

Interagency Coordination

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Problems we face...

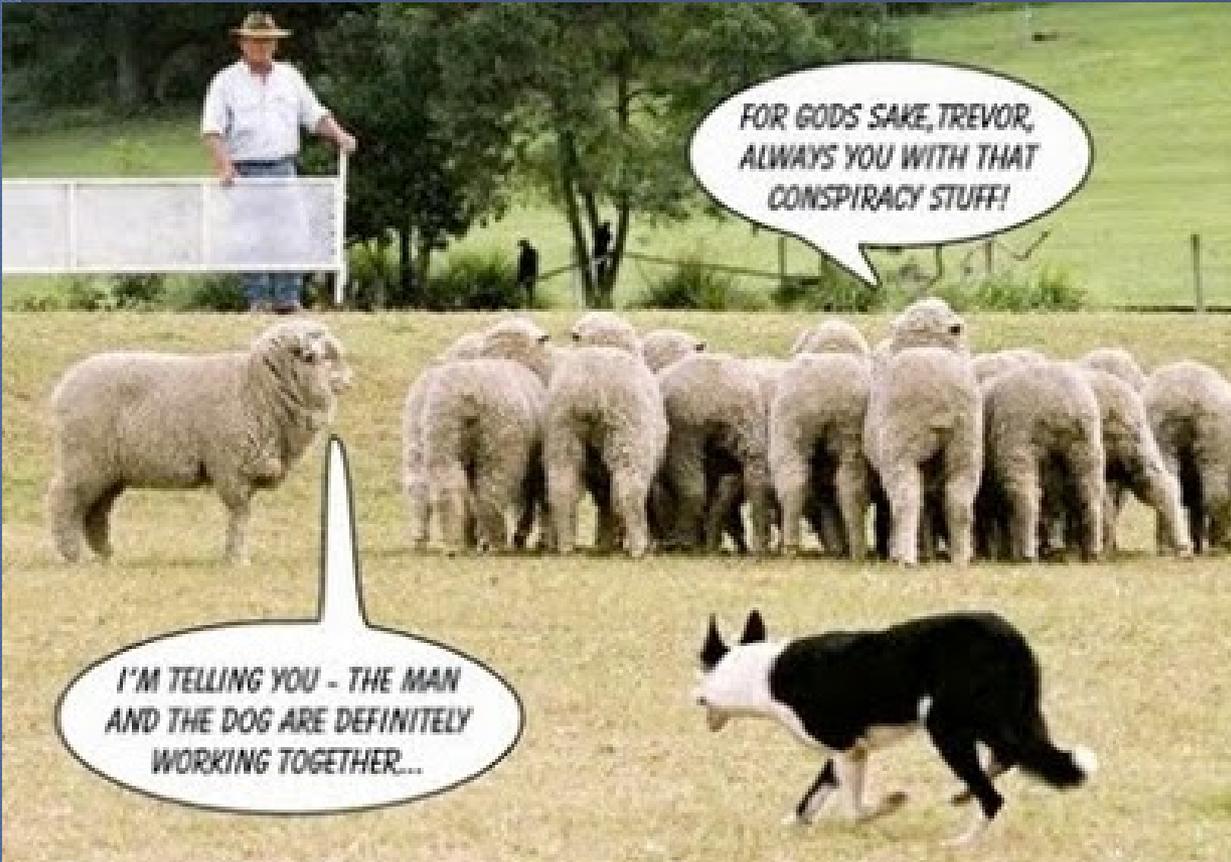
- ⦿ Infrequent inspections of regulated facilities
- ⦿ Inspections of non permitted facilities only when we catch them
- ⦿ Lots of information but it can be in several agencies
- ⦿ Lack of resources for inspections, enforcement and prevention work

Ever had a case where....

- ⦿ Couldn't find the "needle in the haystack"?
 - You could never find that piece of information you needed, or
- ⦿ Had missed opportunities for coordination?
 - After you finished your enforcement action you found out other agencies also had compliance issues with the same facility, or
- ⦿ Had conflicting messages sent to target?
 - During your case you found out another agency had approved the activity that is the basis of your action

How can we work smarter?

- ◉ Combine resources
- ◉ Circulate information (i.e. intelligence)
- ◉ Work together on prevention, inspection & enforcement issues



Enforcement is a Team Sport

- Few facilities violate the law only one way
- Few facilities are regulated by only one agency
- Few inspectors have universal jurisdiction
- Few inspectors have all the resources they need
- Few inspectors have all the training they need
- No one person/agency knows everything there is to know about a facility



How many agencies regulate/inspect a gas station?

- Weights and Measures
- Air Pollution (vapor recovery)
- Hazardous waste/materials
- Stormwater
- Code enforcement
- Fire Department
- Public Works/POTW
- Local Health Dept. (food)
- Alcohol & tobacco
- BAR
- Do you know what they know?
- Did the facility give every agency the same information?



Enforcement Team Members

- Regulators
- Investigators
- Attorneys
- Local, state, tribal, federal
- “Environmental” and non environmental

- Put them together and what have you got...

Environmental Enforcement Task Force



What is an Environmental Enforcement Task Force?

A coordinated approach to environmental enforcement between federal, state and local entities involving regularly scheduled meetings to share intelligence, provide investigative updates, and allocate limited resources.

Enforcement Task Force Functions

- ◉ Coordinate multi-agency investigations
- ◉ Communicate legal and policy updates
- ◉ Identify training opportunities
- ◉ Enforcement roundtable
- ◉ Obtain early feedback on possible referrals
- ◉ Coordinated prosecutions
- ◉ Identify Regional and Statewide Violations
- ◉ Networking

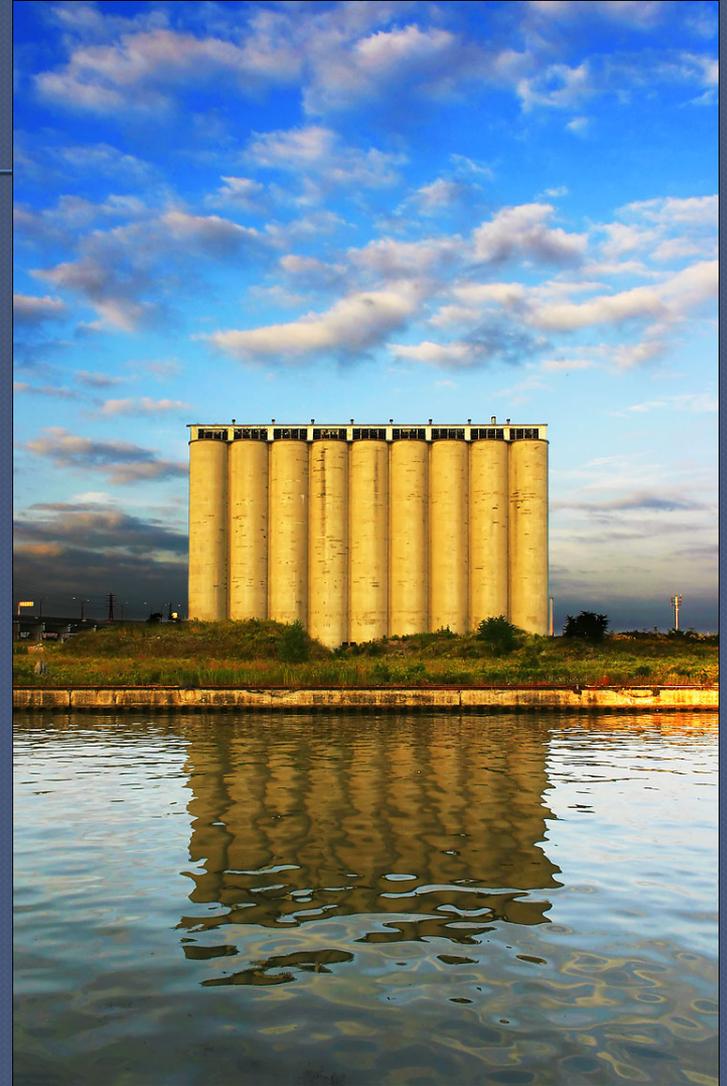
Advantages of Environmental Task Forces

- Efficiency
- More “eyes and ears”
- Enhances detection of violations
- Information exchange
- Cross-media issue spotting
- Share resources and expertise
- Prevents redundancy and conflicts
- Increases compliance across programs and industries



Other Benefits

- ◉ Get to know others in your area
- ◉ Bring and exchange business cards
- ◉ Enhance interagency coordination
- ◉ Avoid “Silo” thinking





Environmental Task Force

Environmental Task Forces can be an effective enforcement tool for any environmental program. Many local and regional task forces exist, often run by local agencies or district attorneys' offices. Some task forces have been created around specific environmental issues or industries. Below is a non-comprehensive list of task forces. For more information about these task forces, how to join, or how to create your own task force, please contact [Christie Vosburg](#), Assistant General Counsel of Enforcement.

Local and Regional Task Forces

- Alameda County
- Gold Country (Calaveras, Mariposa, and Tuolumne Counties)
- Central Valley Regional
- Contra Costa County
- El Dorado County
- Federal Bay Area Regional Task Force (California Environmental Enforcement Roundtable Forum)
- Federal Southern California Regional
- Kings County
- Lake County
- Los Angeles City
- Los Angeles County
- Mendocino County
- Nevada & Placer Counties
- Northern California Regional (Glenn, Shasta, & Trinity Counties)
- Orange County
- Riverside County
- Sacramento County
- Sacramento Valley Regional
- San Bernardino County
- San Diego County
- San Joaquin County
- San Luis Obispo County
- San Mateo County
- Santa Barbara County
- Santa Clara County
- Sonoma County
- Southern Central Valley Regional
- Tri-County (Monterey, Santa Cruz, and San Benito Counties)
- Ventura County
- Yolo County

Enforcement Links

- [Enforcement Home](#)
- [EJ Working Group](#)
- [Circuit Prosecutors](#)
- [Grants/Scholarships](#)
- [Enforcing Environmental Laws](#)
- [Enforcement Data](#)
- [Enforcement Orders](#)
- [Publications](#)
- [Task Forces](#)
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HS&C § 25404.2 (c)

Each air quality management district or air pollution control district, each publicly owned treatment works, and each office, board, and department within the California Environmental Protection Agency, shall coordinate, to the maximum extent feasible, those aspects of its inspection and enforcement program which affect facilities regulated by the unified program with the inspection and enforcement programs of each certified unified program agency.

Interagency coordination-- a good idea and required...

“The CUPA... shall coordinate the inspection and enforcement program with the inspection and enforcement program of other federal, state, regional, and local agencies.”

HS&C § 25404.2 (c) (4)

Cross-Program Issues

- Asbestos

- (Air District, CUPA)

- Paint booths

- (Air District, CUPA, Code and Fire Dept.)

- Cement / Auto Body / Recyclers

- (Air, Water Boards, CUPAs, code enforcement)

Who else is out there?

- ⦿ Tax agencies (EDD, FTB)
- ⦿ Labor/Worker's Comp (Cal/OSHA)
- ⦿ Licensing
 - Local business license
 - Contractors license (CSLB)
- ⦿ Do outreach -- educate others about your agency



Team Work— Do's

- You can share confidential information with another agency, agree on protocols
- Work as a team
- Know agency's issues, concerns, politics
- Update others
- Coordinate time, resources and tasks
- Share successes!!!

Team Work— Don'ts

- ⦿ Don't breach confidences
- ⦿ Don't poach or cherry pick cases
- ⦿ Don't hold back on pertinent information
 - Policies
 - Initiatives
 - Directives
- ⦿ Don't take action w/o letting others know

Disadvantages

- ◉ Another meeting?!
- ◉ Time commitment
- ◉ Loss of control of the outcome
- ◉ Confidentiality/Discovery

District Attorneys

- The district attorney shall “initiate and conduct on behalf of the people all prosecutions for public offenses.” Gov't Code §§26500-26543
- Determining whether to institute criminal proceedings is discretionary.
- Authority to investigate the facts is unlimited.
- Discretion as to what type of action and charges/claims are filed.

What a D.A. Can Do for You

- ⦿ Informal review of possible referrals
- ⦿ Coordinate actions with multiple agencies
- ⦿ Assist with search and/or inspection warrants
- ⦿ Assist with training on enforcement
- ⦿ Assist with possible informal resolution
- ⦿ Work with regulators on compliance outreach
- ⦿ Handle cases where the agency has a conflict

What Your DA Can Do for You

- ⦿ DA can file civil and/or criminal cases
- ⦿ DA can file for violations in addition to “yours”
 - Other programs
 - Local City and County Code violations (many are misdemeanors)
 - Penal Code (false statements, perjury & more)
 - Unfair Business Practices B&P Code §17200

Cross-Media Considerations

- ⦿ When should you consider cross-media issues?
- ⦿ What should you do if you spot one?
- ⦿ Who needs to be involved?
- ⦿ How do you deal with different agencies?
- ⦿ Why take this approach?

Case Examples: CVC Cement

CVC primarily produces, sells, and delivers sand, gravel, asphalt and concrete. The company operates three facilities in Merced County, two sites in Stanislaus County and one in Madera.



CVC Inspections

- When the air district's inspector would arrive at the site for an annual inspection, CVC management would conceal the paint shop from her. Management would go out, shut down the paint booth, take down the signs, shut the doors and not lead her into the building.
- When asked about the building, they referred to it as “storage”.
 - “TRUST BUT VERIFY”

CVC

- The company operated an illegal paint shop, violated numerous state hazardous waste laws and hid their conduct from local regulators.
- The AG/DA filed a suit against CVC after a whistleblower, a former employee, contacted the San Joaquin Valley Unified Air Pollution Control District in early 2007 about an unpermitted paint shop-- painting at least 50 cement trucks a year



Civil Case Result

- ⦿ Injunction
- ⦿ \$300,000 penalties

Potential CUPA Issues

1. Did facility file a HMMP with the CUPA?
2. Did facility manufacture, import, or process >25,000 lbs of a chemical or >100 lbs of a Persistent Bioaccumulative Toxin (lead, mercury, or polycyclic aromatic compounds) at any time over the last 5 years?
3. Has the facility:
 - a. Stored ≥ 500 lbs of ammonia , ≥ 100 lbs of chlorine , or $\geq 10,000$ lbs of an industrial chemical, at any time over the last 2 years?
 - b. Stored $\geq 10,000$ lbs of pressurized flammable material (propane, methane, butane, pentane, etc.) at any time over the last 2 years?
 - c. Used $\geq 10,000$ lbs of ammonia, chlorine, halogenated solvents, solvent-based paints, or solvents, or nitrated compound, over the last calendar year?
 - d. Generated \geq one half pound of metal dusts, fumes, or metal turnings, over the last calendar year?

Potential CUPA Issues

Does the facility have a refrigeration process that contains more than 10,000 lbs of ammonia

Does the facility generate more than 30-gallons (220 lbs./100kg) of hazardous waste per month or at any one time?

If yes, does facility have an EPA Hazardous Waste Identification Number?

Is hazardous waste treated, stored >90-days, burned land filled, put in surface impoundments or waste piles?

If yes, is the facility permitted for above described activity?

Did you see or does the facility have any large quantities of materials that the facility claims to be non-hazardous waste material (>10 drums, roll-offs, waste piles, etc. – exclude clean office trash, cardboard, & packaging type wastes)?

Potential CUPA Issues

Did you see any leaking hazardous waste containers, drums, or tanks?

Did you see any signs of spills or releases (e.g., dead or stressed vegetation, stains, discoloration)?

Did you see any chemical or waste handling practices that concern you (access to children/public)?

Does the facility have any past or present underground petroleum product or hazardous material tanks?

Does the facility have any underground fuel tanks for emergency generators?

National Pollution Discharge Elimination System (NPDES) Industrial Pretreatment, Storm Water, & Wetlands

1. Does the facility discharge any wastewater to storm sewers, surface water, or the land?
If yes, are all wastewater discharges permitted?
2. Does the facility have process wastewaters that are discharged to a city POTW (Publicly Owned Treatment Works)?
If yes, are the discharges permitted by: State? City?
If yes, does the city have a state or local approved pretreatment program?
3. During rainfall events, can storm water carry pollutants from manufacturing, processing, storage, disposal, shipping and receiving areas, or from construction sites >1 acre, to storm sewers or surface water?
If yes, does the facility have an NPDES permit for these storm water discharges?
4. Did you see any wastewater discharges not identified by the facility? - Identify location, time, appearance of discharge)Get Photo)
5. Does the facility have any wetland areas (e.g. streams, ponds, or temporarily wet areas)?
If yes, have any wetland areas been dredged, filled, channelized, dammed, or had gravel removed from them within the last 5 years?

More training

Cal/EPA Basic Inspector Academy

<http://calepa.ca.gov/Enforcement/Training/>

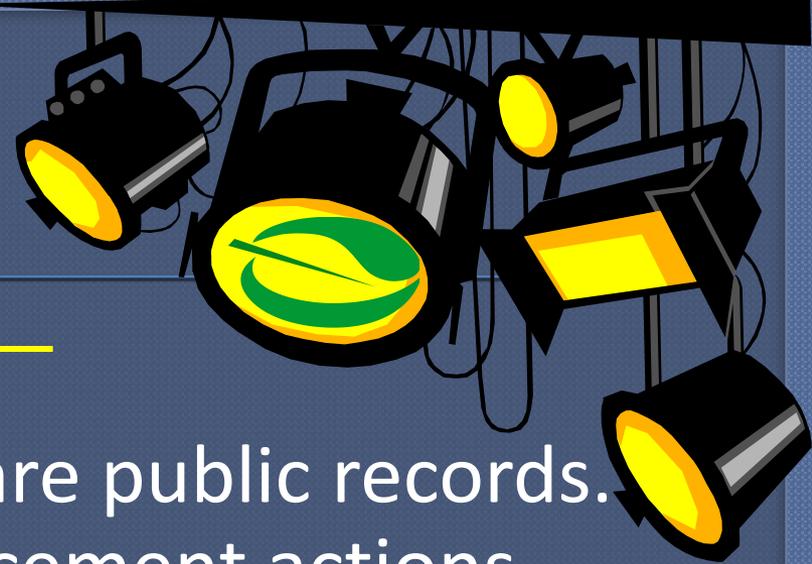
<https://ssl.arb.ca.gov/training/courses.php?course=310>

Western States Project

“Introduction to Environmental Enforcement”

Nov. 30- Dec. 2, Garden Grove, \$300 (CHMIA member may get reimbursed) cassidy.lynn@azdeq.gov

Enforcement is a Public Process



- Final documents are public records.
 - Publicize all enforcement actions.
 - Never negotiate publicity.
 - Never agree to secret or off the record settlements.
- ▶ There is no deterrence without public information. Do a press release for all enforcement actions. Put enforcement final orders on your web site.

