

# Sample: Notice of Violation

Total Residual Chlorine

**Organics** All organics not specifically listed under Category 1.

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ATTACHMENT 2 - Sample Notice of Violation

## SAMPLE NOTICE OF VIOLATION

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

\_\_\_\_\_ REGION

In the matter of

### NOTICE OF VIOLATION

No. \_\_\_\_\_

YOU ARE HEREBY NOTIFIED THAT:

On (insert date) , you were notified of the following violations:

\_\_\_\_\_ Staff review of self-monitoring reports submitted pursuant to Monitoring and Reporting Program indicated that your discharge was in violation of effluent limitations or other waste discharge requirements in Order No. \_\_\_\_\_.

\_\_\_\_\_ Staff inspection of your facility revealed conditions which violate your Waste Discharge Requirements in Order No. \_\_\_\_\_.

\_\_\_\_\_ Observations of your facility revealed conditions, which violate . . .

\_\_\_\_\_ Technical or Monitoring Reports required by Order No. -, or requested in a letter dated (insert date) have not been received on time (Due date: (insert date)).

As of (insert date), the above violations had not been satisfactorily corrected. This Notice of Violation serves as a final notice to correct the above violations by (insert date) . If you fail to correct the above violations by this date, the Board **shall** take appropriate enforcement actions authorized by the Porter-Cologne Water Quality Control Act (Div. 7 of the Water Code, commencing with Section 13000), including the possible assessment of civil liabilities of (amount of liability) per day of violation, or referral to the State Attorney General for judicial sanctions.

This Notice is based on the following specific circumstances:

### EXAMPLES

1. A self-monitoring report for the month of May 1994 was not submitted to the Regional Water Quality Control Board  
Region \_\_\_\_\_.

2. On September 2, the Regional Water Quality Control Board inspector observed seepage from your landfill. The seepage was flowing into a drainage ditch, which runs along the southeast boundary of your property and is ultimately tributary to \_\_\_\_\_.  
Order No. \_\_\_\_\_ prohibits any discharge of wastes and leachate to surface water.

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ATTACHMENT 3 - Field Notice of Violation

STATE OF CALIFORNIA

California Regional Water Quality Control Board Telephone:

Region FAX: \_\_\_\_\_.

(ADDRESS)

# Sample: Notice of Violation

## FIELD NOTICE OF VIOLATION.

### I. INCIDENT INFORMATION

Incident Date: \_\_\_\_\_ Time: \_\_\_\_\_ Previous Occurrence: Yes \_\_\_\_\_ No \_\_\_\_\_

Material: \_\_\_\_\_ Volume: \_\_\_\_\_

Location: \_\_\_\_\_

Phone Number: \_\_\_\_\_ City/County: \_\_\_\_\_

Description of Incident: \_\_\_\_\_

Waters Impacted: \_\_\_\_\_

Extent of Impact: \_\_\_\_\_

Responding Agencies: \_\_\_\_\_

Contacts: \_\_\_\_\_

### II. VIOLATION SECTION

On \_\_\_\_\_, at \_\_\_\_\_, you were advised of the following Water Code Section violation(s):

- 13264 Unauthorized discharge of waste to State waters
- 13304 Discharge of waste in violation of waste discharge requirements or other order% or Basin Plan Prohibitions
- 13350 Unauthorized release of petroleum products to State Waters
- 13385 Discharge to State waters without a permit

### III. CORRECTIVE ACTIONS SECTION

You are hereby notified that the violations must be satisfactorily corrected immediately. You are requested to submit a report within five (5) working days describing the incident, volume discharged, and cleanup or other measures undertaken to correct the violation.

You are advised that you may be subject to civil liability due to violation of the State Water Code Section(s). Failure to correct the above violations may result in an enforcement action, leading to Administrative Civil Liability including liabilities of up to \$ 10,000 per day or more. Your response, actions and cooperation will be taken into account in assessing the amount of any civil liability as a result of this violation.

I acknowledge receipt of this Notice of Violation.

RECIPIENT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

(NOTE: Signing this document is not an admission of guilt.)

RWQCB STAFF NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

(Note to staff. Attach Table of Maximum Civil Liability)

# Maximum Civil Liability

## MAXIMUM CIVIL LIABILITY AMOUNTS

Water Code Section	Violation	Maximum Liability if Imposed by:	
		Board	Court
13261 (b)	Failure to furnish a report of waste discharge or pay fee	\$1,000 per day	\$5,000 per day
13261(d)	Willful submission of a false report, withholding information, or failure to furnish report of waste discharge for hazardous waste	\$5,000 per day	\$25,000 per day
13265(b)	Discharge of waste without Board-issued WDR or WDR waiver after notification by Board	\$1,000 per day	\$5,000 per day
13265(d)	Discharge of hazardous waste without Board-issued <b>WDR or WDR</b> waiver	\$5,000 per day	\$25,000 per day
13268(b)	Failure to furnish a technical or monitoring program report	\$1,000 per day	\$5,000 per day
13268(d)	Knowing failure or refusal to furnish a technical or monitoring report if discharging hazardous waste	\$5,000 per day	\$25,000 per day
13308	Time schedule violation	\$10,000 per day	
13350	Intentional or negligent violation of CDO or CAO; intentional or negligent waste discharge in violation of WDR or other Board order or prohibition; or intentional or negligent release of petroleum product: (d) there is a discharge and a CAO	\$5,000 per day	\$15,000 per day
	(e) there is a discharge and no CAO	\$10 per gallon	\$20 per gallon
	(f) there is no discharge but Board Order is violated	\$ 1,000 per day	\$ 10,000 per day
13385	Violates NPDES permit, or Basin Plan prohibition program requirements, etc.	\$10,000 per day and \$10 per gallon for amounts not cleaned up in excess of 1 .000 gallons (net)	\$25,000 per day and \$25 per gallon for amounts not cleaned up in excess of 1,000 gallons (net)

Notes: "Hazardous waste" is defined in H&SC Section 25117; "hazardous substance" is defined in H&SC Section 25140 as well as Section 311 (b)(2) of Clean Water Act (surface water discharges).

### ATTACHMENT 5 - Assessment Matrix Examples

1.) Compliance Significance: Moderate

Environmental Significance: Minor

A single-walled fiberglass tank containing 2,500 gallons of citric acid (pH 3.2) is stored without secondary containment at a beverage production and bottling facility. A forklift hits and breaks the tank and 1,000 gallons of the contents flow into a storm drain tributary to an estuary. The operator takes swift abatement and remedial steps to contain the spill. Minimal impact is made to waters of the state.

2.) Compliance Significance: Moderate

Environmental Significance: Moderate

Five years ago, volatile organic compounds (VOCs) were discovered in the soil and groundwater beneath a plating shop and at other site locations of a facility. The Regional Water Board issued a Cleanup and Abatement Order (CAO) with a time schedule for soil and groundwater investigation and remediation. To date, the plating company has conducted initial site investigation, but is in violation of its CAO time schedule for a complete investigation, site remediation, and source control. A previous ACL was issued to this facility for violation of the same CAO two years ago. The Company is in violation of its CAO for 347 days.

### ATTACHMENT 6 - Acronyms

## Summary of the Porter-Cologne Water Quality Control Act

### Summary

Under the Porter-Cologne Water Quality Control Act (Porter-Cologne), the State Water Resources Control Board (State Board) has the ultimate authority over State water rights and water quality policy. However, Porter-Cologne also establishes nine Regional Water Quality Control Boards (Regional Boards) to oversee water quality on a day-to-day basis at the local/regional level.

Regional Boards engage in a number of water quality functions in their respective regions. One of the most important is preparing and periodically updating Basin Plans,(water quality control plans). Each Basin Plan establishes:

- 1) beneficial uses of water designated for each water body to be protected;
- 2) water quality standards, known as water quality objectives, for both surface water and groundwater, and
- 3) actions necessary to maintain these standards in order to control non-point and point sources of pollution to the State's waters.

Permits issued to control pollution (i.e. waste-discharge requirements and NPDES [see below] permits) must implement Basin Plan requirements (i.e. water quality standards), taking into consideration beneficial uses to be protected. Regional Boards regulate all pollutant or nuisance discharges that may affect either surface water or ground water. Any person proposing to discharge waste within any region must file a report of waste discharge with the appropriate regional board. No discharge may take place until:

- 1) the Regional Board issues waste discharge requirements or a waiver of the waste discharge requirements, and
- 2) 120 days have passed since complying with reporting requirements.

Under the auspices of the U.S. Environmental Protection Agency, the State Board and nine Regional Boards also have the responsibility of granting Clean Water Act National Pollutant Discharge Elimination System permits, commonly known as NPDES permits, for certain point-source discharges. In summary, California routinely issues NPDES permits to selected point-source dischargers and either waste discharge requirements or conditioned water quality certification for other discharges. The nine Regional Boards differ somewhat in the extent they choose to apply waste discharge requirements and other regulatory actions. Project proponents should be careful to check with the appropriate Regional Board before proceeding with any action which may result in a discharge to State waters.