2015

Environmental Compliance and Enforcement Report

CalEPA
California Environmental Protection Agency

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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

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Governor

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

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This report provides agency-wide summary information on environmental enforcement and compliance programs for 2015. It highlights major program priorities, provides examples of enforcement cases, and summarizes cross-media enforcement and training efforts. This report also provides links to individual enforcement reports available on each program's website.

Cross-Media Enforcement & Environmental Justice

In California, the boards and departments within the California Environmental Protection Agency (CalEPA) enforce environmental laws relating to specific subjects: air, water, toxics, solid waste and pesticides. The Office of the Secretary of CalEPA is responsible for ensuring that this enforcement work is consistent, effective, and coordinated across all programs. To do this, CalEPA manages a cross-media enforcement training program, administers an enforcement training grant program, coordinates a steering committee focused on multimedia environmental enforcement and runs a working group designed to promote compliance across all environmental programs in disadvantaged communities in California. This report describes these efforts, and it compiles data from the 2015 calendar year to provide an annual overview of the enforcement activities of CalEPA's boards, departments, and office. For information about ongoing enforcement activities of the boards, departments, and office, please see the websites referenced throughout the report.

Cross-Media Enforcement Training Program

CalEPA and its boards and departments collaborated to train 287 inspectors on the basics of environmental inspection. Inspectors came from environmental programs at the state, regional, and local level.

TABLE 1: INSPECTORS TRAINED BY CALEPA'S BASIC INSPECTOR ACADEMY

Air	33
Water	77
Pesticides	48
Hazardous Waste/Hazmat/ Underground Storage Tank (UST)	111
Solid Waste	18

FIGURE 1: 11 BASIC INSPECTOR ACADEMIES WERE HELD ACROSS THE STATE

CalEPA held eleven Basic Inspector Academies (four days each) across the state.

CalEPA enrolled 683 enrolled in a fundamental inspector course, an online class that is a prerequisite to the in-person Basic Inspector Academy. CalEPA also provided a one-day refresher course for inspectors involved in its Los Angeles Environmental Justice Initiative.

Environmental Enforcement Training Grant Program

CalEPA administers the *Environmental Enforcement and Training Account Grant Program* as authorized by California Penal Code sections 14300-14315 and California Code of Regulations, title 27, sections 10014-10016. This grant program supports coordinated and uniform environmental enforcement by providing financial assistance for training to environmental regulators, law enforcement, peace officers, and prosecutors. Most of the funding for the program comes from contributions negotiated as a component of settlements of local, state, and federal environmental law enforcement actions. Statute prescribes that CalEPA must distribute 75 percent of the fund to the California District Attorneys Association (CDAA) and the Commission on Peace Officer Standards and Training (POST). CalEPA distributes the remaining 25 percent through a discretionary grant program for enforcement training and local enforcement assistance. In 2015, CalEPA distributed a total of $440,982.62.

CalEPA made the disbursements required by statute as follows:

- $112,495.65 to CDAA's **Environmental Enforcement Training Project**;
- $112,495.65 to CDAA's **Environmental Circuit Prosecutor Project**; and
- $100,000 to POST, which intends to use the funds to develop an **Institute of Criminal Investigation Certification** for environmental crime for peace officers.

CalEPA received eight applications and awarded four discretionary grants for environmental enforcement training or local enforcement assistance:

- $34,900 awarded to **Nevada County Environmental Health Department** for environmental enforcement training for its investigators and for the purchase of surveillance equipment to assist with the enforcement of environmental crimes.
- $32,091.32 awarded to **San Diego County Environmental Health Department** for costs associated with hosting 12 California Environmental Reporting System (CERS) workshops to assist small businesses with new reporting requirements.
- $39,000 awarded to **City of Santa Clara Fire Department** for environmental investigation and enforcement training for its Hazmat Division staff and to enable the city to host regional environmental enforcement trainings for local regulators.
- $10,000 awarded to **California District Attorneys Association** for the Environmental Circuit Prosecutors Project, which aims to establish two new rural county task forces and to provide two trainings focused on environmental and enforcement issues surrounding the cultivation of cannabis.

Los Angeles Environmental Justice Initiative

CalEPA and its boards, departments, and office are committed to ensuring their programs promote a safe, healthy environment for all Californians and making sure the public has meaningful opportunities to participate in environmental decision-making. CalEPA formed the Environmental Justice Compliance and Enforcement Working Group to more fully integrate environmental justice considerations into enforcement of environmental laws. The Working Group is comprised of the boards, departments, and office within CalEPA, along with partner agencies with environmental enforcement programs. The Working Group's goals include promoting public participation, integrating environmental justice considerations into the enforcement work of the boards and departments, and promoting interagency coordination to ensure that pollution burdens are comprehensively addressed across multiple media within disproportionately impacted areas.

After completing its Fresno Initiative in 2014, the Working Group selected two neighborhoods, Boyle Heights and Pacoima, in the City of Los Angeles for its next initiative. The Working Group used CalEnviroScreen to identify these areas as among the most burdened by pollution sources and most vulnerable to the effects of pollution compared to other areas of the state. The Working Group then considered the regulatory authority and priorities of group members and reviewed existing efforts to address pollution and enforcement in the area. The Group kicked off the initiative by hosting a community consultation and tour in each neighborhood. Enforcement staff from CalEPA, its boards and departments, and partner agencies joined together to share information with community members about their programs, collect information about areas of concern from the community, and formulate priorities for enforcement and compliance assistance work. With this input, the Working Group performed targeted and, when appropriate, multi-agency inspections in the fall of 2015. The Working Group also provided compliance assistance events and consultations in each community. The initiative concluded with the Working Group meeting with the communities again, reporting the results of the initiative, identifying remaining issues and concerns, and discussing opportunities for continued activities in the communities.

Sampling of Issues Identified by Boyle Heights and Pacoima Communities

- Diesel emissions from freeways and idling trucks
- Odors and dust from industrial operations near homes and schools
- Illegal dumping
- Illegal backyard business activity involving hazardous substances
- Problems related to accessibility of regulator staff to members of the community

Los Angeles Initiative Compliance Assistance Events

CalRecycle conducted 46 compliance assistance visits to explain tire storage and manifest requirements to regulated businesses in Boyle Heights and Pacoima and held a compliance assistance training event for tire haulers in Pacoima.

The Los Angeles Regional Water Quality Control Board held a compliance assistance event in Pacoima to advise businesses of the requirements for best management practices pursuant to the regional water board's industrial storm water permit.

The Department of Toxic Substances Control (DTSC) hosted two hazardous waste compliance trainings, one in each neighborhood, training hazardous waste generators on the laws and requirements that apply to their businesses.

Los Angeles Initiative Inspection and Enforcement Highlights

Truck Stops

The Air Resources Board (ARB) set up six truck stops, three in each community, to inspect nearly 700 heavy-duty diesel trucks passing through those communities for compliance with diesel emissions standards, resulting in 195 citations and 18 new fleet investigations opened.

Pesticide Residues

The Department of Pesticide Regulation (DPR) tested 204 samples of produce for illegal pesticide residue from 16 retail stores in the two communities, resulting in eight samples found containing illegal pesticide residue. DPR ordered the destruction of 900 cases of contaminated produce and issued a stop harvest order to a California grower, resulting in the destruction of 11.5 acres of cilantro.

Metal Plating Criminal Complaints

Agencies with jurisdiction to enforce hazardous waste laws prioritized their inspection work around metal plating establishments, and as a result of these inspections, the Los Angeles City Attorney's Office filed six criminal complaints (five in Boyle Heights and one in Pacoima). With the exception of the Pacoima case that is still pending, the remaining five defendants plead guilty and paid fines and costs.

Discount Stores

Four agencies, ARB, DTSC, DPR and the California Department of Public Health (DPH), inspected 14 discount retailers (commonly called "dollar stores") in Boyle Heights and Pacoima, with a general focus on consumer products. DTSC found two violations: one product in violation of toxics in packaging laws and the other product in violation of lead in jewelry laws. ARB found three products in violation of its volatile organic compounds limits and one improperly labeled product. DPR issued nine violations for the sale of unregistered pesticide products.

Backyard Business Activity

Pacoima community members identified a particularly concerning residential area where business activity involving hazardous waste appeared to be occurring. Neighbors noted unusual things such as frequent delivery-truck traffic, metal cutting and sawing noises, and piled up dismantled cars and car parts visible from the street. CalEPA and the Los Angeles City Attorney's Office organized a task force of local enforcement agencies to identify and inspect specific properties. All six of the selected properties were cited for municipal code violations and two were cited for illegal storage and disposal of hazardous waste. The Los Angeles City Attorney's Office filed a criminal complaint against two individuals, alleging illegal storage of automotive parts, oil containers, and automotive batteries, all of which contained hazardous waste.

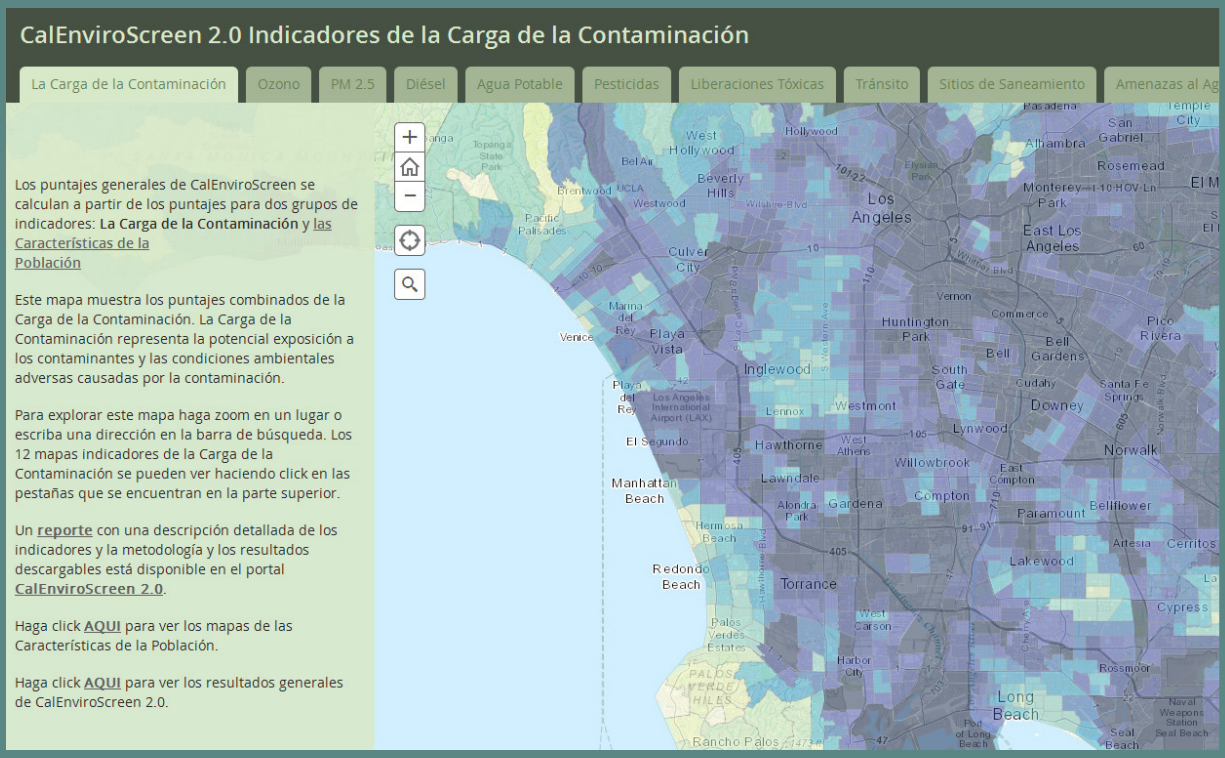
See CalEPA's Los Angeles Initiative Report for more information.

Environmental Health Hazard Assessment

The mission of the Office of Environmental Health Hazard Assessment (OEHHA) is to protect and enhance public health and the environment by scientific evaluation of risks posed by hazardous substances. While OEHHA has no enforcement authority, it performs scientific assessments used by other CalEPA boards and departments and other regulatory agencies as the basis for standards, regulations and other decisions, including enforcement. OEHHA also maintains the Proposition 65 list of chemicals known to cause cancer or reproductive toxicity and has developed a scientific tool for characterizing pollution burdens in California communities.

Proposition 65 Implementation

As the lead agency for implementing the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), OEHHA evaluates and maintains a list of chemicals that cause cancer or reproductive toxicity. OEHHA also determines "safe harbor" levels of exposure to listed chemicals. Businesses are exempt from warning requirements when exposures are below these levels. Furthermore, OEHHA provides scientific expertise in cases brought by the California Attorney General's Office to enforce Proposition 65's requirements. In 2015, OEHHA added 10 chemicals to the Proposition 65 list of carcinogens and reproductive toxicants. For a summary report on Proposition 65 private enforcement action settlements in 2015, see the *California Attorney General's website*. In November 2015, OEHHA commenced the rulemaking process to update its Proposition 65 warning requirements. For more information, see *OEHHA's webpage* on the new regulations.



CalEPA and OEHHA launched a Spanish-language interface for CalEnviroScreen in 2015.

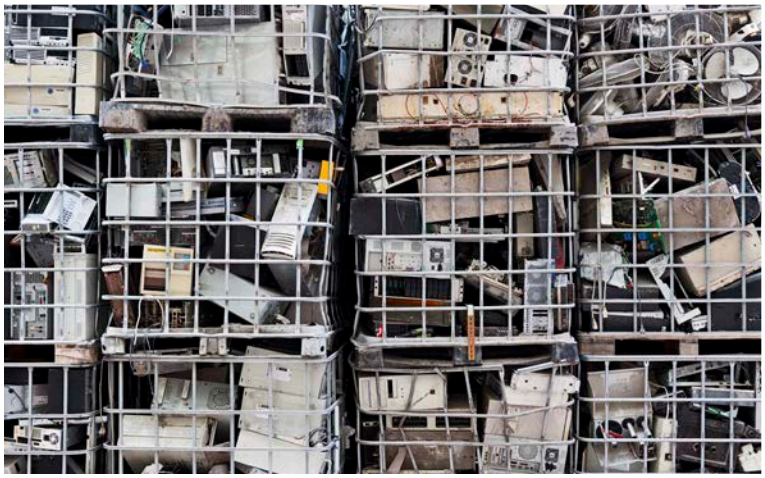
California Communities Environmental Health Screening Tool

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

In 2015, CalEPA and OEHHA launched a Spanish-language interface for CalEnviroScreen, providing an additional informational resource for the ten million Californians who primarily speak Spanish at home. OEHHA also developed updates to the tool—particularly to its drinking water indicator—and continued efforts to consider how to best incorporate rent and housing costs in the methodology.

CalEPA's Environmental Justice Compliance and Enforcement Working Group, as well as each of CalEPA's boards and departments, use CalEnviroScreen to identify areas disproportionately impacted for targeted compliance assistance and enforcement efforts. As discussed in the following CalEPA Focus, the Working Group used CalEnviroScreen's data as one of the factors to select the Boyle Heights and Pacoima neighborhoods within the City of Los Angeles for an enforcement and compliance initiative.

Toxics



The Department of Toxic Substances Control (DTSC) and local Certified Unified Program Agencies (CUPAs) enforce laws pertaining to hazardous materials and hazardous waste management. The Secretary for Environmental Protection certifies CUPAs under California's Unified Hazardous Waste and Hazardous Materials Management Program (Unified Program).

Department of Toxic Substances Control

DTSC and the CUPAs regulate over 80,000 businesses to ensure compliance with hazardous waste laws and regulations. DTSC's enforcement mission is to promote a healthier environment for all Californians through fair, consistent, and timely enforcement. To accomplish this mission, DTSC regularly inspects facilities that are authorized under hazardous waste facility permits; inspects hazardous waste generators, transporters, used oil recycling facilities and handlers, and electronic waste recyclers and handlers; investigates illegal hazardous waste activity and complaints involving hazardous waste; and conducts enforcement actions when it finds violations.

Below are two enforcement cases settled in 2015.

- Comcast Cable Communications, LLC, Statewide – In December 2015, Comcast agreed to pay a settlement of $25.95 million to resolve allegations that Comcast unlawfully disposed of hazardous waste and discarded records without first omitting or redacting private customer information. DTSC worked with the Alameda County District Attorney's Office's Environmental Protection Division and the California Highway Patrol to conduct hundreds of inspections throughout the state. In addition, DTSC's Environmental Chemistry Laboratory performed all of the chemical analyses to determine which wastes were hazardous. As a result of the settlement, DTSC will receive $1.6 million to enhance the capability of its Environmental Chemistry Laboratory, $400,000 in equipment, and $200,000 as reimbursement of DTSC's costs.
- ECS Refining, Santa Clara – ECS reclaims precious metals from electronic wastes and other metal-bearing liquid and solid wastes. DTSC cited ECS Refining for the following violations: unauthorized storage and treatment of hazardous waste, uncertified tanks, failure to repair a leaking unit,

2015 Enforcement Statistics

- 358 inspections completed
- 22 complaints investigated
- 17 administrative and three civil enforcement cases settled
- $3,332,829 settlement dollars awarded to DTSC
- 254 criminal cases completed and 315 criminal cases currently under investigation
- Two criminal convictions

incorrect manifests, failure to notify DTSC of the removal and disposal of tanks, failure to conduct weekly inspections of permitted units, failure to provide operating records to DTSC in a timely manner, exceeding the quantity limit for treatment of hazardous waste on at least 10 different days, and numerous electronic-waste violations. In March 2015, ECS agreed to a settlement of $218,780.

California's Unified Hazardous Waste and Hazardous Materials Management Program

The Unified Program consolidates six hazardous materials environmental programs into one regulatory program. The environmental programs include hazardous material storage (HazMat Storage), hazardous materials release prevention (Release Prevention), hazardous waste generators (HazWaste Generators), large quantity generators of hazardous waste (Large Quantity HazWaste), underground storage tanks (UST), and aboveground petroleum storage (AST). The Release Prevention and Large Quantity HazWaste programs apply more intense regulatory oversight of a small percentage of higher hazard facilities regulated by the HazMat Storage and HazWaste Generator programs. Inspection and enforcement activities are delegated to local agencies, typically environmental health or fire departments, which are certified by CalEPA and known as Certified Unified Program Agencies (CUPAs). Statewide, 25 Participating Agencies assist 81 CUPAs. A Participating Agency is a state or local agency that has a formal agreement with a CUPA to implement one or more Unified Program elements. The goal of the Unified Program is to reduce the impact of hazardous materials and waste on public health and the environment by increasing statewide and cross-program coordination and consistency.

Richmond Metal Plating Operation Faces Criminal Charges

Electro-Forming Company was a metal plating company operating in a residential neighborhood in Richmond. In July of 2012, DTSC's Office of Criminal Investigations began investigating Electro-Forming after receiving a tip about unlawful disposal, storage, treatment and transportation of hazardous waste.

With assistance from the Contra Costa County District Attorney's Office, the Contra Costa County Environmental Health Services Hazardous Materials Unit, Richmond City Fire Department, Alameda County District Attorney's Office, and the Contra Costa County Central Sanitation District, DTSC's criminal investigation resulted in the Contra Costa County District Attorney's Office filing charges in March 2014.

On February 18, 2015, Marion Ingrid Patigler, owner and operator of Electro-Forming Company, pled guilty to nine misdemeanor counts including the unlawful storage, treatment, and disposal of hazardous waste, the unpermitted operation of a hazardous waste storage and treatment facility, unregistered transportation of hazardous waste to an unpermitted facility, and a labor code violation of an order prohibiting use. Patigler received 200 hours of community service and five years of probation, with three years of jail stayed in lieu of compliance with the terms of probation. The court also ordered Patigler to pay a fine of $50,000 and both the company and Patigler are jointly and severally liable for restitution in the amount of $228,424 to DTSC.

The company pled to four felony counts, including unlawful storage, treatment, and disposal of hazardous waste, as well as the unlawful handling and storage of hazardous waste causing unreasonable risk of fire, explosion, serious injury, or death. The court also ordered Electro-Forming to pay a fine of $250,000 and to immediately cease operations and close its business. After more than 35 years of operation and a long history of violations, the company no longer poses a threat to the community.

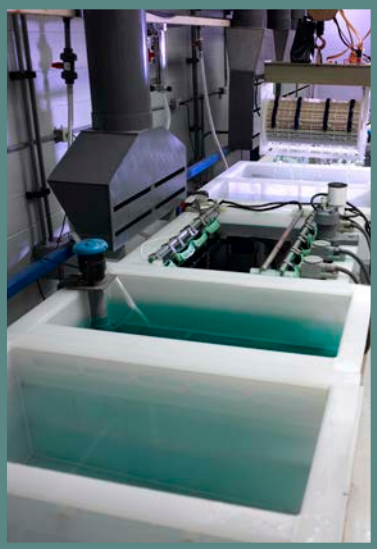


FIGURE 2: TOTAL BUSINESSES IN EACH UNIFIED PROGRAM

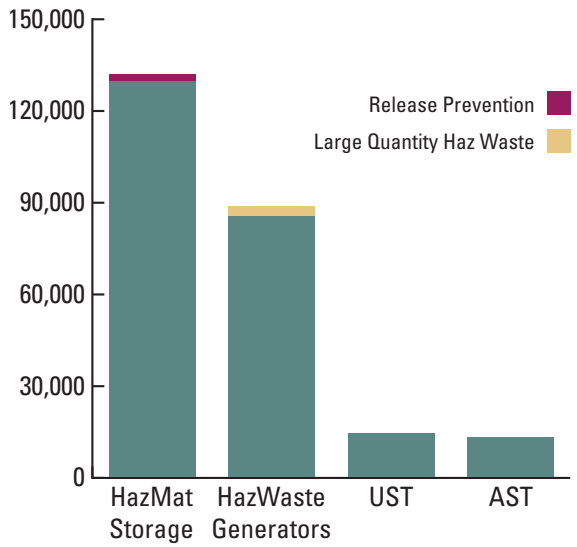
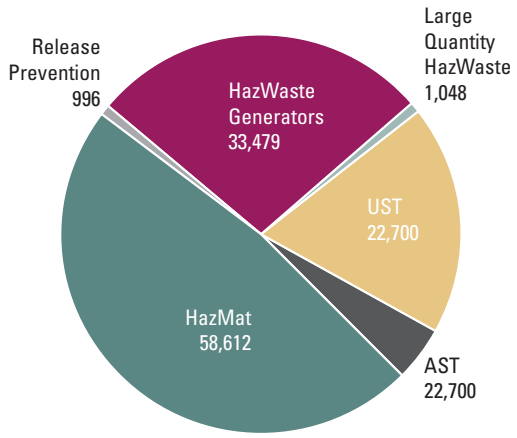


FIGURE 3: UNIFIED PROGRAM INSPECTIONS BY PROGRAM

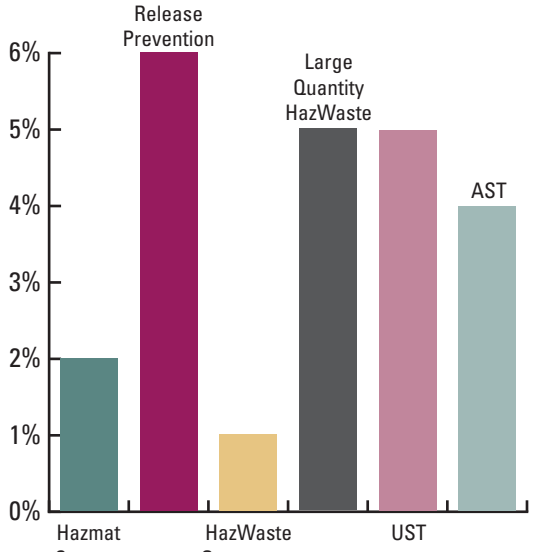


Unified Program Inspections and Violations

CUPAs reported over 122,000 routine and follow up inspections in 2015, with over 124,000 violations identified. The majority of violations observed were minor. Facilities were notified to return to compliance within 30 days.

A small number of violations, 3,615 (about 3 percent), were significant or had the potential to pose a significant risk to public health or the environment.

FIGURE 4: UNIFIED PROGRAM SIGNIFICANT VIOLATIONS BY PROGRAM



Supplemental Environmental Projects (SEPs)

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

Electronic Reporting

During 2015, the Unified Program continued to emphasize electronic reporting of facility and compliance information in the California Environmental Reporting System (CERS). The year 2015 marked the second year that CERS electronically reported inspection and enforcement data. In these two years, the CUPAs entered 178,132 routine inspection records into CERS across all six environmental programs. Due to the success of electronic reporting, CalEPA began to test a new CUPA evaluation process that takes advantage of the large amount of data compiled in CERS and expects to implement this new evaluation process in early 2016.

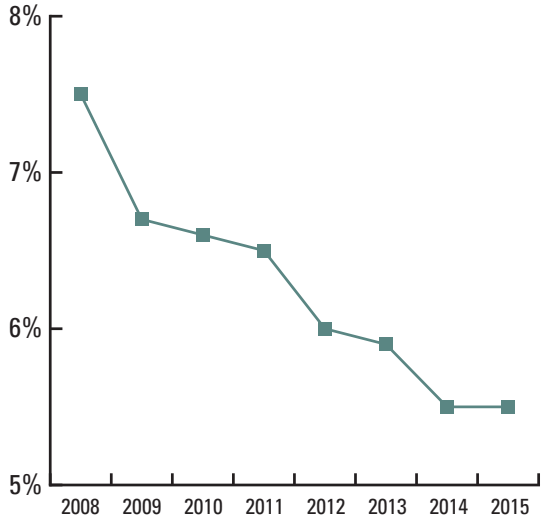
In March of 2015, the Unified Program added a module specifically designed for emergency responders to CERS. The tool provides summary data on each facility, including details of hazardous materials class, chemical name, maximum daily amount stored and other critical information necessary in an emergency. Local responders can access the information online or download the information into spreadsheet files.

Unified Program Penalties

CUPAs pursue penalties for significant violations through administrative enforcement orders or referrals to local prosecutors for civil or criminal prosecution. The CUPAs pursued 150 administrative enforcement orders and referred 133 cases in 2015. During the administrative enforcement order hearing process, the business and the CUPA can negotiate penalties and come to a settlement that can include Supplemental Environmental Projects (SEPs). In 2015, CUPAs assessed the following penalties:

- Fines/Penalties - $3,079,172
- SEPs - $611,522

FIGURE 5: HAZMAT SPILLS AS A PERCENT OF UNIFIED PROGRAM FACILITIES



Air

Enforcement activities relating to air emissions are conducted by the Air Resources Board (ARB) for mobile sources of emissions, fuels, and consumer products, and by the 35 air pollution control and air quality management districts (air districts) for stationary sources of emissions. This section includes a report from ARB and the air districts on their 2015 enforcement activities.

California Air Resources Board

ARB and California's 35 local air districts have adopted a comprehensive regulatory program designed to meet state and federal ambient air quality standards, protect the public from exposure to toxic air contaminants, and reduce the emissions of greenhouse gases. ARB enforces rules related to diesel and goods movement; vehicle, engine, and parts certification; fuels; consumer products; and stationary sources. With its focus on regulating diesel emissions, over 40 percent of ARB's Enforcement Division staff are currently dedicated to enforcing diesel regulations that apply to heavy-duty trucks, off-road equipment, ships, and other sources. In addition to enforcing rules related to traditional air quality and toxics emissions, ARB is also expanding its role in enforcing greenhouse gas rules, including landfill methane gas, refrigerant management, sulfur hexafluoride, and the low carbon fuel standard.

Additional ARB's enforcement activity information is available in *ARB's 2015 Annual Enforcement Report*.

Mobile Source Emissions Control Regulations

Over the past 15 years, ARB has adopted far-reaching diesel regulations that apply to tens of thousands of vehicle and fleet owners that operate on freeways, at ports, and at rail yards. The routes for these vehicles are commonly located in disadvantaged communities. These rules focus on reducing emissions and exposure to toxic diesel pollutants that adversely affect public health, particularly in communities located near freight hubs (e.g., ports, rail yards, and distribution centers). The rules establish best available control technology and fleet average requirements for diesel equipment in nearly all applications, including public fleets, utility fleets, drayage truck fleets, and commercial harbor craft. They also establish requirements for ocean-going vessel shore power, cargo handling equipment, fuel, portable equipment, and off-road equipment. ARB identifies noncompliance, works with fleets to bring them into compliance, and assesses penalties. ARB settled 226 mobile source enforcement actions in 2015, resulting in approximately $4.5 million in penalties.

Fuels

ARB regulates motor vehicle fuels, including California reformulated gasoline and diesel fuel, to reduce harmful air emissions. Enforcement activities focus on sampling gasoline and diesel fuel products from a cross section of industry locations, including refineries, import vessels, distribution and storage facilities, bulk purchaser and consumer facilities, and retail service stations. The collected samples are representative of about 15 percent of the gasoline and diesel sold in California on an annual basis. Within California, there are two main import centers (Los Angeles/Long Beach and the Bay Area), 13 production centers (refineries), 100 distribution nodes (terminals and bulk plants), and about 10,000 retail gasoline stations. ARB also enforces the cargo tank vapor recovery program by testing and visually inspecting cargo tanks at terminals. ARB is expanding the enforcement of the low carbon fuel standard and alternative diesel fuel regulation. ARB settled 22 fuel enforcement actions in 2015, resulting in $84,500 in penalties.

Stationary and Industrial Sources

ARB has a long history of supporting California's air districts by pursuing technical enforcement cases related to stationary sources. ARB provides training to air districts, stationary source operators, and the public on how to comply with stationary source regulations, with a focus on statewide and national regulations. With the passage of the California Global Warming Solutions Act of 2006, ARB enforces regulations to reduce greenhouse gas emissions, relying on partnerships with local air districts. California's air districts are uniquely suited to conduct and resolve violations of statewide greenhouse gas control regulations, such as the landfill methane control regulation, at facilities within their jurisdictions. ARB settled nine stationary source enforcement actions in 2015, resulting in $692,350 in penalties.

Consumer Products

To achieve air quality standards and reduce the public's exposure to toxic air contaminants, ARB regulates emissions from more than 25,000 chemically-formulated products including: aerosol paints, adhesives, antiperspirants and deodorants, cleaning and degreasing products, polishes, personal and beauty care products, lawn and garden products, lubricants, disinfectants, sanitizers, automotive specialty products, paint thinners and solvents, composite wood, and indoor air cleaning devices. ARB regulates the amount of volatile organic compounds, ozone, and toxic air contaminants are permissible in these products. To evaluate compliance with the regulations, ARB purchases consumer products at retail stores and analyzes them at ARB's laboratory. ARB settled 46 consumer products cases in 2015, resulting in $2,375,655 in penalties.

Outreach to Disadvantaged Communities

All of ARB's programs benefit disadvantaged communities by reducing emissions of air contaminants where people live and work. In 2015, however, the Enforcement Division expanded its outreach to disadvantaged communities by assigning six staff members to locations throughout the state including the Bay Area, the Los Angeles region, the Imperial Valley, San Diego, Sacramento, and the San Joaquin Valley. These staff attend meetings to understand community concerns and coordinate enforcement efforts to address those concerns.

ARB Penalties

- Mobile Source Emissions Control - $4.5 million
- Fuels - $84,500
- Stationary and Industrial Sources - $692,350
- Consumer Products - $2,375,655

Diesel Programs Enforcement

ARB's diesel regulations protect public health by reducing exposure to toxic diesel particulate matter (PM) emissions from diesel-powered engines through state-of-the-art technology requirements and emission standards. These engines are used in a wide array of vehicles and equipment ranging from trucks and off-road equipment to ships, locomotives, and other machines. The in-use diesel portion of the regulations requires fleets to use the cleanest equipment and fuels. The majority of fleets meet these requirements, and the Enforcement Division works to ensure those fleets that did not meet requirements become compliant.

The majority of the tens of thousands of diesel vehicle and equipment owners are small businesses that have limited financial resources and are not familiar with newer diesel technologies. Furthermore, regulatory requirements are complex with multiple compliance pathways, which can require significant financial investment. ARB uses two distinct enforcement methods for ensuring compliance with diesel regulations – field inspections and fleet investigations.

Table 1 is a summary of diesel field inspections by program area in 2015, showing that out of 21,128 inspections, ARB conducted 13,591 in disadvantaged communities. Overall, these inspections resulted in 4,419 citations and the issuance of violation notices, with nearly $3.2 million in penalties assessed.

Over the last few years, truck inspections on the roadside have increased substantially in disadvantaged communities, as illustrated in figure six. The figure also demonstrates that the number of citations issued has increased from 3,256 citations in 2014 to 4,381 citations in 2015. The increase in the total number of citations issued in 2015 is consistent with the growing number of fleets having compliance requirements under the truck and bus rules.

FIGURE 6: TRUCK ROADSIDE INSPECTIONS AND CITATIONS

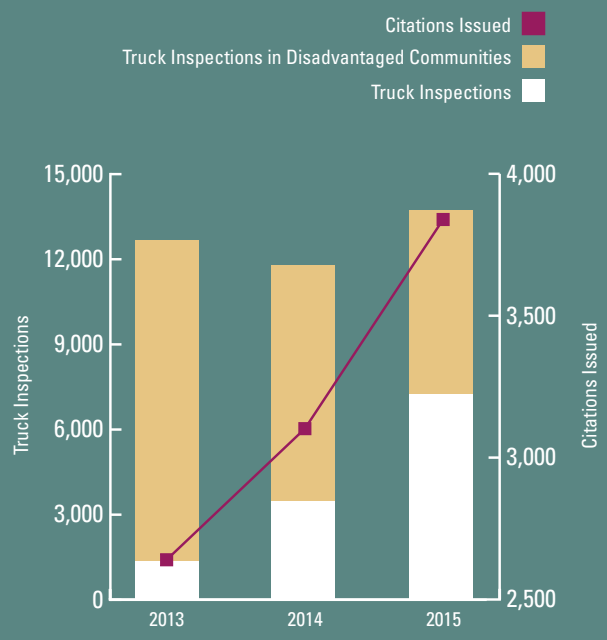


TABLE 2: DIESEL FIELD INSPECTIONS BY PROGRAM AREA IN 2015

Inspection Type	Total Completed Inspections		Citations & Notice of Violations Issued	Penalties Assessed
	Overall / In Disadvantaged Communities	Percent In Disadvantaged Communities (%)	Overall / In Disadvantaged Communities	
Fuels	219 / 141	64.4%	5 / 5	$75,500
Locomotives[a]	1,863 / 1,863	100.0%	5 / 5	$2,000
Ocean-going Vessels	987 / 987	100.0%	28 / 28	$396,187
Harbor Craft	31 / 31	100.0%	0 / 0	$0
Cargo Handling Equipment	32 / 32	100.0%	0 / 0	$0
Diesel Trucks	17,996 / 10,537	58.6%	4,381 / 2,540	$2,699,580
Total	**21,128 / 13,591**	**64.3%**	**4,419 / 2,578**	**$3,173,267**

a The Memorandum of Understanding (MOU) to enforce locomotive idling restrictions has expired. Compliance rates were high due to provisions that allowed idling under several circumstances.

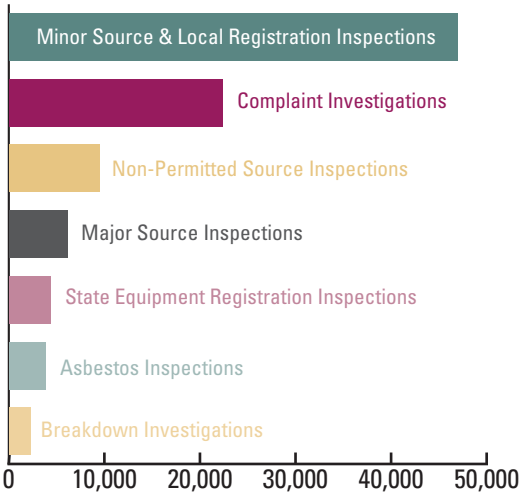
Air Districts

Each year, the *California Air Pollution Control Officers Association (CAPCOA)*, an association representing all local air quality agencies, surveys the 35 air districts in order to quantify statewide enforcement efforts. The 2015 survey requested information on 22 discrete measures of how the air districts' compliance programs are performing. These measures included information such as resource commitments, total numbers of regulated facilities, enforcement and compliance activity statistics, and total civil penalties collected.

The survey data collected for calendar year 2015 provides information from large, medium-sized, and rural districts throughout California and represents over 97 percent of the state's population, providing a comprehensive picture of local district activities in California in terms of population, air pollution sources, and enforcement.

Air districts use a variety of enforcement tools and techniques to accomplish their goals. Field inspections and investigations are key components in air district enforcement. An inspection entails a visit to the facility site by an inspector to observe equipment during operation. The inspector also compares the facility operations with the requirements listed in the permit, if any, and with applicable federal, state, or local air regulations. Air district staff investigate complaints from the public and equipment issues reported by permitted facilities and verify building and construction projects are following proper protocols when asbestos is present. In 2015, local air districts performed over 95,000 different inspections and investigations, with a focus on major sources of air pollution. Almost a quarter of the inspections were investigating public complaints.

FIGURE 7: 2015 LOCAL AIR DISTRICT INSPECTION & INVESTIGATIONS



While air districts use compliance assistance and outreach programs to prevent violations from occurring, when violations do occur, air district enforcement actions bring facilities into compliance promptly. In 2015, air districts found over 8,000 violations of air quality control laws, resulting in penalties, and approximately 5,000 minor violations, resulting in notices to comply. Total settlements of violations in 2015 amounted to just under $15 million.

California has made significant progress in improving air quality throughout the state over the last few decades, in part because of the establishment of stringent state and local regulatory mandates and the commitment to enforcement of these mandates. Compliance assistance and public education programs are also important components of the local air districts' programs to facilitate understanding of and compliance with rule and permit requirements. Air districts also strongly encourage and support the use of new and innovative technology through grant and incentive programs. For a more comprehensive discussion on California's progress toward cleaner air, as well as challenges that remain in meeting health-based air quality standards, please refer to CAPCOA's report *California's Progress Toward Clean Air* (April 2015), which provides more information about California's journey toward cleaner air and the challenges that remain.

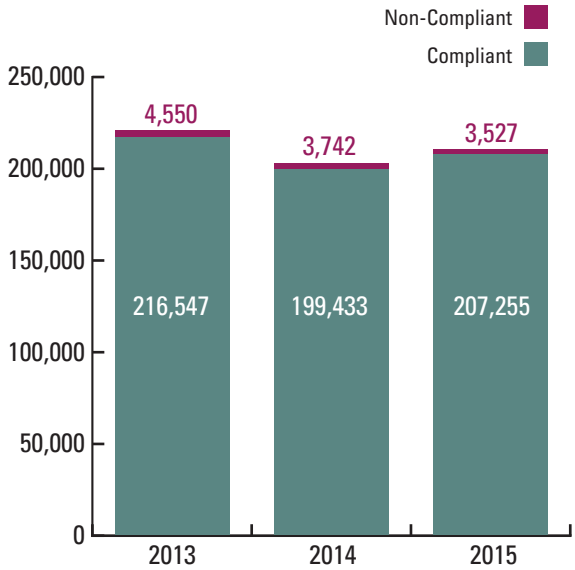
Pesticides

Pesticide Use Enforcement

The Department of Pesticide Regulation (DPR) works closely with the 55 county agricultural commissioners to enforce laws and regulations pertaining to pesticide sales and use. Under DPR's oversite and guidance, agricultural commissioners conduct inspections of pesticide applicators, growers and businesses to ensure compliance. Agricultural commissioners also issue and monitor site-specific permits for restricted-use pesticides. When violations are found, agricultural commissioners follow DPR's enforcement response policy to take appropriate enforcement action.

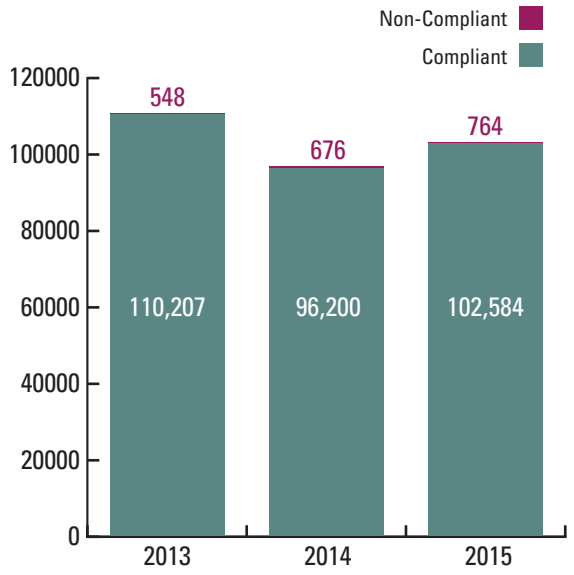
In 2015, agricultural commissioners conducted over 12,700 agricultural inspections throughout California. Each inspection includes a review of different criteria to ensure compliance with legal requirements. In those inspections, agricultural commissioners evaluated over 210,000 inspection criteria as shown in Figure 8. The top two inspection criteria violations for agricultural inspections were failure to follow the label or permit conditions and failure to wear appropriate personal protective safety equipment.

FIGURE 8:AGRICULTURAL PESTICIDE USE INSPECTION CRITERIA



The agricultural commissioners also conduct inspections of structures or landscapes where pest control chemicals are applied. In 2015, they conducted over 5,000 structural pest control inspections. Through those inspections, agricultural commissioners evaluated more than 103,000 inspection criteria as shown in Figure 9. Similar to agricultural inspections, the top two criteria violations for structural inspections were failure to follow label instructions and failure to utilize respiratory protective equipment.

FIGURE 9: STRUCTURAL PESTICIDE USE INSPECTION CRITERIA



In addition to requirements related to pesticide use, DPR licenses pesticide applicators. DPR can take action on license holders before the Office of Administrative Hearings to cancel or condition the license of an individual or business that has a history of violations. In 2015, DPR pursued action against an aerial pest control business (crop duster) for violations that included causing pesticide drift that resulted in human exposure. This action resulted in a six-month suspension of both the company's pest control business license and the license of one of the company's pilots. In addition, both the company and the pilot were put on probation for eighteen months.

Pesticide Sales Enforcement

Retailers must register all pesticide products with DPR before they can be sold in California. Prior to issuing a certificate of registration, DPR scientific and technical staff review data on the product to ensure that it is properly labeled and will not endanger human health or the environment when used as directed. DPR inspectors conduct inspections at businesses that sell pesticide products, from those used in agriculture, to swimming pool chemicals, disinfectants used by industrial facilities and restaurants, insect repellents, and even insecticide-treated clothing. In 2015, DPR settled 123 cases involving the sale of 189 unregistered or misbranded pesticide products in California. In one case, a major supermarket chain sold an unregistered antimicrobial product used in floral arrangements, resulting in a penalty of $353,000. Another case involved indoor/outdoor rugs whose product label contained antimicrobial claims, making the product subject to registration as a pesticide. This resulted in a $120,000 fine.

DPR's marketplace inspections help ensure retailers offer California consumers legal and properly labeled pesticide products.

DPR staff also conducts inspections throughout California at U.S. EPA registered 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 that mitigate any possible pesticide spills.

TABLE 3: DPR PRODUCT COMPLIANCE PROGRAM OUTCOMES

	2012	2013	2014	2015
Unregistered Products	345	430	421	189
Cases Settled	123	118	116	123
Penalties Collected	$3,868,738	$3,032,533	$2,822,189	$1,716,648

For more enforcement information, see *Product Compliance Program's quarterly reports*.

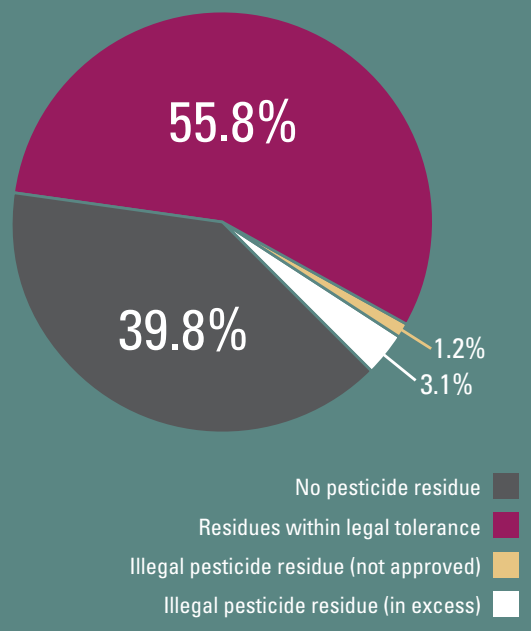
Pesticide Residue Monitoring Program

DPR conducts statewide inspections at wholesale markets, chain distribution centers, retail markets, farmers' markets, and other businesses that sell produce as part of its Pesticide Residue Monitoring Program. DPR randomly samples and tests both domestic and imported fresh fruits and vegetables to ensure they do not contain pesticide residues in excess of U.S. legal limits. When DPR finds produce with illegal residues, the producer must remove the product from the channels of trade.

In 2015, DPR collected 3,600 produce samples. Figure 10 shows the breakdown of produce samples that they tested for pesticide residue. The testing results showed 40 percent contained no pesticide residue and 56 percent had pesticide residue levels below the legal federal tolerance, totaling 96 percent of tested produce. This is an increase from 93 percent in 2014. As shown in Figure 10, approximately 4 percent of the samples had a level of pesticide in excess of allowed federal tolerance or contained a pesticide not approved for that crop.

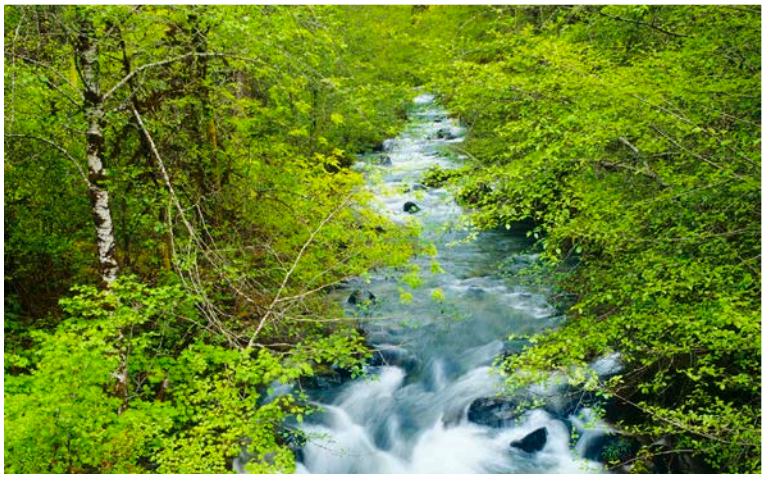
In 2015, DPR investigated and traced back produce containing illegal pesticide residues to five businesses located in California. On several occasions, the companies had received previous warnings regarding illegal pesticide residue on produce such as Cactus Fruit, Mexican Squash, Jalapenos, Longan, Litchis, and other fruits and vegetables imported from Mexico, Taiwan, Thailand, and China. In 2015, DPR penalized the five companies for a total of $52,000 for selling produce with illegal pesticide residue.

FIGURE 10: 2015 PESTICIDE RESIDUE MONITORING PROGRAM RESULTS



Additional Residue Program information:
cdpr.ca.gov/docs/enforce/residue/rsmonmnu.htm

Water



The mission of the State Water Resources Control Board (State Water Board) is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations. There are nine regional water quality control boards. Their mission is to develop and enforce water quality objectives and implementation plans that will best protect the beneficial uses of the state's water, while recognizing local differences in climate, topography, geology and hydrology.

The state water board and the nine regional water boards, collectively called the water boards, regulate water utilities that serve drinking water to the public, facilities that discharge or potentially discharge pollutants to water bodies, and water rights to help ensure that the state's limited water resources are put to the best possible use and the public interest is served. Where they detect violations of regulatory requirements, they take enforcement actions that vary in types and levels of stringency. For the most serious violations, they impose penalties.

Water Boards Inspections, Violations and Enforcement

The Water Boards regulate over 27,000 facilities (drinking water systems and dischargers) and the State Water Board's Division of Water Rights administers 30,865 water rights. The State Water Board's Division of Drinking Water regulates 3,961 of the approximately 7,700 public water systems statewide, while the remaining systems are regulated by local agencies. The Water Boards regulate 23,168 facilities to protect the state's water quality.

Water Conservation Enforcement

As California entered into the fourth year of drought in 2015, California's water supplies were severely depleted and there was a record low snowpack in the Sierra Nevada Mountains. On April 1, 2015, with emergency drought conditions persisting throughout California, for the first time in the state's history, the Governor issued an Executive Order requiring mandatory conservation for all residents and directed several state agencies, including the State Water Board, to take immediate action to safeguard the state's remaining potable urban water supplies.

The State Water Board adopted an emergency regulation in May of 2015, requiring an immediate 25 percent reduction in overall potable urban water use statewide. Four hundred and twelve urban water suppliers were required to meet conservation standards beginning in June. The State Water Board assessed their compliance with the water conservation standards on a monthly and cumulative basis.

Compliance with the conservation standards peaked in July, with approximately 73 percent of the urban water suppliers meeting their standard. The end of the year, however, saw the lowest level of compliance with only 60 percent of urban suppliers meeting their conservation standards, which reflected the difficulty in maintaining high rates of water conservation during the winter months.

The State Water Board put in place an enforcement strategy to address the suppliers not meeting their conservation standard. Initially, the State Water Board sent suppliers a warning letter or a notice of violation. As suppliers moved further away from their water conservation standard, the State Water Board issued informational orders and met with local water districts to determine if a conservation order was appropriate for the supplier. The State Water Board also considered administrative civil liability complaints (fines) for suppliers that were excessively exceeding their conservation standard.

By the end of the year, the State Water Board had issued 90 warning letters, 114 informational orders, 19 formal enforcement orders requiring urban suppliers to improve their conservation programs, and four administrative civil liability complaints of $61,000 each. These enforcement efforts helped the urban water suppliers nearly to meet the Governor's 25 percent water conservation goal.

For more information about the Water Boards' enforcement, see their annual performance report.

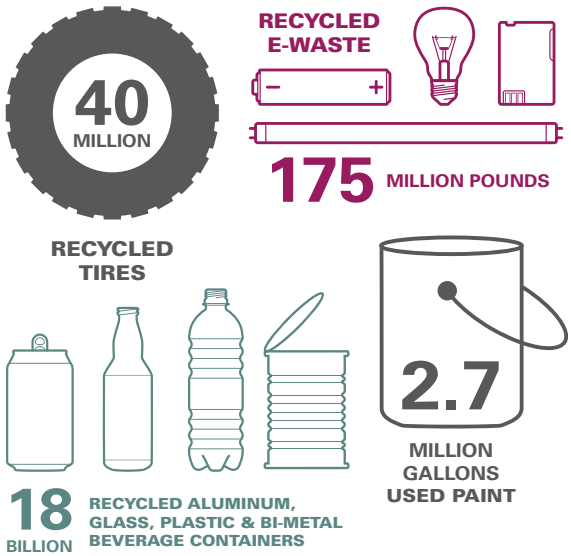
Solid Waste and Recycling

CalRecycle Enforcement Activity

Regular inspections ensure that facilities, haulers, generators, recycling centers, recyclers, processors, and distributors comply with applicable laws, state standards, permit conditions, and other regulatory requirements. In many cases, the intervals of inspections are dictated by statute and range from monthly (solid waste facilities) to biennial probationary reviews (beverage container recycling centers), depending upon the program and facility type. Frequent inspections and reviews ensure early detection of noncompliance. Additionally, in the process of conducting routine inspections, inspectors also look for illegal activities and sites.

CalRecycle

In 2015, California was challenged to divert, recycle or safely dispose of more than 75 million tons of waste.



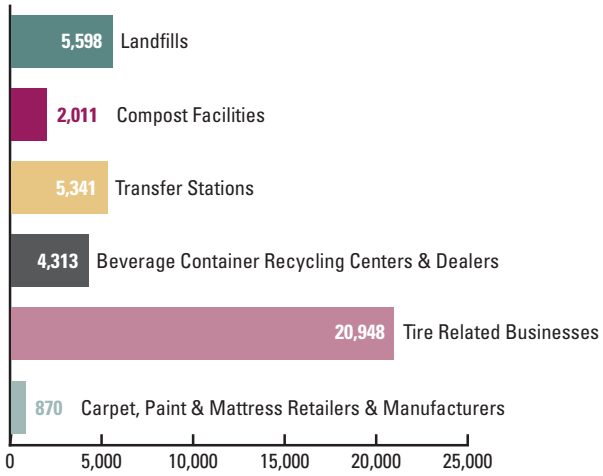
CalRecycle also regulates the disposal and recycling of carpet and mattresses through new producer responsibility programs.

Compliance First

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

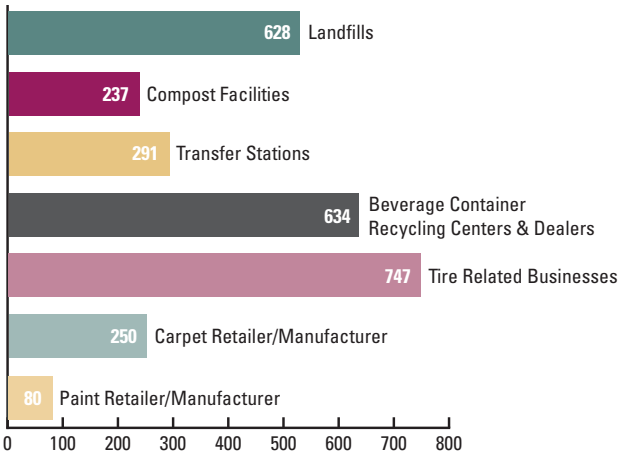
Compliance assistance can take many forms, including monitoring, technical support, outreach, and training. CalRecycle consistently provides the regulated community information and guidance regarding regulatory requirements to help them compliance. CalRecycle frequently inspects recycling and waste facilities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

FIGURE 11: CALRECYCLE INSPECTIONS BY FACILITY TYPE



If a permitted or certified facility is out of compliance or operating illegally, the inspector can issue a notice of violation. The number of violations issued as a percentage of overall inspections is generally small. For example, less than one percent of unpermitted waste tire facilities and haulers inspections resulted in violations. The results are often different in new programs, however. In 2015, CalRecycle began enforcement of its carpet recycling program, a new product stewardship program, and issued violations in 64 percent of inspections. The inspections in this new program provided an opportunity to educate manufacturers and retailers about the regulatory requirements and all have come into compliance.

FIGURE 12: CALRECYCLE VIOLATIONS BY FACILITY TYPE



In most cases, the operators correct the identified problems in a timely manner and no enforcement action was necessary. If a facility does not correct a violation, however, CalRecycle can impose civil penalties, suspend or revoke permits or certifications, or seek other remedies. The enforcement actions vary according to the program, material, and facility type.

Combatting Beverage Container Recycling Fraud

California is the nation's leader in total quantity of bottles and cans recycled and those bottles and cans are worth a lot of money—over $1.25 billion in 2015. A semi-truckload of aluminum cans from another state is worth tens of thousands of dollars when redeemed in California due to our California Redemption Value (CRV). Since out-of-state consumers never pay the fee, out-of-state containers are not eligible for CRV.

CalRecycle focuses on detecting, deterring, preventing and mitigating beverage container recycling fraud associated with the importation of empty out-of-state containers. The program accomplishes this in a variety of ways including:

- Tracking data to pinpoint anomalies from imported material reports and suspect claims before payments are made
- Investigating and prosecuting entities that violate the law and fraudulently receive payments

CalRecycle partnered with the California Department of Justice, California Department of Food and Agriculture, and the California Highway Patrol in its fight against fraud during 2015. The Department of Justice conducts criminal investigations and prosecutes fraud cases, while the Department of Food and Agriculture monitors vehicles crossing the border with empty out-of-state beverage containers.

During 2015, these partnerships to protect the border yielded significant results. Together, the agencies prevented the fraudulent redemption of 85,646 pounds of imported out-of-state beverage containers with a potential CRV of more than $108,000.

In one of these cases, CalRecycle and its partner agencies discovered a complex beverage container fraud scheme in Kern County that resulted in approximately $14 million fraudulently claimed for recycling imported empty beverage containers from Arizona at dozens of Southern California recycling centers. The scheme involved semi-trucks importing empty beverage containers from Arizona, offloading materials into smaller vehicles, delivering them as certified recycling centers to a certified processing facility and claiming CRV and other program payments for ineligible out-of-state beverage containers. Certified recycling center operator Gonzalo Rodriguez organized the fraud scheme and relied on his family to either directly operate, or form associations with, approximately 18 recycling centers in Southern California. Gonzalo Rodriquez and four other individuals were indicted by the Kern County Grand Jury and subsequently plead guilty to various felony charges, served time in jail, and were ordered to collectively pay $2.85 million in restitution. CalRecycle also revoked, or received de-certifications, for all the associated recycling centers involved and denied approximately $250,000 in handling fee payments.

An inspection at a border checkpoint revealed a trailer filled with empty out-of-state plastic beverage containers with a potential redemption value of over $38,000. The driver had provided a fraudulent bill of lading indicating the truck was hauling furniture. The truck was impounded and the driver arrested on felony charges of recycling fraud and attempted grand theft.

California Environmental Protection Agency

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