

2022

ENVIRONMENTAL COMPLIANCE & ENFORCEMENT REPORT



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ENSURING CONSISTENT, EFFECTIVE, AND COORDINATED COMPLIANCE AND ENFORCEMENT

The California Environmental Protection Agency (CalEPA) seeks to restore, protect, and enhance the environment and to ensure public health, environmental quality, and economic vitality in the state of California. Central to that mission is an equitable and forward-leaning enforcement and compliance program. California enjoys some of the most robust environmental protection laws in the country. But without effective and equitable enforcement, these laws risk losing meaning. This 2022 Environmental Compliance and Enforcement Report provides an overview of CalEPA's enforcement activities, with a focus on the Office of the Secretary's actions to coordinate enforcement across CalEPA's boards, departments, and offices (BDOs) and to advance environmental justice.



Five BDOs within CalEPA 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 nine Regional Water Quality Control Boards (RWQCB) (together Water Boards). Collectively, these boards and departments enforce environmental laws that regulate air pollution; 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.

As the parent agency to these BDOs, CalEPA is charged with ensuring consistent, effective, and coordinated compliance and enforcement actions to protect public health and the environment. A key aspect of CalEPA's role is enforcement coordination. Complex pollution problems often impact multiple environmental media (e.g., air, soil, water) and require enforcement responses from several BDOs. Federal partners and local regulatory entities such as air districts, county agricultural commissioners, and Certified Unified Program Agencies often play a key role in enforcement responses as well. CalEPA helps to coordinate enforcement responses across its BDOs and with local and federal partners to ensure environmental problems are addressed in a timely and effective manner.

In 2022, CalEPA's BDOs conducted more than 68,500 inspections to ensure compliance with laws that protect public health and the environment. The BDOs held polluters accountable, with enforcement actions that resulted in assessment of more than \$36,500,000 in penalties for environmental violations. In addition to the assessed penalties, more than \$12,500,000 derived from settlement of environmental violations was dedicated to supplemental environmental projects that benefit impacted communities.

EMBEDDING EQUITY IN ENFORCEMENT

CalEPA continued to prioritize equity-centered enforcement in 2022, with a focus on embedding equity into our BDOs' core enforcement programs. To integrate equity and environmental justice considerations throughout our enforcement work, CalEPA advanced frameworks for pilot projects focused on solution-oriented, community-centered enforcement engagement. The pilot projects will serve as laboratories for experimentation where creative problem solving is encouraged and successful efforts can be replicated. In addition to resolving pressing pollution problems, these efforts are designed to create an enforcement culture across CalEPA's BDOs that is community-focused, solution-oriented, and transparent.



Environmental Justice Task Force

In 2022, the Environmental Justice Task Force successfully concluded its sector-based initiatives and transitioned to a new framework focused on enhanced, sustained community engagement.

Beginning in 2019, the Task Force focused on four sectors that raise environmental justice concerns across the state: compost, agricultural worker protection standards, oil and gas, and metal shredders. For each sector, a workplan was established to identify potential environmental and public health issues associated with noncompliance in the sector, interagency enforcement coordination efforts, and community partner involvement. The workplans were completed in 2022, and the environmental justice focus of the initiatives was successfully embedded into the work of the lead BDO. DTSC is leading efforts to eliminate offsite releases of hazardous waste from metal shredders; DPR is working with partners to improve protections for agricultural workers; CalRecycle is focused on ensuring equitable expansion of composting infrastructure; and CARB is spearheading a collaborative enforcement effort focused on methane emissions from oil and gas facilities near communities. Detailed summaries of the sector-based initiatives are available in the 2021 CalEPA Enforcement Report.

With completion of the sector-based initiatives, CalEPA assessed how to refocus the Environmental Justice Task Force. Consistent themes emerged from conversations with residents and advocates in overburdened communities, including the need to focus on the pollution concerns that are most pressing for residents; solve problems rather than passing concerns from agency to agency; sustain community engagement instead of dropping in and then departing; and enhance information sharing and transparency.



To meet these needs, CalEPA refocused its Environmental Justice Task Force on enhanced, sustained community engagement. This approach centers on improved engagement with community-led forums focused on environmental violations, including Identifying Violations Affecting Neighborhoods (IVAN) networks. Task Force representatives have been assigned to specific community forums and are charged with following up on all community complaints, working across media and levels of government to seek solutions, and regularly communicating with the forum’s participants regarding their progress and any challenges. This new approach will help to break down governmental silos, enhance accountability, and enable speedy mobilization of multi-agency resources to address community concerns. Beginning in 2023, the Task Force will focus its efforts on pilot forums in overburdened communities in Kern County, Fresno County, San Francisco, Los Angeles, and the Coachella Valley.

In addition to solving concrete problems in these pilot communities, the Task Force is focused on experimentation to improve solution-oriented enforcement engagement that is responsive to community concerns. Task Force representatives are encouraged to try new approaches, seek community feedback, and adjust as necessary to advance enforcement that is effective and efficient and that meets the needs of the communities the Task Force is seeking to serve. CalEPA will strive to ensure that successful efforts are replicated in other forums and in core enforcement programs at its BDOs. Additionally, as Task Force representatives work with CalEPA’s BDOs and federal, state, and local partners on enforcement matters, they will seek to build a larger community that embraces an enforcement culture that prioritizes community concerns, focuses on problem solving and accountability, and leads with transparency.

CalEPA’s Environmental Justice Task Force has reorganized in preparation for its new focus on enhanced, sustained community engagement and is embarking upon this effort in 2023.



Collaborating with US EPA on Enforcement in Overburdened Communities

On September 10, 2021, CalEPA and US EPA Region 9 entered into a Memorandum of Understanding on Collaborative Efforts on Enforcement and Compliance Assurance in Overburdened Communities (MOU). The MOU emerged from a shared desire to enhance coordination and prioritize enforcement in overburdened communities. After signing the MOU, CalEPA and US EPA spent substantial time meeting with residents and advocates in overburdened communities across the state to solicit feedback on how to improve enforcement. Based on the input and insights gained through these meetings, the agencies crafted an Environmental Justice Enforcement Action Plan (Action Plan) to guide implementation of the MOU and to make the agencies' shared commitments more concrete.

The Action Plan is focused on pilot efforts that create opportunities for coordination and experimentation to improve collaborative enforcement. CalEPA and US EPA intend to use these pilot efforts to try new enforcement approaches, solicit feedback from residents in overburdened communities, expand successful efforts, and adjust or eliminate approaches that are not meeting community needs. The Action Plan is focused around four primary categories of activities:

- **Enhanced, Sustained Community Engagement:**
This effort leverages CalEPA's Environmental Justice Task Force and ensures that state and federal partners are working together to solve the pollution problems that are most pressing for residents in overburdened communities. US EPA staff will join CalEPA representatives in five pilot forums in overburdened communities. Assigned CalEPA and US EPA representatives will coordinate with each other and with local enforcement partners to pursue enforcement that is solution-oriented, transparent, and focused on accountability.
- **Rapid Response Task Force (RRTF):**
The RRTF is a framework for mobilizing an expedited, coordinated enforcement response to an incident that impacts an overburdened community and that is urgent or time sensitive. The RRTF is designed to improve enforcement coordination and collaboration across media and levels of government, with an emphasis on enhanced communication with residents in the surrounding community. CalEPA and US EPA plan to deploy a pilot RRTF in 2023, learn from that experience, and modify the process as necessary.
- **Tools for Coordinated Enforcement Engagement:**
This suite of actions focuses on creation of tools to enable improved enforcement coordination and communication that can be replicated or used by local, state, and federal enforcement partners throughout the state. The tools that will be developed include a framework to facilitate multi-media inspections and "activity logs" that provide a public-facing, easily updated snapshot of a facility's cross-media enforcement and compliance history.
- **Locally Focused Enforcement:**
This category emphasizes ensuring that corrective actions account for community concerns while addressing statutory noncompliance. It underscores CalEPA and US EPA's commitment to promoting incorporation of Supplemental Environmental Projects into settlements to help ensure enforcement outcomes meet community needs.

At the close of 2023, CalEPA and US EPA will summarize work completed under the Action Plan, reflect on successes and challenges in implementing the Plan, and develop recommendations for the future. The Agencies will solicit feedback to understand what aspects of the Plan are working well for communities and enforcement partners and what approaches need to be adjusted. CalEPA and US EPA are committed to seeking opportunities to expand successful efforts and modify efforts that are not meeting the needs of residents in overburdened communities.



Promoting Transparency and Communication

As CalEPA strives to embed equity into enforcement, staff across CalEPA's BDOs are regularly engaging with residents and advocates in overburdened communities to discuss enforcement efforts. By developing trusting relationships, staff can learn important information about pollution issues impacting residents and inform community members about measures taken to ensure facilities are complying with all environmental laws. Building trust requires transparency and a willingness to share information, which can be complicated in discussions about enforcement because there may be a need to maintain confidentiality to protect the integrity of an investigation or for other reasons.

To encourage BDO enforcement staff to share information when doing so is appropriate, CalEPA created a *Guidance for Sharing Enforcement Information with Communities*. The simple guidance document clarifies what enforcement-related information can always, sometimes, and never be shared with members of the public, and outlines considerations to help staff determine whether sharing is appropriate for information that falls within the "sometimes OK to share" category. Designed to be clear and simple, the guidance should provide agency staff with the confidence necessary to share information and build trusting relationships. The guidance has been shared with enforcement staff across CalEPA's BDOs and with local enforcement partners.

ENHANCING ENFORCEMENT COORDINATION



Enhanced enforcement coordination remains a priority for CalEPA. Effective environmental enforcement requires collaboration and coordination with local, state, and federal enforcement partners, and requires agencies to approach problems holistically rather than from narrow regulatory silos. CalEPA strives to ensure that collaboration is baked into the enforcement workstreams at its BDOs, occurring daily and not as an afterthought. Implementation of the aforementioned CalEPA-US EPA MOU has provided an opportunity to enhance coordination across media and levels of government. In addition to those efforts, CalEPA is continuing to facilitate coordinated enforcement through several priority initiatives. These efforts are designed to tackle pressing environmental problems and to integrate collaboration into enforcement workstreams so that enhanced coordination continues beyond the operation of any formal task force or initiative.

Methane Task Force

In a July 22, 2022, letter to CARB Chair Randolph, Governor Newsom called for CARB and the California Geologic Energy Management Division (CalGEM) to create a Task Force to identify and address methane leaks from oil infrastructure near communities. The request reflects

California's commitment to dramatically reducing emissions of climate warming pollutants and to addressing environmental injustices.

In response to the letter, CARB, CalGEM, CalEPA, and the California Natural Resources Agency came together to outline focal efforts for the new Methane Task Force. In addition to providing a forum for information sharing and collaboration related to key initiatives like CARB's methane detection satellites and CalGEM's process for plugging orphaned wells, the agencies identified an opportunity to enhance enforcement coordination.

With assistance from CalEPA, the agencies with primary enforcement authority over methane leaks from oil and gas production facilities—CARB, CalGEM, and air districts—began coordinating to craft community-focused inspection and enforcement workplans. The agencies plan to begin joint inspections in 2023 with an initial focus in Kern County, followed by focused joint inspections in the Los Angeles region. These joint inspections are supplemental to the regular inspection and enforcement work that CARB, CalGEM, and air districts all pursue in this sector, and will focus on infrastructure that is particularly concerning for residents in communities impacted by oil and gas production.



Vehicle Dismantling Industry Strike Team

On October 6, 2021, Governor Newsom signed SB 366, which requires the Department of Motor Vehicles (DMV) Vehicle Dismantling Industry Strike Team (VDIST) to collaborate with the California Department of Tax and Fee Administration, CalEPA Enforcement, DTSC Office of Criminal Investigations, SWRCB Office of Enforcement, CalRecycle Tire Enforcement Unit, and CARB Aftermarket Parts Enforcement Unit to review and coordinate enforcement and compliance activity related to unlicensed and unregulated automobile dismantling, tax evasion related to those activities, in addition to environmental and public health impacts. SB 366 is a continuation of the initial effort that resulted from AB 1858 (2016). Some of the key differences between AB 1858 and SB 366 are as follows:

- SB 366 gives the DMV authority to declare a building or place used for the purpose of automobile dismantling that is determined to be in violation of operational requirements a public nuisance, as specified, and would authorize a public body, as defined, to seek certain remedies.
- SB 366 gives the DMV authority to investigate unlicensed automobile dismantlers involved in the theft of catalytic converters including the purchase, receipt, possession, or sale of a stolen catalytic converter.

In preparation for this multi-agency collaborative effort, CalEPA and DMV coordinated a multi-agency training and operational planning meeting on February 22-23, 2022, in San Luis Obispo County. The purpose of the training was to educate each agency on each other's regulatory authority and role as it relates to VDIST. Presentations were conducted by DTSC, SWRCB, CalRecycle, CARB, CalEPA, and DMV. This event also served as the kickoff to this collaborative effort with the first VDIST operation being conducted on February 24, 2022, in Arroyo Grande (San Luis Obispo) and Santa Maria (Santa Barbara County).

In 2022, VDIST led 20 operations throughout the state, 15 of which were conducted in overburdened communities. During these multi-agency operations, a total of 427 inspections were conducted at suspected unlicensed automotive dismantlers. The results of these inspections will be detailed in the DMV's statutorily required report which is due on or before January 1, 2024. As part of their contributions to the VDIST efforts, the Water Board's Office of Enforcement developed a new "[Stormwater Permit Guide for Automotive Vehicle Dismantlers](#)" in both English and Spanish which is accessible from the [Water Board's Industrial General Permit Toolbox](#).



Unified Program Enforcement Highlights

CalEPA oversees the Unified Program, which protects Californians from hazardous waste and hazardous materials by ensuring local regulatory agencies consistently apply statewide standards when they issue permits, conduct inspections, and engage in enforcement activities. In this capacity, CalEPA seeks to ensure that Unified Program Agencies' compliance and enforcement efforts are effective, consistent, coordinated, and equity centered. CalEPA is grateful for its continued partnership with local Unified Program Agencies, which help to ensure the health and safety of Californians across the state.

In 2022, Unified Program Agencies conducted tens of thousands of inspections at regulated facilities across California:

Inspections at Regulated Facilities in California	
Hazardous Material Business Plan	64,442
Hazardous Waste Generator	40,020
Underground Storage Tank	21,098
Aboveground Petroleum Storage Act	6,826
RCRA Large Quantity Generator	1,553
California Accidental Release Prevention	976
Hazardous Waste Recycler	156
HW Treatment Permit by Rule	356
HW Treatment Conditionally Authorized	202
HW Treatment Conditionally Excluded	305
Household Hazardous Waste	83
Total	136,017

CalEPA received 186 Formal Enforcement Summary reports from Unified Program Agencies in 2022. These reports show that enforcement was pursued for the following Unified Program elements:

Pursued Enforcement for Unified Program Elements	
Hazardous Material Business Plan	68
Hazardous Waste Generator	43
Underground Storage Tank	76
Aboveground Petroleum Storage Act	8
RCRA Large Quantity Generator	3
California Accidental Release Prevention	8
Hazardous Waste Treatment	3
Local Ordinance	2

Overall, these enforcement actions resulted in penalties of \$1,452,709 and \$35,572 dedicated to supplemental environmental projects.



Complaint System

CalEPA maintains an online Environmental Complaint System that allows any member of the public to easily report environmental concerns related to mobile and stationary sources of air pollution, water rights and water quality, alleged pesticide use violations, illegal dumping of solid waste and/or hazardous waste, and more. Users can submit complaints from mobile devices and upload photos, videos, and other documentation as evidence of the alleged violations.

CalEPA's Environmental Complaint System serves as an early warning system by alerting regulatory enforcement agencies of potential violations of environmental laws. This helps CalEPA's BDOs and external enforcement partners address and resolve environmental concerns in a timely manner. Further, it provides regulatory agencies that may not have the resources to establish and maintain their own environmental complaint system, and the communities they serve, with a free platform to report their environmental and public health concerns.

In 2022, CalEPA received 3,161 complaints through its online reporting system across several environmental enforcement areas:

- 1,287 were related to air pollution
- 85 were related to pesticides
- 336 were related to recycling or solid waste management
- 875 were related to toxic substances/hazardous waste
- 856 were related to water pollution/water quality
- 213 were related to water rights
- 61 were related to cannabis/marijuana
- 91 were related to refineries

Of the total complaints received in 2022:

- 202 were multi-media complaints, meaning they involved more than one of the categories listed above which required additional referrals to other State or local regulatory agencies.
- 244 resulted in findings of environmental violations and/or compliance issues.
- 733 were identified as being in an Environmental Justice area.

For general information about the complaint system, visit the [CalEPA Environmental Complaint System website](#). To access the CalEPA Environmental Complaint System public [intake form](#), visit <https://calepacomplaints.secure.force.com/complaints/>.

STRENGTHENING ENFORCEMENT FUNDAMENTALS



CalEPA recognizes that ensuring the continued strength of its enforcement programs will require training the next generation of environmental enforcement professionals. To that end, CalEPA seeks to provide and support training opportunities that incorporate the latest technologies, are consistent with the current regulatory landscape, and emphasize cross-media competencies.

Multimedia and Cross-Media Enforcement Training

In 2022, 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, investigation, and enforcement processes as well as an interactive mock inspection and mock courtroom testimony.

The BIA program continued to be held virtually throughout 2022. From January 2022 to December 2022, CalEPA hosted 8 BIA sessions and successfully trained 253 inspectors and investigators from various state and local regulatory agencies throughout California. Additionally, CalEPA made significant updates to the BIA curriculum, including but not limited to the addition of an Environmental Justice segment.

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 2022, approximately 260 individuals completed the online Fundamental Inspector Course.



Environmental Enforcement and Training Grants

The Environmental Enforcement and Training Grant Program (Penal Code section 14300 et seq.) provides financial assistance for environmental enforcement, education, and training to enhance statewide enforcement of environmental laws. In 2022, CalEPA dedicated funding to four projects that will help advance environmental enforcement in California:

- **\$18,975 to Orange County Coastkeeper**, a 501(c)(3) nonprofit, for the Orange County Marine Protected Area Enforcement Training Project. The project includes a one-day training session focused on Orange County Marine Protected Area regulations, boundaries, and access points, areas of noncompliance, and enforcement strategies from the Orange County Deputy District Attorney's Office. It also involves the creation and distribution of an Orange County Marine Protected Area Reference Guide for Officers.
- **\$26,700 to the Del Amo Action Committee**, a 501(c)(3) nonprofit, to partially fund the 8th Annual Environmental Justice and Enforcement Symposium Series. The symposium includes five half-day, enforcement-focused workshops that address environmental laws and practices to reduce pollution, increase protections, and create a sense of well-being in contaminated disadvantaged communities.
- **\$27,600 to California Safe Schools**, a 501(c)(3) nonprofit, to prepare and host the "Your Life is Now" Environmental Health & Enforcement Forum. The event is designed to facilitate transparency and collaboration between enforcement entities, regulatory agencies, and communities. The forum is particularly focused on fostering transparency and open communication between environmental justice communities and environmental regulators.
- **\$93,234 to the Imperial County Sheriff's Office** for a local assistance grant to provide targeted off-highway vehicle education and increased law enforcement services in the Salton City area. The awarded funds are used to add more prominent no trespassing signage around the Salton Sea playa, to purchase and distribute educational materials and brochures to off-highway vehicle users, and to increase law enforcement activities such as patrol services in the Salton City area.

CalEPA is grateful for the efforts of our community and local agency partners to further environmental enforcement and trainings to protect human health and the environment. We look forward to our continued stewardship of this program and all of the benefits it provides.

CONCLUSION

Moving forward, CalEPA will continue to focus on ensuring consistent, effective, and coordinated compliance and enforcement actions to protect public health and the environment, with a focus on equity and environmental justice. We look forward to sharing more information about our efforts in our 2023 CalEPA Enforcement Report.



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