



California Environmental Protection Agency

2012 Environmental Compliance and Enforcement Report



2012 Environmental Compliance and Enforcement Report

*AIR RESOURCES BOARD
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 CalEPA is to restore, protect, and enhance the environment, to ensure public health, environmental quality and economic vitality.

Introduction

This report was prepared by the Office of the Secretary of the California Environmental Protection Agency (CalEPA), the boards, departments, and office within the Agency, and CalEPA's local government enforcement partners. It compiles individual enforcement reports from each of CalEPA's Boards, Departments and Office and provides an overview of CalEPA's cross-media enforcement compliance efforts, fulfilling the reporting requirements of Government Code section 12812.2.

California's enforcement laws are adopted, implemented, and enforced by a number of separate federal, state and local agencies. CalEPA's federal environmental enforcement partner is the United States Environmental Protection Agency (U.S. EPA). While federal law provides the baseline for environmental protection in California, our state, regional and local requirements may be broader in scope with stricter standards.

The main objective of this report is to provide agency-wide information on enforcement and compliance programs including performance measurements for program activities. Two types of performance measures used in this report are those that measure outputs, such as the number of inspections completed, and those that measure outcomes, such as decreased pollution levels. Outcomes are difficult to directly correlate with enforcement and other regulatory actions. These measurements, however, may influence whether program goals should be altered or remain on course.

Report Highlights

The report presents an overview of environmental compliance and enforcement program activities conducted by CalEPA, its BDOs, and local enforcement partners during calendar year for 2012. The CalEPA Office of the Secretary report and each of the BDO program reports include highlights of significant events, activities and accomplishments.

Each of the following program reports includes information on these topics:

- Organizational Mission
- Enforcement Program Mission
- Overview of the regulatory enforcement authority, enforcement program organization and enforcement program activities
- 2012 enforcement program goals and objectives
- Major program highlights
- Successful enforcement cases
- Performance measures/environmental and public health indicators
- Multi-year summaries of enforcement action and penalties
- Training efforts
- Links to additional information



The Office of the Secretary

The Secretary for Environmental Protection is the head of the California Environmental Protection Agency. The Secretary is responsible for overseeing and coordinating the activities of the Air Resources Board, the Department of Pesticide Regulation, the Department of Toxic Substances Control, the Office of Environmental Health Hazards Assessment, the Department of Resources Recycling and Recovery and the State Water Resources Control Board and Regional Water Quality Control Boards.

In addition, sections 12850 through 12856 of the Government Code define general authorities for each agency secretary over the departments, offices, and other organizational units that comprise them. The secretary has the power of general supervision over, and is directly responsible to the Governor for the operations of each department, office, and unit within the agency (§ 12850). The secretary advises the Governor on, and assists in establishing, major policy and program matters affecting each department, office, or other unit within the agency, and serves as the principal communication link for the effective transmission of policy problems and decisions between the Governor and each such department, office, or other unit (§ 12850.2).

CalEPA's Role in the Enforcement of Environmental Laws

Government Code section 12812.2 specifies the enforcement duties of the Deputy Secretary for Law Enforcement and Counsel to:

1. "develop a program to ensure that the boards, departments, offices, and other agencies that implement laws or regulations within the jurisdiction of [CalEPA] take consistent, effective, and coordinated compliance and enforcement actions";
2. "establish a cross media enforcement unit to assist a board, department, office, or other agency that implements a law or regulation within the jurisdiction of [CalEPA], to investigate and prepare matters for enforcement action";
3. "refer a violation of a law or regulation within the jurisdiction of a board, department, office, or other agency that implements a law or regulation within the jurisdiction of [CalEPA] to the Attorney General, a district attorney, or city attorney for the filing of a civil or criminal action."

CalEPA has continued to conduct its legislatively mandated responsibilities in the following areas:

- Border Program
- Brownfields
- Coordination of the State's climate change activities
- Enforcement
- Environmental Justice
- Unified Hazardous Materials Program and Emergency Response

Team and Committee Reports

CalEPA Enforcement Training Team

The enforcement training activities that took place in 2012 were guided by the CalEPA Enforcement Training Team. This team is comprised of members from CalEPA, Office of the Secretary, and its boards and departments. Its goal is to provide training and outreach to field personnel of state and local regulatory agencies to ensure consistent, effective and coordinated enforcement as mandated in Government Code section 12812.2. CalEPA partners with other regulatory agencies to conduct training. Those partners include:

- California District Attorneys Association
- California Office of Emergency Services (Cal OES)
- California Hazardous Materials Investigators Association (CHMIA)
- California Commission on Peace Officer Standards and Training (POST)
- California Specialized Training Institute (CSTI)
- Certified Unified Program Agency (CUPA) Forum Board
- Department of Forestry and Fire Protection (CAL FIRE)
- Department of Parks and Recreation
- Federal Law Enforcement Training Center (FLETC)
- U.S. Environmental Protection Agency
- Western States Project

In 2012, CalEPA sponsored, co-sponsored, or participated in the following training activities:

- CalEPA Basic Inspector Academy – conducted 10 four-day courses throughout the year at various locations throughout the state.
- California Unified Program Annual Conference – February 3-6
- Introduction to Environmental Enforcement – March 19-21
- California Hazardous Materials Investigators Association (CHMIA) Training – April 15-17
- One Day Enforcement Training – 2 sessions at various dates and locations
- Specialized one day class on Sampling and Photography – September 27 in Placer County
- Advanced Environmental Crimes Training Program, EPA, CHMIA, Cal OES – May 6-17 and October 27 – November 8
- Advanced Topics in Environmental Enforcement, California District Attorneys Association June 3-6
- Hazardous Materials Investigations – Cal OES, June 24-28
- The Continuing Challenge Hazardous Materials Emergency Response Workshop – September 3-6
- Introduction to Environmental Criminal Investigation – Western States Project – October 1-3
- POST and CalEPA Environmental Crimes Symposium, November 6-8

The CalEPA Enforcement Training Team also provided on-line training, via its Fundamental Inspectors Course, throughout the year.

The Environmental Circuit Prosecutor Project

The Environmental Circuit Prosecutor Project is a cooperative project of CalEPA and the California District Attorneys Association as provided in Penal Code section 14300 et seq. The Project fills the gap in enforcement of environmental laws in California’s rural counties by providing environmental prosecutors to District Attorneys who do not otherwise have prosecutors dedicated to environmental enforcement. In 2012, the Circuit Prosecutor Project continued to provide exemplary support to a majority of rural county district attorneys.

Table 1: Environmental Circuit Prosecutor Project Metrics

Year	Number of Prosecutors	Cases Opened	Cases Closed	Fines/costs/SEPs	Jail Time	Probation
2005	6	222	175	\$3,859,866	2 years and 100 days	11 years
2006	5	176	141	\$1,016,626	900 days	9 years
2007	4	173	68	\$1,205,470	80 days	27 years
2008	4	50	39	\$6,964,400	0 days	8.5 years
2009	3	26	38	\$503,295	20 days	21 years
2010	3	18	16	\$1,320,054	Not reported	Not reported
2011	3	49	35	\$636,277	120 days + 120 days community service	10 years
2012	2	49	35	\$501,101*	95 days + 394 days community service	18 years

* Includes \$17,878 in criminal fines and excludes the \$32.9 Million in civil penalties generated from statewide and multi-jurisdictional cases prosecuted by the Circuit Prosecutor Project.

For more information on the Environmental Circuit Prosecutor Project, see: www.calepa.ca.gov/Enforcement/CircuitPros/.

Single Complaint Tracking System

The Single Complaint Tracking System Committee was established to create an agency-wide, single complaint tracking system to receive, track, and respond to environmental complaints reported to CalEPA. This project resulted in a web-based system that provides a single point of contact for the public through the CalEPA website. The online complaint form is used to collect information about environmental complaints or enforcement tips. The system was designed as a tool to relay complaint information directly to the appropriate enforcement authority and to track complaint processing.

Complaints from members of the public are an important source of information about potential non-compliance with environmental laws. A single complaint system can facilitate cross-program responses where needed and assure that complaints are investigated and prosecuted properly. The Single Complaint Tracking System was designed with this purpose in mind.

Table 2: Total Complaints Received by the Single Complaint Tracking System

Year	2007	2008	2009	2010	2011	2012
Total Number of Complaints	553	981	860	841	1033	1023

Table 3: Complaints Investigated by CalEPA Boards, Departments and Office by Year¹

Year	2007	2008	2009	2010	2011	2012
ARB	203	303	281	312	406	256
CalRecycle	92	162	130	109	121	113
DPR	60	78	103	104	116	117
DTSC	321	537	476	413	487	508
OEHHA	48	60	62	40	63	72
SWRCB	210	375	380	346	401	407

Environmental Justice

The Intra-Agency Environmental Justice Strategy, created in 2004, set forth the following goals linking enforcement to environmental justice:

1. Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies;
2. Ensure effective cross-media coordination and accountability in addressing environment justice issues;
3. Ensure adequate and fair deployment of enforcement resources;
4. Give high priority to actions that will address violations in environmental justice communities; and
5. Identify and target disproportionately disadvantaged economic areas, including Tribal areas and rural counties, for development, adoption, implementation, and enforcement of environmental laws, regulations, and polices.

CalEPA's boards and departments employ different enforcement priorities and strategies focused on their respective media (air, water, toxics, solid waste and pesticides). While a single-media focus is necessary to fulfill media-specific statutory mandates, cross-media enforcement opportunities exist to comprehensively address disproportionate impacts on environmental justice communities. Additionally, the Deputy Secretary of Law Enforcement and Counsel has the responsibility and authority to establish a cross-media enforcement unit to assist a board, department, office, or other agency that implements a law or regulation within the jurisdiction of the California Environmental Protection Agency. (Gov. Code, § 12812.2.)

To further the goals identified in the Environmental Justice Strategy, in 2012 CalEPA formed an Environmental Justice Compliance and Enforcement Work Group. Members include the Deputy Secretary for Law Enforcement and Counsel; Assistant Secretary for Environmental Justice and Tribal Affairs; Assistant General Counsel for Enforcement; DTSC Deputy Director for Enforcement; DPR Enforcement Chief; SWRCB Office of Enforcement, Director; ARB Enforcement Division, Chief; and CalRecycle Enforcement Chief. The work group began activities to coordinate compliance and enforcement efforts in disadvantaged communities. As part of this project, CalEPA continued working with U.S. EPA Region 9 on the San Joaquin Valley Environmental Justice project, which includes focusing hazardous waste and pesticide management inspection and enforcement resources in the San Joaquin Valley.

¹ The total number of complaints received, and consequently the total number of investigations conducted, are higher than the total number of complaints received because some complaints require investigations by multiple BDOs (i.e., a complaint may involve potential violations of air, water, toxics and/or pesticide laws or regulations).

California Environmental Reporting System (CERS) Enforcement Data

The Unified Program consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities of six environmental and emergency response programs (see the Unified Programs section for additional information). There are over 145,000 regulated businesses and 113 local governments that must submit their regulatory reports electronically beginning in January 2013 using the California Environmental Reporting System (CERS) or their local regulatory agency reporting portal. CERS supports electronic data exchange to and from local agency portals, consolidating the information into a single statewide database. This information will include data from over 80,000 facility inspections per year, as well as enforcement actions taken by local agencies. The 2013 Enforcement Report will contain information collected through CERS.

Governor's Interagency Working Group on Refinery Safety

In the aftermath of a serious chemical release and fire at Chevron's Richmond oil refinery in August 2012, Governor Brown formed an Interagency Working Group to examine ways to improve public and worker safety through enhanced oversight of refineries, and to strengthen emergency preparedness in anticipation of any future incident. The Working Group consists of participants from 13 agencies and departments, including CalEPA, as well as the Governor's Office. The Working Group met internally and with industry, labor, community, environmental, academic, local emergency response and other stakeholders and prepared a set of recommendations for improved safety at refineries. One prevailing recommendation is the formation of a Task Force to coordinate refinery enforcement and oversight activities of agencies that regulate refineries.



Unified Programs

Overview

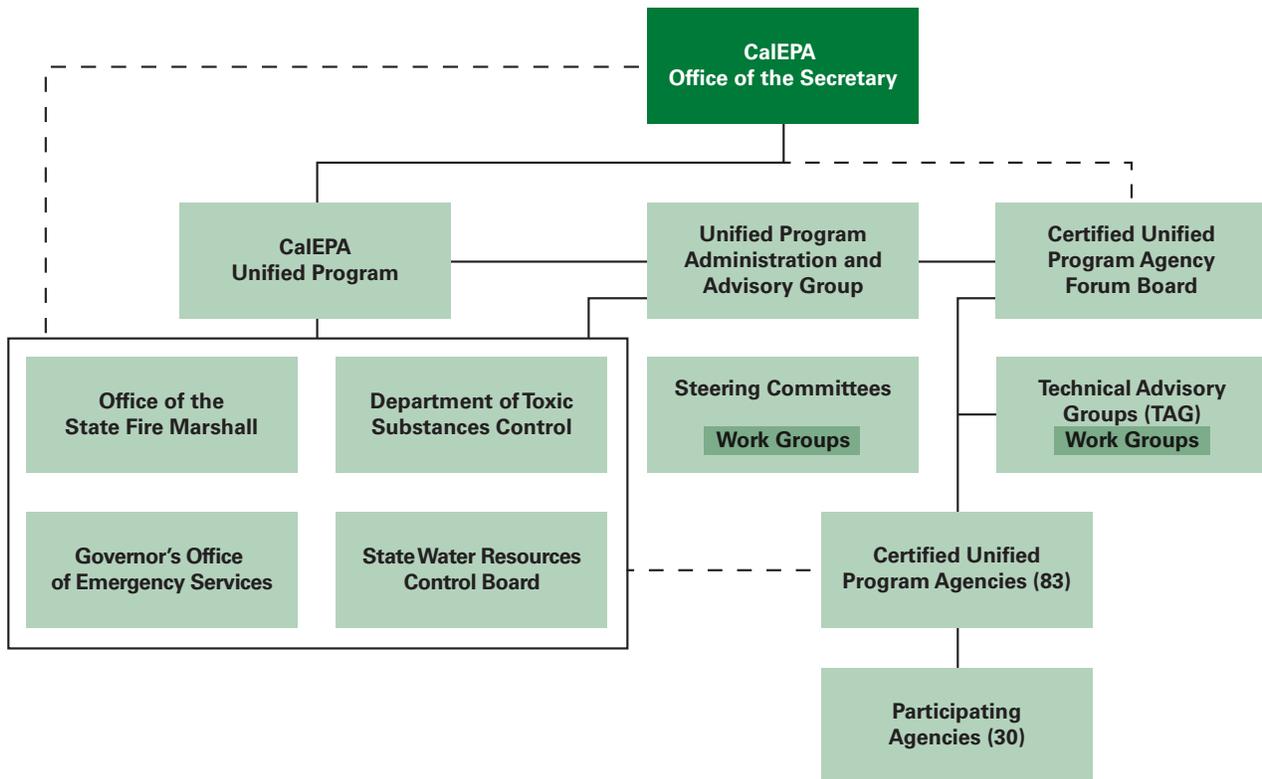
California law consolidates six hazardous materials environmental programs in California into one regulatory program referred to as the Unified Program. (Health & Saf. Code, § 25404 et seq.) The Unified Program delegates inspection and enforcement activities for these programs to local agencies, which are certified by CalEPA and known as Certified Unified Program Agencies (CUPAs). A CUPA is a local agency, generally an environmental health agency, local fire department, or a designated state agency, that is responsible for the implementation of all the unified program elements within the local jurisdiction. The goal of the Unified Program is to reduce the impact of hazardous materials on public health and the environment by increasing statewide and cross-program consistency for the over 145,000 businesses regulated by 83 CUPAs. The Secretary for Environmental Protection is directly responsible for the implementation and oversight of the Unified Program by establishing uniform minimum standards for the program. The Secretary certifies CUPAs and oversees state agency partners who adopt and interpret the statewide standards to ensure program consistency.

The Unified Program consolidates the administration, permits, inspections, and enforcement activities of the following six environmental and emergency management programs, which are managed by the state agencies also referenced below:

- Hazardous Materials Release Response Plans and Inventories (Business Plans) – Governor’s Office Of Emergency Services (Cal OES)
- California Accidental Release Prevention (CalARP) Program – (Cal OES)
- Underground Storage Tank (UST) Program – State Water Resources Control Board (Water Board)
- Aboveground Petroleum Storage Act (APSA) Program – Office of the State Fire Marshal (OSFM)
- Hazardous Waste Generator and Onsite Hazardous Waste Treatment (Haz Waste) Programs – Department of Toxic Substances Control (DTSC)
- California Uniform Fire Code: Hazardous Material Management Plans and Hazardous Material Inventory Statements – (OSFM)

A number of CUPAs also work with other local governments that implement one or more of the regulatory program elements. These other local governments are referred to as Participating Agencies. There are 83 CUPAs and 30 Participating Agencies (PAs) for a total of 113 reporting entities, collectively known as Unified Program Agencies (UPAs).

Figure 1: Unified Program Organization Chart



Major Program Overview and Highlights for 2012

Highlights below are provided by CUPA Program Elements with a brief description of each program:

Hazardous Waste Generators

CUPAs implement the hazardous waste generator and onsite tiered permitting program as part of the Unified Program. The hazardous waste generator program prevents releases of hazardous waste by ensuring that those who generate, handle, transport, store and dispose of wastes do so properly. Enforcement actions are taken against those who fail to manage hazardous wastes appropriately. In addition, the program also promotes pollution prevention, reuse, and recycling of hazardous materials and waste.

The key goals and objectives for 2011 have continued through 2012. They are: (1) to provide training on areas of the regulations that CUPAs have been found to be deficient in regulating businesses, (2) to review facility files to ascertain that CUPAs have properly identified and classified violations, (3) to ensure that all violators have returned to compliance, and (4) to ensure that appropriate enforcement actions were taken. For more information see: www.dtsc.ca.gov/HazardousWaste/CertifiedUnifiedProgramAgencies.cfm

In 2012, local CUPAs conducted 40,131 hazardous waste generator site inspections. The CUPAs continue to improve their inspection and enforcement programs, in part, because of the oversight provided by DTSC and CalEPA. DTSC's evaluations indicate that increasingly consistent inspections and enforcement actions are occurring among CUPAs, thereby creating a level playing field for businesses across California.

California Accidental Release Prevention Program (CalARP)

The California Accidental Release Prevention (CalARP) Program's goal is to prevent accidental releases of extremely hazardous substances that can cause serious harm to the public and the environment, minimize the damage if releases do occur, and satisfy community right-to-know laws. This goal is accomplished by requiring businesses that handle more than a threshold quantity of a regulated substance to develop and implement a Risk Management Plan (RMP). A RMP is a detailed engineering analysis of potential accident causing factors present at a business and the mitigation measures in place to reduce the probability of an accident occurring. The RMP contains safety information, a hazard review, operating procedures, training requirements, maintenance requirements, compliance audits, and incident investigation procedures.

Since the inception of the CalARP program, the use of many extremely hazardous chemicals has decreased through replacement with less toxic alternatives. The best example is the replacement of chlorine gas with either sodium hypochlorite (Bleach) or ozone in water treatment facilities and public pools. Another example is the replacement of ammonia used in cooling facilities with less toxic carbon dioxide.

The implementation of the CalARP program, combined with continued industry training, has reduced the numbers of spills and releases of extremely hazardous chemicals in California. Additionally, because the CalARP program identifies toxic facilities, it is useful for land-use planning, fire suppression efforts and planning for catastrophic events.

In 2012, UPAs conducted 935 inspections for the CalARP program, revealing a compliance rate of 72 percent.

Hazardous Materials Release Response Plans and Inventories (Business Plans)

The Hazardous Materials Business Plan Program's goal is to prevent or minimize harm to first responders, public health and safety, and the environment from a release or threatened release of hazardous materials. This program also satisfies federal community right-to-know laws, which require businesses that handle hazardous materials in reportable quantities to inventory the materials, develop a site map, develop an emergency plan, and implement a training program for employees.

Businesses must submit this information to their local CUPAs. The CUPA verifies the information and provides it to agencies responsible for the protection of public health and safety and the environment. These agencies include fire departments and hazardous materials response teams. UPAs conducted 48,449 facility inspections for the Business Plan Program. Significant violations were found at 4,037 or 8 percent of the facilities.

Underground Storage Tanks

CUPAs oversee and enforce state and federal regulations that establish operating requirements and technical standards for underground tank design, installation, operation and closure. The CUPAs' Underground Storage Tank (UST) program ensures that the tank contents (petroleum or other hazardous substances) do not seep into the soil and contaminate California's groundwater and waterways. The CUPAs coordinate with the Water Board UST Program staff and are assisted by the Water Board Leak Prevention Program. The Water Board Leak Prevention Program develops requirements for UST installation, construction, system component testing, leak detection, spill containment, overfill protection and certification of operators and service technicians. UST inspectors employed by CUPA must also be certified by the International Code Council against standards established by the Water Board. The Water Board evaluates the CUPAs and their UST inspectors.



Underground storage tank

CUPAs administer the UST Program through permitting, inspection, and enforcement activities. Some CUPAs work in the UST Cleanup Program directing or assisting with leak reporting requirements, including the cleanup of leaking USTs, an activity that often involves soil and groundwater investigation prior to remediation. CUPAs work with the Water Board Enforcement Program, which supports both the leak prevention and cleanup program by investigating fraud and violations of UST laws in statewide or complex cases. Upon request, the Water Board provides assistance to local agencies enforcing UST requirements. CUPAs also work with the Water Board's Office of Tank Tester Licensing to administer the Tank Tester Licensing Program. The Water Board establishes minimum qualifications for those who test underground storage tanks and associated piping. CUPAs oversee tank testing and check UST testers to assure they are licensed by the Water Board.

In 2012, the Water Board reported that the frequency of required annual compliance inspections conducted by CUPAs increased slightly to 95 percent (13,835 inspections conducted) from 91 percent in 2011 (13,444 inspections conducted). The facility operational compliance percentage remained consistent at around 68 percent for both leak detection and prevention.

The number of regulated UST facilities increased from 14,433 in 2011 to 14,513 in 2012. The number of UST systems decreased from 39,890 in 2011 to 39,558 in 2012.

The Water Board reported that 156 new releases from USTs occurred in FY 2011-2012. Also in FY 2011-2012, 199 cleanup cases were initiated and 957 were completed.

Aboveground Storage Tanks (AST)

CUPAs are responsible for the implementation, enforcement, and administration of the Aboveground Petroleum Storage Act (APSA), regulating facilities handling 1,320 gallons or greater of petroleum in ASTs. In 2012, the State Legislature designated OSFM as the state agency assigned the responsibility and authority for the oversight and implementation of the APSA program, effective January 1, 2013. As the lead state agency, OSFM will provide interpretation of the APSA program requirements, oversee implementation of the APSA by CUPAs and adopt regulations to further clarify the implementation of the APSA. In addition, the OSFM will be responsible for training CUPA staff to ensure consistency with state law, ensuring consistency with federal enforcement guidance issued by U.S. EPA, and supporting the CUPAs by providing compliance assistance to regulated AST facilities.

From 2008 through 2012, CalEPA disbursed \$6,218,694 in APSA grants to the CUPAs to offset the costs incurred in implementing the APSA program.

In 2012, the CUPAs reported a total of 11,993 tank facilities that are subject to APSA program requirements. The CUPAs conducted 2,942 routine compliance inspections and 852 "other" non-routine inspections, representing a small increase from the inspections conducted in 2011. In 2012, most CUPAs increased their enforcement efforts, initiating over 1,000 enforcement actions against AST facilities with one or more Class I, Class II or minor violations.

32 Unified Program Agency inspectors successfully completed online APSA Training and passed the inspector exam in 2012.

For more information on APSA, visit <http://osfm.fire.ca.gov/cupa/apsa.php>



Aboveground storage tank
courtesy of Sonoma County CUPA

Electronic Reporting

Assembly Bill 2286, 2008 (Ch. 571, §25404, Health and Safety Code) requires the 145,000 Unified Program regulated businesses and the 113 UPAs to report hazardous materials, underground tank, hazardous waste, and inspection and enforcement related information electronically using a state system by January 1, 2013. The web-based reporting system, called the California Environmental Reporting System (CERS), allows the regulated community to submit required regulatory information electronically to their local Unified Program Agency who will share it with CalEPA or to CalEPA who will share it the Unified Program Agencies.

Multi-jurisdictional businesses will be able to report data for all regulated sites in California with Cal EPA, who will in turn share the data with all of the appropriate Unified Program Agencies. CalEPA will serve as a virtual data warehouse and will have the ability to exchange data with U.S. EPA and in the future, create a public access website. CalEPA launched CERS in 2009. CERS was significantly upgraded in 2011. The latest version, CERS version 2, was launched in January 2012.

CalEPA's Unified Program worked with representatives of the CUPAs, DTSC, Cal OES, and the Water Board to create the Violation Library, a standardized list of Unified Program violations that CUPAs may use when entering violation information into CERS. Each violation is divided into program element, violation category, violation title, and violation description.

CUPA Evaluation Status

CalEPA and authorized state agencies evaluate CUPAs at least once every three years. The CUPA evaluation process consists of:

1. on-site records review for completeness and implementation of Inspection and Enforcement Plans;
2. review of facility enforcement and compliance files and field oversight inspections to evaluate actual field inspection process;
3. review of self-audit reports and annual summary report submissions.

In 2012, the Unified Program conducted program evaluations for 30 of the 83 CUPAs. Results of CUPA evaluations conducted in 2012 show that 11 met or exceeded program standards, 15 were considered satisfactory with improvements needed, 3 were unsatisfactory with improvements needed, and 1 additional unsatisfactory CUPA was required to enter into a Program Improvement Agreement. Program Improvement Agreements are established between the Secretary for Environmental Protection and a CUPA's governing body.

At the end 2012, 44 CUPAs met or exceeded program standards, 30 were considered satisfactory with improvements needed, 8 were unsatisfactory with improvements needed, and 1 CUPA was unsatisfactory and subject to a Program Improvement Agreement (see attached table for the 2012 CUPA evaluation status). The CalEPA Unified program periodically posts an updated CUPA evaluation map on www.calepa.ca.gov/CUPA/Evaluations/StatusMap.pdf.

Major Enforcement Cases for 2012

People v. Walgreen Co.

On June 18, 2012, local prosecutors in 34 counties and 2 cities, settled the statewide civil prosecution of Walgreen Co. (Walgreens), related to hazardous materials and hazardous waste handling and management practices. Walgreens was charged with violating Chapters 6.5 and 6.95 of Division 20 of the Health and Safety Code and implementing regulations related to its improper storage, handling, transportation, and disposal of hazardous waste and hazardous materials including medical waste at more than 600 Walgreens facilities statewide.

On December 13, 2012, the Alameda County Superior Court approved a settlement of the case. Walgreens agreed to pay a total of \$16,575,000, consisting of \$3,175,000 for supplemental environmental projects, \$2,250,000 for reimbursement of costs of investigation, enforcement, and attorney fees, and \$11,150,000 in civil penalties. See www.calepa.ca.gov/Enforcement/Orders/2013/Walgreen.pdf.

People v. Costco Wholesale Corporation

On May 30, 2012, local prosecutors in 29 counties, settled the statewide civil prosecution of Costco Wholesale Corporation (Costco). Costco was charged with violating Chapters 6.5 and 6.95 of Division 20 of the Health and Safety Code and implementing regulations related to its improper hazardous waste management, record keeping, transportation, disposal, employee training, permitting, keeping of manifests, pharmaceutical waste disposal, and maintaining business inventories and emergency plans at multiple locations throughout the state.

On July 1, 2012, the Alameda County Superior approved a settlement of the case. Costco agreed to pay a total of \$3,617,100, consisting of \$325,000 for supplemental environmental projects, \$264,700 for reimbursement of costs of investigation, enforcement, and attorney fees, and \$3,024,400 in civil penalties. See www.calepa.ca.gov/Enforcement/Orders/2012/CostcoFinal.pdf.

People v. CVS Pharmacy, Inc.

On April 12, 2012, local prosecutors in 43 counties and 2 cities settled the statewide civil prosecution of CVS Pharmacy, Inc. (CVS) CVS was charged with violating Chapters 6.5 and 6.95 of Division 20 of the Health and Safety Code and implementing regulations related to its improper hazardous waste management, record keeping, transportation, disposal, employee training, permitting, keeping of manifests, pharmaceutical waste disposal, and maintaining business inventories and emergency plans at multiple locations throughout the state.

On April 16, 2012, the Ventura County Superior Court approved a settlement of the case. CVS agreed to pay a total of \$13.75 million, consisting of \$2 million for supplemental environmental projects, \$750,000 for reimbursement of costs of investigation, enforcement, and attorney fees, and \$11 million in civil penalties. See www.calepa.ca.gov/Enforcement/Orders/2012/CVStipFinal.pdf.

Performance Measures

The CalEPA Unified Program uses performance measures to evaluate program implementation and impact. One outcome measure compares the number of businesses without violations from year to year, using the percentage of those in compliance as a performance measurement. The measure is reported in the following chart.

Table 4: FY 2011/2012 Compliance Percentage

Sector, facility type, or program focus	Total number of regulated facilities	Number of regulated facilities inspected	Number of inspected facilities with no violations	Percent of total facilities in compliance*	Percent of total facilities inspected
Business Plan	123,983	52,117	38,266	73.42	42.04
CalARP	2,166	935	698	74.65	43.17
UST	14,513	13,970	7,984	57.15	96.26
AST	11,993	3,455	2,698	78.09	28.89
Haz Waste	87,689	40,131	28,611	71.29	45.77
LQG**	2,896	1,721	1,466	85.18	59.43
HWT**	1,463	942	780	82.80	64.39
HHW**	247	101	88	87.13	40.56

* This percentage assumes that the compliance rate is equivalent for the total number of regulated facilities as it is for facilities inspected during the reporting year. In addition, the compliance rate is calculated by using the number of facilities with minor violations because in most cases CUPAs classify minor violations more consistently than class I or class II violations.

** Large Quantity Generators (LQG), Hazardous Waste Tiered Permitting (HWT), and Household Hazardous Waste (HHW) are each subsets of the Hazardous Waste (Haz Waste) Program.

Public Health Indicators

Enforcement programs play an important role in protecting and improving public health and the environment. As the Unified Program has matured and oversight, inspections and enforcement have increased, we have seen decreases in hazardous conditions known to affect human health and the environment. In one example, in the graph below, hazardous conditions from 2008 through 2012 have declined in nearly every category.

Figure 2: Hazardous Incidents Reported to the Office of the State Fire Marshal²

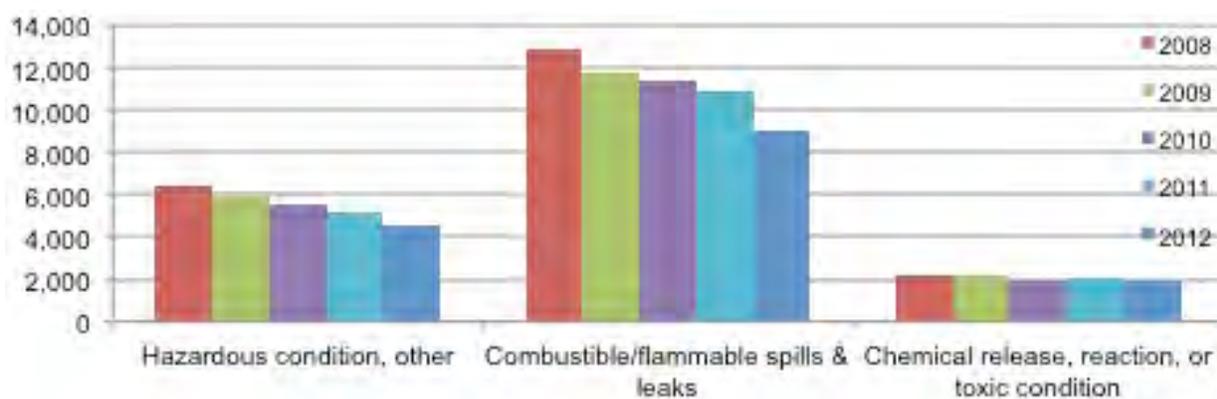


Table 5 shows that, while there has been a period of annual increase in the total number of regulated businesses (continuing up to 2011), there was a decline in spills from 2008 to 2011 and a decline in the number of spills per 1,000 businesses over the same period.

Table 5: Hazardous Materials Spill Reports

Year	CalOES HazMat Spill Reports	% Change From Previous Year	CUPA Regulated Businesses	% Change From Previous Year	Spills per 1,000 Businesses
2012	7,687	6.1	145,101	-0.7	54
2011	7,248	-6.0	144,120	-1.4	50
2010	7,713	-8.1	146,200	1.5	53
2009	8,391	-4.7	143,980	2.9	58
2008	8,806	13.4	139,960	3.2	63
2007	7,768	4.6	135,630	4.6	57
2006	7,424	1.4	129,690	1.2	57

Data Source: California Governor’s Office of Emergency Services

Program Component Metrics

Inspections and Administrative Enforcement Orders

In Fiscal Year (FY) 2011/2012 (July 1, 2011 through June 30, 2012), local field inspectors conducted 101,532 routine inspections. The CUPAs also pursued 46,309 informal enforcement actions in 2012 to address minor violations through notifications to regulated businesses and return-to-compliance requirements. The total number of informal enforcement actions in FY 2011/2012 is lower than previous years.

There were over 1,484 formal enforcement actions (336 involving the initiation of an administrative enforcement order and 109 involving UST Red Tag enforcement) that resulted in the collection of \$9,501,763 in penalties and \$345,670 in supplemental environmental projects. These penalties were directly assessed by the CUPAs and do not reflect cases referred to local district attorneys and cited above as major settlement cases for 2012. These penalties do not reflect the major statewide cases cited above.

² Data Source: Cal Fire, Office of the State Fire Marshall

In 2012, CUPAs initiated a total of 336 administrative enforcement orders (AEOs) against regulated entities or individuals for violations of environmental laws. The total number of AEOs decreased by 18 percent in 2012 compared to 2011. One factor relating to this decrease may be that, since the AEO law was enacted seven years ago, compliance has improved and recent violations are less serious, resulting in fewer formal enforcement actions.

Figure 3: Total Civil and Criminal Enforcement Referrals

Total civil and criminal enforcement referrals – 1025 actions

- Business Plan facility – 465
- CalARP facility – 9
- UST facility – 26
- AST facility – 3
- Hazardous Waste Generator facility – 522

Figure 4: Total Administrative Enforcement Actions

Total administrative enforcement actions – 350 actions

- Business Plan facility – 113
- CalARP facility – 20
- UST facility – 76
- AST facility – 10
- Hazardous Waste Generator facility – 131

Size of the regulated “universe”

The number of regulated businesses reported by the CUPAs in FY 2011/2012 by program element are:

- Total Regulated Businesses – 145,101
- Business Plan Program – 123,983
- CalARP Program- 2,166
- Hazardous Waste Program – 86,689
- UST Program – 14,513
- AST Program – 11,993

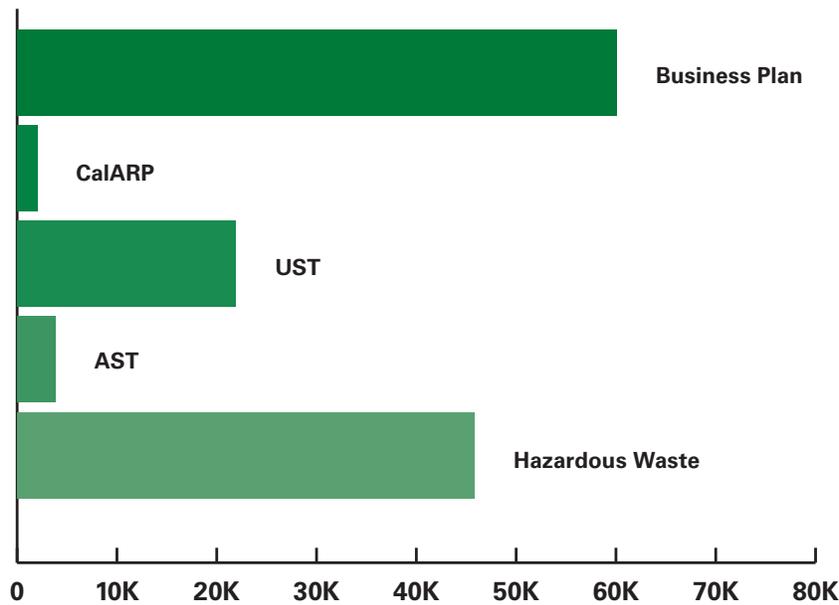
Note: The numbers shown above, other than the total number of regulated businesses, include overlapping program elements. For example, a gas station will show up in the UST program, the Business Plan program and possibly the AST program.

Program Component Outputs

Data Characteristics

CUPAs conduct inspections of all the programs noted earlier in the report. CUPAs performed 113,372 inspections in FY 2011/12. Many of these inspections are multimedia and are combined for efficiency in a consolidated inspection process. When possible, a CUPA’s goal is to perform a single inspection that covers the combined program compliance requirements for regulated businesses in an attempt to incorporate all of the numerous statutes and regulations.

Figure 5: Inspections by Program Element



- Figure 5 reflects the following output measures, which indicate that inspection frequency requirements are effective and the CUPAs are actively monitoring regulated businesses:
- Business Plan facility routine inspections and other inspections – 60,121
- CalARP facility routine inspections and other inspections – 2,061
- UST facility routine inspections and other inspections – 21,887
- AST facility routine inspections and other inspections – 3,794
- Hazardous Waste Generator routine and other inspections – 45,840

Table 6: Inspection, Violation, and Enforcement Summary Data Fiscal Year 2011/2012

Total Count	Business Plan	CalARP	UST	AST	Haz Waste	LQG	HWT	HHW	Recyclers
Number of Regulated Business	123,983	2,166	14,513	11,983	87,689	2,896	1,463	249	N/A
Number of Regulated Businesses Inspected	52,117	935	13,970	3,455	40,131	1,721	942	101	N/A
Number of Routine Inspections*	48,449	832	14,018	2,942	35,291	1,745	811	82	N/A
Percent of Routine Inspections with Class I or II violation that RTC within 90 Days	47.55	25.77	60.98	54.78	58.91	53.31	15.77	20.74	N/A
Number of Other Inspections*	11,672	1,229	7,869	852	10,549	541	421	38	N/A
Number of Facilities with Class I Violation	118	62	561	33	261	25	20	2	0
Number of Facilities with Class II Violation	3,919	139	2,825	225	4,309	165	141	4	7
Number of facilities with Minor Violation	13,851	237	5,986	757	11,520	255	162	13	18
Number of Informal Actions	19,790	550	9,488	1,098	15,403	329	378	16	28
Number of Formal Actions	586	13	172	15	679	17	15	1	0
Number of Local AEOs	146	3	6	13	68	1	2	0	0
Total Number of AEOs	113	6	76	10	131	15	8	0	0
AEOs Issued within 240 Days	89	4	57	6	116	121	4	0	0
Total Number of Civil/Criminal Referrals	465	4	26	3	522	5	2	1	0
Total Number of Civil/Criminal Referrals	461	4	21	1	509	4	2	1	0
Cash Fines/Penalties	610,386	50,000	2,129,795	32,206	6,675,376	80,590	75,011	0	0
Value of Supplemental Environmental Projects	17,000	0	92,400	0	203,770	5,000	27,500	0	0

* Inspections for this chart are defined by the actions described below:

- Routine Site Inspections are direct facility visits by an inspector to determine compliance.
- Other inspections are defined as facility inspections that are either follow-up inspections, referrals from state or federal agencies, or as a follow-up investigation to a citizen complaint.

Table 7: Inspections and Violation Data Summary Comparison FY 2008/2009 to FY 2011/2012

Total Count	2008-2009	2009-2010	2010-2011	2011-2012
Regulated Facilities	143,988	146,205	144,124	145,101
Inspections (Routine only)	109,445	109,697	103,390	101,532
Facilities with Class I Violations	1,183	1,497	1,180	1,035
Civil /Criminal Referrals	747	1119	493	1,020
Number of Administrative Enforcement Orders Issued	679	845	410	336
Penalties	\$ 9,197,778.00	\$21,482,682.00	\$6,286,680.00	\$9,814,933

Output Trends

1. Formal Enforcement: In 2011/2012, there is a continued observable decrease in formal administrative enforcement actions taken by CUPAs. This decrease is not unexpected, since the number of Class I violations per 100 routine inspections also decreased for the same year. In contrast, the number of civil or criminal referrals, reflecting the most serious violations, has oscillated over the past 4 reporting periods.

Figure 6: CLASS I Violations per 100 Routine Inspections

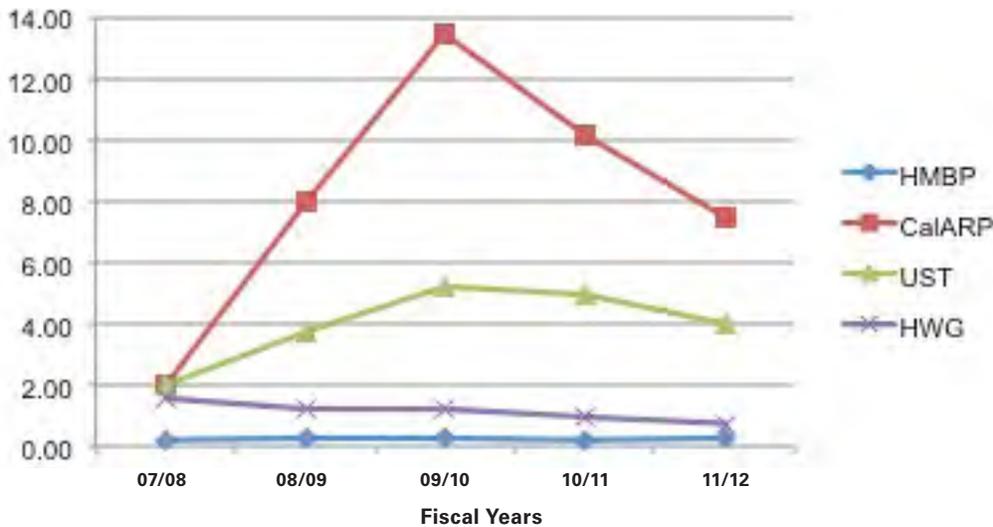
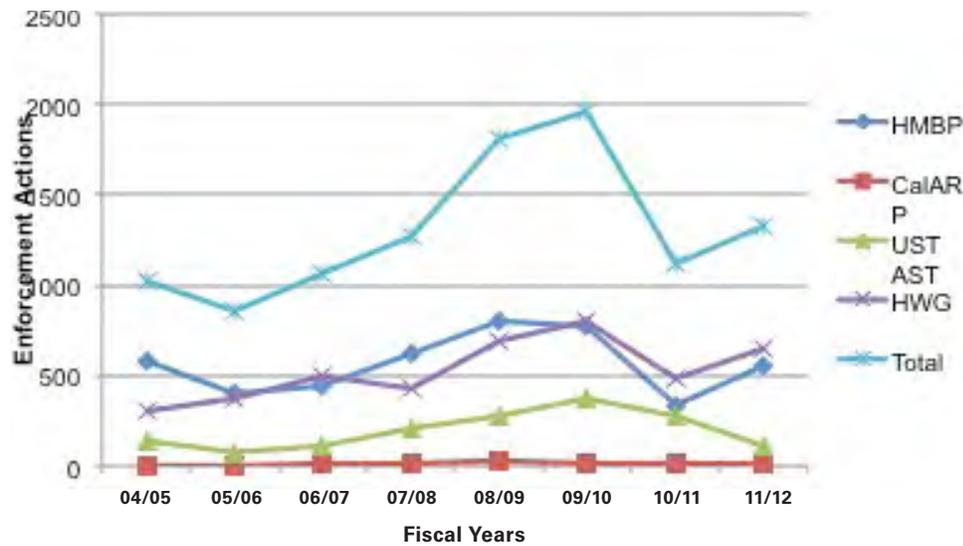


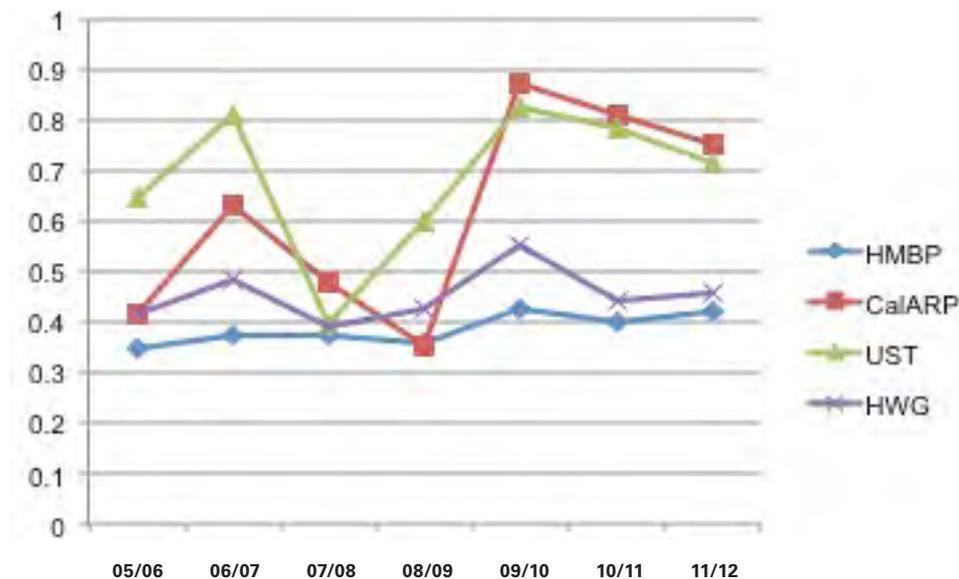
Figure 7: Formal Enforcement Trends (Administrative/Civil/Criminal Enforcement)



2. Enforcement Actions as a Percentage of Inspections - The percentage of inspections that result in an enforcement action (informal and formal) showed an increase over the FY 2004/2005 through FY 2008/2009 in all of the four program elements. This shows that CUPAs were active in finding violations, documenting those violations and taking some type of enforcement. More recently, from FY 2009/2010 to FY 2011/2012, all programs either flattened out or showed a slight decrease that may be a result of escalating enforcement numbers from the previous years. Of note is the significantly larger percentage of enforcement actions for the UST and CalARP program over past years that have recently stabilized to a ratio similar to other program elements.

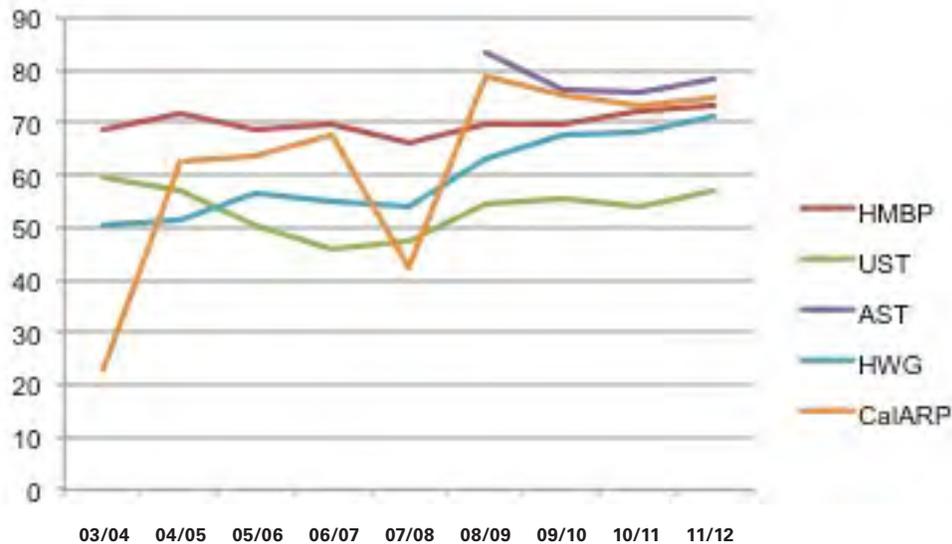
The number of enforcement actions taken per inspected facility shows an overall slight increase between 2004 and 2012. There have been a few anomalies, especially in UST and CalARP. FY 2007/2008 had decreases for 3 of the 4 programs. The implementation of CERS and the collection of inspection and enforcement data will provide more detailed information in future years.

Figure 8: Enforcement as Percentage of Inspections



- Facilities Inspected Without Violations - As noted above in the Performance Measures section, one measure of program success is the percentage of facilities inspected that did not have any violations. Since CUPAs track violations that are minor as well as serious violations, this measure is a good indicator of compliance. The graph below shows that there has been a generally stable trend for the Business Plan, AST, Hazardous Waste Generator, and UST programs.

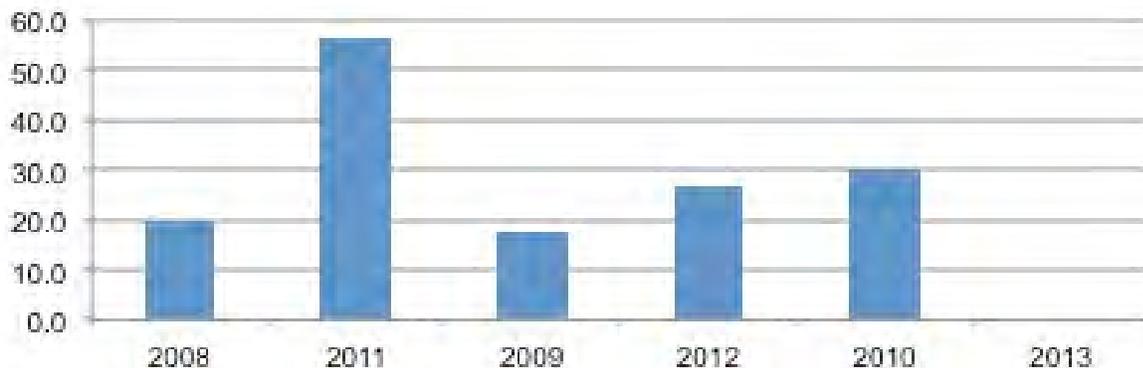
Figure 9: Percent of Facilities Inspected without Violations



- CUPA Inspection and Enforcement Implementation - CalEPA and authorized state agencies evaluate local CUPA programs at least once every three years. At the end of each CUPA evaluation, CUPAs with significant Inspection and Enforcement deficiencies are identified. One measure of the enforcement program success is the percentage of CUPAs evaluated and determined to have an effective Inspection and Enforcement Program. CUPAs are evaluated on a triennial evaluation cycle and for the most part tend to be grouped together by year. The evaluation process was reset in 2005.

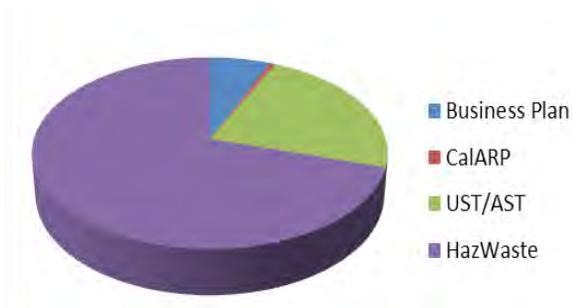
The graph below is shown in paired years: 2008 and 2011, 2009 and 2012, and 2010 and 2013 (data not yet available). The pairs show the percent of CUPAs with no Inspection and Enforcement deficiencies has been increasing: 2011 was better than 2008 and 2012 was better than 2009. CUPAs have generally improved their Inspection and Enforcement programs by addressing the deficiencies and issues from evaluations.

Figure 10: Percentage of CUPAs Evaluated without Inspection & Enforcement Program Deficiencies



5. Penalty Information - In FY 2008/2009, the Unified Program began accounting separately for the monetary value of supplemental environmental projects. The total amount of penalties assessed across all program elements for FY 2011/12 was \$10,003,034. By program element they were:
- Business Plan facilities – \$610,386
 - CalARP facilities – \$50,000
 - UST/AST facilities – \$2,166,001
 - Hazardous Waste Generator facilities – \$6,675,376
 - Value of SEP penalties – \$345,670

Figure 11: Penalty Spread by Program Element



Training of Inspection and Enforcement Staff:

The 14th California Unified Program Annual (CUPA) Conference was held in Burlingame in February 2012. The 2012 CUPA Conference was attended by nearly 1,200 participants, representing local, state, and federal government and regulated businesses. There were nearly 100 courses offered in 10 concurrent tracks at the conference, including 12 enforcement specific courses. The Unified Program Training Framework, a statewide framework for defining the Basic, Intermediate and Advanced levels of inspector training and identifying training resources to meet those levels, was unveiled at the conference. The framework, developed by CUPAs, CalEPA and other state agencies, with assistance from California State University Sacramento, Center for Collaborative Policy, links the three levels of inspector capability to core skills and competencies to each level. This framework will be used as a statewide tool for increasing inspector competency and statewide consistency.

In 2012 a number of CERS training classes were presented around the state to promote electronic reporting. A significant part of the training was aimed at the entry of inspection, violation and enforcement information. Ten “Train-the-Trainer” classes were provided to CUPA and PA staff covering all four regions of the state. In addition, training sessions were provided to agencies in Alameda County and Santa Clara County.

For more information on CalEPA Unified Program training, please visit [www.calepa.ca.gov/CUPA/ Training/](http://www.calepa.ca.gov/CUPA/Training/)

Additional Information

CalEPA Unified Program Homepage: www.calepa.ca.gov/CUPA/
 CalEPA Publications and Forms: www.calepa.ca.gov/CUPA/Publications/
 Inspection and Enforcement Resources: www.calepa.ca.gov/CUPA/Resources/
 Electronic Reporting: www.calepa.ca.gov/CUPA/Resources/
 CalEPA Training Resources: www.calepa.ca.gov/CUPA/Training/

Table 8: CUPAs in California: Evaluation Status as of 12/31/2012

CUPA Name	Evaluation 2012 Status	CUPA Name	Evaluation 2012 Status
Alameda County Environmental Health Department	Meets program requirements	Humboldt County Environmental Health Division	Meets program requirements
Alpine County Health Department	Meets program requirements	Inyo County Environmental Health Services Department	Unsatisfactory
Amador County Environmental Health Department	Unsatisfactory	Kern County Environmental Health Division	Unsatisfactory
Anaheim City Fire Department	Satisfactory	Kings County Environmental Health Department	Satisfactory
Bakersfield City Fire Department	Meets program requirements	Lake County Environmental Health Department	Satisfactory
Berkeley City Toxics Management Division	Satisfactory	Lassen County Environmental Health Department	Satisfactory
Butte County Environmental Health Department	Meets program requirements	Livermore-Pleasanton Fire Department	Meets program requirements
Calaveras County Environmental Health Department	Meets program requirements	Long Beach City Health and Human Services Department	Satisfactory
Colusa County Department of Environmental Health	Satisfactory	Los Angeles City Fire Department	Unsatisfactory
Contra Costa County Health Services Department	Satisfactory	Los Angeles County Fire Department	Satisfactory
Del Norte County Environmental Health Division	Unsatisfactory	Madera County Environmental Health Department	Satisfactory
DTSC Imperial County CUPA	Unsatisfactory	Marin County Public Works Department	Meets program requirements
DTSC Trinity County CUPA	Satisfactory	Mariposa County Environmental Health Services	Satisfactory
El Dorado County Environmental Management Department	Meets program requirements	Mendocino County Environmental Health Department	Satisfactory
El Segundo City Fire Department	Meets program requirements	Merced County Environmental Health Department	Meets program requirements
Fremont City Fire Department	Satisfactory	Modoc County Environmental Health Department	Satisfactory
Fresno County Environmental Health Division	Satisfactory	Mono County Environmental Health Department	Unsatisfactory
Gilroy City Fire Department	Satisfactory	Monterey County Health Department	Meets program requirements
Glendale City Fire Department	Unsatisfactory	Napa County Environmental Health Division	Meets program requirements
Glenn County Air Pollution Control District	Meets program requirements	Nevada County Environmental Health Department	Satisfactory
Hayward City Fire Department	Satisfactory	Oakland City Fire Department	Unsatisfactory
Healdsburg/Sebastopol Joint Power Agreement CUPA	Meets program requirements	Orange County Environmental Health Department	Meets program requirements

CUPA Name	Evaluation 2012 Status	CUPA Name	Evaluation 2012 Status
Oxnard City Fire Department	Meets program requirements	Santa Rosa City Fire Department	Meets program requirements
Petaluma City Fire Department	Satisfactory	Shasta County Environmental Health Department	Meets program requirements
Placer County Environmental Health Department	Satisfactory	Sierra County Human Services Department	Meets program requirements
Plumas County Environmental Health Department	Meets program requirements	Siskiyou County Environmental Health Division	Satisfactory
Riverside County Environmental Health Department	Meets program requirements	Solano County Environmental Health Department	Meets program requirements
Roseville City Fire Department	Satisfactory	Sonoma County Fire and Emergency Services Department	Meets program requirements
Sacramento County Environmental Management Department	Satisfactory	Stanislaus County Environmental Resources Department	Meets program requirements
San Benito County Health Department	Satisfactory	Sunnyvale Dept. of Public Safety	Meets program requirements
San Bernardino County Fire Department	Satisfactory	Sutter County Environmental Health Division	Meets program requirements
San Diego County Environmental Health Department	Meets program requirements	Tehama County Environmental Health Department	Satisfactory
San Francisco City and County Public Health Department	Meets program requirements	Tulare County Environmental Health Department	Meets program requirements
San Joaquin County Environmental Health Department	Meets program requirements	Tuolumne County Environmental Health Department	Meets program requirements
San Leandro City Hazardous Materials Division	Meets program requirements	Union City Environmental Programs Division	Meets program requirements
San Luis Obispo County Environmental Health Department	Meets program requirements	Ventura County Environmental Health Department	Meets program requirements
San Mateo County Environmental Health Department	Satisfactory	Vernon City Health and Environmental Control Department	Satisfactory
Santa Barbara County Fire Department	Meets program requirements	Victorville City Fire Department	Meets program requirements
Santa Clara City Fire Department	Satisfactory	Yolo County Environmental Health Services Division	Meets program requirements
Santa Clara County Environmental Health Department	Meets program requirements	Yuba County Environmental Health Department	Meets program requirements
Santa Cruz County Environmental Health Department	Meets program requirement	Victorville City Fire Department	Meets program requirements
Santa Fe Springs City Fire Department	Meets program requirements	Yolo County Environmental Health Services Division	Meets program requirements
Santa Monica City Fire Department	Satisfactory	Yuba County Environmental Health Department	Meets program requirements



Air Resources Board

ARB's ongoing enforcement objective is to reduce emissions and facilitate compliance by working with other state, local and federal agencies and environmental justice community groups to improve air quality in the areas of California most affected by air pollution; by exchanging information with the United States Environmental Protection Agency (U.S. EPA) regarding shared enforcement actions and violators; and by ensuring that all enforcement operations are conducted in a fair and responsible manner, resulting in a level playing field for the regulated community.

Specific Enforcement Goals for 2012:

- **Implement New Diesel Risk Reduction and Greenhouse Gas Enforcement Programs**
Implement the Statewide Truck and Bus Program, the Landfill Methane Gas Program, the Refrigerant Management Program, the Sulfur Hexafluoride Reduction Program, and the Refrigerant Canister Program. Continue to plan for the enforcement of the SmartWay Truck Technology Program including the development of industry outreach and education strategies.
- **Improve On-Road Diesel Vehicle and Equipment Enforcement Program Effectiveness**
Increase resources to allow for conducting saturation operations at selected locations. Target locations where non-compliance with regulations governing heavy-duty diesel vehicles and equipment is greatest. Also, increase partnership with other public agencies, such as local air districts and port authorities, to conduct joint and separate field enforcement operations.
- **Allocate Additional Resources for Investigation of Non-Compliant Diesel Fleets**
Allocate additional resources for investigation of cases involving port/rail drayage trucks; Transport Refrigeration Unit (TRU) fleets; specialized on-road diesel fleets, such as solid waste collection vehicle fleets, urban bus and transit vehicle fleets, and public agency and utility fleets; diesel exhaust treatment systems; aftermarket parts; and off-road diesel equipment fleets.
- **Strengthen Non-Diesel Vehicle and Recreational Marine Equipment Enforcement Programs**
Target reviews and investigations in selected areas, including airport taxi and shuttle fleets, and recreational marine equipment, such as personal watercraft, and motorcycles.
 - **Realign Consumer and Specialty Product Enforcement Programs**
Adjust and implement product sampling plans for the Consumer Products Program. Develop and implement composite wood product sample screening, processing, and investigation protocols. Continue to investigate and initiate appropriate enforcement actions for violations of the Indoor Air Cleaning Device Program.
 - **Increase Training Services**
Increase the number of days of training provided to public agency staff and representatives of the regulated community.

Enforcement Division Overview

The Enforcement Division is responsible for enforcing regulations adopted by the Board. The scope of the Enforcement Division's responsibility encompasses more than 60 separate air quality programs and related support services structured to reduce emissions from air pollution emitting-sources, including:

- **Mobile Sources** - these programs reduce emissions from commercial trucks and buses, passenger vehicles, motorcycles, diesel-powered off-road equipment, off-highway recreational vehicles, off-road engines such as generators and lawn and garden equipment, and aftermarket parts for on and off-road vehicles;
- **Gasoline, Diesel and other Motor Vehicle Fuels** - these programs reduce liquid and vapor releases from cargo tanks used to transport these products, as well as certify legitimate fuel distributors and oxygenate blenders, investigate violations, and resolve motor vehicle fuels cases;
- **Goods Movement Sources** - these programs reduce emissions from locomotives near rail yards, ocean going vessels, commercial harbor craft, commercial fishing vessels, cargo-handling equipment, drayage trucks, and transport refrigeration units;
- **Large Industrial Source and Stationary Sources** - these programs reduce emissions from power plants, petroleum refineries, and manufacturing facilities; as well as smaller, more numerous, sources such as gasoline service stations, dry cleaners, and chrome platers;
- **"Area" Sources** - these programs reduce emissions from chemically formulated consumer products, aerosol coating products, composite wood products, and specialty products which emit small quantities of pollutants, but collectively produce significant emissions.

ARB's Enforcement Division also provides oversight and support to 35 local air pollution control and air quality management districts (local air districts). While the sources of air pollution are numerous and diverse, common to each ARB regulation is the basic principle that air quality goals cannot be attained unless compliance is achieved.

Outreach is an integral part of ARB's enforcement program. Public workshops, training classes, website information and telephone support provide stakeholders and community members ongoing access to a better understanding of air pollution issues, regulations and requirements.

The Enforcement Division also works closely with ARB attorneys and local and state prosecutors to prepare strong and effective cases when violations are discovered, and provides summaries of enforcement cases and settlement agreements on its website to deter further violations. For cases that cannot be resolved through an informal process, ARB's Office of Legal Affairs helps negotiate settlements and, when necessary, prepare cases for referral to the California State Attorney General's Office, a local District Attorney, or the U.S. Attorney's Office for civil litigation or criminal prosecution.

Upon case resolution, monies collected from penalties go into the Air Pollution Control Fund, as required under state law. Up to 25 percent of the penalty monies can go to Supplemental Environmental Projects (SEPs)³. A common SEP recipient in 2012 was the California Council on Diesel Education and Technology (CCDET) where monies are distributed to California Community College Diesel Technology Programs to educate the diesel industry on ARB's regulations using hands-on training in a classroom and shop environment. The money also enables the colleges to purchase equipment to ensure that students are learning with current technology.

This report provides an overview of ARB's enforcement programs and organizational function, 2012 enforcement highlights including summaries of significant cases and penalties, training efforts, status updates of performance indicator development and program outcomes, and public health indicators. For more detail about ARB Enforcement programs, please refer to the California Air Resources Board's 2012 Annual Enforcement Report, www.arb.ca.gov/enf/reports/2012_enf_rpt.pdf.

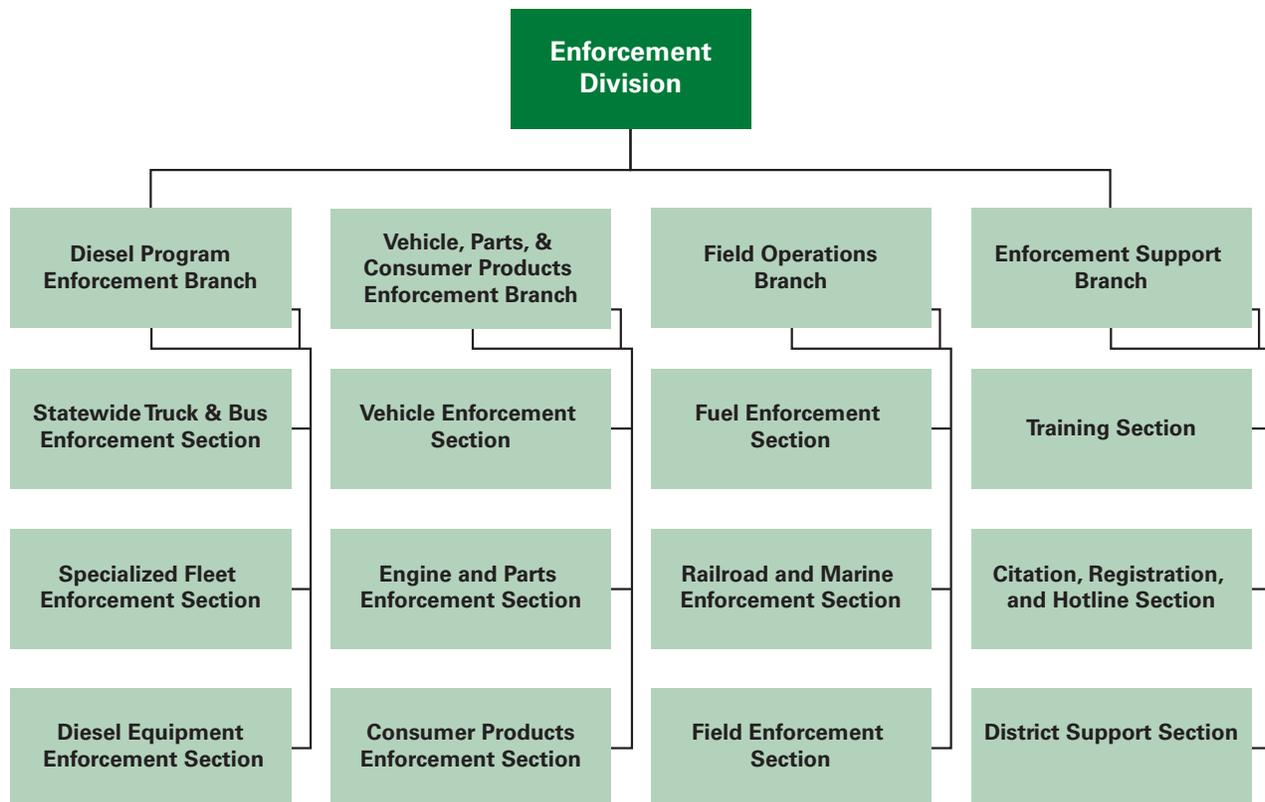
3 SEPs are projects or payments that violators undertake to benefit the environment in the community where the violations occur.

Organization and Programs

A comprehensive review of ARB's enforcement programs was completed and results of the review were implemented in January 2012, creating a more balanced and functional scope of control and responsibility for all the Division's managers and supervisors. This new structure has grouped staff into four branches based primarily on the type of enforcement service provided. The four branches are: Diesel Program Enforcement Branch; Vehicle, Parts, & Consumer Products Enforcement Branch; Field Operations Branch; and Enforcement Support Branch. The restructuring was accomplished without adding any additional positions to the Division. To address current workload and service demands, staffing resources were realigned throughout the Division. Additional positions were shifted to business units that focus primarily on conducting investigations of non-compliant diesel-powered trucks, buses, and equipment.

Below is the organizational charts for ARB's Enforcement Division as it was structured in 2012 (Figure A).

Figure 12: 2012 Enforcement Division Organizational Chart



Mobile Source Enforcement Programs

California has long been the world leader in combating air pollution generated from motor vehicles and other mobile sources. Because of the state's severe air quality problems, California is the only state authorized under the Federal Clean Air Act to set its own mobile source emissions and fuels standards. Under this authority, ARB has established an aggressive program to reduce emissions from numerous mobile sources.

Although heavy-duty diesel vehicles comprise only two percent of California's on-road fleet, they produce about one-third of the nitrogen oxide (NO_x) and approximately two-thirds of the particulate matter (PM) emissions attributed to motor vehicles. Because of the toxic nature of the sooty particles found in diesel exhaust, the emissions from these vehicles are of special concern, particularly in populated areas.

While ARB has successfully imposed strict emission standards on new models, the longevity of diesel engines keeps older, higher-polluting engines in use. To address this issue, ARB has adopted a series of diesel vehicle and equipment fleet rules that require owners to repower (i.e., install a new engine), retrofit (i.e., install diesel exhaust filters that reduce soot by over 85 percent), or replace their diesel equipment or vehicles with new, clean engine models. ARB has also invested in incentive programs to help owners of diesel engines upgrade or replace them with cleaner-burning alternatives, such as compressed natural gas or electric-powered technology. The implementation and enforcement of these diesel emission reduction programs has resulted in further reductions of these harmful emissions.

Diesel-powered vehicle and equipment programs that the Enforcement Division is responsible for enforcing include:

- **Statewide Diesel Fleet Programs** – Statewide Truck and Bus Program, SmartWay Truck Technology Program, and Periodic Smoke Inspection Program;
- **Specialized Diesel Fleet Programs** – Solid Waste Collection Vehicle Program, Urban Transit Bus Program, Transit Fleet Vehicle Program, Public Agency and Utility Fleet Program, and Drayage Truck Program;
- **Diesel Equipment Programs** – Transport Refrigeration Unit (TRU) Program, Verified Diesel Emissions Control Strategies Program, and Off-Road Diesel Equipment Program; and
- **In-Use Inspection Programs** – Heavy-duty Diesel Vehicle Inspection Program, Emissions Control Label Program, and Commercial Vehicle Idling Program along with any other applicable diesel fleet or equipment programs.

The Enforcement Division's mobile source enforcement responsibilities also encompass programs structured to reduce emissions from other mobile sources, including:

- Passenger vehicles, including cars, trucks, motorcycles, and kit cars;
- Off-highway recreational vehicles (OHRVs), including all-terrain vehicles (ATVs), sand rails, sand carts, utility carts, golf carts, dirt bikes, and other OHRVs with greater than 25-horsepower engines;
- Large spark ignition, compression ignition, and small off-road engine equipment, such as generators, pumps, scooters, lawn mowers, leaf blowers, and chain saws;
- Watercraft, inboard and outboard marine engines, and jet skis; and
- After-market parts used for on-road and off-road vehicles and equipment.

Fuels Enforcement Programs

California's 38 million residents collectively own over 25 million on-road motor vehicles and drive more than most other Americans. Motor vehicles constitute California's number one cause of air pollution; and therefore, controlling pollution from cars and trucks is essential to reducing smog. Due to ARB regulations, today's new cars pollute much less than their predecessors did thirty years ago. Still, over one-half of the state's current smog-forming emissions come from gasoline and diesel-powered vehicles.

The Fuels Enforcement Program (Fuels Program) regulates California reformulated gasoline and diesel fuel, as well as cargo tank vapor recovery systems. Fuels Program enforcement involves the sampling and testing of California gasoline and diesel fuel products from a cross-section of industry locations, including refineries, import vessels, distribution and storage facilities, bulk purchaser/ consumer facilities, and retail service stations; registration and inspection of (fuel/ gasoline) cargo tanks; the evaluation of compliance data submitted by fuels producers and importers with protocols which allow the use of alternative compliance options; registration of fuel distributors and oxygenate blenders; investigation of violations; and resolution of these cases. Fuels Program enforcement also incorporates outreach and support to clarify complex aspects of the regulations through training seminars, individual company meetings, website information, and telephone support to the regulated industry and the general public.



ARB inspectors conducting a diesel truck inspection

Goods Movement Enforcement Programs

To reduce public exposure to health risks associated with diesel particulate matter, regulations collectively referred to as the Goods Movement Program (Goods Movement) were implemented in 2006 governing rail yards, ports, and marinas. ARB formed a partnership with local agencies to reduce emissions from goods movement by providing incentives to upgrade to cleaner technologies along California's four major trade corridors. Goods Movement enforcement consists of field inspections of rail yards and locomotives, ocean going vessels, commercial harbor craft, marina fuel docks, cargo- handling equipment, and transport refrigeration units, as well as the investigation of identified violations, and enforcement and resolution of these cases.

Air District Enforcement Support Programs

Enforcement support services provided by ARB to local air districts include rule reviews, variance reviews, Air Facility System services, Continuous Emissions Monitoring System support services, stationary source and equipment inspection services, and specialized investigation services, as well as the Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) Program.

Consumer Products and Specialty Products Enforcement Programs

To achieve air quality standards and reduce the public's exposure to toxic air contaminants, it is necessary to reduce emissions from many small sources, such as the more than 25,000 common everyday consumer products which cumulatively contribute to the formation of ground level ozone, a major part of California's smog problem. ARB has been enforcing statewide regulations to reduce volatile organic compound (VOC) emissions from consumer products and aerosol coatings for over 15 years and has also regulated toxic air contaminants and global warming compounds.



Additionally, ARB's Enforcement Division is increasingly responsible for enforcement of newer regulations governing various specialty products, such as composite wood products, refrigerant canisters, portable fuel containers, marine fuel tanks, and indoor air cleaning devices.

Greenhouse Gas Enforcement Programs

The United States is the largest emitter of greenhouse gases in the world, and California is leading the nation in combating the threat of climate change caused by greenhouse gases. In 2006, the Global Warming Solutions Act (AB 32) was enacted establishing a comprehensive greenhouse gas reduction program. AB 32 requires California to reduce its greenhouse gas emissions to 1990 levels by 2020.

ARB is responsible for monitoring compliance and enforcing multiple Greenhouse Gas Programs established pursuant to AB 32, including the SmartWay Truck Technology Program, Tire Pressure Inflation Program, Refrigerant Canister Program, Landfill Methane Gas Program, Refrigerant Management Program, Sulfur Hexafluoride Reduction Program, and several other current and prospective Greenhouse Gas Enforcement Programs.

Enforcement Program Support Programs

Enforcement Program support services provided by the Enforcement Division include the citation administration and collection services, complaint hotline services, Visible Emissions Evaluation Program services, training services, surveillance services, and Environmental Crimes Task Force support services. Other support services include surveillance and environmental crimes task force support.

Training Program

Historically, the primary purpose of ARB's Training Program was to teach air district staff to develop rules, issue permits, complete inspections, detect violations, and perform enforcement. In recent years the Training Program broadened its mission to provide comprehensive education to environmental professionals. The Training Program provides entry-level to advanced training focusing on a standardized core curriculum and continuing education classes. Available courses cover pollution history, air pollution control regulations, procedures for evaluating emissions and analyzing industrial processes, emission control application and theory, and waste stream reduction. ARB's Training Program serves as a model for training programs across the country.



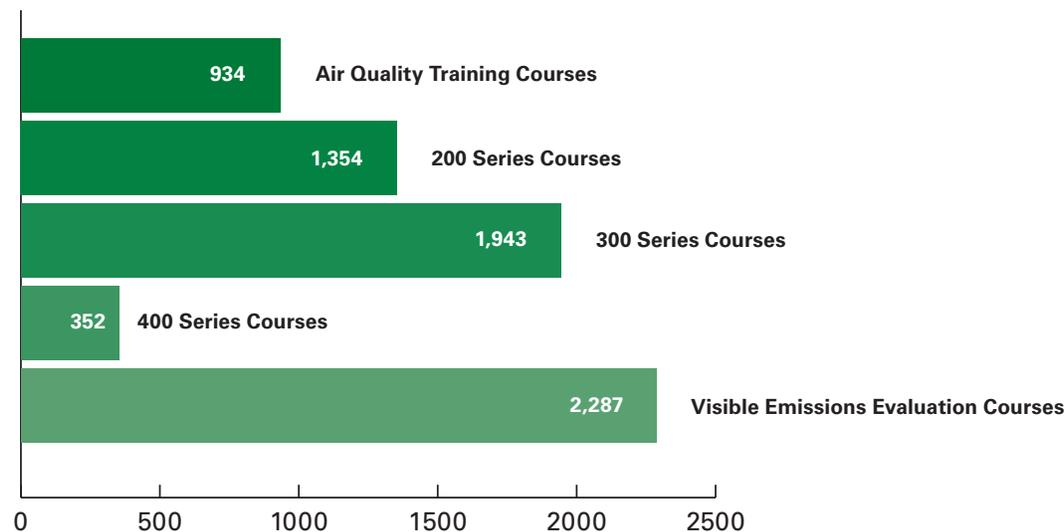
ARB Training Field Visit

Enforcement Training Courses consist of the following:

- **Air Quality Training Program** – ARB’s Air Quality Training Programs are a series of self-paced online modules providing an introduction to air pollution control and enforcement. The programs are intended for entry and mid-level stationary source inspectors, regulatory agency staff, and environmental specialists in business and government.
- **200 Series Courses** – These courses combine a higher level of technical information provided in the classroom with field visits to regulated commercial or industrial sites to provide students with the opportunity to interact with the regulated community and ask questions that are more detailed or extremely technical in nature.
- **300/400 Series Courses** – These courses, designed for experienced environmental professionals, include workshops, seminars, and symposiums focusing on current, and sometimes controversial, environmental issues such as cross media training, legal issues, case development and variance/hearing board requirements.
- **Fundamentals of Enforcement & Visible Emissions Evaluation Program** - The Fundamentals of Enforcement (FOE) and Visible Emissions Evaluation (VEE) Program is a specialized training and certification program, commonly referred to as “Smoke School.” The program was developed many years ago to standardize methods utilized by local air district and ARB inspectors across the state to read visible emissions (smoke, fumes, dust, etc.). These methods are most commonly applied to stationary sources, but can also be applied to construction sites and mobile sources. The basic training program consists of a day and a half of classroom instruction followed by a half-day of training in the field, including certification testing.

The chart below shows student enrollment statistics for 2012.

Figure 13: 2012 Student Enrollment in Training Courses



Environmental Justice

State law defines environmental justice (EJ) as the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. The Board’s “Environmental Justice Policies and Actions” established a framework for incorporating EJ into ARB’s programs consistent with the directives of state law. These policies apply to all communities in California, but recognize that EJ issues have been raised more in the context of low-income and minority communities.

ARB’s EJ policies are intended to promote the fair treatment of all Californians and cover the full spectrum of ARB activities. Underlying these policies is a recognition that ARB needs to engage community members in a meaningful way as the Board’s activities are carried out. People should have the best information possible about the air they breathe and what is being done to reduce harmful air pollution in their communities. Finally, ARB recognizes the Board’s obligation to work closely with all stakeholders, communities, environmental and public health organizations, industry, business owners, other agencies, and other interested parties to successfully implement these policies.

Improving the quality of life for the people living in communities that have been identified as EJ areas is a priority for the Air Resources Board. Over the last year, ARB continued its coordinated effort with federal, state and local enforcement agencies, city leaders and local community groups to improve the quality of life for the people living in these communities. Staff worked with environmental justice groups in the cities of Maywood, Oakland, Pacoima, Riverside, San Bernardino, Wilmington, and Fresno. In the future, this very important effort will continue and expand to include other EJ communities.

Enforcement Policy

ARB’s Enforcement Penalty Policy, mandated by SB 1402, was approved and published in 2011. The policy development process included issuance of multiple drafts of the policy for public comment, two public workshops, and numerous meetings with stakeholders. The final policy was presented at ARB’s November 2011 Public Hearing. Additionally, as required by SB 1402, settlement agreements now include specified criteria consistent with the new policy and may be viewed on ARB’s website at: www.arb.ca.gov/enf/casesett/casesett.htm.

Enforcement Program Highlights for 2012

Enforcement Division staff inspects and investigates places and situations throughout California where non-compliance is most likely, as well as those areas where excess emissions have the largest adverse impact on public health.

The following statistics highlight the achievements of ARB's Enforcement Program in 2012.

- 2,713 enforcement actions were taken and \$16 million in penalties were assessed.
- 10,997 inspections completed in Environmental Justice community and Mexican Border areas and 1,142 citations issued.
- 1,996 motor vehicle fuels samples were collected and approximately 15,700 fuels analyses conducted.
- Over 2.6 billion gallons of gasoline and 713 million gallons of diesel fuel were represented in sampling.
- 140 Periodic Smoke Inspection Program cases were closed and \$1,605,073 in penalties assessed.
- 11 Off-Highway Recreation Vehicle cases were closed and \$7,781,240 in penalties assessed.
- 2,802 Truck and Bus Program inspections were completed and 432 citations issued.
- 2,860 Drayage Truck inspections were completed and 276 citations issued.
- 4,150 Transport Refrigeration Unit inspections were completed and 1,289 citations issued.
- 2,534 locomotive idling inspections were conducted with 18 enforcement actions taken and \$3,600 in penalties assessed.
- 4,763 Marine Program inspections were conducted with 48 enforcement actions taken, and \$306,875 in penalties assessed.
- 188 training courses were held with 5,287 participants with the majority at regulation-specific classes and workshops.
- Two Memoranda of Understanding (MOU) were negotiated with the North Coast Unified Air Quality Management District and the Port of Los Angeles to enforce mobile source regulations.
- 14 MOUs were negotiated with air districts to enforce the Landfill Methane Gas Program.
- The "Gear Up for Clean Truck Month" campaign was conducted during August 2012 as a multi-agency statewide coordinated outreach and enforcement effort designed to visibly demonstrate ARB's commitment to achieving full compliance with the heavy-duty diesel regulations. Over 4,000 heavy-duty diesel trucks were inspected at roughly 40 locations throughout California. A total of 817 citations were issued for violations of the Truck and Bus rule, the Transport Refrigeration Unit (TRU) rule, the Commercial Vehicle Idling rule, and for missing or illegible emission control labels.

Highlighted Enforcement Cases for 2012

In a majority of enforcement actions, ARB is able to reach a mutual settlement agreement with air quality violators. Generally, this settlement includes a monetary penalty, a corrective action, and in some cases, funds for a Supplemental Environmental Project (SEP) that improves air quality. A summary of major enforcement cases completed in 2012 is highlighted below.

Suzuki Motor Coporation Case Settles for \$3,020,000

ARB's Vehicle, Parts, and Consumer Products Enforcement Branch, in conjunction with the Office of Legal Affairs, has entered into a Settlement Agreement in the amount of \$3,020,000 with American Suzuki Motor Corporation (ASMC), located in Brea, California, and Suzuki Motor Corporation (SMC) located in Japan.

The settlement resolves violations of California Health and Safety Code sections 43151-43153 in connection with importation, delivery and sale of 2006-2009 model year all-terrain vehicles and 2010 model year off-highway motorcycles that were equipped with engine control modules containing dual calibrations. Suzuki fully cooperated with the Air Resources Board (ARB) in resolving this matter by timely self-disclosing the facts and circumstances regarding the vehicles in this case. Suzuki's self-disclosure saved ARB resources and negated the need to allege violations against Suzuki.

Under the terms of the agreement \$1,812,000 of the total penalty is suspended provided that Suzuki does not violate terms of the suspended penalty set forth in the settlement agreement. This case was closed in June 2012.

Ricardo Motors Case Settles for \$2,550,000

The Vehicle Enforcement Section, in conjunction with the Office of Legal Affairs and Office of the Attorney General for the State of California, has entered into a court approved stipulated judgment in the amount of \$2,550,000 with Tony Wong, Mitchell Wong, Reuben Lajda, and Hibird USA, LLC. The settlement resolves alleged violations of California Health and Safety Code sections 43151-43153 in connection with the alleged importation, sale, and registration of uncertified off-road and on-road vehicles. Under the terms of the agreement, \$2,530,000 of the total penalty is suspended for a period of 10 years, provided the defendants do not violate the permanent injunction or payment conditions. A default judgment and permanent injunction against Ricardo Motors, LLC and Richard Wang is pending in the Sacramento County Superior Court.

Yamaha Motor Company, Ltd. & Yamaha Motor Company, USA Case Settles for \$1,950,000

ARB's Vehicle, Parts, and Consumer Products Enforcement Branch, in conjunction with the Office of Legal Affairs and Office of the Attorney General for the State of California, has entered into a court approved Settlement Agreement in the amount of \$2,205,000 with Yamaha Motor Corporation, USA located in Cypress, California and Yamaha Motor Company, Ltd. located in Japan (Yamaha).

The settlement resolves alleged violations of California Health and Safety Code sections 43151-43153 and 43016 in connection with the alleged importation, delivery, sale and labeling of 2007 model year off-road vehicles.

Under the terms of the agreement \$255,000 of the total penalty is suspended for a period of three years, provided Yamaha does not engage in transactional conduct of an on- or off-road motor vehicle prior to receipt of an Executive Order from ARB. This case was closed in December 2012.

Ryder Group Case Settles for \$1,030,125

Ryder Group, a provider of transportation and supply chain management solutions, paid \$1,030,125 for failure to conduct testing and maintain complete records of required annual opacity tests on heavy-duty vehicles in its California fleet in 2008 and 2009.

Annual opacity tests, performed to determine whether a truck produces visible smoke from its exhaust, and related record-keeping are required under California law. Records reviewed by ARB enforcement staff indicated that Ryder failed to conduct tests and maintain records of the tests on vehicles that were in service for four or more years. This was Ryder's first ARB violation in its 53 years of operating in California.

The one-million dollar settlement is in two parts. The first, a \$772,593.75 payment, will go to the California Air Pollution Control Fund, established to mitigate various sources of pollution through education and the advancement and use of cleaner technology. The remaining \$257,531.25 will fund investments to upgrade a maintenance facility to service trucks that are powered by natural gas. The maintenance facility, located in West Sacramento, will be open to the public for use by commercial transportation fleets.

Caterpillar, Inc. Case Settles for \$510,000

This settlement resolves Clean Air Act violations by Caterpillar for shipping over 590,000 on-road and off-road diesel engines without proper after treatment devices, submitting late emissions defect reports, selling engines without emissions labels, and selling engines with improperly configured fuel injector and map settings. This settlement reflects a joint effort between ARB, U.S. EPA, and US DOJ. Caterpillar agreed to pay penalties totaling \$2,550,000, including \$510,000 to be paid to ARB.

In addition to civil penalties, Caterpillar recalled and corrected noncompliant engines, and retired 17.6 tons of NO_x + NMHC and .97 tons of PM emissions credits.

Birchwood Laboratories, Inc. Case Settles for \$500,000

Between August 2004 and December 2009, Birchwood Laboratories, Inc. supplied in California their Birchwood Gun Scrubber Solvent/Degreaser product that contained VOCs in excess of the 50 percent limit for General Purpose Degreasers. In addition, the product also contained trichloroethylene, a toxic air contaminant that is specifically prohibited in General Purpose Degreasers. Total excess emissions generated from the sale of the product amounted to 35.14 tons. The case was referred to the California Attorney General due to the magnitude of the violation and the unwillingness of the Birchwood’s representatives to negotiate a mutual settlement. After two rounds of unsuccessful mediation and initial ARB depositions, the case was settled prior to Birchwood’s depositions or trial. A Stipulation for Entry of Judgment was filed with the court on July 26, 2012 and Birchwood was order to pay a penalty of \$500,000.

Performance Measures

The Enforcement Actions and Penalties table below indicates the number of cases closed and penalties collected in 2012. Closed Cases are those in which a settlement has been reached and a settlement agreement has been signed by both parties.

Table 9: 2012 Enforcement Actions and Penalties by Program

Program	Enforcement Actions Closed	Penalties
Mobile Sources	2570	\$13,514,357
Fuels	21	\$568,550
Consumer Products	73	\$1,993,952
Cargo Tanks	18	\$14,500
Railroad MOUs	18	\$3,600
Total Cases	2,713	\$16,094,959

Table 10 indicates the number of closed cases and penalties collected over the last four years, from 2009 through 2012.

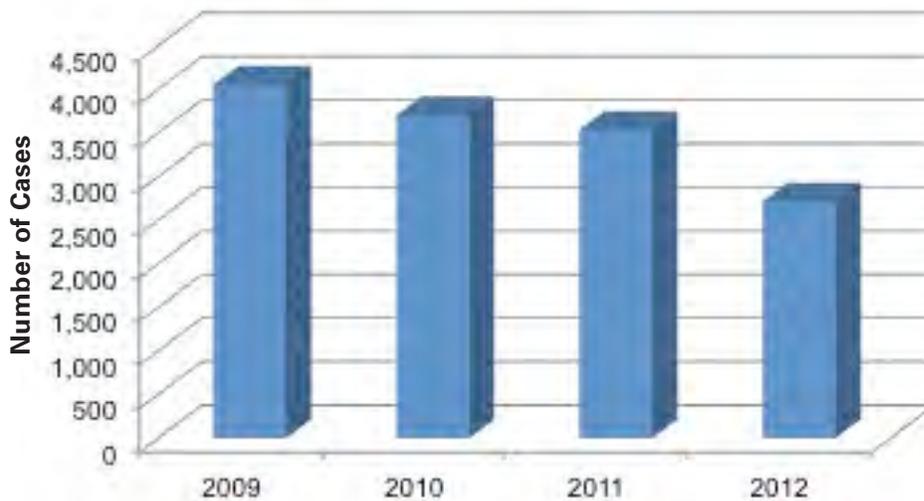
Table 10: Formal Enforcement Actions and Penalties from 2009 to 2012

Formal Enforcement Actions	2009	2010	2011	2012
Cases Closed	4,054	3,701	3,536	2,713
Penalties	\$14,461,974	\$12,450,560	\$6,652,309	\$16,094,959
SEPs*	\$1,919,184	\$336,672	\$293,383	\$525,618

* Supplemental Environmental Projects

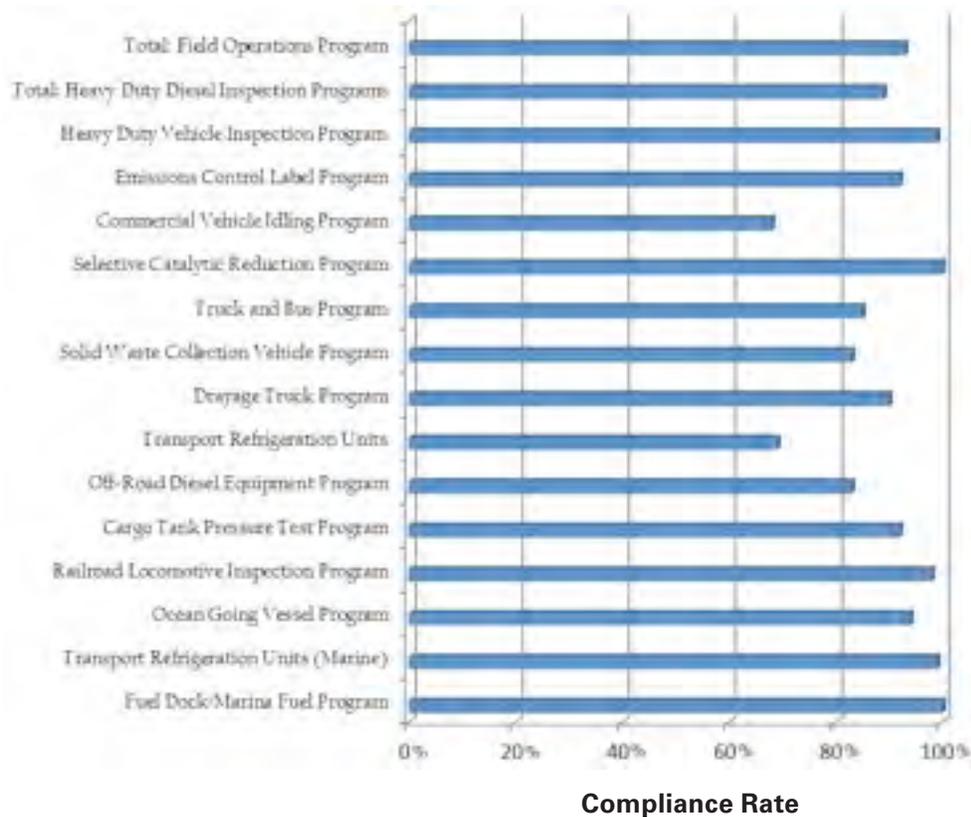
The chart below shows the number of closed cases over the last four years, from 2009 through 2012. Closed Cases are those in which a settlement has been reached and a settlement agreement has been signed by both parties.

Figure 14: Cases Closed 2009 - 2012



The following chart indicates the 2012 total compliance rates for Field Operations and for Heavy Duty Diesel Inspection Programs, as well as the specific compliance rate for each program.

Figure 15: 2012 Compliance Rates⁴ by Program



Additional Information

The California Air Resources Board’s 2012 Annual Enforcement Report includes a more in-depth discussion of the enforcement programs currently administered by ARB, as well as some summary statistics relating to inspections, investigations, and activities in each of the programs. More detailed information relating to case status, local air district enforcement activities and other relevant information is included in the appendices. Please also note that it is ARB’s practice to keep confidential the names of entities involved in pending enforcement actions, and that this convention will be observed in any pending case summary information. Specific case settlement summaries can be viewed at ARB’s Enforcement Program website located at: www.arb.ca.gov/enf/casesett/casesett.htm. A summary of the Enforcement Programs and the Enforcement Division’s significant accomplishments may be viewed in the 2012 Annual Enforcement Report at: www.arb.ca.gov/enf/reports/2012_enf_rpt.pdf.

⁴ Compliance Rate is the proportion of citations issued over the total number of inspections conducted.



Air Districts

Enforcement Program Overview

There are 35 local air pollution control and air quality management districts in California. The earliest local air districts were created in response to urban air pollution problems in San Diego, Los Angeles, and the San Francisco Bay Area. In 1970, legislation established a local air pollution control or air quality management district in every county in California. State law recognizes existing multicounty districts and provides mechanisms for districts to unify into regional agencies.

Compliance with air pollution control requirements is determined and achieved through a variety of activities, approaches, and tools. This report includes findings of a review of selected compliance program elements and associated data. Overall, the data reveal a robust enforcement and compliance assistance program with substantial funding and staff resources that achieve a high degree of compliance with applicable air quality requirements. Compliance assistance and outreach programs proactively prevent violations from occurring, and, when violations do occur, enforcement actions bring about a prompt return to compliance.

Air Districts Enforcement Program Goals:

- Ensure compliance with air pollution standards in order to protect public health and welfare.
- Ensure fair, consistent, responsible and comprehensive enforcement of air pollution laws to achieve anticipated emission reductions and to provide a level playing field for all regulated communities.
- Provide outreach and compliance assistance to the regulated community to improve the knowledge of regulated stakeholders and proactively assist them in complying with air quality requirements.
- Provide high quality and equitable service to the public by responding to complaints that may cause harm or discomfort to the public, especially in environmental justice and other communities that may be disproportionately affected by air quality issues
- Continue to work with federal, state and other local air quality agencies to improve inter- jurisdictional cooperation and effectively leverage resources to improve air quality in the areas of California most affected by air pollution.

Figure 16: California Air Districts and Counties



For a more comprehensive discussion of the functions and the organizational structure of local air pollution control and air quality management districts in California, please refer to the 2011 CalEPA Environmental Compliance and Enforcement Report. This report can be viewed at the following link: www.calepa.ca.gov/enforcement/Publications/2011/EnforceRpt.pdf

Enforcement Program Components

Background

Several important components are consistent across California's robust air pollution enforcement programs. This report focuses on field enforcement activities, namely inspections and investigations. The data is from a survey conducted by the California Air Pollution Officers Association (CAPCOA), an association representing all 35 local air quality agencies throughout California, of district enforcement and compliance statistics. CAPCOA reviewed and compiled enforcement data from 20 local air districts for the Calendar Year 2012. The survey represents data from a large sample of the districts in California including large, medium size, and rural districts. These 20 districts represent over 97 percent of the population in California. Due to resource constraints, not all districts were able to expend the effort to compile and report the data requested in the survey. Since air pollution has a direct link to population in terms of its causes and impacts, CAPCOA believes that the large sample size of the survey is a statistically representative sampling which provides a comprehensive picture of local district activity in California in terms of population, air pollution sources, and enforcement.

The 2013 survey covered 21 discrete measures of compliance program performance from each of these districts during Calendar Year 2012. These included information such as agency resource commitments, total numbers of facilities regulated, enforcement and compliance activity statistics, and total civil penalties collected.

Generally, the data reported here concern field inspections and investigations. An inspection entails a visit to the actual facility site, and observation of the equipment during operation. The inspector will review the operation against the requirements listed in the permit and/or against the requirements contained in any applicable federal, state, or local air regulation.

For a more comprehensive discussion of the enforcement program components and the measures of compliance program performance summarized in this report, please refer to the 2011 CalEPA Environmental Compliance and Enforcement Report. This report can be viewed at the following link: www.calepa.ca.gov/enforcement/Publications/2011/EnforceRpt.pdf

Major Program Highlights

The following statistics measure performance of selected enforcement and compliance program elements at the 20 surveyed air districts for activities conducted during Calendar Year 2012. These districts include within their jurisdictions over 97 percent of California's residents. As described in greater detail below, these data were gathered through an extensive survey process. They describe a robust and effective enforcement and compliance program for stationary sources of air pollution. Program achievements during Calendar Year 2012 include:

- Over 59,000 inspections of traditional stationary sources;
- Over 6,400 inspections of Major Permitted Sources (Title V Facilities);
- More than \$15 million collected in penalties for settled violations;
- More than \$280,000 required in non-monetary violation settlements;
- Over 16,600 air quality complaints investigated;
- Over 10,600 violations discovered and enforcement actions taken;

- Over 7,800 minor violations identified, but only requested companies to come into compliance without issuance of any Notices of Violations;
- Over 460 variances approved by air district’s Hearing Boards to allow businesses to continue operations while coming into compliance;
- Over 2,700 breakdowns reported and investigated;
- Over 6,600 inspections for asbestos pursuant to NESHAP for Asbestos;
- More than 6,700 inspections of CARB registered portable equipment;
- More than 570 full time employees involved primarily in compliance and enforcement of air pollution control laws;
- Approximately 24 percent of total district budgets dedicated to enforcement.

What the Reported Data Tells Us

The reported data show local air districts dedicate substantial resources to enforcement of stationary source air pollutant requirements, and other special requirements, such as federal standards for hazardous air pollutants. The data also show the efficient use of resources to produce measurable enforcement and compliance presence to ensure high rates of consistent ongoing compliance.

Table 11: Enforcement Actions 2006-2012

Enforcement Actions	2006 (11 of 35 Districts)	2008 (20 of 35 Districts)	2010 (20 of 35 Districts)	2012 (20 of 35 Districts)
Number of Violations Discovered	4,213	13,840	10,113	10,664
Cash Value of Violations Settled	\$24,834,097	\$18,897,700	\$22,516,712	\$15,929,988
Non-Cash Settlement Value of Violations*	\$1,667,600	\$6,527,585	\$1,223,207	\$281,937

* Non-cash settlements reflect in-kind or other benefits by the violating facility in the community in which the facility may be located

Public Health Indicators

One measure of the effectiveness of an air pollution control and enforcement program is air quality trends. The graph which follows shows the remarkable overall improvements in air quality in California in spite of dramatic increases in population. In addition to overall improvements in air quality, several air districts met health-based standards in 2012. The U.S. EPA determined in 2012 that the San Francisco Bay Area, Sacramento, Chico, and Yuba City-Marysville areas have met the 2006 24-hour PM_{2.5} federal air quality standard. The South Coast Air Basin and the San Joaquin Valley submitted plans at the end of 2012 demonstrating that their areas will attain the standard by 2014 and 2019, respectively. The U.S. EPA also determined that the Central Mountain Counties (Amador and Calaveras), the Southern Mountain Counties (Mariposa and Tuolumne), Kern County, Chico, the Sutter Buttes, Western Nevada County, and Ventura County had all attained the 1997 8-hour federal ozone standard.

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 titled “California’s Progress Toward Clean Air,” April 2013, which provides objective information for California residents and other interested parties regarding California’s remarkable journey toward cleaner air and the challenges that remain.

This report can be viewed at the following link: www.capcoa.org/wp-content/uploads/2009/06/Californias_Progress_Toward_Clean_Air_2013-CAPCOA.pdf

Additional Information

For additional information regarding all 35 local air districts in California, visit www.capcoa.org, the website for the California Air Pollution Control Officers Association (CAPCOA).

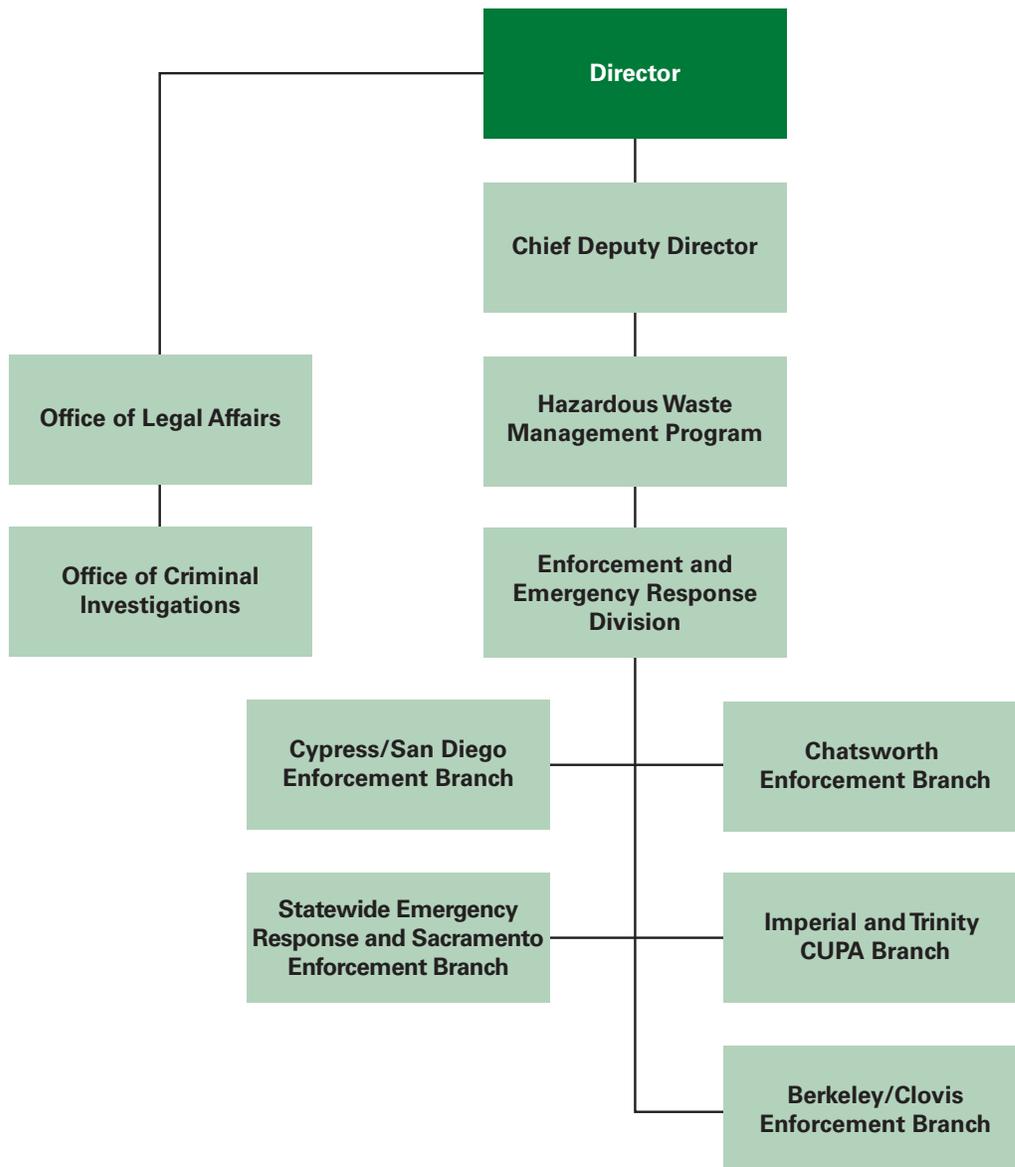


Department of Toxic Substances Control

Enforcement Overview

This report provides an overview of DTSC’s environmental compliance and enforcement activities during the 2012 calendar year. DTSC is responsible for the inspection and enforcement of permitted hazardous waste facilities; hazardous waste generators and onsite treaters; transportable treatment units; transporters; and electronic waste recyclers, processors, and collectors. The Enforcement and Emergency Response Division and the Office of Criminal Investigations perform most of the enforcement activities within DTSC.

Figure 17: DTSC Enforcement Organizational Chart



The mission of DTSC is to protect California's people and environment from harmful effects of toxic substances through the restoration of contaminated resources, enforcement, regulation, and pollution prevention. The mission of the Enforcement and Emergency Response Division is to promote a healthier environment for all Californians through fair, consistent, and timely enforcement. The reader is referred to the 2011 Environmental Compliance and Enforcement Report regarding the programs, regulations, acts, and initiatives DTSC implements to achieve its mission (<http://www.calepa.ca.gov/enforcement/Publications/2011/EnforceRpt.pdf>).

Enforcement Highlights for 2012

The following statistics highlight the achievements of DTSC's enforcement efforts in 2012:

- 356 inspections
- 266 additional inspections conducted by DTSC as the CUPA in Imperial County
- 43 additional inspections conducted by DTSC as the CUPA in Trinity Counties
- 2,077 Mexican Border truck stop inspections
- 36 administrative and 8 civil enforcement cases resolved
- \$1,984,706 settlement dollars collected
- 14 training classes provided to CUPA inspectors, governmental officials, and industry personnel
- 334 criminal cases currently under investigation
- 118 new criminal cases initiated
- 94 non-criminal complaints investigated, resulting in 27 enforcement actions
- 106 criminal cases completed⁵

Major Enforcement Cases in 2012

In 2012, DTSC began utilizing an enforcement priority plan that focused its efforts based on an analysis of community cumulative impacts, environmental justice characteristics, the presence of higher risk facilities and DTSC's public complaint data. Together, these factors help identify where DTSC's enforcement efforts to improve public health, safety and the environment can have the greatest impact.

The collaborative efforts of DTSC's enforcement staff culminated in several significant enforcement actions in 2012. These actions not only stopped illegal hazardous waste management practices throughout California, but also brought numerous companies into compliance with the state's hazardous waste laws. The penalties cited in the major enforcement cases discussed below not only serve to prevent harmful effects of toxic waste by addressing specific violations, but also have a prophylactic effect because they promote compliance for the regulated community as a whole. Some of the major enforcement cases in 2012 include the following:



DTSC Contractors remove hazardous materials from a drug lab in Fresno that caught fire in October 2012.

⁵ Completed means that the case has been closed. Cases are considered closed for the following reasons: (1) the allegations are unfounded; (2) there is not enough evidence to proceed; (3) statute of limitations issues; or, (4) the case was resolved through prosecution or other enforcement settlement.

- DTSC partnered with local agencies to investigate hazardous waste violations occurring at Walgreens, Costco, and CVS Pharmacy stores throughout the state. These investigations resulted in total settlements paid to multiple agencies in 2012 of \$2,255,000 for Costco, \$16,575,000 for Walgreens, and \$13,750,000 for CVS Pharmacy. Walgreens paid DTSC \$900,000 in penalties and \$91,650 to cover DTSC's costs of enforcement. Costco paid DTSC \$26,250 in penalties and \$11,500 in enforcement costs and CVS Pharmacy paid DTSC \$240,000 in penalties and \$9,625 in enforcement costs. For the Walgreens investigation DTSC played a crucial role in documenting the alleged dumping of bleach, paint, pesticides, aerosols and automotive products and identifying how the waste constituted a hazardous waste. DTSC also gathered massive amounts of data to estimate the tonnage of wastes generated at each individual Walgreens site. The enforcement actions against these three large retailers have resulted in the implementation of proper waste handling and disposal practices for stores throughout California.
- On July 9, 2012 the executive vice president, John Chen, and the yard supervisor, Jason Huang, of Tung Tai Group Inc., an electronic waste recycler in San Jose, pleaded no contest in Santa Clara County Superior Court to a total of 13 felony charges including: three counts of forgery; five counts of filing false documents; three counts of filing false payment claims with the State of California; and two counts of illegal storage of hazardous electronic and residual waste. The defendants attempted to collect more than \$1 million for millions of pounds of electronic waste the company never collected nor recycled. The plea agreement bars them from future participation in the state's e-waste program. Huang's plea resolved the charge of forgery for illegally inflating the weight of materials Tung Tai received for recycling. Additionally, the felony plea agreement resolved charges that Huang lied about the amount of e-waste that was being recycled and presented false claims to the state for reimbursement. The plea agreement orders Chen and Huang to perform 100 hours of community service and to pay the court \$75,000 in penalties plus \$50,000 in costs to the California Attorney General's Office for prosecution. DTSC uncovered Tung Tai's criminal activities following a tip from CalRecycle staff who review e-waste payment claims for discrepancies.
- On June 28, 2012, DTSC and Fineline Circuits and Technology, Inc. (Fineline Circuits) entered into a Stipulation for Settlement and Entry of Judgment and Permanent Injunction (Stipulation). Fineline Circuits, located in Brea, is a manufacturer of printed circuit boards since 1978 that generates various hazardous wastes including copper, cyanide (gold tip line), used oil, spent etchant, and corrosive hazardous wastes. The Stipulation resolved a complaint filed by DTSC citing hazardous waste violations such as failure to maintain or operate to minimize possibility of fire and release; failure to send copies of manifests to DTSC within 30 days of each hazardous waste shipment since 2007; failure to obtain authorization for onsite treatment of cyanide; failure to prevent incompatible hazardous waste (cyanide waste and corrosive waste) to be mixed in the same hazardous waste tank system; and failure to properly close three tanks after the tanks were removed from service. Fineline Circuits agreed to a total settlement of \$150,000.
- On July 4, 2012, DTSC and Pacific Plating, a plating facility in Sun Valley, entered into a Stipulation for Settlement and Entry of Judgment and Permanent Injunction (Stipulation). This Stipulation resolved a complaint filed by DTSC citing hazardous waste violations such as unauthorized treatment of hazardous waste; unauthorized storage of hazardous waste; storage of hazardous waste in unfit containers; failure to maintain the facility in manner to prevent releases of hazardous waste; failure to have tanks holding hazardous waste assessed and inspected; failure to provide emergency alarm or communication device to hazardous waste treatment operators; and failure to maintain a complete closure plan. The Stipulation includes injunctive provisions that require an independent, qualified, professional engineer to inspect the facility's tanks and for the facility to conduct daily inspections for spills or releases and cleanup any spills. Pacific Plating agreed to a total settlement amount of \$100,000.

- On February 14, 2012, the Riverside Superior Court of California approved a Judgment to Collect Civil Penalties for DTSC to recover \$189,000 in civil penalties from Juan Carlos Lopez, former owner of the Lake Elsinore Property in Riverside County. On November 14, 2011, DTSC issued an Enforcement Order and Imminent and Substantial Endangerment Determination to the former and three current Lake Elsinore property owners to address violations observed at the property. Mr. Lopez was responsible for the disposal of hazardous waste that was not authorized by DTSC. DTSC determined that Mr. Lopez was responsible for bringing approximately 200 drums and 12 tanks contaminated with hazardous substances to the property. Mr. Lopez was also responsible for bringing circuit boards, paint, solvent, and flammable wastes to the property. Sample data from hazardous waste taken at the property show elevated levels of copper and other metals have been released to the environment. The Enforcement Order requires the former and current property owners to conduct corrective action to clean up the property under the oversight of DTSC.



Workers prepare to haul away hazardous chemicals abandoned at Custom Chrome and Bumper in Yuba City.

Performance Measures

DTSC's performance management system consists of two major areas of focus: 1) a strategic plan consisting of goals, objectives and strategies based on the vision of the department, and 2) a performance measurement system based on the department's mission. Performance measures provide quantitative measures of work performed, resources provided, program processes, or results achieved. They describe in both quantifiable and qualitative terms how well the activities, strategies, and processes within an agency are achieving goals and outcomes. For more details regarding the strategic planning process, see the 2011-2016 DTSC Strategic Plan at: http://dtsc.ca.gov/InformationResources/upload/StrategicPlan_2011_2016.pdf

The Enforcement Division's performance measures are:

- Percentage of entities found to be in compliance
- Percentage of inspections with all violations returned to compliance
- Number of administrative or civil enforcement actions initiated from inspections
- Percentage of inspections where inspection reports are on time
- Percentage of administrative and civil enforcement actions initiated within 240 days of the date of the inspection

The graph below shows that over the past five years, over 95 percent of the regulated businesses were found to be in compliance or quickly returned to compliance due in large part to the efforts of the Enforcement Division. Some violations cannot be returned to compliance (e.g., past self-inspections that should have been conducted by the facility were not completed), while others are still the subject of formal enforcement or take time to correct.

Figure 18: Percentage of Inspected Entities Found in Compliance and Entities Fully Returned to Compliance



Another key DTSC objective in the Strategic Plan is to streamline the inspection process. Consequently, DTSC adopted the following Performance Measure: The percentage of inspection reports completed within 65 days. Data for 2012 show the Enforcement Division meeting the 65-day deadline 92 percent of the time. These data helps to demonstrate the success of DTSC’s investigative, public education and compliance assistance efforts, administered through its Hazardous Waste Management Program.

Environmental Indicators

The environmental indicators graphed below reflect the annual amount of hazardous waste generated in California, and subsequently shipped for treatment, storage and/or disposal; they do not include hazardous waste which has been treated or disposed onsite. Total hazardous waste tonnage is separated into “nonrecurring wastes” and “recurring wastes.” “Nonrecurring wastes” include those containing polychlorinated biphenyls (PCBs) or asbestos, and wastes generated as a result of site cleanups. The removal of these cleanup wastes from the environment for treatment or disposal in a secure landfill reduces the potential for exposure to their hazardous constituents. “Recurring hazardous wastes” are generated in the course of commercial or industrial operations.

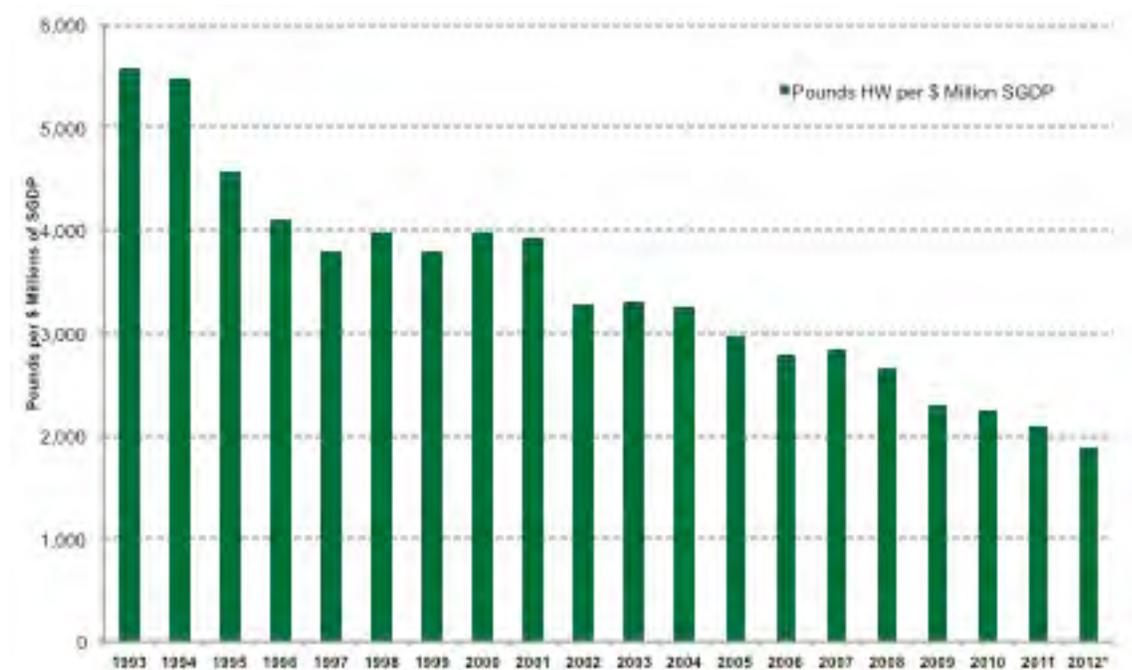
Unless managed in an environmentally sound manner, hazardous wastes can cause adverse impacts on human health and the environment. The transportation, storage, treatment, and disposal of hazardous wastes create a potential for the release of hazardous chemicals to the environment. DTSC outreach on pollution prevention activities and waste minimization practices have contributed to a reduction in the volume of hazardous waste shipped offsite in California. The figure below shows the declining trend of hazardous waste shipped offsite. The total tonnage of recurring and non-recurring wastes has declined by 43 percent between 2007 and 2012.

Figure 19: California Hazardous Waste Shipped Offsite - 1993 to 2012
Recurring and Non-Recurring Waste (in Millions of tons)⁶



Below, data show that over the past twenty years the amount of hazardous waste generated per unit of economic activity has decreased. Approximately 65 percent less waste was generated per \$1 million of gross state product in 2012 than in 1993.

Figure 20: California Hazardous Waste and State Gross Domestic Product
(pounds per \$ millions of SGDP)⁷



6 Total manifested waste includes some transferred waste that may be double counted.

7 Total manifested waste includes some transferred waste that may be double counted.

The following tables show a breakdown of the DTSC regulated community in California.

Table 12: 2012 Regulated Units in California

Regulated Units	Number
Resource Conservation and Recovery Act (RCRA) Permitted Facilities	58
Post-Closure Facilities (some permitted)	28
State Only Full Permitted Facilities	3
State Only Standardized Permitted Facilities	29
Hazardous Waste Transporters	915
Universal Waste Recyclers/Collectors (approximate number changes yearly)	100/1,000
Total	2,133
Regulated Hazardous Waste Generators that Manifested more than 1 ton	46,800
Regulated Hazardous Waste Generators in California	105,000

Table 13: Inspections, Complaints and Enforcement Referrals

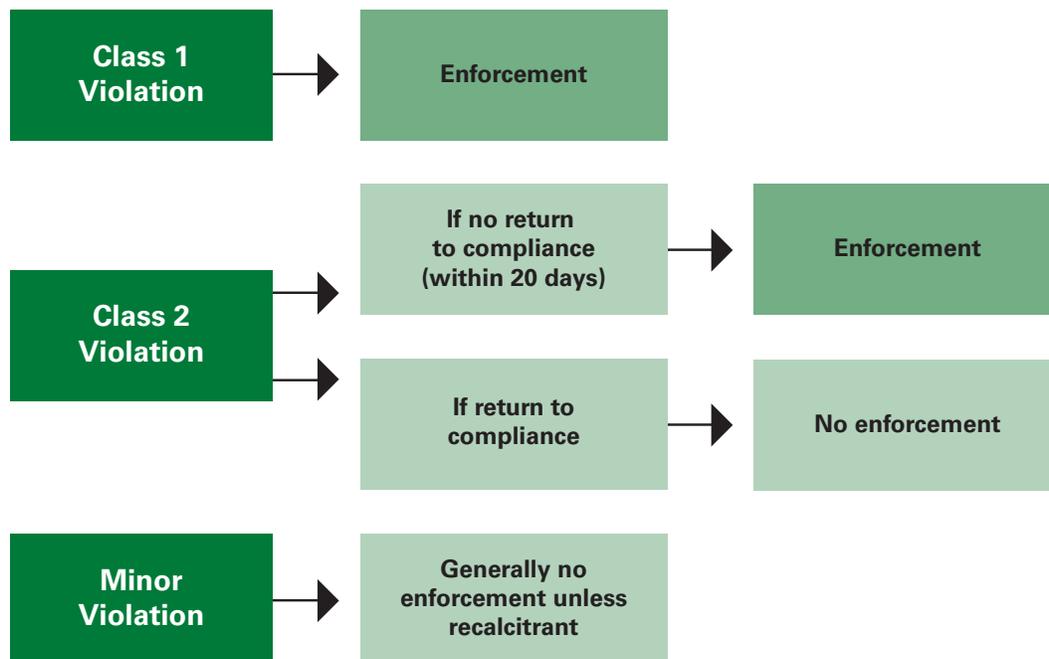
Inspections, Complaints and Enforcement	2008	2009	2010	2011	2012
Inspections by Enforcement Division staff	537	399	427	350	356
Inspections with Violations	396	288	277	156	129
Complaints Received	764	553	671	680	604
Complaints Referred to Local District Attorney/ California Attorney General for Investigation	2/0	0/1	0/1	2/2	0/1
Complaints Assigned to DTSC and Closed*	71	82	84	77	94
Complaints Investigated by DTSC with Violations	41	52	54	34	41
Complaints No Further Action Required	22	20	31	15	9

* The total number of complaints closed in 2012 may include complaints assigned to DTSC the previous year.

Inspections, Complaints and Enforcement Referrals by DTSC

Many factors affect the selection and execution of enforcement actions pursued by DTSC. The primary factors are the class of the violation and the type of violator. DTSC policy requires formal enforcement action (an action that mandates compliance and initiates an administrative, civil, or criminal process that results in an enforceable agreement or order) for Class I violations and for significant non-compliers. For purposes of selecting appropriate enforcement responses, DTSC divides violations into three broad categories: Class I (serious) violations; Class II (less serious) violations; and minor violations (a subset of Class II violations). Class I violations are addressed through formal enforcement actions; Class II and minor violations generally involve no formal enforcement.

Figure 21: Violations and Typical Enforcement Response



For more detail on how DTSC determines the class of the violation, go to the following policy document: www.dtsc.ca.gov/LawsRegsPolicies/Policies/HazardousWaste/upload/DTSC-OP-0006_Enf_Response_Policy.pdf

Facilities with Class II violations are generally required by DTSC policy to return to compliance within 30 days. Often, facilities are found to have both Class I and Class II violations. Facilities tend to return to compliance for Class II violations sooner than for Class I violations. If the facility has achieved compliance for the Class II violations within the specified time frame but has not yet achieved compliance for the Class I violations, DTSC regards the facility to be still out of compliance.

Table 14: Formal Enforcement Actions

Formal Enforcement Actions	2008	2009	2010	2011	2012
Civil Cases Referred to Attorney General	0	10	5	8	9
Civil Cases Settled by Attorney General	4	4	3	10	8
Criminal Cases Referred to local District Attorney/California Attorney General	9	13	3	6	5
Criminal Cases Closed	237	195	93	120	106
Administrative Actions Initiated	41	70	32	32	39
Administrative Actions Settled	41	69	32	33	44
Regulated Business Returned to Compliance	99 percent	98 percent	98 percent	90 percent	93 percent
Settlements Collected from Enforcement Cases	\$3,396,133	\$2,202,670	\$2,225,569	\$2,018,342	\$1,984,706

In 2012, as shown in Table 14, 44 administrative cases were completed and closed by DTSC, 9 civil cases were settled by the Attorney General, and 106 criminal cases were closed by DTSC.

Enforcement Division Outcomes and Environmental Benefits

A primary goal of DTSC’s Enforcement Division is to protect public health and safety and the environment by reducing the incidence of illegal handling and release of hazardous waste. The enforcement case against Action Waste Oil in Los Angeles County exemplifies the real life impact of DTSC’s enforcement actions. After inspecting the Action Waste Oil facility in 2012, DTSC determined that the company was preparing to illegally transport a large quantity of waste oil out of state. DTSC required the company to properly test and manage the waste. Through DTSC’s actions over 23 tons of waste oil were prevented from contaminating the environment by ensuring it was properly managed. This exemplifies the direct benefits to California communities resulting from DTSC’s activities. For more information on the Action Waste Oil enforcement case see: www.dtsc.ca.gov/HazardousWaste/Projects/Action_Waste.cfm.

Training

DTSC trains its staff to ensure consistent, efficient and coordinated enforcement actions occur. DTSC also supports the training needs and activities for the CUPAs, industry, and the regulated community. Enforcement Division staff are members of the CalEPA Environmental Enforcement Training Team, which implements a training program to ensure that all the boards, departments, offices, and local agencies that implement environmental laws take consistent, effective, and coordinated compliance and enforcement action. Enforcement Division staff are also members of the Unified Program Trainers Committee, which is composed of state and local training coordinators. Through this committee Enforcement Division staff worked closely with the CUPAs to assess Unified Program training needs and plan and coordinate CUPA training.



DTSC staff training in Level B.

DTSC's Complaint Tracking System

DTSC utilizes both CalEPA's Single Complaint Tracking System and its own system (Envirostor) to accept, triage and track complaints. The majority of Envirostor complaints are generated from members of the public calling a toll-free number, whereas most Single Complaint Tracking System complaints are submitted electronically via CalEPA's website.

Table 15: Number of Complaints Received in the last 5 Years

Year	CalEPA Complaints	Envirostor Complaints
2012	508	604
2011	486	682
2010	413	683
2009	476	626
2008	536	866

Not all the complaints from members of the public via DTSC's toll-number (800-69TOXIC) are transferred to Envirostor since many do not involve hazardous waste, but Enforcement Division staff triage and process them, regardless. The Enforcement Division is tasked with ensuring that the complaints get to the right agency, and responding back to the complainant, if necessary. Of the 604 complaints DTSC received, DTSC referred 377 to city or county agencies, 5 to the U.S. EPA, and 71 to state agencies. In addition, investigations of complaints have resulted in 27 enforcement actions by DTSC. In some cases the complaints have resulted in significant enforcement actions. The major enforcement action discussed previously for the Lake Elsinore Property, for example, resulted in \$189,000 in civil penalties and an order requiring the former and current property owners to conduct corrective action to clean up the property under the oversight of DTSC.

Additional Information

The following website links provide additional detailed information related to enforcement at DTSC:

DTSC's website:

www.dtsc.ca.gov/EnforcementOrders.cfm

U.S. EPA's website entitled Environmental Compliance History Online (ECHO):

www.epa-echo.gov/echo

The Waste Alert Hotline, a statewide toll free complaint number 1-800-698-6942.

Alternatively complaints can be filed online at DTSC's website:

www.dtsc.ca.gov/database/CalEPA_Complaint/Index.cfm

DTSC general publications information web link:

www.dtsc.ca.gov/PublicationsForms/index.cfm

DTSC Strategic Plan for 2009-2014 at:

http://dtsc.ca.gov/InformationResources/upload/StrategicPlan_2011_2016.pdf

http://www.dtsc.ca.gov/GetInvolved/env_justice_policies.cfm

DTSC 2010 Environmental Justice activities report at a link similar to:

www.dtsc.ca.gov/GetInvolved/upload/EJ_Enf_Initiative_Rprt2009.pdf

CalEPA Triennial Evaluations for Trinity and Imperial CUPAs and CUPA enforcement actions taken:

www.dtsc.ca.gov/HazardousWaste/CertifiedUnifiedProgramAgencies.cfm

DTSC Green Chemistry details at:

www.dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative/upload/gc_flowchart-final.pdf



Department of Pesticide Regulation

Enforcement Overview

Since its creation in 1991, the California Department of Pesticide Regulation (DPR) has made significant strides to:

- Enhance worker and environmental protection.
- Strengthen uniformity of enforcement in the field while maintaining local discretion and flexibility.
- Strengthen licensing examination and certification processes for commercial pesticide applicators.

Authority

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) specifically authorizes state regulation of the sale and use of federally registered products. Generally, the U.S. Environmental Protection Agency (U.S. EPA) has authority to enforce FIFRA requirements. However, FIFRA acknowledges that states have a pivotal role in regulating pesticides in their own jurisdictions, provided that their programs are at least as restrictive as those under federal law. Like other states, California has been delegated primary enforcement responsibility for pesticide use/misuse violations under sections 26 and 27 of FIFRA.

Over the years, the California Legislature has passed stringent laws giving DPR pesticide-related statutory responsibilities and authorities including evaluating and registering pesticide products; statewide licensing of commercial pesticide applicators, dealers and advisers; monitoring the environment; and testing fresh produce for pesticide residues. In addition, DPR is also charged with verifying that pesticides produced and/or sold in the state adhere to required standards and practices, investigating human health and environmental episodes, and enforcing pesticide use laws and regulations through California's county agricultural commissioners (CACs) serving 58 counties.

Enforcing U.S. EPA pesticide use laws and regulations is a joint responsibility of the DPR and the CACs who administer pesticide use enforcement at the local level. California Food and Agricultural Code (FAC) section 2281 outlines respective responsibility for enforcement of the pesticide laws and regulations by the CACs. DPR, U.S. EPA Region 9, and the CACs are parties to a cooperative agreement that ensures a unified and coordinated program of pesticide episode reporting, investigation, and enforcement actions in California.

DPR's annual budget is nearly \$81 million of which over \$22 million funds local pesticide enforcement activities in the counties. Approximately 384 DPR employees, including scientists and toxicologists, carry out California's pesticide regulatory program with over 61 DPR staff dedicated to activities of the Enforcement Program. In addition, approximately 280 full-time CAC inspectors are dedicated to pesticide use enforcement at the local level.

Other Partnerships and Agreements

The Structural Pest Control Board (SPCB) transferred from DPR to the new Business and Consumer Services Agency on July 1, 2013, under Governor Brown's Government Reorganization Plan approved by the Legislature in June 2012. SPCB was transferred to DPR from the Department of Consumer Affairs in October 2009 as part of former Governor Schwarzenegger's directive to consolidate and streamline state government. SPCB administers licensing of structural pest control businesses and structural applicators. FAC section 15201.1 outlines general responsibilities and roles for DPR, SPCB, and the CACs in licensing and pesticide use for structural pest control activities. The FAC specifies that the CACs regulate pesticide use in structural activities under the direction and supervision of DPR.

The Department of Public Health (DPH) oversees the activities of local vector control (public health/ mosquito abatement) agencies. DPR, DPH, and the CACs are parties to a memorandum of understanding (MOU) that outlines responsibilities and coordination relating to vector control activities. It addresses pesticide availability, applicator certification, pesticide use reporting, and incident reporting.

The Department of Industrial Relations (DIR) oversees activities related to workplace safety. DPR, DIR, and the CACs are parties to a MOU that outlines responsibilities and coordination for worker and workplace safety when pesticides are involved. It addresses authority for response to investigations and sharing illness incident information.

Additionally, DPR has an agreement with the U.S. Department of Agriculture (USDA) to sample food commodities for the USDA Food Safety Program for pesticide residues. If there is the potential for public health concern, DPR refers cases of illegal pesticide residue on fresh produce (identified under the California Pesticide Residue Monitoring Program) of potential public health concern to the U.S. Food and Drug Administration for investigation and possible national recall. The Enforcement Branch, immediately upon detection of illegal residues, removes the sampled produce from the channels of trade.

DPR Structure and Performance Measures

DPR uses a "function-based" approach to manage the performance and costs of its programs. Enforcement of statutory and regulatory requirements within this framework allows DPR to determine compliance with these requirements and to assess their effectiveness relative to costs, workload outputs, and impacts on human health and the environment. Elements of DPR's planning and management system include:

- CalEPA's Strategic Vision that sets forth the Agency's vision and mission, core values, and goals and objectives.
- DPR's Strategic Plan that provides department-specific strategies, goals, and objectives.
- DPR's Operational Plan that defines goals and activities it plans to carry out during the fiscal year.
- Performance measures that include DPR's outputs and environmental indicators. They are also used to assess the effectiveness of DPR's program.
- Function-based accounting that summarizes spending by function category.

Key DPR workload outputs are compiled annually by fiscal year to track a number of products and services. The number of licenses issued or groundwater samples collected are examples. These outputs are categorized by DPR's program functions. Please visit DPR's planning and performance website: www.cdpr.ca.gov/docs/dept/planning/performance/index.htm for more detailed information.

DPR and the CACs spend considerable time evaluating their programs and identifying areas for improvement. DPR developed a program guidance document identifying three core program priorities to better assist CACs with county enforcement efforts:

1. Restricted Materials Permitting: An important function in achieving CEQA equivalency. CEQA requires state and local agencies to identify significant environmental effects of their actions and to avoid or mitigate those effects, if feasible.
2. Compliance monitoring through inspections and investigations.
3. Enforcement response to violations.

In addition to the core program areas in 2012, DPR recommended that CACs consider other statewide priorities when developing their work plans. CAC work plans identify federal, state, regional, and local compliance problems, emerging issues, and measurable solutions based on available resources. The work plans have clearly stated goals and performance measures, balancing DPR’s statewide enforcement priorities with local conditions unique to each county. DPR uses performance standards to evaluate the effectiveness of the county’s enforcement program. DPR conducts performance evaluations of CAC pesticide regulatory programs as part of an organization-wide effort to incorporate continuous quality improvement. CAC work plans, by county, can be downloaded at: www.cdpr.ca.gov/docs/county/enf_stat_profile.htm

Pesticide Programs Division Organization and Activities

Enforcement Branch: DPR’s Enforcement Branch Headquarters’ staff develop standards and procedures; direct and manage the department’s food safety program; review, evaluate, and make recommendations on products during the registration process including proposing alternatives and mitigation measures; and interpret pesticide labels for compliance with state and federal statutes. The staff reviews, proposes, and/or develops legislation and regulations; compiles and analyzes statewide data for use in developing and modifying existing pesticide environmental regulations (air, ground water, and endangered species). In addition, they oversee enforcement carried out at the local level including protection of workers and food safety programs; plan and conduct training; and coordinate the structural pest control use enforcement program with the CACs and SPCB.

Organization

The Enforcement Branch is comprised of a headquarters office in Sacramento and three regional offices located in Anaheim, Fresno, and West Sacramento.

Table 16: 2012 Enforcement Branch by Location – Staff Resources⁸

Headquarters (Sacramento)	
Branch Chief	1
Supervisors / Program Managers/Staff	2 Managers, 2 Supervisors, 21 Staff
Regional Offices	
Northern Regional Office (West Sacramento)	1 Manager, 10 Staff
Central Regional Office (Fresno)	1 Manager, 1 Supervisor, 12 Staff
Southern Regional Office (Anaheim)	1 Manager, 9 Staff

⁸ Current-year statistics in this report are preliminary in nature due to inherent lag times in regulatory enforcement timelines for completing enforcement actions and subsequent reporting and compiling of data. Prior-year statistics have been updated and therefore may not match the statistics as reported in previous editions of this report.

Enforcement Branch regional offices work closely with CAC staff to plan and prioritize compliance and pesticide use enforcement activities. CACs enforce federal and state pesticide laws and regulations at the local level with DPR oversight. CACs issue site-specific local permits for the use of restricted materials, conduct on-site application inspections, conduct worker safety inspections, investigate pesticide illnesses and other complaints, and administer full pesticide use reporting.

DPR assigns a staff member from the regional office, known as an Enforcement Branch Liaison, to work with each CAC office to serve as the primary contact point between the CAC and DPR. Each liaison is assigned to specific counties and works with CACs and staff to develop and revise annual county work plans, provide direction and/or assist in county investigations, consult on appropriateness of proposed enforcement actions (strength of evidence, proper classification of the violation and fines), provide training and outreach, as well as interpret label and regulatory requirements. Liaisons assess the effectiveness of each CAC's overall pesticide enforcement program in part by conducting side-by-side inspections with county staff; reviewing restricted material permits and notices of intent; reviewing CAC inspections, investigative reports, and making recommendations for additional investigation; and reviewing compliance and enforcement actions. DPR staff writes effectiveness evaluation reports of CAC pesticide use enforcement programs. Liaisons track incident investigations and complaints, and assist in the development of enforcement cases involving licensees, which may lead to a possible license suspension or revocation by the state.

DPR's comprehensive system used to track pesticide use has been at the forefront both nationally and internationally. Since 1990, growers and applicators must report all agricultural, structural, landscape maintenance, and other nonagricultural pest control applications to CACs. DPR compiles and makes available this statewide pesticide use data on an annual basis. More information about this unique program is available on DPR's website at: www.cdpr.ca.gov/docs/pur/purmain.htm.

County Agricultural Commissioner Inspections

California's CACs together have more than 280 full-time biologists in the field to enforce pesticide laws and regulations. No other state has a similar system of local enforcement. In 2012, CACs conducted approximately 12,267 agricultural inspections to insure compliance with state laws and regulations and to protect field workers, persons involved with loading and using pesticides, and the public. These 12,267 inspections assessed over 200,000 inspection criteria. Inspection compliance rate in 2012 was 98.2 percent.

Structural and Landscape Maintenance Inspections

California's CAC pesticide enforcement programs oversee more than just production agriculture. They also ensure that applicators are using pesticides safely in and around homes and surrounding landscapes. In 2012, CAC enforcement staff performed over 4,700 structural and landscape inspections that evaluated approximately 94,000 criteria. The overall compliance rate was 99.3 percent.

CAC staff inspect the records of growers, pest control applicators, operators and businesses, pest control dealers, and agricultural pest control advisers. They also certify private applicators and issue restricted material permits. In addition, CAC staff may provide pesticide safety training to applicators. They also conduct pesticide episode/priority investigations, and conduct fieldworker and pesticide handler inspections to assure compliance with worker protection standards and other pesticide use requirements. Fiscal-year summaries of county workload can be found in the California Pesticide Regulatory Activities Monthly Report online at: www.cdpr.ca.gov/docs/enforce/report5.htm.

Figure 22: DPR Enforcement Branch - Headquarters and Regional Offices



Product Compliance Branch: DPR’s Product Compliance Branch (PCB) is responsible for promoting compliance with California and federal laws and regulations related to labeling compliance, sale and distribution of pesticide products. The PCB staff conducts product compliance inspections at pesticide manufacturing facilities and businesses throughout the state to ensure that products manufactured, sold, and used in California are registered and approved by U.S. EPA and DPR. These include Marketplace Surveillance Inspections where pesticides are sold and distributed and Producing Establishment Inspections where pesticides are manufactured, packaged, or re-packaged. When staff uncovers sales of unregistered pesticide products, PCB initiates investigations and forwards those cases to DPR’s Office of Legal Affairs to assess administrative civil penalties through settlements or other enforcement actions.

In addition, PCB ensures that all pesticide sellers pay their fair share of applicable registration and “mill assessment” fees that help support DPR’s regulatory programs at both the state and county level. PCB auditors travel throughout the U.S. to review the records of pesticide sales made into California to ensure compliance with mill assessment fees. PCB oversees disbursement of a portion of mill assessment to the CACs for local pesticide enforcement.

Worker Health and Safety Branch: DPR’s Worker Health and Safety Branch (WHS) is responsible for public and worker safety in all areas where pesticides are used. WHS scientists design and conduct studies to characterize human exposure to pesticides and pesticide residue. They also conduct human exposure assessments for use in DPR’s risk characterization documents. The Branch develops measures to reduce risks for persons applying pesticides and working in fields where pesticides have been applied, as well as developing measures to protect the public from off-site movement of pesticides. Additionally, WHS oversees the department’s Worker Protection Program by continuously evaluating the implementation of the state worker safety regulations, which includes developing outreach materials such as the Pesticide Safety Information Series Leaflets. WHS scientists maintain a detailed and comprehensive illness database that contains information from physicians’ reports and on-site CAC field investigations of each incident, providing valuable information on the circumstances of exposure. WHS provides training to CAC staff, persons applying pesticides, and persons working in pesticide-treated fields and residing near treated fields. WHS is available to assist Enforcement Branch and CAC staff in providing consultation for fumigation facility operation procedures or with pesticide illness investigations.

Environmental Monitoring Branch: The Environmental Monitoring Branch has the lead role in carrying out DPR’s environmental protection programs. Environmental data collected by DPR are critical to the department’s continuing evaluation of pesticide use and assists in carrying out programs to prevent pesticide contamination. Scientists design and conduct studies to provide data that help assess human exposures and ecological effects of pesticide residues in the environment. Examples include:

- Evaluating the effect of application methods and management practices on the movement of pesticides.
- Monitoring the off-site movement of pesticides after application to evaluate the potential for contamination of air, surface or ground water, or crops.
- Conducting studies to develop and evaluate measures designed to mitigate the adverse effects of pesticides.



Monitoring pesticide concentrations in the air resulting from applications; within treated field

Registration Branch: DPR’s Registration Branch prepares public notices and corresponds with pesticide registrants regarding data requirements, determinations of health effects of pesticides, and final actions on registrations. In addition to its responsibilities for a pesticide product’s registration in California, the Registration Branch coordinates the required pesticide evaluation process among DPR branches and other state agencies.

Branch scientists share data review responsibilities with staff scientists in other DPR branches. The Branch also manages all data received; oversees call-ins of data on environmental fate, acute, and chronic toxicology; and maintains pesticide label files and the pesticide data library. They also provide information on registered pesticides and label instructions to pesticide enforcement agencies and the public.

Human health and environmental data from DPR's other branches feed into the Registration Branch. The law requires DPR to continuously evaluate pesticides after they are in use. DPR does this through its Pesticide Reevaluation Program. Upon receipt of information indicating that use of a pesticide may have caused, or is likely to cause, an adverse effect to people or the environment, DPR is required to investigate. If based on that investigation, DPR finds that the pesticide has caused, or may have caused, a significant adverse effect, reevaluation is triggered. When a pesticide enters reevaluation, DPR reviews existing data and may require registrants to provide additional data. The goal of reevaluation is to determine the extent of the adverse effect and to identify ways to mitigate or eliminate the concern.

DPR compiles and analyzes data from various sources to assess the impacts of its programs to improve human health and the environment. DPR continues to identify methods and data requirements to better analyze program outputs and outcomes.

Pest Management and Licensing Branch: DPR's Pest Management and Licensing (PML) Branch examines and licenses those who sell, apply commercially, or consult on the use of pesticides, accredits continuing education courses, and collaborates with the University of California for the development of license examination study guides and examination questions.

Enforcement Program Goals and Objectives

One of DPR's five strategic plan goals is to ensure compliance assistance and enforcement. DPR recognizes that a strong and equitable compliance and enforcement program is the cornerstone to ensuring that people and the environment are not exposed to unacceptable pesticide risks. The goals focus on the following objectives:

- Objective 1: Obtain compliance through clear, equitable rules; education; licensing; and strong effective enforcement.
- Objective 2: Provide training, guidance, and support to CACs.
- Objective 3: Ensure effective and consistent enforcement.
- Objective 4: Through continuous review of data and information, improve compliance of enforcement programs.

Major Program Highlights in 2012

In addition to pesticide use and licensing violations, DPR has the authority to take enforcement action and levy fines for selling unregistered or misbranded pesticides and packing, shipping, or selling produce containing illegal pesticide residues.

Enforcement Branch and CAC Highlights

DPR and CACs take enforcement actions for different types of violations:

- DPR can revoke or suspend the license of companies and individuals who do pest control work, sell pesticides, or advise on pest control in California.
- DPR can levy administrative civil penalties on companies and individuals who sell unregistered or misbranded pesticide products; fail to pay required fees on pesticide sales; or pack, ship, and sell produce with illegal pesticide residue.
- The CAC enforces pesticide use laws and regulations and levies administrative civil penalties for violations. The CAC has the authority to revoke or suspend the registration of companies and individuals who register to do business in the county.

DPR can also refer enforcement actions to the California Attorney General's Office for any violation of pesticide laws. DPR and CACs can also refer pesticide use violations for criminal

prosecution to the local district attorney, city attorney, or circuit prosecutor. The figure below is a summary of DPR and CAC Enforcement Program outcomes. The figure on the next page is a county statewide summary of surveillance and compliance activities.

Table 17: DPR & CAC Enforcement Program

Summary of DPR & CAC Enforcement Program – Outcomes	2010	2011	2012
Number of CAC Cases Referred to District Attorney	0	3	2
CAC Administrative Civil Penalties*			
Number of Closed Cases	798	942	955
Number of Violations in Closed Cases	1,019	1,107	904
Civil Penalties Assessed	\$361,030	\$403,865	\$329,890
DPR Penalties for Unregistered & Misbranded Products			
Number of Cases Settled	118	123	123
Number of Unregistered Products in Case Settlements	835	469	345
Civil Penalties Collected	\$2,707,880	\$2,855,530	\$3,868,738

* The DPR Enforcement Database Tracking System collects information on the closed enforcement actions taken by the counties and includes the sections of laws and regulations violated and the fine amounts assessed. Information in this database includes the person or firm cited, date of violation(s), section(s) violated, type of enforcement action taken, pesticide(s) involved, date of action, date case closed, proposed fine(s) and final fine(s).

Table 18: Metrics - Summary of Surveillance/Compliance Activities (County Statewide Workload)

Preliminary CAC Reported Workload Statistics - Inputs	2010	2011	2012
CAC Licensed Staff Hours	459,416	490,255	477,498
CAC Support Staff Hours	132,107	131,922	133,280
Preliminary CAC Reported Workload Statistics – Outputs			
Restricted Materials Permitting			
Restricted Material Permits Issued/Amended	39,254	44,386	40,382
Restricted Material Permits Denied	334	180	134
Notices of Intent to Apply a Restricted Material Reviewed	142,071	133,487	123,794
Restricted Material Notices of Intent Denied	1,288	1,254	826
Pre-Site Application Evaluations/Inspections	7,997	8,024	7,626
Compliance Monitoring			
Inspections*			
Agricultural Use	6,834	7,291	6,523
Field Worker Safety	959	1,010	956
Commodity Fumigation	429	470	451
Field Fumigation	655	874	870
Records Inspections	5,200	5,212	4,719

Structural Fumigation	1,830	2,001	2,405
Structural Non-Fumigation	1,197	1,257	1,095
Investigations	1,475	1,524	1,622
Enforcement Response			
CAC Compliance Actions	3,430	3,624	3,172
CAC Enforcement Actions			
Number of Enforcement Cases Closed	798	942	963
Amount of Civil Penalties Assessed	\$362,080	\$403,865	\$342,490
Number of Cases Referred to District Attorney	0	3	2
Compliance Assistance			
Training & Outreach Sessions	1,618	1,033	1,637
Number of Persons Attending	37,280	38,059	45,965
County Registrations & Certification			
Operator Ids for Non-Restricted Use Issued/Amended	14,172	14,170	15,026
Private Applicator Certificates Issued	6,609	5,847	6,118
Pest Control Business/Advisers/Pilots Registered	12,163	12,649	12,442
Farm Labor Contractor Registered	2,849	3,473	3,416
Structural Pest Control Business Registered	6,903	7,004	8,026
Preliminary CAC Reported Workload Statistics - Outcomes			
Total Inspections Conducted	17,104	18,115	17,019
Inspections with 1 or More Violations	2,133	2,310	1,765
Inspections with 100 percent Compliance Rate	87.5%	87.2%	89.6%
Total Number of Criteria Evaluated	299,408	312,385	298,019
Total Number of Criteria in Compliance	294,118	306,918	293,800
Compliance Rate for Criteria Inspected	98%	98%	99%

* County inspection data and compliance rates are from DPR's Inspection Tracking Database. Counties conduct additional inspections (follow-ups, partials, unattended tarp/aeration, etc.) that are not currently captured in DPR's database; thus compliance rates and specific inspection elements cannot be evaluated for these inspections.

Data Characteristics

DPR develops an annual summary of statewide CAC pesticide enforcement statistics. State and individual county profiles are available at: www.cdpr.ca.gov/docs/county/enf_stat_profile.htm.

Food Safety Program

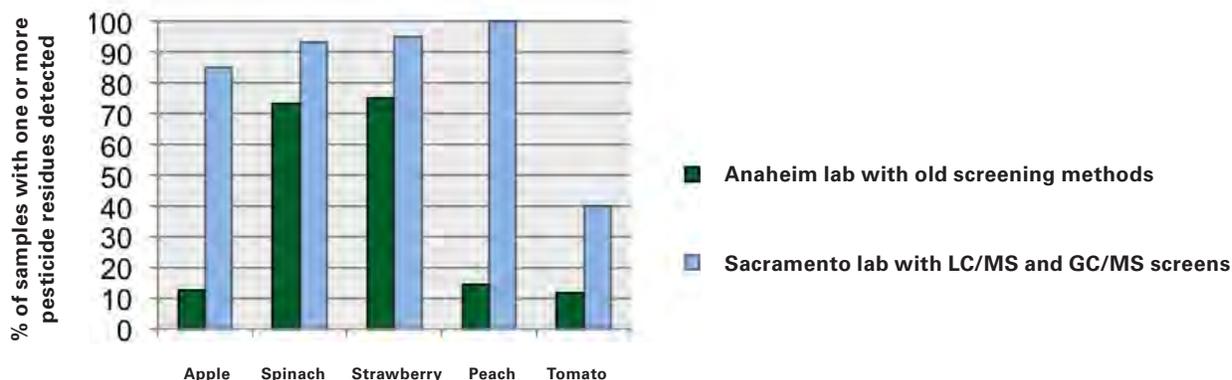
DPR collected more than 3,500 produce samples for pesticide residue analysis in 2012. Of the total 3,501 samples collected, 57 percent had no pesticide residues detected and 39 percent had residues within legal tolerances. The remaining 4 percent had illegal residues. When illegal residues are found, DPR initiates an investigation to remove any produce with illegal residues from sale and distribution.

In 2012, DPR improved its capacity to detect pesticide residues. The California Department of Food and Agriculture's (CDFA's) Center for Analytical Chemistry replaced the "old" organophosphate (OP), organochlorine (OC), and N-methyl carbamate screens with two new analytical techniques, LC/MS (liquid chromatography /mass spectrometry) and GC/MS (gas chromatography/mass spectrometry). With LC/MS and GC/MS, the Sacramento laboratory can detect residues of pesticides recently registered by U.S. EPA and California. These "newer" pesticides have chemistries difficult to detect with the "old" multi-residue screens. In addition, the Sacramento laboratory can now detect lower residue concentrations of older pesticides than previously using the "old" screens. With LC/MS and GC/MS, the Sacramento laboratory in 2012 was able to detect more than 270 different pesticide residues, including pesticide breakdown products.

In 2013, the Anaheim CDFA laboratory will begin analyzing all fruit and vegetable samples with LC/MS and the OP and OC multi-residue screens. In 2014, the laboratory is scheduled to replace the OP and OC screens with GC/MS. DPR looks forward to fully implementing the new technology to further strengthen its ability to detect the widest possible range of pesticides at consistently low levels.

The graph below compares the 2012 Sacramento laboratory results for apple, spinach, strawberry, peach, and tomato samples with the Anaheim laboratory results for samples of the same five commodities. It shows that the Sacramento laboratory with the LC/MS and GC/MS screens detected pesticides in a higher percentage of all five commodities than the Anaheim laboratory with the "old" screens.

Figure 23: LCMS and GCMS Strengthen Detection of Pesticide Residues in 2012⁹



⁹ Source of Data: DPR. This graph indicates that the use of LC/MS and GC/MS improves the ability of the CDFA labs to detect pesticide residues.

In recent years, nearly half of all illegal residues detected by DPR were found on fruit and vegetables produced out of country. This is due to the high volume of produce imported into California, and because of a relatively higher proportion of imports, carried pesticide residues which exceed California standards.



Produce residue sampling – at harvest

Pesticide Residue Monitoring Program Annual Reports summarizing the results from samples collected during a calendar year, along with the detailed data, are available on DPR’s website at: www.cdpr.ca.gov/docs/enforce/residue/rsmonmnu.htm.

Complaint Investigation and Tracking

The CalEPA Single Complaint Tracking system is used to relay complaint information directly to the appropriate CalEPA boards, departments, and offices or its local partners for investigation, coordination, and potential enforcement. DPR responds to all complaints, notifications or reports of and incidents that allege misuse of pesticides; pesticide exposure (including odor); pesticide damage or injury to crops, property, humans, wildlife, or the environment; potential illegal sales or other related episodes.

When a pesticide use-related complaint is filed through CalEPA’s Single Complaint Tracking system, DPR staff relay the complaint to the appropriate Enforcement Branch regional office and CAC for investigation. The CAC’s office is the lead agency for pesticide use-related complaints.

Table 19: CalEPA Single Complaint Tracking System Complaints Received During 2010, 2011, and 2012

CalEPA Single Complaint Tracking System - Inputs	2010	2011	2012
Total CalEPA Complaints Received for Tracking	841	1033	1,023
Complaints Filed and Marked as Pesticide Use-Related and Relayed to the CACs for Investigation	104	116	117

Product Compliance Branch Highlights

DPR routinely conducts product compliance inspections at hardware stores, home and garden stores, retail and wholesale nurseries, landscape material suppliers, pet suppliers, restaurants, hospital suppliers, and pool and spa centers to verify that pesticide products being offered for sale are registered in California. These inspections ensure that the pesticides are registered by DPR to ensure they will not cause human health or environmental exposure.

In 2012, DPR conducted 206 marketplace inspections and 67 audits. Approximately 350 unregistered and misbranded pesticide products were identified as a result of these inspections. These products were removed from the marketplace. DPR finalized legal proceedings on 123 product compliance cases, which resulted in nearly \$3.9 million in administrative civil penalties.

In 2012, DPR referred several cases for enforcement action. In one case, an inspection of a pool and spa business and a follow-up inspection at a distributor, staff found misbranded pesticide products. The pesticide product labels had been found attached to raw material bags of products from another manufacturer. In addition, the attached pesticide labels did not match the ones currently approved by DPR for sale in California. Furthermore, the product was being sold in 50-pound bags, not in the plastic containers that were approved for sale. The business (HASA, Inc.) was charged with sale of the three misbranded pesticides and paid a civil penalty in the amount of \$90,000.

In a complaint referral brought to the attention of DPR, Quality Park Products was found to be selling a variety of paper envelopes with claims to provide antimicrobial protection and to guard against growth of bacteria, mold, mildew, fungus, and odors. These claims exceeded what is allowed by U.S. EPA's Treated Article Exemption PR Notice 2000-1. In addition, further investigation revealed that the U.S. EPA-registered antimicrobial pesticide product used to treat the envelopes was not labeled for use on paper products. Quality Park Products was charged with selling unregistered pesticides and paid a civil penalty in the amount of \$120,000.

During routine inspections of businesses that sell pesticide products, it was discovered that KIK Pool Additives, Inc., AKA Chem Lab Products, Inc., sold several products that either displayed labeling that did not match the approved labeling on file with DPR, or had claims that made the products subject to registration in California as spray adjuvants. The investigation was forwarded DPR's Office of Legal Affairs for settlement. KIK Pool Additives, Inc. was charged with sale of two unregistered and four misbranded pesticide products in California, and paid a civil penalty of \$310,348. DPR makes every effort to provide training and education to help the regulated industry comply with laws and regulations governing food-safety, pesticide use, and sales. For recurring or egregious violations, DPR will continue to take enforcement actions when appropriate.

Worker Health and Safety Branch Highlights

DPR's Pesticide Illness Surveillance Program maintains a database of pesticide-related illnesses and injuries. Important sources of case identification include workers' compensation documents, the California Poison Control System, and physician reports to local health officers. The local CAC investigates incidents and complaints of possible pesticide exposure, patient medical records. The investigative findings are then evaluated by DPR research scientists and entered into a relational database. The information collected helps validate the effectiveness of exposure control measures and identify areas where improvements are needed. Analyses of trends in illness and injury by a particular pesticide or activity also provide direction for DPR's Exposure Monitoring and Industrial Hygiene Program and the Human Health Mitigation Program.

The following is a summary of pesticide illness case reports received by DPR's Pesticide Illness Surveillance Program for 2008-2012 in which human health effects were evaluated after investigation, as "definitely, probably, or possibly related" to pesticide exposure. The data are reported by exposure circumstances (agricultural pesticide use vs. any other exposure situation) and by type of pesticide (antimicrobials and all other pesticides).

Table 20: Pesticide Illness Case Reports Received from 2008 to 2012

Agricultural Pesticide Use Exposure [*]			Non-Agricultural Pesticide Use Exposure		
Year	Pesticides Other Than Antimicrobials	Antimicrobial Pesticides	Pesticides Other Than Antimicrobials	Antimicrobial Pesticides	Total Incidents ^{***}
2012 ^{**}	39	0	98	90	228
2011 ^{**}	130	10	254	295	707
2010	223	8	286	286	811
2009	231	21	279	375	918
2008	275	36	298	284	894

* Designation as "Agricultural" indicates exposure to a pesticide intended to contribute to production of an agricultural commodity.

** Because of extraordinary delays in case processing, figures for 2011 and 2012 are not yet final and can be expected to increase by several hundreds.

*** Total incidents include 40 cases over the 5 years in which agricultural circumstances remained unknown.



FEDERAL NON-ATTAINMENT AREAS
AFFECTED BY CALIFORNIA REGULATIONS
TO REDUCE EMISSIONS
FROM
FUMIGANT PESTICIDES

January 2008



* Sacramento Metro NAA
- all of Sacramento and Yolo counties, and parts of
El Dorado, Placer, Solano and Sutter counties.

* San Joaquin Valley NAA
- all of San Joaquin, Stanislaus, Merced, Madera,
Fresno, Kings, and Tulare counties,
and the valley portion of Kern County.

* South Coast NAA
- all of Orange County, and parts of Los Angeles,
Riverside and San Bernardino counties.

* Southeast Desert NAA
- the desert portions of Riverside (Coachella Valley),
Los Angeles (Lancaster/Palmdale),
and San Bernardino (Bartlett) counties.

* Ventura NAA - all of Ventura County.

Pesticide Illness Surveillance Program Annual Reports through calendar year 2010 providing detailed information can be obtained from DPR's website at: www.cdpr.ca.gov/docs/whs/pisp.htm.

Environmental Monitoring Branch Highlights

Air Program

Under the federal Clean Air Act, California must meet national standards for airborne pollutants and specify how it will achieve these goals in a federally -approved State Implementation Plan (SIP). Under the U.S. EPA-approved SIP, California is obligated to reduce pesticide volatile organic compounds (VOCs) by 12 percent in the San Joaquin Valley Non-Attainment Area (NAA) and 20 percent in the other four NAAs (Sacramento Metro, South Coast, Southeast Desert, and Ventura) compared to 1990 levels. The map on the next page shows the four NAAs. Due to regulatory actions addressing other issues, the Sacramento Metro and South Coast NAAs have achieved their SIP goals for many years.



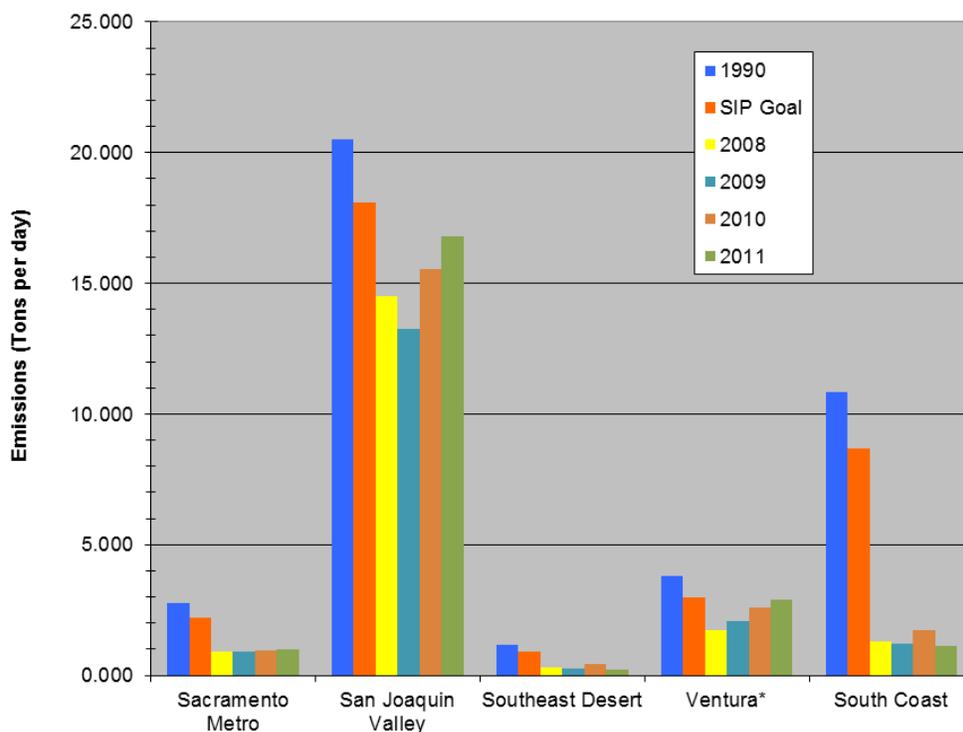
Air monitoring at schools

For the Southeast Desert and Ventura NAAs, DPR adopted regulations in 2008 limiting VOC emissions from fumigants. The regulations reduce VOC emissions by requiring "low-emission" fumigation methods. The regulations also set up a fumigation emission limit that would be triggered if low-emission fumigation methods do not result in targeted reductions. The fumigant emission limit is currently in effect for the Ventura NAA.

The low-emission fumigation method requirements in the 2008 regulations also apply to the San Joaquin Valley. However, nonfumigant pesticide products contribute more VOC emissions than fumigants for this NAA. The fumigant requirements will achieve the needed VOC reductions in most, but likely not all, years. Therefore, DPR adopted regulations to reduce VOC emissions from nonfumigant products in 2013. These regulations will prohibit use of "high-VOC" nonfumigant products on certain crops in the San Joaquin Valley during May 1 through October 31, if a VOC trigger level is exceeded. These regulations would apply to high-VOC products containing abamectin, chlorpyrifos, gibberellins, or oxyfluorfen. Also, when purchasing or using high-VOC products containing these four active ingredients, the regulations require a written recommendation from a licensed pest control adviser and require pest control dealers to provide VOC information to the purchaser.

In 2012, DPR analyzed 2011 pesticide use report data to evaluate compliance with the VOC limits and low-emission method requirements. DPR released the results in its Annual Report on Volatile Organic Compound Emissions from Pesticides. This comprehensive report is available on DPR's website at www.cdpr.ca.gov/docs/emon/vocs/vocproj/voc_data_analysis.htm. The 2011 pesticide VOC emissions for all five NAAs complied with the SIP goals and VOC regulation benchmarks, ranging from 18 to 90 percent less than emissions in the 1990 base year. Relative to 2010, pesticide VOC emissions in 2011 ranged from a decrease of 54 percent to an increase of 11 percent, depending on the NAA.

Figure 25: May - October (Ozone Season) Adjusted Pesticide VOC Emissions and Goals



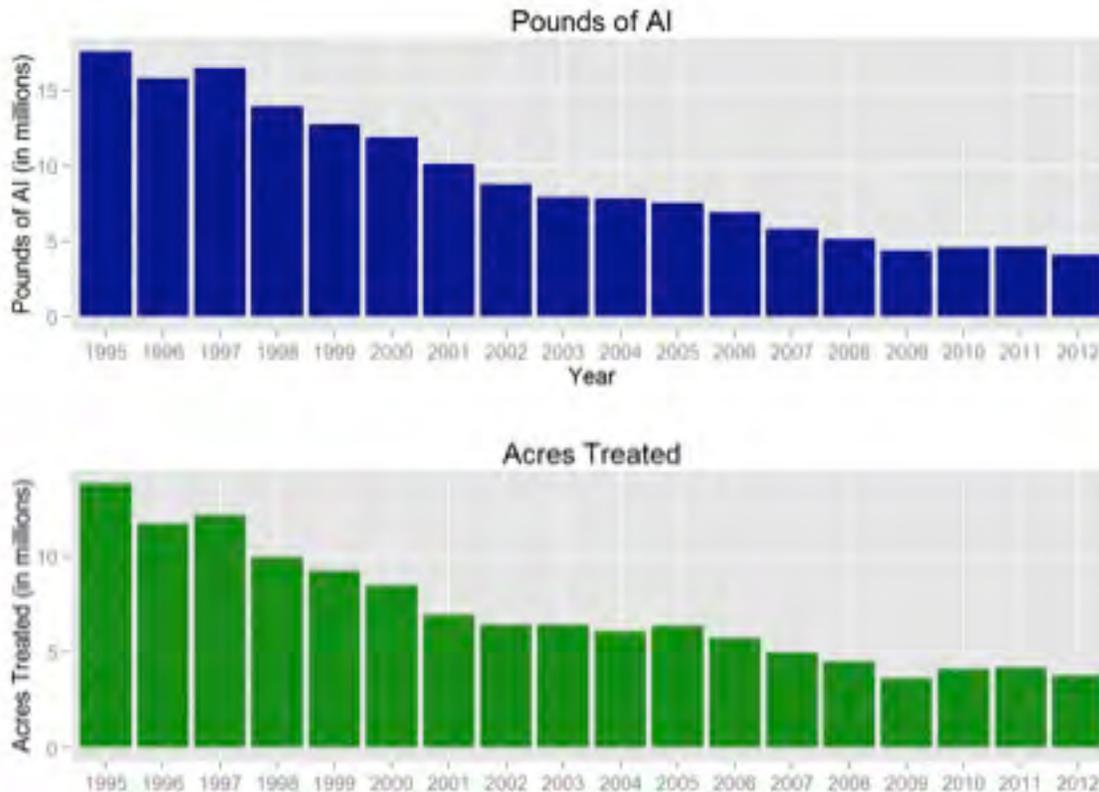
More detailed information about DPR’s Air Monitoring program and ongoing efforts to improve air quality in the state by controlling the use of smog-producing pesticides is available on its website at: www.cdpr.ca.gov/docs/emon/airinit/airmenu.htm.

Groundwater Protection Program

DPR’s system to collect and track pesticide use is recognized as the most comprehensive in the world. Since 1990, with the exception of home, and most industrial and institutional uses, all pesticide applications are reported to DPR. The pesticide use reports are used to track trends for use pertaining to the groundwater protection list, as well as other categories of pesticides.

In 2004, DPR implemented groundwater protection areas (GWPA) and went from approximately 300,000 acres under regulation to approximately 2.5 million acres. As can be seen in the charts below, use of regulated GWPA pesticides has decreased since the program was adopted in 2004.

Figure 26: Use Trends of Pesticides on DPR's Groundwater Protection List¹⁰



On an annual basis, DPR performs an analysis of the statewide pesticide use data to determine what effects the regulatory measures have on the use of these groundwater protection list chemicals and if the use of other less-toxic chemicals has changed during that time period. DPR posts the results of this trend analysis annually on its website and the most recent results observed during 2011 are noted at: www.cdpr.ca.gov/docs/pur/pur10rep/comrpt10.pdf.

More detailed information about DPR's groundwater protection program is available on the DPR website at: www.cdpr.ca.gov/docs/emon/grndwtr/index.htm

Pest Management and Licensing Branch Highlights

DPR's Pest Management and Licensing Branch ensures that pesticides are handled and used according to state and federal laws and label directions. Any individual who recommends, uses, or supervises the use of a pesticide must take and pass DPR examinations covering the type of pest control work they perform prior to being issued a license or certificate by DPR. These individuals include applicators, aircraft pilots, pest control advisers, and pest control dealer agents. In addition, to maintain and renew their licenses or certificates, these individuals must take continuing education to ensure they are knowledgeable about current pesticide laws and regulations; the proper, safe, and efficient use of pesticides; protection of the public health, environment and property; and safe working conditions for agricultural and pest control workers.

¹⁰ Source of Data: DPR's Summary of Pesticide Use Data – 2012
These pesticides are the active ingredients (AI) listed in the California Code of Regulations, Title 3, Division 6, Chapter 4, Subchapter 1, Article 1, Section 6800(a). Reported pounds of active ingredient applied include both agricultural and reportable non-agricultural applications. The reported cumulative acres treated include primarily agricultural applications.

To ensure the availability of quality continuing education courses, DPR reviews and approves all related instructional opportunities including college level courses; demonstrations or presentations of current applied research; professional or technical seminars; demonstrations related to pesticides or pest management; and field trial tours. Continuing education sponsors must submit course outlines, agendas and descriptions for review and approval prior to the course date.

Finally, DPR also randomly audits approved continuing education courses to provide feedback to individual sponsors so they can make improvements to future courses. Audits of license renewal applications are also conducted to verify attendance and continuing education hours claimed by course attendees.

Pest control businesses (including maintenance gardeners), dealers, and brokers must also obtain licenses with periodic renewals and show proof that they continue to meet insurance obligations and retain qualified persons on staff.

Table 21 summarizes the Licensing Program outputs, including new and renewed licenses or certifications and number of continuing education courses that were reviewed and approved.

Table 21: DPR Licensing and Registration Outcomes

Summary of DPR Licensing and Registration – Outcomes	2010	2011	2012
Number of Registered Products	12,885	12,913	12,091
Number of Pesticide Registrants	1,455	1,437	1,397
New Licenses and Certificates Issued	3,828	2,170	2,379
Renewed Licenses and Certificates Issued	13,974	12,172	12,188
Exams Administered by DPR	7,844	8,451	7,951
Continuing Education Courses Accredited	1,570	1,541	1,552
Continuing Education Courses Audited	10	14	16

Outreach and Training Provided by DPR’s Branches

General Outreach

During 2012, DPR staff made presentations to update stakeholders on pesticide laws, regulations, and policy covering a variety of subject areas such as endangered species, licensing requirements, VOCs, respiratory protection, worker protection, pesticide use reporting, registration and labeling, rice herbicides, pest management practices, drift prevention, structural pest control, and enforcement response regulations.

DPR maintains a “compliance assistance” website focusing on providing up-to-date information for employers and others who are required to comply with pesticide laws and regulations. The site provides a wide range of information on worker safety; licensing; pesticides subject to special conditions (i.e., minimal exposure, dormant spray, field fumigant, and groundwater restrictions; engineering controls; restricted-entry intervals; and personal protective equipment); state and national pesticide databases; and state and national pesticide-related resource centers. DPR’s main compliance assistance website pages receive approximately 10,000 hits annually. This does not include the number of times specific documents were viewed or downloaded. The website is available at: www.cdpr.ca.gov/docs/dept/quicklinks/compliance.htm.

Implementing Integrated Pest Management Practices in Schools and Child Day Care Facilities

The 2012 DPR Integrated Pest Management workshops outreach involved 799 California public school districts. Since the 2000 passage of the Healthy Schools Act, personnel from 83 percent of California's public school districts have been trained, representing over five million students.

These workshops enable school district Integrated Pest Management coordinators to go back into their districts and train school maintenance and operations staff, including groundskeepers and custodians, on reduced-risk strategies to control cockroaches, ants, rodents, weeds, and other pests.

Outreach Efforts to Farm Worker Communities and Families

DPR Worker Health and Safety staff participated in several workgroups; provided literature to migrant clinics and other care facilities; made contacts and participated in presentations; attended meetings; and staffed informational booths at health fairs, health conferences, county fairs, and other festivals to respond to questions on pesticides safety and provided informational literature. Many of these events occur on weekends and after hours and generally require long-distance travel.

In 2012, Worker Health and Safety training efforts included a project called "Breaking Barriers" where staff worked with CAC inspectors and Enforcement Branch staff on techniques to interact in a more effective way with immigrant workers (introduction to the Spanish language, Hispanic culture, and social customs).

Training

In 2012, Enforcement Branch staff arranged and conducted 33 training sessions for 590 CAC staff in the following areas:

- Structural pest control enforcement training.
- U.S. EPA Phase 2 Soil Fumigant Labeling.
- U.S. EPA Breaking Barriers – to assist CAC inspectors who interview non-English speaking field workers and applicators.
- Investigative techniques – small group training on a regional basis.
- CAC Administrative Civil Penalty Hearing Issue.

U.S. EPA Phase 2 Soil Fumigant Label Changes

Soil fumigant labels are being revised nationwide to add safety measures for agricultural workers and bystanders. In 2010, U.S. EPA required pesticide registrants to make label revisions to their soil fumigant products (Phase 1). In 2012, U.S. EPA required additional label revisions (Phase 2) on product labels released for sale after December 1, 2012. The soil fumigant label revisions affect products containing methyl bromide, metam sodium, metam potassium, chloropicrin (including combination with 1, 3-D), and dazomet.

In 2012, DPR conducted six training sessions throughout the state on the implementation of the Phase 2 soil fumigant labeling changes. The training consisted of an overview of the Phase 2 label changes and included group exercises evaluating restricted materials permit application, as well as conducting field fumigation inspections as they pertain to the new Phase 2 products.

Additional Information

For more information about DPR programs, please visit our website at: www.cdpr.ca.gov.

For additional detailed information about our 2012 accomplishments please see: www.cdpr.ca.gov/docs/enforce/plan_imprv.htm.



Water Boards

Water Boards Overview

The State Water Resources Control Board and its nine Regional Water Quality Control Boards (Water Boards)¹¹ protect the waters of the State by ensuring compliance with clean water laws, issuing permits and taking enforcement actions against illegal discharges of waste in surface and ground waters. The Water Boards also regulate and enforce California's water rights.

The Water Boards assessed approximately \$22 million in civil liabilities in 2012. The Water Boards have an active enforcement program and work in collaboration with the rest of the enforcement programs at the California Environmental Protection Agency and with local regulatory and law enforcement agencies.

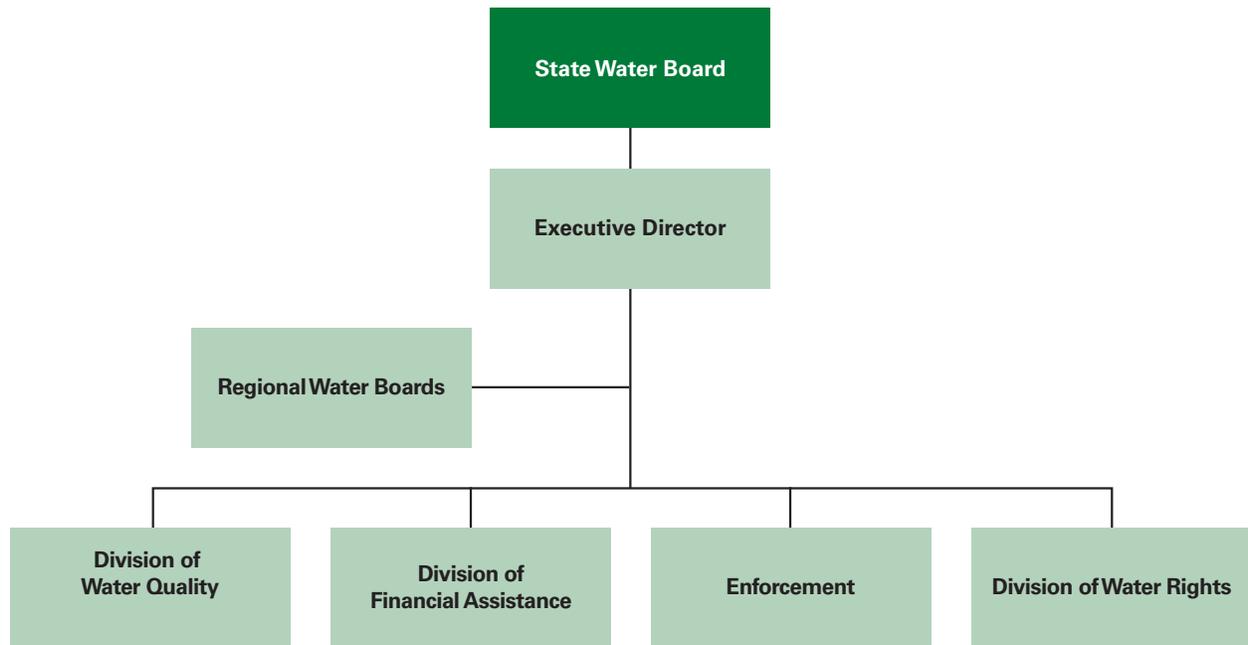
The Water Boards have authority under the California Water Code to regulate and enforce any activity or factor that may affect the quality of the waters of the state. The Water Boards are the state agencies with primary responsibility for the coordination and control of water quality.

The water quality control activities are organized around programs. Each program dedicates resources to compliance assurance and enforcement activities. Enforcement is then integrated into program activities. The five core regulatory programs are:

- National Pollutant Discharge Elimination System (NPDES), Wastewater
- National Pollutant Discharge Elimination System (NPDES), Stormwater
- Waste Discharge Requirements (WDR)
- Land Disposal
- Wetlands and 401 Certification (Section 401 of the Federal Clean Water Act)

¹¹The Water Boards' organization chart is available at www.waterboards.ca.gov/about_us/org_charts/display.php

Figure 27: State Water Board Enforcement Organizational Chart



The following tables present estimates, provided by the Regional Water Boards, of compliance and enforcement personnel in 2012.

Table 22: Compliance Determination Resources 2012

Region	NPDES	Storm Water	WDR	Land Disposal	401 Cert	Total
Region 1	0.5	1.9	1.6	1.5	0.1	5.6
Region 2	2.1	3.4	0.6	0.5	0.7	7.3
Region 3	0.8	2	1.5	1	0.1	5.4
Region 4	2.5	8	1	1	0	12.5
Region 5	3.7	3.9	2.8	9.9	0	20.3
Region 6	0.6	0.5	1.2	1.6	0.2	4.1
Region 7	0.4	0.2	1.6	1	0.2	3.4
Region 8	1.1	7.5	0.3	2.9	0.5	12.3
Region 9	0.8	2	0.9	0.3	0.05	4.05
Total	12.5	29.4	11.5	19.7	1.85	74.95

Table 23: Enforcement Resources 2012

Region	NPDES	Storm Water	WDR	Land Disposal	401 Cert	Total
Region 1	1.8	0.5	0.7	0.1	0.1	3.2
Region 2	3.3	2	0.4	0.9	0.3	6.9
Region 3	0.5	0.5	1	0.1	0.1	2.2
Region 4	5.5	1	1	0.5	0.2	8.2
Region 5	4.1	3.1	3.5	10.9	0.1	21.7
Region 6	0.2	0.8	1.6	0.3	0	2.9
Region 7	0.6	0	0	0	0	0.6
Region 8	1.2	1.9	0.4	0.5	0.1	4.1
Region 9	0.7	1.3	0.5	0.1	0.05	2.65
Total	17.9	11.1	9.1	13.4	0.95	52.45

In addition, each Regional Board has a dedicated enforcement coordinator that participates in regular statewide roundtables to coordinate their respective activities so as to achieve a unified and effective enforcement program. The regional boards have approximately 52 staff working on enforcement and 75 staff working on compliance activities.

The Office of Enforcement at the State Water Board was created in mid-2006 to emphasize enforcement as a key component of the Water Boards' water quality regulatory functions and statutory responsibilities.

The Office of Enforcement's role is to ensure that violations of orders and permits result in firm, fair, and consistent enforcement through direct actions, the development of policies and guidance, and the identification of metrics for decision-making on enforcement issues.

In addition, the Division of Water Rights at the State Water Board also has an active Enforcement Program responsible for statewide water rights compliance and enforcement and implementation of the State Water Board's Water Rights Policy.

Goals and Objectives for 2012

The Water Quality Enforcement Policy requires identification of enforcement priorities on an annual basis. The Water Boards identify enforcement priorities for both its water quality and water rights programs and implement these priorities over multiple years. These priorities are similar in concept to the National Enforcement Initiatives established by the United States Environmental Protection Agency (U.S. EPA). They determine the focus for water quality enforcement efforts by the State and Regional Water Boards and water rights enforcement by the State Water Board. The State and Regional Water Boards also recognize that regional priorities may not be identical because each region faces a variety of different issues. The overarching priorities described below will be further enhanced by specific initiatives and actions at both the State and Regional Water Boards.

Dredge, Filling and Wetland Violations

Section 401 of the Clean Water Act requires that any person applying for a federal permit or license, which may result in a discharge of pollutants into waters of the United States, must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. Dredging or filling waters of the United States, (e.g., creek, drainage with or without water flow, wetland) requires 401 water quality certification.

Historic loss of wetlands throughout the state signals an urgent need to protect the remaining wetland resources, as remnant wetlands in many watersheds provide the only extant sources of critical water quality functions, such as maintenance of plant and animal communities, pollutant filtration, sediment retention, and flood peak attenuation/flood water storage.



Central Valley dredging discharge

The U.S. Fish and Wildlife Service (USFWS) estimate that 91 percent of historic wetland acreage in California has been lost, a greater percentage than in any other state in the nation (Dahl 1990). This loss represents an estimated 4.5 million acres of wetlands, along with their associated water quality functions and beneficial uses, statewide. The extent of wetland loss has varied by region of the state with significant losses occurring in the Central Valley and along the California coast (Dahl 1990).

The State Water Board is in the process of preparing a “Wetland Area Protection Policy and Dredge and Fill Regulations.” This policy will include a new, more inclusive, definition of “wetlands,” propose standard delineation methods, and specify assessment and monitoring program requirements. The proposed regulations will standardize how the Regional Water Boards permit dredge and fill projects and impose mitigation requirements.

The State Water Board also expects to create a template for its 401 Water Quality certifications in order to help assure that applications are reviewed and processed consistently from region to region.

Sanitary Sewer Overflows

[Sanitary sewer overflows](#) (click [link to performance report](#)) result in discharges of untreated sewage, bacteria, pathogens, hazardous materials, and industrial wastewater. The causes of the discharges include aging infrastructure, undersized facilities, inadequate operation and maintenance, faulty equipment, and poor system design.

The State Water Board adopted Statewide General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems, Water Quality Order No. 2006-0003 (Sanitary Sewer Order), in May 2006 to provide a consistent, statewide regulatory approach. The Sanitary Sewer Order requires public agencies that own or operate sanitary sewer systems to develop and implement sewer system management plans and report all sanitary sewer overflows.



Sanitary sewer overflow in San Luis Obispo

There have been over 22,000 overflow incidents reported since January 2, 2007 from approximately 1,100 sanitary sewer systems currently enrolled under the Sanitary Sewer Order. Of the approximately 98 million gallons of waste associated with these incidents, about 78 million gallons reportedly reached surface waters. Recent inspections revealed that some dischargers are violating the Sanitary Sewer Order and are underestimating the volume of sewage spilled and/or failing to report overflows. After extensive input from stakeholders, the State Water Board's Executive Director is expected to approve a revised Monitoring and Reporting Program for the WDRs that will enhance monitoring and reporting.

The Water Boards will target enforcement resources to address both sanitary sewer overflows and violations of the Sanitary Sewer Order to decrease both the volume and number of overflow discharges through compliance with improved system operations, maintenance, and management and performance requirements. Several successful overflow enforcement actions were settled and/or adjudicated in 2012. These actions can be reviewed on the Office of Enforcement webpage.



Result of sewage discharge into Los Penasquitos Creek

Storm Water

Storm water runoff from urban areas, industrial facilities and construction sites, which is most often discharged untreated, significantly impairs water quality in rivers, lakes, streams, reservoirs, estuaries, near-shore ocean environments, and wetlands. Unmanaged soil disturbance and vegetation removal that occurs during construction increases erosion, resulting in sediment discharges into waterways. As storm water flows over urban areas and construction and industrial sites, it picks up and carries other pollutants including pathogens, pesticides, petroleum products, toxic chemicals, and debris from the land into water bodies that serve as drinking water, aquatic habitat, and public swimming areas.

The Water Boards regulate storm water discharges under the Municipal Storm Water Permitting program and a variety of statewide general permits including:

- Industrial Storm Water General Permit Order 97-03-DWQ
- Construction Storm Water General Permit Order 2009-0009-DWQ (effective July 1, 2010)
- Caltrans Storm Water Permit Order 99-06-DWQ
- Small Municipal Separate Storm Sewer System Permit Order 2003-0005-DWQ

Enforcement of these permits is a high priority, particularly in areas where discharges may cause or contribute to water quality impairments. The Office of Enforcement has assisted the Regional Water Boards with several enforcement actions resulting in settlements and orders imposing fines and penalties under these general permits. These enforcement actions can be reviewed on the Office of Enforcement's webpage. Office of Enforcement has also assisted the Regional Water Boards with region-wide initiatives to encourage greater enrollment in the Industrial and Construction General Permits, including a targeted effort at metal recyclers and pesticide formulators.

Mandatory Minimum Penalties

In 1999, the California Legislature passed SB 709, which required that certain State Water Code violations be subject to mandatory minimum penalties. While the Water Boards did begin assessing these penalties after the passage of the bill, a variety of factors led to a backlog of unresolved cases. In 2008, the Water Boards commenced a statewide Initiative for enforcement,

with the goal of substantially reducing or eliminating the backlog of more than 12,000 violations accumulated between January 1, 2000 and December 31, 2007. The Water Boards have significantly reduced these older violations, and in some regions the backlog has been completely eliminated. To date, the enforcement activities consist of 147 Administrative Civil Liability complaints and 274 Notices of Violations/Expedited Payment Offers. New legislation, effective January 1, 2011, also has reduced the number of reporting violations subject to MMPs and therefore has reduced the number of facilities with outstanding violations. 421 enforcement actions have been initiated to address the backlogged violations, and 382 of those actions have been completely resolved or settled resulting in total imposed liabilities of \$25,288,478: \$14,855,232 as liabilities paid or due to the State Water Board's Cleanup and Abatement Account; \$7,896,000 as credits for completion of Compliance Projects at facilities serving small communities with financial hardship; and \$2,537,246 as credits for Supplemental Environmental Projects (SEP).



Sanitary sewer overflow violation in Oceanside

There are approximately 39 facilities with 2,868 unresolved violations from the backlogged period, with an associated minimum potential liability of \$8,648,612. Of those facilities, three facilities with 45 alleged violations have not responded to the Water Boards notices.

The goal of this multi-year enforcement priority is to eliminate all existing mandatory minimum penalty backlog violations and ensure that all future violations are addressed within 18 months of discovery. The Water Boards continue work to reduce the backlog and strive to keep current on newly reported violations.

Program Highlights and Statistics for 2012

This report, covering calendar year 2012, highlights the resources available for core regulatory program enforcement and the enforcement actions achieved with those resources.

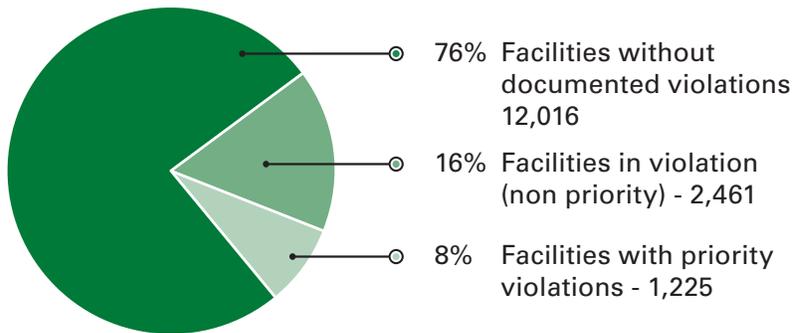
Summary information for the five core regulatory programs is shown below:

NPDES Wastewater Program

Discharges from specific point sources, such as municipal waste treatment plants and food processors, to surface waters (rivers, lakes, oceans, wetlands, etc.).

• Facilities regulated:	1,903
• Inspections conducted:	477
• Facilities with one or more violations:	460
• Violations documented:	4,217
• Percentage of violations with enforcement actions:	50%
• Enforcement actions issued:	435

Figure 28: Water Boards Core Regulatory Compliance Rate



NPDES Stormwater Program

Stormwater discharges generated by runoff from land and impervious areas such as paved streets, parking lots, and industrial and construction sites during rainfall events.

- Facilities regulated: 15,854
- Inspections conducted: 3,848
- Facilities with one or more violations: 1,829
- Violations documented: 2,195
- Percentage of violations with enforcement actions: 88%
- Enforcement actions issued: 3,601

Water Discharge Requirements Program

Discharges of wastewater from point sources to land and groundwater, waste generated from confined animal facilities and all other pollution sources that can affect water quality not covered by other programs.

- Facilities regulated: 3,530
- Inspections conducted: 520
- Facilities with one or more violations: 809
- Violations documented: 5,466
- Percentage of violations with enforcement actions: 34%
- Enforcement actions issued: 706

Land Disposal Program

Discharges of waste to land that need containment in order to protect water quality, including landfills, waste ponds, waste piles, and land treatment units.

- Facilities regulated: 779
- Inspections conducted: 604
- Facilities with one or more violations: 91
- Violations documented: 172
- Percentage of violations with enforcement actions: 47%
- Enforcement actions issued: 75

401 Certification/Wetlands Program

Impacts from dredging and disposal of sediments, filling of wetlands or waters, and any other modification of a water body.

- Facilities regulated: 813
- Inspections conducted: 113
- Facilities with one or more violations: 46
- Violations documented: 64

The Water Boards track complaints received in the CalEPA electronic complaint tracking system and those received directly by the State or regional Water Boards.

Table 24 provides information on the compliance rates for each category of dischargers in 2012.

Table 24: 2012 Water Quality Compliance Rates for All Core Programs

Water Boards Core Regulatory Programs by Category Year 2012	# of Facilities with Compliance Assessed	Facilities With one or More Violations in the Period	Percent of Facilities in Violation	Total Violations	Total Facilities With Priority Violations	Percent of Facilities with Priority Violations	Total Priority Violations
NPDES Major Facilities	267	139	52%	1,801	70	26%	980
NPDES Minor Facilities	227	125	55%	1,318	60	26%	720
NPDES General	513	196	38%	1,098	54	11%	287
Stormwater Industrial	6,839	876	13%	1,065	228	3%	264
Stormwater Construction	1,685	900	53%	1,061	76	5%	93
Stormwater Municipal I+II	546	53	10%	69	13	2%	21
WDR Large Municipal	304	132	43%	1,322	52	17%	323
WDR Small Municipal	686	413	60%	2,426	171	25%	654
WDR Industrial	442	125	28%	514	23	5%	30
WDR Sanitary Sewer Overflow	1,071	152	14%	608	107	10%	248
WDR Animals/Dairies	1,435	299	21%	562	249	17%	479
WDR All Other	338	139	41%	1,204	32	9%	412
Land Disposal Open Landfills	112	22	20%	40	12	11%	16
Land Disposal Closed Landfills	205	28	14%	47	12	6%	21
Land Disposal All Other	201	41	20%	85	24	12%	60
401 Wetlands/Certifications	813	46	6%	64	42	5%	52
Total	15,684	3,686		13,284	1,225		4,660

Table 24 (continued): 2011 Water Quality Compliance Rates for All Core Programs

Water Boards Core Regulatory Programs by Category Year 2011	# of Facilities with 1-10 Violations	# of Facilities with 11-25 Violations	# of Facilities with >25 Violations	Average # of Violations per Facility in Violation
NPDES Major Facilities	96	22	21	13.0
NPDES Minor Facilities	96	15	14	10.5
NPDES General	170	20	6	5.6
Stormwater Industrial	875	1-	-	1.2
Stormwater Construction	900	-	-	1.2
Stormwater Municipal I+II	53	-	-	1.3
WDR Large Municipal	96	26	10	10.0
WDR Small Municipal	354	45	14	5.9
WDR Industrial	114	8	3	4.1
WDR Sanitary Sewer Overflow	137	13	2	4.0
WDR Animals/Dairies	296	3	-	1.9
WDR All Other	118	16	5	8.7
Land Disposal Open Landfills	22	-	-	1.8
Land Disposal Closed Landfills	28	-	-	1.7
Land Disposal All Other	40	1	-	2.1
401 Wetlands/Certifications	45	1	-	1.4
Total	3,440	171	75	3.6

Office of Enforcement

The Office of Enforcement (OE) at the State Water Board provides coordination and oversight of Regional Water Board enforcement activities, through policy adoption, training and investigative assistance. The Office of Enforcement was formed in mid-2006 to emphasize the importance of enforcement as a key component of the Water Boards' core regulatory functions and statutory responsibilities. The role of the OE is to ensure that violations of State and Regional Water Board orders and permits result in firm, fair, and consistent enforcement through direct actions, the development of policies and guidance, and identification of metrics for decision-making on enforcement related issues.

OE reports to the State Water Board's Executive Director. It is comprised of legal, technical and investigative staff. The technical and investigative staff is divided into three units: the Special Investigations Unit (SIU) with eight staff; the Underground Storage Tanks (UST) Enforcement Unit with four state staff and two contractors; and the Fraud, Waste, and Abuse Prevention Unit (FWA), with six



Typical activated sludge basin at a wastewater treatment plant.

staff. Consolidation of Water Board enforcement attorneys into the office began at the end of FY 2006/2007, with three attorneys. Currently the office is staffed with eleven attorneys, including the Director.

Among OE's functions is the authority to initiate enforcement actions independently of those actions taken by the regional water boards. These actions arise out of the investigative activities of all three of its investigative units.

Special Investigations Unit (SIU)

SIU staff conducts investigations and assists with Regional Water Board investigations when additional resources are needed. Overall, SIU had 46 cases open in 2012, of which 17 were new referrals from the Regional Water Boards and the Storm water and SSO units at the State Board, and 9 were closed.

Sanitary Sewer Overflows (SSOs): In 2012, SIU continued to focus on sanitary sewer overflows. SIU has been inspecting sewer agencies and investigating spills, often in conjunction with U.S. EPA and/ or the Regional Boards. SIU continued to work on 22 cases from 2011 in addition to 6 new cases. Two cases were closed, which resulted in an Administrative Civil Liability (ACL) penalty being issued by the Regional Boards for over \$1.4 million.

Operator Certification Program: The State Water Board enforces the laws and regulations governing waste water treatment plant (WWTP) operators. The Office of Operator Certification, within the Division of Financial Assistance, administers the WWTP operator certification program. SIU investigates potential cases of wrongdoing and takes enforcement action when warranted. In calendar year 2012, SIU investigated 13 operator certification cases. Of those, two were new cases and seven cases were closed. No formal actions were taken during 2012.

Other Activities: SIU is asked by the Regional Boards to provide technical and investigative assistance on some of their cases. SIU assisted with the development and delivery of SSO training for regional water board staff and sanitary sewer agencies, and assisted in training for small communities. SIU assisted U.S. EPA in the inspection and enforcement against California Department of Transportation, and accompanied U.S. EPA in pretreatment inspections. SIU is responsible for routine coordination with the regional water boards on enforcement matters.

Underground Storage Tank (UST) Enforcement Unit

The UST Enforcement Unit conducts investigations of UST leak prevention violations, Cleanup Fund fraud, Tank Tester licensing violations, and cleanup remediation issues.

Leak Prevention: The UST Enforcement Unit supports enforcement of the UST program within the Division of Water Quality, primarily by investigating UST construction, monitoring, and testing violations. The Office of Enforcement refers UST leak prevention cases to the Attorney General's Office or local prosecutors for action. In 2012, the UST Enforcement Unit assisted the Attorney General's Office with three cases that were referred previously.

- The Attorney General's Office obtained a \$400,000 judgment on a case referred by the State Water Board against Jaco Oil Company in September 2012, of which \$380,000 was paid to the State Water Board for penalties and costs.
- Including the Jaco Oil Company settlement, the State Water Board collected \$1,441,500 in 2012 for penalties and costs associated with leak prevention cases.

UST Tank Tester Licensing (TTL) Program: The State Water Board enforces the laws and regulations governing tank testers. The Office of Tank Tester Licensing, within the Division of Water Quality, administers the TTL program. There are approximately 150 licensed tank testers in California. These individuals test UST systems to verify that the systems are in compliance

and are not leaking. The State Water Board can take administrative enforcement action against licensed tank testers. In 2012, the UST Enforcement Unit assisted the Attorney General’s Office with one case that was referred previously.

Government Owned and/or Operated Tanks (GOT): In 2005, the federal government recognized the disparity of compliance between government-owned and privately-owned UST facilities when it passed the Energy Policy Act. The Act required a one-time report of all non-compliant GOT facilities in the nation. In August 2007, the State Water Board’s UST Program reported that California had 415 non-compliant GOT facilities, with a total of 634 non-compliant USTs. In 2010, the State Water Board began an initiative to gain compliance at these facilities. Activities of the initiative include obtaining and reviewing facility files, conducting inspections, and initiating enforcement actions when warranted. In 2012, the UST Enforcement Unit obtained 226 files, reviewed 361 files, conducted 52 inspections, issued 61 Notice of Violation letters, and investigated two cases.

Fraud, Waste, and Abuse Prevention: In 2010, the State Water Board began an initiative to deter, investigate, and prosecute fraud against the UST Cleanup Fund. The Cleanup Fund is administered by the Division of Financial Assistance and reimburses up to \$1.5 million per occurrence for cleanup at eligible petroleum-contaminated UST sites. In 2012, staff referred three more cases to the Attorney General’s Office for civil and/or criminal prosecution. As a result of the Unit’s investigations, a criminal complaint was filed by the Attorney General’s Office against Hayden Environmental, Inc and Kurt and Julie Hayden alleging fraud against the Cleanup Fund, and two search warrants were executed at other consulting firms.

Table 25: 2012 Office of Enforcement Actions

Program	Administrative Civil Liability Actions/ Settlements	Referral to Other Agency	Disciplinary Action	Penalty Amount
Cleanup Remediation				\$0
UST Leak Prevention				\$400,000
UST Cleanup Fund and Loans and Grants		3		\$
UST Tank Tester Licensing				\$
Operator Certification				\$0
Regional Board Assistance	2			\$1,453,813
Total	2	3		\$1,853,813

- Cases investigated: 56
- Cases referred to District Attorney: 0
- Cases referred to Attorney General: 3
- Enforcement actions issued: 2
- Penalties assessed: \$1,853,813 (collected \$1,441,500)

Water Rights

The State Water Board is the state agency with primary responsibility for the administration and regulation of water rights in California. The State Water Board’s Division of Water Rights allocates water rights through a system of permits, licenses and registrations that grant individuals and others the right to beneficially use reasonable amounts of water. Water rights permits help to protect the environment and other water users from impacts by restricting water diversions and by including specific conditions to mitigate potential impacts. According to the State Water

Board’s water rights database system, there are 38,919 water right records throughout California. In addition, more water rights have been adjudicated by the courts, exempted by legislation, or are otherwise being exercised and not reported to the State Water Board. The Water Code requires all diversions of water not covered by a permit or license (e.g. riparian or pre-1914 water rights and pending water right applications) to be reported to the Division of Water Rights through the filing of a Statement of Water Diversion and Use.

Table 26: Water Rights Records on File

Type of Record	Number of Records
Applications*	377
Permits*	1,467
Licenses*	10,846
Small Domestic and Livestock Stockpond Registrations*	772
Stockpond Certificates*	5,306
Groundwater Extraction Claims	3,279
Statements of Water Diversion and Use	14,830
Federal Filings	1,974
Other Water Rights	68
Total Water Rights	38,919

* Of these, the State Water Board has permitting authority over the applications, permits, licenses, registrations and certifications.

Water Rights Enforcement Program Organization and Resources

The *Enforcement Program* of the Division of Water Rights is responsible for statewide water rights compliance and enforcement. The Enforcement Program resources consist of five enforcement units, a separate public trust unit and legal support staff. At the beginning of 2012, the Division redirected staff resources from the Santa Rosa office back to Sacramento and populated vacancies due to attrition so that all units were fully staffed and based in Sacramento. This complete staffing level provided for a substantial increase in the number of enforcement actions initiated. Some of the 2012 enforcement actions were due to recent legislation requiring all permit, license and statement holders to submit their prior year’s annual water use report online by June 30th. Prior to requiring online submittal of the annual use reports, enforcement of reporting requirements was lacking due to the resource requirement of manually verifying receipt of the reports. By having electronic submittal via the internet, the Division is able to enforce the annual use reporting requirements with limited resources.



Unauthorized stream reservoir

In 2012, each of the five enforcement units and a separate public trust unit were tasked with compliance activities for a specific watershed or purpose. The compliance activities focused on investigations of the thousands of potentially illegal reservoirs identified in the State Water Board's North Coast Instream Flow Policy. The following is a specific summary of each unit's assigned area and resources:

- Enforcement Unit 1 investigated over 300 reservoirs within Mendocino County. Unit 1 staff worked primarily in the Russian River and Navarro River watersheds, but also in smaller coastal watersheds such as Gualala River, Albion River, Garcia River, Noyo River and several others. The Unit was successful in gaining voluntary corrective actions, that included the filing of new appropriative water right applications and Statements of Water Diversion and Use. Formal enforcement actions have been initiated and others will likely follow before the effort is completed. Unit 1 staff also investigated various water right complaints within the State. 5 PYs were dedicated to Unit 1 for 2012.
- Enforcement Unit 2 focused on investigations in Sonoma County. Over 175 letters were mailed to parcel owners having a potential unauthorized reservoir. The Unit was successful in gaining voluntary corrective actions through submittal of Statements of Water Diversion and Use and appropriative water right applications. Unit 2 staff also processed the voluntary revocations of water right licenses statewide, the enforcement actions related to violations of annual use reporting and a small number of complaints. 4 PYs were dedicated to Unit 2 for 2012.
- Enforcement Unit 3 investigated 40 water right complaints received from across the state and on investigation of potential unauthorized reservoirs in Marin County. Unit 3 contacted approximately 85 property owners in Marin County watersheds with potential unauthorized reservoirs. The Unit was successful with gaining voluntary corrective actions for over half of the facilities through submittal of Statements of Water Diversion and Use and appropriative water right applications. The investigations in Marin County is ongoing but is expected to be completed during summer 2013. 5 PYs were dedicated to Unit 3 for 2012.
- Enforcement Unit 4 focused efforts on the Napa River watershed. The investigation of potential unauthorized reservoirs was completed during 2012. Voluntary corrective actions and several enforcement actions were generated as a result of these investigations Unit 4 also investigated existing water right permits and licenses in the Napa River watershed for compliance with terms and conditions requiring a minimum bypass flow for the protection of fish.. 5 PYs were dedicated to Unit 4 for 2012.
- Enforcement Unit 5 was tasked with investigating cases involving the protection of public trust resources and the prevention of waste and unreasonable use of water. Investigations focused on those cases with alleged impacts to Endangered Species Act listed salmonids in watersheds federally listed as critical habitat. Unit 5 is also the Division's liaison contact for the Department of Fish and Wildlife (DFW) and the National Marine Fisheries Service (NMFS). Unit 5 works cooperatively with the DFW, NMFS and the Regional Water Quality Control Board's to investigate and develop approximately 16 cases to document impacts to fishery resources due to water diversions. Unit 5 staff also provides public outreach and consultation. 4 PYs were dedicated to Unit 5 for 2012.
- The Public Trust Unit of the Division's Enforcement Program is part of the Division's Federal Energy Regulatory Commission and Public Trust Section. The Public Trust Unit consists of one supervising environmental scientist, four environmental scientists and one staff engineer. This unit focuses its resources on issues related to instream flow determinations, protection of public trust resources, and enforcement related to these issues. 6 PYs were dedicated to the Public Trust Unit for 2012.

Water Rights Enforcement Identification Strategies

Compliance assurance with water rights requirements relies on reviewing annual use reports, monitoring reports for term compliance, conducting inspections for both authorized and unauthorized diversions and responding to complaints:

- **Annual Use Reporting:** Prior to 2010, the State Water Board required water right holders to complete and return self-monitoring reports including annual Progress Reports by Permittees and the Reports of Licensees by mail. As of 2010, all permit and license holders, along with statement holders on a three-year cycle, are now required to submit their annual use reports online through the Division of Water Rights' Report Management System. The deadline for submittal of the prior year's annual water use report is June 30th of the following year. Failure to submit the annual use subjects the party to potential enforcement action.
- **Monitoring Reports:** Special terms included within permits or licenses may also require submittal of special reports, such as those required to comply with water right Permit Terms 91 and 93. Division staff reviews the monitoring reports and if violations are noted, enforcement action may be taken.
- **Inspections:** The Enforcement Section of the Division of Water Rights conducts compliance inspections and illegal diversion investigations in high resource-value watersheds including those containing threatened and endangered species. The Enforcement Section selects targeted watersheds annually based, in part, on recommendations from the Regional Water Quality Control Boards, the Department of Fish and Game, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service. For each target watershed, Enforcement staff identify priority projects based on diversion quantity, special terms, or potential violations gleaned from self-monitoring reports and existing facilities without known water rights.
- **Complaints:** The Enforcement Section will continue to rely on local residents, other agencies, and other interested persons to identify potential water right violations or impacts to public trust resources. Prior to the CalEPA online complaint submittal portal, information regarding a potential unauthorized activity was obtained through a formal written complaint filed by the public or by another public agency. With the CalEPA online complaint portal, any environmental complaint, including water issues, can now be quickly filed and directed to the appropriate staff. A distinct advantage to the online portal is now complainants who would have not submitted a written complaint in the past, can now snap a photo of the incident with their phone and submit the complaint much faster. If not enough evidence is supplied with the online filing to substantiate the allegations, staff can email or call the complainant requesting more information which significantly speeds up complaint processing.

Water Rights Enforcement Program Outputs

All units associated with the Enforcement Program initiate formal and informal enforcement actions to curtail illegal diversions and to protect prior rights and instream beneficial uses. Table 27 shows the number and type of enforcement actions taken by the State Water Board's Division of Water Rights during calendar year 2012.

Table 27: Water Right Enforcement Actions for Calendar Year 2012

Enforcement Action Type	Total
Oral Communication*	220
Staff Enforcement Action	149
Notice of Violation**	-
Permit and License Revocation Orders Issued	76
Cease and Desist Order	212
Administrative Civil Liability	38
Total	695

* Division of Water Rights currently does not track the Enforcement activities resolved by oral communication directly at field investigation, visit to office, or by telephone.

** Division of Water Rights does not have statutory authority to issue a Notice of Violation.

*** Authority exists for referring water right cases to Attorney General, however, this enforcement is not chosen in most water right cases because water right cases are not normally considered a priority by the AG.

Table 28 summarizes the basic statistics regarding the resources, the activities and actions taken by the Enforcement Program of the Division of Water Rights during calendar year 2012.

Table 28: Water Right Enforcement Program for Calendar Year 2012

Water Rights	Totals for 2012
Regulated Universe*	33,221
PYs for Staff Dedicated to Enforcement Duties (2011 average)	34
Amount of Gross Budget Expended on Enforcement Duties	\$5,323,495
Regulated Universe/Enforcement PYs	977
Monitoring Reports Reviewed	8,222
Field Inspections Conducted	176
Violations** (not including report violations)	8,162
Violations for Reports Not Submitted***	6,274
Priority or Chronic Non-compliance Problems	1,444
Inspections with one or more violations found	78
Enforcement Actions Taken	546
Formal Actions (Revocations, ACLs & CDOs)	326
Informal Actions	220
Cases Closed	491
Cease and Desist Orders	212
Administrative Civil Liability	38
Penalties Assessed****	\$445,000
Enforcement Response: percent of Violations with Enforcement	3.8 percent
Water Rights Compliance Rate	57 percent

* Number of permits, licenses, registrations, certifications, complaints, statements.

** Number of non-reporting violations is estimated.

*** Reports not submitted by July 1, 2012 due date.

**** Initial penalty amounts assessed; final penalty amounts may be different.

Key Statistics: Water Rights

- Facilities regulated: 33,221
- Inspections conducted: 176
- Violations documented: 14,436
- Percentage of violations with enforcement actions: 3.8 percent
- Enforcement actions issued: 695
- Cases closed: 491
- Penalties assessed: \$445,000

Enforcement Response

The 2009 Water Quality Enforcement Policy guides staff in selecting the appropriate level of enforcement response that properly addresses violations and recommends the use of progressive enforcement. The policy describes progressive enforcement as “an escalating series of actions that allows for the efficient and effective use of enforcement resources.” Depending on the nature and severity of the violation, an informal enforcement action such as a warning letter to a violator, or a more formal enforcement action, including orders requiring corrective action within a particular time frame, may be taken. In other instances, enforcement staff may use more informal tools, such as a phone call or a staff enforcement letter for compliance assistance.

Table 29: Formal Enforcement Actions Taken

Formal Enforcement Penalty Actions	2006	2007	2008	2009	2010	2011	2012
Civil Cases Referred	2	4	9	4	4	6	7
Administrative Actions Initiated	64	90	271	171	232	226	179
Criminal Cases Referred*					1	1	6

* Criminal cases are referred to the Attorney General’s Office or local District Attorneys’ Office. It is the decision of the Attorney General or local District Attorney to pursue the case as a civil or criminal matter.

In the Water Quality Enforcement Policy appropriate enforcement response is related to the ranking and classification of violations grouped around enforcement cases. The priority enforcement cases are then identified and those with class I priority violations are targeted for formal enforcement action.

Enforcement Policy

“It is the policy of the State Water Board that every violation results in the appropriate enforcement response consistent with the priority of the violation established in accordance with this Policy. The Water Boards shall rank violations and then prioritize cases for formal discretionary enforcement action to ensure the most efficient and effective use of available resources.”

Figure 29: Highest Enforcement Response to Violations

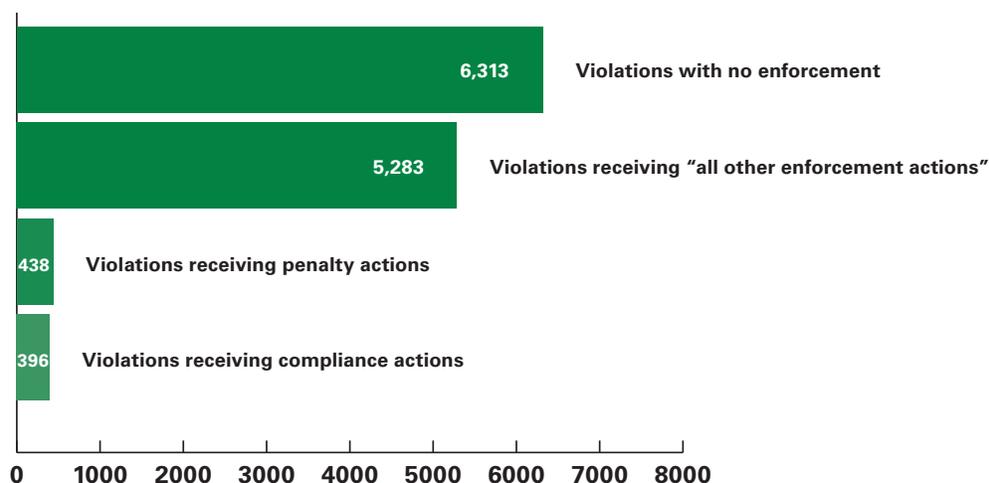


Table 30 shows that the enforcement response varies by program, violations under the NPDES wastewater program received the largest percentage of administrative actions and for the stormwater program, enforcement is focused on informal enforcement.

Table 30: Enforcement Response by Program

Enforcement Response Core Regulatory Programs 2012	Violations Receiving "All Other Enforcement Actions"	%	Violations Receiving Compliance Actions	%	Violations Receiving Penalty Actions	%	Violations With Enforcement	%	Violations With No Enforcement	%	Total Number of Violations
NPDES	1,306	31 %	378	9 %	404	1 %	3,528	49 %	2,129	51 %	4,217
Stormwater	1,909	79 %	1	0 %	15	0 %	1,925	90 %	201	10 %	2,126
Waste Discharge Requirements	1,989	34 %	17	0 %	18	0 %	2,024	35 %	3,891	65 %	5,915
Land Disposal	79	46 %	0	0 %	1	0 %	80	47 %	92	53 %	172
Total	5,283		396		438		7,557	52 %	6,313	48 %	14,997

Highlighted Enforcement Cases for 2012

Enforcement Action Leads to Approved Cleanup Plan for the San Diego Bay Shipyard Sediment Site

In March 2012, the San Diego Regional Water Board adopted a Cleanup and Abatement Order (CAO) for the San Diego Bay Shipyard Sediment Site that requires the remediation of accumulated pollutants in marine sediments adjacent to existing shipyard facilities in San Diego Bay. Illegal discharges by multiple entities resulted in the accumulation of waste in the sediment, which has adverse impacts on human health and aquatic life in San Diego Bay. The CAO requires the dredging of sediment adjacent to the shipyards, the dewatering and solidification of the dredged material, the potential treatment and disposal of decanted water from the dredging, and the transport of dredged sediment to an appropriate landfill for disposal. Also in 2012, the Regional Water Board approved the discharger's Remedial Action Plan, which is a requirement of the CAO and is the cornerstone document for the cleanup. For more information:

www.waterboards.ca.gov/sandiego/water_issues/programs/shipyards_sediment/index.shtml

Settlement Agreement Entered into with the Tesoro Corporation for a Tank Release of Naptha

In July 2012, a settlement agreement was entered into with the Tesoro Corporation for \$440,670 for an unpermitted discharge of 638,400 gallons of naphtha from a corroded above-ground tank to groundwater at their refinery in Wilmington. Naphtha is a toxic fuel component, considered hazardous by OSHA, and is extremely flammable. Naphtha can be harmful or fatal if swallowed and contains benzene, which can cause blood disease, including anemia and leukemia. The discharge caused conditions of pollution and contamination by exceeding applicable water quality objectives in the Basin Plan. This was one of the first enforcement actions taken by the Regional Board for a major release from an above-ground tank release to groundwater. The Regional Board required the Tesoro Corporation to clean up and abate the naphtha release and a majority of the naphtha has been cleaned up and the release does not pose a threat to public health or drinking water supplies.

Cease and Desist Order Issued to the City of Avalon for Permit Violations, and Incorporating Elements of a TMDL

In April 2012, a Cease and Desist Order (Order) was issued to the City of Avalon (City), requiring the City to cease and desist discharging waste in violation of their NPDES Permit and the statewide General Waste Discharge Requirements for Sanitary Sewer Systems. The order contains all of the required elements of a TMDL and addresses the bacteria listing for Avalon Beach. The City was required to implement actions to achieve waste load allocations assigned to the City's discharges of waste and pollutants. The Order requires the City to come into compliance with their Permit by assessing, repairing and maintaining their sewer collection system. Avalon Beach is listed on the Clean Water Act section 303(d) impaired waters list as impaired due to indicator bacteria. Studies showed that shallow groundwater may be contaminated with sewage and that sewage-contaminated shallow groundwater is discharged to Avalon Bay.

More information about recent enforcement cases is available here www.waterboards.ca.gov/water_issues/programs/enforcement/

Additional Information

For more detailed information on the Water Boards Enforcement Programs, the Enforcement Reports are available at: www.waterboards.ca.gov/water_issues/programs/enforcement/#reports

Additional enforcement information on the Water Boards performance management system is available in the FY 12-13 Performance Report: www.waterboards.ca.gov/about_us/performance_report_1213



CalRecycle

On July 1, 2012, the Department of Resources Recycling and Recovery (CalRecycle) joined CalEPA. CalRecycle manages programs created through two landmark initiatives, the Integrated Waste Management Act and the Beverage Container Recycling and Litter Reduction Act. Each year, California is challenged to divert or safely dispose of more than 90 million tons of solid waste, more than 40 million waste tires, more than 193 million pounds of e-waste, and more than 20 billion aluminum, glass, plastic and bi-metal beverage containers. As the state's leading authority on recycling, waste reduction, and product reuse, CalRecycle is charged with overseeing numerous programs, from regulating beverage container recyclers, solid waste landfills, and tire businesses, to monitoring the recycled content of newsprint and plastic containers. CalRecycle enforcement priorities include protecting public health and safety, the environment, and the integrity of the special funds it manages, as well as ensuring a level playing field for related solid waste disposal and recycling businesses.

Overview of Enforcement Programs and Goals

Each program has a unique set of enforcement activities and measures of performance due to the wide range of laws CalRecycle enforces. CalRecycle's Enforcement Programs ensure that:

- Solid waste and waste tire processing and disposal facilities are inspected and, if necessary, placed on corrective action, and if they fail to meet the terms of the corrective action, they may be penalized;
- Waste tire haulers are registered and, if necessary, may be penalized or their registration may be revoked, suspended, or denied;
- Local governments not making a good-faith effort to implement their diversion programs are evaluated and placed on compliance orders, and if they fail to meet the terms of the compliance order, they may be penalized;
- Beverage container recycling centers are operating within the law and regulations, claims for program payment reimbursement are accurately completed and fully substantiated, material redeemed at recyclers is eligible for reimbursement, and recyclable material imported from out of state or previously redeemed is not illegally redeemed for reimbursement;
- Minimum-content programs, including rigid plastic packaging containers, are certified as in compliance with regulatory requirements or penalized if warranted;
- All Local Enforcement Agencies are properly certified, and evaluated, and, if warranted, placed on work plans, and if they fail to meet the work plans, they may be decertified; and
- Covered electronic waste recovered for recycling is eligible for reimbursement, compliantly processed, and properly disposed.

CalRecycle's enforcement programs ensure regulated communities comply with state laws, regulations, and standards. Potential violations of regulations span a wide spectrum, and almost all can result in administrative action or civil penalties; some are subject to criminal penalties. Compliance is monitored through integrated auditing, investigations, evaluations, and enforcement efforts. State laws require that CalRecycle enforcement programs have technical assistance, outreach, and training programs. One of the key differences among the laws CalRecycle must enforce is the type of authority given to the department.

CalRecycle has direct authority for enforcing requirements for:

- Tire haulers and handlers and tire processing and disposal facilities;
- Minimum recycled content programs for plastic containers, plastic trash bags, and newsprint;
- Local government (cities, counties, and CalRecycle-approved regional agencies) waste diversion program implementation to achieve 50 percent waste diversion goals; and
- Certified beverage container recycling centers, processors, collection and drop-off programs, community service programs, and registered curbside programs.

CalRecycle has oversight authority over:

- Solid waste handling, processing, and disposal facilities. CalRecycle has the ability to take direct enforcement authority if the local agencies do not choose to do so, or if they are not adequately performing enforcement duties at solid waste handling, processing, and disposal facilities.

Organization and Programs

California's recycling and waste diversion efforts previously managed by the California Integrated Waste Management Board were consolidated into the new Department of Resources Recycling and Recovery, known as CalRecycle, on January 1, 2010. Enforcement programs are included in one of three Divisions, depending on the regulated material.

- Waste Permitting, Compliance and Mitigation: waste tires, solid waste, minimum content, local enforcement agencies and local government diversion
- Recycling: beverage containers
- Materials Management and Local Assistance: electronic waste

Waste Tire

Enforcement Program Description

CalRecycle has had direct authority since 1990 to enforce California's waste tire laws and regulations, focusing on the collection, transportation, authorized disposal, or diversion of waste tires, to protect the environment and public health and safety. CalRecycle's Waste Tire Manifest System is an integral component of CalRecycle's enforcement program. The system tracks the flow of tires within California and helps ensure tires are accounted for and delivered to authorized disposal or processing facilities by registered haulers. Waste or scrap tires are generated by tire-related businesses and are hauled by registered haulers to waste tire facilities for storage or directly to disposal facilities, processors, and recycling businesses. These recycling businesses produce tire-derived products for roads, athletic turf, playground mats, mulch and more. Cement kilns use tires as a fuel.

In 2012, the regulated community included approximately 30,296 California waste tire-related businesses, including: 28,855 waste tire-related businesses such as tire or car dealers, fleet operators, repair shops, dismantlers, cement kilns, agriculture, and other businesses that are excluded or exempt from permits due to the number of tires stored on-site; 1,441 registered waste tire haulers; and 40 permitted waste tire storage facilities.

Any person transporting 10 or more used or waste tires must register annually with CalRecycle as a waste tire hauler and must display a decal on the windshield. Transactions between the waste tire generator, hauler, and storage facility are tracked on a manifest form. Inspections occur at registered haulers at least once every two years, but may be done more frequently. In addition to inspections, CalRecycle also monitors compliance by reviewing records submitted by haulers.

Civil penalties for violations of the waste tire hauling and manifesting requirements are \$25,000 per violation per day, and the maximum administrative penalties are up to \$5,000 per violation per day (Pub. Resources Code, § 42962). For some violations, an abridged administrative hearing process or “streamlined penalty program” is used where essentially, a lower penalty is offered to the violator in lieu of prosecution through the more lengthy administrative complaint process. The streamlined penalty process has saved more than \$1.25 million in legal costs since it began in 2008.

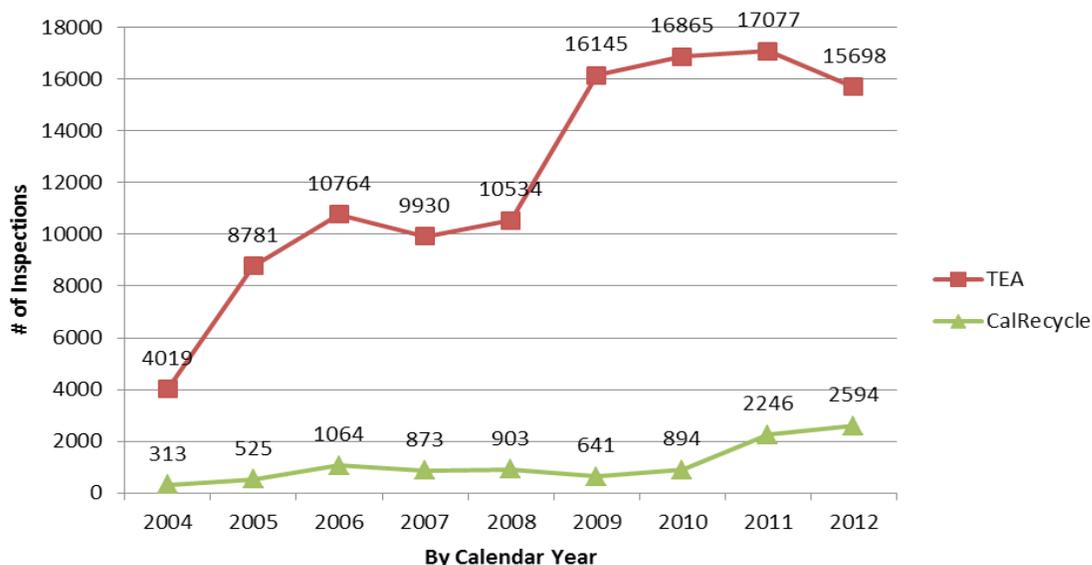
Waste tires are required to be delivered by registered haulers to authorized waste tire facilities. Persons intending to store 500 or more waste tires need a permit to operate. Compliance is monitored through regular inspections. Permit renewal time frames are strictly monitored and enforced. Operating without a waste tire facility permit is a misdemeanor punishable with a fine up to \$10,000 per day and/or up to one-year imprisonment in county jail. If a tire business is out of compliance, the inspector issues a Notice of Violation and specifies a compliance date. However, if the violation is not resolved after a re-inspection, or a good-faith effort is not observed, the inspector initiates formal enforcement action, which includes cleanup and abatement orders, administrative complaints, and/or civil or criminal actions. Administrative complaints are prepared by the CalRecycle legal staff to ensure uniformity of enforcement. Criminal actions for egregious violations and repeat offenders are referred to the local District Attorney or state Attorney General’s Office.

Most tire enforcement is conducted by CalRecycle field staff and focuses on cases identified through complaints and referrals from other agencies. CalRecycle also funds 46 local tire enforcement agencies. Inspections of approximately 76 percent of active waste tire sites are done by the local agencies. In addition, they perform initial and follow-up inspections for all waste tire businesses in their jurisdiction and issue violation notices. They also identify waste tire sites, investigate illegal tire disposal activities, review waste tire hauler documents, and determine if businesses are complying with all applicable laws, storage standards, and manifest requirements. CalRecycle provides assistance to the local agencies and oversees enforcement statewide.

Enforcement Activity

The following graph shows inspection done by TEAs and CalRecycle (2004-2012).

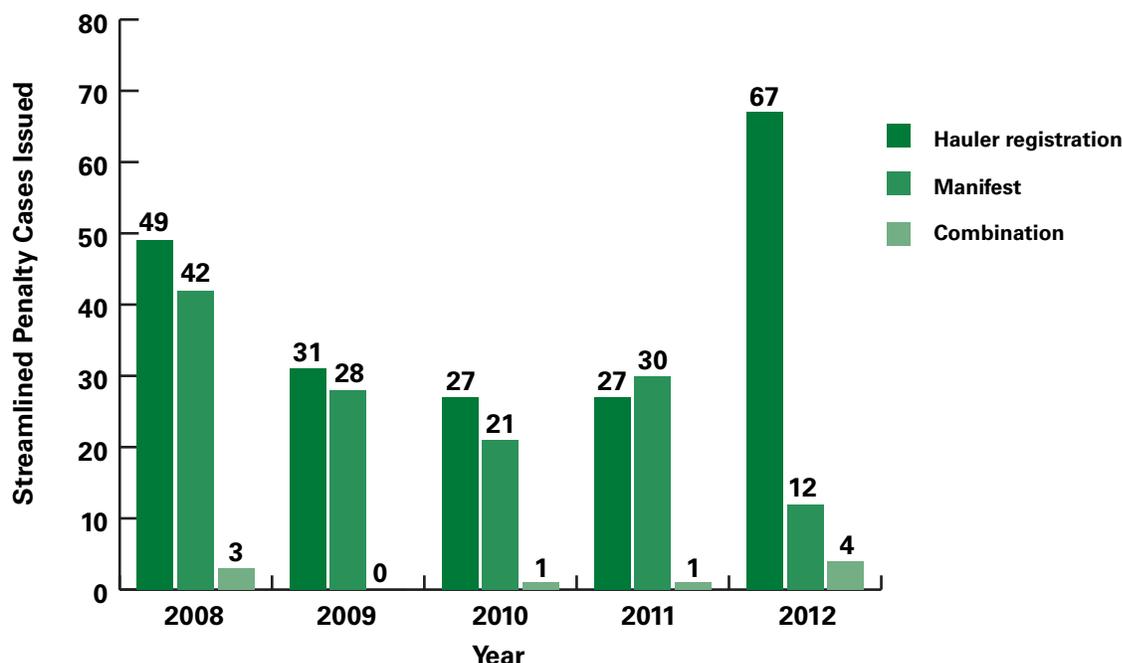
Figure 30: Tire Related Business Inspections



Local tire enforcement agencies conducted 15,698 inspections in 2012, which is lower than in the two previous years. CalRecycle staff conducted 2,594 inspections, approximately 15 percent more than in 2011. This increase is partly the result of new inspectors becoming more efficient.

Enforcement actions for waste tire haulers include both the streamlined penalties and administrative complaint process. In summer of 2011, CalRecycle became aware of significant issues related to “baled tires” and the general lack of clarity among the regulated community about requirements for hauling baled tires. CalRecycle clarified the requirements for stakeholders. Despite clarification, an increase in illegal activities related to tire baling led to an increase in violations. For some violations, the streamlined penalty program is used instead of the administrative complaint process. The following charts can be used to compare enforcement cases resolved using each process.

Figure 31: Streamlined Penalty Program



The streamlined penalty process was used for 67 hauler registration penalty cases, 12 manifest cases, and four combinations (hauler registration and manifest). This represents an approximate 150 percent increase from 2011 in hauler penalties during 2012 due to the large number of haulers transporting tires to unauthorized locations, some of which were associated with baled tires. As a result, the total number of cases increased by about 68 percent in 2012.

In 2012, the number of administrative complaints remained relatively stable for hauler registration and manifests with only two hauler registration complaints. In contrast to the past several years, two sites were issued administrative complaints in 2012. The sites illegally accepted tires before they were permitted as tire facilities. In 2012, there were four notices of violation issued against permitted waste tire facilities. No corrective action orders were issued in 2012.

Solid Waste Facilities

Enforcement Program Description

Solid waste enforcement programs protect public health and safety and the environment, and help ensure a level playing field for solid waste disposal-related businesses. CalRecycle’s regulation of solid waste facilities includes: reviewing permitting and closure/post-closure

documents; financial assurance documents; inspecting facilities to ensure state standards and permits are effectively implemented; enforcing state standards and permit conditions in addition to, or in lieu of, the local enforcement agency; taking appropriate enforcement action if the local agency fails to take appropriate enforcement; and certifying and evaluating local agencies. CalRecycle has oversight authority for solid waste handling, processing, and disposal facilities/operations. Direct authority resides with local enforcement agencies to ensure that facilities/operations are operating correctly. CalRecycle has the ability to take direct enforcement if they do not choose to, or are not adequately performing enforcement duties.

Local agencies have primary responsibility for ensuring facilities within their jurisdiction operate according to state minimum standards and permit conditions. They are designated by their local governing bodies and certified by CalRecycle to implement solid waste handling and disposal regulations. They make sure facilities are properly permitted and inspected to remain in compliance with state minimum standards or permit conditions. If facilities are not in compliance, local agencies take progressive enforcement action to remedy violations according to state statute, standards, and regulations as described in their approved Enforcement Program Plan. CalRecycle approves each such plan as part of local enforcement agency certification. The plan describes the progressive enforcement process the LEA will follow when taking enforcement action.

There are 60 local enforcement agencies statewide; their activities are funded through a mix of local funding and annual state grants. CalRecycle-certified local agencies cover all but seven jurisdictions. CalRecycle acts as the enforcement agency in those seven areas (the cities of Berkeley, Stockton, and Paso Robles; and the counties of San Luis Obispo, Santa Cruz, Stanislaus, and San Benito (added in May 2012)).

Although each local agency is responsible for its jurisdiction, CalRecycle works with them to ensure state laws are consistently and equitably enforced. To ensure state programs are implemented effectively, CalRecycle:

- Provides training, technical assistance, support, and guidance
- Conducts pre-permit inspections for all facilities
- Reviews monthly local agency inspection reports
- Conducts 18-month inspections for all active landfills
- Publishes a list of facilities with chronic violations (inventory)
- Acts as the enforcement agency if no local agency is designated
- Certifies and evaluates the local agencies and their enforcement plans.

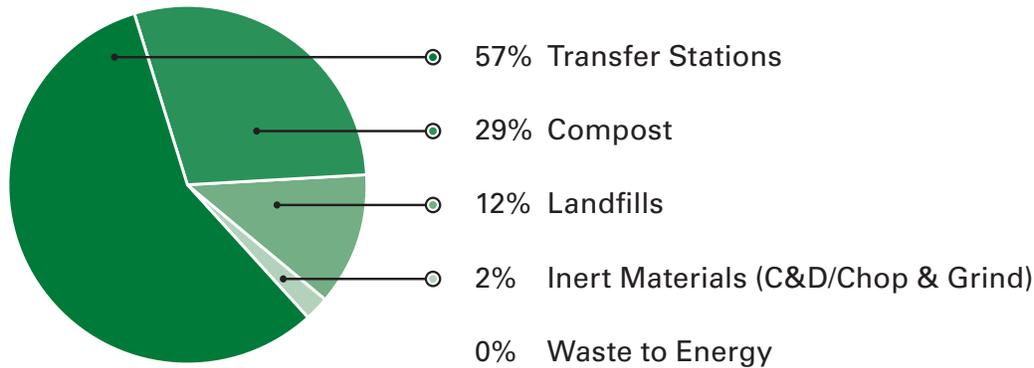
If a local agency fails to inspect or appropriately enforce, CalRecycle has the authority to place the agency on a work plan or probation, take direct enforcement action, decertify a portion of or the whole local program, or take other measures as necessary.

In 2012, California's solid waste disposal infrastructure included 546 permitted, active solid waste facilities and 655 authorized operations. The number of waste transfer and processing facilities and operations increased by nearly 3 percent in 2012. Operations are distinguished from facilities in that they do not require a permit; however, they do require a notification sent to the local agency and must comply with operating and design requirements. Operations are also inspected less frequently than facilities. The types of facilities and operations are as follows:

- Active Permitted Facilities (546)
 - 306 waste transfer and processing facilities;
 - 97 compostable material handling facilities;
 - 140 disposal facilities (or landfills); and

- 3 waste-to-energy (transformation) facilities.
- Authorized Operations (655)
- 378 waste transfer and processing operations;
- 251 compostable material handling operations; and
- 26 disposal (inert materials) operations.

Figure 32: Facilities and Operations Statewide



Facilities and operations are inspected regularly, which allows early detection of noncompliance with regulations, state minimum standards and permit conditions (facilities only). The following chart summarizes inspections performed by local enforcement agencies or by CalRecycle. During 2012, local agencies conducted 12,190 inspections and CalRecycle conducted 545.

Figure 33: Solid Waste Facility Inspections

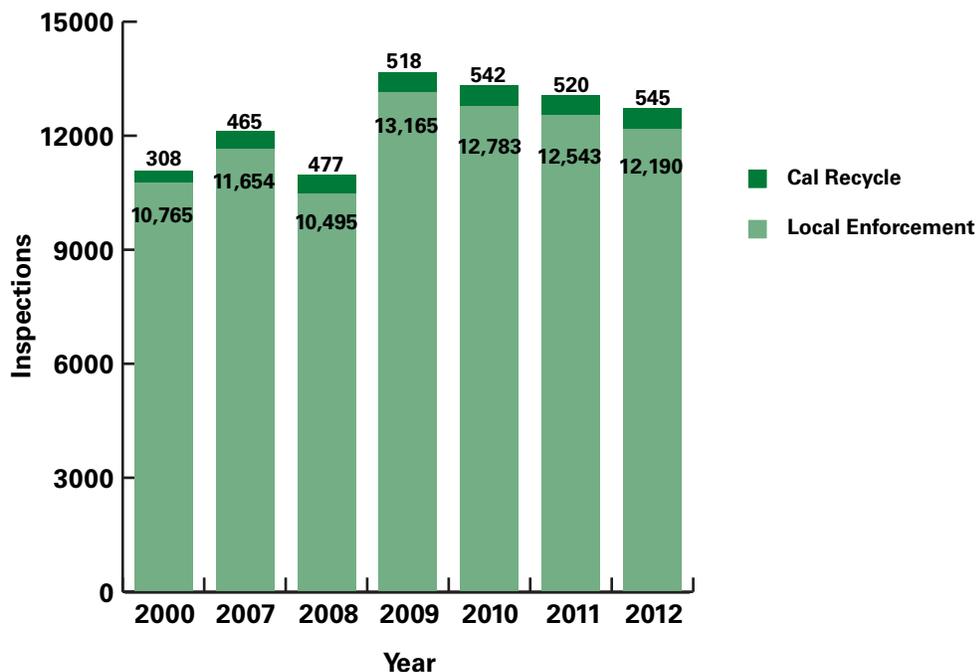


Table 31: Total Landfill Violations

363 violations were cited at landfills in 2012, the top violations are as follows:

Total Landfill Violations	Violation Category
127	Gas Monitoring and Control
55	Operator Compliance with Permit Terms and Conditions
20	Significant Change
18	Report of Disposal Site Information
19	Title 27 Full Permit Review

Table 32: Total Compost Violations

186 violations were cited at compostable material handling facilities and operations in 2012, the top violations cited are as follows:

Total Compost Violations	Violation Category
33	Vectors, Odor, Litter, etc.
31	Operator Compliance with Permit Terms and Conditions
11	Leachate Control
10	General Design Requirements
8	Fire Prevention
8	Odor Impact Minimization Plan

Table 33: Total Transfer Station Violations

332 violations were cited at transfer and processing facilities and operations in 2012, the top violations cited are as follows:

Total Transfer Station Violations	Violation Category
81	Operator Complies with Terms and Conditions
31	Operator Authorized by SWF Permit
30	Solid Waste Removal
21	Maintenance Program
16	Load Checking

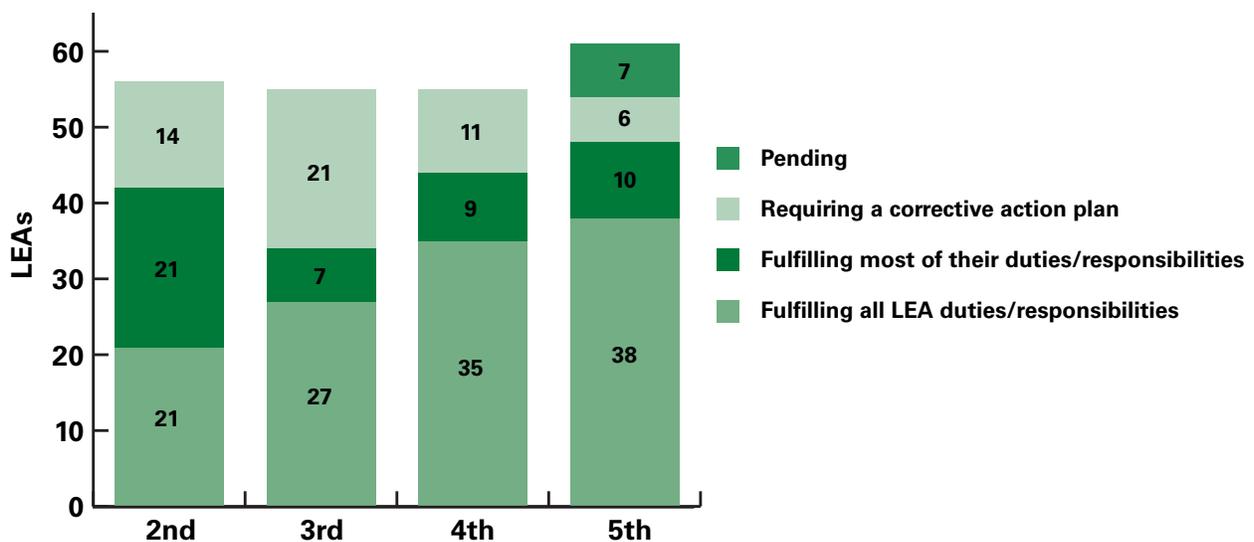
CalRecycle conducts three types of oversight inspections to evaluate local enforcement agencies and ensure consistent application of standards and regulations to protect the public safety and environment as required by statute: 18-month inspections at landfills; pre-permit inspections to ensure state minimum standards are met at facilities applying for permits; and discretionary/focused inspections at all facility types. In 2012 CalRecycle conducted 107 18-month landfill inspections, 20 pre-permit inspections, and 37 discretionary/focused inspections. The 57 pre-permit, discretionary/focused inspections included 37 transfer processing facilities or operations, 16 compostable material handling facilities or operations, and 4 additional landfill inspections.

Information regarding noncompliance with state standards and permit conditions is tracked and made available in several ways on the CalRecycle website. Information on inspections can be searched by facility or operation through the CalRecycle website. Another page includes the “inventory” listing solid waste facilities with chronic violations of one or more state minimum standard for solid waste handling and disposal. Another page publishes details regarding solid waste facilities and disposal sites under enforcement order. In 2012, 20 facilities received Notices of Intent to List on the Inventory for repeated violations of state minimum standards. Listing is triggered by at least one violation of state minimum standards for two consecutive months. CalRecycle sends a letter to the facility operator notifying them of its intent to list the facility on the CalRecycle website (Inventory) if the violation is not corrected within 90 days of receipt of that notice. Six facilities that received a notice were listed on the Inventory of Facilities Violating State Minimum Standards. By the end of December 2012, five facilities listed during the year remained on the Inventory. In addition to the Inventory process, 19 facilities were subject to an enforcement order issued by local agencies during 2012.

The number of local enforcement agencies fulfilling all of their duties is steadily increasing. Preliminary results for the current cycle (5th) show a similar trend with nearly 80 percent of the local agencies (48) fulfilling all, or most, of their duties. The report includes some pending evaluations that will be completed by mid-2013. The number of LEAs requiring a corrective action plan increased, with six on a work plan by the end of 2012.

Relative to local agency program evaluations, the 5th cycle began in 2010 and the multi-year cycle is not yet complete, although nearly 90 percent of the 60 reports are final. As shown in the chart, for the 54 reports that were completed by 2012, 38 local agencies were fulfilling all their responsibilities during the 5th cycle. Even though the cycle is not yet complete, this represents the highest number of local agencies fulfilling all responsibilities during the last decade. No local agencies were decertified during this cycle.

Figure 34: Evaluation Results by Cycle: Local Agencies Fulfilling Duties



Six LEAs required corrective action work plans during the 5th cycle. Of those, two LEAs corrected their deficiencies by the end of 2012; three LEAs moved forward with their work plans and one is correcting deficiencies per an Administrative Conference Agreement, which consists of steps the LEA will take to correct deficiencies.

Table 34: Local Agency Evaluation Findings/Results

Local Agency Evaluation Findings/Results	5th Cycle-54 Local Agencies 2010-2013	4th Cycle-55 Local Agencies 2006-2010	3rd Cycle-55 Local Agencies 2003-2006	2nd Cycle-56 Local Agencies 2000-2003
Fulfilling all local agency duties/responsibilities	38	35	27	21
Fulfilling most of their duties/responsibilities	10	9	7	21
Requiring a corrective action plan	6	11	21	14
Withdrawal of designation or decertification	0	0	0	0

Local Government Diversion

Enforcement Program Description

CalRecycle has direct authority for the evaluation and enforcement of requirements for local government waste diversion (cities, counties, and regional agencies). The goal is to minimize waste and maximize diversion of materials from landfills through waste prevention, recycling, and composting. Local governments develop plans and implement programs (source reduction, composting, and recycling) to divert at least 50 percent of waste generated.

CalRecycle's enforcement role is to conduct compliance evaluations of local government programs to determine if they are failing to implement their unique diversion programs or failing to make progress in meeting their unique per-capita disposal targets, and monitor the progress of noncompliant local governments in implementing their corrective action plan to come into compliance with diversion requirements.

Each local government's compliance is evaluated on a case-by-case basis. Local governments submit an annual report on the implementation of their diversion plans to CalRecycle. Every two or four years, CalRecycle reviews each local government's progress in implementing its unique waste diversion programs. The two-year review cycle is for local governments that were making a good-faith effort to implement their diversion programs to achieve the diversion requirements in 2006. This review was conducted in 2010. Only three referrals for compliance evaluations were made in 2011. The 2012 cycle included local governments that achieved 50 percent diversion and implemented their diversion programs in 2006. The referrals from the 2012 cycle will form the basis for compliance reviews in 2013.

After conducting the compliance evaluation, there are three possible outcomes. CalRecycle can determine that the local government met unique per-capita disposal targets, made a good-faith effort to implement its diversion programs, or failed to make a good-faith effort to implement its diversion programs.

When local governments fail to make a good-faith effort, CalRecycle holds a hearing to determine whether to place the local government on a compliance order, which directs the local government to develop a plan outlining specific steps and deadlines to achieve compliance. The focus of the plan is on the implementation of all reasonable and feasible diversion programs. CalRecycle monitors the local governments on compliance orders. If a local government fails to meet the compliance order requirements, there is a public hearing to determine whether it should be subject to penalties (up to \$10,000 per day).

There are approximately 540 cities and counties in California that are required to plan and implement diversion programs to achieve 50 percent diversion goals. In order to reduce program and reporting costs, as well as to improve accuracy of measurements by reducing complex boundaries, cities and counties are allowed to join regional agencies. Because many cities and counties have joined regional agencies, in 2012 there were 414 local governments subject to these requirements.

Local Government Diversion

Jurisdiction Enforcement Activity

Three local governments were referred for a compliance evaluation review in 2011. These evaluations of Calaveras County, Mammoth Lakes, and Mendota were a result of the first two-year review cycle of those local governments making a good-faith effort to implement their diversion programs. Out of 414 local government programs, only three, or less than 1 percent, warranted compliance evaluation. Of the three compliance evaluations, Mammoth Lakes and Mendota were found to have made a good-faith effort, while Calaveras County's compliance evaluation continued into 2013.

Four local governments continued to be monitored for compliance with previously issued compliance orders during 2012. However, by the end of the year, only three remained on compliance orders. The City of Downey fulfilled the terms of its compliance order. No new compliance orders were issued in 2012. The local governments on compliance orders at the end of 2012 were: Clearlake, Ridgecrest, and Santa Paula. No penalty hearings were held in 2012.

Minimum Content Program: Rigid Plastic Packaging Container

Program Description

California's law was enacted in 1991 as part of an effort to reduce the amount of plastic disposed in landfills and to increase the use of recycled plastic resin in the manufacturing of new containers. CalRecycle regulates product manufacturers that sell certain products in rigid plastic containers in California. (Some rigid plastic containers are exempt from this law due to the type of product they hold, e.g. food, drugs, toxic or hazardous products.) The companies are expected to be in compliance at all times. The revised Rigid Plastic Packaging Container regulations were approved in June 2012 with an effective date of January 1, 2013.

Enforcement Activity

No enforcement actions were taken during 2012 because the Rigid Plastic Packaging Container regulations were being revised. The certification cycle was temporarily suspended. Regulation revisions were needed to:

- Improve clarity and specificity;
- Reorganize the regulations to improve ease of understanding;
- Eliminate inequities in regard to what types of containers are regulated; and
- Establish a process to allow product manufacturers to obtain advisory opinions early in the process.

Beverage Container Recycling Program Enforcement

Program Description

Currently more than 20 billion CRV-eligible beverage containers made from aluminum, glass, plastic, and bimetal are sold in California each year. When not recycled, they contribute significantly to the state's litter or end up in landfills. In 1986, the Legislature created a funding mechanism to encourage the recycling of *certain* beverage containers.

To finance the beverage container recycling program, processing fees and redemption fees are collected from beverage manufacturers and distributors for each CRV-eligible beverage container sold in California. The money is deposited into a special account —the California Beverage Container Recycling Fund (Fund) — and used to cover refunds, processing payments, handling fees, grants, and administrative costs. Most beverages sold in the state and packaged in aluminum, glass, plastic, and bi-metal cans are subject to CRV. Notable exceptions are milk, wine, distilled spirits, 100 percent vegetable juice in containers larger than 16 ounces, and 100 percent fruit juice in containers 46 ounces or larger.

Consumers play a key role in this program and receive a refund for recycling beverage containers. They pay CRV at the checkout stand — a nickel on containers less than 24 ounces, a dime for containers 24 ounces or larger. Consumers receive CRV reimbursement when the empty beverage container is returned to a certified recycling center. The recycling center then sells the eligible containers to processors. Recycling centers have the responsibility to verify that the beverage containers qualify for refund before claiming it from the processor. Recycling centers and processors also receive material from curbside recycling programs and certified collection or drop-off programs, and pay for the material at CRV rates specified by CalRecycle. The processor requests reimbursement from CalRecycle to cover the payments it makes to recycling centers and other program participants.

California’s beverage container recycling infrastructure has developed in response to this program. Californians recycled an average of more than 47 million beverage containers each day in 2012—or about 17.2 billion beverage containers for the year. As of April 2013, the network of regulated businesses that make this possible includes:

• Retailer Beverage Dealers	+30,000
• Certified Recycling Centers	2,578
• Beverage Manufacturers	1,473
• Distributors	1,709
• Curbside	588
• Collection/Drop-off	225
• Processors	233
• Community Service	116

CalRecycle enforcement efforts focus on identifying individuals and investigating certified and registered entities identified as potentially operating in violation of the law or regulations. Of particular concern are Fund losses associated with the illegal redemption of empty beverage container materials imported from out of state. Enforcement is supported by data and information gathered through a combination of investigations, probationary reviews of recycling centers, annual inspections of recycling centers, on-site load inspections at certified processor facilities, risk assessment and data analysis, all of which can result in administrative remedies including accusations for restitution, administrative penalties, certification revocation and/or criminal prosecution, as warranted.

Given the large volume of data managed by the program, the data management system known as “DORiis” or Division of Recycling Integrated Information System, is an essential tool. DORiis includes various data and tracking systems to flag reporting anomalies (e.g. higher than average purchase volumes, spikes in volumes, etc.) and targets suspect claims. Using DORiis, CalRecycle can place anomalous claims for program payments on hold until the supporting documents can be reviewed for accuracy and completeness. DORiis also enables CalRecycle to place prepayment controls on suspect recycling centers, allowing CalRecycle to withhold payment on their claims until they can be validated. When used collectively, these systems and processes provide CalRecycle both pre-and post- payment opportunities to mitigate loss to the Fund and identify potential fraud.

CalRecycle currently works with state law enforcement agencies including the Department of Justice (DOJ) and the state Attorney General’s Office because they have the authority to pursue criminal investigations and prosecution. CalRecycle currently has interagency agreements with both entities through Fiscal Year 2013-2014. At the local level, partners include sheriff departments in Los Angeles, Riverside, and San Bernardino counties and police departments in Ontario and Sacramento. CalRecycle is actively working to establish additional partnerships with local enforcement and state agencies.

Fund losses associated with the illegal redemption of imported empty beverage container materials is a major threat to the Fund. In June 2011, California Department of Food & Agriculture (CDFA) began a three-month, no-cost pilot project to monitor imported beverage containers at all 16 border inspection stations. That successful pilot led to a two-year interagency agreement beginning in Fiscal Year 2012/13 to continue the monitoring.

Enforcement actions of note in 2012 include:

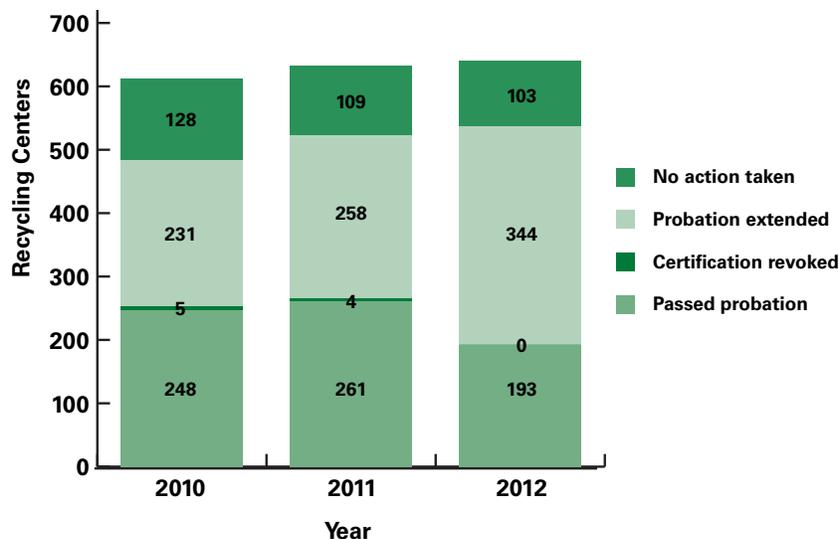
- The largest case settled in 2012 was an accusation against American National Recycling including 589 purchase transactions of containers in excess of the allowable consumer limit and claims not supported by consumer purchase records. Several American National Recycling staff were arrested for redeeming out-of-state beverage containers. CalRecycle settled the case and the operator agreed to pay \$500,000 in restitution/civil penalties and was banned from future participation in the program.
- In 2012 three accusations totaling \$1,030,552 were filed against three certified recycling centers for various violations of the Act and regulations. Resolution of these claims is pending but these cases are expected to be closed out in 2013.
- In 2012 CalRecycle formally executed an interagency agreement with CDFA to survey and monitor all vehicles importing empty beverage container materials into California in excess of the statutory thresholds established by AB 1933 (chaptered September 25, 2012). With the statutory changes in AB 1933 and contracted resources in place at all 16 CDFA Plant Quarantine Inspection Stations, CalRecycle will develop and implement regulations to establish stringent reporting and inspection requirements for all vehicles importing empty beverage container material into California.

Enforcement Activities

Newly certified recycling centers are “on probation” for the first two years of operation. CalRecycle staff review their operations to ensure they are complying with applicable statutes and regulations. As a result of the reviews, CalRecycle may extend a recycling center’s probationary certification status, approve a non-probationary certification, or revoke a participant’s probationary certification.

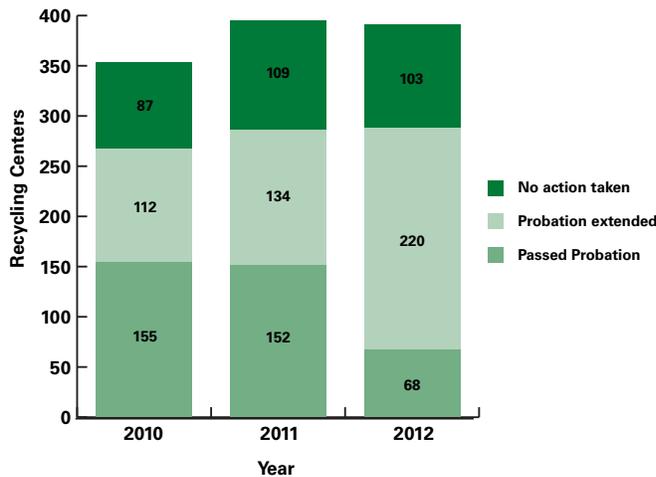
CalRecycle took action on 640 probationary certificates during 2012. Based upon a standard risk assessment, staff determined if a compliance history/file review is sufficient or if a site visit is warranted. The number of recycling centers with probationary certificates expiring has been similar for the last three years.

Figure 35: Total Recycling Center Probationary Reviews



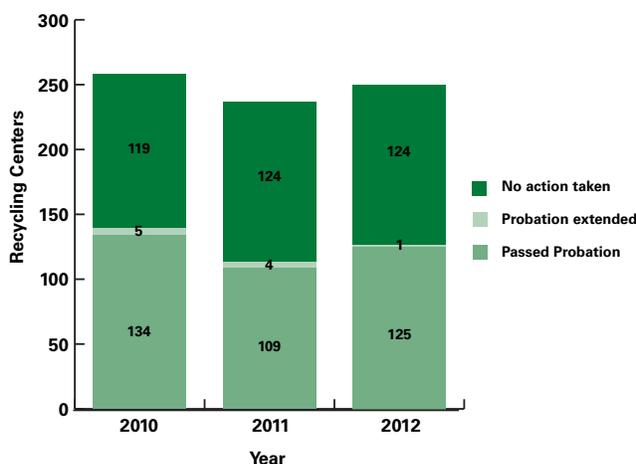
Compliance History/File Review (391): More than half of recyclers had their probationary certificates extended for another year (220, or 56.3 percent); 68 (17.4 percent) passed probation and the remaining 103 (26.3) had no action taken. No action was taken because they were decertified, abandoned, or not recycling centers (i.e., processors, curbside programs, collection programs, or community service programs). No recycling centers had their certification revoked as the result of probationary reviews in 2012.

Figure 36: Recycling Center Compliance History/File Review



On-Site Review of High Risk Sites: For the 250 recycling centers that were deemed high-risk and warranted an on-site review, 125 (50 percent) passed probation, 124 (49.6 percent) had their probationary certificates extended for another year, one was decertified and none had their probationary certificates revoked. As a result of these site reviews, CalRecycle assessed \$392,072 in restitution, civil penalties, and interest. Of that, the vast majority was restitution (94 percent).

Figure 37: Recycling Center On-Site Reviews: High Risk Sites

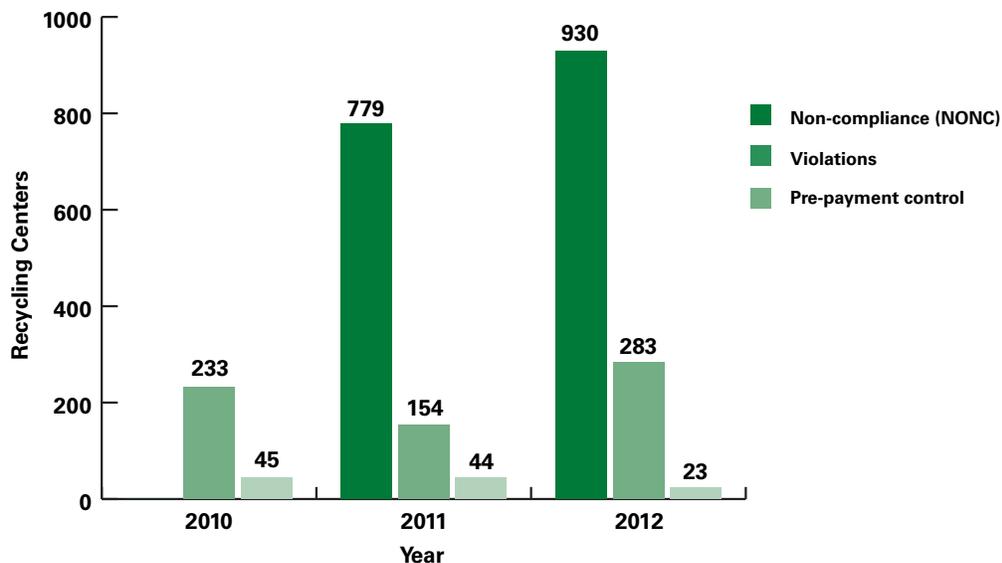


CalRecycle inspects each certified recycling center at least once annually to ensure compliance with program requirements. The inspection typically consists of a test sale to verify that the recycler is inspecting loads of material from consumers to determine payment eligibility, correct payment to the consumer, and compliance with operational requirements. If the program participant is not in compliance, the inspector issues a Notice of Noncompliance (NONC). If the recycler fails to achieve compliance, a Notice of Violation (including a fine) is issued. In areas

where there is no certified recycling center, retail beverage dealers (dealers) may be required to serve as the recycling center. Dealers are also inspected by CalRecycle to ensure compliance with signage and CRV shelf labeling requirements.

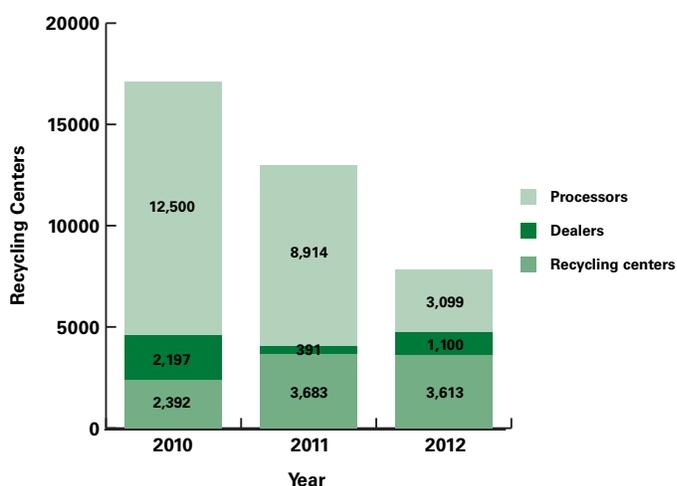
Recycling center inspections remained at a similar level in 2012 with 3,613 conducted during the year. There were 930 NONCs issued in 2012, which is approximately 20 percent more than 2011. In 2012, there were 283 violations issued, which was an increase compared to the previous two years. CalRecycle assessed civil penalties of \$55,300 to noncompliant recycling center operators in 2012 as a result of recycling center inspections.

Figure 38: Annual Recycling Center Inspections



CalRecycle inspected approximately 3,100 recycler loads as part of the 2012 processor/recycler inspection program. Investigators inspect recycling center shipments to processors to verify the eligibility of the material and review the accuracy and completeness of the claim for reimbursement. In comparison to previous years, fewer load inspections were conducted because staff resources were focused on completing high priority investigations identified by risk analysis and fraud tips submitted to CalRecycle.

Figure 39: Total Inspections



CalRecycle's risk assessment and data analysis tools and techniques identify high-risk participants based on anomalies in reported data. Anomalous claims, and the program participants who submit them, are subject to further investigation or review by CalRecycle or the Department of Justice. Given that approximately 2,600 shipping report (claims) valued at \$1.5 million to \$3 million are submitted to CalRecycle daily, automated analysis is an essential tool for preventing potential fraud. In 2012, processors submitted 41,721 invoices and there were 967,402 shipping reports valued at over \$1.05 billion.

On a daily basis, all shipping reports submitted are reviewed using an automated claimed volume report built into DORiis. The report identifies anomalies such as high average purchase volumes or spikes in daily volumes before claims are processed for payment. On average, 10 percent of the shipping reports are flagged for further follow up or investigation. Using prepayment controls within DORiis, CalRecycle can stop the processing of a shipping report for payment shortly after a determination is made. Staff can then place suspect shipping reports on hold for further review, reduce the amount claimed, deny the claim for reimbursement, or allow the shipping report to be processed for reimbursement.

After high-risk participants are flagged, administrative investigations are conducted to evaluate the validity and eligibility of reimbursement claims, look for possible document falsifications, or investigate potentially fraudulent claims. CalRecycle's forensic document reviews can lead to the recovery of unsubstantiated or illegal payments. Findings can result in administrative civil penalties, restitution, and/or revocation of the recycler's certification. It should be noted that although many investigations result from risk analysis or inspections, a significant number are initiated based on hotline or email tips.

In 2012, CalRecycle conducted a significant number of recycling center investigations and closed a number of cases as well; 97 investigations were opened and 49 were closed. Results from completed investigation cases include issuance of three accusations filed against certified recycling centers at an assessed value of approximately \$1.03 million in restitution and civil penalties. In addition, 23 recycling center certifications were revoked, 24 certification applications were denied, and 14 cases were referred to DOJ.

Although a large number of investigations were closed in 2012, there are currently six accusations filed before 2012 that have not yet been resolved. A particularly large case with an assessment of \$75 million in penalties against Mission Fibers/Burbank Recycling was filed in early 2009, and although it remains open, significant progress was made toward resolution of this case in 2012.

Five accusations filed between 2008 and 2012 were resolved in 2012. The final resolution totaled \$683, 142. As stated previously, the largest case settled in 2012 was an accusation against American National Recycling in April 2011. Several American National Recycling staff were arrested for redeeming out-of-state beverage containers. CalRecycle settled the case and the operator agreed to pay \$500,000 in restitution/civil penalties and was banned from future participation in the program.

As stated previously, CalRecycle does not have statutory authority to conduct criminal investigations or criminally prosecute. When CalRecycle investigations reveal potential criminal activity, the case is referred to DOJ for further investigation and subsequent prosecution, if warranted, by the state Attorney General. In Northern California, DOJ closed six cases in 2012 resulting in six arrests, and 26 cases remained open. In Southern California, DOJ closed 13 cases resulting in 29 arrests, and 12 cases remained open.

Electronic Waste Enforcement

Program Description

In 2003, the Electronic Waste Recycling Act created a funding mechanism to encourage the proper recycling of certain video display devices such as televisions and computer monitors

(covered electronic devices). The covered electronic waste recycling program pays qualified collectors and recyclers a standard rate intended to cover the average cost of managing discarded covered electronic devices. To finance the program, retailers collect a fee from consumers who buy covered electronic devices. Collected fees are remitted by retailers to the state and deposited in an account. Approved collectors and recyclers request payment from the state at a standard rate to cover the cost of covered electronic waste collection, processing, and recycling activities. Only covered electronic wastes originating from California sources are eligible for payment in the program, but all electronic discards are considered hazardous wastes and may not be discarded in the trash. If recyclers submit improperly documented claims, CalRecycle can deny or reduce payments.

Some of the significant achievements are as follows:

- In 2012, recycling payment claims representing more than 214 million pounds of covered e-waste were submitted to CalRecycle — approximately 6 percent more than in 2010.
- CalRecycle adjusted approximately 2.2 percent of requested monies due to non-compliant or significantly inconsistent documentation.
- CalRecycle entered into an interagency agreement with the Department of Justice (DOJ) to investigate criminal activities that threaten the integrity of the Electronic Waste Recycling and Recovery Account.
- CalRecycle was authorized to administratively impose civil liability against a person who makes a false statement or representation in any document filed, submitted, maintained, or used for purposes of compliance with the Act (per amendments in Senate Bill 1018).

Compliance and enforcement responsibilities are largely shared between CalRecycle and the Department of Toxic Substances Control (DTSC); however, the DOJ and the Board of Equalization (BOE) also play vital roles to improve program integrity.

At CalRecycle, recyclers and collectors are paid at a standard rate per pound for covered electronic waste recycled and properly claimed. If recyclers do not submit properly documented claims, or if they make false statements in their documentation, CalRecycle can deny or reduce payments. Additionally, for claim review or other compliance related matters, CalRecycle can suspend or revoke approval for collectors or recyclers to participate in the program, and, beginning in 2013, impose civil penalties.

CalRecycle's compliance and enforcement activity includes:

- Review of recycler claim documentation to ensure covered e-waste that is recovered for recycling is eligible for reimbursement, compliantly processed, and properly disposed. Payments can be approved in full, adjusted, or denied.
- Review annual net-cost reports and adjust standard payment rates based on calculated industry average net costs. Collectors and recyclers may have their approval to participate revoked for failing to submit a complete and accurate net cost report.
- Suspension or revocation of participant approval for false statements or representation, significant non-compliance or a pattern of operation in conflict with the Act.
- Administrative imposition of civil liability up to \$25,000 per violation against any person, including an authorized covered electronic waste collector or recycler, that makes a false statement or representation in any document used for purposes of compliance with the Act.

Due to the hazardous characteristics of electronic waste, CalRecycle works closely with DTSC to ensure all participants are in compliance with all applicable DTSC requirements. DTSC's primary focus is on enforcing standards for the physical management of electronic waste. DTSC's compliance and enforcement role includes inspection of e-waste storage, collection, and recycling facilities and handlers to verify their compliance with regulations.

Bestowed with a responsibility to safeguard the integrity of the Fund, CalRecycle teams with the BOE to ensure the proper fees are collected to fund the program, and with the DOJ to prevent the occurrence of financial crimes against the Fund. BOE's enforcement role is to ensure the appropriate fees are remitted and deposited into the Electronic Waste Recovery and Recycling Account to fund the program. If fees are not collected or remitted by the retailers, CalRecycle can levy administrative penalties up to \$2,500 per offense; civil penalties up to \$5,000 per offense; or civil liability against manufacturers up to \$25,000.

DOJ's enforcement role is to provide focused assistance to CalRecycle in detecting, investigating, and prosecuting criminal activity by persons operating under e-waste collection, processing, and recycling program provisions specified under the Act.

Growth in California's electronic waste collection and recycling infrastructure has been fostered by the recycling payment system. CalRecycle pays approved recyclers, and those recyclers are required to pay collectors. In 2012, there were approximately 607 approved collectors and 58 approved recyclers, which is an increase compared to 2010. Voluntary participants represent a diverse group, including nonprofit organizations, landfills, local governments, and traditional e-waste collection and recycling businesses. Annual participant turnover of more than 10 percent is typical. The e-waste infrastructure also recovers substantial quantities of miscellaneous electronic waste not covered by the payment system.

Enforcement Activity

Enforcement actions taken by CalRecycle fall into two main categories: adjustment or denial of payment claims, and suspension or revocation of approval to participate. Recyclers (and collectors) are reimbursed by CalRecycle at a standard payment rate per pound of covered electronic waste recovered and recycled. If recyclers do not submit properly documented claims, CalRecycle can deny or reduce payments. In 2012, recyclers submitted 314 recycling claims for 214,264,327 pounds of covered e-waste processed. The level of payment claim adjustments remained very low, consistent with the past two years. Although more than half of the claims submitted incurred some degree of adjustment, payment adjustments as a percentage of total dollars requested were very minor-- approximately 2.2 percent. This is comparable to 2011.

- Total Dollars Claimed in 2012: \$83,580,626
- Total Dollars Paid in 2012: \$81,731,528

In 2012, only one certification for collectors and recyclers was revoked. This compares to 32 revoked in 2011 and 121 in 2010. The participant failed to notify CalRecycle of changes to information contained in their application. Revocations, unless successfully appealed, prevent a participant from reapplying to the program for at least six months.

In contrast, total suspensions are increasing with 19 suspensions in 2012. Suspensions typically result from a material management violation detected by the DTSC during an inspection and are imposed until the participant is determined to be back in compliance. Ten failed to operate in conformance with DTSC requirements; seven failed to notify CalRecycle of changes to their application; and two engaged in a prohibited activity. With recent legislation signed into law authorizing CalRecycle to administratively impose civil penalties under specified circumstances, staff has commenced the development of emergency regulations to implement this new authority.

Additional Information

The CalRecycle 2012 Annual Enforcement Report includes a more in-depth discussion of the enforcement programs as well as some summary statistics relating to inspections, investigations, and activities in each of the programs. The 2012 Report and summaries of previous years are available on the CalRecycle website and may be viewed at www.calrecycle.ca.gov/Enforcement/.



Office of 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. OEHHA has no enforcement authority. Instead, the Office performs the scientific assessments used by other CalEPA boards and departments, the Department of Public Health (CDPH) and other regulatory agencies as the basis for standards, regulations and other regulatory decisions, including enforcement. These assessments help ensure that state regulations and policies focus on the most significant health threats, which in turn ensures that limited resources are devoted to the protection of public health and the environment.

OEHHA also develops scientific tools and related information for characterizing environmental conditions and their impacts on human and ecological communities. These tools, assessments and other technical assistance help shape certain enforcement activities conducted by CalEPA, the Office of the Attorney General and other agencies. Finally, OEHHA may, as needed, be called upon to conduct special investigations of potential environmental causes of illness and deaths.

OEHHA's responsibilities are fulfilled by a staff of 120, including toxicologists, physicians, research scientists and other public health professionals. OEHHA has an annual budget of approximately \$20 million, with offices in Sacramento and Oakland. More information about OEHHA and its programs can be found at: www.oehha.ca.gov/

Below are descriptions of OEHHA programs and accomplishments that supported enforcement activities in 2012.

Air Quality

For purposes of the Air Toxic Hotspots Act (Health & Saf. Code, § 44300 et seq.), OEHHA develops and updates risk assessment guidance and establishes reference exposure levels and cancer potency factors for use by ARB and the local air districts in health risk assessments of air emissions from individual facilities. OEHHA also reviews the facility risk assessments. Other OEHHA evaluations include: epidemiological investigations of the health effects of criteria air pollutants and of the public health impacts of rising temperatures associated with climate change; toxicological assessments of common indoor air chemicals; and characterization of the human and environmental health risks of air pollution associated with fuels use.

Some of OEHHA's accomplishments in 2012 that supported air quality include:

- Adoption of updated guidelines for conducting health risk assessments at facilities in California that emit toxic air contaminants: Air Toxics Hot Spots Program Risk Assessment Guidelines: Technical Support Document (TSD) for Exposure Assessment and Stochastic Analysis. This revised TSD uses recent data to update exposure parameters (e.g., how much people breathe and drink, food consumption rate). Particular attention is given to exposure factors for infants and children. It also includes an improved approach to assessing dermal exposure.
- Adoption of Reference Exposure Levels (RELs) for nickel and nickel compounds. RELs are airborne levels of a chemical that are not anticipated to present a significant risk of non-cancer health effects in the general population exposed for specified durations (one hour, repeated 8-hour, and chronic exposures).

- Review of risk assessments of two industrial facilities submitted to OEHHA by the Air Pollution Control Districts for the Air Toxics Hot Spots program.
- Publication of five epidemiological studies in the peer-reviewed scientific literature on how air pollution and elevated ambient temperatures impact human health.

Proposition 65 Implementation

As the lead agency for implementing Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act of 1986), OEHHA's responsibilities include evaluating and maintaining the list of chemicals that cause cancer or reproductive toxicity (Health & Saf. Code, § 25249.5 et seq.). OEHHA also develops "safe harbor" levels of exposure to listed chemicals. Exposures below these levels are exempt from the Proposition 65 warning requirement and the prohibition on the discharge of chemicals into drinking water sources. These safe harbor numbers are a critical form of compliance assistance. OEHHA also plays a significant role in Proposition 65 enforcement by providing scientific expertise in cases brought by the state Attorney General's Office to enforce Proposition 65 requirements.

Some of OEHHA's accomplishments in 2012 that supported Proposition 65 implementation include:

- The addition of 11 chemicals to the Proposition 65 list of carcinogens and reproductive toxicants. These chemicals include methanol, cocamide diethanolamine, diethanolamine, and 2-methylimidazole.
- The adoption of "safe harbor" levels for five carcinogens, indicating the levels at which exposures are in compliance with Proposition 65.
- The issuance of Proposition 65 interpretive guidelines for consumption of sulfur dioxide in dried fruits; chlorothalonil in tomato products; and methanol that occurs naturally in fruits and vegetables. Interpretative guidelines reflect OEHHA's scientific interpretation of the available information as the lead agency for implementing Proposition 65 regulations. The interpretive guidelines affirmed compliance with safe harbor levels for particular products based on evidence of consumption levels.
- Amending the California Code of Regulations to remove reference to hexavalent chromium as posing no significant risk when ingested, based on recent scientific findings that establish that hexavalent chromium compounds can be carcinogenic by the oral route. (Cal. Code Regs., tit. 27, § 25707(b)(4).)

Pesticide Evaluations, Worker Health and Safety and Invasive Pests

OEHHA evaluates pesticide toxicity data that are provided in support of pesticide use and regulation in California. The Office reviews human health risk characterizations of pesticide active ingredients that support pesticide registration decisions and identification of individual pesticides as toxic air contaminants. This activity helps identify the need for - and the level of - control for purposes of enforcement and public health protection. These documents are prepared by the Department of Pesticide Regulation (DPR). OEHHA also is responsible for developing the form that California's physicians and local health officers use to report pesticide illnesses.

In 2012, OEHHA reviewed DPR's risk characterization and exposure assessment documents for chloropicrin.

OEHHA, working in collaboration with the California Department of Public Health (CDPH) and DPR, completed a new electronic reporting form for pesticide illnesses that has been integrated into CDPH's California Reportable Disease Information Exchange, a computerized system used to report a variety of diseases of public-health significance. This new system will improve the

reporting of pesticide illnesses and will help facilitate improved investigation of these illnesses by county agricultural commissioners and other local and state entities.

Site Cleanups

OEHHA develops health-based values for assessing risks at contaminated sites. These include child-specific reference levels to assess risks at proposed or existing California school sites; soil screening levels for contaminants in soil and soil vapors for use by community organizations, property owners, developers, and local government officials in the remediation of contaminated properties; and wildlife toxicity values for ecological risk assessments. OEHHA also assists the Regional Water Quality Control Boards, the Department of Resources Recycling and Recovery (CalRecycle) and local government entities in assessing health and ecological risks at contaminated sites.

In 2012, OEHHA reviewed 70 site-specific health risk assessments for the Regional Water Quality Control Boards and local government agencies. These reviews assist risk managers who make decisions concerning remediation, mitigation and other actions that reduce risks from possible exposures to environmental contaminants.

Emergency Response

During emergencies, OEHHA works directly with agencies such as CalEPA, the California Emergency Management Agency, and the CDPH. OEHHA provides information on the health effects of chemical agents, identifies potential exposure scenarios, and assists with decisions about sheltering in-place, evacuation and re-entry. Following an oil spill of 42 gallons or more in marine waters, OEHHA is required by state law to assess potential health impacts from consuming fish and shellfish and to provide recommendations to the Department of Fish and Wildlife regarding the closure of potentially impacted fisheries (Fish & Game Code, § 5654 and Gov. Code, § 8574.7).

Some of OEHHA's accomplishments in 2012 that supported emergency response include:

- Assessed on-scene environmental reports following 14 oil spills or potential spills. Of these, four met the criteria for OEHHA to provide a fisheries closure recommendation to CDFW. In all cases, fisheries closures were not deemed necessary.



Safer Consumer Products

Legislation enacted in 2008 created the framework for a Safer Consumer Products program in California (Health & Saf. Code, § 25252 et seq., SB 509 (Simitian, 2008) and AB 1879 (Fueur, 2008)). Under these laws, the Department of Toxic Substances Control will operate a regulatory program to evaluate toxic chemicals in consumer products and oversee their removal, reduction or substitution with less-toxic alternatives. In 2012, OEHHA adopted a regulation to comply with SB 509's mandate for the office "to evaluate and specify the hazard traits and environmental and toxicological end-points and other relevant data" for use by DTSC, product manufacturers, researchers, non-governmental organizations and the public in selecting and evaluating chemicals in consumer products and potentially safer alternatives. The OEHHA regulation defines 39 hazard traits, specifying endpoints and other relevant data covering effects on human health, ecosystems and the environment, and physical hazards. OEHHA also provides toxicological advice and assistance to DTSC in its implementation of this program.

Fish Advisories

OEHHA evaluates chemical contaminants in sport fish and issues health advisories or safe eating guidelines for fish from California water bodies. As appropriate, OEHHA provides separate guidelines for women of childbearing age and children. The advisories are published in the Department of Fish and Wildlife's fishing regulations booklet.

Some of OEHHA's accomplishments in 2012 that supported fish advisories include:

- Issued advisories and safe eating guidelines for fish from Lake Oroville (Butte County), Lake McClure and Lake McSwain (Mariposa County).

Community Assessment and Research

In 2012, OEHHA released a public-review draft and held a series of public workshops and an academic review meeting on CalEnviroScreen, the nation's first comprehensive statewide environmental health screening tool. (CalEnviroScreen was finalized in April 2013 and an updated version was released in September 2013.) CalEnviroScreen uses environmental, public health and socioeconomic data covering California's approximately 1,800 ZIP codes to identify communities most burdened by pollution and vulnerable to its effects. Potential uses of the tool include administering environmental justice grants and prioritizing compliance assistance efforts, as well as identifying "disadvantaged communities" for targeting funding for projects that reduce greenhouse gas emissions from the state's "cap-and-trade" program pursuant to SB 535 (De León, Statutes of 2012).

For the latest information on the screening tool see:
www.oehha.ca.gov/ej/pdf/042313CalEnviroScreen1.pdf.

Appendix: Acronym List

AEO	Administrative Enforcement Order
ACL	Administrative Civil Liability
APSA	Above-ground Petroleum Storage Act
AQMD	Air Quality Management District
ARB	Air Resources Board
AST	Above-ground Storage Tank
ATCM	Air Toxics Control Measure
ATV	All Terrain Vehicle
BDO	Boards, Departments and Offices (of Cal/EPA)
CAA	(Federal) Clean Air Act
CalARP	California Accidental Release Prevention Program
CACs	California Agricultural Commissioners
Cal/EMA	California Emergency Management Agency
CAL FIRE	California Department of Forestry and Fire Protection
CAPCOA	California Air Pollution Control Officers Association
CalEPA	California Environmental Protection Agency
CalRecycle	Department of Resources, Recycling, and Recovery
CCDET	California Council on Diesel Education and Technology
CDFA	California Department of Food and Agriculture
CDPH	California Department of Public Health
CEM	Continuous Emissions Monitor
CEQA	California Environmental Quality Act
CERS	California Environmental Reporting System
CHMIA	California Hazardous Materials Investigators Association
CHP	California Highway Patrol
CSTI	California Specialized Training Institute
CUPA	Certified Unified Program Agency
DFG	Department of Fish and Game
DMV	Department of Motor Vehicles
DPR	Department of Pesticide Regulation

DTSC	Department of Toxic Substances Control
EJ	Environmental Justice
EO	Enforcement Order
ERMaC	Emergency Response Management Committee
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FLETC	Federal Law Enforcement Training Center
GHGES	Greenhouse Gas Enforcement Section
GWPA	Groundwater Protection Areas
IPM	Integrated Pest Management
MCL	Maximum Contaminant Level
MOU	Memorandum of Understanding
MSED	Mobile Source Enforcement Division (ARB)
MMP	Mandatory Minimum Penalty
NESHAP	National Emission Standards for Hazardous Air Pollutants
NPDES	National Pollutant Discharge Elimination System
NOA	Naturally Occurring Asbestos
NAA	Non-attainment areas
NO _x	Nitrogen Oxide
NOV	Notice of Violation
OEHHA	Office of Environmental Health Hazard Assessment
OHRV	Off-road Recreational Vehicle
OSFM	Office of the State Fire Marshall
OSPR	Office of Oil Spill Prevention and Recovery
PISP	Pesticide Illness Surveillance Program
PCB	Product Compliance Branch (of DPR)
PCB	Polychlorinated Biphenyl
PERP	Portable Equipment Registration Program
PM	Particulate Matter
POST	(California Commission on) Peace Officer Standards and Training
PHG	Public Health Goals
RWQCB	Regional Water Quality Control Board
RCRA	Resource Conservation and Recovery Act
SCTSC	Single Complaint Tracking System Committee
SEP	Supplemental Environmental Projects
SPBC	Structural Pest Control Board

SWRCB	State Water Resources Control Board
SSEB	Stationary Source Enforcement Branch (ARB)
SSMP	Sewer System Management Plan
SSO	Sanitary Sewer Overflows
TAC	Toxic Air Contaminant
TCAB	Training and Compliance Assistance Branch
TRU	Transport Refrigeration Unit
TTL	Tank Tester Licensing
UPAAG	Unified Program Administration and Advisory Group
UST	Underground Storage Tank
USDA	United States Department of Agriculture
U.S. EPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compound
VEE	Visible Emissions Evaluation
WDR	Waste Discharge Requirements
WWTP	Waste Water Treatment Plant

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