

# CALIFORNIA ENVIRONMENTAL ENFORCEMENT STATUTES

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Originally prepared by Bud Porter, Deputy District Attorney, Santa Clara County District Attorney's Office. This table was prepared as a reference tool for my personal use. The table does not contain complete legal definitions and should not be substituted for the actual codes and regulations, many of which are not included here. Criminal statutes appear in bold print. Maximum penalties listed unless indicated otherwise. Updated by CDAA's Environmental Protection Committee November 2007.

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## HAZARDOUS WASTE AND MATERIALS

### DISPOSAL, LEAKING, SPILLING, AND ABANDONMENT

<p><i>Knowingly or reasonably should have known</i> - disposal (HS 25113) or causing the disposal of hazardous waste (See HS 25117 and 25141) at an unpermitted facility or unauthorized point.</p>	<p>HS 25189.5(b) FELONY/MISD. "Wobbler"</p>	<p>16-2-3 SP or 1 yr CJ</p>	<p>AND \$5,000 - \$100,000 per day mandatory (See HS 25189.5(e)) plus costs which may be incurred to assess injury to, replace, or restore any natural resource (See HS 25189.1)</p>	<p>G,H</p>
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See 22 CCR 66270.1-66270.73.

<p>Causes great bodily injury or a substantial probability of death by violating HS 25189.5(b).</p>	<p>HS 25189.5(e) ENHANCEMENT</p>	<p>1-2-3* SP consecutive <i>(law provides discretionary sentence for enhancement)</i></p>	<p>up to \$250,000 per day</p>	<p>G,H</p>
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<p><i>Knowingly</i> - produces, receives, stores or disposes of hazardous waste in violation of manifest requirements or adopted regulations.</p>	<p>HS 25191(b)(6) 1st offense: MISD.</p>	<p>1 yr CJ</p>	<p>\$2,000 - \$25,000 per day mandatory</p>	<p>G,H</p>
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<p>2nd offense: FELONY/MISD. "Wobbler"</p>	<p>16-20-24 SP or 1 yr CJ</p>	<p>\$2,000 - \$50,000 per day mandatory</p>
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<p><i>Knowingly or with reckless disregard for the risk</i> - disposes of hazardous waste in manner which causes any unreasonable risk of fire, explosion, serious injury, or death.</p>	<p>HS 25189.6(a) FELONY/MISD. "Wobbler"</p>	<p>16-2-3 SP or 1 yr CJ</p>	<p>\$5,000 - \$250,000 per day mandatory</p>	<p>G,H</p>
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<p><i>Knowingly</i> - places another person in imminent danger of death or serious bodily injury while violating HS 25189.6(a).</p>	<p>HS 25189.6(b) FELONY</p>	<p>3-6-9 SP</p>	<p>\$5,000 - \$250,000 per day mandatory</p>	<p>G,H</p>
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<p>Manufacturer of controlled substance who disposes of any hazardous substance (HS 25316) that is a controlled substance or chemical used in or a byproduct of manufacture, in violation of any law regulating disposal of hazardous substances or hazardous waste.</p>	<p>HS 11374.5 FELONY/MISD. "Wobbler"</p>	<p>2-3-4 SP or 1 yr CJ</p>	<p>costs of removal and clean-up</p>	<p>G,H</p>
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<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b><i>Knowingly</i></b> - causes <b>any hazardous substance</b> to be <b>deposited</b> into or upon any road, street, highway, alley, or railroad right-of-way, or upon land of another w/o permission of owner, or into waters of the state, <b>unless the result of an emergency and promptly reported.</b>	<b>PC 374.8 FELONY/MISD. "Wobbler"</b>	16-2-3 SP or 1 yr CJ	<b>\$50 - \$10,000</b>	<b>G,H</b>
<i>Intentionally</i> - <b>disposes</b> or causes the disposal of <b>hazardous or extremely hazardous waste</b> at unauthorized point.	HS 25189(c)	Civil	<b>\$1,000 - \$25,000</b> per violation per day	<b>D</b>
<i>Negligently</i> – <b>disposes</b> or causes the disposal of <b>hazardous or extremely hazardous waste</b> at unauthorized point. See 22 CCR 66272.66- penalties.	HS 25189(d)	Civil	up to <b>\$25,000</b> per violation per day <i>(No liability under both HS 25189 &amp; HS 25189.2 for the same act or failure to act)</i>	<b>D</b>
<i>Strict Liability</i> – <b>disposes</b> or causes the disposal of <b>hazardous or extremely hazardous waste</b> at unauthorized point.	HS 25189.2(c)	Civil	up to <b>\$25,000</b> per violation per day <i>(No liability under both HS 25189 &amp; HS 25189.2 for the same act or failure to act)</i>	<b>D</b>
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<i>Knowingly</i> – “person in the course of doing business” (As defined in HS 25249.11) <b>discharges or releases a chemical known to the state to cause cancer or reproductive toxicity,</b> into water or onto or into land where it passes or probably will pass into any source of drinking water. Notwithstanding any other provision or authorization of law except as provided in Section 25249.9. See also 22 CCR 12405- discharge of a pesticide; 27 CCR 20870- hazardous waste.	HS 25249.5	Civil	up to <b>\$2,500</b> per day	<b>D</b>
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<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b><u>TRANSPORTATION</u></b>				
<i>Knowingly</i> – transports or causes the transport of (or <i>reasonably should have known</i> – causing the transport of) <b>hazardous waste</b> to a facility without permit or at an unauthorized point.	HS 25189.5(c) FELONY/MISD. "Wobbler"	16-2-3 SP or 1 yr CJ	AND \$5,000 - \$100,000 per day mandatory See HS 25189.5(e)	G,H
Causes <b>great bodily injury</b> or a <b>substantial probability of death</b> by violating HS 25189.5(c).	HS 25189.5(e) ENHANCEMENT	1-2-3* SP consecutive <i>(law provides discretionary sentence for enhancement)</i>	up to \$250,000 per day	H
<i>Knowingly</i> – engages in <b>transportation of hazardous waste</b> in violation of manifest or registration requirements or adopted regulations.	HS 25191(b)(5) 1st offense: MISD.  2nd offense: FELONY/MISD. "Wobbler"	1 yr CJ  16-20-24 SP or 1 yr CJ	\$2,000 - \$25,000 per day mandatory \$2,000 - \$50,000 per day mandatory	G,H
<i>Penalties imposed only on (a) owner/ leasee of vehicle used or (b) on authorizing person.</i>				
<i>Knowingly</i> – <b>submits hazardous waste for transport</b> in violation of manifest requirements or adopted regulations.	HS 25191(b)(6) 1st offense: MISD.  2nd offense: FELONY/MISD. "Wobbler"	1 yr CJ  16-20-24 SP or 1 yr CJ	\$2,000 - \$25,000 per day mandatory \$2,000 - \$50,000 per day mandatory	G  G,H
<i>Knowingly</i> – <b>transports any manifested waste</b> in violation of chapter or adopted regulations.	HS 25191(b)(7) 1st offense: MISD.  2nd offense: FELONY/MISD. "Wobbler"	1 yr CJ  16-20-24 SP or 1 yr CJ	\$2,000 - \$25,000 per day mandatory \$2,000 - \$50,000 per day mandatory	G  G,H
<i>Penalties imposed only on (a) owner/ leasee of vehicle used or (b) on authorizing person</i>				

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b>Knowingly</b> – transports any hazardous waste on state highways, or <b>delivers for transport</b> to a railroad or vessel, any <b>hazardous waste</b> , if the final destination is unauthorized <b>out-of-state</b> or <b>foreign facility</b> .	<b>HS 25191(b)(8) HS 25162</b> 1st offense: MISD.	1 yr CJ	\$2,000 - \$25,000 per day mandatory	G
	2nd offense: <b>FELONY/MISD.</b> "Wobbler"	16-20-24 SP or 1 yr CJ	\$2,000 - \$50,000 per day mandatory	G,H
<i>Penalties imposed only on (a) owner/operator of vehicle used or (b) on authorizing person</i>				
<b>Knowingly</b> – carries or handles or authorizes carrying or handling of <b>hazardous waste without manifest</b> in driver's possession.	<b>HS 25191(d)(1)</b> MISD.	6 mos CJ	up to \$500 per day	G
<b>Knowingly</b> – transports or authorizes transport of <b>hazardous waste without registration</b> in driver's possession.	<b>HS 25191(d)(2)</b> MISD.	6 mos CJ	up to \$500 per day	G
<b>Knowingly or with reckless disregard for the risk</b> – transports <b>hazardous waste</b> in manner which causes any <b>unreasonable risk</b> of fire, explosion, serious injury, or death.	<b>HS 25189.6(a)</b> <b>FELONY/MISD.</b> "Wobbler"	16-2-3 SP or 1 yr CJ	\$5,000 - \$250,000 per day mandatory	G,H
<b>Knowingly</b> – places another person in <b>imminent danger of death</b> or <b>serious bodily injury</b> while violating <b>HS 25189.6(a)</b> .	<b>HS 25189.6(b)</b> <b>FELONY</b>	3-6-9 SP	\$5,000 - \$250,000 per day mandatory	H

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Failure to comply with any <b>CHP rule or regulation</b> regarding <b>hazardous material transport</b> or <b>equipment, maintenance, or operation of trucks that transport hazardous materials</b> . See 13 CCR 1160.3 et seq.	<b>VC 34506(b)</b> <b>VC 34506(f)</b> MISD.	6 mos CJ	up to \$1,000	G
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### TREATMENT AND STORAGE

<b>Knowingly</b> – treats or stores <b>hazardous waste</b> at a facility without permit or at unauthorized point.	<b>HS 25189.5(d)</b> <b>FELONY/MISD.</b> "Wobbler"	16-2-3 SP or 1 yr CJ	\$5,000 - \$100,000 per day mandatory See <b>HS 25189.5(e)</b>	G,H
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<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
Causes <b>great bodily injury</b> or a <b>substantial probability of death</b> by violating <b>HS 25189.5(d)</b> .	<b>HS 25189.5(e)</b> <b>ENHANCEMENT</b>	<b>1-2-3*</b> consecutive <i>(law provides discretionary sentence for enhancement)</i>	up to <b>\$250,000</b> per day	<b>G,H</b>
<b>Knowingly</b> – <b>produces, receives, stores, hazardous waste</b> in violation of manifest requirements or adopted regulations.	<b>HS 25191(b)(6)</b> 1st offense: <b>MISD.</b>	1 yr <b>CJ</b>	<b>\$2,000 - \$25,000</b> per day mandatory	<b>G</b>
	2nd offense: <b>FELONY/MISD.</b> <i>"Wobbler"</i>	16-20-24 <b>SP</b> or 1 yr <b>CJ</b>	<b>\$2,000 - \$50,000</b> per day mandatory	<b>G,H</b>
<b>Knowingly or with reckless disregard for the risk</b> – <b>treats, handles, or stores hazardous waste</b> causing any <b>unreasonable risk</b> of fire, explosion, serious injury, or death.	<b>HS 25189.6(a)</b> <b>FELONY/MISD.</b> <i>"Wobbler"</i>	16-2-3 <b>SP</b> or 1 yr <b>CJ</b>	<b>\$5,000 - \$250,000</b> per day mandatory	<b>G,H</b>
<b>Knowingly</b> – <b>places another person in imminent danger of death or serious bodily injury</b> while violating <b>HS 25189.6(d)</b> .	<b>HS 25189.6(b)</b> <b>FELONY</b>	3-6-9 <b>SP</b>	<b>\$5,000 - \$250,000</b> per day mandatory	<b>H</b>

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## **BURNING**

<b>Knowingly or reasonably should have known</b> – <b>burning or incinerating</b> , or causing burning or incinerating, of <b>hazardous waste</b> at an unpermitted facility or unauthorized point.	<b>HS 25189.7(b)</b> <b>FELONY/MISD.</b> <i>"Wobbler"</i>	16-2-3 <b>SP</b> or 1 yr <b>CJ</b>	<b>AND \$5,000 - \$100,000</b> per day mandatory	<b>G,H</b>
Causes <b>great bodily injury</b> or a <b>substantial probability of death</b> by violating <b>HS 25189.7(b)</b> .	<b>HS 25189.7(c)</b> <b>ENHANCEMENT</b>	<b>1-2-3*</b> consecutive <i>(law provides discretionary sentence for enhancement)</i>	up to <b>\$250,000</b> per day	<b>H</b>

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<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
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**ADDITIONAL CRIMINAL AND CIVIL PENALTIES AND OTHER RELIEF**

<b>Violation of any code provision, permit, rule, regulation, or requirement issued or adopted pursuant to the Hazardous Waste Control Act (HS 25100 et seq.), except as provided in HS 25189.5, 25189.6, 25189.7, or 25191.</b>	<b>HS 25190</b> 1st offense: MISD.	6 mos CJ	up to <b>\$1,000</b>	<b>G</b>
	2nd offense: <b>FELONY/MISD.</b> <i>"Wobbler"</i>	16-20-24 SP or 1 yr CJ	<b>AND \$5,000 - \$25,000</b> per day mandatory	<b>G,H</b>

Applicable code sections and regulations include laws regarding hazardous waste **determination** (22 CCR 66262.11), container **markings** (22 CCR 66262.34), **leaking** containers (22 CCR 66265.171), **compatibility** of wastes with containers (22 CCR 66265.172), **open and unsecured** containers (22 CCR 66265.173), violation of a **quarantine order** (HS 25187.6(b)(2)), violation of a **request to furnish information** to the local agency (HS 25185.6).

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<i>Intentionally or negligently</i> – violation of any hazardous waste <b>permit, rule, regulation, or code section.</b>	HS 25189(b)	Civil	up to <b>\$25,000</b> per violation per day	<b>D</b>
<i>Strict Liability</i> – violation of any hazardous waste <b>permit, rule, regulation, standard, or code</b>	HS 25189.2(b)	Civil	up to <b>\$25,000</b> per violation per day	<b>D</b>
<i>Strict Liability</i> – <b>failure to comply</b> with <b>schedule for compliance</b> issued pursuant to HS 25187 for violation of hazardous waste permit, rule, regulation, or code section.	HS 25188	Civil	up to <b>\$25,000</b> per day	<b>D</b>

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Note: Unless DTSC or the local officer or agency determines that the circumstances surrounding a minor violation, or combination of minor violations, are such that immediate enforcement is warranted to prevent harm to the public health or safety to the environment, a facility has 30 days from receipt a notice to comply with a minor violation of a permit condition, rule, or regulation. See HS 25187.8.

Note: In the case of past, present, and/or impending violations, injunctive relief or court orders may be granted to enjoin violations or direct compliance. See HS 25181. Do not have to prove irreparable damage/inadequate remedy of law See HS 25184.

Also see generally 22 CCR 66272.60, 66272.66.

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<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b><u>FALSE RECORDS AND REPORTING</u></b>				
<i>Knowingly</i> – makes <b>false statement</b> in any hazardous waste application, label, manifest, record, report, permit, notice to comply, or other compliance document.	<b>HS 25191(b)(1)</b>			<b>G**</b>
	1st offense: MISD.	1 yr CJ	<b>\$2,000 - \$25,000</b> per day mandatory	
	2nd offense: FELONY/MISD. "Wobbler"	16-20-24 SP or 1 yr CJ	<b>\$2,000 - \$50,000</b> per day mandatory	<b>G,H**</b>
<i>Intentionally or negligently</i> – makes <b>false statement or representation</b> in any hazardous waste application, label, manifest, record, report, permit, or other compliance document.	HS 25189(a)	Civil	up to <b>\$25,000</b> per day per violation	<b>D</b>
<i>Strict Liability</i> – makes <b>false statement or representation</b> in any hazardous waste application, label, manifest, record, report, permit, or other compliance document.	HS 25189.2(a)	Civil	up to <b>\$25,000</b> per day per violation	<b>D</b>
<i>Knowingly</i> – <b>possesses any altered or concealed record</b> relating to the generation, storage, treatment, transportation, disposal, or handling of hazardous waste.	<b>HS 25191(b)(2)</b>			<b>G**</b>
	1st offense: MISD.	1 yr CJ	<b>\$2,000 - \$25,000</b> per day mandatory	
	2nd offense: FELONY/MISD. "Wobbler"	16-20-24 SP or 1 yr CJ	<b>\$2,000 - \$50,000</b> per day mandatory	<b>G,H**</b>
<i>Knowingly</i> – <b>destroys or alters or conceals</b> any record relating to the generation, storage, treatment, transportation, disposal, or handling of hazardous waste.	<b>HS 25191(b)(3)</b>			<b>G**</b>
	1st offense: MISD.	1 yr CJ	<b>\$2,000 - \$25,000</b> per day mandatory	
	2nd offense: FELONY/MISD. "Wobbler"	16-20-24 SP or 1 yr CJ	<b>\$2,000 - \$50,000</b> per day mandatory	<b>G,H**</b>

**\*\* Pursuant to PC 803(e), the statute of limitations "does not commence to run until the offense has been discovered, or could have reasonably been discovered..."**

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b><u>REPORTING RELEASES AND PLANNING FOR EMERGENCIES</u></b>				
<b>Failure</b> by any handler (business which handles hazardous materials) or employee or agent to <b>immediately report</b> any <b>release or threatened release</b> of a <b>hazardous material</b> See <b>HS 25501(o)</b> . See also <b>19 CCR 2703</b> .	<b>HS 25507(a)</b> See <b>HS 25515</b> 1st offense: <b>MISD</b> .	1 yr CJ	up to <b>\$25,000</b> per day	<b>G</b>
	2nd offense: <b>FELONY/MISD</b> . <b>"Wobbler"</b>	16-20-24 SP or 1 yr CJ	<b>\$2,000 - \$50,000</b> per day  If violation results in fire or emergency + <b>full cost</b> of cleanup and disposal. <b>HS 25515</b>	<b>G,H</b>
<b>Knowingly</b> – <b>after reasonable notice of violation</b> - failure to establish and <b>implement business plan</b> for emergency response to hazmat release <b>or</b> submit <b>modified plan</b> within 30 days of substantial change <b>or</b> submit annual <b>inventory</b> form <b>or</b> submit <b>amended inventory</b> form required <b>or</b> submit <b>plan correcting deficiencies</b> within 30 days of notice or accidental release programs. See <b>HS 25503.5, 25503.7, 25503.8, 25505, 25508, 25509, 25509.3, 25510, 25533</b> .	<b>HS 25514.3</b> <b>MISD</b> .	6 mos CJ	up to <b>\$1,000</b>	<b>G</b>
<b>Willfully prevents, interferes with</b> or <b>attempts to impede</b> enforcement of the hazmat business plan requirements. See <b>HS 25500 et seq</b> .  <b>Penalty Apportionment:</b> All criminal penalties collected shall be apportioned half to prosecuting agency and half to investigating agency. <b>HS 25515.2</b> .	<b>HS 25515.1</b> <b>MISD</b> .	6 mos CJ	up to <b>\$1,000</b>	<b>G</b>
<b>Knowingly</b> – <b>withholds information</b> after request by DTSC or local agency of “real and substantial danger” to public health or safety.	<b>HS 25191(b)(4)</b> 1st offense: <b>MISD</b> .	1 yr CJ	<b>\$2,000 - \$25,000</b> per day mandatory	<b>G</b>
	2nd offense: <b>FELONY/MISD</b> . <b>"Wobbler"</b>	16-20-24 SP or 1 yr CJ	<b>\$2,000 - \$50,000</b> per day mandatory	<b>G,H</b>
<b>Knowingly</b> – any person or stationary source who makes <b>any false statement</b> in any record, report, or document filed, maintained, or used to comply with <b>California Accidental Release Prevention program</b> . See <b>HS 25531 et seq</b> .	<b>HS 25541</b> 1st offense: <b>MISD</b> .	1 yr CJ	up to <b>\$25,000</b> per day per violation	
	2nd offense: <b>FELONY/MISD</b> . <b>"Wobbler"</b>	1-2-3 SP or 1 yr CJ	<b>\$2,000 - \$50,000</b> per day per violation	<b>G,H</b>

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<p><b>Knowingly</b> – any person or stationary source who <b>violates</b> any CalARP requirement or who <b>knowingly renders inaccurate</b> any federally required monitoring device or method.</p> <p><u>Note:</u> If civil penalties are collected pursuant to <b>HS 22540</b> or <b>25540.5</b>, the same offense shall not be subject to criminal prosecution pursuant to <b>HS 25541</b> and <b>HS 25541.3</b>. See <b>HS 25541.5</b>. See also <b>19 CCR 2745.10.5</b>.</p>	<b>HS 25541.3</b> MISD.		up to <b>\$10,000</b> per day per violation	<b>G</b>
<p><b>Knowingly</b> – any person or stationary source who <b>violates</b> any CalARP requirement <b>after reasonable notice of violation</b>.</p> <p><u>Cost Recovery:</u> If the violation results in, or significantly contributes to, an emergency, including a fire, the person or stationary source shall also be assessed the <b>full cost</b> of the county or city <b>emergency response</b>, as well as the <b>cost of cleaning up</b> and <b>disposing</b> of any hazardous materials. See <b>HS 25540(b)</b>.</p>	<b>HS 25540(b)</b> MISD.	1 yr CJ	up to <b>\$25,000</b> per day to agency as civil penalty	<b>G</b>
<p><b>Failure to notify CHP</b> after dumping, spilling, or causing the <b>release of hazardous material</b> or <b>waste</b> upon the highway, as soon as the person <i>knows and notification is possible</i>.</p>	<b>VC 23112.5</b> MISD.	6 mos CJ	<b>\$2,000</b> mandatory	<b>G</b>
<p><b>Strict Liability</b> – <b>failure</b> to establish and <b>implement business plan</b> for emergency response to hazmat release, <b>or</b> submit <b>plan correcting deficiencies</b> within 30 days of notice, <b>or</b> submit <b>modified plan</b> within 30 days of substantial change, <b>or</b> submit annual <b>inventory form</b>, <b>or</b> submit amended <b>inventory form</b> as required. <b>25503.5-25505</b> or <b>25508-25510</b>.</p>	<b>HS 25514(a)</b>  <b>HS 25514.5(a)</b>	Civil	up to <b>\$2,000</b> per day to county or city or  up to <b>\$2,000</b> per day to agency  If violation resulted in fire or emergency + <b>full cost</b> of cleanup and disposal.	<b>E</b>
<p><b>Knowingly</b> – violation of <b>HS 25514(a)</b> after <b>reasonable notice of violation</b></p>	<b>HS 25514(b)</b> <b>HS 25514.5(b)</b>	Civil penalty; Administrative penalty	up to <b>\$5,000</b> per day to county or city or up to <b>\$5,000</b> per day to agency	<b>E</b>
<p><u>Note:</u> In the case of past, present, and/or impending violations, injunctive relief or court orders may be granted to enjoin violations or direct compliance. See <b>HS 25516(b)</b>.</p> <p><u>Penalty Apportionment:</u> All civil penalties collected shall be apportioned half to prosecuting office and half to investigating agency. <b>HS 25515.2</b></p>				

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<i>Strict Liability</i> – any person or stationary source who violates this article. See HS 25531 et seq.	HS 25540(a)	Civil	up to \$2,000 per day to agency  If violation resulted in fire or emergency + full cost of cleanup and disposal.	E
<i>Strict Liability</i> – any person or stationary source who violates any rule, regulation, emission limit, permit, duty to monitor or inspect, etc. required by this article.	HS 25540.5	Civil	up to \$10,000 per day	E

**Note:** If civil penalties are recovered pursuant to HS 22540 or 25540.5, the same offense shall not be subject to criminal prosecution pursuant to HS 25541 or HS 25541.3. See HS 25541.5.

<i>Knowingly and intentionally</i> – failure of designated government employee to disclose within 72 hours to Board of Supervisors and local health officer info revealing the illegal discharge or threatened discharge of a hazardous waste, knowing it will likely cause substantial injury to public health or safety, unless disclosure is prohibited by law, would adversely affect ongoing criminal investigation, or is already known to the public.	HS 25180.7(b)(c) FELONY/MISD. "Wobbler"	1 yr CJ or by SP	\$5,000 - \$25,000 plus mandatory loss of job if felony	G,H
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## UNDERGROUND STORAGE TANKS

### ANY "PERSON"

<b>Falsifies monitoring records.</b>	HS 25299(f)(1) MISD.	1 yr CJ	\$5,000 - \$10,000 mandatory	G
<i>Knowingly</i> – failure to report an unauthorized release.	HS 25299(f)(1) MISD.	1 yr CJ	\$5,000 - \$10,000 mandatory	G
<i>Intentionally</i> – disables or tampers with automatic leak detection system	HS 25299(f)(2) MISD.	1 yr CJ	\$5,000 - \$10,000 mandatory	G
<i>Intentionally</i> – failure to notify board or local agency when required or submits false information relating to permit.	HS 25299(c)	Civil	up to \$5,000 per tank	D
Violates any required corrective action for unauthorized release. See HS 25296.10.	HS 25299(d)	Civil	up to \$10,000 per tank per day	D

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
Violates red tag provisions ( <b>Deposits petroleum</b> or <b>removes, defaces, alters</b> , or otherwise <b>tampers</b> with red tag). See HS 25292.3.	HS 25299(e)	Civil	up to \$5,000 per tank per day	<b>D</b>
See 23 CCR 2631- compatability & permeability testing req.; 23 CCR 2636- new UST esign, constructions, and monitoring req.				

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<i>Knowingly</i> – “person in the course of doing business” (10+ employees) discharges or <b>releases a chemical known to the state to cause cancer or reproductive toxicity</b> into water or onto or into land where it passes or probably will pass into any source of drinking water	HS 25249.5	Civil	up to \$2,500 per day	<b>E</b>
Definition of "person in the course of doing business" See HS 25249.11. See also 22 CCR 12405- discharge of a pesticide; 27 CCR 20870- hazardous waste.				

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## **OPERATORS**

Operator is any person in control of or having daily responsibility for the daily operation of an underground storage tank system. See HS 25281(j).

<b>Operating without permit.</b> See HS 25284(a).	HS 25299(a)(1)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Violating a <b>permit requirement</b>	HS 25299(a)(2)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Failure to maintain <b>records</b>	HS 25299(a)(3)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
<b>Failure to report</b> unauthorized release. See HS 25294 and 25295.	HS 25299(a)(4)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Improperly <b>closing or abandoning</b> tank. See HS 25298.	HS 25299(a)(5)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Violating any UST <b>requirement/regulation</b>	HS 25299(a)(6)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Failure to permit inspection <b>or</b> to perform required <b>monitoring</b> , testing, or reporting. See HS 25288 and 25289.	HS 25299(a)(7)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
Making <b>false statement, representation or certification</b> in any application, record, report, or other document.	HS 25299(a)(8)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
<b>Tampering</b> or <b>disabling</b> automatic leak detection device or alarm.	HS 25299(a)(9)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>

## OWNERS

Owner means the owner of an UST. See HS 25281(k).

<b>Failure to obtain permit.</b> See HS 25284(a).	HS 25299(b)(1)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Failure to <b>repair or upgrade</b> tank, piping, or containment as required	HS 25299(b)(2)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Improperly <b>closing or abandoning</b> tank.	HS 25299(b)(3)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Violations of any permit to operate requirements.	HS 25299(b)(4)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Violation of requirements or regulations pursuant to HS 25299.3	HS 25299(b)(5)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Failure to <b>permit inspection</b> <b>or</b> to perform required <b>monitoring, testing, or reporting</b> pursuant to HS 25288 and 25289.	HS 25299(b)(6)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>
Making <b>false statement, representation or certification</b> in any application, record, report, or other document.	HS 25299(b)(7)	Civil	\$500 - \$5,000 per tank per day	<b>D</b>

UST requirements and regulations include payment of permit fees (HS 25287), secondary containment (HS 25291(a)), replacement or upgrade of tanks by 12/12/98 (HS 25292(d) and 23 CCR 2660 et seq), written monitoring plans (23 CCR 2641(h)), evidence of financial responsibility (HS 25292.2), spill and overflow prevention (HS 25291(c)), leak detection monitoring systems (HS 25291(b)), and performing, monitoring and keeping sufficient records (HS 25293 and 23 CCR 2640 et seq.).

## WATER POLLUTION

### DISCHARGES OR THREATENED DISCHARGES TO STATE WATERS

<b>Deposit in or permit to pass into or place where it can pass into</b> state waters:	FG 5650 MISD.			<b>G</b>
— petroleum, acid, tar, asphalt, and related products		1 yr CJ FG 12002(b)(4)	up to \$2,000	<b>G</b>
— solid or liquid refuse from refinery, mill, or factory		1 yr CJ FG 12002(b)(4)	up to \$2,000	<b>G</b>
— sawdust, shavings, slabs, edgings		6 mos CJ FG 12002(a)	up to \$1,000	<b>G</b>
— factory refuse, lime, or slag		6 mos CJ FG 12002(a)	up to \$1,000	<b>G</b>
— cocculus indicus (berries of this poisonous plant were thrown on water to stun fish)		6 mos CJ FG 12002(a)	up to \$1,000	<b>G</b>
<b>— any substance or material deleterious to fish, plant, or bird life</b>		6 mos CJ FG 12002(a)	up to \$1,000	<b>G</b>

Per FG 12015(b) removal or cost of removal if such costs incurred by DFG.

Note: Exception provided for expressly authorized discharge/release if in compliance with permit/waiver requirement issued by local or state water boards. See FG 5650(b).

**Additional fines** per FG 12011 may include: (1) fine of up to \$10 per gallon or pound of material discharged, less what was recovered and disposed of by responsible party, and (2) fine matching **reasonable costs** incurred by agency for cleanup and abatement and to fully mitigate all actual damages to fish, plant, bird, or animal life and habitat.

**Affirmative defense:** (1) complied with all federal/state laws and regulations requiring reporting of discharge, (2) substance did not enter waters of state or storm drain that discharges into waters, and (3) took reasonable, timely, appropriate measures to effectively mitigate release. See FG 5650(c). Affirmative defense does not apply when defendant acted willfully. See FG 5650(f).

Strict Liability – <b>Deposit in or permit to pass into or place where it can pass into</b> state waters:	FG 5650.1	Civil	Per FG 12015(b) up to \$25,000 per violation + removal or cost of removal if such costs incurred by DFG	<b>C</b>
— petroleum, acid, tar, asphalt, and related products				
— solid or liquid refuse from refinery, mill, or factory				

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<ul style="list-style-type: none"> <li>— sawdust, shavings, slabs, edgings</li> <li>— factory refuse, lime, or slag</li> <li>— cocculus indicus (berries of this poisonous plant were thrown on water to stun fish)</li> <li>— any substance or material deleterious to fish, plant, or bird life</li> </ul> <p><u>Penalty Apportionment:</u> Half of all civil penalties collected shall be deposited in the county fish and wildlife propagation fund in which the action was prosecuted and the other half shall be deposited in the Fish and Game Preservation Fund. See FG 5650.1(h).</p> <p><u>Note:</u> Additional liability for violation of introducing deleterious substances into state waters includes all actual damages to fish, plant, bird, or animal life or their habitat, and reasonable costs incurred in cleaning up the substance or abating its effects, or both. See FG 12016(a).</p> <p><u>Note:</u> If seeking a temporary restraining order, preliminary injunction, or permanent injunction, it is not necessary to prove irreparable damage/inadequate remedy of law. See FG 5650.1(e).</p>				
<p><b>Deposit, permit to pass into, or place where it can pass into state waters, or to abandon, dispose of, or throw away within 150 feet of high-water mark of state waters any cans, bottles, garbage, motor vehicle or parts, rubbish, or viscera or carcass of any dead mammal or carcass of any dead bird.</b></p> <p><u>Additional penalties:</u> removal or costs of removal of materials polluting, contaminating, or obstructing or threatening to pollute, contaminate, or obstruct waters to the detriment of fish, plant, bird, or animal life. See FG 12015(b).</p>	<p><b>FG 5652 MISD.</b></p>	<p><b>6 mos CJ (FG 12002)</b></p>	<p><b>up to \$1,000</b></p>	<p><b>G</b></p>
<p><b>Dumping ballast in port, harbor, or cove.</b></p>	<p><b>H&amp;N 132 MISD.</b></p>	<p><b>6 mos CJ</b></p>	<p><b>up to \$1,000</b></p>	<p><b>G</b></p>
<p><b>Litters or dumps any waste manner into any bay, lagoon, channel, river, creek, slough, lake, reservoir, or upon any bank or shore or within 150 feet of high water mark or any stream or body of water.</b></p>	<p><b>PC 374.7(a),(b)</b> 1st offense: MISD. 2nd offense: MISD. 3rd offense: MISD.</p>	<p><b>6 mos CJ</b>  <b>6 mos CJ</b>  <b>6 mos CJ</b></p>	<p><b>\$250 - \$1,000</b>  <b>\$500 - \$1,500</b>  <b>\$750 - \$3,000 + 8 or more hours of litter clean-up</b></p>	<p><b>G</b>  <b>G</b>  <b>G</b></p>
<p><b>Knowingly - causes any hazardous substance to be deposited into state waters.</b></p>	<p><b>PC 374.8 FELONY/MISD. "Wobbler"</b></p>	<p><b>16-2-3 SP or 1 yr CJ</b></p>	<p><b>\$50 - \$10,000</b></p>	<p><b>G,H</b></p>

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b><u>Negligently:</u></b>				
(1) discharges <b>radiological, chemical, or biological warfare agent</b> into state waters <b>or discharges pollutants</b> into navigable waters <b>w/o permit</b> (2) <b>violates any WDR</b> (per <b>WC 13374</b> , WDR = Clean Water Act permit) (3) <b>violates</b> order or prohibition in any <b>WDR</b> or <b>water quality control plan</b> or <b>cease-and-desist order</b> of regional board (4) <b>violates</b> CWA section <b>301</b> (discharge pollutant w/o permit), <b>302</b> (effluent limits), <b>306</b> (national standards of performance), <b>307</b> (national toxic or pretreatment standards), <b>308</b> (records, reports, inspections), <b>318</b> (aquaculture projects), <b>401</b> (certification), or <b>405</b> (disposal or use of sewer sludge). (5) puts <b>in POTW or sewer system</b> any pollutant or hazardous substances that the person <i>knew or reasonably should have known</i> <b>could cause personal injury or property damage</b> (6) puts in <b>POTW or sewer system</b> any pollutant or hazardous substance which <b>causes treatment works to violate WDR.</b>	<b>Water 13387(a)(1-7)</b>			
	1st offense: MISD.	1 yr CJ	\$5,000 - \$25,000 per day	G
	2nd offense: FELONY	16-20-24 mos SP	up to \$50,000 per day	G,H
<b><u>Knowingly:</u></b>				
(See above)	<b>Water 13387(a)(1-7)</b>			
	1st offense: FELONY	nmt 3 yrs SP	\$5,000 - \$50,000 per day	G
	2nd offense: FELONY	2-4-6 yrs SP	up to \$100,000 per day	H
<b><u>Knowing and knowledge of imminent danger of death or serious bodily injury to another person:</u></b>				
(See above)	<b>Water 13387(d)</b>			
	1st offense: FELONY	5-10-15 yrs SP	up to \$250,000 per day	H
	2nd offense: FELONY	10-20- 30 yrs SP	up to \$500,000 per day	H
	<b><u>Organizations:</u></b>			
	1st offense:		up to \$1,000,000	
	2nd offense:		up to \$2,000,000	

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
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**Penalty Apportionment:** Penalties shall be deposited in the State Water Pollution Cleanup and Abatement Account or (if violation of **Water 13387(a)(2)** or **(a)(4)**) Water Discharge Permit Fund . See **Water 13387(h)**.

Note: Civil actions under the Water Quality laws (**Water 13000 et seq.**) shall be brought by the Attorney General, not the District Attorney, in the county where a discharge is made. (**Water 13361**) Note: District Attorneys may bring B&P 17200 actions based on underlying Water Code violations.

Strict Liability

1-discharges <b>radiological, chemical, or biological warfare agent</b> into state waters <u>or</u> discharges <b>pollutants</b> into navigable waters w/o permit	<b>Water 13385(a)(1-6)</b>	Civil	up to <b>\$25,000</b> per day + up to <b>\$25</b> times the # of gallons not cleaned > 1,000 gals.	<b>A</b>
2-violates any <b>WDR or dredged or fill material permit</b> .	Superior Court on petition of the AG			
3-violates <b>reporting, monitoring, inspection, record-keeping requirements</b>			up to <b>\$10,000</b> per day + up to <b>\$10</b> times the # of gallons not cleaned > 1,000 gals.	
4-violates prohibition against <b>discharge of waste in certain areas in WDR or water quality control plan of regional board</b>	Administrative (State or Reg. board)			
5-violates CWA section <b>301</b> (discharge pollutant w/o permit), <b>302</b> (effluent limits), <b>306</b> (national standards of performance), <b>307</b> (national toxic or pretreatment standards), <b>308</b> (records, reports, inspections), <b>318</b> (Aquaculture projects), <b>401</b> (certification), or <b>405</b> (disposal or use of sewer sludge)			Possible mandatory minimum <b>\$3,000</b> for national standards of violations per <b>13385(h),(i)</b>	
6-violates <b>WDR in pretreatment program</b> or permit				

Intentionally or Negligently

1-violation of <b>cease and desist order (CDO) or cleanup and abate order (CAO)</b>	<b>Water 13350(a)</b>	Civil	<b>\$15,000</b> per day by court <u>or</u> up to <b>\$20</b> per gallon by court <b>Water 133350(d)</b>	<b>A</b>
2 - <b>unauthorized discharge of waste</b> to state waters in violation of any waste discharge requirements (WDR) <u>or</u> regional board order, causing a pollution nuisance		Admin. Discharge but no CAO issued:	up to <b>\$5,000</b> per day <u>or</u> up to <b>\$10</b> per gallon	
3- cause or permit <b>oil or other residual petroleum product to be deposited</b> in/on state waters		Discharge and CAO issued:	<b>\$500 - \$5,000</b> per day	
		No discharge but order violated:	<b>\$100 - \$5,000</b> per day	

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<u>Strict Liability</u> causes or permits a <b>hazardous substance</b> to be <b>discharged</b> to state waters except in accordance with WDR	Water 13350(b)	Civil	\$15,000 per day by court <u>or</u> up to \$20 per gallon by court Water 133350(d)	<b>A</b>
		Admin. Discharge but no CAO issued:	up to \$5,000 per day <u>or</u> up to \$10 per gallon	
		Discharge and CAO issued:	\$500 - \$5,000 per day \$100 - \$5,000 per day	
		No discharge but order violated:		

Note: The court may impose civil liability either on a daily basis or on a per gallon basis, but not both. See Water 13350(d). Note: No liability under (b) if recovered under Water 13385.

Penalty Apportionment: Penalties shall be deposited in Waste Discharge Permit Fund. See Water 13350(k).

<i>Knowingly</i> - "person in the course of doing business" (10+ employees) <b>discharges</b> or <b>releases a chemical known to the state to cause cancer or reproductive toxicity</b> into water or onto or into land where it passes or probably will pass into any source of drinking water  "person in the course of doing business" See HS 25249.11.	HS 25249.5	Civil	up to \$2,500 per day	<b>E</b>
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## REPORTING OF DISCHARGES

Regarding reporting of oil spills	Gov 8670.25.5 and 8670.26			
The fundamental reporting requirement for any spill.	HS 25507 MISD.	12 mos CJ	Up to \$25,000	<b>G</b>
	Second offense: "Wobbler" H&SC 25515	16-20-24 mos SP	\$2,000 to \$50,000	<b>G,H</b>
<b>Failure to furnish report</b> of waste discharge when requested by board under 13260	Water 13261(a) MISD.	6 mos CJ	up to \$1,000	<b>G</b>

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
Any person who <b>discharges</b> or proposes to discharge <b>hazardous waste</b> who <i>knowingly furnishes false report</i> or who <i>willfully fails to furnish report</i> or who <i>willfully withholds material information</i> despite actual <i>knowledge</i> of requirement.	Water 13261(c) MISD.	6 mos CJ	up to <b>\$1,000</b>	<b>G</b>
See also 14 CCR 845.2- oil spill prevention; 844.5- reporting requirements; 844.2- req. for transfer of oil.				
<b>New or material change in waste discharge</b> before filing <b>report</b> , or after reporting but before WDR issued, <b>after written notice</b> of violation. See WC 13264(a).	Water 13265(a) MISD.	6 mos CJ	up to <b>\$1,000</b>	<b>G</b>
<b>Discharge hazardous waste</b> before filing <b>report</b> , or after reporting but before WDR issued.	Water 13265(c) MISD.	6 mos CJ	up to <b>\$1,000</b> per day	<b>G</b>
Any person who <b>fails or refuses to furnish or falsifies technical or monitoring report</b> of waste discharge.	Water 13268(a) MISD.	6 mos CJ	up to <b>\$1,000</b> per day	<b>G</b>
Any person who <b>discharges</b> hazardous waste who <i>knowingly fails or refuses to furnish</i> or <i>knowingly falsifies technical or monitoring report</i> of waste discharge.	Water 13268(c) MISD.	6 mos CJ	up to <b>\$5,000</b> per day	<b>G</b>
Any person who <b>knowingly fails or refuses to furnish or falsifies monitoring report</b> of waste discharge <b>OR knowingly discharges</b> hazardous waste who <i>knowingly fails or refuses to furnish</i> or <i>knowingly falsifies monitoring report</i> of waste discharge.	Water 13268(e) 1st offense: 2nd offense (w/ prior MISD conviction):		up to <b>\$25,000</b> up to <b>\$25,000</b> per day	<b>G</b>
<b>Failure to immediately notify</b> OES of <b>hazardous</b> substances or sewage in, or to place where it probably will be discharged in, state waters as soon as the person <i>knows of discharge and can notify</i> without substantially impeding cleanup or other emergency measures.	Water 13271(c) MISD.	1 yr CJ	up to <b>\$20,000</b>	<b>G</b>
<b>Failure to immediately notify</b> OES of any <b>oil or petroleum product</b> discharged in, or to place where it probably will be discharged in, state waters, as soon as person <i>knows of discharge and can notify</i> without substantially impeding cleanup or other emergency measures (reportable quantity = 42+ gallons, unless stricter standard applies).	Water 13272(c) MISD.	1 yr CJ	<b>\$500 - \$5,000</b> per day	<b>G</b>

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b>Knowingly</b> - makes <b>false statement</b> in any document filed with water board <b>or falsifies, tampers</b> with, or makes inaccurate any monitoring device or method.	<b>Water 13387(e)</b> 1st offense: <b>FELONY</b>	16, 20, 24 mos SP	up to <b>\$25,000</b>	<b>H</b>
	2nd offense: <b>FELONY</b>	2, 3, 4 yrs SP	up to <b>\$25,000</b> per day	<b>H</b>
<b>Failure to furnish report</b> of waste discharge when requested by board.	Water 13261(a),(b)	Civil	up to <b>\$1,000</b> per day administrative or up to <b>\$5,000</b> per day by court	<b>A</b>
Any person who <b>discharges</b> or proposes to discharge <b>hazardous waste</b> who <b>knowingly furnishes false report</b> <b>or</b> who <b>willfully fails to furnish report</b> <b>or</b> who <b>willfully withholds material information</b> despite actual <b>knowledge</b> of requirement.	Water 13261(c),(d)	Civil	up to <b>\$5,000</b> per day administrative or up to <b>\$25,000</b> per day by court	<b>A</b>
<b>New or material change in waste discharge</b> before filing <b>report</b> , or after reporting but before WDR issued, <b>after written notice</b> of violation.	Water 13265(a),(b)	Civil	up to <b>\$1,000</b> per day administrative or up to <b>\$5,000</b> per day by court	<b>A</b>
<b>Negligently</b> - <b>discharge hazardous waste</b> to state waters and <b>failure to report</b> unless regional board determines violation was insubstantial.	Water 13265(c),(d)	Civil	up to <b>\$5,000</b> per day administrative or up to <b>\$25,000</b> per day by court	<b>A</b>
Any person who <b>fails or refuses to furnish or falsifies monitoring report</b> of waste discharge.	Water 13268(a),(b)	Civil	up to <b>\$1,000</b> per day administrative or up to <b>\$5,000</b> per day by court	<b>A</b>
Any person who <b>discharges</b> hazardous waste who <b>knowingly fails or refuses to furnish</b> or <b>knowingly falsifies monitoring report</b> of waste discharge.	Water 13268(c),(d)	Civil	up to <b>\$5,000</b> per day administrative or up to <b>\$25,000</b> per day by court	<b>A</b>

## **OIL SPILLS**

<b>Discharge oil from a vessel</b> into or upon navigable waters except in case of emergency imperiling life or property or unavoidable accident.	<b>H&amp;N 133</b> <b>MISD.</b>	6 mos CJ	up to <b>\$1,000</b>	<b>G</b>
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See H&N 151, 293, 294, for penalties and liability for damages

**Note:** All of the following Gov sections are limited to marine oil spills (tidally influenced waters as defined).

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b>Knowingly - fails</b> to follow <b>direction</b> or <b>order</b> in connection with oil spill.	Gov 8670.64(a)(1) FELONY/MISD. "Wobbler"	16-2-3 SP or 1 yr CJ	\$5,000 - \$500,000 per day	G,H
<b>Knowingly - fails to notify</b> Coast Guard that tanker is disabled within 1 hour of disability, and tanker discharges oil that enters marine waters.	Gov 8670.64(a)(2) FELONY/MISD. "Wobbler"	16-2-3 SP or 1 yr CJ	\$5,000 - \$500,000 per day	G,H
<b>Knowingly or reasonably should have known</b> - engages in or causes the <b>discharge</b> or <b>spill of oil into marine waters</b> unless discharge is authorized.	Gov 8670.64(a)(3) FELONY/MISD. "Wobbler"	16-2-3 SP or 1 yr CJ	\$5,000 - \$500,000 per day	G,H
<b>Knowingly</b> - fails to begin <b>cleanup</b> , <b>abatement</b> , or <b>removal</b> of spilled oil as required.	Gov 8670.64(a)(4) FELONY/MISD. "Wobbler"	16-2-3 SP or 1 yr CJ	\$5,000 - \$500,000 per day	G,H
<b>Knowingly</b> - - <b>fails to notify</b> Office of Emergency Services of discharge or spill <u>or</u> - <b>continues operation</b> without required oil spill contingency plan <u>or</u> - <b>fails to follow</b> material provisions of applicable oil spill contingency plan	Gov 8670.64(c) 1st offense: MISD.  2nd offense: FELONY/MISD. "Wobbler"	1 yr CJ  16-2-3 SP or 1 yr CJ	\$2,500 - \$250,000 per day  \$5,000 - \$500,000 per day	G  G,H
<b>Knowingly</b> - violates <b>any code section</b> relating to oil spills or oil spill prevention and response <u>or</u> any permit, rule, regulation, cease and desist order, or requirement.	Gov 8670.65(a) MISD.	1 yr CJ	up to \$50,000	G
<i>Intentionally or negligently</i> - - <b>fails to follow direction or order</b> in connection with oil spill <u>or</u> - <b>fails to notify</b> Coast Guard that tanker is disabled within 1 hour of disability, and tanker discharges oil that enters marine waters <u>or</u> - <b>discharges</b> or <b>spills oil into marine waters</b> unless discharge is authorized <u>or</u> - <b>fails to begin cleanup, abatement, or removal</b> of spilled oil as required.	Gov 8670.66(a)	Civil	\$25,000 - \$500,000 per day <u>or</u> up to <u>\$100,000 per day administratively</u>	E
<i>Intentionally or negligently</i> - violates <b>any code section</b> relating to oil spills or oil spill prevention and response <u>or</u> any permit rule, regulation, cease and desist order, or requirement	Gov 8670.66(b)	Civil	up to \$250,000 per day <u>or</u> up to <u>\$100,000 per day administratively</u>	E

See 14 CCR 873.2- Admin. Compliance actions & civil penalties; 2 CCR 2407-state land inspection; 2405; 2406.

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
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**SEWER SYSTEMS**

<p><i>Maliciously (intent to do a wrongful act) discharge, dump, release, place, drop, pour, or deposit, or cause the same:</i> any substance capable of causing substantial damage or harm to the operation of a <b>public sewer sanitary facility</b> <u>or</u> to deposit in <b>commercial quantities</b> any other substance <b>into a manhole</b>, cleanout or other sanitary sewer facility, not intended for use as point of deposit for sewage, which is connected to a public sanitary sewer system, without written authorization.</p>	<p><b>PC 374.2</b> 1st offense: MISD.</p>	<p>1 yr CJ</p>	<p>up to <b>\$25,000</b></p>	<p><b>G</b></p>
	<p>2nd offense: <b>FELONY/MISD.</b></p>	<p>16-20-24 or 1 yr CJ</p>	<p><b>\$5,000 - \$25,000</b></p>	<p><b>G,H</b></p>

<p>Unlawful for a grease waste hauler [defined in (d)] to: (a)(1) <b>re-insert etc.</b> any of the contents of a grease trap after removal back into a <b>grease trap, a cleanout, or the sanitary sewer</b>. See exceptions in (b) (a)(2) <b>discharge etc.</b> into the waters of the state any <b>materials removed from a grease trap</b> (c) <b>transport</b> grease removed from a grease trap in the same vehicle used for transporting any other waste</p>	<p><b>PC 374.5</b> 1st offense: MISD.</p>	<p>6 mos CJ</p>	<p>AND up to <b>\$10,000</b></p>	
	<p>2nd/subsequent offenses: MISD.</p>	<p>1 yr CJ</p>	<p>AND up to <b>\$25,000</b></p>	

*Note: If court finds practice or pattern of violation (2 or more convictions) it may bar defendant from engaging in the grease waste hauling business for up to 5 yrs (g).*

**STREAMBED ALTERATION AND OBSTRUCTION OF WATERS**

<p>An entity may not, <b>without first notifying DFG:</b> - <b>substantially divert or obstruct</b> the natural flow of, <u>or</u> - <b>substantially change or</b> - <b>use any material</b> from the bed, channel or bank of, any river, stream, or lake, <u>or</u> - <b>deposit or dispose</b> of debris, waste, or other material containing crumbled, flaked, or ground pavement <b>where it may pass</b> into any river, stream or lake</p>	<p><b>FG 1602(a)</b> 1st offense: MISD.</p>	<p>6 mos CJ</p>	<p>up to <b>\$1,000</b></p>	<p><b>G</b></p>
	<p>(<b>FG 12000/12002</b>) 2nd offense on same project/agreement: MISD. (<b>FG 12007</b>)</p>	<p>1 yr CJ</p>	<p>up to <b>\$5,000</b></p>	<p><b>G</b></p>

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
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Unless: DFG receives written notification regarding the activity, DFG determines notification is complete, entity pays applicable fees, and either DFG informs in writing that the activity will not substantially adversely affect an existing fish or wildlife resources and entity may commence activity without an agreement, DFG determines activity may substantially adversely affect an existing fish or wildlife resources and issues a final agreement with reasonable measures necessary to protect resource and entity conducts activity in accordance, a panel of arbitrators issues a final agreement and entity conducts activity in accordance, or DFG does not issue a draft agreement w/in 60 days from date notification is complete and entity conducts activity in accordance with notification. See [FG 1602\(a\)](#).

Unlawful for any person to <b>violate this chapter</b> .	FG 1602(c) 1st offense: MISD. (FG 12000/12002)	6 mos CJ	up to \$1,000	G
	2nd offense on same project/agreement: MISD. (FG 12007)	1 yr CJ	up to \$5,000	G

**Additional penalties:** removal or costs of removal of materials polluting, contaminating, or obstructing or threatening to pollute, contaminate, or obstruct waters to the detriment of fish, plant, bird, or animal life. See [FG 12015\(b\)](#).

**Note:** Exception for immediate “emergency” (see [PR 21060.3](#)) work necessary to protect life or property, and certain public projects to repair highways damaged by fire, flood, etc., if notification to DFG provided within 14 days of start of project. See [FG 1610](#).

Unlawfully <b>obstructs navigation</b> of any navigable waters.	H&N 131 MISD.	6 mos CJ	up to \$1,000	G
Maintain, commit, permit, or fail to remove any <b>public nuisance</b> , i.e. any unlawful <b>obstruction of the red passage or use</b> , in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.	PC 370 and 372 (See also PC 373a) MISD.	6 mos CJ	up to \$1,000 per day	G

## AIR POLLUTION

### NONVEHICULAR AIR POLLUTION

**Discharge** from any source **any quantity of air contaminants** (HS 39013), which **cause injury, detriment, nuisance, or annoyance** to any considerable number of persons or the public or which **endanger** the comfort, repose, **health or safety** of any such persons or the public or which **cause** or have a natural tendency to cause **injury or damage** to business or property. See 17 CCR 93113 and 70200.5.

**Note:** odors from agricultural operations exempt per [HS 41705](#).

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<p><b>Any violation of code section, order, permit, rule, or regulation.</b></p> <p>Note: Employee/employer liability in <b>HS 42400(b)</b> for failure to operate vapor recovery system on gasoline cargo tank.</p>	<b>HS 42400(a)</b> MISD.	6 mos CJ	up to <b>\$1,000</b> per day	<b>G</b>
<p><b>Owner or operator</b> of source of air contaminants violates <b>HS 41700</b> and causes <b>actual injury</b> to the health or safety of a considerable number of persons to the public.</p> <p>See <b>HS 42400(d)</b>- "actual injury" means any physical injury that, in the opinion of a licensed physician and surgeon, requires medical treatment involving more than a physical examination.</p>	<b>HS 42400(c)</b> MISD.	9 mos CJ	up to <b>\$15,000</b> per day	<b>G</b>
<p><i>Negligently</i> - <b>emits</b> air contaminant in <b>violation</b> of code section, order, permit, rule, or regulation.</p>	<b>HS 42400.1(a)</b> MISD.	9 mos CJ	up to <b>\$25,000</b> per day	<b>G</b>
<p><i>Negligently</i> - <b>emits</b> air contaminant in <b>violation</b> of <b>HS 41700</b> and causes <b>GBI</b> or <b>death</b>.</p>	<b>HS 42400.1(b)</b> MISD.	1 yr CJ	up to <b>\$100,000</b> per day	<b>G</b>
<p><i>Knowingly</i> - <b>emits</b> air contaminant in <b>violation</b> of code section, order, permit, rule, or regulation, and <b>fails to take corrective action</b> within a reasonable period of time.</p> <p>See <b>HS 42400.2(b)</b> "corrective action" means the termination of emission violation or grant of a variance, unless the governing district regulation would allow continued operation of equipment, then compliance with that regulation is deemed to be corrective action.</p>	<b>HS 42400.2(a)</b> MISD.	1 yr CJ	up to <b>\$40,000</b> per day	<b>G</b>
<p><i>Knowingly</i> - <b>Owner or operator</b> of source of air contaminants violates <b>HS 41700</b> and causes <b>GBI or death</b> and <b>failed to take corrective action</b> within a reasonable period of time.</p>	<b>HS 42400.2(c)</b> MISD.	1 yr CJ	up to <b>\$250,000</b> per day	<b>G</b>
<p><i>Willfully and intentionally</i> - <b>emits</b> air contaminant in <b>violation</b> of code section, order, permit, rule or regulation.</p>	<b>HS 42400.3(a)</b> MISD.	1 yr CJ	up to <b>\$75,000</b> per day	<b>G</b>
<p><i>Willfully and intentionally, or with reckless disregard for the risk of GBI or death</i> - <b>emits</b> an air contaminant in violation of <b>HS 41700</b> that results in <b>substantial probability of GBI or death</b>.</p>	<b>HS 42400.3(b)</b> MISD.	1 yr CJ	up to <b>\$125,000</b> per day for individual; up to <b>\$500,000</b> per day for corporation	<b>G</b>
<p><i>Willfully and intentionally, or with reckless disregard for the risk of GBI or death</i> - <b>emits</b> an air contaminant in violation of <b>HS 41700</b> that <b>causes GBI or death</b>.</p>	<b>HS 42400.3(c)</b> FELONY/MISD. "Wobbler"	16-2-3 SP or 1 yr CJ	up to <b>\$250,000</b> per day for individual; up to <b>\$1,000,000</b> per day for corporation	<b>G,H</b>

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b>Knowingly</b> - violates any rule, permit, order, or regulation for <b>toxic air contaminants</b> .	HS 42400.3.5(a) MISD.	6 mos CJ	up to <b>\$10,000</b> per day	<b>G</b>
<b>Knowingly</b> - makes <b>false material statement</b> in any notice or report required for <b>toxic air contaminants</b> .	HS 42400.3.5(b) MISD.	9 mos CJ	up to <b>\$35,000</b>	<b>G</b>
<b>Knowingly and with intent to deceive</b> - <b>falsifies</b> any <b>required document</b> .	HS 42400.3.5(c) MISD.	9 mos CJ	up to <b>\$35,000</b>	<b>G</b>
See generally: 17 CCR 92000, 94551, 94546, 94573.				
<u>Note:</u> The filing of a criminal complaint is grounds requiring the dismissal of any civil action brought pursuant to HS 42400 et seq. for the same offense, except for a request for injunctive relief.				
<b>Title V Permit:</b> any <b>knowing</b> violations of permit conditions or fee or filing requirement.	HS 42400.4(a) MISD.	6 mos CJ	up to <b>\$10,000</b>	<b>G</b>
<b>Title V Permit:</b> <b>knowingly</b> makes <b>false material statement</b> in any form or notice requirement, or who <b>renders inaccurate any monitoring device, or required method</b> .	HS 42400.4(b) MISD.	6 mos CJ	up to <b>\$10,000</b>	<b>G</b>
<b>Tampering</b> with any ambient air monitoring equipment owned or operated by county, district, or state.	HS 42408(a) MISD.	6 mos CJ	up to <b>\$1,000</b>	<b>G</b>
<i>Intentionally or Negligently</i> - violates any order of abatement.	HS 42401	Civil	up to <b>\$25,000</b> per day	<b>B</b>
<i>Strict Liability</i> - violates any code section, order, permit, rule, or regulation.	HS 42402(a),(b)	Civil	<b>\$1,000 - \$10,000</b> per day	<b>B</b>
<i>Strict Liability</i> - <b>Owner or operator</b> of source of air contaminants violates HS 41700 and causes <b>actual injury</b> to the health and safety of a considerable number of persons or the public.	HS 42402(c)	Civil	up to <b>\$15,000</b> per day	<b>B</b>
<i>Negligently</i> - <b>emits</b> an air contaminant <b>in violation</b> of code section, rule, permit, regulation, or order.	HS 42402.1(a)	Civil	up to <b>\$25,000</b> per day	<b>B</b>
<i>Negligently</i> - <b>emits</b> an air contaminant in violation of HS 41700 and <b>causes GBI or death</b> .	HS 42402.1(b)	Civil	up to <b>\$100,000</b> per day	<b>B</b>
<i>Knowingly</i> - <b>emits</b> air contaminant <b>in violation</b> of code section, rule, permit, regulation, or order and <b>fails to take corrective action</b> within a reasonable period of time.	HS 42402.2(a)	Civil	up to <b>\$40,000</b> per day	<b>B</b>

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<i>Knowingly</i> - <b>Owner or operator</b> of source of air contaminants violates HS 41700 and <b>causes GBI or death</b> and <b>failed to take corrective action</b> within a reasonable period of time.	HS 42402.2(b)	Civil	up to <b>\$250,000</b> per day	<b>B</b>
<i>Willfully and intentionally</i> - <b>emits</b> air contaminant <b>in violation</b> of code section, rule, regulation, permit, or order.	HS 42402.3(a)	Civil	up to <b>\$75,000</b> per day	<b>B</b>
<i>Willfully and intentionally, or with reckless disregard for the risk of GBI-</i> <b>emits</b> an air contaminant in violation of HS 41700 that results in <b>unreasonable risk of GBI or death.</b>	HS 42402.3(b)	Civil	up to <b>\$125,000</b> per day for individual; up to <b>\$500,000</b> per day for corporation	<b>B</b>
<i>Willfully and intentionally, or with reckless disregard for the risk of GBI -</i> <b>emits</b> an air contaminant in violation of HS 41700 that <b>causes GBI or death.</b>	HS 42402.3(c)	Civil	up to <b>\$250,000</b> per day for individual; up to <b>\$1,000,000</b> per day for corporation	<b>B</b>
<i>Knowingly and with intent to deceive</i> - <b>falsifies any document</b> required by any code section, rule, regulation, permit, or order.	HS 42402.4	Civil	up to <b>\$35,000</b>	<b>B</b>
See generally: 17 CCR 60065.16, 60075.1, 60075.11, 92000, 94546, 94551, 94573.				
<u>Note:</u> The filing recovery of civil penalties under HS 42400 et seq. precludes criminal prosecution for the same offense. See HS 42400.7. <b>B</b>				
<u>Penalty Apportionment:</u> DA case- the entire civil penalty collected is paid to the treasurer of the air district. AG (on behalf of local air district)- half of civil penalties collected go to the treasurer of the district and other half to the state general fund. AG (on behalf of state board)- entire civil penalty is deposited in state general fund. See HS 42405.				

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*Toxic Air Contaminant- Strict Liability* - **violates** HS 39674(a),(b) any rule, regulation, emission limitation, permit condition **B**

See generally: 13 CCR 2021, 2701-2710; 17 CCR 60065.16, 60075.1.

Note: If excess of \$1,000 civil penalty is sought, there is an affirmative defense if established that violation is caused by an act that was not intentional or negligent unless it is a violations of a toxic air contaminant rule, regulation, permit, order, fee requirement, or duty to allow or carry out inspection or monitoring activities, or duty to allow entry. See HS 39674(b)(3).

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<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
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**VEHICULAR AIR POLLUTION**

<i>Knowingly</i> - violates any rule or regulation adopted by state board relation to motor vehicle fuels.	HS 43020 MISD.	6 mos CJ	up to \$1,000	G
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**Note:** The filing of a criminal complaint is grounds for dismissal of any civil action brought pursuant to HS 43016 for the same offense. See HS 43020.

<i>Strict Liability</i> - violates any code section, order, rule, or regulation adopted by state board for which there is no other specific civil penalty.	HS 43016	Civil	up to \$500 per vehicle	B
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See generally: 13 CCR 1968.2, 1968.5, 1971, 2258, 2259, 2262.9, 2291, 2293.5, 2315, 2444.2; and 17 CCR 60075.11, 60075.11.

**Note:** The recovery of civil penalties precludes criminal prosecution for a violation of HS 43020.

**FISH AND GAME**

Violation of any code, section, rule, regulation, or order except as otherwise provided.	FG 12000 MISD.	6 mos CJ (per FG 12002)	\$100 - \$1,000	G
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Applicable code sections and regulations include:

- Unlawful possession** of bird, fish, reptiles, amphibia **after close of season.** See FG 2001, 14 CCR 650, 679.
- Unlawful take** of bird, mammal, fish, etc. See FG 2000, 14 CCR 243, 679.
- Unlawful possession** of bird, mammal, fish, etc. unlawfully taken See FG 2002
- Spotlight hunting** See FG 2005, 14 CCR 2.15, 264, 264.5.
- Possession of loaded gun in vehicle on public road** See FG 2006
- Trap gun** See FG 2007
- Hunter trespass** See FG 2016
- Guiding without a license** See FG 2536(a)
- Take of deer without tags** See FG 4330, 14 CCR 708
- Hunting in a baited area** See 14 CCR 257.5
- Dams and fish passage requirements** See FG 5901 and 5937
- Records of fish sales and purchases** See FG 8050

**Note:** fishing without a license (FG 7145) is punishable as an infraction per FG 12002.2.

<b>Take</b> , possess, purchase, sell, import, or export, <b>or attempt</b> any of the same: any endangered or threatened species or any part or product thereof.	FG 2080 MISD.	1 yr CJ	up to \$5,000 (per FG 12008)	G
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See generally 14 CCR 650, 786.2, 786.4, 786.5.

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b>Sell or purchase any sport-caught fish</b> (except abalone). See 14 CCR 231.	FG 7121 MISD.	6 mos CJ	\$2,000 - \$7,500 (per FG 12002.3)	G
<b>Sell or purchase any sport-caught abalone.</b> See 14 CCR 231.	FG 7121 MISD.	1 yr CJ	\$15,000 - \$40,000 (per FG 12009)	G
<b>Take abalone</b> for commercial or recreational purposes in any area <b>south of the mouth of San Francisco Bay.</b>	FG 5521 MISD.	1 yr CJ	\$15,000 - \$40,000 (per FG 12009)	G
<b>Take abalone for commercial purposes</b> in certain Fish and Game Districts	FG 5521.5 MISD.	1 yr CJ	\$15,000 - \$40,000 (per FG 12009)	G

## FOREST PROTECTION

*Willfully* - violates **any code section, rule, or regulation** of the Forest Practice Act (**PR 4511et seq.**), e.g. **timber harvest plan** requirements (**PR 4581 et seq.**).

PR 4601 MISD. 6 mos CJ up to \$1,000 G

*Intentionally, knowingly, or negligently* - violates **any code section, rule, or regulation** of the Forest Practice Act.

PR 4601.1 Civil up to \$10,000 E  
PR 4601.2 Admin up to \$10,000 E  
per act  
per act

See generally 14 CCR 1057.1, 1057.3, 1057.4, 1057.5, 1058-1058.5.

## SOLID WASTE

### DUMPING AND LITTERING

**Litter** on any public or private property.

PC 374.4 INFRACTION G

1st offense: \$250 - \$1,000  
2nd offense: \$500 - \$1,500  
3rd offense: \$750 - \$3,000  
+ 8 or more hours of litter cleanup

Throwing or depositing upon any highway **any substance** likely to injure or damage traffic or **any noisome, nauseous or offensive matter**, bottle, garbage, glass, or paper.

VC 23112 INFRACTION G

1st offense: \$250 - \$1,000  
2nd offense: \$500 - \$1,500  
3rd offense: \$750 - \$3,000  
+ 8 or more hours of litter cleanup

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<b>Spilling loads</b> on a highway other than clear water and feathers.	VC 23114(a) 1st offense: INFRACTION			<b>G</b>
	2nd offense w/in 2 yrs: MISD. See VC 40000.16	6 mos CJ	up to <b>\$1,000</b>	<b>G</b>

<b>Places, deposits, dumps, or allows to overflow</b> any sewage, garbage, etc. on any street, highway, public park or property or private property upon which public admitted (except garbage on private property if owner consents and there is no public health and safety hazard or fire hazard).	HS 117555 MISD.	6 mos CJ	up to <b>\$1,000</b>	<b>G</b>
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Non-commercial quantities:

<b>Place, deposit, dump,</b> or cause the same: any waste matter, rocks, concrete, asphalt, or dirt on any public or private highway or road, or on any private property without consent of owner, or in or upon any public park or property.	PC 374.3 INFRACTION 1st offense: 2nd offense: 3rd offense:		<b>\$250 - \$1,000</b> <b>\$500 - \$1,500</b> <b>\$750 - \$3,000</b> + 12 or more hours of litter cleanup <i>or</i> removal  (fine doubles for used tires)	<b>G</b>
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Commercial quantities

Same as above. See PC 374.3(h)(1)	PC 374.3(h)(1) MISD. 1st offense: 2nd offense: 3rd offense:	6 mos CJ	<b>AND:</b> <b>\$1,000 - \$3,000</b> <b>\$3,000 - \$6,000</b> <b>\$6,000 - \$10,000</b>	<b>G</b>
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## WASTE TIRES

<b>Intentionally</b> - violates any code section, permit, rule, regulation, standard, or requirement under PR 42800 et seq.	PR 42850.1(a) MISD.	1 yr CJ	up to <b>\$10,000</b> per day	<b>G</b>
<b>Accepts</b> or <b>knowingly</b> directs, transports, or abandons waste tires at a <b>major waste tire facility</b> that has not been issued a permit or an authorization to operate. See 14 CCR 17350 et seq. and 18420 et seq.	PR 42825(a) MISD.	1 yr CJ	<b>\$1,000-\$10,000</b> per day per violation	<b>G</b>
<b>Accepts</b> or <b>knowingly</b> directs, transports, or abandons waste tires at a <b>minor waste tire facility</b> that has not been issued a permit or an authorization to operate. See 14 CCR 17350 et seq. and 18420 et seq.	PR 42835(a) MISD.	1 yr CJ	<b>\$500-\$5,000</b> per day per violation	<b>G</b>

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<i>Intentionally</i> - violates any code section, permit, rule, regulation, standard, or requirement under PR 42800 et seq.	PR 42850.1(b)(1)	Civil	up to \$10,000 per day per violation	E
<i>Negligently</i> - violates any code section, permit, rule, regulation, standard, or requirement under PR 42800 et seq. See generally 14 CCR 18499.2-18499.9.	PR 42850(a)	Civil	\$500 - \$5,000 per day per violation	E

## UNFAIR COMPETITION

Any person who engages, has engaged, or proposes to engage in any unfair competition, i.e. any unlawful, unfair, or fraudulent business act or practice.	B&P 17200 et seq.	Civil	up to \$2,500 per day per violation; up to \$6,000 per day per violation of injunction	F
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Note: Prop. 64 changes. See B&P 17206(c) - Funds collected shall be for the exclusive use by the Attorney General, the district attorney, the county counsel, and the city attorney for the enforcement of consumer protection laws.

## THREATS TO HUMAN HEALTH

### MEDICAL WASTE

#### *Small Quantity Generators:*

Any person who treats, stores, disposes, transports, or causes treatment or disposal of medical waste in violation of code section or regulation and not authorized by permit, code, or regulation. See HS 117760 and 22 CCR 65621.	HS 118340 1st offense: INFRACTION		up to \$1,000	G
	2nd offense (prior w/in 3 years): FELONY/MISD. "Wobbler"	1-2-3 SP or 1 yr CJ	\$5,000 - \$25,000	G,H

#### *Other Medical Waste Generators:*

Any person who treats, stores, disposes, transports, or causes treatment or disposal of medical waste in violation of code section or regulation and not authorized by permit, code, or regulation.	HS 118340 1st offense: MISD.	1 yr CJ	at least \$2,000	G
	2nd offense (prior w/in 3 years): FELONY/MISD. "Wobbler"	1-2-3 SP or 1 yr CJ	\$5,000-\$25,000	G,H

<i>Knowingly</i> - treats or disposes or causes treatment or disposal of medical waste in violation of code section.	HS 118340 FELONY/MISD. "Wobbler"	1-2-3 SP or 1 yr CJ	\$5,000 - \$25,000	G,H
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This section does not apply to a person transporting medical waste who is required to be a registered hazardous waste transporter and who is subject to penalties for violations of HS 25180 et seq.

<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
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**PESTICIDES**

<i>Intentionally or negligently</i> - violates <b>any code section or regulation</b> relating to <b>agricultural</b> pesticides that created or reasonably could have created a hazard to human health or the environment.	F&A 12996(b) FELONY/MISD. "Wobbler"	16-2-3 SP or 1 yr CJ	\$5,000 - \$50,000	G,H
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Violation of <b>any code section or regulation</b> relating to <b>agricultural</b> pesticides.	F&A 12996(a) MISD. 1st offense: 2nd offense:	6 mos CJ	\$500 - \$5,000 \$1,000 - \$10,000	G
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<i>Strict Liability</i> - violation of <b>any code section or regulation</b> relating to agricultural pesticides.	F&A 12998	Civil	\$1,000 - \$10,000	I
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Violation of <b>code section or regulation relating to agricultural pesticides</b> that is the -2nd violation of the same or similar section, <u>or</u> - <i>intentional</i> violation that resulted or reasonably could have resulted in the creation of a hazard to human health or environment or disruption in the market of the crop or commodity involved.	F&A 12998	Civil	\$5,000 - \$25,000	I
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Penalty Apportionment: Any money recovered under F&A 12998 shall be paid to the Pesticide Regulation Fund.

<b>Advertise, solicit, or operate</b> as a pest control <b>business without</b> a valid pest control business license (F&A 11701), or make <b>false report</b> , or operate <b>without registering</b> with county, or operate equipment with <b>incompetent persons</b> in charge (F&A 11792), <u>or</u> operate in a faulty, careless, or <b>negligent</b> manner (F&A 11791).	F&A 11891 MISD.	10 days - 6 mos CJ	\$500 - \$5,000	G
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Violation of <b>any code section or regulation</b> relating to <b>pest control operations</b> .	F&A 11893	Civil	\$1,000 - \$10,000	J
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Penalty Apportionment: Any money recovered under F&A 11893 shall be paid to the Pesticide Regulation Fund.

**PROPOSITION 65**

<i>Knowingly</i> - "person in the course of doing business"(10+ employees) <b>discharges or releases a chemical known to the state to cause cancer or reproductive toxicity</b> into water or onto or into land where it passes or probably will pass into any source of drinking water.	HS 25249.5	Civil	up to \$2,500 per day	E
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<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
<i>Knowingly and intentionally</i> - "person in the course of doing business" (10+ employees) <b>exposes</b> any individual to a <b>chemical known to the state to cause cancer or reproductive toxicity</b> , without first giving a <b>clear and reasonable warning</b> , unless person can show "no significant risk."	HS 25249.6	Civil	up to \$2,500 per day	E

See HS 25249.11 "Person in the course of doing business".

See also 22 CCR 12405- discharge of a pesticide; 27 CCR 20870- hazardous waste.

## PUBLIC NUISANCE

<b>Maintaining or committing</b> any public nuisance, or <b>willfully failing to perform any legal duty</b> relating to the <b>removal</b> of a public nuisance.	<b>PC 372</b> MISD.	6 mos CJ	up to \$1,000 per day	<b>G</b>
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Any property owner or person who occupies or leases property who <b>maintains, permits, or allows a public nuisance to exist on the property</b> or premises - <i>after reasonable notice</i> in writing from health officer, district attorney, or city attorney to remove, stop, or abate the nuisance.	<b>PC 373a</b> MISD.	6 mos CJ	up to \$1,000 per day	<b>G</b>
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See PC 370 and Civil Code 3479 and 3480 for definition of public nuisance.

Public Nuisance	Civ. Proc. 731	Civil	Damages	<b>E</b>
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## RADIOACTIVE MATERIAL

Violation of any code section, rule, regulation (17 CCR 30100 et. seq.), or order. See 17 CCR 30105, 30320.90.	<b>HS 115215(a)</b> MISD.	up to 180 days CJ	up to \$1,000	<b>G</b>
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### *Disposal caused substantial danger to public health or safety:*

<i>Knowingly or reasonably should have known</i> - <b>disposes or causes disposal</b> of radioactive material <b>at an unlicensed facility or unauthorized point</b> and in violation of chapter, regulation, or order.	<b>HS 115215(b)</b> FELONY/MISD. "Wobbler"	16-24-36 SP or 1 yr CJ	up to \$100,000 per day	<b>G,H</b>
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### *Disposal caused GBI or the substantial probability of death:*

<i>Knowingly or reasonably should have known</i> - <b>disposes or causes disposal</b> of radioactive material <b>at an unlicensed facility or unauthorized point</b> and in violation of chapter, regulation, or order.	<b>HS 115215(b)</b> FELONY	3-5-7 SP	up to \$250,000 per day	<b>H</b>
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<i>Violation</i>	<i>Code Section</i>	<i>Custody</i>	<i>Fine(s)</i>	<i>SOL</i>
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<u><i>Disposal caused substantial danger to public health or safety:</i></u> Knowingly or reasonably should have known - <b>transports or causes transportation</b> of any radioactive material <b>to unlicensed facility or to unauthorized point</b> and in violation of chapter, regulation, or order.	HS 115215(c) FELONY/MISD.	16-24-36 SP or 1 yr CJ	up to <b>\$100,000</b> per day	H
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<u><i>Disposal caused GBI or the substantial probability of death:</i></u> Knowingly or reasonably should have known - <b>transports or causes transportation</b> of any radioactive material <b>to unlicensed facility or to unauthorized point</b> and in violation of chapter, regulation, or order.	HS 115215(c) FELONY	3-5-7 SP	up to <b>\$250,000</b> per day	H
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<i>Intentional or gross negligence -</i> <b>violates code section</b> , rule, or regulation relating to radioactive material <b>or fails to comply</b> with CDO, and <b>causes substantial danger</b> to the health of others.	HS 115220	Civil	up to <b>\$5,000</b> per day per offense	E

### **Key - Applicable statute of limitations**

- A - 3 years from discovery by prosecuting agency under CCP 338(i)
- B - 3 years from discovery by prosecuting agency under CCP 338(k)
- C - 3 years from discovery by prosecutiny agency under CCP 338(l)
- D - 5 years from discovery by prosecuting agency under CCP 338.1
- E - 1 year from act under CCP 340(a) or (b)
- F - 4 years from act under B&P 17208
- G - 1 year from act under Penal Code 802 (See note for wobblers)
- H - 3 years from act under Penal Code 801 (See note for wobblers)
- I - 2 years from act under Food & Ag 13000 (see exceptions in code)
- J - 2 years from act or 1 yr from submittal of report to direcor Food & Ag 11895

**Note:** If a "wobbler" (which allows a crime to be charged as either a misdemeanor or a felony) is initially charged as felony, the three-year statute of limitations for felonies applies, without regard to ultimate reduction to misdemeanor after filing of complaint. *People v. Mincey* (1992) 6 Cal.Rptr.2d 822, 2 Cal.4th 408,