

2018

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*

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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 2018. 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 & Environmental Justice



California leads the nation when it comes to environmental law and regulation. Yet, the State also grapples with some of the most pressing environmental challenges in the country, particularly in environmental justice communities. Effective enforcement is key to protecting California's abundant and iconic natural resources and to correcting environmental injustice.

To those ends, the Office of the Secretary is developing a progressive and cohesive cross-agency enforcement initiative that will advance consistency, efficacy, and coordination among our board and departments. Apart from serving the Office of the Secretary's mandate, effective cross-agency coordination also helps solidify the California Environmental Protection Agency's "One CalEPA" identity. Our future enforcement reports will highlight these coordinated cross-agency enforcement efforts.

The boards and departments comprising CalEPA enforce environmental laws that regulate air and water pollution, toxic substances, the use of pesticides and waste recycling and reduction. CalEPA's Office of the Secretary is responsible for ensuring that this enforcement work is consistent, effective and coordinated across all programs. To do this, CalEPA administers the Unified Program, makes available Supplemental Environmental Projects in settlement negotiations, manages a cross-media enforcement training program, coordinates a steering committee focused on multimedia environmental enforcement, runs the multi-agency Environmental Justice Task Force, and administers a grant program that provides funds to train environmental regulators and prosecutors.

This report describes these efforts and compiles data from the 2018 calendar year to provide an overview of the enforcement activities within CalEPA. For more detailed information about ongoing CalEPA enforcement activities, please see the websites of the boards and departments referenced in this report.

Cross-Media Enforcement Training

CalEPA provided training during 2018 to environmental inspectors from many environmental regulatory programs at the state and local level. The courses included instruction in air, water, pesticide, hazardous waste, solid waste and environmental health programs. CalEPA regulatory staff and local environmental prosecutors trained 282 inspectors at ten Basic Inspector Academies held across the state during 2018.

The Basic Inspector Academy is a three-day class that provides environmental regulatory agency inspectors with the core knowledge and skills necessary to perform and document quality environmental inspections. CalEPA also provided an online Fundamental Inspector Course to 410 inspectors. The online fundamental inspection course provides an overview of the functions of CalEPA's boards and departments, the local environmental agencies. It also includes an overview of environmental laws, environmental science, and basic field health and safety.

- Unified Program: calepa.ca.gov/cupa/
- SEPs: calepa.ca.gov/supplemental-environmental-projects/

CalEPA's Environmental Justice Task Force

In 2013, CalEPA formed the Environmental Justice Enforcement and Compliance Working Group, later renamed the Environmental Justice Task Force (EJ Task Force). The EJ Task Force is made up of representatives from among regulatory agencies at all levels of government that implement and enforce environmental laws in California.

The EJ Task Force identifies disadvantaged communities that suffer multiple pollution burdens and focuses enforcement and compliance efforts in those communities. The EJ Task Force has 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

By the beginning of 2018, the EJ Task Force had already completed enforcement and compliance initiatives in Fresno (2014), in Boyle Heights and Pacoima in Los Angeles (2015), in East and West Oakland (2016), and in Pomona (2017).

During 2018, the EJ Task Force completed an enforcement and compliance initiative in Imperial County. This was the task force's first countywide effort. The EJ Task Force worked closely with Comité Civico Del Valle, Inc. (CCV) and local authorities to identify and address local environmental problems. Some of the many areas of concern identified by community members included:

- Emissions generated from agricultural burning of excess vegetative materials associated with commercial growing and harvesting of crops
- Fugitive windblown dust from unpaved roads and surfaces, especially related to truck traffic and off-road recreational vehicular activities



- The potential contamination of water in open channels being delivered to residents for non-potable use
- Uncontrolled dumping of solid and hazardous waste in Slab City, an encampment that grows to hundreds of residents and that has no solid waste collection services
- Abuses of fieldworker rights, including excessive hours, poor working and sanitation conditions, lack of personal protective equipment, as well as threats and acts of retaliation.

Based on input from the community, the EJ Task Force conducted multi-agency inspections of various facilities and industries in Imperial County. At the conclusion of the inspections, businesses found to be in violation of environmental laws were cited and ordered to remediate their violations. The EJ Task Force also provided compliance assistance for businesses in Imperial County. More information about the Imperial EJ Initiative can be found on the CalEPA EJ Task Force webpage.

- EJ Task Force: calepa.ca.gov/enforcement/environmental-justice-compliance-and-enforcement-task-force/

Imperial County EJ Initiative: Enforcement Results

The compliance issues and violations addressed during the Imperial EJ Initiative include:

- An \$180,000 penalty against CalEnergy Operating Corporation in Calipatria for operating for seven years without required federally-enforceable permits. The funds have been designated by the air district to fund the installation of an indoor air filtration system in the Grace Smith Elementary school in Niland. Among its student population, 16 percent have asthma—nearly double the national average.
- The Imperial County Sheriff's Office received \$30,000 to increase off-road vehicle enforcement to deter riders illegally entering prohibited areas, which disturb the soil crust and increase the amount of windblown dust around sensitive areas such as the Salton Sea during times of high off-road vehicle activity. The grant was also used to provide rider education about the adverse health effects to county residents from prohibited riding activity.
- Coordinated multi-agency inspections led to 13 citations at auto dismantling operations, including five misdemeanor citations for unlicensed dismantling activities, two misdemeanor citations for unlicensed auto repair activities, and six citations for violations related to hazardous waste management.
- A \$17,544 settlement was reached with the operators of a direct transfer station who were cited multiple times for the discharge of hazardous waste on the property. The facility has since returned to compliance. Half of the settlement will go towards a Supplemental Environmental Project (SEP) for hazardous waste cleanup efforts in Imperial County.
- The Imperial County Agricultural Commissioner's (ICAC) office conducted 102 inspections, which led to 22 identified violations. Many of these violations were from headquarters inspections, where records that verify compliance with health and safety training were not properly maintained. Six were violations of the Respiratory Protection Program, which requires that employees

required to use a respirator are provided with proper training, guidelines for use, medical evaluation, and fit testing to protect against respiratory hazards caused by certain pesticides.

Imperial County EJ Initiative: Compliance Assistance

"In addition to enforcement, given the large farming community, the Imperial EJ Initiative also focused on pesticide safety. The Department of Pesticide Regulation (DPR) worked with the ICAC to conduct a series of local trainings on pesticide safety:

- A training in Integrated Pest Management Strategies was given in English and Spanish to more than 100 childcare providers from throughout Imperial County.
- Two Field Worker Safety Training sessions were given using curriculum developed by DPR. These sessions informed fieldworkers of their rights, how to report illegal activities, and how to protect themselves and their families from pesticide exposure. The sessions included instruction in the proper way to decontaminate clothing after working in fields where pesticides had been applied.
- The ICAC invited staff from the Center for Environmental Research and Children's Health at UC Berkeley to deliver a one-day "Train-the-Trainer" for Promotores, which is the Spanish term for "community health workers." The center presented research to demonstrate the health effects from pesticide exposures, trained promotores on DPR's regulations that protect the rights and safety of farmworkers, and also outlined best practices to keep farmworkers from tracking pesticides back into the home after work.
- To promote worker safety, DPR and the California Division of Occupational Safety and Health participated in a workshop the ICAC held for farm labor contractors on regulatory compliance assistance.

CalRecycle worked with the Imperial County Department of Environmental Health, Slab City leaders and residents, and the State Lands Commission to develop a Pilot Community Cleanup Day, where residents and campers

(“snowbirds”) voluntarily brought trash, other waste, and recyclables to five designated areas throughout Slab City to be collected by a CalRecycle contractor. Approximately twenty residents and campers from throughout Slab City worked together and gathered 17.3 tons of materials, 5 pounds of medical waste, 50 pounds of propane cylinders, and 800 pounds of electronic waste.

Environmental Enforcement Training Grant Program

CalEPA works to ensure environmental laws are enforced uniformly throughout the state. One way the agency does this by administering the Environmental Enforcement and Training Account Grant Program. The grant program provides financial assistance for training environmental regulators, law enforcement officers, and prosecutors. Most of the funding for the program comes from the inclusion of Supplemental Environmental Projects (SEPs), in judgments in local, state and federal environmental law enforcement actions.

The grant program funds are allocated according to the formula outlined in state law (Penal Code section 14314):

- 25 percent to the Environmental Circuit Prosecutor Project run by the California District Attorneys Association (CDAA)
- 25 percent to CDAA to provide environmental enforcement training to prosecutors, investigators, and regulators
- 25 percent to the Commission on Peace Officer Standards and Training (POST), up to \$100,000, who may decline all or part of the funds, with any funds so declined re-allocated to the Secretary for environmental enforcement training of peace officers; and

The remaining amount is made available for discretionary grants to be awarded by the CalEPA Secretary to public agencies or private nonprofit organizations for environmental enforcement training or to meet a substantial funding need for local environmental efforts.

2018 Environmental Enforcement Training Grant Distributions

In 2018, CalEPA distributed a total of \$190,413 in environmental enforcement training grants as follows:

Statutory disbursements:

- \$47,603 to CDAA’s Environmental Circuit Prosecutor Project; and
- \$47,603 to CDAA’s Environmental Enforcement Training Project.

(Note: POST declined its entire \$100,000 statutory disbursement for 2018, and its 25 percent was re-allocated by the CalEPA Secretary for the environmental enforcement training of peace officers.)

Discretionary disbursements:

- \$15,000 to California Safe Schools for a 2019 “Your Life is Now” Environmental Health & Enforcement Forum, with a focus on assuring that schools and surrounding communities are environmentally safe for children.
- \$25,000 to the Del Amo Action Committee for an Environmental Enforcement Symposium to be coordinated by members of the Los Angeles Environmental Justice Network (LAEJN), which includes the DAAC.
- \$30,000 to the Imperial County Sheriff’s Office for work addressing the unlawful off-highway vehicle (OHV) riding around the Salton Sea, with a specific focus on the Salton Sea playa.
- \$10,000 to Orange County Coastkeeper to provide a one-day training focused on California Marine Protected Area regulations and enforcement strategies, and to produce a Marine Protected Reference Guide for law enforcement officers that can be used statewide.
- \$15,000 to CDAA for continued support of the Environmental Circuit Prosecutor Project, and for costs associated with the preparation of a special environmental enforcement issue of CDAA’s “Prosecutor’s Brief” publication.

CalEPA's Online Complaint System

CalEPA maintains an online complaint system that provides members of the public with an online form that anyone can use to report environmental concerns to CalEPA from anywhere in California. The system includes a process for reporting environmental concerns relating to air or water pollution, hazardous or solid waste, or pesticide use. The system is accessible from mobile devices, is able to capture location information of the person lodging the complaint, and allows the uploading of photos, videos, and other documentation of the problem. It also provides a means for users to remain anonymous, if they choose.

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

In 2018, CalEPA received 1,999 complaints on its online system across several environmental enforcement areas:

- 448 on air pollution
- 35 on pesticides
- 151 on recycling or solid waste management
- 256 on toxic substances
- 465 on water pollution
- 644 were multi-media complaints, meaning they alleged more than one type of environmental issues listed above

Of all complaints CalEPA received through the Complaint System in 2018, 171 resulted in findings that there were environmental violations or compliance issues.

For more information about CalEPA's Complaint System, visit calepacomplaints.secure.force.com/complaints/Complaint.





California Air Resources Board

The California Air Resources Board (CARB) regulates mobile sources of air emissions, fuels, and consumer products, while the 35 local air pollution control and air quality management districts (air districts) regulate stationary sources of air emissions. To carry out its responsibilities, CARB has undertaken a multifaceted program of planning, regulation development and implementation, compliance assistance and training, and enforcement. The final two components of CARB's work, compliance assistance and enforcement, help ensure achievement of emissions reductions and a level playing field for all regulated entities. Overall in 2018, routine CARB enforcement programs assessed \$13,296,191 in penalties from 93 routine settlements, 1,539 Streamlined Truck Enforcement Process (STEP) settlements, and 1,727 citations.

CARB 2018 Enforcement Highlights

CARB enforcement efforts cover more than 50 programs focused on enforcing product certification, diesel fleet program requirements, fuels regulations, and greenhouse gas regulations. In addition, staff members issue equipment registrations, provide training, address complaints, and implement a Supplemental Environmental Projects program. In 2018, CARB staff members:

- Reached a landmark \$78.4 million settlement to resolve the Fiat Chrysler defeat device case. It includes \$45.8 million in penalties and \$19 million to mitigate excess oxides of nitrogen (NO_x) emissions from more than 13,000

vehicles in California. More importantly, the company will recall and repair these vehicles to meet certification standards.

- Performed 18,727 inspections on diesel vehicles and 9,584 inspections on ships, cargo handling equipment, automobiles, consumer products, fuels, and related equipment. Of these inspections, 59 percent were conducted in or adjacent to disadvantaged communities.
- Assessed \$13.3 million in penalties from 93 routine settlements, 1,539 Truck and Bus Regulation STEP settlements, and 1,727 citations for routine enforcement.
- Provided training to 4,854 students.
- Addressed 11,238 complaints.
- Granted 11,086 portable equipment registrations.
- Issued 6,058 cargo tank certifications.
- Provided \$2.2 million in penalty funds from violators to fund SEPs.

Vehicle and Engine Enforcement

Fiat Chrysler Case Settlement

In response to the Volkswagen defeat device case, CARB has developed new testing and analytical techniques to screen for undisclosed Auxiliary Emissions Control Devices (AECD). Through these efforts, CARB discovered that Fiat Chrysler (FCA) may have been utilizing defeat device software AECDs. As a result, FCA, CARB and the U.S. EPA reached a settlement valued at more than \$500 million nationwide. The settlement covers 13,325 California model year (MY) 2014: 2016 3.0L diesel Dodge Ram 1500 trucks and Jeep Grand Cherokees and 103,828 vehicles

nationwide. The California settlement portion of \$78.4 million includes \$45.8 million in penalties, \$19.035 million in mitigation, and a \$13.5 million payment to the California Attorney General's Office for violations of the Unfair Competition Law, other statutes, and costs. The mitigation payment completely offsets all of the excess NOx emissions by providing money to the Air Pollution Control Fund, which can be directed by the Legislature for low NOx projects and NOx reduction programs statewide. In addition to the penalties and mitigation, FCA will also be recalling all of the affected vehicles to apply a new emissions control calibration that will bring all of the vehicles to a compliant configuration.

Heavy-duty Diesel Truck Enforcement: Streamlined Truck Enforcement Process

CARB's Truck and Bus Regulation is the single most important regulation for providing the emissions reductions necessary to protect the public from diesel exhaust particulate and to help meet ambient air quality standards throughout the state. For the past four years, staff has assessed compliance rates with the Truck and Bus Regulation by combining vehicle registration, inspection, and compliance reporting data. The results indicated about 80 percent of the trucks subject to the rule met regulatory requirements in 2017. However, the results also show that more than 80,000 California registered trucks are non-compliant, and more than 250,000 trucks registered out of state in fleets reporting mileage in California are out of compliance.

In response, CARB's Enforcement Division staff developed the new STEP process. The STEP process identifies the longest-standing non-compliant trucks registered in California. Staff review the data and send a Notice of Non-Compliance letter to the truck owner. If the owner does not respond, or does not bring the vehicle into compliance, staff sends a Notice of Violation (NOV). This NOV is also a legal citation and complaint, issuing a \$3,000 penalty to the truck owner, and offering due process in the form of a court hearing, upon request. If the truck owner does not then bring the vehicle into compliance and settle the monetary penalty, a registration hold is placed on the vehicle. A vehicle may not

register with California Department of Motor Vehicles (CA DMV) unless the owner pays a penalty and CARB releases the registration hold. This effectively enforces compliance because truck operators then cannot legally operate an unregistered vehicle on California roadways.

The STEP process has dramatically improved staff's productivity in processing and settling cases for Truck and Bus non-compliance. By the end of 2018, staff members initiated enforcement against 10,791 fleets that owned 20,966 vehicles and completed enforcement on 13,229 vehicles, which included placing registration holds on 10,322 vehicles and collecting \$2.1 million in penalties. Through June 03, 2019, staff has initiated enforcement against 17,690 fleets that own 32,930 trucks; including placing registration holds on 18,621 trucks and collecting more than \$3.6 million dollars in penalties. Enforcement has been completed on 24,385 trucks, which means demonstration of a compliance option and payment of a penalty, or the placement of a registration hold. The goal is to complete enforcement against 35,000 non-compliant trucks by the end of 2019.

In-Use Fleet Rules: Truck and Bus Regulation

The largest in-use fleet rule is the Truck and Bus Regulation, which was adopted in 2008 and requires all heavy-duty diesel trucks operating in California to replace engines with cleaner engine technology in order to reduce particulate matter (PM) and nitrogen oxide (NOx) emissions. The CA DMV compliance verification for some trucks begins Jan. 1, 2020, with all trucks being compliant by 2023. Requiring truck owners to operate vehicles with cleaner engines (2010 or newer engine model year) results in significant emissions reductions. However, for many truck owners, complying with this rule has been a challenge.

Comparing this year's industry-wide compliance rates to those from last year's report, the compliance rate for heavy trucks has increased by five percent, from 74 percent to 79 percent. While the regulation has resulted in thousands of trucks being replaced or retrofitted with cleaner engine technology, CARB estimates that in 2020, about 82,000 trucks registered in California

will need to take action to comply. In addition, there are potentially more than 300,000 trucks that could be non-compliant, owned by fleets registered in other states that report mileage in California, which may also need to take action to comply if they operate within the state.

To address non-compliance in California-registered trucks, state law requires that vehicle owners demonstrate compliance with the Truck and Bus Regulation before the vehicle can be registered with the DMV, starting January 1, 2020. This new requirement will compel remaining California registered truck and bus owners to replace their non-compliant engines and therefore substantially increase compliance with the Truck and Bus Regulation, ensuring that its intended emissions reductions and health protective goals are achieved. This will enable more enforcement efforts to focus on trucks registered in other states and operating in California in order to help ensure a level playing field.

CARB projects that more than 80,000 vehicles will be impacted by the Jan. 1, 2020 registration requirement and more than 200,000 vehicles will be impacted by the 2023 requirement, which is a little less than half of all heavy-duty vehicles registered in California.

CARB is Taking Action on Heavy-Duty Vehicle Diesel Pollution

Staff members across the board are taking multiple actions to address implementation of the diesel certification standard and fleet regulatory requirements. They are working to obtain compliance and achieve the emissions reductions envisioned through regulatory action. These actions include:

- **Amendments to California Emission Control System Warranty Regulations:** In 2018, CARB extended the warranty period for heavy heavy-duty engines from 100,000 miles or 3,000 hours, whichever occurred first, to 350,000 miles, with no hour limit. Extending the emissions warranty reduces emissions in two ways. First, it makes it more likely that emissions related repairs are completed because vehicle owners can get them done at no cost. Second, the increased warranty

period encourages manufacturers to improve the durability of their engines and emissions control systems through the development and use of higher quality parts and materials. In addition, longer warranty lives protect consumers from having to pay for faulty parts on newer vehicles.

- **Lowering the opacity limit from 40 percent to 5 percent for diesel particulate filter (DPF)-equipped trucks:** Independent studies and staff analysis indicate that four percent of trucks manufactured to the 2010 standard have emissions exceeding 5 percent opacity, and that these trucks that exceed 5 percent opacity are roughly responsible for about half of all particulate emissions from all heavy-duty diesel trucks. CARB adopted amendments in 2018 to the existing Heavy-duty Vehicle Inspection Program (HDVIP) and Periodic Smoke Inspection Program (PSIP) to require trucks to meet more stringent smoke opacity limits appropriate for newer engines equipped with more modern after-treatment systems. Under the old HDVIP and PSIP rules, vehicles had to meet a 40 percent smoke opacity limit. The recent amendments to these programs became effective on July 1, 2019 so now heavy-duty vehicles equipped with a DPF must meet a 5 percent smoke opacity limit. CARB's testing programs have confirmed that heavy-duty vehicles with functioning DPFs reduce PM emissions in excess of 90 percent resulting in opacity levels near zero percent but are above the standard when vehicles operate with non-functioning DPFs (broken, clogged, tampered, etc.). Remote vehicle emissions capture testing conducted under CARB contract showed that about four percent of DPF equipped vehicles exceeded a 5 percent opacity level.
- **In-Use Compliance and Enforcement:** Engine manufacturers are responsible for certifying new engines to meet current emission limits, and to maintain emission performance after they are initially certified. After certification, manufacturers are required to periodically test engine families for compliance with in-use emission limits and submit results to CARB.

CARB's in-use compliance program performs confirmatory checks of engines to ensure they are meeting certification requirements during the useful life of the engine. Many of the engines tested under this program are identified through the Truck and Bus Surveillance Program (TBSP). TBSP tests a high volume of trucks using both portable emission measurement system and a heavy-duty chassis dynamometer. Engine models found to be higher emitting are then directed to the in-use compliance program for further testing.

- If non-compliance is confirmed through the in-use testing program, CARB staff work with manufacturers to issue recalls of parts found to be defective. For example, CARB's program recently identified an issue with the Selective Catalytic Reduction (SCR) systems used in a variety of Cummins engines that resulted in emissions of NO_x in excess of the standard. After negotiations with CARB, Cummins agreed to recall more than 800,000 heavy-duty vehicles nationwide and to repair defective SCR systems. Of the vehicles recalled, approximately 300,000 vehicles weighed between 14,001 to 26,000 pounds (medium heavy-duty), and about 500,000 vehicles weighed greater than 26,000 pounds (heavy heavy-duty). Additional engine manufacturers are also being investigated. To date, in-use compliance staff members have issued recalls to 37,500 California engines in 44 heavy-duty engine test groups. Recalls require engine reprogramming, equipment replacement, or both to address durability and in-use compliance issues.

CARB's in-use testing and screening programs have also identified potential certification violations including unapproved changes to production emissions equipment after certification (running changes), undisclosed auxiliary emissions control devices, and other potential violations. Enforcement staff members have initiated several cases to address these violations.

- **Heavy-Duty Low NO_x Omnibus Rulemaking:** The Heavy-Duty Low NO_x program is part of CARB's overall strategy to establish

more stringent emission standards and in-use performance requirements to reduce emissions from heavy-duty combustion technologies. Specifically, the program proposal includes developing new NO_x emission standards on existing certification cycles such as the Federal Test Procedure (FTP) and the Supplemental Emission Test Ramped Modal Cycle (RMC-SET); developing new certification low load cycle (LLC) and associated NO_x emission standard; revising the "not-to-exceed" Heavy-Duty In-Use Testing (HDIUT) program; lengthening the useful life and warranty periods; clarifying warranty corrective action provisions; and revising durability demonstration procedures. Together, these changes will gradually broaden certification requirements to include more real world operating conditions and encourage increased durability through stronger test requirements and longer warranty periods.

- **Heavy-Duty Inspection and Maintenance Program:** CARB's existing heavy-duty inspection programs rely on random field inspections by CARB staff (HDVIP) and annual self-inspections by truck owners (PSIP) to test for smoke opacity levels. These two programs, HDVIP and PSIP, are useful in visually identifying high emitting vehicles, however they do not ensure NO_x controls are maintained or repaired timely.

A well-designed heavy-duty vehicle inspection and maintenance program that creates minimal operational disruption for owners could help ensure that vehicles' emissions control systems are operating as designed to meet California's public health protection goals. As an ancillary benefit, keeping vehicles tuned up and properly maintained may result in better fuel economy and less operational downtime.

To ensure NO_x controls are also well maintained and kept in proper repair, CARB staff are currently developing a more comprehensive heavy-duty inspection and maintenance program that would help ensure all vehicle emissions control systems are adequately maintained throughout the

vehicles' operating lives.

CARB staff is seeking to develop a comprehensive strategy for implementing a cost effective and feasible inspection and maintenance program. Such a program could be designed to achieve several objectives:

- Ensure trucks are kept in proper repair when operating in California.
- Encourage and achieve compliance with programmatic requirement.
- Measure program implementation and performance.
- Protect consumers by supporting durable and timely repairs.
- Support program through compliance assistance.
- Provide funding for program implementation.

In summary, the implementation and enforcement of diesel emissions standards and CARB in-use rules is important and increasingly efficient, but also continues to present challenges. The efforts by staff members in implementation and enforcement are increasingly effective, and new regulatory actions under development are crucial to further improving the emissions performance and durability of engines operating on the road to benefit both the environment and truck operators.

Environmental Justice

CARB's Participation on the CalEPA Environmental Justice Task Force: Reducing emissions in disadvantaged communities is among CARB's highest priorities. For the past several years, enforcement staff members have increased outreach to disadvantaged communities across the state, focused enforcement in disadvantaged communities, and supported CalEPA in multimedia enforcement initiatives. Enforcement staff's role in environmental justice programs is evolving, as new programs across the Board emerge. Staff continues to support CalEPA multimedia enforcement task forces.

As a member of the EJ Task Force, CARB's role is to identify mobile and stationary air quality related issues within a community and then to develop an enforcement action plan designed

to address community concerns and achieve increased compliance with air quality emissions standards. In order to be effective, CARB coordinates with other state agencies, local air districts and other stakeholders to address air quality concerns related to illegal idling, fugitive dust, odor related issues, facility permitting concerns, and air monitoring requests.

In 2018, CARB staff participated in two EJ Task Force initiatives, one located in Imperial Valley and the other in south Stockton. During these initiatives, staff met with community members to better understand their need for enforcement and to discuss where they see potential violations. Staff then increased inspection frequency for the duration of the initiative and focused on immediately reducing the impact of air pollution emissions in the designated area.

Recycling



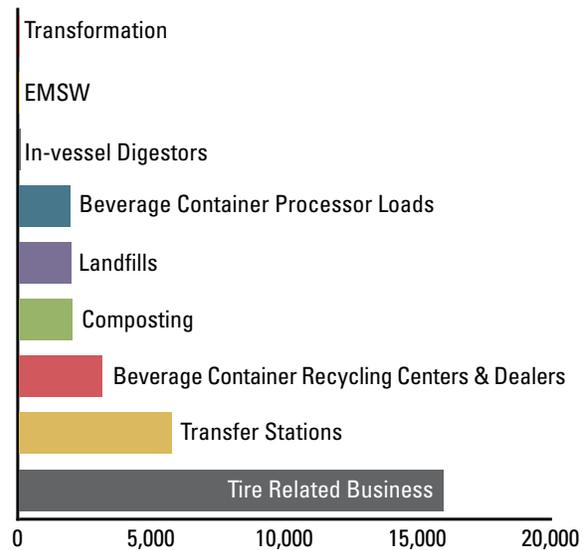
Department of Resources Recycling and Recovery

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

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). Facilities that have demonstrated greater difficulty complying with regulatory requirements are generally inspected more frequently. Figure 1 summarizes the 30,755 inspections conducted by facility type during 2018.

FIGURE 1: INSPECTIONS BY FACILITY TYPE



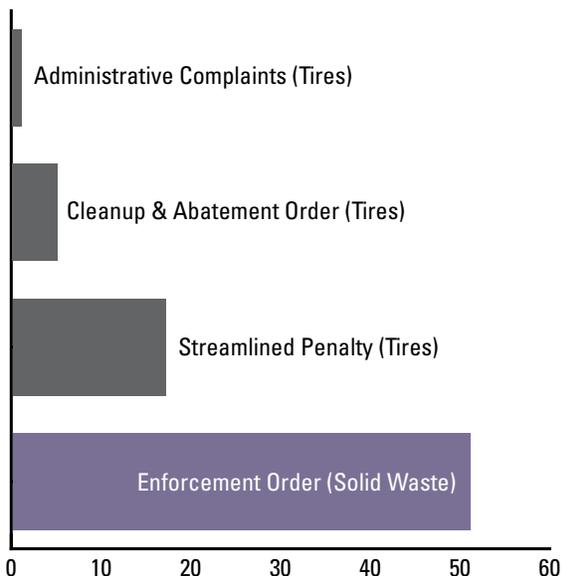
If a regulated facility is out of compliance, the inspector can issue a notice of violation. In most cases, facility operators correct the identified problem in a timely manner and further enforcement is not necessary. However, CalRecycle and local enforcement agencies can impose civil penalties, suspend permits or certifications, or seek other remedies if operators or property owners do not correct violations. Figure 2 summarizes the 3,344 violations issued by facility type during 2018.

FIGURE 2: VIOLATIONS BY FACILITY TYPE



Figure 3 summarizes enforcement actions taken during 2018 in the solid waste and waste tire programs. Of all inspections that resulted in enforcement actions, less than one percent were for unpermitted tire facilities, just over two percent were for tire haulers resulting in fines, and less than one percent were for solid waste facilities.

FIGURE 3: ENFORCEMENT ACTIONS BY PROGRAM



CalRecycle Enforcement Case Highlights

Combating Beverage Container Recycling Fraud

California is the nation’s leader in total quantity of bottles and cans recycled, which amounted to more than \$1.3 billion in California Redemption Value (CRV) in 2018. Since out-of-state consumers do not pay the CRV fee, out-of-state containers are not eligible for deposit refunds in California. Nevertheless, people continue to attempt to redeem out-of-state bottles and cans and faced stiff penalties for doing so.



CalRecycle partners with the California Department of Justice (DOJ) and California Department of Food and Agriculture to fight fraud. The DOJ conducts criminal investigations and prosecutes fraud cases, while the Department of Food and Agriculture monitors vehicles crossing into California for empty out-of-state beverage containers.

During 2018, these partnerships led to the arrest of 31 individuals and charges that included recycling fraud, conspiracy, and attempted grand theft. Together, the agencies prevented the fraudulent redemption of 119,991 pounds of imported out-of-state beverage containers with a potential CRV of more than \$248,000.

In one case, DOJ coordinated with Arizona law enforcement authorities to serve three search warrants in Arizona on known locations where used beverage containers were packed and loaded onto trucks bound for California.

The Arizona Department of Public Safety

arrested two men and they were extradited to California to face charges. A third man was arrested in Los Angeles by California JOJ agents. All three suspects face felony charges of recycling fraud, attempted grand theft, and conspiracy.

Agents believe the suspects, in collaboration with Arizona-based collection yards, are responsible for defrauding approximately \$16.1 million from the CRV fund over the past three years.

Extended Producer Responsibility (EPR) Mattress Program

CalRecycle's Extended Producer Responsibility (EPR) program is a strategy to place a shared responsibility for end-of-life product management on the producers of the products and all entities involved in the product chain, instead of on the general public and local governments, while encouraging product design changes that minimize a negative impact on human health and the environment at every stage of the product's lifecycle. This allows the cost of treatment and disposal to be incorporated into the total cost of a product.

Millions of mattresses and box springs reach the end of their lives in California every year. The bulky nature of mattresses and the lack of affordable, convenient recycling options has resulted in significant illegal dumping costs to local jurisdictions throughout the state. To combat these challenges, the Legislature passed the California Used Mattress Recovery and Recycling Act (SB 254, Hancock, Chapter 388, Statutes of 2013). The legislation aimed to reduce illegal dumping, increase recycling and substantially reduce public agency costs for the end-of-use management of used mattresses.

The act, often referred to as the California Mattress Stewardship Law, provided regulatory oversight for a community consisting of approximately 4,500 mattress retailers, 389 solid waste facilities, 277 manufacturers, 31 renovators, and 11 recyclers.

In 2018, CalRecycle enforcement staff conducted 219 inspections, including 194 inspections at mattress retailers and 25 inspections at mattress manufacturers. Of the 219 inspections, 85 businesses demonstrated compliance during

the first inspection and 82 businesses corrected violations with no additional enforcement necessary. CalRecycle will be utilizing its progressive enforcement tools, including but not limited to issuing streamlined penalties, to bring the remaining 52 businesses into compliance.

Compliance Assistance

CalRecycle focuses on compliance assistance before taking formal enforcement action that would lead to penalties, restitution, or other legal remedies.

Compliance assistance includes monitoring, technical support, outreach, and training. CalRecycle provides information and guidance regarding regulatory requirements to the regulated community to help them remain in compliance. CalRecycle frequently inspects recycling, waste tire, and solid waste disposal facilities to resolve compliance issues. CalRecycle often addresses violations by providing compliance assistance information along with an opportunity to correct the violation to avoid further enforcement. When necessary, CalRecycle does impose administrative remedies or civil penalties. In egregious or fraudulent situations, CalRecycle pursues criminal prosecution in partnership with the California Department of Justice. Department of Pesticide Regulation The Department of Pesticide Regulation (DPR) works closely with the County Agricultural Commissioners (CACs) to ensure that pesticide laws and regulations are followed. Under DPR's oversight and guidance, CACs inspect pesticide applicators, growers and businesses to ensure compliance and protection of people and the environment. CACs also issue site-specific permits for restricted use pesticides that impose additional use restrictions on these applications. When violations are found, CACs take appropriate enforcement actions following the state's enforcement response regulations. In 2018, CACs conducted over 13,000 agricultural inspections in California as shown in Figure 1. Each inspection evaluates numerous criteria to ensure compliance with legal requirements. Approximately 12 percent of the inspections conducted in 2018 documented at least one violation. The top two compliance problems in

agricultural inspections were failure to follow the label and/or permit conditions and failure to wear appropriate personal protective safety equipment.

FIGURE 4: AGRICULTURAL INSPECTION COMPLIANCE



The CACs also conduct structural pest control inspections of applicators and businesses performing pest control in and around homes and buildings. In 2018, CACs conducted approximately 6,500 structural inspections as shown in Figure 5. CACs documented violations in about 9 percent of the inspections. The top two non-compliances were failure to follow product labeling and respiratory protection requirements.

FIGURE 5: STRUCTURAL INSPECTION COMPLIANCE



Lastly, DPR investigated P&L Marketing Inc. of Visalia, which provided a preparation course for pesticide licensing examinations. During the investigation, DPR determined that P&L Marketing was subverting DPR licensing examinations by presenting questions that were identical or nearly identical to those on DPR's official examinations. In December 2018, DPR settled with P&L Marketing for \$49,350.

Pesticides



Pesticide Residue Monitoring Program

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

FIGURE 7: 2018 ORIGINS OF SAMPLES FOUND WITH ILLEGAL RESIDUES

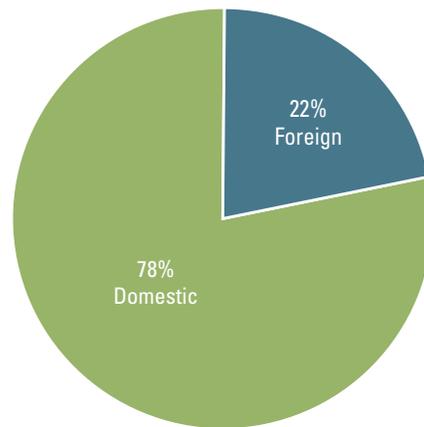
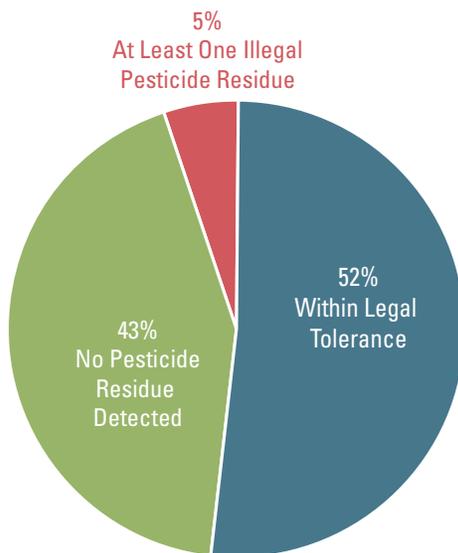


FIGURE 6: 2018 RESIDUE MONITORING FOR SAMPLES OF FRESH FRUITS & VEGETABLES



In 2018, DPR collected 3,695 produce samples. Testing results showed that 96 percent of the samples either did not contain any pesticide residues (41 percent) or had only pesticide residue levels below the permissible tolerance (55 percent) (Figure 3). The foreign produce imports accounted for the majority of the illegal residue samples (Figure 4).

In 2018, DPR took enforcement action on three companies for repeatedly selling produce with illegal residues. Commodities with illegal residues include lychee, dragon fruit, snow peas, cilantro, tomatillos, cactus pads, and cactus fruit imported from China, Vietnam, Guatemala, and Mexico. The civil penalties against these companies totaled \$30,000.

For additional information about [DPR's Pesticide](#)

Residue Program, please visit DPR’s website at www.cdpr.ca.gov.

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 scientific and technical staff review data on the product to ensure that it is properly labeled and will not cause human health or environmental problems when used as directed. DPR’s inspectors conduct marketplace inspections at businesses that sell pesticides throughout the state. Inspections cover a full range of pesticide products, including agricultural pesticides, swimming pool chemicals, disinfectants used by industrial facilities and restaurants, insect repellents, and even insecticide treated clothing and apparel.

In 2018, DPR settled 58 cases with businesses and individuals that sold 155 unregistered or misbranded pesticide products in California (Figure 5). A number of those cases involved products that are not typically thought of as pesticides:

In one case, a company agreed to pay a \$55,000 civil penalty after DPR determined it was making false antimicrobial claims about the carpet cushion products it was selling.

In another case, a company was penalized \$23,238 for failing to register a bacteria protein product, despite the claim that the product was a plant growth regulator.

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.

FIGURE 8: PENALTIES FOR UNREGISTERED & MISBRANDED PRODUCTS

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

Toxics



Department of Toxic Substances Control

The Department of Toxic Substances Control (DTSC) and local Certified Unified Program Agencies (CUPAs), as certified in CalEPA's Unified Program, enforce laws pertaining to hazardous materials and hazardous waste management. DTSC oversees facilities that have permits that allow them to handle, generate, transport, or treat hazardous waste. DTSC also oversees transportable hazardous waste treatment units, as well as electronic waste recyclers, processors and collectors. It inspects facilities for compliance with hazardous waste treatment, storage, transportation, and disposal requirements. DTSC resolved several significant cases in 2018, including the following highlighted cases.

Cases Resolved

Filter Recycling Services Inc., San Bernardino County

In February 2018, Filter Recycling Services Inc. (FRS) agreed to a settlement of \$500,000 to resolve allegations that it took actions that violated its DTSC permit. Of the total, \$250,000 was paid toward a penalty and \$250,000 was paid toward a Supplemental Environmental Project. FRS transfers, consolidates, and treats non-Resource Conservation and Recovery Act (RCRA) hazardous waste for shipment to other treatment, storage, and disposal facilities, and is also a registered hazardous waste transporter. DTSC cited FRS for accepting, handling, transferring, and/or storing unauthorized liquid and solid hazardous waste streams, including herbicides, corrosive solids, and polychlorinated biphenyl, in violation of its DTSC permit.

Home Depot, Sacramento County

In March 2018, Home Depot agreed to a \$27.8 million settlement to resolve allegations that its stores and facilities unlawfully disposed of hazardous waste in local non-hazardous waste landfills. Under the judgment, Home Depot paid \$18.5 million in civil penalties and investigation costs and \$2.5 million to fund court ordered Supplemental Environmental Projects (SEP) to further consumer protection and environmental enforcement in California. Home Depot will also spend \$6.8 million for environmental measures that are above compliance. DTSC's Office of Criminal Investigations (OCI) conducted dumpster examinations and provided technical information to the California Office of the Attorney General. DTSC directly received \$300,000 for civil penalties, \$70,237 reimbursement of investigative costs, and \$275,000 as a SEP for DTSC's Enforcement training fund.

Luxy Accessory Inc., Los Angeles County

On April 12, 2018, California Superior Court District in Los Angeles County issued a default judgment of \$1.6 million against Luxy Accessory Inc (Luxy), and its company President Hyun Sook Kim and others, for repeatedly selling jewelry, including children's jewelry, with dangerous amounts of lead and cadmium. Following an investigation by DTSC's Office of Criminal Investigations (OCI), Luxy was found in violation of California's Metal-Containing Jewelry Law. OCI seized more than 110 styles of jewelry found to contain excessive levels of lead

and cadmium. In a prior investigation, DTSC identified one pendant that was 80 percent lead; some packages were falsely labeled as “lead free.” Subsequent investigations showed the company continued to sell falsely labeled jewelry. DTSC placed the company’s products in quarantine and the jewelry was seized as evidence.

General Environmental Management, Sacramento County

In October 2018, General Environmental Management of Rancho Cordova, LLC (GEM) agreed to pay a settlement of \$1.4 million to resolve allegations that GEM mismanaged hazardous waste. DTSC cited approximately 70 violations between 2011 and 2017. Four significant incidents occurred at the facility during this timeframe, which included fires, explosions and releases of hazardous waste. In addition to the penalty, GEM agreed to take actions to prevent future violations by submitting enhanced training documentation every six months, hiring an independent auditor to conduct hazardous waste audits, and submit reports to DTSC that evaluate GEM’s ongoing compliance with the hazardous waste laws. This six-year investigation also resulted in DTSC considering permit denial. DTSC worked with the Office of the Attorney General to resolve the case. On Oct. 19, 2018, the Sacramento County Superior Court filed the Final Judgment on Consent and Permanent Injunction.

Rulemaking: Determining the Initial Penalty for Each Violation

On July 5, 2018, the Office of Administrative Law (OAL) approved an emergency rulemaking action submitted by the Department of Toxic Substances Control (DTSC) to amend California Code of Regulations section 66272.62, titled Determining the Initial Penalty for Each Violation. The emergency rulemaking increased minimum-to-maximum penalties in regulation uniformly with a maximum penalty of \$70,000, matching statutory authority. On December 31, 2018 OAL approved re-adoptions of the emergency regulation.

DTSC’s 2018 Enforcement Efforts

510	Inspections
4,130	Vehicles inspected at California Ports of Entry
35	Complaint investigations
59	Enforcement cases settled
289	Total number of criminal cases under investigations
142	Criminal investigations completed
34	Criminal cases referred to local District Attorney/California Attorney General
11	Arrests
3	Search Warrants issued
23	Total Convictions (2 Criminal, 21 Civil)

\$40,931,273 Settlement dollars awarded (EERD \$3,194,308 + OCI \$37,736,965)

Water



State Water Resources Control Board

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

In implementing the state and federal Safe Drinking Water Acts, the State Water Board's Division of Drinking Water (DDW) oversees 7,743 water utilities and an environmental lab accreditation program that regulates 675 laboratories. The State Water Board's Division of Water Rights (Water Rights) administers 40,492 water rights. Under the Water Boards' water quality authorities, the Water Boards also have regulatory responsibility for protecting the water quality of nearly 1.6 million acres of lakes, 1.3 million acres of bays and estuaries, 211,000 miles of rivers and streams, about 1,100 miles of exquisite California coastline and regulate over 100,000 facilities that potentially discharge pollutants or require cleanup to protect water quality.

In carrying out the Water Boards responsibilities, staff conducted 9,755 inspections, identified 14,987 violations, issued 11,983 enforcement actions, and issued \$13,213,454 in penalties.

Water Board Enforcement Highlights

Providing Safe and Affordable Drinking Water through Consolidations

Consolidation is DDW's most effective means to address drinking water quality issues as it also builds water system capacity. Administrators can be used to either facilitate consolidations or set the stage for long-term solutions when immediate action is needed and limited water system governance capacity inhibits action, or when geographic location prevents consolidation. In 2018, the State Water Board completed 41 physical consolidations and six managerial consolidations. The State Water Board also initiated steps toward two mandatory consolidations and appointed one administrator.

Oak Creek Intermediate School Consolidation

The Oak Creek Intermediate School in Madera County serves approximately 190 students. In January 2017, the school's public water system was in violation for uranium levels when its treatment failed and the well simultaneously violated bacteriological standards, including the presence of *E. coli* in the well. Notice of violations were issued to the school for failing to comply with drinking water standards; and county and State Water Board staff visited the water facilities. Consolidation planning was completed in February 2015 and the School subsequently received \$882,000 in Proposition 1 construction funds to extend a six-inch main to

an adjacent water system. In June 2018, the school began receiving safe water from Hillview Water Company and ceased being a public water system.

Buehner Water System: Weber Complex Consolidation

In July 2018, the Stanislaus County Department of Environmental Resources, in close collaboration with the State Water Board, issued a compliance order to the Buehner Water System: Weber Complex community water system as a result of multiple bacteriological failures including the presence of E. coli in their well source. This community water system serves a rental housing complex in a disadvantaged community in the city of Patterson. In total, 17 enforcement actions had been taken by Stanislaus County since the early 1980's due of bacteriological failures. The latest order, Compliance Order Number DER-18R-009, required the water system's sole well to be destroyed and that the water system consolidate with the city of Patterson because local ordinance prohibited drilling new wells within city limits. With the State Water Board, Stanislaus County and the city of Patterson working in close collaboration, safe water was provided to the residents and the water system ceased to be a public water system in September 2018. The consolidation project was funded by the owner of the facility.

Sativa Water District Ordered to Relinquish Control to Los Angeles County

The Sativa Los Angeles County Water District, serving the 6,870 residents of Willowbrook and Compton communities, has a history of physical water quality problems (color, odor and turbidity) due to elevated manganese in groundwater sources, aging and neglected infrastructure and poor maintenance practices. Following widespread reports of brown water at the customer's homes in April 2018, DDW staff documented numerous deficiencies including inadequate source capacity, lack of storage capacity, inadequate pipeline network and insufficient number of fire hydrants, affecting their ability to conduct proper system flushing to address the water quality problem.

DDW issued a compliance order in June 2018



which required Sativa to prepare and implement corrective actions to resolve the water quality and capacity deficiencies.

On October 31, 2018, though authority derived from Assembly Bill 1577 (2018), DDW issued an administrative order to Sativa to accept administrative services, including full management and control, from the Los Angeles County Department of Public Works. On March 18, 2019, Sativa was officially dissolved by the Local Agency Formation Commission for the County of Los Angeles (LA LAFCO) due to ongoing financial, managerial, operational and governance challenges.

DDW and Division of Financial Assistance



continue to provide assistance to the county on planning and construction projects to address the historic water quality and capacity problems. The county will continue to implement these projects while they plan to sell the water system to an interested party. The county's role as successor agency will end when the sale is finalized.

Nitrate-Impacted Communities Receive Replacement Drinking Water

Providing replacement drinking water to communities impacted by nitrate groundwater contamination advances California's Human Right to Water Law. In December 2018, the State Water Board reached a replacement water settlement with three Central Valley agriculture coalitions: the Tule Basin, Kaweah, and Kings River coalitions: located near the city of Tulare. Replacement drinking water will be provided at no cost to nitrate-impacted communities through kiosks paid for by the coalitions. In addition, the State Water Board, the Central Coast Regional Water Quality Control Board, and the Salinas Basin Agricultural Stewardship Group agreed to extend the Salinas Valley Interim Replacement Drinking Water Program for a second year. In its first year, the program provided replacement water to small water systems affected by nitrate contamination. For the second year (2019), the program is extended to include any domestic well owner or small water system with nitrate-impacted drinking water supplies, regardless of income. This settlement may serve as a model for providing safe water to other disadvantaged communities and domestic well owners in the state impacted by nitrate contamination.

Los Angeles County Environmental Laboratory Owner Pleads Guilty to Fraud

The State Water Board's Environmental Laboratory Accreditation Program and the board's Office of Enforcement worked collaboratively with the Los Angeles District Attorney's Office on a criminal case against the owner of a Los Angeles County environmental laboratory. In May 2018, the owner of Cal Tech Environmental Laboratories (CTEL) in Paramount, California, pleaded guilty to a felony charge of filing false information and overcharging for clean-up costs submitted to the State Water Board's Underground Storage Tank Cleanup Fund, and was sentenced to three years of probation and 30 days of community service, and was ordered to pay \$190,000 in restitution to the State Water Board. Additionally, the owner of CTEL was disqualified by the court from engaging in environmental analysis during the period of his probation and the U.S.

Environmental Protection Agency is proposing to debar that individual from participating in federal contracts and assistance activities for up to three years.

Water Districts Pay \$605,110 Settlement Following Major Spill to Salton Sea

Two water districts were fined a combined \$605,110 due to a large sewage and recycled water spill that impacted the water quality of the Salton Sea. A settlement was reached between the Colorado River Basin Regional Water Board, the Desert Recreation District, and Coachella Valley Water District in September 2018 for an illegal sewage and recycled water spill of almost four million gallons to the Whitewater River Storm Water Channel in June 2017. The channel flows to the Salton Sea and the large volume of the illegal spill impacted surface and groundwater quality, and wildlife and aquatic habitat. To resolve the case, the Desert Recreation District agreed to pay \$571,302 and the Coachella Valley Water District agreed to pay \$33,808. Both paid their full amounts to the State Water Board's Cleanup and Abatement Account.

\$2.2 Million Settlement Reached for Large Sewage Spill to Santa Monica Bay

Partially treated wastewater containing sewage, plastics, lancets, and other waste was discharged from the Hyperion Water Reclamation Plant's underground storm drain system into Santa Monica Bay in September 2015, leading to beach closures and widespread public health concerns. In April, the Los Angeles Regional Water Quality Control Board reached a settlement of nearly \$2.3 million with the city of Los Angeles, which includes \$1 million for the State Water Board's Cleanup and Abatement Account. The remaining amount will fund two projects intended to reduce and prevent pollution from entering inland streams that connect to Santa Monica Bay and increase public awareness of the risks of water-borne pollution. The projects will include inland river and coastal cleanups, outreach and water literacy education, and improvements to the quality of storm water discharges.

San Diego Developer Fined \$291,286 for Uncontrolled Stormwater Runoff

In April, the San Diego Regional Water Board fined Pardee Homes \$291,286 for stormwater violations at their 204-acre Castlerock Weston residential construction site near the city of Santee. The violations led to the discharge of more than 70,000 gallons of sediment-laden stormwater directly to Sycamore Canyon Creek, which is in an environmentally-sensitive watershed of the San Diego River. The fine was levied through an expedited settlement process intended to more efficiently address violations of the statewide Construction General Storm Water Permit. This expedited process offers permittees an opportunity to correct violations and settle the liability at an earlier stage than the traditional complaint and hearing process.

Perchlorate Groundwater Plume in Barstow Being Monitored

The chemical perchlorate was discovered in groundwater in the city of Barstow in 2010. The illegal disposal of perchlorate salts was identified at the residence of the owner of a former pyrotechnics company that had ceased operating in the mid-1980s. The illegal disposal resulted in the contamination of public and private water supply wells along the Mojave River. Perchlorate is used to make rocket fuel, fireworks, flares and explosives. It was found near water supply wells used by Golden State Water Company. Within days of the discovery, Golden State Water Company flushed the city’s water distribution system and eliminated the perchlorate. The contaminant is readily dissolvable and easily leached to the groundwater. In low doses, it interferes with thyroid function and can cause birth defects. In 2018, the Lahontan Regional Water Quality Control Board approved plans designed to determine the most effective means of cleaning up the contamination. In addition, the regional board continued collecting groundwater and domestic well samples to monitor the movement of the perchlorate plume to the southeast of the city and evaluated private

residential wells that have been impacted or potentially could be impacted by perchlorate.

TABLE 2: WATER BOARD INSPECTIONS, VIOLATIONS & ENFORCEMENT

Program	Facilities	Inspections	Violations	Enforcement Actions	Penalties
Water Quality	108,648	7,170	10,742	6,821	\$11,825,486
Drinking Water	8,418	2,383	3,322	4,035	\$194,468
Water Rights	40,492	202	923	1,127	\$1,193,500

Health



Office of Environmental Health Hazard Assessment

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

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

Proposition 65 Implementation

As the lead agency for implementation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986, OEHHA evaluates and maintains the list of chemicals that cause cancer or reproductive toxicity. OEHHA also develops "safe harbor" levels of exposure to listed chemicals. Exposures that are below "safe harbor" levels do not require Proposition 65 warnings. Although OEHHA has no direct Proposition 65 enforcement authority, OEHHA provides scientific expertise in cases brought by California's Office of the Attorney General to enforce the law's requirements.

In 2018, OEHHA added four chemicals to the *Proposition 65 list* of carcinogens and reproductive toxins. In the first half of 2019, OEHHA added two chemicals to the Proposition 65 list. The *Proposition 65 list* is available online on OEHHA's website <https://oehha.ca.gov/proposition-65/proposition-65-list>.

CalEnviroScreen

CalEnviroScreen is the nation's first comprehensive statewide environmental health screening tool. It uses existing environmental, health, and socioeconomic data to help identify California communities that are disproportionately burdened by multiple sources of pollution and most vulnerable to the effects of pollution. OEHHA developed and updated the tool to assist CalEPA, and its boards and departments in carrying out their environmental justice mission, which is to conduct their activities in a manner that ensures the fair treatment of all Californians, including low income and minority populations. CalEPA uses CalEnviroScreen to identify disadvantaged communities that are eligible for state funded projects and grants, and to inform its enforcement activities. The CalEPA Environmental Justice Task Force, discussed on *page IV of the preface of the CalEnviroScreen 3.0 Report*, uses CalEnviroScreen to assist with its cross-media enforcement initiatives in disadvantaged communities. The current version of *CalEnviroScreen* is available online at <https://oehha.ca.gov/calenviroscreen>.





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