

2019

Environmental Compliance and Enforcement Report



Office of the Secretary
California 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

Gavin Newsom
Governor

Jared Blumenfeld
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.

Table of Contents

Cross-Media Enforcement and Environmental Justice	2
Air	10
Recycling	20
Pesticides	25
Toxics	29
Water	33
Health	37

This report provides agency-wide summary information on environmental enforcement and compliance programs for 2019. It highlights major program priorities, provides examples of enforcement cases, and summarizes cross-media enforcement and training efforts. This report also provides links to in-depth enforcement reports available on each program’s website.

Cross-Media Enforcement and Environmental Justice

Strong and consistent enforcement is critical to protecting public health and the environment. As California tackles the twin challenges of climate change and environmental injustice, a forward leaning enforcement and compliance program is essential to achieving the mission of the California Environmental Protection Agency (CalEPA).

The boards and departments (BDOs) within CalEPA enforce environmental laws that regulate air and water pollution, toxic substances, the use of pesticides, and waste recycling and reduction. CalEPA's Office of the Secretary is responsible for ensuring that this enforcement work is consistent, effective, and coordinated across all programs. To those ends, over the course of 2019, Secretary Jared Blumenfeld, California Secretary for Environmental Protection, broadly surveyed the state of enforcement across CalEPA and identified a number of enforcement priorities, embodied in the *Environmental Enforcement policy memo*¹ issued at the outset of 2020.

The Secretary has 10 enforcement priorities:

1. Leadership
2. Planning, Prioritization, and Effective Resource Utilization
3. Local Government Enforcement Oversight and Coordination
4. Multi-Media and Cross-Program Enforcement
5. Well-Trained Enforcement and Compliance Assistance Personnel
6. State and Federal Enforcement Partners
7. Tribal Enforcement Partners
8. Enforcement and Program Integration
9. Enforcement and Communications Coordination
10. Equity in Enforcement

¹ Secretary Blumenfeld's Enforcement Memo: <https://calepa.ca.gov/enforcement/>

Apart from setting cross-BDO policy goals, CalEPA administers the Unified Program, funds beneficial projects with tangible public health and environmental benefits through the Supplemental Environmental Projects program, manages a cross-media enforcement training program, coordinates a steering committee focused on multimedia environmental enforcement, runs the multi-agency Environmental Justice Task Force, and administers a grant program that provides funds to train environmental regulators and prosecutors.

In 2019, CalEPA spearheaded two major, strategic enforcement shifts. First, CalEPA embarked on a multi-year, strategic planning process for cross-BDO enforcement, with a special focus on measurable progress towards the goals embodied in the Secretary's enforcement memorandum. Second, CalEPA shifted the focus of the Environmental Justice Task Force, moving from a geographical based approach to sector-based initiatives.

This 2019 CalEPA Enforcement Report describes these efforts and compiles data from the 2019 calendar year to provide an overview of CalEPA's enforcement activities. For more detailed information about ongoing CalEPA enforcement activities, please see the websites of the boards and departments referenced in this report.

CROSS-MEDIA ENFORCEMENT TRAINING

In 2019, CalEPA provided training to environmental inspectors from many environmental regulatory programs at the state and local level. The courses included instruction in air, water, pesticide, hazardous waste, solid waste and environmental health programs. CalEPA regulatory staff and local environmental

prosecutors trained 275 inspectors at 10 Basic Inspector Academy courses held across the state during 2019. The academy is a three-day class that provides environmental regulatory agency inspectors with the core knowledge and skills necessary to perform and document quality environmental inspections. CalEPA also provided an online Fundamental Inspector Course to 390 inspectors. The online fundamental inspection course provides an overview of the functions of CalEPA's boards and departments, and the local environmental agencies. It also includes an overview of environmental laws, environmental science, and basic field health and safety protocols.

CALEPA'S ENVIRONMENTAL JUSTICE TASK FORCE

CalEPA's Environmental Justice Task Force (EJ Task Force), formed in 2013, is made up of representatives from among regulatory agencies at all levels of government that implement and enforce environmental laws in California. The EJ Task Force identifies pollution-burdened communities that suffer multiple pollution burdens and focuses enforcement and compliance efforts in those communities. The EJ Task Force has had three primary goals:

- To create opportunities for residents in disadvantaged communities to provide input regarding local environmental problems,
- To integrate input from community residents into environmental inspections and enforcement work, and
- To promote interagency coordination to ensure that pollution burdens in disadvantaged communities from multiple sources are effectively addressed.

In 2019, the EJ Task Force completed an environmental justice initiative focused on South and East Stockton—in historically “redlined” neighborhoods that remain racially segregated to this day. Those same neighborhoods also suffer from some of the highest pollution burdens in the City and State. To address this disparate burden, the EJ Task Force deployed a three-part strategy. First, the Task Force engaged residents, city officials, and community partners to establish enforcement priorities and focus areas. Second, it launched a joint inspection and coordinated enforcement strategy, resulting in more than 200 inspections of facilities and 80 heavy-duty diesel truck inspections. Third, the EJ Task Force also identified gaps in local regulatory enforcement programs and worked with local regulatory agencies to provide long-term solutions for those gaps, in the form of compliance assistance, where appropriate.

STOCKTON EJ INITIATIVE

Community Engagement

The first stage began in August 2018, when CalEPA spent three months meeting with Stockton residents, community organizations, city officials, and regulatory agencies to establish priority areas of focus and identify facilities of concern. These areas and specific facilities were identified based on their potential to cause detrimental impacts to Stockton residents’ health, safety, and quality of life.

The primary community partners in the initiative were representatives from Little Manila Rising, Restore the Delta, Fathers and Families San Joaquin, Catholic Charities Diocese of Stockton, San Joaquin Pride Center, Faith in the Valley, Community Medical Center, El Concilio,

Third City Coalition, and the Delta-Sierra Group of the Sierra Club. Through their collaborative listening sessions, three community priorities were identified:

- Illegal dumping,
- Air pollution near schools, and
- Odorous and discolored drinking water.



During the community consultation, community partners decided the area of focus would be the historically redlined areas in South and East Stockton. The EJ Task Force joined with community partners to develop strategies to meaningfully address these community priorities and conducted various multi-agency compliance inspections. More information about the Stockton Initiative can be found in the Stockton Initiative StoryMap on the CalEPA EJ Task Force webpage. The Stockton StoryMap displays inspections data and highlights stories, experiences, and historical accounts into an easily accessible interactive platform. More information is available on the *EJ Task Force’s webpage: <https://calepa.ca.gov/enforcement/environmental-justice-compliance-and-enforcement-task-force/>*.

To celebrate the Stockton EJ Initiative and the local revitalization efforts, Stockton Mayor Michael Tubbs and

CalEPA Secretary Jared Blumenfeld joined Stockton’s community health and social justice organizations to host a public event: “Planting Seeds: Stockton’s Environmental Transformation.” Presentations during the evening event highlighted enforcement and compliance issues addressed through the initiative. CalEPA and the city of Stockton also shared information and resources to help residents understand and address environmental concerns and challenges. They also discussed efforts to transform Stockton into a thriving and equitable city.

Enforcement Results

Enforcement staff from 14 federal, state, and local agencies inspected facilities and heavy-duty trucks for environmental violations. The inspections focused on air and water pollution, toxic substances, solid waste, illegal auto dismantling, and pesticide use in redlined areas.

The EJ Task Force conducted more than 200 facility inspections for environmental compliance and found violations at 51 of them. They also stopped and inspected 80 heavy-duty trucks. As a result of the inspections and subsequent enforcement actions, many facilities cleaned up their pollution and contamination. Within three months of the task force completing its inspections, more than 90 percent of the facilities found in violation had made corrections and returned to compliance.

Enforcement Highlights Include

Hazardous Waste

The Department of Toxic Substances Control (DTSC) staff conducted 17 inspections at regulated facilities for compliance with hazardous waste treatment, storage, transportation, and disposal requirements. DTSC inspectors observed violations at several facilities, resulting in penalties assessments, and

multiple, ongoing enforcement actions.

- DTSC assessed a \$32,480 penalty against Thatcher Company of California, Inc., a facility that manufactures water and waste water treatment chemicals for industrial uses. The penalty resulted from the failure to determine whether a waste generated on site was a hazardous waste and from the unauthorized storage of hazardous waste.
- An inspection at Tri-Valley Recycling, Inc., an electronic waste (e-waste) recycling facility, resulted in a fine of \$33,320 for improper storage of e-waste and failure to train personnel. The facility was ordered to correct violations noted in the inspection. As of March 20, 2019, this facility had returned to compliance.

Improved Water Quality

The State Water Resources Control Board, the Central Valley Regional Water Quality Control Board, and the U.S. EPA, conducted 37 inspections and met with three drinking water surveyors to ensure compliance with a variety of regulations including those related to the Safe Drinking Water Act; the Clean Water Act; and the Spill Prevention, Control and Countermeasures (SPCC) regulation. As a result, seven facilities were cited for violations by the Water Boards for stormwater or SPCC violations, and they all made corrections and returned to compliance.

Clean and Safe Tire Recycling

CalRecycle, which is the Waste Tire Enforcement Agency for Stockton, conducted a total of 85 inspections aimed at ensuring proper handling of used and discarded tires, including adequate fire prevention measures. Waste tire inspectors partnered with the Stockton

City Fire Department to ensure tire facilities complied with local ordinances to reduce fire hazards.

Food Safety

Illegal pesticides on imported produce pose a particular environmental justice threat due to the concentration of imported fruits and vegetables in ethnic markets and in foods consumed by communities of color. The Department of Pesticide Regulations inspected produce for illegal pesticide residue at ten retail locations and collected a total of 90 samples. Seven products were identified and removed from sale during these inspections, including mandarins grown in Peru, radish tops grown in California, beet leaves grown in Mexico; parsley grown in California; nopales (young cactus leaf) grown in Mexico; radish tops grown in Mexico; and tunas (cactus pears) grown in Mexico.

Improved Air Quality

San Joaquin County, where Stockton resides, suffers from some of the country's worst air pollution, which is emitted from a variety of sources, including trucks. Diesel emissions from heavy-duty trucks carry small particle pollution that disproportionately impacts environmental justice communities. There is no known safe level of exposure to particulate matter pollution, which poses a particular threat to the developing lungs of small children. California Air Resources Board staff thus performed 377 inspections on 80 heavy-duty diesel vehicles at six locations. As a result, CARB cited non-compliant refrigeration trucks that emit particulate matter pollution.

Compliance Assistance

In addition to enforcement, and where appropriate, the EJ Task Force also organized cooperative and educational

efforts, known as "compliance assistance," as a part of the Stockton EJ Initiative to address illegal dumping, air pollution, and drinking water issues.

Illegal Dumping Technical Advisory Committee

The Illegal Dumping Technical Advisory Committee organized an Illegal Dumping Workshop to aid approximately 40 staff from the city of Stockton and San Joaquin County. As a result, the city and county are considering strategies to reduce illegal dumping. CalRecycle will continue to work alongside the city and county as they move forward developing new strategies to combat illegal dumping.

Mattress Recycling Council



The Mattress Recycling Council (MRC), a nonprofit organization, committed resources towards raising awareness around free mattress recycling services. MRC launched a local advertising campaign aimed at reducing illegal dumping and promoting its no-cost collection network. They also hosted a two-weekend long, mattress-collection effort in which they set up several temporary, free drop-off locations in areas known for illegal dumping. With the support of Restore the Delta and Little Manila Rising, MRC collected 905 mattresses.

California Air Resources Board

California Air Resources Board (CARB) conducted community air monitoring at an Elementary School to assess impacts from truck traffic near the school. CARB worked with staff from local nonprofits to apply for funding to install an indoor air filtration system in the elementary school to reduce air pollution in the classrooms.



STOCKTON EJ INITIATIVE

Community Air Monitoring

CARB staff participated in a community-led bus tour of South Stockton and workshops within the community. In the first stage of the initiative, during a community-led bus tour of South Stockton, community members showed CARB staff several areas of environmental concern, including truck traffic near sensitive receptors, idling of heavy-duty diesel vehicles near residents and schools (including George Washington Elementary, which is in very close proximity to the Port of Stockton and other industries).

In response to concerns learned from the community regarding pollutants from truck traffic and truck idling near sensitive receptors, CARB committed to conduct monitoring in the Boggs Tract community. CARB's Enforcement Division worked in conjunction with both CARB's Research Division and CARB's Monitoring and Laboratory Division (MLD) to develop a monitoring plan to help quantify the air pollution burden in the Boggs Tract community with a specific focus on Washington Elementary School. The goal of the study was to characterize the air quality and its spatial pattern around the school and to identify possible sources of pollution.

The Research Division collected monitoring data

using their Mobile Sampling Platform. In total, the division conducted seven days of sampling between Aug. 15, 2019 to Aug. 30, 2019, collecting 19 rounds of samples from the community and surrounding area. The research team concluded that areas in the vicinity of the school and near the port showed higher levels of PM10 (and other coarser PM), which was observed to be consistent with road dust from unpaved roads. CARB's MLD installed two Aeroqual sensors at the George Washington Elementary School and collected data from July 30, 2019 to Aug. 28, 2019. These sensors measured the PM2.5, ozone, and NO2 concentrations in the community.

Though the measured pollution levels did not exceed state or federal air quality standards, the community appreciated CARB's responsiveness and transparency in openly sharing its monitoring results. Successful partnerships depend on the ability to deliver on the commitments made by CARB. The impact of multiple sources on George Washington Elementary and the surrounding community was a major concern raised by the Stockton community. This monitoring effort provided some information to the community about their pollution burden, which is key to providing the kind of transparency that is fundamental to building relationships within the community. Transparency is one of the major goals of CARB's enforcement program.

“THE STATE WATER RESOURCES CONTROL BOARD COLLABORATED WITH COMMUNITY PARTNERS TO DEVELOP OUTREACH MATERIALS FOR A CAMPAIGN LED BY STOCKTON NONPROFIT ORGANIZATIONS.”

San Joaquin Valley Air Pollution Control District



To curb vehicle idling, the San Joaquin Valley Air Pollution Control District (SJVAPCD) provided 90 sets of “No Idling” signs in English and Spanish to schools in Stockton and has an agreement to provide additional signs. CARB also donated 10 such signs to Stockton Public Works to place in additional high truck traffic areas. As of December 2019, seven signs were posted at locations that have high rates of idling trucks.

State Water Resources Control Board

To help residents access free services to address odor, taste, color, or sediment in tap water, the State Water Resources Control Board (SWRCB) collaborated with community partners to develop outreach materials for a campaign led by Stockton nonprofit organizations. Staff from Faith in the Valley used the materials to canvass neighborhoods and found that many people in South and East Stockton had concerns about the quality of their drinking water. The staff shared these materials and showed residents how to use free services to address problems with their water.

Next steps

At the end of 2019, CalEPA undertook an assessment of the EJ Task Force. Although

the geographical based approach yielded many successes, the Task Force will focus in future years on particular pollution sectors, such as a certain type of industry or a particular type of mobile source of pollution.

CALEPA'S COMPLAINT SYSTEM

CalEPA maintains an online environmental complaint system that easily allows any member of the public to report concerns relating to air and water pollution, hazardous and solid waste, and pesticide use. Users can submit complaints from mobile devices, upload photos, videos, and other documentation of the problem, and share location data. The system also allows anonymous complaints.

CalEPA's Complaint System serves as an early warning system by alerting environmental enforcement agencies of potential violations and provides immediate witness accounts and documentation for investigations. This helps CalEPA and other environmental enforcement agencies address and resolve environmental problems. Further, it assists communities and agencies that may not have the resources to build their own online environmental complaint systems.

In 2019, CalEPA received 2,423 complaints on its online system across several environmental enforcement areas:

- 876 on air pollution
- 40 on pesticides
- 111 on recycling or solid waste management
- 288 on toxic substances
- 502 on water pollution
- 606 were multi-media complaints, meaning they alleged more than one type of environmental issues listed above

Of all online complaints received in 2019, 190 resulted in findings of environmental violations or compliance issues.

More information is available on CalEPA's *Complaint System* webpage: <https://calepacomplaints.secure.force.com/complaints/>

Air

CALIFORNIA AIR RESOURCES BOARD

Over the past 50 years, California has been the world leader in efforts to reduce air pollution. While the California Air Resources Board (CARB) has made substantial progress in avoiding the most severe air pollution episodes, CARB's work is far from complete. Large portions of the state do not meet federal air quality standards, and the South Coast (Los Angeles area) and San Joaquin Valley regions continue to experience the worst air quality in the nation. California, like the United States and the rest of the planet, is warming. This warming is caused by greenhouse gases, which trap heat and increase the severity of wildfires and droughts in California.

Many communities across the state are located near air pollution sources and continue to experience health impacts from air pollution at a local level. These communities are often both the most diverse and economically disadvantaged. Because of this, CARB is focused on creating and implementing policies to address these problems. Many of CARB's programs, such as California's landmark Community Air Protection Program, enacted by Assembly Bill 617 (Stats. 2014, ch. 136), are designed to empower communities and to focus air pollution reduction efforts where they are needed most. California's automobile emissions standards are encouraging the creation of the cleanest vehicles in the world, including zero-emission vehicles. California's goods movement programs are focused on cleaning up ports and freight transport that heavily impact nearby communities. California's



climate program is focused on reducing greenhouse gas emissions to reduce the economy's reliance on fossil fuels.

CARB's policies leverage the creativity of California's population and economy to reduce emissions. Ideally, everyone would comply with the emission reduction requirements created by these policies, but that is not always the case. California's air quality and climate programs are only effective when regulated parties comply. When a regulated party does not comply, they may profit at the expense of those who do comply, creating unfair competition. They also undermine the environmental and public health goals Californians are working so hard to achieve.

CARB's Enforcement Program focuses on ensuring compliance, and maintaining a level playing field across industries by efficiently targeting enforcement efforts, bringing violators into compliance, and assessing penalties that serve as a deterrent to non-compliance in the future.

CARB has made a priority of developing enforcement programs that are effective in holding violators accountable for compliance. These efforts are currently demonstrated by various mobile source programs such as the Truck and Bus Regulation, the Heavy-Duty Vehicle Inspection Program, and the Periodic Smoke Inspection Program.

HEAVY-DUTY TRUCK ENFORCEMENT

In 2008, CARB adopted the Truck and Bus Regulation (Cal. Code Regs., tit. 13, § 2025), requiring heavy-duty diesel trucks that operate in California to replace older engines with cleaner engines certified to lower PM and NO_x emissions standards on a phased-in schedule based on the model year of the engine. Older engines were phased out and replaced with newer cleaner engines.

At first, CARB's enforcement of the Truck and Bus Regulation occurred primarily through a comprehensive audit process of truck fleets, which focused on assessing large penalties to a smaller number of fleets and trucks. Part of the reasoning for this approach was to deter noncompliance by others. CARB analyzed compliance rates, however, and found them to be low, with hundreds of thousands of non-compliant trucks operating in California. A new approach was needed.

In an effort to increase compliance with the Truck and Bus Regulation enforcement, staff developed a new approach where the focus was switched from deterrence-focused enforcement (fewer high profile cases with higher penalties) to a compliance based approach (more cases with lower per unit penalties in an effort to provide more emissions reductions). CARB initiated the Streamlined Truck Enforcement Process (STEP) in January of 2018 with the goal of bringing the highest polluting diesel-powered vehicles subject to the Truck and Bus Regulation into compliance more efficiently. The goal was to dramatically increase the efficiency of CARB's enforcement efforts to bring compliance to the industry and remove the highest pollution vehicles from the road.

CARB staff used data from vehicle

registration databases, compliance-reporting databases, and inspection databases to identify potentially noncompliant fleets and prioritize them for enforcement action. After investigation by CARB staff, owners of vehicles suspected of being out of compliance were sent a Notice of Non-Compliance and provided an opportunity to demonstrate compliance. If compliance was not demonstrated, a Notice of Violation was issued, and penalties and registration holds were placed. In 2018 and 2019, 45,968 vehicles were reviewed for compliance resulting in 35,790 vehicles identified as potentially non-compliant. Of those, 32,293 vehicles were subsequently issued Notices of Violation. Owners of 23,673 of these vehicles were not able to clear their violation and were denied DMV vehicle registration. Staff collected over \$5 million in penalties through the program over a two-year period. In 2019, the compliance rate for California registered vehicles with Gross Vehicle Weight Ratings (GVWR) above 26,000 pounds had increased to 86 percent from 77 percent in 2016.

In 2017, a new law passed requiring the DMV, beginning Jan. 1, 2020, to verify that vehicles subject to the Truck and Bus Regulation are compliant with the regulation prior to issuing registration. By Jan. 1, 2023, most vehicles subject to the Truck and Bus Regulation will not be able to register in California unless they are equipped with a 2010 or newer engine or have an approved compliance option on record with CARB. To ensure all affected vehicle owners are aware of these new registration requirements, staff sent certified letters to 69,425 vehicle-owners warning them of their current or future non-compliant status and the impacts of vehicle non-compliance on their ability to register. CARB staff also

implemented an extensive outreach and media campaign. As a result of these efforts, every current or upcoming non-compliant California registered vehicle in 2020 was either subject to enforcement or issued a warning letter; and no fleet can claim ignorance with the regulation. These efforts are working. Compliance rates increased from 77 percent to 86 percent industry-wide and will continue to improve as the new registration requirements are implemented. At the same time, our analysis shows a declining trend in compliance in lighter vehicles from 88 percent in 2017 to 86 percent in 2018. This is driven by compliance dates in the Truck and Bus Regulation, which are now requiring lighter trucks to be upgraded. As the new law is implemented, these trucks will be brought into compliance through the registration process, as almost all lighter trucks operating in California are also registered in California. With California-registered vehicles now being required to prove compliance before obtaining a DMV registration, CARB enforcement resources can focus on ensuring heavy-duty diesel vehicles registered outside of California are complying with the Truck and Bus Regulation.

Partnerships

In order to create a level playing field across industry, CARB is focusing enforcement efforts on border crossings to identify non-compliant vehicles coming into the state. In addition, International Registration Plan (IRP) registration data and data from inspection databases and compliance reporting databases are being evaluated to identify and prioritize the enforcement of potentially noncompliant fleets registered out-of-state. To expand CARB's enforcement presence, CARB

staff members have also developed a partnership with U.S. EPA Region 9, which conducts investigations of fleets registered out-of-state to ensure compliance with the Truck and Bus Regulation. CARB is exploring similar partnerships with others. Based on International Registration Plan (IRP) registration data, CARB estimates a compliance rate of 86 percent for vehicles registered out-of-state with a GVWR greater than 26,000 pounds and 97 percent for vehicles with a GVWR between 14,001 to 26,000 pounds.

The partnership with U.S. EPA has proven successful as demonstrated by the following cases pursued by U.S. EPA, due to CARB referral.

The **Coca-Cola Company** failed to verify that 63 of the carriers it hired in California from 2015 to 2017 complied with the Truck and Bus Regulation. In addition, the company dispatched drayage trucks (trucks that haul shipping containers from ports and railyards) that did not meet emission standards and failed to verify that their contracted truck owners were registered with CARB's Drayage Truck Registry. The company, headquartered in Atlanta, Georgia, agreed to pay a \$145,000 penalty.

Mercer Transportation Company Inc. failed to verify that their contracted truck owners were registered with CARB's Drayage Truck Registry and failed to maintain records. The company, headquartered in Louisville, Kentucky, failed to comply with CARB's regulation governing drayage moves destined to or from California ports from 2015 to 2017. Mercer Transportation Company agreed to pay a \$46,787 civil penalty.

Liquid Transport LLC and Liquid Transport Corp. operated heavy-duty diesel trucks in California from 2014 to 2017 without the required diesel particulate filters. The

companies also failed to verify that 122 of the carriers it hired to transport goods in California complied with the Truck and Bus rule. In addition, the firms owned and dispatched 22 drayage trucks that did not meet emission standards and were not registered with CARB's Drayage Truck Registry. The companies, headquartered in Indianapolis, Indiana, agreed to pay a \$150,000 penalty.

Dean Foods Company operated 14 heavy-duty diesel trucks from 2014 to 2017 without the required diesel particulate filters and failed to maintain records for 40 vehicles. The company, headquartered in Dallas, Texas, agreed to pay a \$30,000 civil penalty and will spend \$90,000 on a supplemental environmental project to install an air filtration system to reduce harmful air pollutants in classrooms in one or more schools in the South Coast Air Basin, which includes Orange County and parts of Los Angeles, Riverside, and San Bernardino counties.

D&E Transport LLC operated 26 heavy-duty diesel trucks in California from 2014 to 2017 without the required diesel particulate filters. The company also failed to verify that 104 of the carriers it hired to transport goods in California complied with the Truck and Bus rule. The company, headquartered in Clearwater, Minnesota, agreed to pay a \$55,000 civil penalty.

Flat Creek Transportation LLC operated 24 heavy-duty diesel trucks in California from 2014 to 2018 without the required diesel particulate filters and failed to maintain records for 63 vehicles. The company, headquartered in Kinston, Alabama, agreed to pay a \$71,250 penalty.

Staff is looking to expand partnerships in 2020 by working with local prosecutors across Southern California.

Portable Emissions Acquisition Systems

State anti-tampering laws require vehicle operators to maintain their vehicles and emissions control systems. CARB's Heavy-Duty Vehicle Inspection Program (HDVIP) and Periodic Smoke Inspection Program (PSIP) are designed to ensure operators comply with this requirement by meeting a 5 percent opacity limit for trucks equipped with a diesel particulate filter (DPF), measured using a snap-idle test (SAE J1667). To supplement HDVIP and PSIP, CARB has developed, and is now testing, new technologies to better identify trucks operating in California that are non-compliant with opacity standards, Truck and Bus Regulation requirements, and greenhouse gas requirements.

CARB is developing a remote sensing emission screening system called the Portable Emissions Acquisition System (PEAQS). PEAQS is an emission screening system that evaluates the black carbon and CO₂ emissions of heavy-duty diesel vehicles that pass through its detection area. CARB Enforcement is using PEAQS to optimize both field enforcement and fleet audits by directing compliance efforts toward high emitting vehicles and/or fleets detected by PEAQS.

PEAQS units are designed to be mounted to existing infrastructure that see a high-volume, heavy-duty diesel vehicle traffic, such as at border crossings. The PEAQS systems can operate 24/7 with minimal maintenance. Data collected by the continuously running unattended system is further analyzed to guide enforcement actions, such as inspections and audits by CARB staff. In August 2019, CARB staff designed and deployed the first unattended PEAQS unit as a pilot. The system has been running continuously since and screens approximately 10,000 heavy-duty diesel vehicles on average

per month. A second unattended PEAQS system will be deployed soon.

Heavy-Duty Vehicle Inspection and Maintenance

CARB is working on the development of a statewide inspection and maintenance program for heavy-duty trucks. This program will be similar to the light-duty vehicle Smog Check program. When fully implemented, both in-state and out-of-state heavy-duty vehicles will be required to obtain proof of emissions compliance through regular inspections.

Transport Refrigeration Units

CARB's Enforcement Division has been working with regulatory program staff for the Transportation Refrigeration Unit (TRU) Regulation (Cal. Code Regs., tit. 13, § 2477), to provide new tools that are necessary to provide a level playing field. In 2019, CARB field inspectors conducted 2,064 TRU inspections to ensure compliance with regulatory requirements and issued 933 citations to owners of non-compliant units.

Enforcement Division staff developed methods to specifically identify and target enforcement on non-compliant TRU equipment by evaluating different data sources and focusing efforts in areas where TRU equipment is typically operated. The high ratio rate of inspections to citations issued of 55 percent shows that CARB's targeted enforcement methods are improving—though compliance rates must also improve.

Enforcement Division staff will continue developing a more targeted approach to identifying non-compliant TRUs. In 2020, staff have planned targeted field enforcement events during peak harvest time and in areas with high cumulative exposure burdens for criteria air pollutants and toxic air contaminants. In addition,

staff will begin assessing compliance by analyzing data from various databases and real-world, on-road vehicle emission measurements to identify which fleets to inspect and audit.

Moving forward, CARB is currently working to develop the Zero-Emission TRU Regulation to reduce emissions from facilities with TRU activity by transitioning to zero-emission operation, where practical, in an effort to further reduce emissions from TRU sources. This new measure will help reduce public health risk by reducing toxic air contaminant emissions, criteria pollutant emissions, and greenhouse gas emissions near distribution centers and other facilities where TRUs and TRU generator sets congregate. The new measure will also achieve emissions reductions while in transit, especially near the most impacted communities. CARB staff are also taking this opportunity to incorporate additional enforcement tools into the new regulation designed to increase compliance.

Focusing Enforcement Efforts to Promote Environmental Justice

CARB's Enforcement Policy recognizes the need for increased enforcement efforts in disadvantaged communities by ensuring that at least 50 percent of all mobile source inspections occur in such communities. In 2019, CARB conducted 26,498 inspections of vehicles, fuels, ports, and marine facilities. Approximately 60 percent of inspections directly benefited disadvantaged communities.

Supplemental Environmental Projects (SEP) Program Updates

CARB recognizes that while enforcement through penalties plays an important role in deterring environmental violations, penalties alone do not address the environmental harm that communities

suffer because of these violations. One way that CARB addresses environmental harm is through its Supplemental Environmental Projects (SEP) Program. SEPs are community-based projects funded by a portion of penalties received during settlement of enforcement actions. SEPs are intended to improve public health, reduce pollution, increase environmental compliance, and bring public awareness to neighborhoods most burdened by environmental harm. SEP options are presented to violators who may voluntarily agree to fund a project as part of their penalty for failing to follow environmental rules and regulations.

CARB's list of eligible projects has grown since it revamped its SEP process in 2017, enabling numerous community groups and local districts across California to gain access to funding from the SEP program. In 2019, CARB approved 26 projects for listing as eligible SEPs for funding. In 2019, companies found in violation funded eighteen projects in California, with nearly \$6.4 million in penalties committed to SEPs.

Projects span across a variety of category types and include projects such as air filtration and monitoring, tree planting, and community education programs. The list of currently available SEPs can be found on CalEPA's *website*: <https://calepa.ca.gov/enforcement/supplemental-environmental-projects/>.

CARB staff work with community-based organizations throughout the SEP application process to ensure applications are complete and thorough. Proposals can be submitted in one of two ways. First is through the CalEPA's SEP website, where each proposal is directed to the correct administering agency. Second, SEP proposals can be submitted directly to CARB, by emailing sep@arb.ca.gov and requesting CARB's SEP Proposal form,

“PENALTIES ALONE
DO NOT ADDRESS
THE ENVIRONMENTAL
HARM THAT
COMMUNITIES
SUFFER BECAUSE OF
THESE VIOLATIONS.”

which requires additional air pollution related information about the project.

Groups such as the IQAir Foundation have utilized SEP funds to provide direct benefits to disadvantaged communities across the state. For example, they have installed air filtration systems in 31 schools, benefiting approximately 19,000 elementary, middle, and high school students.

Kids Making Sense, a youth education program for schools located in disadvantaged areas throughout California, has received SEP funding to educate students in grades 6 through 12 about monitoring and improving air quality in their communities.

Community-inspired and developed projects such as these proactively support CARB's mission to improve air quality for all Californians. The success of the SEP Program is due in part to the program's renewed ability to leverage communities' knowledge and experience, while also creating opportunities for violators to right their harmful actions.

Moving forward, CARB will continue to work with communities to fund as many eligible community projects as possible through the SEP Program. CARB anticipates funding a diverse mix of projects with a continued focus on disadvantaged communities.

Portable Equipment Registration Program

The Portable Equipment Registration Program (PERP) enables owners and operators of portable engines and other types of portable equipment to register their units under a single statewide PERP registration. The statewide registration allows equipment owners to operate portable equipment throughout California without having to obtain individual

permits from local air districts. With recent regulatory amendments and an associated fee increase, the PERP now operates as a revenue neutral program.

There were several regulatory deadlines in 2019 that included the January 29, 2019 deadline to request compliance benefits for meeting the prior regulatory 2017 fleet diesel PM standards; the June 30, 2019 deadline for companies owning large fleets to request fleet averaging as their compliance strategy instead of following the tier phase-out schedule, and the July 1, 2019 deadline to designate a Tier 1 engine (older higher emitting engine) as low-use or emergency-use.

Tier 1 engines phased out (removed from service) as of January 1, 2020, except in a few situations specified in the Portable Diesel Engine Airborne Toxic Control Measure. By law, Tier 1 engines can no longer be sold for use in California. Removal of Tier 1 engines will facilitate further reductions of diesel particulate matter (PM) emissions in the state. CARB is currently working with local air districts, which enforce the program, to assess compliance with these requirements.

Public Safety Power Shutoffs

Gusty winds and dry conditions driven in part by climate change, and vulnerable electricity distribution infrastructure, caused utilities to institute Public Safety Power Shutoffs (PSPS) in order to reduce the risk of wildfires in 2019. When utilities cut power to large segments of the population in California, there are impacts on residents, businesses, and local services such as water supply, sewer treatment, police and fire services, medical care, and education (school closures). PSPS events also create air quality impacts. During a prolonged loss of power, commercial energy customers employ backup power provided by diesel

engine generators, which emit diesel PM, a known carcinogen, and residential energy customers employ smaller gasoline engine generators to power key equipment such as refrigerators. Operation of these engines can create localized particulate emissions and resultant health impacts.

In response to the PSPS in 2019, CARB issued guidance and enforcement advisories to clarify how backup generation could be used during PSPS events. While the increased use of diesel backup engines does not align with CARB's air quality and long-term climate goals, CARB understands the need for backup power to provide an emergency response during power outages. The advisories describe the legal use of backup power during the PSPS events. These issues are complicated; while portable equipment regulations provide exemptions for operation during emergencies under specified conditions, portable engines used at stationary sources may require a permit from the local air quality district.

In an effort to better understand the emissions impacts from these events, CARB's Air Quality Planning and Science Division (AQPSD) developed an estimate of the emissions associated with the 2019 PSPS events from the use of backup generators. It is estimated that 124,774 generators were operated during 2019 PSPS events, resulting in estimated emissions of 166.4 tons of NO_x, 19.4 tons of PM, and 8.9 tons of diesel PM. This is roughly equivalent to 29,000 heavy-duty trucks operating on California's roadways for one month.

To better coordinate on these issues, CARB convened a workgroup with the California Air Pollution Control Officers Association (CAPCOA) and air districts. The focus of the workgroup is to coordinate on portable equipment and

air permitting issues, and encourage use of alternative and cleaner technologies than diesel engines.

Improving Stationary Source Enforcement Programs

State law gives local air districts the primary authority over stationary sources of air pollution, and specifies CARB's role in reviewing district rules and regulations to determine whether they are sufficiently effective to achieve state ambient air quality standards, and district enforcement practices to determine whether reasonable action is being taken to enforce programs, rules, and regulations. For decades, CARB staff conducted permitting and enforcement program reviews and generated reports for local air districts, providing recommendations for program improvement. These programs were de-prioritized in the late 2000s to focus on increased mobile source regulation. From the enforcement perspective, over the past decade, CARB staff focused its stationary source enforcement efforts on providing compliance assistance training, and in providing assistance primarily to smaller air districts in enforcement when requested.

In 2019, permitting and enforcement review programs were consolidated in the Enforcement Division, and staff began the task of rebuilding these review programs. The Enforcement Division created a new Stationary Source Enforcement Branch, with four focus areas: training, enforcement review and support, permitting review and support, and direct enforcement. Over the past several years, the branch experienced about a 40 percent turnover in staffing primarily due to retirements. As a result, CARB focused on hiring local air district and private sector staff with experience

in district permitting, inspection, and enforcement programs.

During 2019, staff focused on several key assignments: training program development, review of the San Joaquin Valley Emission Reduction Credit Program, review of the Imperial County Air Pollution Control District's Enforcement Program, and facility inspections and enforcement.

San Joaquin Valley Emission Reduction Credit Program Review

In January 2019, the board directed staff to review the San Joaquin Valley Emission Reduction Credit System. The goal of this project was to review the system, including the equivalency determination, and explain it in the context of the broader district program for reducing emissions from stationary sources including New Source Review (NSR), permitting, and regulatory requirements. The review identified significant issues that the district and CARB staff began to address.

Imperial County Enforcement Program Review

In May 2018, the board directed staff to evaluate enforcement in the Imperial Valley. In 2019 staff observed inspections of 22 facilities, reviewed permits at each of these facilities, and reviewed district enforcement policies. Work on enforcement issues continued on into 2020.

Facility Inspections and Enforcement

In 2019, staff conducted many inspections resulting in enforcement action. These include:

East Oakland Odor Complaints

For the past three years, CARB staff has been investigating a persistent odor that has occurred frequently across East Oakland for years and has been the subject of many community complaints.

After two monitoring campaigns and multiple complaint investigations, staff issued a Notice of Violation for public nuisance caused in part by uncontrolled open-air industrial process emissions at a facility. CARB staff will continue working collaboratively with district staff to address the odor issue.

CARB Landfill Methane Rule

CARB's Landfill Methane Rule (Cal. Code Regs., tit. 17, §§ 95460-95476) is designed to reduce methane emissions from 191 landfills in California. Twenty-three air districts have signed memoranda of understanding with CARB to enforce requirements at 174 facilities, leaving CARB to directly enforce at 17 landfills. In 2019, CARB staff joined air district staff on eight inspections of landfills identified by CARB's Research Division as high emitters during aerial methane studies. District staff issued notices of violation to seven of these eight facilities.

CARB Mandatory Reporting Program

CARB's Mandatory Reporting Program requires companies to report greenhouse gas emissions to support the implementation of the Cap-and-Trade Program, the California Global Warming Solutions Act of 2006 (Health and Saf. Code §§ 38500, et. seq.), and the greenhouse gas emission inventory (Health and Saf. Code § 39607.4). When emission reports are inaccurate, the Cap-and-Trade Program may be impacted. As a result, CARB penalties in this program can be substantial. In 2019, CARB settled two cases for erroneously calculated emission reports for a total of \$1.3 million.

Asbestos Program

CARB staff enforce federal toxics requirements for asbestos in air districts that are not delegated to do so by the U.S. EPA. Staff also coordinates the

enforcement of asbestos requirements across the state. In 2019, staff conducted 39 inspections in Butte, Imperial, Placer, Sutter, and Yuba counties, coordinated two half-day workshops attended by asbestos regulators, and hosted a training course in Sacramento.

Overall, as CARB program activities in the area of district program reviews and stationary source enforcement has expanded, CARB has identified significant issues that need to be addressed to protect public health. Many of these stationary sources are located in and/or impact disadvantaged communities. CARB's enforcement programs are working to assess the extent of these issues to determine the most appropriate responses.

Summary of CARB's Enforcement Program

CARB's enforcement programs continue to expand and evolve. CARB's goal is to achieve comprehensive compliance in every program. To do this, CARB assessed compliance rates, and looks to improve the design, implementation, and enforcement of programs to foster higher compliance rates. Focused enforcement efforts maximize compliance through higher volume enforcement processes and deterrence, and mitigates harm through the SEP program. CARB's enforcement programs help foster environmental justice in disadvantage communities through transparency and accountability. In 2019, CARB staff inspected more than 16,000 trucks, issued more than 3,000 citations and conducted more than 10,000 inspections in other programs. Approximately 60 percent of inspections directly benefited disadvantaged communities. CARB staff closed 3,570 enforcement actions, which assessed \$24.4 million in penalties across a wide

array of CARB programs for violations that impacted vehicles, fuels, equipment, and consumer products. CARB staff also allocated more than \$6 million in penalty funds to projects that provide direct benefit to disadvantaged communities.

Recycling

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

The Department of Resources Recycling and Recovery (CalRecycle) and local enforcement agencies protect public health, safety, and the environment by regulating solid waste facilities, including landfills, and promoting recycling of a variety of materials, including organics, beverage containers, electronic waste, waste tires, and used oil.

COMPLIANCE ASSISTANCE

Enforcement is an essential part of CalRecycle's mission to protect the state's public health, safety, environment, and fiscal integrity important responsibilities shared with local and state agency partners. CalRecycle focuses on compliance assistance before taking formal enforcement action that would lead to penalties, restitution, or other legal remedies.

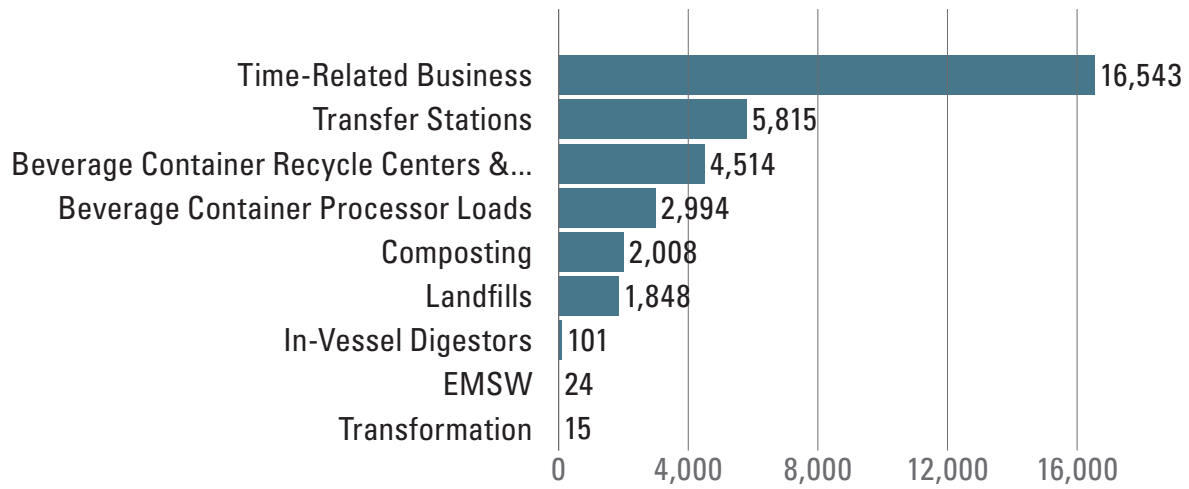
Compliance assistance can take many forms, including monitoring, technical support, outreach, and training. CalRecycle consistently provides the regulated community with information and guidance regarding regulatory requirements to help them remain in compliance. CalRecycle frequently inspects recycling and waste disposal facilities to resolve compliance issues early. CalRecycle addresses violations through imposition of administrative remedies or civil penalties. In more egregious or fraudulent situations, CalRecycle pursues criminal prosecution in partnership with the California Department of Justice, Office of the Attorney General.

ENFORCEMENT ACTIVITY

Regular inspections ensure facilities, haulers, generators, recycling centers, recyclers, processors, and distributors comply with applicable laws and permit conditions regarding disposal and recycling of solid waste. In many cases, inspection intervals are dictated by statute and range from monthly (solid waste facilities) to biennially (probationary reviews for beverage containers recycling centers), depending upon the program and facility type. Facilities that have demonstrated greater difficulty complying with regulatory requirements are generally inspected more frequently. Frequent inspections allow for early detection of noncompliance. If a permitted or certified facility is out of compliance or operating without a permit, the inspector can issue a notice of violation. In most cases, the operators correct the identified problem in a timely manner and no enforcement action is necessary. However, CalRecycle and local enforcement agencies can impose civil penalties, suspend permits or certifications, or seek other remedies if the operators do not correct violations.

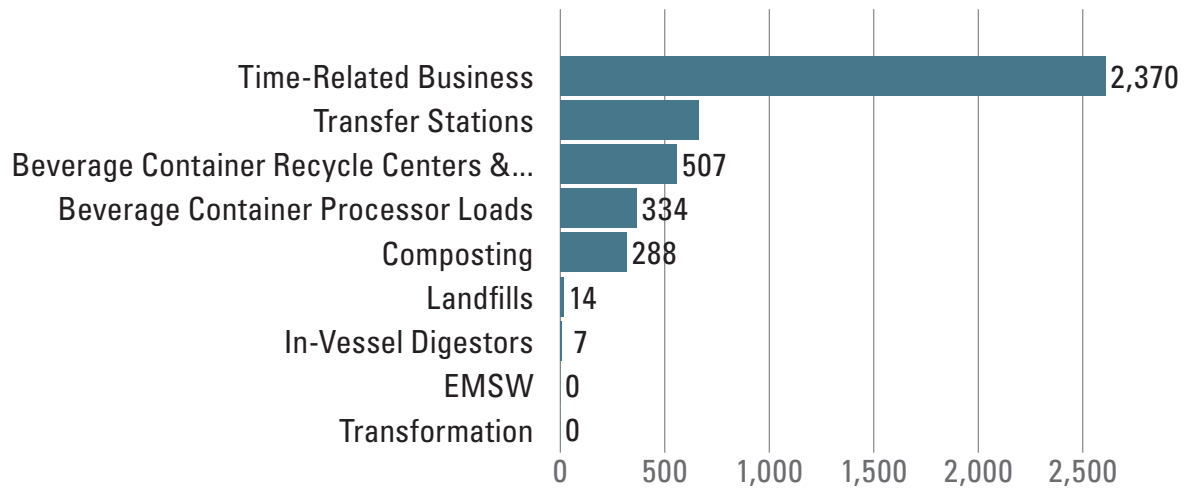
Figure 3 summarizes enforcement actions taken during 2019 in the solid waste and waste tire programs. Owing to early, frequent, and constructive engagement with operators, resulting in early resolution of compliance issues, the number of enforcement actions needed to force compliance is nominal. The percentages of inspections that resulted in enforcement actions are less than 1 percent for waste tire facilities, less than 1 percent for tire hauler penalties, and 4.6 percent for solid waste facilities.

FIGURE 1: INSPECTIONS BY FACILITY



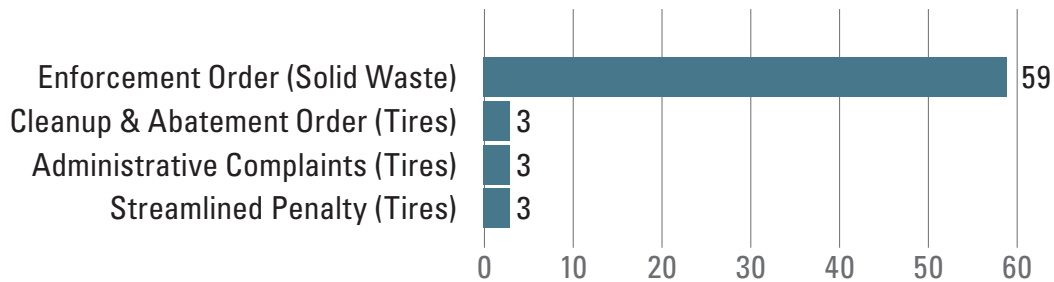
Facility Type	Number of Inspections
Tire-Related Business	16,543
Transfer Stations	5,815
Beverage Container Recycling Centers & Dealers	4,514
Beverage Container Processor Loads	2,994
Composting	2,008
Landfills	1,848
In-Vessel Digestors	101
Engineered Municipal Solid Waste (EMSW, or trash that is converted to fuel)	24
Transformation (incineration of solid waste to produce heat or electricity)	15

FIGURE 2: VIOLATIONS BY FACILITY TYPE



Facility Type	Number of Violations
Beverage Container Recycling Centers & Dealers	2,370
Transfer Stations	604
Tire-Related Business	507
Landfills	334
Composting	288
Beverage Container Processor Loads	14
In-Vessel Digestors	7
Transformation	0
EMSW	0

FIGURE 3: ENFORCEMENT ACTIONS BY PROGRAM



Program	# of Enforcement Actions
Enforcement Order (Solid Waste)	59
Cleanup & Abatement Order (Tires)	3
Administrative Complaints (Tires)	3
Streamlined Penalty (Tires)	3

CALRECYCLE ENFORCEMENT CASE HIGHLIGHTS

Supplemental Environmental Project with Insight Gardens

Insight Gardens received \$33,500 to launch a Prison Recycling Education Program at two California prisons to reduce the environmental impacts of prisons and to help people in prison understand the importance and benefits of waste reduction and diversion. This Supplemental Environmental Project was funded through a settlement with California Waste Solutions for processing material at locations that were not certified, failure to appropriately cancel redeemed used beverage containers, failure to have complete Imported Material Reports for out of state material, failure to provide Shipping Report Curbside Programs, and failure to maintain or complete Collection Program logs. The Prison Recycling Education Project will significantly reduce solid waste by promoting practices to reduce, reuse, recycle, and divert waste within prisons and in the communities to which people in prison return. This initiative will reduce the environmental impacts of two California prison facilities: California Medical Facility (CMF) and California State Prison-Solano (SOL). By focusing on these facilities, the Prison Recycling Education Program will reach people who are incarcerated and will provide them with the education and skills needed to recycle in the communities to which they return. This project will do three things:

- Educate up to 100 people in prison about all types of waste reduction, reuse, recycling, and diversion.
- Further integrate waste diversion and recycling lessons into Insight Gardens' yearlong in-prison environmental training program.

“THE PRISON
RECYCLING
EDUCATION
PROGRAM WILL
REACH PEOPLE WHO
ARE INCARCERATED
AND WILL PROVIDE
THEM WITH THE
EDUCATION AND
SKILLS NEEDED TO
RECYCLE IN THE
COMMUNITIES TO
WHICH THEY RETURN.”

- Bring in experts in waste diversion and recycling to prisons to help educate Insight Gardens’ participants and facility staff.

Beverage Container Recycling Fraud Case

In 2019, CalRecycle’s Division of Recycling (DOR) continued its successful enforcement strategy and efforts. For instance, DOR filed four accusations in 2019 totaling more than \$35 million. The division’s contracted partner with the California Department of Justice was also successful with 29 arrests in 2019 for recycling fraud.

In September 2019, a Department of Justice investigation uncovered an organized operation in which material was collected in Las Vegas, delivered by semi-trucks to California, and illegally redeemed for CRV by 12 Los Angeles recycling centers. Eight arrests were made, and the state recovered five million dollars in fraudulent claims against the Beverage Container Recycling Fund.

Short-Lived Climate Pollutants

Organic Waste Methane Emissions Reductions Law

The Short-Lived Climate Pollutants (SLCP) Act (Pub. Res. Code §§ 42652, et. seq.) requires the reduction in emissions of short-lived climate pollutants (powerful climate forcers that have relatively short atmospheric lifetimes, such as methane) statewide by establishing the following targets: a 50-percent reduction in organic waste disposal from the 2014 level by 2020 and a 75-percent reduction from the 2014 level by 2025. These are key climate strategies because organic waste disposal results in methane emissions from landfills. During 2019, CalRecycle developed regulations to achieve the reductions of greenhouse gas, by

establishing regulatory requirements for jurisdictions, generators, haulers, solid waste facilities, and other entities. The regulations encourage edible food rescue, food waste prevention, and the creation or expansion of solid waste operations or facilities that transfer, process, and/or recover organic waste to reduce organic waste disposal. The regulations also outline how jurisdictions and CalRecycle are to implement enforcement, including issuance of penalties. As required by state law, the regulations will be enforceable in 2022.

Waste Tire Management System Upgrade

In 2019, the Waste Tire Enforcement Program upgraded the Waste Tire Management System (WTMS), the database that houses internal and external information about the storage and handling of waste and used tires. The upgrades included adding the ability for haulers to renew their registration online. The WTMS upgrades involved transitioning data from 1,600 users, 250,000 inspections, and 10-million manifests to a more user-friendly database platform. During the 2020 registration period, which started October 2019, the highest percentage of haulers to-date renewed online.

Pesticides

DEPARTMENT OF PESTICIDE REGULATION

The Department of Pesticide Regulation (DPR) works closely with County Agricultural Commissioners (CACs) to ensure that pesticide laws and regulations are followed. Under DPR's oversight and guidance, CACs inspect pesticide applicators, growers, and businesses to ensure compliance and protection of people and the environment. CACs also issue site-specific permits for restricted use pesticides that impose additional use restrictions on how and when the pesticides are used and in what amounts. When violations are found, CACs take appropriate enforcement actions following the state's enforcement response regulations.

In 2019, CACs conducted over 13,000 agricultural inspections in California as shown in Figure 4. Each inspection evaluates numerous criteria to ensure compliance with legal requirements. Approximately 14 percent of the inspections conducted in 2019 documented at least one violation. The top two compliance problems in agricultural inspections were failure to follow the label and/or permit conditions and failure to wear appropriate personal protective safety equipment.

The CACs also conduct structural pest control inspections of applicators and businesses performing pest control in and around homes and buildings. In 2019, CACs conducted approximately 6,000 structural inspections as shown in Figure 5. CACs documented violations in about

10 percent of the inspections. The top two non-compliances were failure to follow product labeling requirements and failure to wear appropriate personal protective safety equipment.

FIGURE 4. NUMBER OF AGRICULTURAL INSPECTIONS 2015-2019

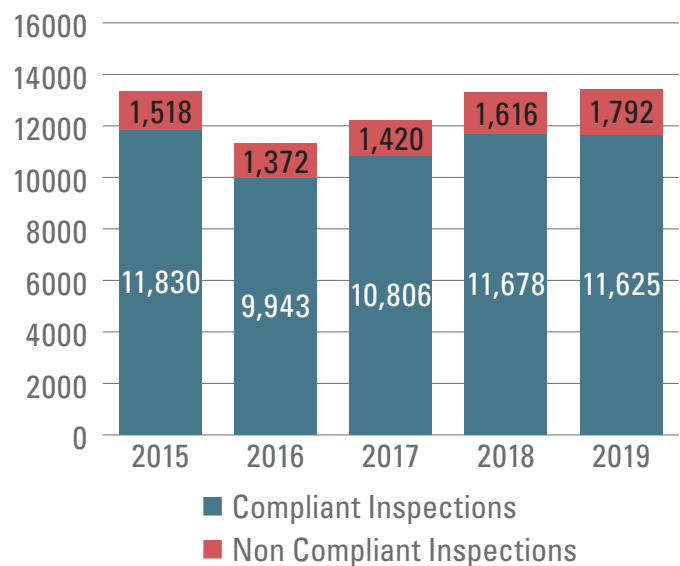
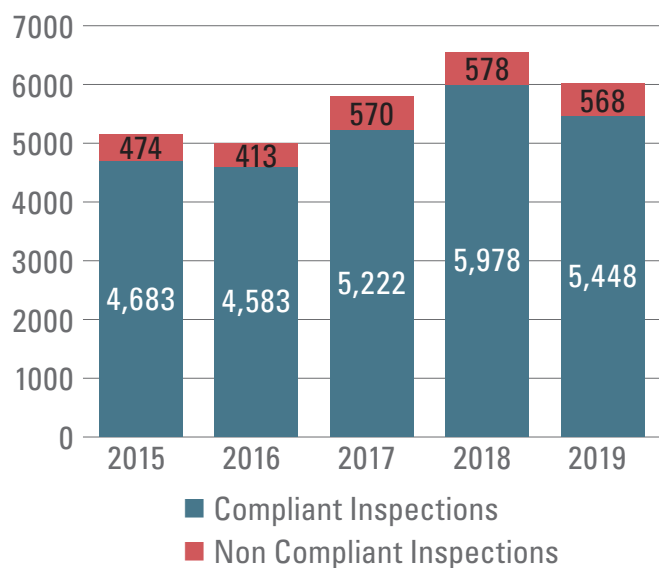


FIGURE 5. NUMBER OF STRUCTURAL INSPECTIONS 2015-2019



PESTICIDE RESIDUE MONITORING PROGRAM

Under California law, it is illegal to pack, ship, or sell produce carrying pesticide residue in excess of the permissible level, known as the residue tolerance. The U.S. Environmental Protection Agency (U.S. EPA) establishes tolerances for agricultural commodities based on pesticide toxicity, how much or how often a pesticide is applied, and how much of the pesticide remains in or on the commodity. DPR's Pesticide Residue Monitoring Program conducts inspections at wholesale markets, chain distribution centers, retail markets, farmers markets, and other businesses that sell produce in California. DPR randomly samples and tests both domestic and imported fresh fruits and vegetables to ensure they do not contain pesticide residues in excess of the permissible tolerance.

FIGURE 6. 2019 RESULTS OF RESIDUE MONITORING FOR SAMPLES OF FRUITS AND VEGETABLES

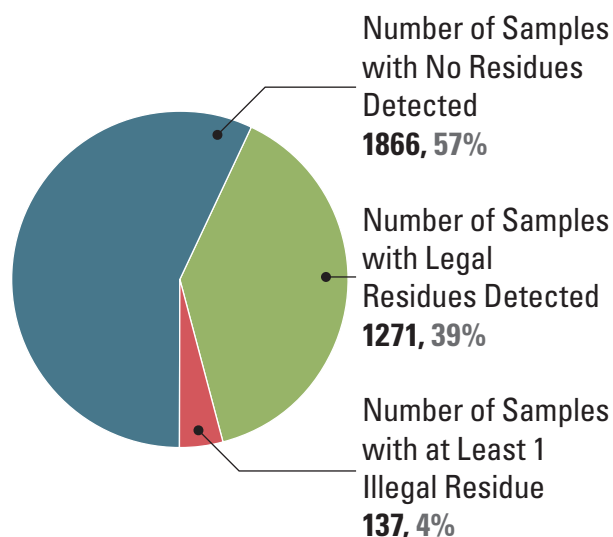
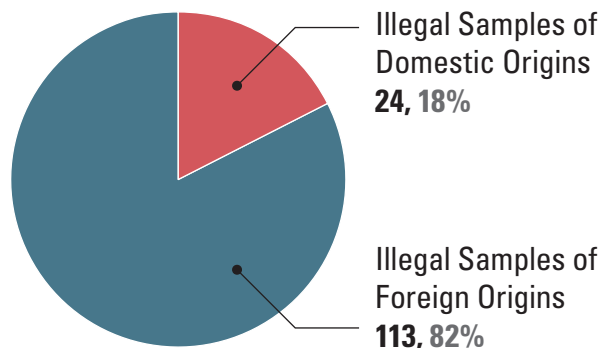


FIGURE 7. 2019 ORIGINS OF SAMPLES FOUND WITH ILLEGAL RESIDUES



In 2019, DPR collected 3,274 produce samples. Testing results showed that 96 percent of the samples either did not contain any pesticide residues (39 percent) or had only pesticide residue levels below the permissible tolerance (57 percent, Figure 6). The foreign produce imports accounted for the majority of the illegal residue samples (Figure 7).

Commodities with illegal residues include dragon fruit, tomatillo, chayote, cactus fruit, ginger, cilantro, and snow peas imported from Vietnam, Mexico, China, and Ecuador. In 2019, DPR imposed \$175,435 in civil penalties against one produce company with a history of recurring illegal pesticide residue violations.

For additional information, visit DPR's *Pesticide Residue Program* webpage: www.cdpr.ca.gov/docs/enforce/residue/rsmonmnu.htm.

PESTICIDE SALES ENFORCEMENT

All pesticide products must be registered by DPR before they can be sold in California. Prior to issuing a certificate of registration, DPR's scientific and technical staff review data on the product to ensure that it is properly labeled and will not cause human health or environmental problems, when used as directed. DPR inspectors

conduct marketplace inspections at businesses that sell pesticides throughout the state. Inspections cover a full range of pesticide products, including agricultural pesticides, swimming pool chemicals, disinfectants used by industrial facilities and restaurants, insect repellents, and insecticide-treated clothing and apparel. In 2019, DPR settled 63 cases with businesses and individuals that sold 123 unregistered or misbranded pesticide products in California (Figure 8). A number of those cases involved products that are not typically thought of as pesticides:

- In one case, a company had a settlement for \$310,500 for the use of unregistered cement boards.
- In another case, a company agreed to pay \$125,329 for the sale of an unregistered vegetative stimulator product.
- Additionally, a company in another case settled for \$35,000 for selling cleaning and disinfecting wipes that DPR identified as making false antimicrobial claims.

FIGURE 8. DPR PRODUCT COMPLIANCE PROGRAM OUTCOMES 2015-2019

Penalties for Unregistered and Misbranded Products

Year	Unregistered Products in Case Settlements	Cases	Penalties
2015	220	96	\$1,716,648
2016	333	85	\$1,423,377
2017	156	49	\$1,775,526
2018	155	58	\$1,044,255
2019	123	63	\$1,786,906

DPR staff also conducts inspections throughout California at U.S. EPA-registered producer establishments that manufacture and package pesticide products. Inspections focus on proper labeling, container safety standards, and verification that pesticide producers have designed and maintained storage facilities and dispensing equipment to mitigate any possible pesticide spills.

ENVIRONMENTAL JUSTICE

Language Access and Bilingual Staff

DPR prioritizes Environmental Justice (EJ) and continues to implement pesticide regulations to enhance the safety of farmworkers, the community, and the environment. DPR has hardworking staff who value stakeholder engagement and collaboration through meetings, hearings, and surveys to improve regulatory programs and increase assistance to the CACs.

DPR staff participate in meetings with stakeholders to provide accurate information on pesticide regulations and worker/community safety. Currently, DPR has 13 certified Spanish bilingual and bicultural staff to answer questions and concerns about pesticide rules, policies, programs, laws, and regulations. Staff continue to be invited to conduct virtual presentations, as well as radio and television interviews for stakeholders. DPR staff also assist in the development and translation of outreach materials requested by community members, such as safety materials for cannabis growers, sanitizer safety, produce safety, and maintenance gardener safety.

Expanded Social Media and Website

In 2019, DPR analyzed every publication and every video on its website to ensure compliance with the Americans with

“DPR PRIORITIZES ENVIRONMENTAL JUSTICE AND CONTINUES TO IMPLEMENT PESTICIDE REGULATIONS TO ENHANCE THE SAFETY OF FARMWORKERS, THE COMMUNITY, AND THE ENVIRONMENT.”

Disabilities Act (ADA). In 2018-2019, DPR had more translated and ADA compliant outreach and educational materials available than in the first 25 years of DPR's existence. Last year, it also had more videos, social media posts, and press releases in Spanish than in prior years.

In 2018, DPR contracted with California State University, Fresno to create a series of Hmong language pesticide safety video. Working with the University of California Cooperative Extension Fresno County, a team of Fresno State students created the series of nine videos. The team spent over 700 hours working to provide this Worker Protection Standard training content to Hmong growers and pesticide applicators in the San Joaquin Valley.

Reporting Pesticide Incidents

Mobile App

DPR receives about 300 pesticide complaints annually and has many ways for people to report pesticide incidents. Last year, with stakeholder input, DPR launched CASPIR (California's System for Pesticide Incident Reporting), an application that mobile phone users can use to report suspected pesticide incidents. The free mobile application is bilingual (English and Spanish) and users can upload photographs and videos to provide more details about the incident. The application also uses a GPS system to help users pinpoint their location, which can be especially useful in rural areas. The reports are confidential and can be submitted anonymously. For more information visit DPR's *CASPIR* webpage: <https://www.cdpr.ca.gov/docs/dept/quicklinks/caspir.htm>. Learn more about CASPIR in this video: <https://www.youtube.com/watch?v=JsRloEu9e4c&feature=youtu.be>.

Toxics

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

The Department of Toxic Substances Control (DTSC) and Local Certified Unified Program Agencies (CUPA), as certified in CalEPA's Unified Program, enforce laws pertaining to hazardous materials and hazardous waste management. DTSC oversees facilities that have permits that allow them to handle, generate, transport, or treat hazardous waste. DTSC also oversees transportable hazardous waste treatment units, as well as electronic waste recyclers, processors, and collectors. It inspects facilities for compliance with hazardous waste treatment, storage, transportation, and disposal requirements.

DTSC'S ENFORCEMENT HIGHLIGHTS

Enforcement and Emergency Response Division

385	Inspections
56%	Inspections performed in a disadvantaged community*
340	Imperial and Trinity County Inspections
71	Financial Review Inspections
4,809	Vehicles inspected at California Ports of Entry
16	On-site complaint investigations
48	Enforcement cases settled
9	Civil cases referred to Attorney General
5	Civil cases settled by Attorney General

Office of Criminal Investigations

123	Complaint Investigations
54%	Complaint Investigations performed in a disadvantaged community*
98	Criminal cases under investigation
42	Administrative actions initiated
96	Criminal investigations completed
14	Criminal cases referred to local District Attorney/ California Attorney General
1	Arrest
17	Convictions (Criminal and Civil)
1	Felony Conviction
\$4,082,376	Settlement dollars awarded (EERD \$3,449,928 + OCI \$632,448)
147	Illegal Drug Lab Hazardous Waste Removals; 36% conducted in disadvantaged communities
47	Off-Highway Hazardous Waste Removals; 38% conducted in disadvantaged communities
\$1,093,987	Total cost of Illegal Drug Lab and Off-Highway Hazardous Waste Removals

* Designating "disadvantaged community" as the highest scoring 25% of census tracts from CalEnviroScreen 3.0 (CalEnviroScreen is a screening tool used to help identify disproportionately burdened by multiple sources of pollution and with population characteristics that make them more sensitive to pollution).

DTSC resolved several significant cases in 2019, including:

**USS POSCO Industries,
Pittsburg, Contra Costa County**

DTSC settled an \$825,000 enforcement case against **USS POSCO Industries (UPI)**, a steel finishing plant, on Dec. 12, 2019. UPI allowed lead and zinc contaminated dust and debris to accumulate and then disperse by wind and rain into the environment. The company also failed to use waste containers, labels, inspections, and other forms of proper waste management and managed hazardous waste without authorization. UPI agreed to perform corrective action to remediate hazardous waste releases at the facility, including the lead and zinc-contaminated dust and soil. This resulted in the removal of over 5 tons of contaminated dust. UPI's facility is located in a community that is disproportionately burdened by multiple sources of pollution.

**Phibro-Tech, Inc.,
Santa Fe Springs, Los Angeles County**

On Jan. 8, 2019, the Los Angeles County Superior Court approved a \$495,000 penalty against **Phibro-Tech, Incorporated (PTI)** for violating California hazardous waste laws. PTI is a permitted hazardous waste facility. The facility was penalized for the illegal storage of various types of hazardous waste, use of unauthorized equipment, illegal treatment of waste containing cyanide, falsely representing information in operator documents, and failure to make a hazardous waste determination. PTI is located in a community with a high cumulative exposure to multiple sources of pollution.

**Strategic Materials, Inc.,
Sacramento, Sacramento County**

In June 2019, **Strategic Materials, Inc. (SMI)** agreed to pay \$1.2 million to settle

allegations of multiple hazardous waste violations. The allegations included the illegal disposal of over 500,000 pounds of universal waste batteries received from offsite sources. SMI agreed to pay \$900,000 to DTSC in civil penalties; spend \$300,000 to implement more protective measures, including on-site improvements; and provide \$47,000 toward a Supplemental Environmental Project to develop hazardous waste training programs related to the proper management of universal waste. The injunctive terms for the settlement apply to all six SMI facilities in California. DTSC also required SMI to implement a DTSC-approved load-check program to reject loads containing hazardous waste; regular waste storage area inspections; and proper onsite waste characterization. SMI identifies itself as the largest glass recycler in North America and converts recyclable glass into furnace-ready recycled glass cullet that they then sell to glass manufacturers. The facility in Sacramento is located in a community that is disproportionately burdened by multiple sources of pollution.

**American Industrial Services,
Long Beach, Los Angeles County**



DTSC's Office of Criminal Investigations (OCI) conducted an investigation into **American Industrial Services (AIS)** located in a disadvantaged community,

historically disproportionately burdened by environmental pollutants. DTSC's investigation was conducted at an AIS construction and demolition waste collection and processing facility where it discovered illegal disposal of hazardous waste and approximately half a million tons of construction debris stockpiled up to 20 feet high. Samples collected from the pile showed that it contained asbestos and hazardous waste levels of lead and copper. DTSC received assistance from the South Coast Air Quality Management District, CalRecycle, Los Angeles County Public Health, and the Los Angeles City Certified Unified Program Agency. The investigation resulted in two criminal convictions. In May 2019, the AIS owner pled guilty to a felony charge for illegal disposal of hazardous waste and was sentenced to three years of probation and ordered to pay \$115,000 in restitution and \$97,570 in a criminal penalty assessment.

Freon Free, Statewide

In 2019, DTSC penalized a Bay Area appliance recycler, **Freon Free**, for its mishandling and incineration of hazardous waste. DTSC's Office of Criminal Investigations and the Enforcement and Emergency Response Division conducted on-site inspections at Freon Free locations in Fairfield, American Canyon, and Orland. DTSC discovered Freon Free was burning hazardous waste without a permit, increasing the risk of an on-site fire or explosion, illegally treating two to three ammonia-containing refrigerators per week by bolt-cutting refrigerant lines and releasing their contents into a container with water, and storing hazardous waste without a permit. A civil judgment in November 2019 required Freon Free to pay a penalty of \$145,760 for its mishandling and incineration of hazardous waste.

DTSC'S SPECIAL PROJECTS

Violation Scoring Procedure

The Violations Scoring Procedure (VSP) regulations (Cal. Code Regs., tit. 22, §§ 66271.50-66271.54), which took effect on January 1, 2019, apply to all operating permitted hazardous waste facilities, except for facilities solely authorized under a post-closure permit or order, or a permit or permit modification for closure only. The VSP regulations establish a process for evaluating and scoring a facility's Class I violations over a rolling ten year period, so DTSC can assign the facility to one of three compliance tiers. DTSC's Permitting Division will then consider, among other information, the Facility VSP Score and compliance tier assignment as part of its review of a hazardous waste facility's compliance history when deciding to issue, deny, revoke, suspend, or modify a facility's permit.

DTSC's Enforcement and Emergency Response Division (EERD) is required to calculate an annual Facility VSP Score for each facility. A Facility VSP Score consists of the sum of the inspection violation scores for each "compliance inspection" conducted during the preceding ten year period, ending on Dec. 31 of the prior calendar year, divided by the number of inspections. An inspection violation score is the sum of the scores for all Class I violations found during a compliance inspection, including any adjustments for repeat violations. By Sept. 30 of each year, EERD issues a Facility VSP Score, including all provisional and final inspection violation scores used to calculate the Facility VSP Score, and compliance tier assignment to all facilities. EERD posts all Facility VSP Scores and compliance tier assignments onto DTSC's website by Dec. 31 of each year.



In 2019, EERD completed all VSP scoring requirements, including calculation of all violation scores (70 inspection scores) and Facility VSP Scores (78 facility scores), and made corresponding compliance tier assignments.

Emergency Response

On Aug. 19, 2019, DTSC's hazardous materials crews began removing debris from 15 commercial properties destroyed in the 2018 Camp Fire. DTSC assisted CalRecycle with the removal of commercial debris that had elevated levels of lead and cadmium. Typically, debris associated with wildfire cleanups is transported by CalRecycle to a Class 2 or Class 3 landfill. The elevated concentrations of lead and cadmium from the commercial properties required that the debris be transported and disposed of at a Class 1 hazardous waste landfill. The debris removal operation was completed on Sept. 13, 2019 and DTSC's HazMat crew

remained onsite until Sept. 27, 2019, removing mercury-contaminated debris from five residential properties.

During the February 2019 Sonoma County Floods, Sonoma County contacted the California Governor's Office of Emergency Services to request assistance from DTSC's Emergency Response (ER) Program. As a result of the flooding, close to 2,500 properties were impacted along the Russian River. The ER Program assessed and removed household hazardous waste (HHW) and e-waste from several staging areas established by Sonoma County as well as conducted curbside sweeps of neighborhoods impacted by the flooding. ER also assisted Sonoma County with two HHW and e-waste collection events on March 9, 2019 and March 23, 2019. DTSC completed that response action in three weeks.

Water

STATE WATER RESOURCES CONTROL BOARD

The California Water Boards are comprised of the State Water Resources Control Board (State Water Board), located in Sacramento, and the nine semi-autonomous Regional Water Quality Control Boards, located in specific watersheds throughout California. Collectively called the Water Boards, they are dedicated to a signal vision: abundant clean water for human uses and environmental protection to sustain California's future.

In implementing the state and federal Safe Drinking Water Acts, the State Water Board's Division of Drinking Water (DDW) oversees 7,769 water utilities, and an environmental lab accreditation program that regulates 675 laboratories. The State Water Board's Division of Water Rights administers 40,684 water rights. Under the Water Boards' water quality authorities, the Water Boards also have regulatory responsibility for protecting the water quality of nearly 1.6 million acres of lakes, 1.3 million acres of bays and estuaries, 211,000 miles of rivers and streams, and about 1,100 miles of California coastline and regulate over 100,000 facilities that discharge and those that potentially discharge pollutants, or require cleanup to protect water quality. In carrying out the Water Boards' responsibilities, staff in 2019 conducted 10,151 inspections, identified 15,799 violations, issued 11,793 enforcement actions, and imposed \$19,419,746 in penalties.

WATER BOARD ENFORCEMENT HIGHLIGHTS

\$3.7 million settlement reached following multi-agency probe of vineyard development



Rhys Vineyards, LLC, agreed to pay \$3.7 million to settle allegations of multiple violations of the federal Clean Water Act while developing a hillside property that straddles the South Fork Eel River and North Fork Ten Mile River watersheds in Mendocino County. Rhys Vineyards, LLC was also investigated for violations of the state's Water Code, North Coast Water Quality Control Plan, and Fish and Game Code.

The investigation, and ensuing settlement negotiations, involved the State Water Board, North Coast Regional Water Quality Control Board, and Department of Fish and Wildlife, and stretched over four years. The settlement represents a substantial and unique agreement involving multiple agencies and Water Board programs, and a significant settlement amount coupled with required corrective actions.

Rhys Vineyards agreed to have approximately \$1.89 million of the \$3.7 million settlement amount fund two habitat restoration projects. One is a supplemental environmental project (SEP)

in the nearby South Fork Ten Mile River, overseen by the Nature Conservancy, to restore aquatic habitat to support resident fisheries and wildlife. The other is a project to enhance instream habitat in Dutch Charlie Creek managed through the National Fish and Wildlife Foundation. The agreement also requires the vineyard to correct the entire road network on the property, mitigating or eliminating future sediment impacts. This kind of soil erosion, from the hillside to the watershed below, is a major source of pollution throughout the region. Excessive sediment negatively impacts the migration, spawning, and reproduction of salmonid species, such as endangered Chinook and Coho salmon and steelhead trout, found within the impacted watersheds.

Fraud, Waste, and Abuse Prevention Unit closed three cases involving overbilling, false claims, or inflated invoices

In January 2019, a settlement between **Hayden Environmental Inc. (HEI)** and the State Water Board was reached over allegations of overbilling the Underground Storage Tank Cleanup Fund. As part of the settlement, HEI agreed to pay \$100,000 in penalties and was debarred from work overseen, directed, funded, submitted to, or administered by the State Water Board. In addition, the principals, Kurt and Julie Hayden, were disqualified from all work involving the State Water Board. The Haydens also entered guilty pleas in a related criminal matter in Santa Barbara County.

In December 2018, a settlement between **SOMA Environmental Engineering Inc. (SOMA)**, based in Pleasanton, and the State Water Board was reached over allegations of submitting false documents and padded invoices to the Underground Storage Tank Cleanup Fund. The State

Water Board's Fraud Prevention Unit was able to demonstrate by using video surveillance that work was not being conducted as claimed. SOMA paid a \$200,000 settlement, and the company and its principal, Mansour Sepehr, were disqualified from participating in any State Water Board reimbursement program.

In March 2019, a settlement between **GSA Engineering Inc. (GSA)**, based in Los Angeles, and the State Water Board was reached over allegations of submitting inflated invoices to the Underground Storage Tank Cleanup Fund and making kickback payments to a laboratory that conspired to falsify reports. As part of the settlement, GSA paid a \$90,000 penalty, and the company and its principal, Daniel Louks, were disqualified from participating in any State Water Board reimbursement program.

Steelhead Creek, Homelessness, and Water Quality

Central Valley Regional Water Quality Control Board staff has been working in a collaborative manner with the city of Sacramento, Sacramento Stormwater Quality Partnership, Sacramento Area Sewer District, multiple flood control agencies, and several watershed groups to clean up and restore the habitat in Steelhead Creek. Long-term campers experiencing homelessness congregate and live along the creek's banks, which results in trash and materials that are a threat to water quality. The cleanup group addressed the riparian areas of the creek by removing 60 tons of trash in September 2019.

Environmental Laboratory Accreditation Program imposes penalties and revokes accreditation of a lab in Chino for fabricating data

Environmental Laboratory Accreditation Program (ELAP) launched an investigation

into Western Analytical Laboratory, Inc. (WAL) after receiving a complaint from the San Diego Regional Water Quality Control Board. During an unannounced inspection, ELAP determined WAL had fabricated official laboratory reports by copying data generated by an unaccredited laboratory onto its own laboratory letterhead. ELAP investigators additionally found that the laboratory was using data sheets containing pre-filled analytical results, was misrepresenting its accreditation to clients by claiming to be accredited for an analytical test it was not, and was unable to provide adequate sample data information including analysis time and date, quality control checks, and incubation temperature and times.

Based on the determinations of misconduct, ELAP issued a Notice of Revocation of the lab's accreditation, a Notice of Denial of Application for reaccreditation, and a \$90,000 citation. Upon petition to the State Water Board in 2020, the State Water Board upheld the Denial of Accreditation and Citation for penalties and set forward a plan for the lab to remediate its deficiencies and regain accreditation.

Investigation of perfluoroalkyl and polyfluoroalkyl substances (PFAS)

There is increasing statewide concern regarding the possible contamination of California's water resources by perfluoroalkyl and polyfluoroalkyl substances (PFAS). PFAS is a family of fluorinated organic chemicals used extensively since the 1940's for multiple consumer, commercial, and industrial purposes. Studies indicate ecological impacts and human health impacts such as cancer, non-cancer, and developmental effects. People are exposed to PFOS (perfluorooctane sulfonic acid) and PFOA

(perfluorooctanoic acid) through food, food packaging, consumer products, house dust, and drinking water. Exposure through drinking water has become an increasing concern due to the tendency of PFASs to accumulate in groundwater.

Understanding the prevalence of PFAS in California's drinking water is a priority of the State Water Board. In response, the board initiated a comprehensive effort to investigate the nature and scope of the issue in California's water resources.

Between March 2019 and July 2020, the Water Board focused on areas most vulnerable to PFAS contamination. Investigative orders were issued to airports, landfills, and chrome plating facilities for soil, groundwater, and stormwater sampling and analysis. Public water supply systems with source wells adjacent to most of these locations received orders for the testing. As a means of understanding the mass of PFAS entering and exiting the wastewater treatment processes, influent and effluent samples are being taken and analyzed along with samples of the solids (i.e., biosolids and sludge) and liquid concentrates produced at waste water treatment plants. The goal of the investigations is to ensure that communities reliant on public water supply wells impacted by PFAS are served safe drinking water either through treatment, or replacement water; and that sources impacting the wells are identified and addressed.

In 2019, the Legislature passed, and the Governor signed, Assembly Bill 756 (Health and Saf. Code § 116378), providing the State Water Board with specific and increased authority to require public water systems to monitor for PFAS and require water systems to take certain actions if specific concentrations of PFAS are found.

This investigative effort, which focuses on both sources and receptors of PFAS, will be used to inform the development of a regulatory structure in the protection of California's water resources. The Water Boards will continue to use the tools at its disposal, including enforcement actions, to ensure the safety of California's water resources.

Completion of the Kettleman City Surface Water Treatment Plant and consolidation effort results in reliable and compliant drinking water

Kettleman City is a community located in the western side of California's Central Valley in Kings County. The Kettleman City Community Services District owns and operates the water system, which delivers drinking water to a residential population of approximately 1,500 people and additionally serves approximately 50 commercial connections. Prior to 2019, the community was served drinking water produced by two groundwater wells. These wells produced drinking water high in arsenic and benzene. Although treatment plants at the well sites effectively removed the high benzene levels, no treatment was provided to mitigate arsenic. In 2009, Kettleman City was issued a compliance order for violation of the Arsenic Rule by the California Department of Public Health, which oversaw drinking water at that time, before the program moved to the State Water Board. At that time, Kettleman City endeavored toward an infrastructure project which would reliably serve compliant drinking water.

Successfully punctuating years of hard work, the Kettleman City Community Services District completed construction and began operation of a new surface water treatment plant (SWTP) in 2019. The plant treats water from the adjacent California Aqueduct and then delivers this

treated surface water to the community through residential and commercial connections. Drinking water delivered by the plant meets all applicable drinking water standards. Furthermore, use of the contaminated groundwater wells is no longer necessary as the SWTP can meet all of Kettleman City's drinking water needs. Motivated and led by a strong and active community, and funded by the State Water Resources Control Board and USDA, the project required heavy collaboration, outreach, and partnership. Key project partners were the Kettleman City residents, businesses, the Kettleman City Community Services District, Environmental Justice partners, the State Water Board's Division of Drinking Water and Division of Financial Assistance, USDA, Kings County, and Self-Help Enterprises.

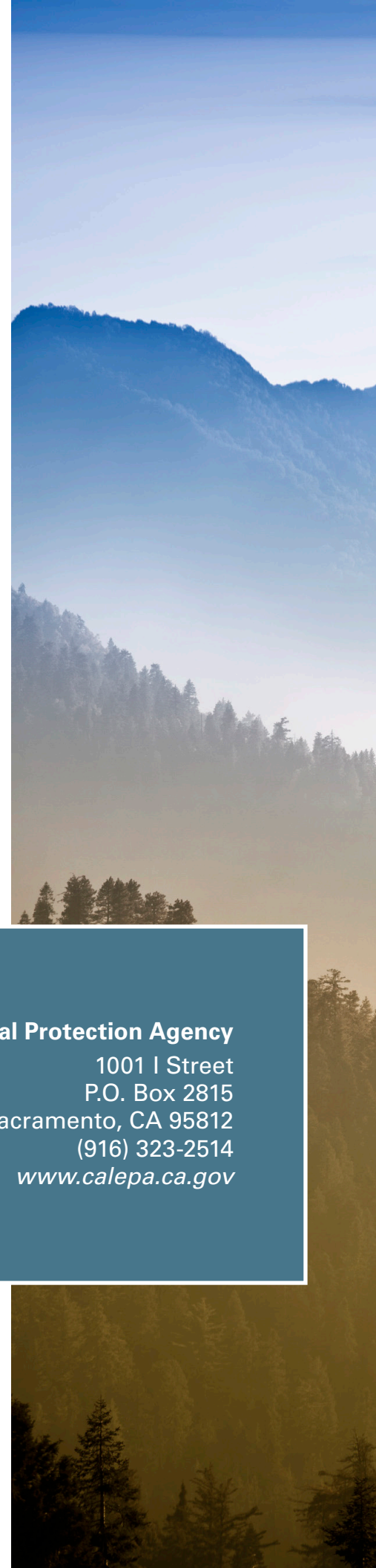
In addition to serving the community compliant drinking water, the project enabled consolidation of the local elementary school, which was previously served water through its own arsenic contaminated groundwater well. Completion of the SWTP and the consolidation effort resulted in reliable and compliant drinking water for the community and the school.

Health

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

The Office of Environmental Health Hazard Assessment (OEHHA) is the lead state agency for the assessment of health risks posed by environmental contaminants. OEHHA's mission is to protect human health and the environment through scientific evaluation of risks posed by hazardous substances.

OEHHA has no enforcement authority. Instead, OEHHA performs the scientific assessments used by CalEPA's boards and departments, and other regulatory agencies, in the development of standards and regulatory decisions, including enforcement decisions.



California Environmental Protection Agency

1001 I Street
P.O. Box 2815
Sacramento, CA 95812
(916) 323-2514
www.calepa.ca.gov