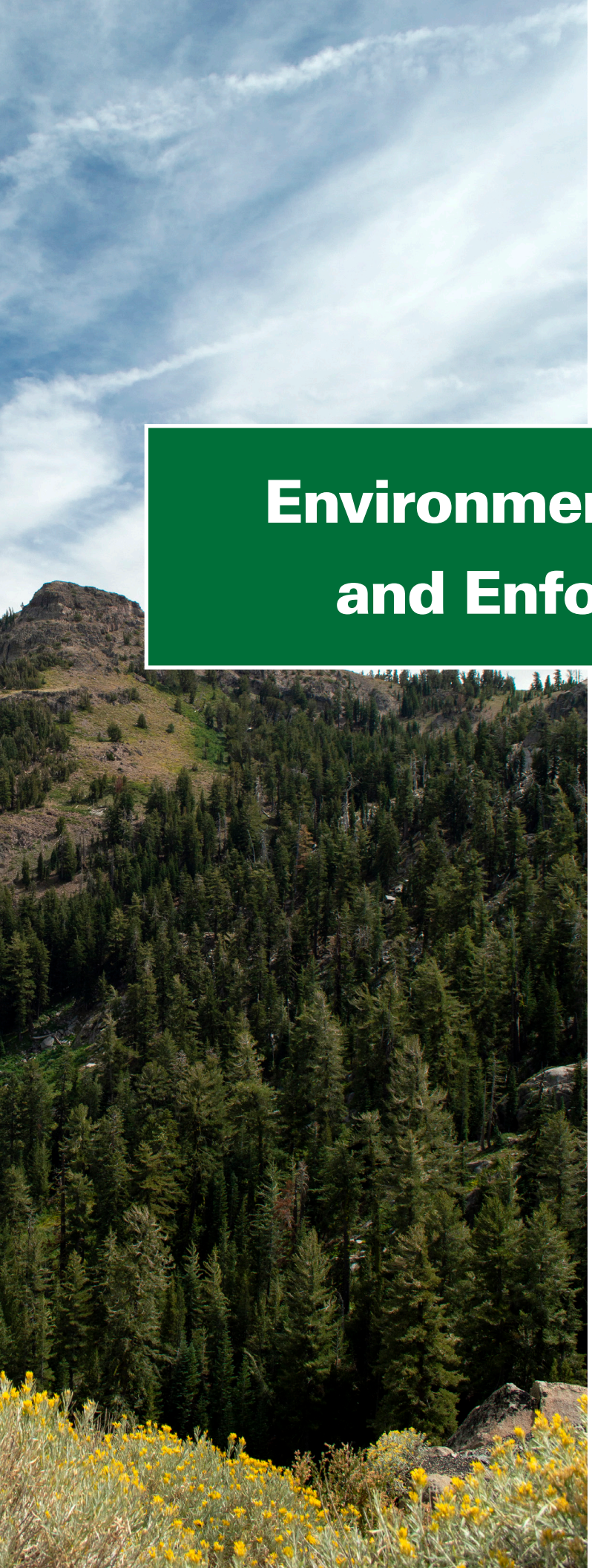


2020

Environmental Compliance and Enforcement Report

CalEPA
California Environmental Protection Agency

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

This report provides agency-wide summary information on environmental enforcement and compliance programs for 2020. 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

The mission of the California Environmental Protection Agency (CalEPA) is to restore, protect and enhance the environment and to ensure public health, environmental quality, and economic vitality in the state of California. The twin challenges of climate change and environmental injustice make CalEPA's mission more vital than ever. Central to that mission is a robust, equitable, and forward leaning enforcement and compliance program. California enjoys some of the most robust environmental protection laws in the country. But without effective enforcement, these laws risk losing meaning. The 2020 Enforcement Report provides an overview of CalEPA's enforcement activities, highlighting the enforcement and compliance work of the CalEPA Office of the Secretary, as well as its boards, departments, and offices (BDOs).[1]

In addition to the everyday obstacles facing environmental regulators, 2020 brought a new challenge for regulatory agencies and the regulated community: the COVID-19 pandemic. While the state implemented new policies to address the pandemic, many environmental policies and regulations were altered or temporarily suspended as a result of COVID-19. In general, all regulatory agencies were forced to impose teleworking requirements, travel restrictions and, for some, virtual inspection procedures. This report highlights the innovative ways that CalEPA's BDOs continued to meet their statutory obligations to protect public health and the environment, while ensuring the safety of their staff.

ABOUT CALEPA

CalEPA is statutorily charged with ensuring that its BDOs and other agencies responsible for implementing provisions within its jurisdiction take consistent, effective, and coordinated compliance and enforcement actions to protect public health and the environment. CalEPA is also charged with establishing a training program that includes cross-training of inspection and enforcement personnel within the BDOs and other federal, state, and local agencies to ensure and promote consistent, effective, and coordinated cross-media enforcement.

Of the BDOs within CalEPA, the following five have inspection and enforcement authority: the California Air Resources Board (CARB), the Department of Pesticide Regulation (DPR), the Department of Resources Recycling and Recovery (CalRecycle), the Department of Toxic Substances Control (DTSC), and the State Water Resources Control Board (SWRCB), along with its Regional Water Quality Control Boards (RWQCB) (collectively Water Boards). Collectively, these boards and departments enforce environmental laws that regulate air pollution from mobile and stationary sources; water quality and drinking water; hazardous waste and other toxic substances; the registration, sale, and use of pesticides; and solid waste recycling and source reduction.

1 For more detailed information about ongoing CalEPA enforcement activities, please see the websites of the boards and departments referenced in this report.

Apart from setting cross-BDO policy goals, CalEPA's enforcement activities include administering the Unified Program, funding beneficial projects with tangible public health and environmental benefits through the Supplemental Environmental Projects program, managing a cross-media enforcement training program, coordinating a steering committee focused on multimedia environmental enforcement, leading the multi-agency Environmental Justice Task Force, and administering a grant program that provides training funds for environmental regulators and prosecutors.

ENFORCEMENT DURING A PANDEMIC

COVID-19 brought unprecedented changes to our way of life in 2020, but shutting down environmental enforcement was never an option. CalEPA's BDOs deployed creative strategies to ensure continued enforcement, while prioritizing the health and safety of enforcement staff. Relying on remote technology, CalEPA's BDOs also strategically deployed resources to the highest priority matters.

Remote Technology

To minimize COVID-19 exposure risks for staff and the regulated community, the Water Boards began conducting virtual inspections through video conference platforms, such as Zoom, Microsoft Teams, or Webex. During a virtual inspection, representatives from the regulated facility continue to connect using a mobile device and provide real time video imagery of the facility while Compliance and Enforcement staff conducted live interviews with facility representatives. The Los Angeles Regional Water Board was the first of the regional water boards to adopt a virtual inspection strategy. To assist other enforcement staff, Los Angeles Water Board staff presented its approach during a statewide Enforcement Roundtable and the SWRCB's Office of Enforcement included a discussion panel on virtual inspections during its biennial enforcement training.

CalRecycle also pioneered virtual inspections, remote inspections, and desk audits. Desk audits and remote inspections began within weeks of the State Stay-at-Home Order. CalRecycle conducted its first virtual inspection on April 1, 2020. Using this method to conduct a pre-permit inspection of a tire recycler in Orange County allowed the new facility to open on-time. In addition to conducting inspections, CalRecycle's Waste Tire Hauler Hotline pivoted quickly and began utilizing remote technology to answer calls. By the end of 2020, hotline staff had responded to over 2,500 calls in English and Spanish.

DTSC's Office of Criminal Investigations (OCI) hosted remote weekly, monthly, and quarterly task force meetings. The remote video communication reduced risk to staff by mitigating in-person contact and saved hundreds of statewide travel hours and travel expenses. Remote communication

was also implemented with local, state, and federal partners regarding monthly coordination meetings, ongoing enforcement cases, courtroom testimony, criminal cases referred for prosecution, and follow up on pending court cases. For example, witness interviews were conducted over the phone, through video conferencing or outdoors while maintaining social distancing; high-tech surveillance for intelligence gathering continued undisturbed. Other mobile surveillance methods were unaffected. OCI identified and procured remote equipment that reduced in-person contact and the risks associated with COVID-19. DTSC improved enforcement efficiencies by using mobile printers and Jetpack Wi-Fi mobile hotspots to support laptops and cellular phones while working in the field while conducting inspections, issuing warrants, and providing mutual aid.

Safety Protocols for In-Person Inspections

The COVID-19 pandemic affected all aspects of day-to-day operations for Californians, including the regulated community and regulatory staff from state and local agencies. When in-person inspections were deemed necessary, BDOs followed protocols to enhance staff safety.

DTSC's Enforcement and Emergency Response Division (EERD) incorporated safety measures and developed an Inspection Protocol Checklist to minimize the risk of COVID-19 exposure during enforcement activities. In addition to practicing social distancing, staff were provided disinfectant alcohol, disposal gloves, and face masks; inspectors brought safety equipment with them and followed DTSC COVID-19 protocols. Prior to initiating an inspection, enforcement staff contacted the facilities to discuss safety procedures; facility representatives and DTSC inspectors limited physical contact and practiced social distancing. For example, inspectors requested that facilities collect and prepare required documents ahead of time to limit in-person contact. Some facilities were accommodating to COVID-19 precautions by setting up an area outdoors to conduct interviews and meetings with the inspectors.

Similarly, the Water Boards' compliance and enforcement staff discussed COVID-related safety measures with the facility representative prior to conducting the inspection. To determine whether an in-person inspection was necessary or even possible, compliance and enforcement staff weighed the following factors: 1) whether the facility's internal COVID-19 safety protocol allowed visitors; 2) whether the facility can accommodate safe social distancing during the entirety of the inspection; and 3) whether facility representatives present during the inspection would be wearing a face mask during the entirety of the inspection. The Water Boards provided additional personal protective equipment (PPE) to staff including a face mask or face shield, disposable gloves, and hand sanitizer. Staff were also allowed to use their personal vehicle to travel to the site.

For DPR, sampling activities in addition to exposure and environmental monitoring, are critical functions for enforcing pesticide use regulatory requirements as well as ensuring the protection of human health and the environment. As DPR carried out those functions in 2020, its top priority was the protection of DPR staff, the regulated community, and the general public from exposure to COVID-19.

DPR provided staff with all COVID-19 related personal protective equipment

(PPE) necessary to conduct their jobs and maintain a safe working environment. Additionally, DPR's Industrial Hygienist participated in monthly round table discussions with fellow industrial hygienists from the CalEPA BDOs to develop safety protocols for inspectors.

To assist the CACs in carrying out their work during the pandemic, DPR developed guidelines on the following subjects:

- DPR COVID-19 Quick Reference Guide for Staff
- DPR Field Staff Protocols during the COVID-19 Emergency
- COVID-19 - Pesticide Use Near/ Around Schools and Homes
- COVID-19 - Essential Functions
- N95 Alternatives for Pesticide Handling
- Compliance with Personal Protective Equipment Requirements for Pesticides During the Covid-19 Emergency
- Gloves for Handling Pesticides

Strategically Deploying Reduced Field Resources

Despite enforcement adaptations, the COVID-19 pandemic undoubtedly caused a reduced field presence. As a result, the BDOs responded by focusing efforts where most needed.

For example, in 2020, CARB staff inspected 11,698 diesel fleet vehicles, resulting in 1,350 citations issued. While this represents a 28 percent reduction in vehicles inspected, and a 56 percent reduction in citations issued from 2019, 8,006 vehicle inspections (68 percent), were conducted in disadvantaged communities.

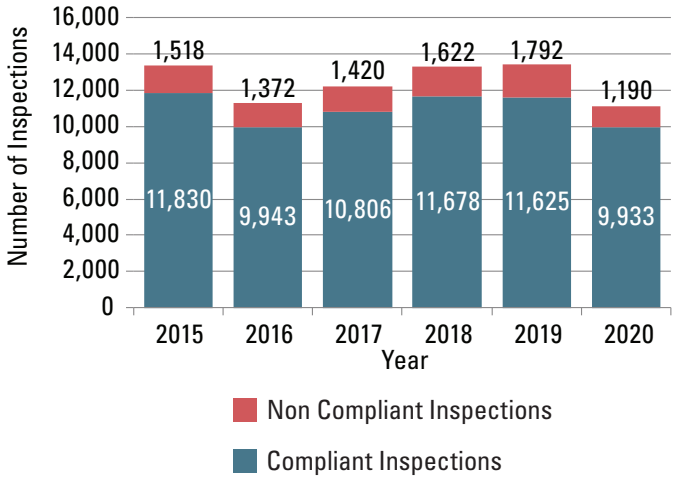
To supplement the decrease in CARB's ability to conduct field inspections, staff enhanced enforcement efforts using an Area-Focused Investigation (AFI) strategy that concentrated enforcement in communities participating in CARB's Community Air Protection Program, per Assembly Bill 617 (Garcia, 2017), and other disadvantaged communities. These include communities surrounding freight hubs and distribution centers. In an AFI, enforcement division staff conduct an in-depth review of the facilities and companies that either reside in or frequently operate in targeted areas. The results of the review are used to develop recommendations and enforcement strategies at the identified facilities. The enforcement strategies identify which emission sources and data sources should be evaluated and which CARB regulations apply to each facility or company.

In 2020, CARB conducted AFIs for Santa Maria, Salinas and West Oakland. Hundreds of companies and facilities were identified, screened and reviewed in each of these three locations. The AFI teams recommended 133 companies in these regions for audit, and 29 audits have been initiated. In addition, the AFI teams identified 20 potential facilities and companies for field inspections in Santa Maria, and 40 facilities and companies for inspection in Salinas. Due to COVID-19 travel restrictions, enforcement staff were unable to conduct in-person field inspections for these AFIs in 2020, but the work is ongoing.

In addition to AFIs, CARB received 709 heavy-duty diesel program complaints in 2020, which were evaluated using a new triage process designed to ensure effective response. Of these, 73 of the highest priority complaints were queued for audit, where staff investigate the vehicle fleet belonging to the company. CARB sent field inspectors to 24 locations where on-site inspections were deemed the most appropriate action.

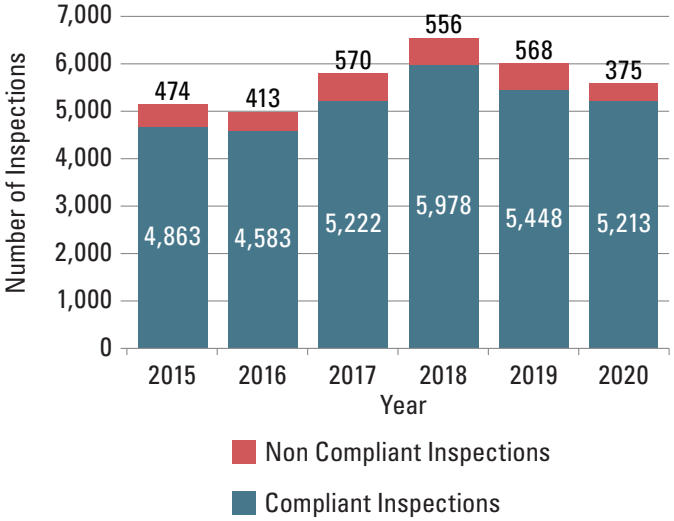
Due to the agricultural industry being declared an essential industry to ensure the country's food supply, DPR and the County Agricultural Commissioners (CACs) remained committed to serving the public and continued to enforce pesticide sales and pesticide use laws. In 2020, the CACs conducted over 11,000 agricultural inspections in California (see Figure 1). Approximately 11 percent of the inspections conducted in 2020 documented at least one violation. The top two violations in agricultural inspections were failure to follow the pesticide product label and/or permit conditions (Food and Agricultural Code, Section 12973) and failure to provide or wear appropiate personal protective safety equipment (3 CCR, Section 6738).

FIGURE 1:
NUMBER OF AGRICULTURAL INSPECTIONS (2015-2020)



The CACs also conduct inspections of applicators and businesses performing structural pest control in and around homes and buildings. In 2020, CACs conducted approximately 5,600 structural inspections (see Figure 2). CACs documented violations in about 7 percent of the inspections. The top two violations were failure to follow product label requirements (Food and Agricultural Code, Section 12973) and failure to provide or wear appropriate personal protective safety equipment (3 CCR, Section 6738).

FIGURE 2:
NUMBER OF STRUCTURAL PEST CONTROL INSPECTIONS (2015-2020)



Office of the Secretary

SECRETARY JARED BLUMENFELD'S ENFORCEMENT VISION

As the primary point of accountability for the management and implementation of CalEPA's statutory responsibilities and related programs, 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[2] which was distributed in February 2020. In short, the memo emphasizes the following 10 enforcement priorities:

- Leadership
- Planning, Prioritization, and Effective Resource Utilization
- Local Government Enforcement Oversight and Coordination
- Multimedia and Cross-Program Enforcement
- Well-Trained Enforcement and Compliance Assistance Personnel
- State and Federal Enforcement Partners
- Tribal Enforcement Partners
- Enforcement and Program Integration
- Enforcement and Communications Coordination
- Equity in Enforcement

Throughout 2020, CalEPA's BDOs have implemented these priorities. A brief description with highlights is provided below.

2 *Secretary Blumenfeld's Enforcement Memo*: https://calepa.ca.gov/enforcement/

Effective Resource Utilization and Equity in Enforcement

CalEPA's enforcement priorities overlap and cross-pollinate. By using data, we can advance equity by strategically deploying enforcement resources on the most vulnerable and overburdened communities. For example, CalEnviroScreen, a mapping tool developed by CalEPA's Office of Environmental Health Hazard Assessment, identifies the California communities that are most affected by multiple sources of pollution and where people are often especially vulnerable to pollution's effects. Communities with higher CalEnviroScreen scores experience higher pollution burdens.

In 2020, DTSC conducted 209 inspections, of which 60 percent were in communities with a CalEnviroScreen score of 75-100.

In 2015, CARB prioritized environmental justice in enforcement by setting a goal to conduct half of all inspections in disadvantaged communities. In 2020, CARB substantially exceeded that goal. It inspected 11,698 diesel vehicles — 8,006 of those inspections occurred in disadvantaged communities. CARB's enforcement team also inspected 1,737 ships and other equipment at ports and railyards — 73 percent of these inspections in 2020 were in or benefited disadvantaged communities.

Local Government Enforcement Oversight and Coordination

In May 2018, CARB initiated a review of the Imperial County Air Pollution Control District's Enforcement Program. The goal of the review was to ensure that emission sources regulated by the air district complied with air pollution control requirements. CARB reviewed the district's enforcement and permitting policies, evaluated permits issued by the

district, and observed district inspections.

CARB concluded that the district's enforcement program has a strong foundation. The district's four compliance inspectors inspect nearly all of the 800 district issued permits, at minimum, annually. Facilities with federal "Title V" permits, and which qualify as synthetic minor facilities, are inspected twice per year. District staff respond to all complaints within 24 hours of submittal, and issue NOVs and Notices to Comply (NTC) whenever they identify a violation of a permit, regulation, or statute. District inspectors attend and observe all source tests conducted at permitted facilities. These actions help ensure that permitted businesses comply with the permits to operate. From 2016 to 2018, district staff issued 611 NOVs and NTCs, which resulted in over $320,000 in penalties collected.

While the district's enforcement program is built on a strong foundation, CARB and district staff identified opportunities to further strengthen the program by clarifying permit conditions, and by making enforcement and permitting information more readily available to the regulated community and the public.

Well-Trained Enforcement and Compliance Assistance Personnel

CalEPA's BDOs continue to prioritize training. In August 2020, the Water Boards' Office of Enforcement hosted a two-day virtual training event for Water Board staff across the state. More than 175 individuals attended the training over the two days. Keynote speakers included CalEPA Secretary Jared Blumenfeld and State Water Board Chair Joaquin Esquivel. Topics at the training included: introductory courses on the 2017 Enforcement Policy and on Economic Benefit and Ability to Pay; emerging enforcement issues including those related to COVID-19; discussion panels on conducting virtual inspections and taking efficient enforcement with less resources; and a presentation on community engagement. Then-CalEPA Deputy Secretary Yana Garcia and then-CalEPA Assistant General Counsel Suma Peesapati gave a presentation on equity in enforcement. Several recent enforcement case studies were also presented, highlighting several regions' collaborative and persistent enforcement programs.

Feedback on the training was positive. To develop content for their statewide enforcement training sessions, the Office of Enforcement works closely with the nine Regional Water Quality Control Boards. The Statewide Enforcement Training is routinely held every two years, typically in-person.

Similarly, DTSC staff attended 16 enforcement and compliance related training courses included Introduction to Environmental Enforcement; Interviewing Techniques; Elements and Evidence; and Determining Economic Benefit. Western States Project offered a variety of virtual enforcement courses and trained 93 DTSC staff, 31 BDO staff, and 10 California District Attorney Association staff.

State and Federal Enforcement Partners

Coordination with state and federal enforcement partners yields better results.

The Water Boards often collaborate with the California Department of Fish and Wildlife (CDFW). CDFW's routine collaboration with the Water Boards is particularly advantageous because the Water Boards do not have a law enforcement arm and because where there are Water Code violations, there

are often violations of the Fish and Game Code. An example of this partnership includes the joint investigation and enforcement of Monterey Mushrooms. CDFW was first to observe violations from Monterey Mushrooms' Morgan Hill facility in Santa Clara County. The warden contacted San Francisco Bay Water Board staff. This was the onset of a coordinated investigation that eventually expanded to other sites in Monterey County involving the Central Coast Regional Water Board. CDFW wardens conducted inspections, provided photographs and other evidence, and participated in joint inspections with the Regional Water Boards. For more information on the Monterey Mushroom case, see page 41.

Multimedia and Cross-Media Enforcement Training

In 2020, CalEPA provided training to environmental inspectors from various state and local environmental regulatory agencies through the Basic Inspector Academy (BIA) program. BIA is a three-day class that provides regulatory inspectors and investigators with the core knowledge and skills necessary to perform and document quality environmental inspections. The BIA curriculum consists of general inspection and enforcement processes as well as an interactive mock inspection and mock courtroom testimony.

In January and February 2020, the BIA team held 2 in-person trainings: one in Clovis and one in Alameda for a total of 30 students. Between March 2020 and August 2020, regulatory staff from the SWRCB and CARB worked collaboratively to transition the in-person BIA course to a virtual one. As a result of their efforts, the BIA program remained strong throughout the COVID-19 pandemic. From September 2020 to December 2020, regulatory staff from the SWRCB, CARB, and DTSC joined virtual forces with local environmental prosecutors and successfully trained 98 inspectors/investigators from various regulatory agencies.

CalEPA also hosts an online Fundamental Inspector Course (FIC) that is free and available for anyone to take, including industry. The Fundamental Inspector Course provides a functional overview of CalEPA's BDOs and the local environmental agencies that the boards and departments oversee. It also includes an overview of environmental laws and regulations, environmental science, and basic field health and safety protocols. In 2020, approximately 100 individuals completed the online Fundamental Inspector Course.

CALEPA'S ENVIRONMENTAL JUSTICE TASK FORCE

CalEPA spearheads the Environmental Justice Task Force (EJ Task Force). Formed in 2013, the EJ Task Force is made up of representatives from regulatory agencies at all levels of government that implement and enforce environmental laws in California. The EJ Task Force identifies disadvantaged 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
- To promote interagency coordination to ensure that pollution burdens in disadvantaged communities from multiple sources are effectively addressed

Previous EJ Task Force initiatives focused their efforts in Fresno, Pacoima, Boyle Heights, East and West Oakland, Pomona, Imperial County and Stockton. For these geographic based initiatives, disproportionately impacted areas were identified using data sources such as CalEnviroScreen. Principal methods used for targeting compliance assistance and enforcement efforts in these initiatives included analyzing proximity to sensitive receptor sites and residential neighborhoods, community and local government input, size and risk of facilities, as well as patterns of previous compliance.

At the end of 2019, CalEPA undertook an assessment of the EJ Task Force. Although the geographical based approach yielded many successes over the years, CalEPA shifted the Environmental Justice Task Force from a geographic focus, to an emphasis on key sectors that raise environmental justice concerns. In 2020, CalEPA worked with the BDOs to prioritize four sectors:

Worker Protection Standards

The U.S. Environmental Protection Agency's (U.S. EPA) Agricultural Worker Protection Standard (WPS) aims to reduce pesticide poisonings and injuries among agricultural workers and pesticide handlers.

California regulations were updated in 2017 to be consistent with the revised federal Worker Protection Standard. Specifically, new pesticide safety requirements went into effect for employers and employees working in the production of agricultural plant commodities. Additionally, in March of 2018, pesticide safety training topics for fieldworkers and pesticide handlers were expanded and employer responsibilities were clarified.

Farmworkers are essential workers. They are central to safe, bountiful, and nourishing food supply, yet economic disadvantage, immigration status, linguistic isolation, and racism, makes farmworkers some of the most vulnerable workers in the American workforce. For this reason, coupled with the health risk posed by pesticide exposures, strong enforcement and strict compliance with Worker Protection Standards are critically important.

EJ Task Force efforts aim to ensure compliance with WPS requirements, to identify fieldworker concerns, and to provide education and outreach to workers.

Compost

Senate Bill 1383 (2016) established methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. In particular, the bill requires a 75 percent statewide reduction by 2025 in the disposal of organic waste. The implementation of this ambitious but important target will require the expansion of composting and anaerobic digestion infrastructure throughout the state to handle the increased diversion of compostable and digestible materials from disposal.

While compost facilities serve a critical purpose, they can have environmental and health impacts on surrounding neighborhoods if not managed well. Organics recycling facilities can cause odors, dust, particulates, emissions from engines, traffic, surface and ground water impacts, as well as issues associated with rodents and birds. Problematic land use decisions have historically led to the siting of compost and similar facilities in historically disadvantaged communities. This initiative seeks to address the impacts on overburdened communities as composting infrastructure expands.

Although compost facilities are inspected regularly by CalRecycle and the local enforcement agencies, baseline compliance data and best management practices are needed to both evaluate changes in compliance and to assist facilities in maintaining compliance as the infrastructure expands. In addition, sustainable expansion is critical to ensuring that these facilities are "Good Neighbors" within their communities.

This initiative aims to establish a comprehensive record of issues associated with compost facilities

"EJ TASK FORCE EFFORTS AIM TO ENSURE COMPLIANCE WITH WPS REQUIREMENTS, TO IDENTIFY FIELDWORKER CONCERNS, AND TO PROVIDE EDUCATION AND OUTREACH TO WORKERS."

through discussions with communities and through direct multi-media inspections of active compost sites. The information gathered will help to better understand the current issues associated with composting and to better address future issues as composting in the state increases.

Oil and Gas

California is a major producer of oil and gas resources, ranking 7th in the U.S. in crude oil production during 2018. These operations produce large volumes of a liquid by-product called "produced water," which usually contains much higher concentrations of total dissolved solids (TDS) and volatile organic compounds (VOC) than are acceptable for most beneficial uses, such as drinking water or irrigation. In California, one method of disposal is transport to a produced water pond facility where residual oil is removed and water is stored in unlined earthen pits, called ponds. These produced water pond facilities can be a source of air pollutants, including greenhouses gases, VOCs, and toxic air contaminants (TACs).

As a part of implementing Assembly Bill 32 (2006), CARB adopted the Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities Regulation in 2017 to reduce methane emissions from oil and gas production, processing, storage, and transmission compressor stations. Methane, one of the powerful greenhouse gases and the main component of natural gas and has 72 times the impact on global warming as carbon dioxide.

Communities have raised concerns with oil and gas operations in areas that suffer from extremely high pollution burdens — Wilmington (80-85 percent CalEnviroScreen percentile), Shafter (80-85 percent CalEnviroScreen percentile), South Fresno (90-95 percent CalEnviroScreen percentile), Richmond (50-55 percent CalEnviroScreen percentile), and Imperial (70-75 percent CalEnviroScreen percentile). Communities located near oil and gas operations can experience environmental and public health impacts related to these operations. Concerns of odors, excess emissions, orphan wells, flaring events and wastewater discharge and re-use from oil and gas activities, are common in communities impacted by this sector.

EJ Task Force efforts will ensure that facilities are in compliance with air emissions and waste discharge requirements, facilitate further discussions within this sector to reduce significant public health and environmental impacts affecting vulnerable communities, and identify areas for cross-BDO training and enforcement collaboration.

Metal Shredders

California law defines a "metal shredding facility" as an operation that uses a shredding technique to process end-of-life vehicles, appliances, and other forms of scrap metal to facilitate the separation and sorting of ferrous metals, nonferrous metals, and other recyclable materials from non-recyclable materials.

Metal shredders generate hazardous wastes that may contaminate the soil in unpaved areas of a facility's yard. Groundwater, adjacent water bodies and air around some shredders have been impacted due to offsite migration of contaminated soil and toxic particulates from fires.

Most of the metal shredders in the state are located in densely populated communities. Several of the shredders are within two miles of hospitals, schools, day care centers, residences, and disproportionately impacted communities. Of the nine metal shredding facilities in the state, four facilities are located within communities that fall within the top 10 percent of California's most environmentally burdened and vulnerable communities. An additional two facilities are located within the ports, also bordering some of the most vulnerable and impacted communities.

Cross-BDO enforcement within this sector aims to bridge interagency regulatory gaps and reduce the risk of significant public health and environmental impacts by identifying and stopping ongoing releases of environmental contaminants from these facilities.

"METAL SHREDDERS GENERATE HAZARDOUS WASTES THAT MAY CONTAMINATE THE SOIL IN UNPAVED AREAS OF A FACILITY'S YARD."

In 2020, the Worker Protection Standard EJ Task Force Initiative focused efforts in Riverside County, with a goal of ensuring compliance with WPS requirements, identifying fieldworker concerns, and providing education and outreach to workers. Pesticides can be a source of air and water pollution and pose health effects to farmworkers and residents in rural communities working in and living next to the agricultural fields. These are mostly poor people of color. The potential for pesticides to drift from where they are applied and onto nearby workers and communities is a concern, as many pesticides can cause acute poisoning and produce health effects that include headaches, skin irritation, nausea, and vomiting.

The Department of Pesticide Regulation (DPR) regulates the sale and use of pesticides, with the mission to protect human health and the environment. This important work could not be done without the help and support from the 55 County Agricultural Commissioners (CACs) who enforce pesticide laws and regulations at the local level.

State law requires all pesticide agricultural and non-agricultural applications to be reported to the CAC and DPR. According to data obtained from DPR's database, 4,936,177 pounds of pesticides were applied in Riverside County in 2019.

The Restricted Use Pesticides, Category 1 (Danger), which are mostly fumigants, are the most dangerous to human health and can potentially cause chronic health effects such as cancer, infertility, and birth defects. Annually, the Riverside CAC approves roughly 1,000 Notices of Intent (NOI) of restricted materials, submitted by growers. The NOIs give the CAC an opportunity to send an inspector to verify that the laws, regulations, and county recommendations are being followed and to ensure the handler is wearing the personal protective equipment required by the pesticide label.

The Riverside CAC's job is to make sure federal, state, and county laws and regulations are followed by anyone applying agricultural pesticides, if they are not followed, the CAC will take the following actions:

- Issue a notice of warning, notice of violation, etc.
- Deny county registration.
- Issue an Administrative civil penalty, with fines up to $5,000/violation.
- Refer the matter to DPR for state action or a county district attorney.

As a part of this initiative the Riverside CAC conducted follow up inspections to verify compliance with the new Worker Protection Standard training requirements. They conducted a total of 388 inspections and issued 19 Notices of Violations. In addition, they conducted inspections to verify that maintenance gardeners that apply pesticides were registered with the Riverside CAC and had a license to apply such products. They conducted a total of 629 licensing and registration inspections and issued 16 Notices of Violations.

To assess fieldworker concerns, 107 fieldworker and handler interviews were conducted at two migrant centers in the Riverside agricultural fields. These interviews were conducted to evaluate fieldworker and handler knowledge on pesticide safety, rights, and protections. These interviews were conducted in partnership between DPR, California Rural Legal Assistance and the Coachella Valley Housing Coalition. Based on these interviews, the following was noted:

- 78 percent of the fieldworkers were not aware of the CAC.
- 92 percent of the fieldworkers were not aware of CASPIR (California's System for Pesticide Incident Reporting), DPRs new mobile app.

In addition, DPR and community partners provided workers with face masks and outreach information related to the bilingual CASPIR app, which provides a quick and easy way to report pesticide incidents in California from mobile phones and tablets.

CalEPA's Environmental Complaint System

CalEPA maintains an online environmental complaint system that easily allows any member of the public to report environmental concerns related to air and water pollution, hazardous waste and hazardous materials, illegal dumping of solid waste, and misuse of pesticides. 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 Environmental 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 system.

In 2020, CalEPA received 2,880 complaints through its online reporting system across several environmental enforcement areas:

- 1,283 on air pollution
- 51 on pesticides
- 209 on recycling or solid waste management
- 341 on toxic substances
- 638 on water pollution
- 358 multi-media complaints

Of the total complaints received in 2020, 230 resulted in environmental violations and/or compliance issues. More information is available on *CalEPA's Environmental Complaint System webpage* or click directly into the *Environmental Complaint System*.

Air

CALIFORNIA AIR RESOURCES BOARD

In California, CARB is charged with enforcing its regulations applicable to mobile sources, consumer products and other area-wide categories, fuels, and climate programs. CARB is also charged with overseeing the implementation of local air district permit and enforcement programs that apply to stationary industrial pollution sources. These enforcement and oversight roles are coordinated by CARB's Enforcement Division.

CARB's enforcement programs are designed to ensure that emission reductions envisioned when a regulation is adopted are achieved in practice. CARB's enforcement program has several goals: Prioritize enforcement efforts in disadvantaged communities where it is most needed to help address longstanding environmental injustice.

Assess compliance rates and ensure a fair, consistent, and level playing field across industry.

Publish information about CARB enforcement programs to provide transparency and accountability.

Enforcement staff work closely with other CARB divisions to identify noncompliance and investigate potential violations. Enforcement staff then document the findings of the investigation, working closely with CARB's legal office to resolve cases. Most case settlements are the product of a partnership between various staff across the agency. CARB enforcement staff also collaborate with the California Environmental Protection Agency (CalEPA) and its sister agencies on multi-media investigations involving water or hazardous waste, and with local air districts.

CARB's enforcement programs fall into several categories:

Enforcement of Product Requirements:

CARB regulations establish requirements that products must meet to be legally sold in California. These requirements apply to vehicles, engines, aftermarket parts, chemically formulated products, composite wood products, indoor air cleaners, and fuels. Staff investigates violations related to products that fail to meet these standards, including the use of improper test procedures and defeat devices.

Enforcement of Diesel Fleet Rules:

CARB regulations establish technology and equipment maintenance requirements that diesel fleet operators and vehicle owners must meet to legally operate in California. These regulations apply to the owners and operators of trucks, buses, off-road equipment, commercial harbor-craft, and ocean-going vessel in California. Staff inspects equipment and investigates fleets for compliance.

Enforcement of Climate Programs at Stationary Sources: CARB regulations establish reporting and equipment maintenance requirements that apply to stationary sources. Programs include mandatory reporting for Cap-and-Trade, refrigerant management, landfill methane, and oil and gas regulations. CARB field staff conduct inspections at regulated facilities and either refer violations to local air districts for enforcement or, enforce them directly.

Equipment Registration Programs:

CARB's Enforcement Division operates registration programs for portable

equipment including portable engines, wood-chippers, cargo tanks, and other equipment. CARB enforces cargo tank regulations directly; local air districts enforce over equipment registered in the Portable Equipment Registration Program.

Local Air District Support and Oversight:

The Enforcement Division provides training for local air district inspectors in conducting enforcement work. With regard to air district oversight, the enforcement division began increasing oversight of local air district programs, including the San Joaquin Valley Emission Reduction Credit (ERC) program and other projects.

Engaging Local Concerns

Communities are often frustrated by negative impacts they experience from nearby industrial and mobile source operations. Enforcement Division staff work to address these concerns. For example, in 2020, enforcement staff engaged with Metrolink about complaints regarding smoke emanating from their Central Locomotive Maintenance Facility in northeast Los Angeles. Since CARB does not currently regulate locomotive emissions, staff worked with Metrolink to reduce unnecessary idling and to take other actions. CARB staff also engaged with Union Pacific Railroad regarding complaints about locomotive idling within a few hundred feet of housing and public businesses in Dunsmuir. In both cases, CARB received fewer complaints after addressing these issues, but continues to monitor these situations as new complaints arise.

In 2020, CARB supported the Department of Toxic Substances Control (DTSC) in their enforcement case against Schnitzer Steel in West Oakland. For more than a decade, the facility had been releasing light, fibrous, hazardous waste material generated by shredding automobiles. DTSC issued a formal enforcement action to clean-up the facility and assessed a $4.1 million penalty. CARB supported DTSC in this effort by evaluating controls for hydrocarbon emissions. CARB also worked with the local community to develop a Supplemental Environmental Project (SEP) benefitting West Oakland. The SEP included installation and maintenance of air filtration systems in community buildings and funded a mobile asthma clinic.

Other examples of addressing local community concerns, include:

CARB issued a Notice of Violation (NOV) to the AB&I Foundry in east Oakland for generating odors in the community and is working to resolve this enforcement action.

CARB is investigating odors in the community of Avenal located near a local landfill. In 2020, enforcement staff met with the community to better understand their concerns and inspected the landfill with the local air district. At the time of the inspection, the landfill was compliant with CARB and district requirements, but CARB staff continue to work with local agencies to investigate potential sources of odor.

CARB is working with Southeast Los Angeles to develop approaches to deter catalytic converter theft. South Los Angeles is participating in CARB's Community Air Protection Program, per Assembly Bill 617 (Garcia, 2017).

Supplemental Environmental Projects

While enforcement penalties play an important role in deterring environmental violations, penalties do not address the environmental harm that communities

suffer because of these violations. One way that CARB addresses local environmental concerns is through the SEP program. SEPs are community-based projects funded by a portion of penalties received during the settlement of enforcement actions.

In 2016, in response to Assembly Bill 1071 (Atkins, 2015), CARB updated its SEP Policy to prioritize projects that benefit disadvantaged communities across the state. The updated SEP policy includes an ongoing public process to solicit SEP proposals and consider the relationship between the location of a violation and the location of the proposed SEP, with priority given to projects in disadvantaged communities. CARB's list of eligible SEPs has grown since the revamp of the SEP program, enabling numerous community groups and local districts across California to gain access to funding for community-based projects through CARB settlements.

In 2020, CARB listed 13 new SEP proposals, with a total budget of over $8 million, as eligible for funding. By the end of that year, 40 projects were on the list of eligible SEPs. Eighteen SEPs received funding for $6.7 million in 2020.

Projects funded through the SEP program include installing school air filtration systems, community air monitoring, tree plantings, and implementing youth education programs. In 2020, with prioritization of schools located in disadvantaged communities and/or within proximity to major transportation corridors or industry, high-performance air filtration systems were installed in 30 schools, benefitting over 17,000 elementary, middle, and high school students. The "Asthma Impact Model in Fresno County" SEP submitted by the Central California Asthma Collaborative also received funding in 2020. This project allowed for the continuation of an existing program that provides home remediation, asthma management resources, and referrals to primary care physicians on asthma issues to low-income community members in Fresno County.

Another SEP funded in 2020, the "Brawley Health ACTION Environmental Study" was developed by the Public Health Institute in partnership with Comité Cívico del Valle and with cross-agency support from CARB and the Department of Toxic Substances Control. This project aims to directly respond to community concerns regarding environmental exposures in the City of Brawley through a health survey on current and past health burdens and environmental sampling to identify potential exposures that may increase health risks.

Truck and Bus Compliance

CARB's Truck and Bus Rule requires truck owners to upgrade their trucks with diesel particulate filters that control diesel particulate matter by 90 percent or more. Because trucks operate extensively in and around disadvantaged communities, regulatory compliance is crucial. In 2016, CARB discovered that the compliance rate for California registered trucks was just 66 percent. As a result, CARB enforcement staff developed new tools to identify noncompliance and streamlined its practices to dramatically increase enforcement productivity. This coincided with a new law requiring truck operators to demonstrate Truck and Bus compliance before registering their trucks with the Department of Motor Vehicles (DMV). As a result, the Truck and Bus compliance rate for California-registered trucks increased to 98 percent by the end of 2020.

Enforcing Against Noncompliant Fleets Outside of California

To maintain a level playing field between trucks registered in California and those registered in other states, staff conduct field inspections at border crossings and throughout the state. To expand an enforcement presence and increase impact on compliance, CARB partners with the U.S. Environmental Protection Agency's (U.S. EPA's) Region 9 to conduct investigations of fleets registered out-of-state to confirm compliance with the Truck and Bus Regulation. In 2020, U.S. EPA Region 9 settled the following cases:

- FL Transportation, Inc., and New Bern Transport Corporation, both subsidiary companies of PepsiCo, allegedly failed to verify that trucks they hired for use in California complied with the state's Truck and Bus Regulation. The two companies reportedly hired a total of 104 different fleets with noncompliant trucks. FL Transportation, Inc., headquartered in Plano, Texas, and New Bern Transport, headquartered in Somers, New York, each agreed to pay a $24,375 to settle the allegations. They also agreed to spend $73,125 on a SEP to install air filtration systems in one or more southern California schools in the South Coast Air Basin, which includes Orange County and parts of Los Angeles, Riverside and San Bernardino counties.
- Roadrunner Transportation Systems, Inc. was charged with operating heavy-duty diesel vehicles that lacked the diesel particulate filters required by the Truck and Bus Regulation and operating unregistered and noncompliant drayage trucks. The company also allegedly hired carriers to transport goods in California without verifying that the vehicles complied with the Truck and Bus Regulation, and dispatched drayage trucks without required recordkeeping. As part of the settlement, the company will pay a $117,000 to settle the allegations and has agreed to use compliant trucks.
- Ruan Transportation Management Systems Inc. was charged with operating heavy-duty diesel trucks in California lacking the required diesel particulate filters. Ruan also allegedly failed to verify that the carriers it hired to transport goods in California complied with the Truck and Bus Regulation. Ruan is the first company cited by the U.S. EPA as failing to timely meet specified particulate matter (PM) emission reductions in transport refrigeration equipment under State of California requirements. As part of the settlement, the company will pay a $125,000 to settle the allegations and will use compliant vehicles.
- The Boise Cascade Company was charged with failing to verify that the carriers it hired to transport goods in California complied with the Truck and Bus Regulation. As part of the settlement, the company will pay a $175,000 to settle the allegations and has agreed to use compliant trucks.

Similarly, CARB has recently partnered with local prosecutors' offices across Southern California to pursue enforcement on noncompliant out-of-state fleets. These cases are ongoing.

Truck Idling in Disadvantaged Communities

One common concern expressed by communities is idling trucks. CARB regulations limit idling near schools and limit the amount of time a truck can idle unless the truck is equipped with a clean-idle certified engine. CARB staff enforce these regulations by issuing citations to

noncompliant operators caught idling their trucks. To conduct these inspections, CARB staff work with community representatives to determine where and when idling is occurring, and then conduct inspections on those trucks as they are idling. CARB's idling regulation can also be enforced by local law enforcement and local air district inspectors. In 2020, inspection schedules were shifted to accommodate COVID-19 restrictions and social distancing. This resulted in increased number of idling inspections, while some other vehicle inspection types were reduced to limit interpersonal interactions during the tightest social distancing restrictions due to the COVID-19 pandemic. Staff inspected 7,010 idling trucks in 2020, approximately a 37 percent increase over 2019. Of these inspections, 5,383 (76 percent) occurred in disadvantaged communities, and others occurred at truck stops and similar locations. Inspection results for 2020 are consistent with previous years — approximately 3 percent of all idling trucks inspected by CARB were in violation of California's idling regulations.

Ocean-Going Vessel Enforcement

Marine ports are a major source of air pollution and pose a health risk to surrounding communities. CARB regulations require ocean-going vessels to use clean distillate fuels within 24 nautical miles of shore, and to use shore power while operating at berth. CARB enforcement staff work to ensure compliance with these requirements.

The Ocean-Going Vessel (OGV) Fuel Regulation requires the use of 0.1 percent sulfur, distillate grade fuel, within Regulated California Waters. In the past 12 years, CARB has settled 232 violations and collected over $3 million in penalties. In 2020, staff inspected 245 vessels, issued four notices of violation, closed six cases, and assessed $282,670 in penalties.

International regulatory sulfur limits have become more stringent. Beginning January 2018, the limit within the North American Emission Control Area set by the International Convention for the Prevention of Pollution from Ships was reduced to 0.1 percent sulfur. This differed from California's standard by allowing the use of residual grade fuel and air pollution scrubbers. This has inadvertently created situations where a vessel's fuel may in fact meet the sulfur limits of both International and California regulations, but not meet the requirement of distillate grade, as required by California law. This difference is significant. Studies

have shown that the use of distillate fuel versus lower sulfur residual grade fuel reduces the formation of directly emitted particulate from diesel engines.

In response to this issue, CARB staff sought to improve the enforcement process by conducting further analysis of collected fuel samples. Specifically, CARB staff utilized ISO 10370 Carbon Residue: Micro Method. Fuel studies were conducted at CARB's Haagen-Smit Laboratory and a third-party lab. In addition, CARB coordinated outreach with industry stakeholders to outline CARB enforcement staff's intentions to add carbon residue testing on fuels to ensure the use of uncontaminated distillate grade fuel. This approached strengthened an already robust program to enforce the Ocean-Going Vessel Fuel Regulation, helped lower emissions, and reduced health risks from these emissions in disadvantaged portside communities.

Vehicle and Engine Enforcement

Vehicles and engines must first obtain emissions certification and be issued Executive Orders (EO) before they can be legally sold in California. CARB's Emissions Certification and Compliance Division is responsible for processing applications and granting certification. To be certified, a vehicle must show that its exhaust and evaporative emission control systems will meet the emission standards for the vehicle's entire useful life.

Compliance with on-board diagnostics, engine operation programming, and emission control system operation must also be verified. Production vehicles must be identical in all material respects to those for which the certification was granted, and CARB must approve all subsequent emissions-related production running changes and field fixes. Production vehicles must be properly labeled, and their emission control systems warrantied.

Historically, CARB staff conducted most investigations after uncertified vehicles or engines were sold. However, in the wake of the Volkswagen emissions cheating scandal, CARB shifted focus to ensuring compliance with certification and in-use emission requirements. Additionally, CARB notified auto manufacturers that CARB would begin special testing to identify uncertified Auxiliary Emission Control Devices (AECD) and defeat devices on certified vehicles. Since that time, CARB has remained diligent in leveling the playing field for all manufacturers and making sure that vehicles on the road are complying with California's emission standards. Five years later, we are still dedicated to doing so, and have continued to uncover similar behavior.

Daimler Investigation and Settlement

Daimler diesel vehicles underwent this specialized testing beginning in 2015. CARB test results raised concerns that these vehicles might contain noncompliant AECDs. CARB conducted further testing and entered into discussions with Daimler about the test results. Our investigation uncovered that Daimler programmed its diesel vehicles manufactured between model years 2009 and 2016 with specific engine calibration software that was not disclosed during certification.

Moreover, several of these undisclosed AECDs caused the subject vehicles to appear compliant when being tested on

regulatory test cycles, but to operate differently on the road, thereby reducing the effectiveness of emission controls under normal driving conditions on the road; these AECDs are known as "defeat devices." As a result, Daimler's vehicles emitted NO_x in excess of emission standards under normal driving conditions, which negatively affected air quality and public health.

Furthermore, CARB's investigation revealed that, in addition to programming defeat devices into their vehicles, Daimler also programmed the on-board diagnostic (OBD) systems in the subject vehicles to work in concert with certain defeat devices to ensure that malfunctions were detected during regulatory test cycles, but not initiated or detected when the emission control system was operating with reduced effectiveness during normal vehicle operation. The result was that the vehicle would not indicate during regular driving trips, to the vehicle operator, or during a Smog Check inspection, that the vehicle was emitting excess emissions on the road.

In March 2021, the U.S. District Court for the District of Columbia signed the consent decree (Joint CD) previously lodged in 2020 by Daimler, CARB, the California Department of Justice, the U.S. Department of Justice, and the U.S. EPA. The court also signed the separate consent decree (CA CD) filed by CARB and the California Department of Justice addressing additional separate California remedies. The consent decrees settle federal and state claims relating to approximately 250,000 diesel vehicles nationwide, 36,946 of which were sold in California.

The Joint CD required Daimler to pay a civil penalty of $875,000,000, with $131,250,000 going to CARB, and to pay CARB an additional $42,707,900 for multiple on-board diagnostics (OBD) (i.e., "Check Engine" light) non-compliances. The CA CD required Daimler to pay CARB $1,678,000 for a specified OBD noncompliance, and $110,000,000 to fund mitigation actions or projects that reduce NO_x emissions in California. California received a total settlement amount of $285,635,900 from both consent decrees. As part of the overall settlement, Daimler must also implement a repair program for the subject vehicles at no cost, offer an extended warranty to vehicles that receive a repair, implement corporate compliance measures to help prevent future violations, and pay steep stipulated penalties for any violations of the consent decrees' requirements.

Other Vehicle and Engine Settlements

Significant cases in several other categories were also settled during 2020, demonstrating the breadth of engine and vehicle types subject to CARB certification. Small off-road engines (SORE) are 25 horsepower or less and used in various applications, including lawn and garden equipment, commercial utility equipment, specialty vehicles like scooters, and golf carts. Passenger vehicle emissions have gone down over the years due to CARB programs, making SORE worse in comparison. Smog forming emissions from SORE will surpass light-duty passenger cars in 2021, according to

CARB's emission inventory assessments. Therefore, ensuring compliance with the SORE regulation is of great importance to the health of California residents and the environment.

In April 2020, CARB reached a settlement of $1,927,800 with American Honda Motor Co., Inc. (Honda) to resolve clean-air violations related to the sale of its small off-road engines in California. The violations involved SORE used in generators and lawn and garden equipment. Through extensive tests in its lab, CARB discovered that this equipment did not meet the evaporative control emission standards that Honda had originally agreed to during the certification process. Evaporative emissions of raw fuel, which occur both while an engine is being used and at rest, are known as volatile organic compounds and are a significant precursor of smog.

When a manufacturer certifies SORE, it can set the emissions limit to meet the current regulation or choose to demonstrate that they have met standards below those required by the current regulation. In that case, the manufacturer earns evaporative credits based on the additional reductions that they assert in the certification process. These credits can then be used for certification purposes to offset emissions on future products. Since Honda's engines did not meet the self-selected lower evaporative emission limits, they forfeited the credits they had earned for claiming to meet stricter evaporative emissions standards and gave up additional credits to mitigate the environmental harm.

To resolve the violations, Honda agreed to pay a total settlement of $1,927,800, with $963,900 going to the California Air Pollution Control Fund. The remaining funds, roughly $1 million, will go to the IQAir Foundation, a non-profit that seeks to promote environmental justice by helping to improve environmental health conditions in neighborhoods unfairly affected by pollution as a result of economic, ethnic, or racial factors. The IQAir Foundation will use these funds to benefit three SEPs: 1) the Coachella Schools Flag Program, 2) the Oakland Unified School District Project 2019 – 2023, and 3) the Coachella Valley Mitigation Project Extension 2018-2023.

In early 2020, truck manufacturer Navistar, Inc. paid $2,026,800 to resolve allegations that it altered heavy-duty vehicle engines from their certified design, potentially causing excess diesel emissions and negatively impacting air quality. The Illinois-based company modified its vehicle calibrations from their certified design through the use of running changes and field fixes in the engines of its heavy-duty trucks without notifying CARB that the changes were being made, as is required. The undocumented running changes and field fixes were implemented on new vehicles in production and were also deployed to post-production vehicles in the field. These undocumented modifications represent unauthorized changes to a previously approved engine design and are considered violations because of their potential to increase emissions. The violations were discovered during routine engine testing by CARB.

Navistar agreed to pay half of the total penalty to the California Air Pollution Control Fund to support air quality research. The remaining half will be paid to the South Coast Air Quality Management District for the installation and maintenance of high-performance air filtration systems in Southern California schools, especially those located in disadvantaged communities disproportionately impacted by air pollution.

Aftermarket Parts Enforcement

The aftermarket parts (AMP) industry consists of manufacturers, distributors, retailers, installers, and end users that are subject to CARB's regulations for both on- and off-road aftermarket parts and critical emission control parts for cars, trucks, and motorcycles. Examples of AMPs include diesel performance tuners, exhaust headers, and turbochargers. The aftermarket parts program ensures that performance modifications do not increase vehicle emissions, a violation of California Vehicle Code Section 27156 and the Federal Clean Air Act. AMP manufacturers must submit an application and receive an exemption from CARB in order to legally advertise and sell in California.

CARB greatly enhanced its AMP enforcement program in 2012, in response to increasing sales of non-exempted parts in non-competition applications. Since that time, CARB has assessed penalties totaling around $20 million over the past eight years. This enforcement has created, and continues to exert, a strong deterrence to noncompliance across the industry. CARB settled 10 aftermarket parts cases in 2020. While the larger and more widely known companies that sell aftermarket parts may be easier to identify, CARB's enforcement is also effective in uncovering illegal sales from smaller operations that sell parts on eBay or other independent websites.

Taylor Made Racing, Inc. settled a case with CARB in January 2020 for $7,750 and is a prime example of the many small part manufacturers that CARB holds to the same level of compliance as their much larger, corporate competitors. CARB identified violations from Taylor Made Racing Inc.'s sales information for advertising, selling, and offering for sale non-exempted on-highway motorcycle aftermarket tuners in California. These aftermarket tuners altered or modified the original design or performance of the motorcycle's emission control system and were sold through its website and dealer network between 2014 and 2015.

As with any effective enforcement program, if you can curtail illegal sales using a top-down approach, it is not only an effective use of resources, but also prevents illegal products from being distributed throughout the supply chain. In January 2020, CARB settled a case with distributor Comoto Holdings, Inc. for $1,937,500. Comoto Holdings is the parent company of Revzilla Motorsports, LLC and Cycle Gear, Inc., which cater to motorcycle enthusiasts. CARB found that Comoto's subsidiaries advertised, sold, and offered for sale add-on or modified motorcycle parts without legal exemptions to California's anti-tampering laws.

U.S. EPA's Compliance Initiative Demonstrates Enforcement Success

CARB's enforcement work and collaborative efforts with industry are making a difference. In 2020, the U.S. EPA announced priorities for the next three years, including six National Compliance Initiatives. One of those initiatives is Stopping Aftermarket Defeat Devices for Vehicles and Engines by stopping the manufacture, sale, and installation

of aftermarket defeat devices and thereby reducing excess pollution and harm to public health created by illegal modifications to vehicles and engines.

A report supporting the new EPA Tampering Policy compiled information from approximate five years of prior U.S. EPA case work on defeat devices for Class 2b and 3 (8,500 – 14,000 pounds Gross Vehicle Weight Rating (GVWR)) diesel pickup tampering occurring after 2009 and before 2020. The report found California had the lowest population of tampered vehicles, approximately 1.8 percent of the 2016 California registered Class 2b and 3 vehicles, for the respective categories, and the California tampering rate for those vehicles is three times less than the next lowest state. California's low tampering rates in the U.S. EPA report and success against tampering are the result of CARB's aftermarket parts program, California's Smog Check Program, and CARB's enforcement actions.

Enforcing the Low Carbon Fuel Standard

CARB's Low Carbon Fuel Standards (LCFS) requirements are designed to reduce greenhouse gas (GHG) emissions by reducing the fossil carbon content of fuels. The goal is to maintain market confidence and ensure that no party can gain an unfair advantage through illicit practices. CARB staff had conducted several audits of high-risk facilities outside of California to ensure GHG reduction credits granted by LCFS are real and compliant. Noncompliant parties stand to benefit financially if CARB cannot maintain an enforcement presence outside its state boundaries. Any noncompliance issues identified as a result of the audits are investigated.

Stationary Source Programs

California state law gives the 35 local air districts primary authority to regulate stationary sources for criteria pollutants. However, CARB has an important role in providing support to those districts through training and enforcement assistance when requested. State law authorizes CARB to review district permitting programs to ensure that they are sufficient to meet state ambient air quality standards, and enforcement programs to ensure that they are reasonable. As such, state law allows CARB to require any district to provide requested information utilized in the normal operation of the district or required by a state or federal statute or regulation. In addition, CARB has direct enforcement authority over climate programs, many of which impact stationary sources directly or indirectly. Stationary source-focused programs in CARB's Enforcement Division are implemented consistently with legal authority through training and support, program review, and direct enforcement.

The Enforcement Division's work in this area has helped ensure combustion equipment is as clean as possible, statewide, and is also highlighting opportunities to move toward zero emission technologies. Thus, the division's work fits into a larger CARB-wide effort to transition away from combustion engines and can help support it through permit and program reviews.

Direct Enforcement of GHG Regulations

CARB establishes regulations that impose requirements and limit GHG emissions from industrial sources. CARB enforcement staff inspect facilities. Some of these programs are enforced directly by CARB, while in other programs, CARB has delegated enforcement to local air

districts, and in these cases, any violations identified are referred to the district for local resolution.

Landfill Methane Regulation Enforcement Review

CARB's Landfill Methane Regulation (LMR) is designed to reduce methane emissions from municipal solid waste (MSW) landfills in California. The regulation requires owners and operators of landfills with over 450,000 tons of waste-in-place to install and optimally operate gas collection and control systems, monitor surface methane concentration, repair emission exceedances, source test, keep records of these actions, and report certain information to CARB or local air districts. The LMR allows air districts to voluntarily enter into a memorandum of understanding (MOU) with CARB to implement and enforce the regulation and assess fees to cover costs. The MOUs make the air district the primary enforcement agency. Currently, 23 local air districts have entered into MOUs with CARB to enforce requirements at 174 landfill facilities, with CARB to enforce the LMR at the remaining landfills subject to the regulation. In 2020, CARB staff joined air district staff on seven landfill inspections in five different districts. CARB staff inspected two landfills in non-MOU districts, two landfills as part of the CalEPA Environmental Justice Task Force, two landfills as part of CARB oversight efforts, and one landfill based on complaints from the local community. Exceedances found at five of the seven facilities were referred to the appropriate MOU districts.

Refrigerant Management Program

The Regulation for the Management of High Global Warming Potential Refrigerants for Stationary Sources (RMP) establishes requirements to reduce GHG emissions from stationary facilities containing refrigerant systems with more than 50 pounds of refrigerant with a high global warming potential. The RMP regulation requires facilities to conduct periodic leak inspections and leak repairs, requires annual reporting and fee payment, and requires service providers, refrigerant reclaimers and distributors to report and keep records of all refrigerants that are sold or reclaimed.

In 2020, CARB staff opened 140 investigations, issued 14 Notices of Violation (NOVs) and conducted four on-site facility inspections (see Appendix E). Of the investigations opened, 54 were closed in 2020: 13 were closed because the entity was out of business, 34 cases were closed because the entity was found to be in compliance or not subject to the regulation, and seven cases were settled for zero penalty as minor violations. All cases resolved had no emission violations or past violations and were promptly corrected.

The Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (MRR)

The reporting of GHG emissions by major sources, as required by the California Global Warming Solutions Act of 2006, is applicable to electricity generators, industrial facilities, fuel suppliers, and electricity importers. All GHG emissions data reports must comply with the regulatory requirements and be submitted via the Cal e-GGRT reporting system. CARB implements and oversees a third- party verification program to support mandatory GHG reporting. All GHG reports subject to the Cap-and-Trade Program must be independently verified by CARB-accredited verification bodies and verifiers.

In 2020, CARB settled a case with BP West Coast Products LLC of Chicago, Illinois (BP) for $624,000. BP failed to accurately report the amount of carbon dioxide emissions from their facility in Wilmington for reporting periods 2011 and 2012. The error was discovered and disclosed in 2017 to CARB. BP fully cooperated with CARB's investigation. To resolve the matter, in February 2020, BP agreed to pay a penalty of $624,000, of which, $312,000 funded a SEP to install and maintain high- performance air filtration systems in schools in the Coachella Valley.

CONCLUSION

CARB continually improves its enforcement programs to better serve all Californians. It measures compliance in important programs, and over the past several years, compliance rates have improved. CARB strives to understand community concerns and has responded by targeting work in disadvantaged communities. CARB focuses every day on ensuring the emission reductions envisioned at program adoption are achieved in practice. It also focuses on ensuring that the enforcement programs are applied fairly, consistently, and transparently to provide a level playing field across industry.

The COVID-19 pandemic was a major challenge, and like the rest of California, CARB's enforcement programs adapted. Staff members maintained a strong enforcement presence both in the field and virtually and settled hundreds of cases and citations large and small – including the landmark Daimler AG case. CARB enforcement staff also completed several reviews of air district programs. They assessed more than $22 million in penalties from routine cases and diverted $6.8 million to disadvantaged community projects. So, despite what could have been considered a major setback, CARB enforcement was instead still able to accomplish many of its intended goals for 2020, including consequential improvements in truck and bus compliance, continued surveillance of CARB's screening and special testing programs, and enhanced enforcement work in the state's underserved communities.

Nonetheless, the increasing impacts of climate change, wildfires, air toxics, and persistent socioeconomic inequalities show just how much more needs to be done. We hope though that the consistent implementation of our enforcement programs has been and will continue to be an effective part of the ongoing solutions to these issues so that one day we will achieve the vision of clean air for all Californians.

Please see CARB's *2020 Annual Enforcement Report* for more detailed information and statistics. The 2020 report can be found on *CARB's website* by typing "Enforcement Reports" in the search box.

Recycling

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.

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 biennial probationary reviews (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: INSPECTIONS BY FACILITY TYPE

Facility Type	Number of Inspections
Tire-Related Business	10,641
Transfer Stations	7,597
Beverage Container Recycling Centers & Dealers	3,114
Beverage Container Processor Loads	417
Composting	2,908
Landfills	2,586
In-Vessel Digestors	214
Engineered Municipal Solid Waste	24
Transformation	99

FIGURE 4: VIOLATIONS BY FACILITY TYPE

Facility Type	Number of Violations
Beverage Container Recycling Centers & Dealers	1,276
Transfer Stations	348
Tire-Related Business	211
Landfills	274
Composting	264
Beverage Container Processor Loads	22

FIGURE 5: ENFORCEMENT ACTIONS BY PROGRAM TYPE

Program	# of Enforcement Actions
Enforcement Order (Solid Waste)	14
Cleanup & Abatement Order (Tires)	3
Administrative Complaints (Tires)	0
Streamlined Penalty (Tires)	2 (hauler denials)

Figure 5 summarizes enforcement actions taken during 2020 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.

CalRecycle Enforcement Case Highlights

Beverage Container Recycling Fraud Case

In 2020, the CalRecycle's Division of Recycling (DOR) continued its successful enforcement strategy and efforts to prevent large scale fraudulent activity against the California Redemption Fund. There were nine accusations filed in 2020 that totaled to over $15.5 million. DOR frequently identifies the sources of fraud through its own investigations and utilizes numerous resources to stop the fraudulent activity. These resources include a partnership contract with the California Department of Justice, Bureau of Investigation to investigate criminal activity. In 2020, this partnership in numerous long-term recycle fraud investigations culminated in over 31 felony arrests, 162,765 pounds of seized empty beverage containers valued at $223,138 and four educational outreach trainings.

Interstate interdiction operations are another example of this partnership. In October 2020, DOJ took part in a multi-agency operation involving multiple temporary border checkpoints located on the state lines of Southern California, Arizona and Nevada. These intersections were identified by DOJ Recycling Fraud Team special agents as routes commonly used by organized groups attempting to circumvent inspection checkpoints, California Department of Food and Agriculture border protection stations. The groups surreptitiously import out-of-state beverage containers into California via these routes with the intent of defrauding the California Redemption Value Fund.

The operation led to four arrests involving the transporting of out-of-state empty beverage containers from Nevada and Arizona into California using two semi-trucks, large trailers and U-Haul trucks. In addition to the arrests, a total of 27,560 pounds of aluminum and plastic empty beverage containers were seized, with DOJ preventing an estimated $40,641.06 in potential loss the fund.

Tire Enforcement Clean-Ups

Through our enforcement efforts and cooperation with local governments, the Waste Tire Enforcement Section was able to carry out the removal of over 85,000 illegally stored waste tires at over 50 locations in 2020 through Cleanup and Abatement Orders (CAOs), Violations for Tire Storage, and cleanup support by Local Conservation Corps (LCCs). In coordination with Greater Valley Conservation Corp (GVCC), the tire enforcement program approved the cleanup and removal of 1,300 illegally dumped tires at a dairy farm in San Joaquin County. The GVCC partnered with property owners and submitted the cleanup project to CalRecycle for approval. To prevent additional illegal dumping, the property owner agreed to place barriers around the property line to limit access to site.

For more information about CalRecycle, go to *https://www.calrecycle.ca.gov/*.

Pesticides

DEPARTMENT OF PESTICIDE REGULATION

Federal, state, and local government agencies control pesticide sales and use. The U.S. EPA sets minimum pesticide use standards and delegates pesticide enforcement regulatory authority to the states. California law designates the Department of Pesticide Regulation (DPR) as the agency responsible for delivering a statewide pesticide regulatory program. The Legislature delegated local pesticide use enforcement to County Agricultural Commissioners (CACs). The Department of Pesticide Regulation works closely with CACs to ensure compliance with pesticide laws and regulations.

Under DPR's oversight and guidance, CACs inspect pesticide applicators, growers, and businesses to ensure compliance and protection of workers, communities and the environment. CACs also issue site-specific permits for restricted use pesticides that impose additional restrictions on the use of those pesticides. When violations are found, CACs take appropriate enforcement actions following the state's enforcement response laws and regulations.

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, the residue tolerance. The 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 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.

In 2020, DPR collected 2,894 produce samples, which is approximately 20 percent fewer annual samples from previous years (see Figure 6). Local stay-at-home orders, indoor access restrictions, and disruptions in the retail market supply chain reduced the sampling opportunities. Similar to previous years, testing results showed that 95 percent of the samples either did not contain any pesticide residues (35 percent) or had pesticide residue levels below the permissible tolerance (60 percent). Foreign produce imports accounted for over three-quarters of the illegal residue samples (see Figure 7).

FIGURE 6:
PESTICIDE RESIDUE TESTING RESULTS ON SAMPLES COLLECTED (2015-2020)

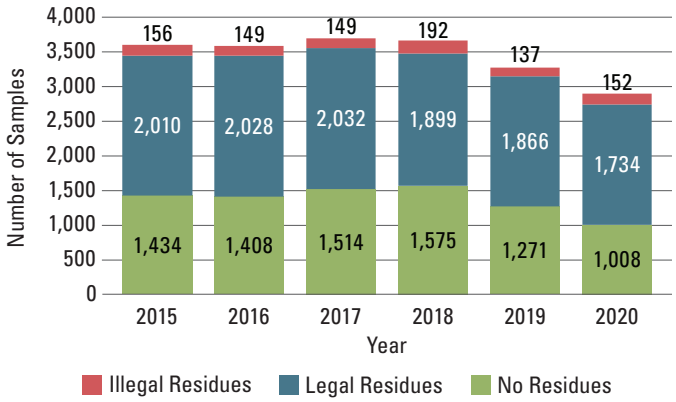
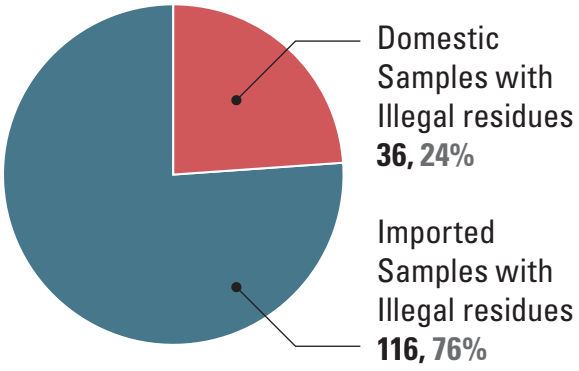


FIGURE 7:
2020 ORIGINS OF SAMPLES FOUND WITH ILLEGAL RESIDUES



Commodities with illegal residues include peppers, cactus pads, dragon fruit, and chayote. For additional information, visit DPR's *Pesticide Residue Monitoring Program*. For print readers, the page can be reached from DPR's home page at *www.cdpr.ca.gov*, From the homepage select the "Programs" tab, click on "Food Safety," then select *Pesticide Residue Monitoring Program*.

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 staff review scientific studies and data on the product to ensure it will not harm human health or the environment when used as directed and that it is properly labeled. DPR inspectors conduct inspections in person by visiting marketplace locations and online by examining the sales of internet businesses that sell pesticides throughout the state. Inspections cover a full range of pesticide products, including agricultural and structural pesticides, swimming pool chemicals, disinfectants used by industrial facilities and restaurants, insect repellents, and insecticide-treated clothing and apparel.

In 2020, DPR settled 38 cases with businesses and individuals that sold 86 unregistered or misbranded pesticide products in California (Table 1). Below are three examples of settled cases.

- J.T. Dimmick paid $204,686 based on sales of unregistered plant foods making plant growth regulator claims.
- Niteo Products LLC paid $135,000 based on sales of an air sanitizer product with an inactive registration.
- Essential Industries paid $38,837 based on sales of unregistered disinfectants, which DPR identified as making antimicrobial claims.

TABLE 8: PRODUCT COMPLIANCE PROGRAM OUTCOMES (2015-2020)

	2015	2016	2017	2018	2019	2020[3]
Misbranded and/or Unregistered Products Relative to Cases Below	224	303	156	155	216	86
Settled Cases*	98	85	49	57	63	38
Penalties	$1,756,904.35	$1,423,377	$1,760,790	$1,044,255	$1,786,906	$1,226,982

3 Settlement cases were lower in 2020 due to the COVID-19 pandemic.

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. DPR conducts producer establishment inspections on behalf of the U.S. EPA, and DPR makes the determination of compliance or non-compliance.

Proactive Enforcement-Local Government Coordination

The partnership between DPR and the CACs is critical to the success of California's pesticide residue enforcement and compliance program. When the produce residue-monitoring program finds California-grown produce with illegal pesticide residues, CACs play a vital role in stopping the further distribution of the contaminated produce by investigating the source of the contamination.

In late 2019, DPR's Central Regional Office staff collected a sample of "La Bella Vita" strawberries at a Fresno CA Smart and Final Extra (See Figure 9). When the sample was tested at the California Department of Food and Agriculture lab for pesticides, the lab detected an illegal residue of methomyl at 0.87 parts per million. Methomyl is a restricted use pesticide. There is no legal tolerance for methomyl on strawberries. At the level detected on the sample, DPR's Human Health Assessment Branch determined the amount of methomyl on the strawberry sample might pose a potential acute health risk to consumers.

FIGURE 9: ORIGINAL STRAWBERRY FLATS SAMPLED WITH ILLEGAL METHOMYL RESIDUES

DPR's Central Regional Office in Clovis investigated the source of the strawberries. The investigation expanded to in the department's Southern Region, after the purchase and sales documents traced back the strawberries from the sample site through several intermediaries to a shipment of several hundred cases of strawberries from a grower in Santa Maria, CA (See Figure 10). DPR and the Santa Barbara CAC then worked to prevent additional sales of contaminated strawberries and to determine the source of the methomyl contamination.

FIGURE 10:
QUARANTINED STRAWBERRY FLATS AT THE COOLING FACILITY

Methomyl residues were present in samples from two separate fields used by four different growers. The Santa Barbara CAC placed those fields under cease harvest orders prohibiting any further harvesting of strawberries. The field sample results indicated uniform residue levels among sample points within each field, which was more indicative of an intentional application than drift from an outside source.

The combined efforts of the DPR's Central and Southern Regional Offices and the Santa Barbara CAC prevented the sale to consumers of approximately 4 tons of harvested methomyl-contaminated strawberries and 15 acres of contaminated harvestable strawberries.

In March 2020, DPR reached a *settlement agreement* with MGA Farms and two individuals for illegally packing, shipping, and selling produce with illegal pesticide residues. DPR's Residue Monitoring Program had detected the pesticide methomyl during inspection at a grocery store. There are currently no registered pesticides with methomyl as an active ingredient for use on strawberries. The investigation led to contaminated strawberry fields. In December 2020, Santa Barbara CAC took civil penalty actions against those three growers plus one additional grower for use of a pesticide in conflict with the label.

Proactive Enforcement-State and Federal Enforcement Partners

In June 2020, the U.S. EPA Region IX forwarded a complaint to DPR about allegations of pesticide misuse. The U.S. EPA became aware of newspaper articles about a Change.org petition, signed by 250,000 people, demanding the U.S. Immigration and Customs Enforcement (ICE) agency end its use of a disinfectant spray at its Adelanto, California facility that immigration advocates alleged was causing serious side effects in detainees. DPR and U.S. EPA Region IX discussed the case further and determined that lead jurisdiction authority at this federal facility was under the U. S EPA, and that DPR would assist with the investigation as much as possible.

Due to the COVID-19 outbreak, the U.S. EPA and DPR conducted a virtual investigation by video conference of the Adelanto ICE Processing Center (Adelanto) located in Adelanto, California. The investigation was in response to complaints from past and current detainees that a registered pesticide, HDQ Neutral, was being used

in a manner that led to illness symptoms including headaches, nose bleeds and skin rashes.

The investigation determined that detention officers directed detainees to use HDQ Neutral at the detention facility. As reported, detention officers would routinely spray areas in the facility with the pesticide in addition to allowing detainees to use it in their living areas and as part of a voluntary work program. Detention officers provided detainees spray bottles of HDQ Neutral without labels or directions on how to use the product. Both detainees and detention officers used the product at a dilution rate higher than legally allowed by the label. Additionally, detention officers did not provide detainees with the required personal protective equipment as described on the label. HDQ Neutral is harmful when inhaled, swallowed, or in contact with eyes and skin. Detainees reported that detention officers frequently sprayed HDQ Neutral in close proximity to them. This exposed detainees to experience it floating in the air they breathed and falling onto their food, skin and eyes, leaving surfaces wet from the product itself. They also complained of adverse reactions when inhaling it. Although the label directs that the product only be applied to hard, non-porous surfaces, it was reportedly applied to bedding, including mattresses and sheets. While the label contains the directions: "Rinse hard, non-porous food contact surfaces with potable water after application of product," HDQ Neutral was sprayed inside microwaves without rinsing and wiping the microwaves after spraying. The label allowed the product to only be diluted with water, but detention officers and detainees, under the direction of detention officers, mixed HDQ Neutral with other chemicals, including Clean by Peroxy (a hydrogen peroxide-based cleaner and oxidizer). The Safety Data Sheet for HDQ Neutral says that it is incompatible with "strong oxidizing agents" and "strong acids."

The U.S. EPA issued a Notice of Warning to the Adelanto facility for using a pesticide inconsistent with its labeling. The U.S. EPA also directed Adelanto staff to take all necessary actions to ensure that any further use of pesticides takes place in accordance with the directions and precautionary statements on the pesticide label, and in full compliance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act. Failure to do so could subject Adelanto to further enforcement action.

For more information about DPR, go to *https://www.cdpr.ca.gov/index.htm*

Toxics

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Under CalEPA's Unified Program, the Department of Toxic Substances Control (DTSC) and Local Certified Unified Program Agencies (CUPAs), enforce laws pertaining to hazardous waste management and hazardous waste generator requirements. DTSC oversees facilities that have permits to handle, generate, transport, and/or treat hazardous waste. DTSC also oversees transportable hazardous waste treatment units, as well as electronic waste recyclers, processors, and collectors. Additionally, DTSC inspects facilities for compliance with hazardous waste treatment, storage, transportation, and disposal requirements.

The following statistics highlight DTSC's 2020 enforcement efforts:

ENFORCEMENT AND EMERGENCY RESPONSE DIVISION (EERD)

Statistics	Enforcement Efforts
209	Compliance Inspections (of which 42 were Financial Records Review inspections) 60 percent of the inspections were conducted in disadvantaged communities
295	Imperial and Trinity County Inspections
2,003	Vehicles inspected at California Ports of Entry
9	On-site Complaint Investigations
30	Enforcement Cases Settled Civil Cases Referred and Settled by Attorney General (5) Administrative Actions Settled (25)
3	Complaints for Civil Penalties and Injunctive Relief
4	Referrals to the U.S. EPA
21	IVAN Network Meetings IVAN: Identifying Violations Affecting Neighborhoods
$2,057,019	EERD Settlement Dollars Awarded

OFFICE OF CRIMINAL INVESTIGATIONS (OCI):

Statistics	Enforcement Efforts
105	Complaint Investigations 43 percent of the inspections were conducted in disadvantaged communities
105	Criminal Cases Under Investigation
94	New Cases Initiated
77	Criminal Investigations Completed
15	Criminal and Civil Cases Referred to District Attorney or Attorney General
3	Arrests
10	Misdemeanor Convictions
12	Years of Probation Issued
70	Community Service Hours Issued
$1,925,260	Settlement Dollars Awarded to Local Agencies from Statewide Enforcement Actions Supported by OCI

EMERGENCY RESPONSE UNIT (ERU):

Removals	Program
114	Illegal Drug Lab Hazardous Waste Removals 39 percent Conducted in Disadvantaged Communities
46	Off-Highway Hazardous Waste Removals 24 percent Conducted in Disadvantaged Communities
$1,338,041	Total Cost of Illegal Drug Lab and Off-Highway Hazardous Waste Removals

DTSC ENFORCEMENT CASE HIGHLIGHTS

Enforcement and Emergency Response Division (EERD) Cases

KW Plastics of California – Bakersfield, Kern County

On Jan. 7, 2020, DTSC entered into a final judgement with KW Plastics of California (KW Plastics) settling violations cited by DTSC. These violations included illegal acceptance of hazardous waste, five violations for illegal treatment of hazardous waste, and failure to record inspection of incoming hazardous waste as required by their permit. KW Plastics paid $560,000 in penalties. The final judgement included a corrective action order to evaluate possible contamination of the site and a pre-payment of $50,000 for oversight costs DTSC incurred in overseeing work conducted for the Corrective Action Order.

KVAC Environmental Services, Inc. – Rancho Cucamonga, San Bernardino County

On Oct. 20, 2020, DTSC entered into a Consent Order with K-VAC Environmental Services, Inc. (K-VAC). KVAC paid a penalty in the amount of $200,000. The hazardous waste transporter was cited for illegally storing hazardous waste, failing to comply with shipping details as provided on the manifest by the hazardous waste generator, and transporting hazardous waste without a valid registration.

ZARC Recycling, LLC. – Brisbane, San Mateo County

In December 2020, ZARC Recycling, LLC (ZARC), an electronic waste recycler, agreed to a settlement of $65,000 to resolve allegations of multiple violations, including failure to establish and demonstrate Financial Responsibility for Sudden Liability, and failure to establish and demonstrate Financial Assurance for Closure Care. Of the total $65,000 settlement, ZARC paid $32,500 to DTSC, and $32,500 toward a Supplemental Environmental Project for the development of a universal waste training module by the California Compliance School for use statewide.

Office of Criminal Investigations (OCI) Cases

Original Sixteen to One Mine, Inc. – Alleghany, Sierra County

On June 2, 2020, a complaint was filed with the Sierra County Superior Court charging Michael Miller and Original Sixteen to One Mine, Inc. (The Mine) with knowingly and unlawfully disposing of hazardous waste. The Mine was also charged with disposal onto the ground in the form of mercury from broken lamps and arsenic. These charges stem from an OCI search warrant executed at the site in October 2019. The OCI warrant search uncovered several hundred pounds of solid waste, 38 drums of suspected waste oil, approximately 500 pounds of contaminated soil and other wastes. This case is awaiting trial.

Richard Parks – Chico, Butte County

On June 10, 2021, Richard E. Parks, plead guilty to three criminal charges (two felonies and a misdemeanor) related to the transportation and disposal of hazardous waste on his property. Parks removed asbestos from buildings he owned in the North Valley Plaza in Chico, California and dumped the waste at his own residential property, also located in Chico. Concerned neighbors who witnessed the dust and debris contacted the California Department of Fish and Wildlife (CDFW). This case was initiated in February 2020 and was referred to the Butte County District Attorney's (DA) office on May 15, 2020. OCI worked a joint investigation with the CDFW and the Butte County DA's Office. OCI visited the site, collected samples, and assisted in the investigation. Much of the investigation was completed when COVID-19 was just emerging, and times were uncertain. With oversight from DTSC, the cleanup is now complete, and the property is free of asbestos.

Thatcher Company of California – Stockton, San Joaquin County

On July 6, 2020, Thatcher Company of California, formerly known as Sierra Chemical Company, agreed to a $32,480 settlement. During the 2018-19 CalEPA Environmental Justice Enforcement Task Force Initiative in Stockton, the San Joaquin County Environmental Health Department, which is the local CUPA, requested OCI's assistance with Thatcher, a recalcitrant facility. Thatcher makes and sells water treatment chemicals and uses chlorine gas. The health department cited the company for 17 violations in 2015 and 2017. In 2015, U.S. EPA also inspected Thatcher and found similar violations. By late 2018, the facility had not returned to compliance. OCI inspected the facility in November 2018 and collected nine samples; four of which were hazardous. In April 2019, the facility returned to compliance for the violations cited (illegal storage and failure to determine a hazardous waste).

DTSC's Special Projects

Violations Scoring Procedure

The Violations Scoring Procedure (VSP) regulations (California Code of Regulations, title 22, sections 66271.50 through 66271.54), which took effect on January 1, 2019, apply to all operating permitted hazardous waste facilities (Facility), 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 (10) year period. Based on the Facility VSP score, DTSC assigns each facility to one of three compliance tiers. DTSC considers 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 permit.

DTSC's EERD is required to calculate inspection violation scores for each inspection conducted and establish an

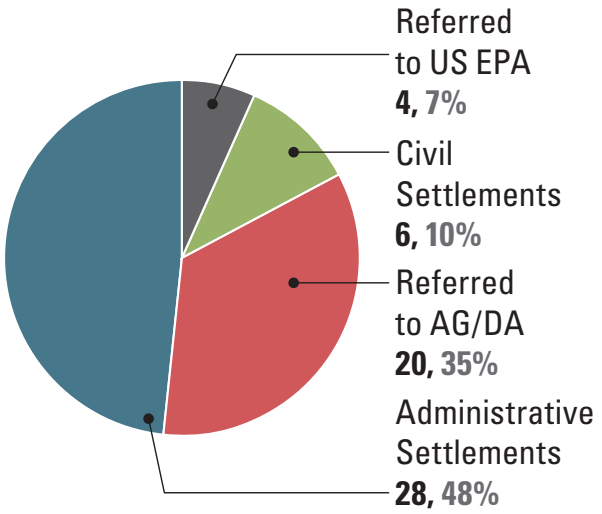
annual Facility VSP score for each facility. A Facility VSP Score consists of the sum of the inspection violation scores for each "compliance inspection" conducted during the preceding 10-year period, ending on December 31 of the prior calendar year, divided by the number of such inspections. An inspection 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 September 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 will post all Facility VSP Scores and compliance tier assignments to DTSC's VSP website by December 31 of each year.

EERD completed all VSP scoring requirements, including calculation of all inspection violation scores (50) and Facility VSP Scores (78 facility scores), and made corresponding compliance tier assignments. EERD is on track to complete all VSP scoring requirements for 2021.

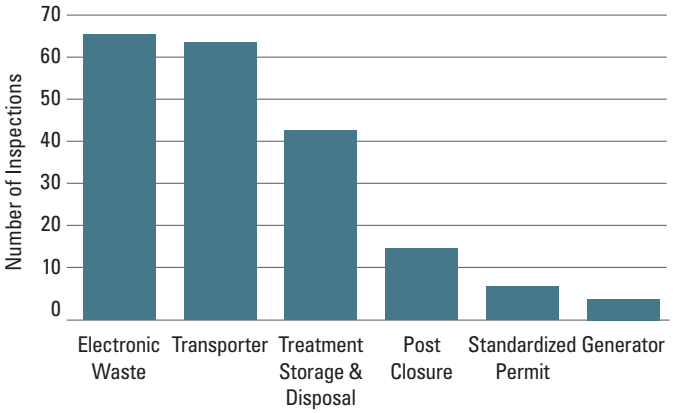
Tablet (iPad) Based Inspections

EERD is transitioning from pen and paper-based inspections to tablet-based inspections. Inspectors will be able to input inspection findings into the tablet, which will then result in the automatic population of the Summary of Observations, Summary of Violations and Inspection Report. Electronic inspection data will then automatically populate a dashboard that summarizes key performance indicators.

DTSC Enforcement	# of Cases
Administrative Settlements	28
Civil Settlements	6
Referred to AG/DA	20
Referred to US EPA	4



Inspection Type	Number of Inspections
Electronic Waste	68
Transporter	66
Treatment Storage & Disposal	45
Post Closure	17
Standardized Permit	8
Generator	5



Water

STATE WATER RESOURCES CONTROL BOARD

The California Water Boards are comprised of the State Water Resources Control Board (SWRCB or State Water Board) located in Sacramento, and the nine Regional Water Quality Control Boards (Regional Water Boards), located in specific watersheds throughout California. Collectively called the Water Boards, they are dedicated to a signal vision: abundant clean water for human and environmental uses to sustain California's future. The State Water Board oversees 7,722 drinking water utilities, 675 environmental laboratories and 40,649 water rights. The Regional Water Boards are responsible for protecting water quality and regulate over 100,000 facilities and 12,148 cleanup sites. Although COVID-19 brought many challenges, the Water Boards conducted 7,480 inspections, identified 13,971 violations, issued 10,242 enforcement actions, and imposed $16,762,984 in fines. Below are some of the Water Boards' enforcement highlights for 2020.

Monterey Mushrooms, Inc., Morgan Hill Facility, Santa Clara County

Monterey Mushrooms, Inc. and Spawn Mate, Inc., Hall Road and Maher Court Facilities, Royal Oaks, Monterey County

From 2016 to 2020, the San Francisco Bay and Central Coast Water Boards participated in a joint investigation with CDFW and District Attorney's Offices from four counties, resulting in a coordinated enforcement action across multiple regions that imposed a $3.4 million penalty against the nation's largest mushroom grower for polluting surface waters of the state.

On Feb. 26, 2020, the San Francisco Bay Regional Water Quality Control Board ordered Monterey Mushrooms, Inc. to pay $911,800 for discharging more than 650,000 gallons of stormwater polluted with compost leachate from its Morgan Hill facility into Fisher Creek, a tributary to Coyote Creek, which supplies municipal water and is a freshwater habitat for rare and endangered species. Nearly half of the penalty ($440,364) was dedicated to funding a Santa Clara Valley Open Space Authority project to restore 3.5 acres of habitat along Fisher Creek, downstream of the facility.

The San Francisco Bay Water Board's investigation found that in March 2016, Monterey Mushrooms discharged at least 258,000 gallons of polluted stormwater from one of its compost storage areas to a ditch that flowed into Fisher Creek. Inspectors found that deficiencies in stormwater management practices resulted in stormwater merging with compost, becoming polluted, and then running off the site. The investigation also found that in February 2017, Monterey Mushrooms pumped at least 400,000 gallons of polluted water from a pond to Fisher Creek. The discharge contained

ammonia over five times the U.S. EPA's water quality criterion intended to protect aquatic life.

The Morgan Hill facility investigation led the investigators to coordinate with the Central Coast Regional Water Quality Control Board to evaluate additional facilities owned and operated by Monterey Mushrooms and its subsidiaries in the Central Coast Region. The joint investigation uncovered high volume discharges of compost laden waste to tributaries of Elkhorn Slough. Elkhorn Slough harbors the largest tract of tidal salt marsh in California outside of San Francisco Bay and is a designated ecological reserve and recognized as a National Estuary Sanctuary by CDFW and the federal government.

From January 2017 to April 2017, the company discharged over 4.6 million gallons of process wastewater and polluted stormwater from two facilities in Royal Oaks, Monterey County, into tributaries of Elkhorn Slough. The discharged wastewater contained ammonia, excessive nutrients, and suspended and floating material, which can harm water quality and aquatic habitat.

On July 17, 2020, Monterey Mushroom, Inc. and its wholly owned subsidiary Spawn Mate, Inc., agreed to a $1,169,425 settlement with the Central Coast Water Board for the unauthorized discharges. Under the settlement agreement, $599,775 of the settlement funds will pay for a supplemental environmental project, which consists of a pilot project for 1,2,3-trichloropropane (1,2,3-TCP) household-level water treatment for up to 20 disadvantaged community households in unincorporated areas of northern Monterey County, where residents rely on groundwater wells with high levels of 1,2,3-TCP in drinking water. The objective of the household-level water treatment is to effectively treat 1,2,3-TCP to levels below the drinking water standard.

Sonoma Luxury Resort LLC, Healdsburg, Sonoma County

On Dec. 11, 2020, the North Coast Water Board formally approved a $6.4 million fine for Construction General Permit (CGP) violations against Sonoma Luxury Resort LLC (SLR), the developer of a 258-acre luxury resort, hotel, and residential project (Site) in the City of Healdsburg in Sonoma County. An investigation by North Coast Water Board staff, with assistance from city staff, revealed that during construction approximately 65 acres of land was disturbed on the site and SLR's repeated failures to comply with the CGP caused an estimated 9.4 million gallons of highly turbid water (i.e., water containing substantial amounts of sediment) to discharge into Foss Creek and other Russian River tributaries. This highly turbid water discharged into the Middle Russian River Hydrologic Area which serves critical roles not only for swimming and other forms of recreation, but also helps provide drinking water for area residents and is habitat for threatened species like Coho Salmon and steelhead trout.

Chronic turbidity, which can be caused by sediment discharges like those from the site, interferes with the gills of fish and macro-invertebrates, affecting overall physiological health of aquatic species.

The North Coast Water Board investigation found that site managers consistently failed to use Best Management Practices (BMPs) as required by the CGP to prevent or minimize pollutants from discharging off site, resulting in violations occurring over many months. These deficiencies at the Site were first identified in November 2018 and North Coast Water Board staff ordered a suspension of construction in December 2018 to give SLR the chance to correct its operations.

During a post-suspension inspection, North Coast Water Board staff noted modest improvements to the BMPs, though such improvements were short-lived, as North Coast Water Board staff again ordered a suspension of construction in February 2019 for failure to implement and maintain adequate and effective BMPs. Unauthorized discharges of sediment continued to occur from the Site through May 2019 after SLR removed BMPs from many active construction areas.

The case was prioritized for enforcement for several reasons, including the size of the discharges, the importance of the impacted watershed, and SLR's refusal to come into compliance after progressive enforcement efforts.

In response to the North Coast Water Board's decision, SLR filed two Superior Court actions challenging the order. Hearing dates have not yet been set for those actions.

"CHRONIC TURBIDITY, WHICH CAN BE CAUSED BY SEDIMENT DISCHARGES LIKE THOSE FROM THE SITE, INTERFERES WITH THE GILLS OF FISH AND MACRO-INVERTEBRATES, AFFECTING OVERALL PHYSIOLOGICAL HEALTH OF AQUATIC SPECIES."

Cham-Cal Engineering Co. and Western Avenue Associates, L.P, Garden Grove, Orange County

On Oct. 20, 2020, the Santa Ana Regional Water Quality Control Board issued a $1.14 million penalty against Cham-Cal Engineering Co. and Western Avenue Associates, L.P. for failing to comply with a 2016 Cleanup and Abatement Order, which required the owner of the facility to remediate the contaminated soil, soil vapor and groundwater beneath the facility and submit technical reports to the regional board.

The facility manufactures commercial truck accessories and Cham-Cal used and stored tetrachloroethene (PCE) in its vapor degreasing operation, resulting in repeated discharges of the contaminant to soil and groundwater on industrial property owned by Western Avenue Associates. PCE is a solvent that the U.S. EPA classifies as a probable human carcinogen. There have been detections of indoor vapors at the site, and there is an ongoing threat to human health for the Cham-Cal employees.

Rather than complying with the requirements of the order, the companies instead failed to meet most of their deadlines and were penalized for submitting a late Interim Remedial Action Plan and neglecting to implement a Vapor Mitigation Plan to protect workers from inhaling PCE. Because of their continued noncompliance, Cham-Cal and Western Avenue Associates were subject to daily penalties of up to $5,000 for each violation per the California Water Code and the State Water Resources Control Board's Enforcement Policy. The responsible party has petitioned the California Superior Court for a writ of administrative mandamus, a form of legal appeal for administrative actions.

The case was important for the Santa Ana Water Board because of the ongoing recalcitrance of the responsible party, and the threat to the employees occupying the site on a day-to-day basis. The Santa Ana Water Board has worked for years to try and bring Cham-Cal into compliance through continued technical oversight and progressive enforcement, including a prior administrative civil penalty.

Plains Pipeline, L.P., Refugio State Beach, Santa Barbara County

On May 19, 2015, a pipeline owned and operated by Plains Pipeline, L.P. (Plains) failed and discharged approximately 2,934 barrels of heavy crude-oil near Refugio State Beach in Santa Barbara County. The oil spill caused the oiling of the Pacific Ocean and other shorelines and beaches resulting in beach and fishing closures and adverse impacts to natural resources such as birds, fish, marine mammals, and shoreline and subtidal habitat.

The investigation revealed that two lines were not maintained in a manner adequate to detect, assess, and mitigate the risks of external corrosion that are unique to underground insulated pipelines and that the company's emergency and facility response plans did not account for or identify the storm drain, which was the main pathway for the oil into the ocean.

Further, investigators discovered that the pipeline safety laws designated the Refugio incident area as a High Consequence Area, and that the company waited longer than it should have to make required notifications, which contributed to the severity of the spill.

In October 2020, following several years of mediation, the Central Coast Regional Water Quality Control Board reached a $2.5 million settlement with Plains Pipeline, L.P. as part of an over $60 million multi-agency settlement. In all, the company will pay $24 million in penalties. Plains will also pay approximately $22.3 million in natural resource damages to restore wildlife, and habitat injured, lost, or destroyed and to compensate the public for the impacts to recreation; $10 million to reimburse natural resource damage assessment costs; and $4.26 million to reimburse U.S. Coast Guard clean-up costs.

The 2015 Refugio oil spill had a devastating impact on the Central California coastline, on wildlife, and on the public. However, the global settlement, which was the result of diligent efforts on the part of both state and federal agencies, holds Plains accountable for the damage that was done and sends a strong deterrent message to it as well as the rest of the regulated community that protecting California's water resources and preserving those resources for future generations is of the utmost importance.

For more information about the Water Boards, go to *https://www.waterboards.ca.gov/*.

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 and other health hazards.

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 actions.

For more information about OEHHA, go to *https://oehha.ca.gov/about/home*

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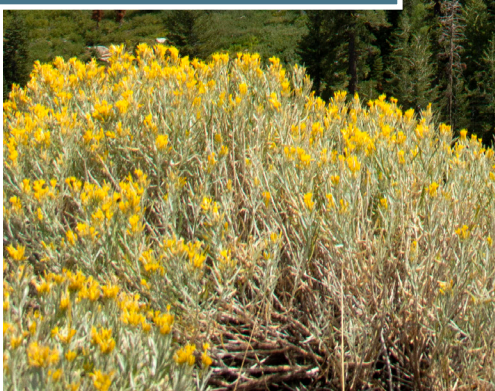

View this document at calepa.ca.gov/enforcement/enforcement-publications/