certificates*:	5,306
Groundwater Extraction Claims:	3,343
Statements of Water Diversion and Use:	15,924
Federal Filings:	1,974
Other Water Rights:	68
Total Water Rights:	40,135
<i>*Of these, the State Water Board has permitting authority over the applications, permits, licenses, registrations and certifications.</i>	

Water Rights Enforcement Program Organization and Resources

The Enforcement Program of the Division of Water Rights is responsible for statewide water rights compliance and enforcement.

In 2011, the work of the Enforcement Program units included:

- Three enforcement units focused on over 1200 potentially illegal reservoirs that were alleged to exist in the northern coastal counties from documents supporting the State Water Board's North Coast Instream Flow Policy. Staff investigated facilities in the Napa River, Navarro River and Russian River watersheds.
- One enforcement unit concentrated on unauthorized diversions within the Sacramento-San Joaquin Delta, and enforcement of the new laws allowing monetary penalties for the failure to file statements of water diversion and use of water with the State Water Board. Working with

the State Water Board's Delta Watermaster, the Division's enforcement of the new failure to file laws first sought voluntary compliance before initiation of formal enforcement with monetary penalties.

- One enforcement unit focused on addressing and responding to complaints that were received in 2011, either directly from complainants or through the CalEPA website complaint portal. Staff investigated nearly all allegations of unauthorized diversions, unreasonable or wasteful uses of water, and impacts to public trust resources regardless of the type of water rights. Late in 2010 and into 2011, the program began to investigate priority complaints that would likely result in enforcement or otherwise improve instream flow conditions for protection of public trust resources.

Water Rights Enforcement Identification Strategies

Compliance assurance with water rights requirements relies on reviewing monitoring reports, conducting inspections, and responding to complaints:

- **Monitoring reports:** The State Water Board requires water rights holders to complete and return self-monitoring reports including annual Progress Reports by Permittees and the Reports of Licensees. Special terms included in permits or licenses may also require submittal of special reports, such as those required to comply with water right Permit Terms 91 and 93. In addition to the permit and license reports, anyone diverting surface water without a permit or license (with limited exceptions) within California is required to submit a Statement of Water Diversion and Use to the Division of Water Rights and is subject to penalties for failure to file the Statement.
- **Inspections:** The State Water Board conducts compliance inspections and illegal diversion investigations in high resource-value watersheds including those containing threatened and endangered species. The State Water Board selects targeted watersheds annually based, in part, on recommendations from the Regional Water Quality Control Boards, the Department of Fish and Game (DFG), the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service (NMFS). For each target watershed, State Water Board staff develops a project priority list based on diversion quantity, special terms, or potential violations gleaned from self-monitoring reports and existing facilities without known water rights. During a five-year study period of compliance inspections from 1998 to 2003, the State Water Board determined that 38 percent of inspected facilities were in violation of water right requirements. Another 11 percent of facilities were subject to revocation or partial revocation of their water rights due to non-use of water. Thus, almost 50 percent of the inspected facilities were in violation of their water rights.

- **Complaints:** The State Water Board will continue to rely on local residents, other agencies, and other interested persons to identify potential water right violations or impacts to public trust resources. A new process will prioritize complaints filed through the Cal/EPA Single Complaint Tracking System and investigate only those that will likely result in enforcement or other finding that will improve in-stream beneficial use conditions. The new prioritization will be performed in consultation with the Department of Fish and Game and other federal fishery agencies.

Water Rights Enforcement Program Outputs

All units associated with the Enforcement Program initiate formal and informal enforcement actions to curtail illegal diversions and to protect prior rights and in-stream beneficial uses. The following table shows the number and type of enforcement actions taken by the State Water Board Division of Water Rights during calendar year 2011.

Water Right Enforcement Actions for Calendar Year 2011	
Enforcement Action Type	Total
Oral Communication ³	-
Staff Enforcement Action	35
Notice of Violation ⁴	-
Permit and License Revocation Orders Issued	78
Cease and Desist Order	0
Administrative Civil Liability	2
Referral to Other Agency	0
Formal Referral to Attorney General ⁵	0
Settlement Court Order	0
Total	115
³ Division of Water Rights currently does not track the Enforcement activities resolved by oral communication directly at field investigation, visit to office, or by telephone. ⁴ Division of Water Rights does not have statutory authority to issue a Notice of Violation. ⁵ Authority exists for referring water right cases to Attorney General, however, this enforcement is not chosen in most water right cases because water right cases are not normally considered a priority by the AG.	

The next table summarizes the basic statistics regarding the resources, the activities and actions taken by the Enforcement Program of the Division of Water Rights during calendar year 2011.

Water Right Enforcement Program for Calendar Year 2011

Water Rights	Totals for 2011
Regulated Universe ^a	34,998
PYs for Staff Dedicated to Enforcement Duties (2011 average)	30
Amount of Gross Budget Expended on Enforcement Duties	\$3,399,000
Regulated Universe/Enforcement PYs	1,167
Monitoring Reports Reviewed	7,946
Field Inspections Conducted	110
Violations ^b (not including report violations)	8,579
Violations for Reports Not Submitted ^c	6,465
Priority or Chronic Noncompliance Problems	1,504
Inspections with one or more violations found	36
Enforcement Actions Taken	115
Formal Actions (Revocations, ACLs & CDOs)	80
Informal Actions	35
Cases Closed	399
Cease and Desist Orders	0
Administrative Civil Liability	2
Penalties Assessed ^d	\$89,500
Enforcement Response: % of Violations with Enforcement	0.8%
Water Rights Compliance Rate	57%
<p>^aNumber of permits, licenses, registrations, certifications, complaints, statements.</p> <p>^bNumber of non-reporting violations is estimated.</p> <p>^cReports not submitted by July 1, 2011 due date.</p> <p>^dInitial penalty amounts assessed; final penalty amounts may be different.</p>	

Key Statistics: Water Rights

- Facilities regulated: 34,998
- Inspections conducted: 110
- Violations documented: 15,044
- Percentage of violations with enforcement actions: 1%
- Enforcement actions issued: 115
- Cases closed: 399
- Penalties assessed: \$89,500

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.

Formal Enforcement Penalty Actions	2006	2007	2008	2009	2010	2011
<i>Civil Cases Referred</i>	2	4	9	4	4	6
<i>Administrative Actions Initiated</i>	64	90	271	171	232	226
<i>Criminal Cases Referred*</i>					1	1

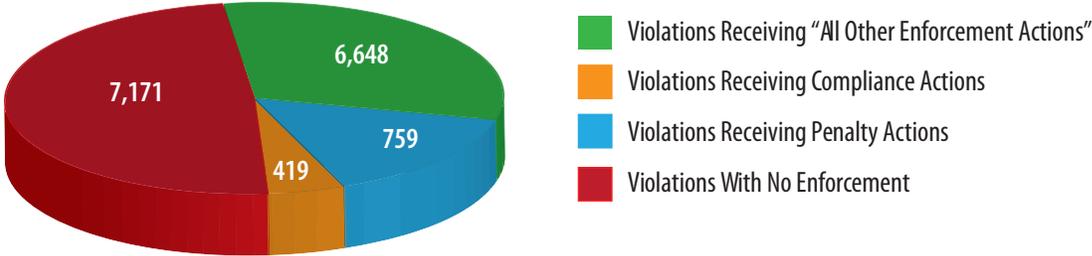
**Criminal cases are referred to the Attorney General's Office. It is the decision of the Attorney General to pursue the case as a civil or criminal matter.*

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.

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.”

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 2011</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	2,427	39%	362	6%	739	12%	3,528	57%	2,699	43%	6,227
Stormwater	1,446	79%	7	0%	1	0%	1,454	80%	367	20%	1,821
Waste Discharge Requirements	2,685	40%	42	1%	12	0%	2,739	41%	3,990	59%	6,729
Land Disposal	90	41%	8	4%	7	3%	105	48%	115	52%	220
Total	6,648		419		759		7,826	52%	7,171	48%	14,997

Highlighted Enforcement Cases for 2011

Environmental Impacts associated with marijuana plantations

Environmental impacts associated with production of marijuana on both public and private lands, and efforts to address those impacts, continue in the North Coast Region (Region 1). Through federal and County task forces, staff of the North Coast Region have been working with a number of resource protection agencies in investigating complaints, identifying and participating in efforts and



Site overview, first task force inspection, July 2011

avenues to educate prospective marijuana growers about environmental protection requirements and pollution control practices, planning and implementing joint enforcement efforts, and overseeing cleanup/site restoration on a number of properties.

Over calendar year 2011, Region 1 staff inspected a number of sites with reported or alleged marijuana grow-related impacts or threatened impacts to State waters and in several cases followed up with enforcement action. Most of these sites were private parcels developed for medical marijuana grows; typical impacts we observed included buried or culverted watercourses, illegal tree removal, vegetation removal/clearing, construction and/or re-grading of roads and landings, inappropriate water drafting practices, and/or construction of terraces or fill pads, often un-engineered, on sloped parcels to provide level planting areas. A particularly significant case encountered during 2011 involved logging and grading at two locations on a parcel in Mendocino County, construction/development of steep access roads and driveways, and construction of two fill pads, comprising approximately 15,000 cubic yards and 2,500 cubic yards, respectively. Fill material was loose and unconsolidated, with soil placed atop trees, logs, vegetation, and slash, up to 25 feet deep in some areas.

As located and constructed, these fill pads threatened to fail into an adjacent watercourse and potentially to deliver earth and debris to Highway 101. Multi-agency task force responders include Cal FIRE, DFG, Cal Trans, California Geological Survey, National Oceanic and Atmospheric Administration/ National

Marine Fisheries Service, Mendocino County, and Region 1 Water Board staff. Agency staff agreed that the site posed a significant threat to public health, safety, and the environment, and deemed the situation an emergency due to imminent winter rains (on average approximately 50 inches per year in the general vicinity of the site, with the heaviest average rainfall typically occurring in December). Responding agencies took separate, but coordinated enforcement response; Region 1 issued a Cleanup and Abatement Order. After an initial delay in responding, the property owner engaged a consultant to develop and implement site restoration efforts including removal and stabilization of the loose and unstable fill prisms. The unusually late start of the rainy season in 2011 provided a much needed break, accommodating the delayed site restoration efforts and likely helping to avert a catastrophic failure of the massive fill piles.

Multi-agency involvement with this case continues.

OFFICE OF ENFORCEMENT

\$325,000 Civil Judgment Entered Against Tesoro Corporation

The Office of Enforcement completed an investigation of Tesoro Companies, Inc. and Tesoro West Coast Company LLC. (Tesoro) which resulted in a civil judgment, filed in November 2011, of \$325,000. The judgment settled allegations of UST monitoring and testing violations documented at 12 gas stations owned and operated by Tesoro.

Tesoro is one of the largest independent refining and marketing companies in the Western United States, operating approximately 425 gas stations in California under the brands Tesoro, Shell, Mirastar and USA Petroleum. As an owner and operator of USTs, Tesoro is required to monitor, test, and maintain its gas stations to prevent the release of hazardous materials to the environment.

Over the past several years, investigators from the Office of Enforcement and local Certified Unified Program Agencies (CUPA) from Butte, Glenn, Imperial and Ventura counties documented UST monitoring, testing and construction violations. These violations included: failure to monitor the UST tank and product piping; failure to maintain secondary containment and spill containment; and failure to perform 10-year tank lining and corrosion protection certifications.

Under the terms of the judgment, Tesoro will pay \$239,000 in penalties to the State Water Board and \$86,000 for investigation and enforcement costs. The State Water Board's investigation was a result of

the cooperation and assistance received from the Department of Toxic Substances Control, Imperial County CUPA, Butte County Environmental Health Department (EHD), Glenn County EHD, City of Oxnard Fire Department, Ventura County EHD and the Western States Project.

The State Water Board was represented by the California Attorney General's Office in this enforcement case. A copy of the complete judgment, which was entered by the Los Angeles County Superior Court, can be found on the State Water Board's website, where a complete list of 2011 enforcement highlights is also available. www.waterboards.ca.gov/water_issues/programs/enforcement

Additional Information

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

Additional enforcement information on the Water Boards performance management system is available in the FY 11-12 Performance Report: www.waterboards.ca.gov/about_us/performance_report_1112

The mission of the Office of Environmental Health Hazard Assessment (OEHHA) is to protect and enhance public health and the environment by scientific evaluation of risks posed by hazardous substances.



OEHHA has no enforcement authority. Instead, the Office performs 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 ensures that limited resources are devoted to the protection of public health and the environment. OEHHA's technical assistance plays a key role in shaping enforcement activities conducted by Cal/EPA and other agencies.

Office of Environmental Health Hazard Assessment

OEHHA Overview

The Governor's Reorganization Plan that established the Cal/EPA in 1991 created OEHHA as a separate and distinct entity from the other Cal/EPA boards and departments. This new structure was intended to provide functional and organizational separation between scientific "risk assessment" activities and regulatory "risk management" activities.

OEHHA plays a critical and unique role in environmental protection as the scientific arm of Cal/EPA. OEHHA's assessments support a broad array of environmental programs that have regulatory enforcement authority, including the following:

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 which are commonly found throughout the United States. The six most common are: carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide.

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 (study of the distribution of health and disease in populations) 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, codified at Health and Safety Code section 44300 et seq., 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 (health-based advisory levels for chemicals in drinking water that lack Maximum Contaminant Levels or MCLs). 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 as the health basis for the state's primary drinking water standards. To date, OEHHA has developed PHGs for approximately 89 chemicals and updated assessments on 23 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 maintaining the list of chemicals that cause cancer or reproductive toxicity (Health and Safety Code, §25249.5 et seq.). Although not required to do so, OEHHA also develops "safe harbor" levels of exposure to listed chemicals. Exposures below these levels are exempt from the Proposition 65 warning requirement and the prohibition on the discharge of chemicals into drinking water sources. These safe harbor numbers are a critical form of compliance assistance. OEHHA also plays a significant role in Proposition 65 enforcement by providing scientific expertise in cases brought by the Attorney General's Office to enforce Proposition 65 requirements.

Pesticide evaluations, worker health and safety and invasive pests

OEHHA evaluates pesticide toxicity data to support pesticide use regulation in California. Specifically, OEHHA reviews risk characterizations of pesticide active ingredients that support pesticide registration, and health assessments that identify pesticides as toxic air contaminants. These documents are prepared by the Department of Pesticide Regulation (DPR) and are used for DPR's pesticide registration decisions. OEHHA also reviews pesticide data waiver requests submitted to DPR. OEHHA and DPR have joint responsibility for developing pesticide-related worker health and safety regulations, and OEHHA reviews worker exposure protocols. OEHHA also has responsibilities relating to pesticide illness surveillance and is working with the California Department of Public Health to implement a web-based pesticide illness reporting system by the end of 2012. Additionally, OEHHA has developed on-line training courses on pesticide illness recognition and reporting, which highlight the law requiring physicians to report known or suspected cases of pesticide illness. Finally, OEHHA provides the California Department of Food and Agriculture with health effects data and toxicological evaluations of pesticides.

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 (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 CDPH. 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, OEHHA is required by state law to assess potential health impacts from consuming fish and shellfish and to provide recommendations to the Department of Fish and Game regarding the closure of potentially impacted fisheries (Fish and Game Code, §5654 and Government Code, §8574.7).

Green chemistry

Legislation enacted in 2008 created a Green Chemistry program in California (Health and Safety Code, §25252 et seq., SB 509 (Simitian, 2008) and AB 1879 (Fueur, 2008)). 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. In accordance with its statutory mandate, OEHHA adopted regulations 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.” (Title 22, Cal. Code of Regs., §69401 et seq.) This information must be included by DTSC in developing criteria to evaluate chemicals and their alternatives. OEHHA also provides toxicological advice and assistance to DTSC in its implementation of this program.

Biomonitoring

Evaluations of the degree to which people are exposed to environmental chemicals can be useful in assessing whether regulations are effective. CDPH, OEHHA and DTSC collaborate in operating California's biomonitoring program, which measures chemicals in biological samples taken from people, providing valuable information regarding chemical exposures. The process for selecting the chemicals to be measured is based on OEHHA's scientific work and the advice of the Scientific Guidance Panel, a group that OEHHA administers. OEHHA also conducts scientific research to assist in 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).

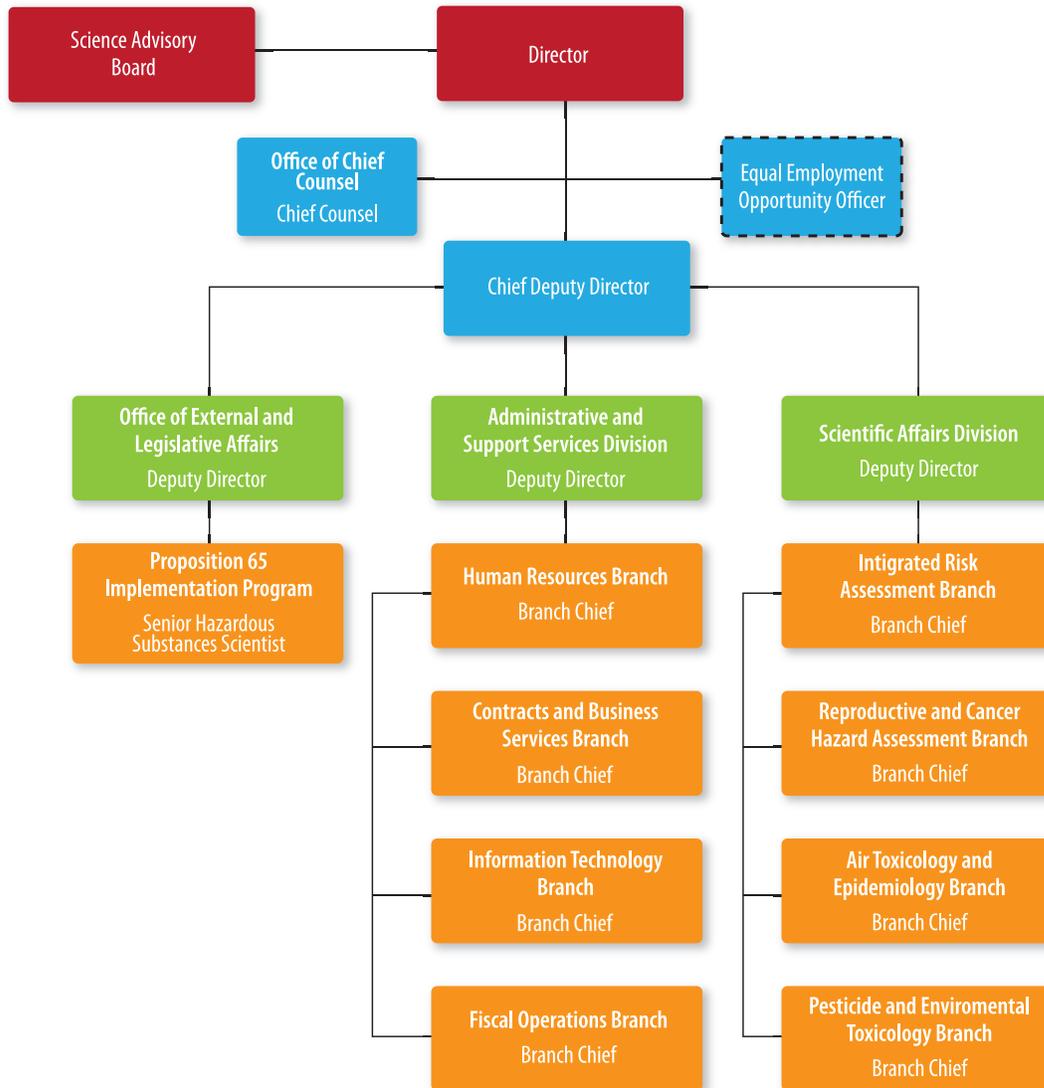
Fish advisories

OEHHA evaluates chemical contaminants in sport fish and issues health advisories or safe eating guidelines for fish taken in California water bodies. As appropriate, OEHHA provides separate guidelines for women of childbearing age and children. The advisories are published in the Department of Fish and Game's fishing regulations booklet.

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, 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 120, including toxicologists, physicians, research scientists and other public health professionals (see organizational chart, next page). OEHHA has an annual budget of approximately \$19 million, with offices in Sacramento and Oakland.

Office of Environmental Health Hazard Assessment Organizational Chart



Summary of Major Program Highlights for 2011

Listed below are those OEHHA accomplishments in 2011 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.

- Adopted the nation's first public health goal (PHG) for hexavalent chromium in drinking water and updated PHG for trichlorotrifluoroethane (Freon 113). PHGs are used by CDPH as the basis for setting maximum contaminant levels (MCLs).
- Participated in 44 public informational meetings at locations throughout California in support of the California Department of Food and Agriculture's effort to control and manage invasive species such as the European Grape Vine Moth and the Asian Citrus Psyllid.
- Made recommendations for the closure and subsequent reopening of fisheries following an oil spill that occurred in Javon Canyon, Ventura County. Assessed on-scene environmental reports following 16 other oil spills and determined that fisheries closures were not necessary.
- Issued advisories and safe eating guidelines for fish taken from San Francisco Bay and Donner Lake, Nevada County.
- Reviewed two worker exposure protocols for pesticide products describing work plans for determining occupational exposure to pesticides currently in commerce, with a focus on scientific and ethical issues. Between 1993 and 2009, hexazinone was detected in ground water sampled from domestic wells in California by the DPR. OEHHA staff participated in a Cal/EPA subcommittee to review information related to hexazinone, such as the levels detected, use pattern, toxicology, modeled predictions, and mitigation options. The subcommittee offered findings and recommendations to the Director of DPR.
- Reviewed 7 site-specific risk assessments submitted to OEHHA by the Air Pollution Control Districts for the Air Toxics Hot Spots program.
- Finalized sets of Reference Exposure Levels (RELs) for nickel (emitted from stationary sources in California). Drafted sets of RELs for 4 chemicals that are emitted from stationary sources. RELs are airborne levels of a chemical that are not anticipated to present a significant risk of non-cancer health effects in the general population exposed for specified durations (one hour, repeated 8 hour, and chronic exposures).
- Finalized 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.
- Finalized a regulation specifying hazard traits and environmental and toxicological endpoints and other relevant data to be included in the Toxics Information Clearinghouse to be developed by DTSC.
- Conducted public review of the revised Air Toxics Hot Spots Risk Assessment Guidelines Technical Support Document for Exposure Assessment and Stochastic Analysis. This document forms the basis of assessing exposures to chemicals emitted from stationary sources in California.
- Developed a draft physiologically-based pharmacokinetic model for exposure of workers to lead

for peer review. This document was requested by CDPH for use in evaluating recommendations for the occupational lead standard.

- Published 3 epidemiological studies in the peer-reviewed literature on the impacts of air pollution and elevated ambient temperatures on health.
- Reviewed 55 site-specific health risk assessments for the Regional Water Quality Control Boards and local government agencies.
- Added 25 chemicals to the Proposition 65 list, and developed “safe harbor” levels for two carcinogens and two reproductive toxicants.
- Developed screening carcinogenicity assessments for 39 chemicals and screening reproductive toxicity assessments for five chemicals for future Proposition 65 listings.
- Issued a Proposition 65 interpretive guideline for hand-to-mouth transfer of lead through exposure to consumer products.
- Published documents describing the evidence for the carcinogenicity of two chemicals: tris (1,3-Dichloro-2-propyl) phosphate, and fluoride and its salts.
- Published a document describing the evidence for developmental and reproductive toxicity of sulfur dioxide.

Highlighted 2011 Projects

Statewide Screening of Cumulative Impacts*

Cal/EPA’s 2004 Environmental Justice Action Plan called for development of guidance to analyze, prevent, and reduce cumulative impacts of multiple pollution sources in California communities, for the agency to comply with statutory mandates to conduct its activities in a manner that ensures fair treatment of all Californians, including minority and low income populations.

As a follow-up to a report released in 2010, *Cumulative Impacts: Building a Scientific Foundation* (www.oehha.ca.gov/ej/pdf/CIREport123110.pdf), OEHHA continues to further develop its proposed screening methodology for evaluating the cumulative impacts of multiple pollution sources across California communities or geographic areas.

* There have been changes, based on public comment and the workgroup review, in methodology and nomenclature on this project since 2011. For the latest information on the screening tool see:

www.oehha.ca.gov/ej/pdf/CalEnviroScreen2ndPublicReviewDraft010313.pdf

The method incorporates five components for measuring impacts: exposures, public health effects, environmental effects, sensitive populations and socioeconomic factors. These components are derived from the Cal/EPA working definition of the term “cumulative impacts,” as follows:

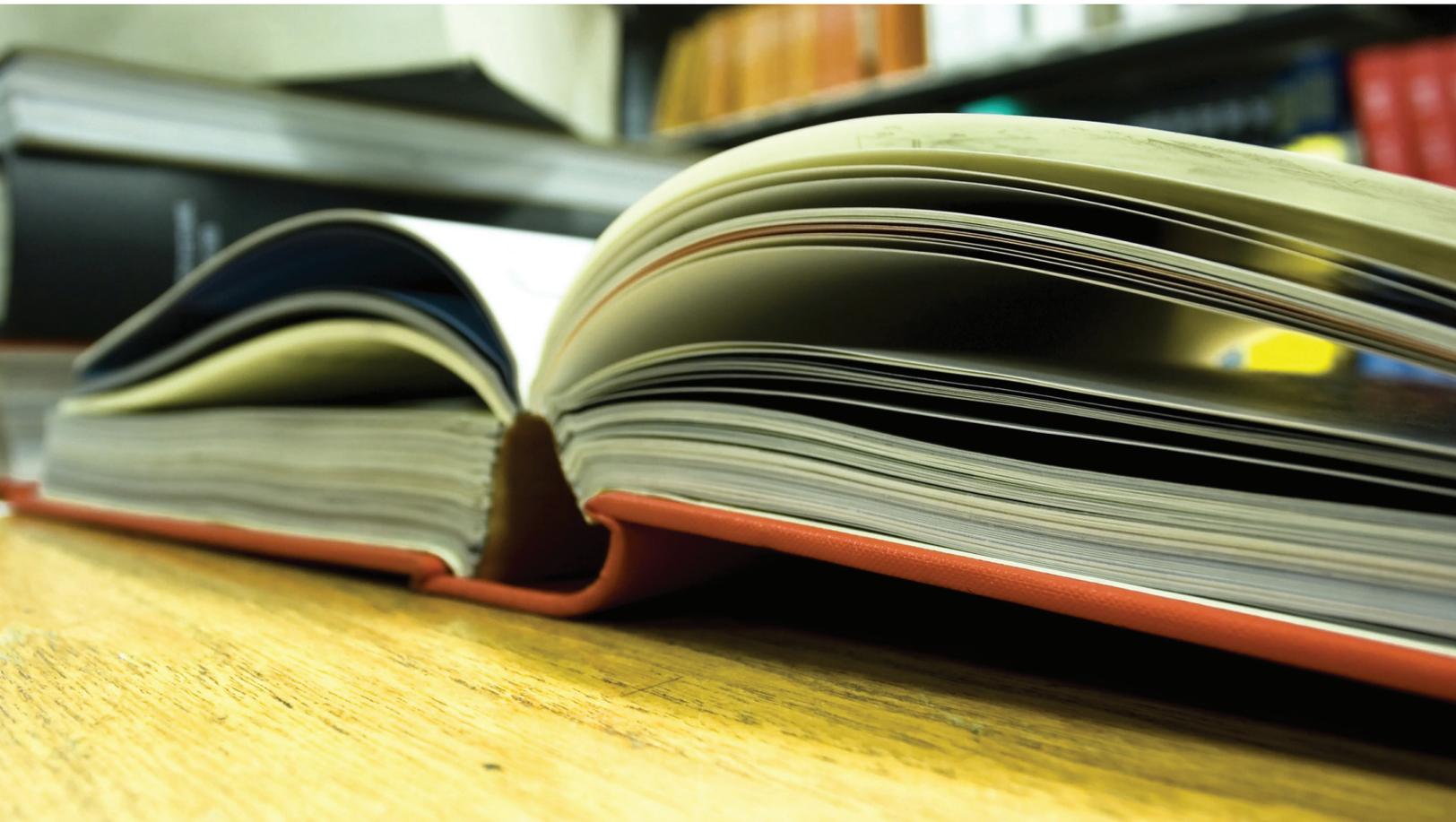
“Cumulative impacts means exposures, public health or environmental effects from the combined emissions and discharges, in a geographic area, including environmental pollution from all sources, whether single or multi-media, routinely, accidentally, or otherwise released. Impacts will take into account sensitive populations and socioeconomic factors, where applicable and to the extent data are available.”

OEHHA began the process of identifying and analyzing metrics or “indicators” for each component based on existing data for zip code areas statewide. OEHHA released a preliminary analysis in 2012 and began soliciting comments on the proposed methodology.

Additional Information

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

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Appendices

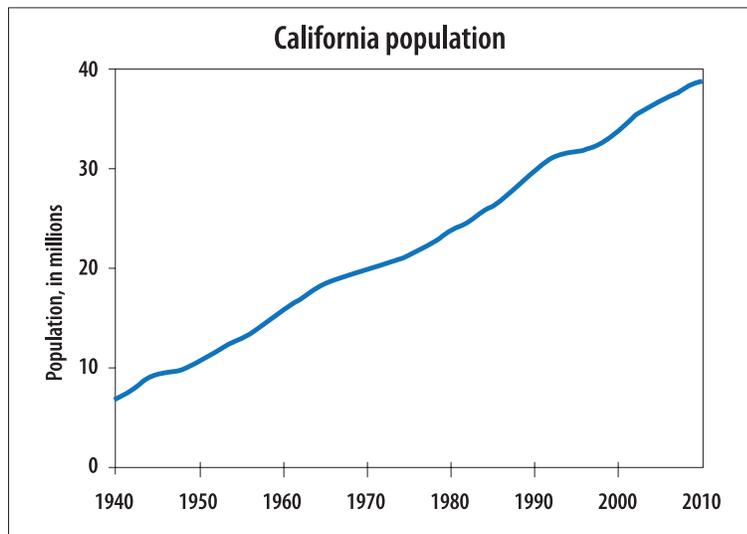
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Appendix A: The Driving Forces

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.

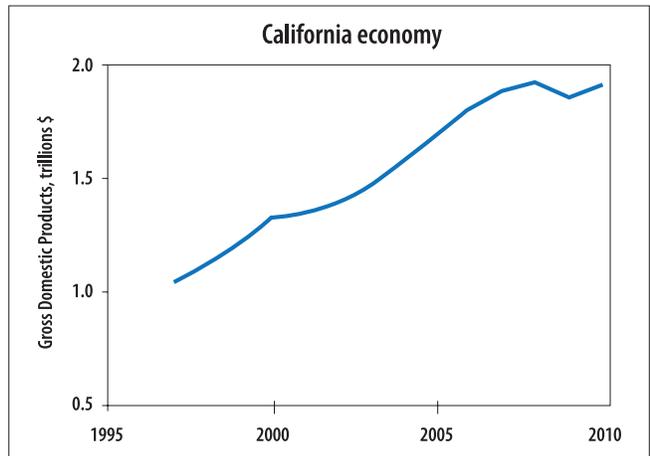


Source: DOF, 2011a

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.

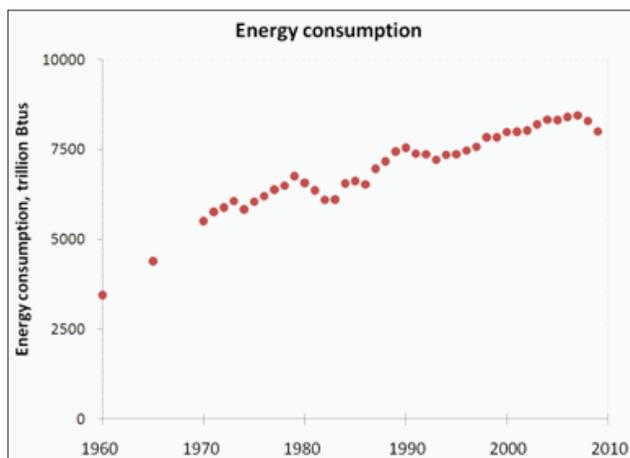
Texas, the next largest state economy, is about 60 percent the size of California's. Economic activity generally leads to negative impacts on the environment, in terms of emissions of pollutants to air and water, consumption of resources, and generation of waste.

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

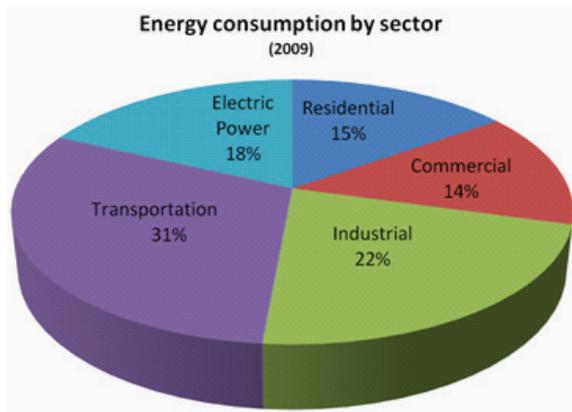
Energy consumption in 2009 was twice the level it was in 1960. The transportation sector is the state's largest energy consumer, accounting for about 30 percent of total consumption in 2009. More motor vehicles are registered in California than any other state, and worker commute times are among the 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

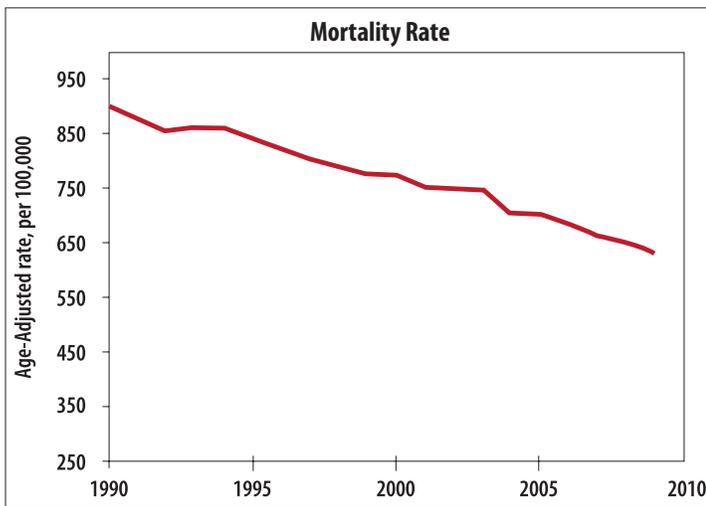
of the population these programs are seeking to protect. This information provides useful context to consider in examining health outcomes that may be influenced by exposures to environmental agents. A population's health status reflects the cumulative effects of social and physical environmental factors, 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

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

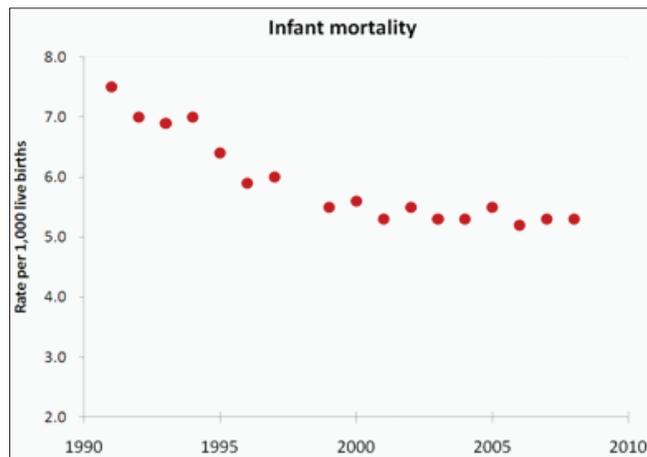
California's mortality rate has been declining. In 2009, the state's death rate (629.1 deaths per 100,000 population) was among the lowest in the nation—considerably lower than the rate for the United States (741.0 per 100,000). Mortality rates for males are higher than for females. Blacks

and individuals identified as “White/other race/unknown” have higher than the statewide mortality rates. In 2009, heart disease and cancer accounted 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



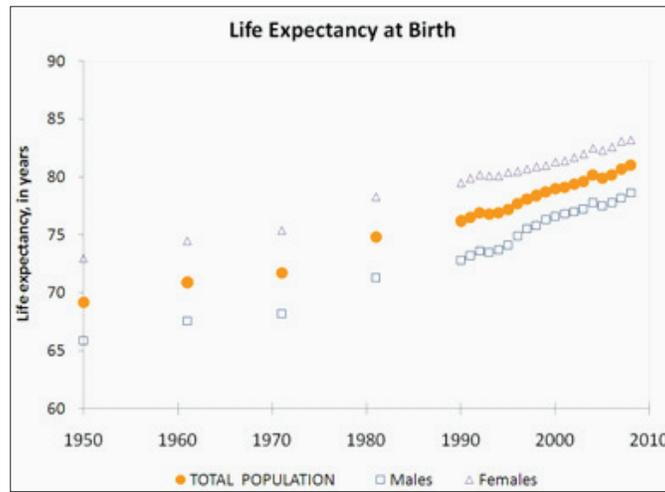
Source: CDPH, 2011a



Source: CDPH, 2011b

the national rates: 5.3 infant deaths per 1,000 live births in 2007, compared to 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.

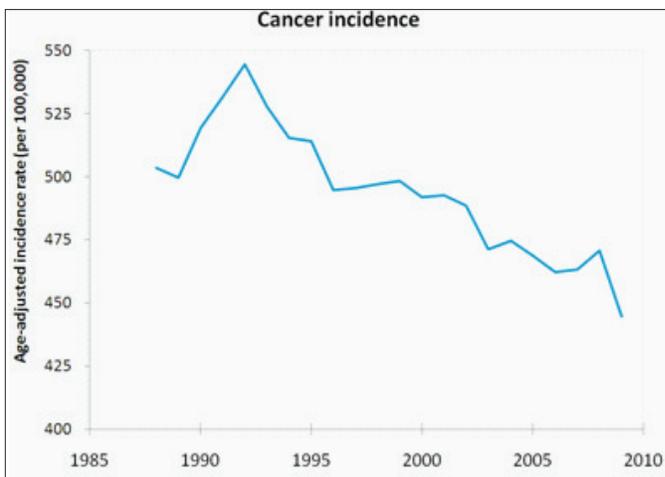
The California Environmental Health Tracking Program (CEHTP) website at www.cehtp.org provides information and data on environmentally influenced health outcomes, exposures, and hazards.

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.

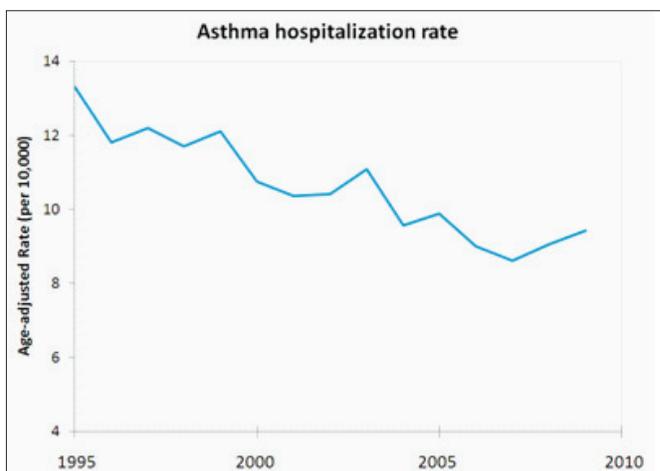


Trends in cancer incidence and mortality vary by race: African American males have the highest overall cancer incidence and mortality rates. Among women, white women are most likely to be diagnosed with cancer, but African American women are more likely to die of the disease. The reasons for these differences 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

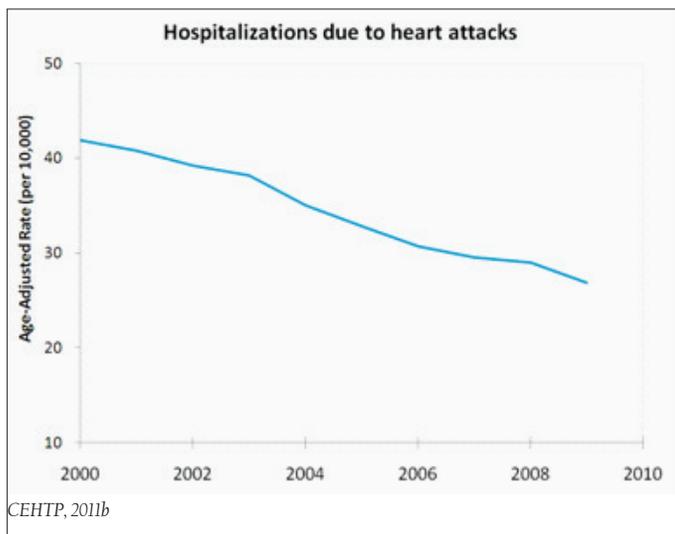


Disparities in the asthma burden exist among different races, income levels, gender, age groups, and geographic locations. For example, it has been well-established that Blacks bear a disproportionate share of the asthma burden: In 2009, Blacks were hospitalized at the rate of almost 30 per 10,000, compared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

AEO	Administrative Enforcement Order
ACL	Administrative Civil Liability
APSA	Above-ground Petroleum Storage Act
AQMD	Air Quality Management District
ARB	Air Resources Board
AST	Above-ground Storage Tank
ATCM	Air Toxics Control Measure
ATV	All Terrain Vehicle
BDO	Boards, Departments and Offices (of Cal/EPA)
CAA	(Federal) Clean Air Act
CalARP	California Accidental Release Prevention Program
CACs	California Agricultural Commissioners
Cal/EMA	California Emergency Management Agency
CAL FIRE	California Department of Forestry and Fire Protection
CAPCOA	California Air Pollution Control Officers Association
Cal/EPA	California Environmental Protection Agency
CalRecycle	Department of Resources, Recycling, and Recovery
CCDET	California Council on Diesel Education and Technology
CDFGA	California Department of Food and Agriculture
CDPH	California Department of Public Health
CEM	Continuous Emissions Monitor
CEQA	California Environmental Quality Act
CERS	California Environmental Reporting System
CHMIA	California Hazardous Materials Investigators Association
CHP	California Highway Patrol
CSTI	California Specialized Training Institute
CUPA	Certified Unified Program Agency
DFG	Department of Fish and Game
DMV	Department of Motor Vehicles
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control

EJ	Environmental Justice
EO	Enforcement Order
ERMaC	Emergency Response Management Committee
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FLETC	Federal Law Enforcement Training Center
GHGES	Greenhouse Gas Enforcement Section
GWPA	Groundwater Protection Areas
H&SC	(California) Health and Safety Code
IPM	Integrated Pest Management
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
NOX	Nitrogen Oxide
NOV	Notice of Violation
OEHHA	Office of Environmental Health Hazard Assessment
OHRV	Off-road Recreational Vehicle
OSFM	Office of the State Fire Marshall
OSPR	Office of Oil Spill Prevention and Recovery
PISP	Pesticide Illness Surveillance Program
PCB	Product Compliance Branch (of DPR)
PCB	Polychlorinated Biphenyl
PERP	Portable Equipment Registration Program
PM	Particulate Matter
POST	(California Commission on) Peace Officers Standards and Training
PHG	Public Health Goals
RWQCB	Regional Water Quality Control Board

RCRA	Resource Conservation and Recovery Act
SCTSC	Single Complaint Tracking Steering Committee
SEP	Supplemental Environmental Projects
SORE	Small Off-road Engines
SPBC	Structural Pest Control Board
SWRCB	State Water Resources Control Board
SSEB	Stationary Source Enforcement Branch (ARB)
SSMP	Sewer System Management Plan
SSO	Sanitary Sewer Overflows
TAC	Toxic Air Contaminant
TCAB	Training and Compliance Assistance Branch
TRU	Transport Refrigeration Unit
TTL	Tank Tester Licensing
UPAAG	Unified Program Administration and Advisory Group
UST	Under-ground Storage Tank
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compound
VEE	Visible Emissions Evaluation
WDR	Waste Discharge Requirements
WWTP	Waste Water Treatment Plant



California Environmental Protection Agency
Air Resources Board • Water Resources Control Board
Department of Toxic Substances Control • Department of Pesticide Regulation
Office of Environmental Health Hazard Assessment