



*California Environmental Protection Agency*

# 2014 Environmental Compliance and Enforcement Report





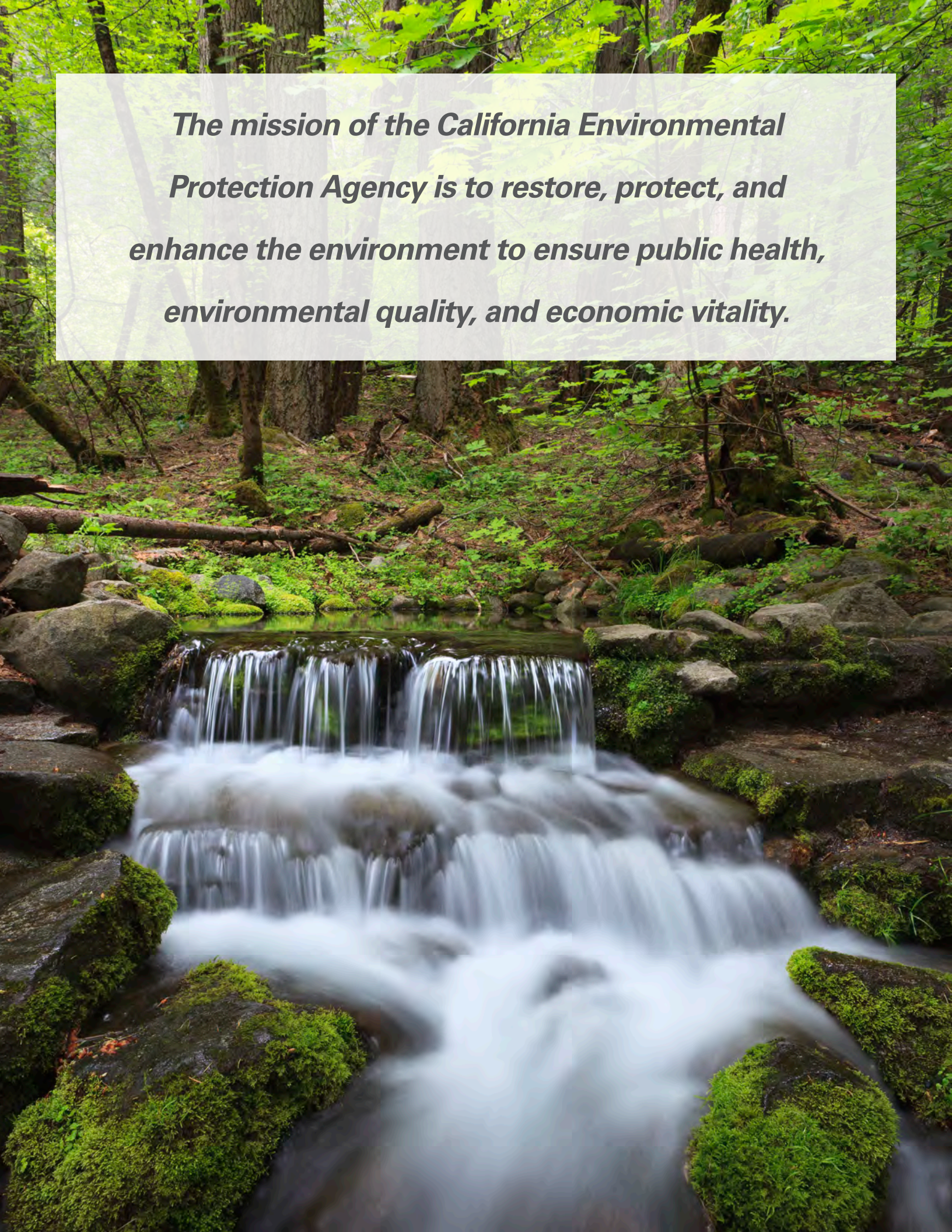
# 2014 Environmental Compliance and Enforcement Report

*OFFICE OF THE SECRETARY  
AIR RESOURCES BOARD  
STATE WATER RESOURCES CONTROL BOARD  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
DEPARTMENT OF PESTICIDE REGULATION  
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT*

**Edmund G. Brown Jr.**  
*Governor*

**Matthew Rodriguez**  
*Secretary for Environmental Protection*

***The mission of the California Environmental Protection Agency is to restore, protect, and enhance the environment to ensure public health, environmental quality, and economic vitality.***



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*This report provides agency-wide summary information on environmental enforcement and compliance programs for 2014. It highlights major program priorities, provides examples of successful enforcement cases, and summarizes cross-media enforcement and training efforts. This report also provides links to individual enforcement reports available on the websites for each program.*



Fresno

WATER TOWER  
VISITOR  
CENTER

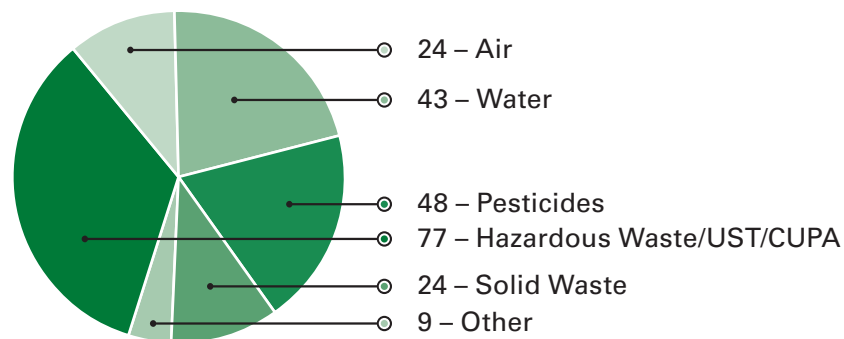
# Cross-Media Enforcement and Environmental Justice

*While individual boards and departments implement and enforce environmental laws through a variety of programs, the California Environmental Protection Agency (CalEPA) serves as the agency responsible for consistent, effective, and coordinated enforcement of these laws pursuant to Government Code section 12812.2. CalEPA's enforcement activities include the management of a cross-media enforcement training program, administration of an enforcement training grant program, and coordination of an environmental enforcement and compliance working group in disadvantaged communities. This report provides an overview of these efforts and summarizes the enforcement activities of the CalEPA boards, departments and office for the 2014 calendar year. Because the report compiles and analyzes historic data, it does not include current enforcement activities. Sources of information for current enforcement activities are referenced in each section of the report.*

## Cross-Media Enforcement Training Program

In 2014, CalEPA and its boards and departments partnered to train 225 inspectors across the state on fundamental inspection skills through its Basic Inspector Academy. Inspectors came from all environmental programs at the state, regional, and local level.

**Figure 1: Types of Inspectors**



The 10 four-day Basic Inspector Academies were held in Davis, Clearlake, Santa Ana, Chino, San Jose, El Centro, Fresno, Marysville, Santa Barbara, and Fairfield.

A total of 544 students enrolled in the prerequisite course for the Basic Inspector Academy. This six-hour online course includes an overview of environmental law, environmental science, the role of the environmental inspector, and basic field health and safety.

See CalEPA's [Enforcement Training Resources](#) for more information.

## Environmental Enforcement and Training Account Grant Program

CalEPA administers the [Environmental Enforcement and Training Account Grant Program](#), a non-general fund source of financial assistance for environmental enforcement and training authorized by Penal Code sections 14300 et seq. The funds mostly come from judgments in local, state, and federal environmental enforcement actions. The distribution of 75 percent of the fund is prescribed by statute. The remaining 25 percent is distributed through the CalEPA discretionary grant program. In 2014, a total of \$290,774 was distributed.

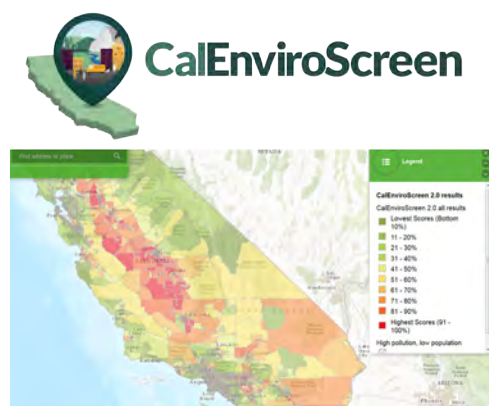
Through its discretionary grant program, CalEPA funded five training projects:

- Tulare County District Attorney – \$6,421 for training focused on enforcement issues unique to rural counties
- San Bernardino City Fire Department – \$24,500 for training and equipment
- Department of Toxic Substances Control (DTSC) - \$16,605 for training focused on search warrant execution
- Environmental Justice Coalition for Water – \$5,657 for training and a bus tour relating to environmental justice issues in Sacramento and Yolo Counties
- California District Attorneys Association – \$19,500 for an environmental justice symposium and for additional support for the environmental circuit prosecutor project.

The California District Attorneys Association's Environmental Enforcement Training Project, the California District Attorneys Association's Environmental Circuit Prosecutor Project, and the Commission on Peace Officer Standards Training each received \$72,697 as prescribed by statute.

## California Communities Environmental Health Screening Tool

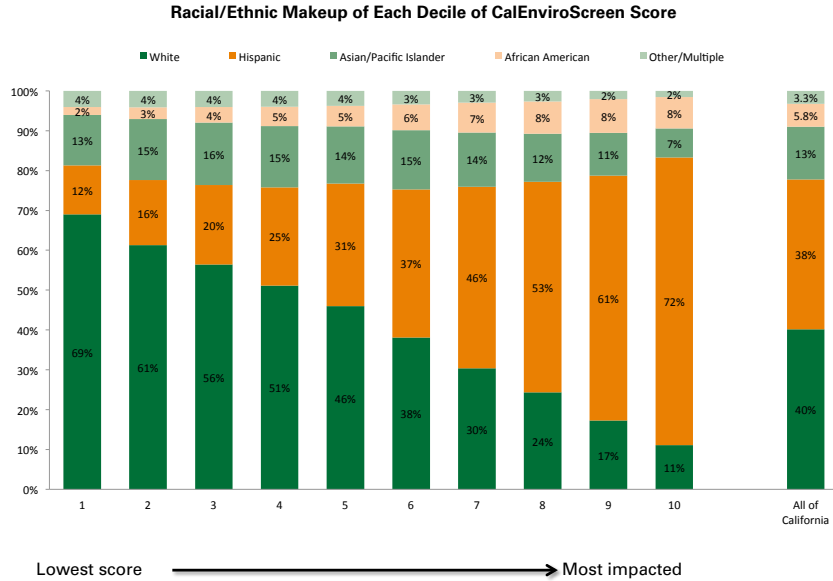
The California Communities Environmental Health Screening Tool (CalEnviroScreen) is a screening methodology developed and maintained by the Office of Environmental Health Hazard Assessment (OEHHA) in collaboration with CalEPA. It relies on environmental, health, and socioeconomic data to help identify California communities that are disproportionately burdened by multiple sources of pollution. It is primarily designed to assist CalEPA in carrying out its environmental justice mission to conduct its activities in a manner that ensures the fair treatment of all Californians, including minority and low-income populations. CalEnviroScreen also is used to target enforcement and compliance activities of the CalEPA boards and departments and its partner agencies.



After originally releasing the tool in 2013, OEHHA released an updated version of the tool in August 2014. [CalEnviroScreen 2.0](#) adds two indicators of environmental and socioeconomic conditions—drinking water contaminants and unemployment—and identifies pollution burdens and vulnerabilities by census tract rather than by ZIP code. The tool was further updated in October 2014 to include additional data from the U.S.-Mexico border region.



**Figure 2: Racial/Ethnic Makeup of Each Decile of CalEnviroScreen Score**



To complement the updated tool, OEHHA also published a document titled *Analysis of CalEnviroScreen 2.0 Scores and Race/Ethnicity*, which evaluated potential associations between race/ethnicity and CalEnviroScreen 2.0 scores using data from the 2010 decennial census. It found that Hispanics and African Americans disproportionately reside in highly impacted communities, while other groups tend to reside disproportionately in less impacted communities, see Figure 2.

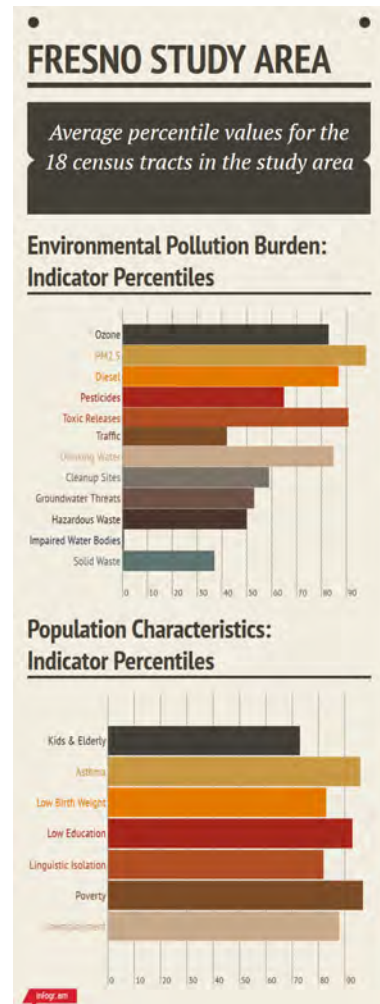
## CalEPA Focus

### Fresno Environmental Justice Enforcement and Compliance Initiative

CalEPA created the Environmental Justice Compliance and Enforcement Working Group in 2013 to coordinate the compliance and enforcement work of its boards and departments in areas that contain multiple sources of pollution and where the population is disproportionately vulnerable to the effects of pollution. Using CalEnviroScreen and other sources of information, the group selected *Fresno for its pilot initiative*. Bringing together state, regional, and local environmental regulators, the 2014 initiative focused on three components: community input regarding areas of concern, compliance assistance for regulated businesses, and multi-agency compliance sweeps designed to address environmental issues in the community. For more information, see *Fresno Initiative Report*.

### Fresno Initiative Compliance Assistance

- Two hazardous waste management compliance classes
- A training class on diesel engine requirements and financial assistance totaling \$16.5 million to the regulated community to meet those requirements
- Installation of “No Idling” signs at six rest stops
- Two beverage container recycling compliance training sessions





# Fresno Initiative INSPECTIONS & ENFORCEMENT

<b>Fresno CUPA</b>	<b>48</b> inspections		<b>44</b> { violations { 2 serious 15 moderate 27 minor
 Department of Toxic Substances Control	<b>7</b> inspections	<b>60</b> cleanup sites reviewed	<b>1</b> formal enforcement (\$4,000 penalty)
<b>CalRecycle</b> 	<b>115</b> inspections & site visits		<b>13</b> violations
 CALIFORNIA Water Boards <small>STATE WATER RESOURCES CONTROL BOARD REGIONAL WATER QUALITY CONTROL BOARDS</small> Central Valley Regional Water Quality Control Board	<b>12</b> inspections	<b>36</b> cleanup sites reviewed	<b>3</b> { violations { 2 formal 3 minor
<small>California Environmental Protection Agency</small>  <b>Air Resources Board</b>	<b>272</b> truck inspections	<b>46</b> citations	<b>44</b> locomotive inspections
 <b>San Joaquin Valley</b> AIR POLLUTION CONTROL DISTRICT	<b>5</b> inspections	<b>2</b> minor violations	
 <b>dpr</b> California Department of Pesticide Regulation	<b>20</b> inspections		<b>1</b> formal enforcement



# Environmental Health Hazard Assessment

*The Office of Environmental Health Hazard Assessment (OEHHA) protects and enhances public health and the environment by scientific evaluation of risks posed by hazardous substances. OEHHA performs the scientific assessments used by other CalEPA boards and departments and other regulatory agencies as the basis for standards, regulations, and other regulatory decisions, including enforcement. OEHHA also maintains the Proposition 65 list of chemicals.*

## 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 section 25249.5 et seq). OEHHA also develops "safe harbor" levels of exposure to listed chemicals. Businesses are exempt from warning requirements when exposures are below these levels. Furthermore, OEHHA provides scientific expertise in cases brought by the state Attorney General's Office to enforce Proposition 65 requirements. In 2014, OEHHA added 23 chemicals to the Proposition 65 list of carcinogens and reproductive toxicants.

In addition, in 2014 OEHHA began the process to amend the Proposition 65 warning requirements regulation to provide businesses and consumers with additional guidance. It also began work to develop a proposed new website for consumers to provide public information regarding listed chemicals, exposure routes, and strategies to reduce exposure.





# Toxics

*Hazardous materials and hazardous waste management laws in California are enforced the Department of Toxic Substances Control (DTSC) and by local agencies called Certified Unified Program Agencies (CUPAs) under California's Unified Hazardous Waste and Hazardous Materials Management Program (the Unified Program).*

## Department of Toxic Substances Control

The mission of DTSC is to protect Californians and the environment from the harmful effects of toxic substances by restoring contaminated resources, enforcing hazardous waste laws, reducing hazardous waste generation, and encouraging the manufacture of chemically safer products. DTSC oversees permitted hazardous waste facilities; hazardous waste generators; hazardous waste transporters; facilities that treat hazardous waste on site; transportable hazardous waste treatment units; and electronic waste recyclers, processors, and collectors. It inspects facilities for compliance with hazardous waste treatment, storage, transportation, and disposal requirements and pursues administrative enforcement actions. DTSC also investigates complaints of illegal hazardous waste activity and handling of restricted materials.

Several cases from 2014 that resulted in criminal convictions or large settlements are highlighted below.

- **Clearwater Environmental Management Inc., Union City** – A DTSC investigation referred to the Alameda County District Attorney's Office resulted in the arrest of two operators of Clearwater Environmental Management, Inc., in February 2014, relating to their illegal transport and disposal of hazardous waste. After its license to transport hazardous waste was taken away by DTSC in 2007, Clearwater continued transporting hazardous waste using the identity of another licensed transporter. The two operators were ultimately convicted of felony conspiracy and sentenced to time in jail and five years of probation. They also were permanently banned from owning, managing, or consulting for a hazardous waste company.
- **Electro-Forming Co., Richmond** – Following a lengthy investigation, DTSC's enforcement efforts culminated in a civil case filed by the Attorney General's Office and criminal charges brought by the Contra Costa County District Attorney's Office against this metal plating company and its owners for serious violations of hazardous waste laws. The cases resulted



Department of  
Toxic Substances  
Control

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<b>365</b>	inspections
<b>57</b>	complaints investigated
<b>134</b>	enforcement cases settled
<b>13</b>	referrals resulting in criminal convictions or civil judgments
<b>42</b>	administrative cases settled
<b>8</b>	civil cases settled

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**\$8,168,101**  
settlement dollars awarded

in an injunction shutting down the company, which had a long history of hazardous waste violations. The company and its owners were charged with felony and misdemeanor counts for mismanagement of hazardous waste, including the unlawful handling of wastes causing unreasonable risk of fire, explosion, serious injury, or death. The owner, Marion Patigler, pleaded guilty to nine misdemeanor charges and on behalf of her business four felony counts. Patigler was sentenced to three years in county jail and five years of probation and was ordered to pay \$50,000 in criminal fines. Electro-Forming was ordered to pay \$250,000 in criminal fines. Both are liable for an additional \$228,000 in restitution to DTSC.

- **Sims Group USA, Redwood City** – In November 2014, the scrap metal recycling company agreed to pay \$2.4 million to settle an enforcement case brought by the Attorney General on behalf of DTSC. DTSC’s investigation revealed that the facility operations resulted in the airborne release of fibrous material resembling dryer lint that contained hazardous levels of lead, zinc, cadmium, and copper into the surrounding area, constituting the unlawful disposal of hazardous waste and a failure on behalf of the company to minimize the possibility of a release of hazardous waste.

For more information, see [DTSC’s end of year report to US EPA](#).

## DTSC Focus

### Retail Hazardous Waste

On April 2, 2014, Lowe’s Home Centers (Lowe’s) agreed to pay \$18.1 million to settle a civil environmental prosecution following a joint investigation by DTSC, 31 California district attorneys, and two city attorneys. The judgment was the culmination of a civil enforcement action filed in Alameda County and led by the district attorneys of Alameda, San Joaquin, and Solano counties, which alleged that more than 118 Lowe’s stores throughout the state unlawfully handled and disposed of hazardous wastes over a period of six and a half years. Those hazardous wastes and materials included pesticides, aerosols, paint and colorants, solvents, adhesives, batteries, mercury-containing fluorescent bulbs, electronic waste and other toxic, ignitable and corrosive materials.

From 2011 to 2013, DTSC conducted 17 dumpster examinations to gather evidence. The findings revealed that Lowe’s was routinely and systematically sending hazardous wastes to local landfills that were not permitted to receive those wastes.

The Lowe’s case is one of many statewide enforcement cases DTSC has helped the Attorney General and local prosecutors bring against retailers for illegal handling of hazardous waste. As shown in the Table 1, these cases have generated about \$100 million in penalties, judgments, or funding for supplemental environmental projects. Of that total, DTSC has received about \$4.7 million in costs, penalties, or judgments. The information in the following table reflects the total funds generated from each settlement. These enforcement actions have resulted in retailers’ implementation of proper waste handling and disposal practices for stores throughout California.

**Figure 3: Hazardous Waste Enforcement Actions Against Retailers**

Retailer	Year of Settlement	Total Settlement	Money Recouped by DTSC
Walmart	2010	\$22.7 Million	\$1.17 Million
Target	2011	\$22.5 Million	\$578,000
Walgreens	2012	\$16.6 Million	\$991,625
CVS	2012	\$13.75 Million	\$249,625
Costco	2012	\$3.5 Million	\$37,750
Save-Mart	2013	\$2.55 Million	\$28,000
Lowe's	2014	\$18.1 Million	\$1.67 Million

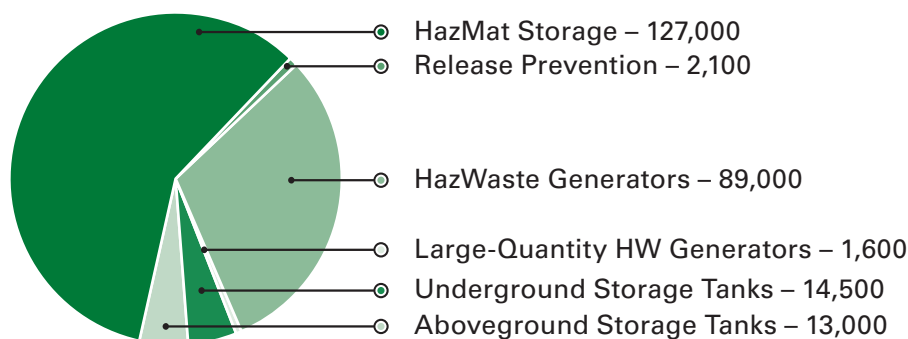
## California's Unified Hazardous Waste and Hazardous Materials Management Program

The goal of the Unified Program is to reduce the impact of hazardous materials on public health and the environment by ensuring statewide and cross-program enforcement consistency. The Secretary for Environmental Protection implements the Unified Program by establishing uniform minimum standards and overseeing state agency partners that implement and interpret the standards for the elements of the program they enforce. The Unified Program delegates inspection and enforcement activities to 82 local agencies, typically environmental health or fire departments, which are certified by CalEPA and known as CUPAs.

### Inspection and Enforcement

CUPAs documented more than 100,000 inspections in the California Environmental Reporting System (CERS) in 2014, with a total of more than 76,000 violations. The majority of violations observed were minor, and the CUPAs notified facilities that they must return to compliance within a specified time frame. About 2,300, or 3 percent, were significant violations.

**Figure 4: CUPA Regulated Businesses**



160,000 regulated businesses, some of which are regulated under multiple programs.



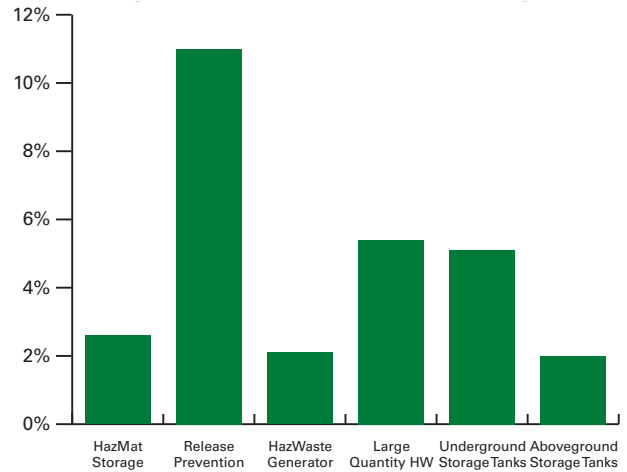
## Significant Violations and Penalties

Significant violations pose a risk to public health and the environment. CUPAs pursue penalties for significant violations by all means available, including administrative enforcement orders and civil and criminal referrals to local prosecutors. During the administrative hearing process, the violator and the CUPA can negotiate penalties for violations and agree on a settlement that can include supplemental environmental projects. CUPAs assessed the following penalties in 2014:

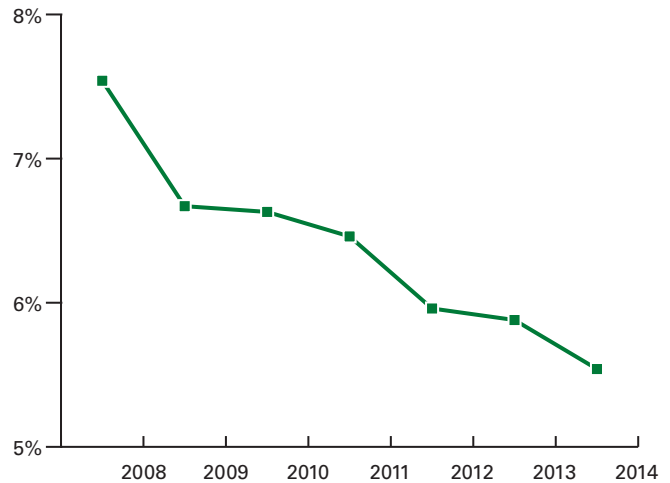
- Fines/Penalties –\$10,130,012
- Supplemental Environmental Projects (SEPs) – \$3,124,989

The success of the Unified Program is illustrated by the decrease in number of hazardous material spills reported over the past six years.

**Figure 5: Significant Violations by Program**



**Figure 6: Hazmat Spills as a Percent of Facilities**



## CalEPA Unified Program Focus

### Electronic Reporting

State law requires CUPAs and businesses regulated by the Unified Program to electronically report information that was previously reported on paper forms. To comply with this mandate, CalEPA created the *California Environmental Reporting System (CERS)* in 2010, and CERS began receiving data from a dozen CUPA web portals in 2013. Reported information includes data from regulated facilities regarding hazardous material management activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation. It also includes data from the CUPAs regarding inspections and enforcement actions. Information relating to federally regulated facilities flows directly to the US Environmental Protection Agency to meet federal reporting requirements.

Between 2011 and 2014, CalEPA provided more than \$7.6 million in grants to CUPAs to implement the electronic reporting requirements and conduct training and outreach to local businesses. CERS now includes data on about 160,000 regulated businesses, representing more than 95 percent of the regulated businesses in California, see Figure 7.

The number of times individual businesses sign on to CERS is about 8,500 per month, with activity peaking between January and April due to federal reporting requirements. About 103,000 business users logged into CERS in 2014, see Figure 8.

Figure 7: Number of Identified Facilities in CERS in 2014

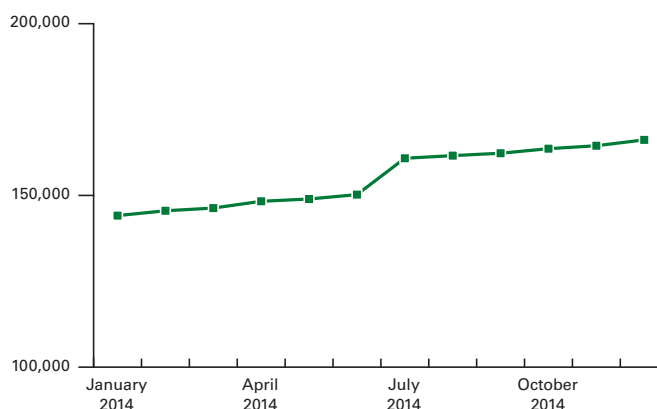
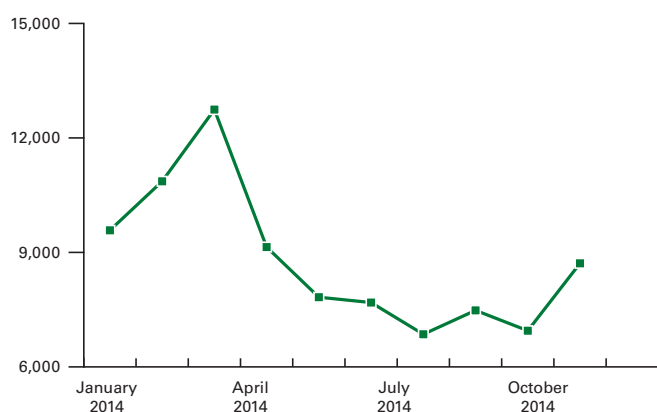


Figure 8: Number of Unique Business Sign-ins in 2014



## Supplemental Environmental Projects or SEPs

SEPs are environmentally beneficial projects that a violator agrees to voluntarily undertake in the settlement of an enforcement action to offset a portion of a civil penalty. The types of projects that are included in settlements as SEPs depend on the nature of the violation, the harm it may have caused to the public or the environment, the location of the violation, and other factors. SEPs provide enforcement agencies the flexibility to provide benefits beyond legal requirements for the environment, public health, or the local community.



# Air

***Enforcement activities relating to air emissions are conducted by the Air Resources Board (ARB), for mobile sources of emissions, fuels, and consumer products, and by the 35 air pollution control and air quality management districts (air districts), for stationary sources of emissions. This section includes a report from ARB and the air districts on their 2014 enforcement activities.***

## **Air Resources Board**

ARB has a far-reaching and effective enforcement program with more than 70 regulations and thousands of regulated entities. In 2014, ARB settled more than 2,000 enforcement actions and collected more than \$17 million in penalties. More than \$2 million of those penalties supported three different supplemental environmental projects:

- Replacement and retrofitting of older school buses in rural areas
- Heavy-duty diesel mechanic training
- Small engine mechanic training

*ARB's enforcement program* is dedicated to ensuring California's air quality and climate regulations are followed to protect public health across the state, especially in disadvantaged communities.



## **Heavy-Duty Diesel Trucks**

Particulate matter from diesel exhaust is toxic, contributing to adverse health impacts including decreased lung function, heart attacks, and premature death. Properly maintained diesel particulate filters minimize exposure and associated health issues by removing more than 98 percent of diesel particulate matter from exhaust, making it virtually invisible. ARB established the Truck and Bus Rule and other similar regulations to require truck owners to upgrade their trucks with diesel particulate filters and to meet modern emissions standards to protect public health. These regulations are enforced via vehicle inspections and fleet



investigations. For example, in 2014, ARB completed an enforcement action against DBI Beverage Inc., which operates 185 heavy-duty diesel trucks out of Tennessee, requiring the fleet to come into compliance with all applicable regulations. ARB also levied a \$116,400 fine, of which \$29,100 was used to support a program to train diesel mechanics in ARB regulations. In 2014, ARB settled 232 heavy-duty diesel vehicle investigations for more than \$3 million in penalties.

## Aftermarket Parts

ARB certifies engines and vehicles to ensure that emission standards are met and engines and vehicles run clean. When certified parts are replaced with aftermarket parts, the aftermarket parts must meet the same certification standards. Some segments of the aftermarket parts industry are subverting ARB regulations, resulting in emissions well above legal limits. For example, diesel tuners are devices used to enhance engine performance at the expense of controlling emissions and are almost always illegal. In one case, ARB opened an enforcement action in 2011 and filed a lawsuit to enjoin a company, H&S Performance, from selling illegal aftermarket diesel tuner parts it manufactures and distributes. In 2014, the company paid \$1 million in penalties, of which \$250,000 was used to support a program to replace and retrofit older school buses in rural communities throughout California. In 2014, ARB closed 14 on-road aftermarket parts cases with more than \$2.75 million in penalties and one off-road aftermarket parts case with \$90,000 in penalties.



## Consumer Products

ARB's consumer products enforcement program protects public health by eliminating key toxics and minimizing toxic and smog-forming chemicals in products used by the public. In 2014, the consumer products enforcement program initiated 68 investigations and settled 53 for more than \$2 million in penalties.

In one case, ARB fined GMI LLC \$113,000 for selling Carbon-Off!, a "carbon remover" regulated as an oven cleaner that contained toxic methylene chloride and excessive volatile organic compounds. This product was of particular concern because it created unacceptable toxic exposures to methylene chloride for household consumers and restaurant workers who use this product. As a result of ARB's enforcement efforts, the company agreed to pay the penalty and recall the product from its California-based retailers.

## Ocean-Going Vessels

Ocean-going vessels are a major source of emissions. Exhaust from ships can impact not only communities near seaports, but also those miles inland. Over the past decade, ARB adopted rules requiring ships to use cleaner, low-sulfur fuels within 24 nautical miles of shore. In 2014, ARB conducted 86 inspections of ships originating from locations including Hong Kong, Cyprus, Germany, Tokyo, United Kingdom, Panama, Greece, Netherlands, Turkey, and Florida. ARB found 27 shipping companies in violation of the law and collected more than \$300,000 in penalties.



## Fuels

To reduce the smog-forming potential of gasoline and reduce exposure to toxic benzene, the ARB regulates gasoline and diesel fuel composition. ARB monitors petroleum companies through the supply chain, from refinery or import ship, through terminals, and finally to service stations. Within California, there are two main import centers (Los Angeles/Long Beach Seaport and San Francisco Seaport), 13 production centers (refineries), about 100 distribution nodes (terminals and bulk plants), and about 10,000 retail gasoline stations. Because of the large quantities of fuel involved, even a small release of noncompliant fuel to service stations throughout California will result in unacceptable emissions of air contaminants. In 2014, 2,763 samples of gasoline and 504 samples of diesel fuel were collected, for a total of 3,267 samples, representing about 2.60 billion gallons of gasoline and 706 million gallons of diesel fuel. Sixteen fuels cases were closed with \$1,599,700 in penalty assessments. Ten new fuel cases were initiated and sixteen fuel cases were closed in 2014, with \$1,599,700 in penalties assessed.

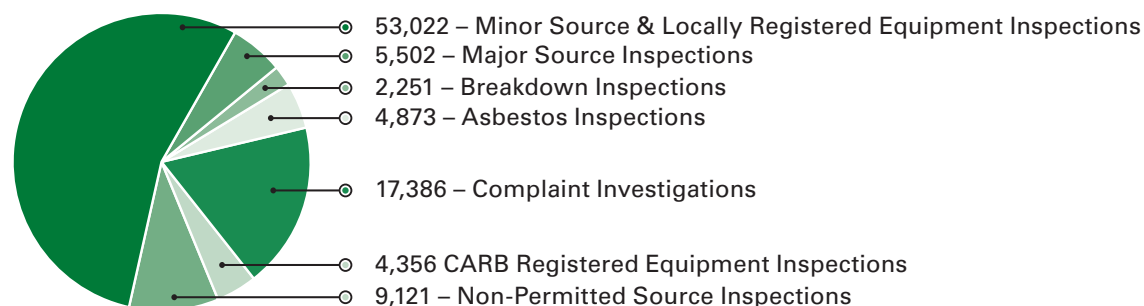


## Air Districts

Air districts in California implement and enforce air quality regulations primarily relating to stationary sources of air pollutants. The California Air Pollution Control Officers Association (CAPCOA) is an association representing all 35 air districts throughout California. In order to quantify enforcement efforts, CAPCOA conducts an annual survey of air district enforcement and compliance statistics. Maps showing the jurisdictional boundaries of each air district are available at [CAPCOA's website](#).

***With over 550 compliance staff, California Air Districts conducted over 96,000 inspections and investigations in 2014.***

**Figure 9: Air District Inspections**

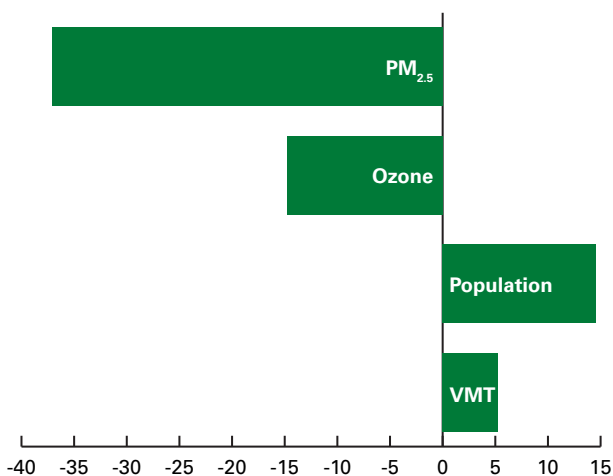


The 2014 survey provides data from a large sample of air districts representing more than 98 percent of the population and including large, medium size, and rural districts. It covers 22 discrete measures of compliance program performance from each participating district during the year. These measures include information such as agency resource commitments, total numbers of facilities regulated, enforcement and compliance activity statistics, and total civil penalties collected. An important measure of the air districts' enforcement programs is the number of field inspections and investigations they conducted. An inspection entails a visit to

the facility site and observation of equipment during operation. The inspector reviews the operation and compares it against the requirements listed in the permit and/or contained in any applicable federal, state, or local air regulation. The number and type of inspections reported by the air districts in the 2014 survey are shown in Figure 9.

California has made significant progress in improving air quality throughout the state over the last several decades. This has been accomplished through stringent regulatory mandates, encouraging the use of new and innovative technology, compliance assistance programs, public education programs, and enforcement of air quality rules and regulations. For a broader discussion on the status of California's air quality, please refer to CAPCOA's report titled [California's Progress Toward Clean Air](#).

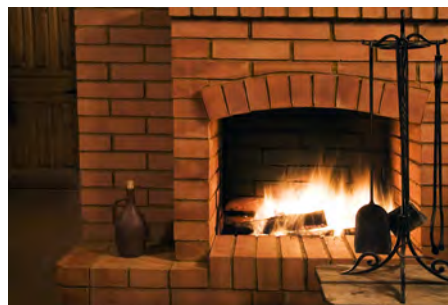
**Figure 10: Percentage Change 2000 to 2014**



## Air District Focus

### Residential Wood Combustion

Wood smoke from fireplaces and wood stoves is a complex mixture of gases and fine particles that can cause immediate adverse health effects, including burning eyes, runny nose, and bronchitis. Exposure to fine particles has been associated with a range of adverse health effects, including aggravation of heart or respiratory problems, reduced lung function, and increased respiratory symptoms, as well as premature death. In the winter months, estimates from the California Air Resources Board attribute more than 100 tons per day of PM<sub>2.5</sub> emissions to residential wood combustion, more than twice the estimated daily emissions from all on-road vehicles. Due to the topography and wintertime weather patterns, and the large number of households burning wood, PM<sub>2.5</sub> concentrations in certain areas of the state can build and result in unhealthy air quality. Many areas in the state are designated as nonattainment areas for the federal PM<sub>2.5</sub> ambient air quality standard of 35 micrograms per cubic meter (ug/m<sup>3</sup>), and wood smoke is often the primary cause of this designation. Wood smoke is also a significant source of toxic air contaminants including dioxins and polycyclic aromatic hydrocarbons. The Office of Environmental Health Hazard Assessment has identified dioxins and PAHs as two of the top five toxic air contaminants that pose the greatest health risk to children in California.



In 2014, air districts continued to implement multiple strategies to reduce PM<sub>2.5</sub> emissions from residential wood burning. This included a comprehensive public education and outreach effort outlining the harmful effects of wood smoke, public education on proper burning techniques, improved forecasting of periods of poor air quality, institution of voluntary and/or mandatory restrictions on the use of wood-burning devices, increased incentive funding to encourage replacement of old stoves with new, cleaner-burning technology, and enforcement for noncompliance. Although these efforts have successfully reduced winter PM<sub>2.5</sub> emissions, wood smoke from fireplaces and wood stoves continues to cause unhealthy air and exceedances of the PM<sub>2.5</sub> federal health-based standard.





# Pesticides

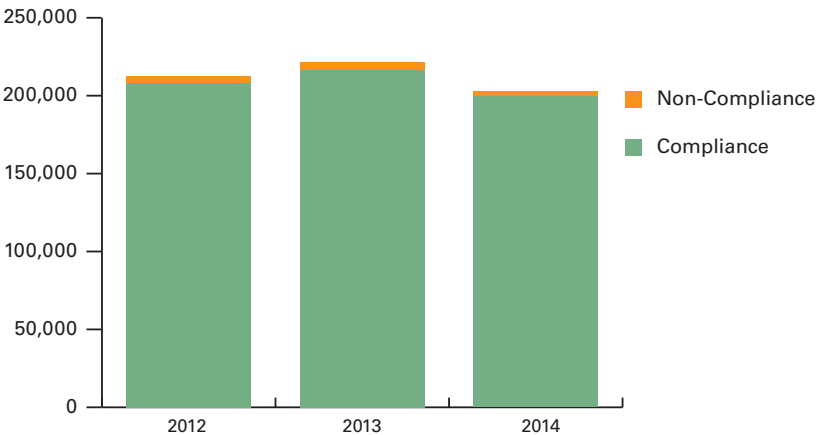
## Department of Pesticide Regulation

### Pesticide Use Enforcement

The Department of Pesticide Regulation (DPR) works closely with the state’s 55 county agricultural commissioners and the U.S. Environmental Protection Agency to enforce federal and state laws regulating pesticide use. Agricultural commissioners conduct inspections of pesticide applications and businesses to ensure that these laws are followed. Agricultural commissioners also issue site-specific local permits for the use of restricted pesticide materials that may place additional enforceable restrictions on use. Agricultural commissioners take appropriate enforcement actions against violators.

**Figure 11: Agricultural Inspection Criteria Evaluated**

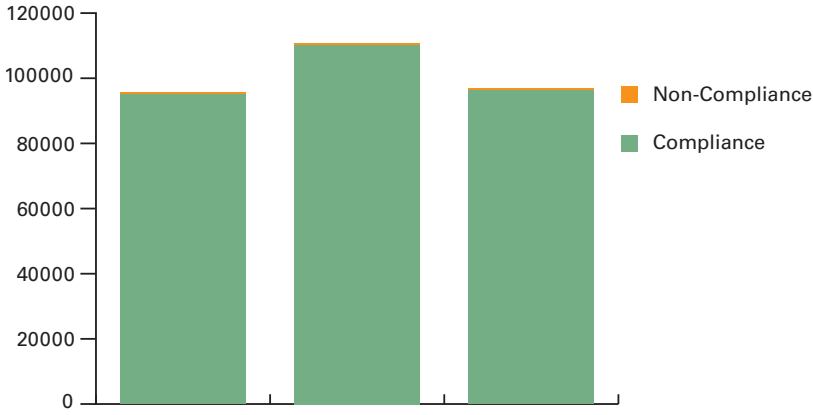
In 2014 agricultural commissioners conducted more than 12,000 agricultural inspections, a decline from 13,200 in 2013. Each inspection includes different criteria evaluated, such as pesticide labeling; worker safety requirements, including personal protective equipment; and posting of warning signs. In 2014 agricultural commissioners evaluated more than 203,000 different inspection criteria, as shown in the accompanying figure. Over the last three years, the compliance rate has remained consistent, with an overall rate of 98.1 percent in 2014.



Agricultural pesticide use monitoring inspection criteria from 2012 to 2014

**Figure 12: Structural Inspection Criteria Evaluated**

Agricultural commissioners’ pesticide enforcement programs oversee more than just production agriculture. They also conduct structural pest control inspections to ensure that applicators are licensed and using pesticides safely in and around homes, buildings, and surrounding landscapes. In 2014, agricultural commissioner staff conducted more than



Structural pesticide use monitoring inspection criteria from 2012 to 2014

4,800 structural inspections, a decline from 5,400 in 2013. In 2014 agricultural commissioners evaluated more than 96,000 different inspection criteria, see Figure 13. The compliance rate for inspection criteria has remained consistent over the past three years, with a rate of 99.3 percent in 2014.

Agricultural commissioners take enforcement actions for violations of pesticide laws and regulations. In 2014, they closed more enforcement cases than the previous three years. Five of these cases were referred to county or city district attorney offices.

**Figure 13: Agricultural Commissioners Enforcement Program**

	2012	2013	2014
Cases Referred to District Attorney	2	2	5
<b>Enforcement Actions*</b>			
Closed Cases	865	931	939
Violations in Closed Cases	1,168	1,376	1,264
Penalties Assessed	\$484,825	\$462,992	\$424,863

\* 2014 statistics understate the total number of agricultural commissioner enforcement actions. The number of enforcement actions in 2014 will be greater than reported above due to the lag time in reporting to DPR enforcement action details.

### **Pesticide Residue Monitoring Program**

DPR conducts inspections statewide at wholesale markets, chain distribution centers, retail markets, farmers markets, and other businesses that sell produce as part of its Pesticide Residue Monitoring Program. DPR randomly samples and tests domestic and imported fresh fruits and vegetables to ensure they do not contain pesticide residues in excess of legal limits. In recent years, the incidence of pesticide residues above legal limits has been higher in imported produce than produce grown in the United States.

In 2014, DPR collected 3,471 produce samples. The accompanying chart shows the breakdown of produce samples that were tested for pesticide residue. Approximately 6.6 percent of the samples had a high concentration of pesticide or contained a pesticide not approved. Of the tested produce, 40.7 percent contained no pesticide residue, and 52.7 percent had pesticide residue levels below the legal federal tolerance level.

In 2014, DPR investigated and traced produce containing illegal pesticide residues to an import produce company located in Los Angeles. On several occasions, the company continued to sell produce such as cactus leaves, tomatillos, and squash imported from Mexico with illegal pesticide residues. DPR removed the produce from sale and settled with the import produce company for \$21,000.

## Pesticide Sales Enforcement

All pesticide products must be registered by DPR before they can be sold in California. This allows review by DPR scientists to ensure that they are effective and safe for people and the environment when used as directed. DPR inspectors conduct marketplace surveillance and initiate enforcement actions for the sale of all unregistered/misbranded pesticide products discovered. These actions involve the full range of pesticide products, including those used in agriculture and industry, consumer products used in and around the home, and antimicrobial and disinfectant products used in restaurants and medical facilities. For example, DPR imposed penalties of \$107,329 for the sale of a bathmat that was marketed with claims that it would protect users from microbes; \$318,740 for the sale of unregistered and misbranded pool products claiming to protect against algae and microbes; and \$150,000 for the sale of an unregistered agricultural product. In 2014, DPR settled 116 cases with businesses and individuals who sold 421 unregistered or misbranded pesticide products in California.



DPR staff collect samples for pesticide residue monitoring.

**Figure 14: DPR Enforcement Actions 2012-2014**

Enforcement Program	2012	2013	2014
<b>Penalties for Unregistered and Misbranded Products</b>			
Cases	123	118	116
Unregistered Products in Case Settlements	345	430	421
Penalties Collected	\$3,868,738	\$3,032,533	\$2,822,189
<b>Penalties for Pesticide Residue/Use Violations</b>			
Cases	2	1	1
Settlement Penalties Collected	\$105,000	\$15,000	\$21,000

For more information, see DPR's [Enforcement Actions webpage](#).



# Water

## State Water Resources Control Board

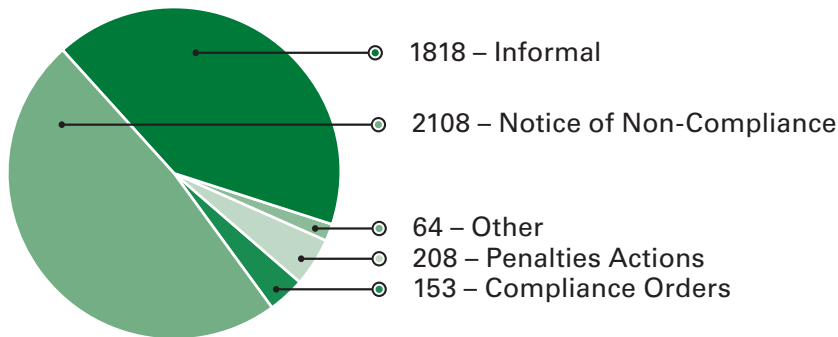
The mission of the Water Board is to preserve, enhance, and restore the quality of California’s water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use for the benefit of present and future generations.

The Water Boards enforce the pollution control and cleanup requirements that are established for discharges and contaminated sites. Where violations of regulatory requirements are detected, enforcement actions of varying types and levels of stringency are taken. For the most serious violations, penalties are often imposed.

## Inspection, Violations, and Enforcement

The Water Boards regulate more than 37,000 facilities and conducted 6,590 inspections in 2014, with more than 2,000 inspections in the construction stormwater program. There were 11,636 reported violations. Many violations (4,579) were exceedances of effluent limits, although the number of reporting violations (deficient or late reports) was not far behind (4,485). There were 2,572 other violations, including violations of receiving water limitations and unauthorized discharges.

**Figure 15: Enforcement Actions**



## Enforcement Actions

There were 4,351 enforcement actions taken, 1,818 informal actions (e.g. verbal or written warnings) and 2,587 formal actions. Most of the formal actions (2,108) were notices of noncompliance for the stormwater program.

## Penalties

Penalties are an important deterrence tool and provide some assurance of equity between the violators and those who stay in compliance. For 2014, a total of \$13,394,938 in fines was assessed, with \$1,343,072 of that going toward supplemental environmental projects.

For more information, see the SWRCB's [Office of Enforcement](#) and [Annual Performance Report - Fiscal Year 2014-2015](#) webpages.

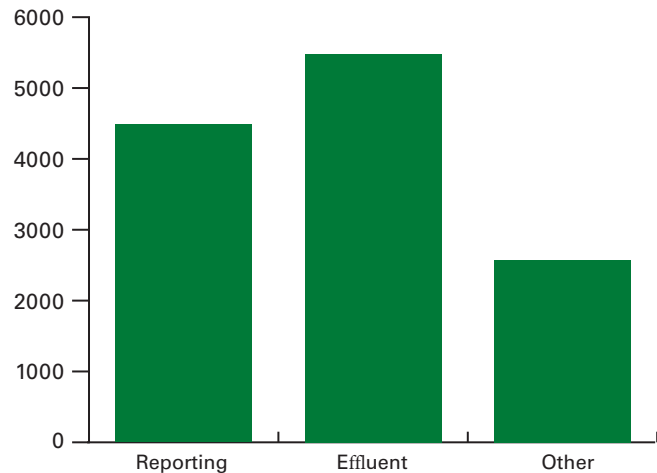
## Water Quality Impacts from Marijuana Growing

In June 2014, the Water Boards and the California Department of Fish and Wildlife began collaborative work to reduce environmental damage caused by the cultivation of marijuana in response to the rapid increase in marijuana cultivation and associated negative environmental impacts, such as degraded water quality and impact to flows. To carry out this work, the State Water Board created the Cannabis Enforcement Task Force, a partnership between the Central Valley and North Coast regional water boards, the State Water Board's Division of Water Rights, and the Department of Fish and Wildlife. The Task Force is developing and implementing a statewide strategic plan to address the environmental impacts of marijuana cultivation through enforcement actions, a regulatory permitting strategy, education and outreach, and agency and stakeholder coordination.

Since its creation in June, the Cannabis Enforcement Task Force performed 14 investigations in 2014, three of which led to formal enforcement actions. The staff from the task force worked collectively on education and outreach materials for the Northern California counties that are severely impacted by marijuana cultivation. The focus in future years will be to continue implementing the strategic plan, investigating and enforcing against cultivation activities that negatively impact the environment, and developing a regulatory permitting strategy.

For more information, visit the [Water Board Cannabis Enforcement Unit](#) or the [Central Valley Regional Water Quality Control Board's Cannabis Cultivation Regulatory Program](#).

Figure 16: Violation Types



## Water Focus

### Drought Enforcement

On January 17, 2014, Governor Edmund G. Brown Jr. declared a State of Emergency due to ongoing severe drought conditions. In 2014, the State Water Board provided notices of water availability curtailing approximately 9,000 water rights, conducted more than 900 water right curtailment inspections, and investigated more than 150 drought-related water rights complaints. The State Water Board also adopted emergency regulations, curtailing water diversions and putting in place water conservation requirements.







# Solid Waste and Recycling

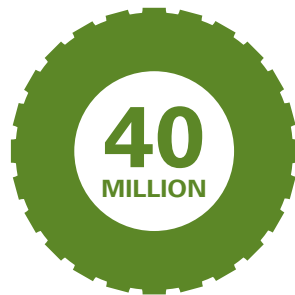
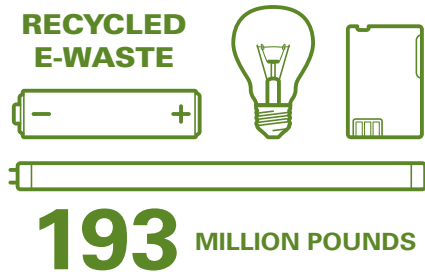
## CalRecycle

### Compliance First

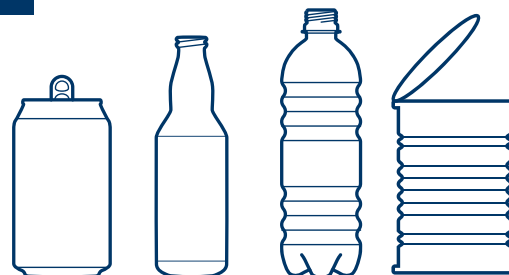
Enforcement is an essential part of CalRecycle’s mission to protect the public and the environment in California as well as prevent fraud—important responsibilities shared with local and state agency partners. CalRecycle focuses its resources on compliance assistance to minimize and prevent problems through monitoring, technical support, outreach, and training before taking formal enforcement action such as penalties, restitution, or other legal remedies. Recycling and waste facilities are inspected frequently; some are inspected each month. Violations can be addressed with administrative remedies or civil penalties. In more egregious cases or where there is evidence of fraud, criminal prosecution is pursued in partnership with the California Department of Justice.



In 2014, California was challenged to divert, recycle or safely dispose of more than 75 million tons of waste.



**RECYCLED TIRES**



**20** BILLION **RECYCLED ALUMINUM, GLASS, PLASTIC & BI-METAL BEVERAGE CONTAINERS**

CalRecycle regulates these products as well as used paint, carpet, and mattresses through programs established under different laws.



## Enforcement Activity Data

Routine and often unannounced inspections ensure that facilities, haulers, generators, recycling centers, recyclers, processors, and distributors comply with applicable laws, state standards, permit conditions, and other regulatory requirements. The intervals of inspections are dictated by statute and range from monthly, for solid waste facilities, to biennial probationary reviews, for beverage container recycling centers, depending upon the program and facility type. In the process, inspectors may also identify illegal sites. Frequent inspections and reviews allow early detection of noncompliance. CalRecycle also conducts oversight inspections to ensure consistent enforcement of solid waste statutes and regulations by local enforcement agencies.

Proper storage of tires prevents fires and the spread of disease by mosquitoes. Violations are issued if a facility has more tires than its permit authorizes or if fire codes or other operational standards are not met.

If a permitted or certified tire facility is out of compliance or operating illegally, the inspector can issue a notice of violation. In most cases, the operator corrects the identified problems in a timely manner. The number of violations issued as a percentage of overall inspections is relatively small, ranging from a low of 3.9 percent for tire facilities/haulers to a high of 13 percent for beverage container recycling centers.

However, if a violation is not corrected, CalRecycle takes enforcement action including imposing civil penalties or suspending or revoking the permit or certification. Enforcement actions vary according to the program and facility type, see Figure 18.

## Preventing Beverage Container Recycling Fraud

California is the nation's leader in total quantity of bottles and cans recycled—and those bottles and cans are worth \$1.25 billion per year. A semi-truckload of aluminum cans from Arizona is worth tens of thousands of dollars more when redeemed in California due to differences in state laws.

CalRecycle focuses on deterring, preventing, and mitigating beverage container recycling fraud. The program accomplishes this in two ways: by collecting data to pinpoint anomalies and target suspect claims before payments are made, and by investigating and prosecuting entities that violate the law after payments are made. In January 2014, CalRecycle promulgated new regulations lowering consumer load limits and requiring detailed reporting by persons importing beverage containers into California. These regulations enhanced CalRecycle's anti-fraud enforcement efforts.

Figure 17: Inspections by Facility Type

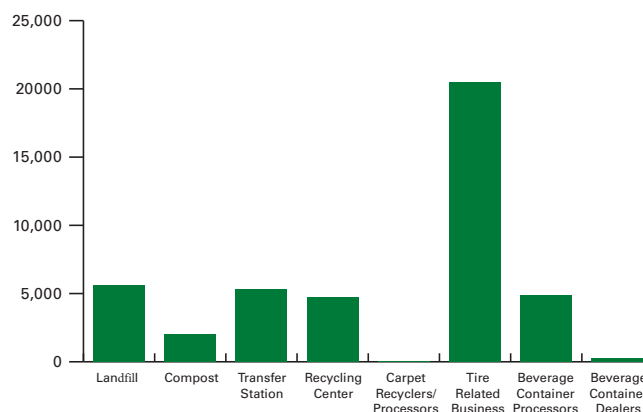
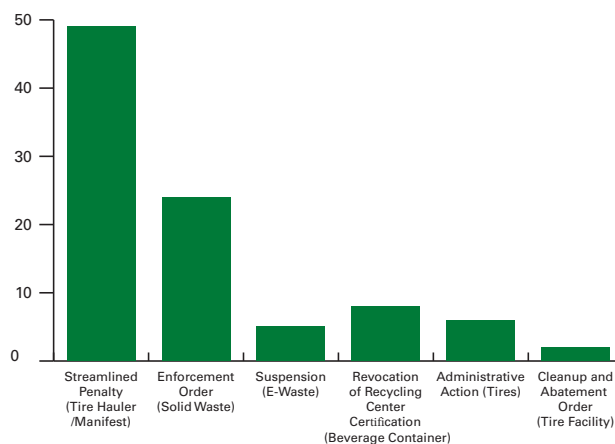


Figure 18: Enforcement Action by Facility Type



CalRecycle has interagency agreements with the California Department of Justice to conduct criminal investigations and prosecute fraud cases and with the California Department of Food and Agriculture to monitor the border. CalRecycle's partners at the Department of Justice raided several illegal operations that were siphoning funds by redeeming ineligible imported bottles and cans at California recycling centers. The Department of Justice made 23 arrests in 2014, successfully secured felony convictions for six of those arrested, and has pending prosecutions against several others.

Due to their complexity, some CalRecycle investigations can take several years to complete. During 2014, the largest administrative case in the history of the program was decided in CalRecycle's favor. Burbank Recycling, Inc. submitted illegal claims for out-of-state beverage containers over a three-year period ending in 2007, and Arizona-based Mission Fiber Group, a noncertified entity, illegally used a different recycling company's certification number to conduct transactions with Burbank Recycling. As a result of the judgment, the owners of Burbank Recycling have been permanently barred from participating in any transactions involving the purchase, sale, transfer, or storage of beverage containers. The entities are also liable for reimbursing CalRecycle for \$32.6 million in fraudulent beverage container claims, along with interest, civil penalties, and other costs.

For more information, see CalRecycle's [Compliance and Enforcement website](#).



***For more information, contact:***

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